

CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME I

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CHAPTER TITLECHAPTER NUMBER

Loan Brokers	25
Massage Establishments	25A
Reserved	26
Minimum Property Standards	27
Motor Vehicles and Traffic	28
Reserved	29
Reserved	29A
Noise	30
Offenses—Miscellaneous	31
Officers and Employees.	31A
Parks and Water Reservoirs	32
Assisted Living Facilities.	33
Personnel Rules	34
Reserved	35
Poles and Wires	36
Police	37
Police and Fire Welfare Fund	37A
Private Detectives.	38
Promoters	38A
Railroads	39
Relocation Assistance - Eminent Domain.	39A
Regulated Property - Purchase and Sale	39B
Records Management Program	39C
Rat Control	40
Retirement.	40A
Secondary Metals Recyclers	40B
Smoking.	41
Sexually Oriented Businesses	41A
Home Solicitations	42
Special Events; Neighborhood Markets; Dallas Farmers Market Farmers Market; Streetlight Pole Banners	42A
Short-Term Rentals	42B
Streets and Sidewalks	43
Swimming Pools.	43A
Taxation.	44
Temporary Inclement Weather Shelter Program.	45
Unlawful Discriminatory Practices Relating to Sexual Orientation and Gender Identity and Expression	46
Trailers, Trailer Parks and Tourist Camps	47
Transportation for Hire	47A
Trees and Shrubs	48
Vehicle Tow Service.	48A
Vacant Buildings and Lots	48B
Vehicle Immobilization Service	48C
Water and Wastewater	49
Consumer Affairs.	50

CODE COMPARATIVE TABLE

INDEX

ARTICLE XXV.**YOUTH COMMISSION**

- Sec. 2-159. Purpose.
 Sec. 2-159.1. Created; membership; terms; meetings.
 Sec. 2-160. Duties and responsibilities.

ARTICLE XXVI.**ARTS AND CULTURE ADVISORY COMMISSION.**

- Sec. 2-161. Arts and culture advisory commission
 - Created; terms; membership; meetings.
 Sec. 2-162. Arts and culture advisory commission
 - Duties and responsibilities.

ARTICLE XXVI-a.**OFFICE OF ARTS AND CULTURE.**

- Sec. 2-162.1 Created; director of arts and culture.
 Sec. 2-162.2 Duties of the director of arts and culture.
 Sec. 2-162.3. Procurement of cultural services.
 Sec. 2-162.4. Contracts for radio station air time required; other radio station contracts.

ARTICLE XXVII.**CIVIL SERVICE BOARD; ADJUNCT MEMBERS; ADMINISTRATIVE LAW JUDGES.**

- Sec. 2-163. Special qualifications for adjunct members of the civil service board.
 Sec. 2-164. Administrative law judges: appointment; qualifications; termination of contract.
 Sec. 2-165. Training.
 Sec. 2-166. Trial board responsibilities of civil service board members; attendance.

ARTICLE XXVIII.**STORMWATER DRAINAGE UTILITY.**

- Sec. 2-167. Purpose and creation; adoption of state law; and administration of stormwater drainage utility.
 Sec. 2-168. Definitions; stormwater drainage utility rates; exemptions; incentives for residential-benefitted properties; billing and collection procedures.
 Sec. 2-169. Service area.

ARTICLE XXIX.**VETERAN AFFAIRS COMMISSION.**

- Sec. 2-170. Veteran affairs commission - Created; terms; membership; meetings.
 Sec. 2-171. Veteran affairs commission - Functions.

ARTICLE XXX.**COLLEGE ADVISORY COMMISSION.**

- Sec. 2-172. Purpose.
 Sec. 2-173. Created; membership; terms; meetings.
 Sec. 2-174. Duties and responsibilities.

ARTICLE I.**IN GENERAL.****SEC. 2-1. TIME WITHIN WHICH CITY OFFICERS TO DEPOSIT MONEY.**

All officers of the city who receive money for or on account of the city in any manner are hereby required to deposit same in the manner prescribed by the chief financial officer. (Code 1941, Art. 19-2; Ord. 29645)

SEC. 2-1.1. ADVANCE PAYMENT OF CERTAIN FEES, CHARGES, AND TAXES REQUIRED; INTEREST ON

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

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

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

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

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

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

~~(g) This article expires on June 14, 2023, unless reenacted with an amendment prior to that date. The city council shall review this section and hold a public hearing on the matter prior to that date.~~

(g) This article expires on June 14, 2025, unless reenacted with an amendment prior to that date. The city council shall review this section and hold a public hearing on the matter prior to that date. (Ord. Nos. 31847; 32466)

SEC. 2-121. TECHNICAL RESOURCE PANEL.

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

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

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

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

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

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

(d) Members of the technical resource panel serve two-year terms and are subject to the same conflict of interest and confidentiality restrictions that

(B) promote awareness among the public and private sector of veterans' full potential and of the importance of veterans' contributions to the development of the community; and

(5) identify and review the entire range of services available to veterans, and recommend ways to:

(A) strengthen existing services and pursue new services for veterans;

(B) promote collaboration between service providers; and

(C) expand resources available to veterans.

(b) The city manager shall provide staff to assist the commission in performing its duties and responsibilities. (Ord. 31746)

ARTICLE XXX.

COLLEGE ADVISORY COMMISSION.

SEC. 2-172. PURPOSE.

The purpose of this commission is to promote regular and active civic engagement among the college aged residents of the city by giving them a formal role in local decision making, offering real world experiences with elected bodies, providing opportunities to partner with our city council and the city's boards and commissions, offering an avenue to engage in discussion with other college students from across the city, and increasing volunteerism and voter turnout. (Ord. 32484)

SEC. 2-173. CREATED; MEMBERSHIP; TERMS; MEETINGS.

(a) There is hereby created the college advisory commission, which shall be an advisory body of 17 members. Each four-year university and college that resides within Dallas County may select one member to the commission. The full city council shall approve of the selections. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair.

(b) The universities and colleges that reside within the Dallas County are:

- (1) Columbia College Mesquite.
- (2) Criswell College.
- (3) Dallas College.
- (4) Dallas Baptist University.
- (5) Dallas Christian College.
- (6) Dallas International University.
- (7) DeVry University.
- (8) Parker University.
- (9) Paul Quinn College.
- (10) Southern Methodist University.
- (11) Texas A&M University-Commerce at Dallas.
- (12) The Art Institute of Dallas.
- (13) The University of North Texas at Dallas.
- (14) The University of Texas at Dallas.
- (15) University of Dallas.
- (16) Wade College.

(b) All members shall be appointed for an initial term to expire on September 30, 2024. Subsequent appointments will be made in September of each year for a one-year term beginning on October 1.

(c) Each member of the commission must:

- (1) Be enrolled as a full-time student in a four-year university or college within Dallas County.
- (2) Be at least 18 years of age and no older than 24 years of age at the time of appointment.

(d) A member is not required to fulfill the qualifications for board service in Chapter 8 of the

Dallas City Code except that the member must:

(1) have been a resident of the city for at least six months prior to the date of the appointment; and

(2) not be in arrears on any obligations owed to the city.

(e) The commission must meet at least once each month and may hold additional meetings at the call of the chair. (Ord. 32484)

SEC. 2-174. DUTIES AND RESPONSIBILITIES.

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

(1) advise the city council and city manager on issues impacting the city; and

(2) assist the city in identifying programs that are needed in the community; and

(3) perform such other duties assigned by the city council or city manager.

(b) The city manager shall provide information and assistance to the commission in the performance of its duties and responsibilities. (Ord. 32484)

CHAPTER 8A

BOARDING HOME FACILITIES

ARTICLE I.

GENERAL PROVISIONS.

- Sec. 8A-1. Purpose.
- Sec. 8A-2. Definitions.
- Sec. 8A-3. Authority of director.

ARTICLE II.

ADMINISTRATIVE.

- Sec. 8A-4. License required.
- Sec. 8A-5. Exemptions.
- Sec. 8A-6. License application.
- Sec. 8A-7. Notification of change of information.
- Sec. 8A-8. Fees.
- Sec. 8A-9. Issuance and denial of license.
- Sec. 8A-10. Prohibition of new residents; suspension of license.
- Sec. 8A-11. Revocation of license.
- Sec. 8A-12. Appeals of denials, suspensions, and revocations.
- Sec. 8A-13. Expiration and renewal of license.
- Sec. 8A-14. Nontransferability.
- Sec. 8A-15. Records.
- Sec. 8A-16. Posting requirements.
- Sec. 8A-17. Emergency response information.
- Sec. 8A-18. Failure to pay ad valorem taxes, fees, ~~fees~~ fines, and penalties.
- Sec. 8A-19. Reasonable accommodations.
- Sec. 8A-20. Inspections; fees.
- Sec. 8A-21. Reports to the Texas Health and Human Services Commission.
- Sec. 8A-21.1. When written notice is deemed delivered.

ARTICLE III.

STRUCTURE AND MAINTENANCE.

- Sec. 8A-22. Construction, remodeling, and maintenance.
- Sec. 8A-23. Sleeping rooms.
- Sec. 8A-24. Bathroom facilities.
- Sec. 8A-25. Telephone.
- Sec. 8A-26. Laundry facilities.
- Sec. 8A-27. Kitchen.
- Sec. 8A-28. Dining room.

ARTICLE IV.

RESIDENT HEALTH AND SAFETY.

- Sec. 8A-29. Emergency precautions.
- Sec. 8A-30. Water quality.
- Sec. 8A-31. Linens and laundry.
- Sec. 8A-32. Poisonous, toxic, and flammable materials.
- Sec. 8A-33. Food and drink; meals.
- Sec. 8A-34. Policies and procedures to ensure resident health and safety.
- Sec. 8A-35. Assistance with self-administration of medication.
- Sec. 8A-36. Requirements for in-service education of boarding home facility staff.
- Sec. 8A-37. Criminal history.
- Sec. 8A-38. Qualifications to own, operate, or work in facilities with persons recovering from substance or alcohol abuse.
- Sec. 8A-39. Assessment and periodic monitoring of residents.

ARTICLE V.

ENFORCEMENT.

- Sec. 8A-40. Violations; penalty.
- Sec. 8A-41. Retaliation against residents prohibited.**

SEC. 8A-3. AUTHORITY OF DIRECTOR.

The director shall implement and enforce this chapter and may by written order establish such rules, regulations, or procedures, not inconsistent with this chapter or other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations, as the director determines are necessary to discharge any duty under or to effect the policy of this chapter. (Ord. 28706)

ARTICLE II.**ADMINISTRATIVE.****SEC. 8A-4. LICENSE REQUIRED.**

~~—(a) A person commits an offense if he owns or operates a boarding home facility in the city without a valid license issued under this chapter.~~

(a) A person commits an offense if he owns or operates a boarding home facility in the city without a valid license issued under this chapter. A separate license is required for each boarding home facility that a person operates.

(b) It is a defense to prosecution under this section if a person operates a boarding home facility while an application under Section 8A-6 is pending.

(c) It is a defense to prosecution under this section if a person operates a facility listed in Section 8A-5 of this chapter. (Ord. Nos. 28706; 29753; 32397)

SEC. 8A-5. EXEMPTIONS.

(a) This chapter does not apply to the following:

(1) Home and community support services licensed under Chapter 142 of the Texas Health and Safety Code, as amended.

(2) Convalescent and nursing homes and related institutions licensed under Chapter 242 of the Texas Health and Safety Code, as amended.

(3) Continuing care facilities licensed under Chapter 246 of the Texas Health and Safety Code, as amended.

(4) Assisted living facilities licensed under Chapter 247 of the Texas Health and Safety Code, as amended.

(5) Intermediate care facilities for the mentally retarded licensed under Chapter 252 of the Texas Health and Safety Code, as amended.

(6) A person that provides home health, hospice, or personal assistance services only to persons enrolled in a program funded wholly or partly by a state agency with jurisdiction over mental health and mental disability and monitored by that state agency or its designated local authority in accordance with standards set by that agency.

(7) An establishment conducted by or for persons who have a sincere religious belief in providing facilities to care and treat the sick by depending exclusively on prayer or spiritual means for healing, without the use of any drug or material remedy, if the establishment complies with safety, sanitary, and quarantine laws and rules including Sections 8A-22, 8A-23, 8A-24, 8A-27(h), 8A-29, 8A-30, 8A-31, 8A-32, 8A-33, and 8A-34 of this chapter.

(8) A hotel as defined by Section 156.001 of the Texas Tax Code, as amended.

(9) A retirement community as defined by Section 11.18 of the Texas Tax Code, as amended.

(10) A monastery or convent as defined by Section 51A-4.204 of the Dallas Development Code, as amended.

(11) A child-care facility as defined by Section 42.002 of the Texas Human Resources Code, as amended.

(12) A family violence shelter center as defined by Section 51.002 of the Texas Human Resources Code, as amended.

(13) A college dormitory, fraternity, or sorority house as defined by Section 51A-4.209 of the Dallas Development Code, as amended.

(14) A facility listed in this section with a pending application for a state license falling within one of the above-listed exemption categories.

(b) The director may inspect an establishment described in Subsection (a)(7) for the purpose of ascertaining whether any violations of any safety, sanitary, and quarantine laws and rules, including Sections 8A-22, 8A-23, 8A-24, 8A-27(h), 8A-29, 8A-30, 8A-31, 8A-32, 8A-33, and 8A-34 of this chapter exist. If the director identifies any violation or if the owner, occupant, or person in control of the establishment denies permission to search any part of the interior or exterior of the structure or the surrounding premises, the establishment is not exempt from the application of Sections 8A-4(a), 8A-40, or any other provisions of this chapter. (Ord. Nos. 28706; 29753)

SEC. 8A-6. LICENSE APPLICATION.

~~— (a) To obtain a license to operate a boarding home facility, a person must submit an application to the director on a form provided for that purpose. The applicant must be the owner or operator of the boarding home facility. If the owner or operator is not an individual, an authorized officer or agent of the owner or operator must file the form. The application must contain the following information and be accompanied by the fee, if any, required under Section 8A-8 of this chapter before it is considered to be complete:~~

~~— (1) The name, street address, mailing address, e-mail address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and date of birth of the applicant. The street address may not be the address of the boarding home facility unless the applicant actually resides full-time at the boarding home facility.~~

~~— (2) The name, street address, mailing address, e-mail address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and position of the authorized officer or agent filing the form on behalf of the applicant, if the applicant is not an individual. The street address may not be the address of the boarding home facility unless the authorized officer or agent actually resides full-time at the boarding home facility.~~

~~— (3) The form of business of the applicant; the name, street address, mailing address, e-mail address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and date of birth of a high managerial agent of the business; and, if the business is a legal entity, such as a corporation or association, a copy of the documents establishing the business.~~

~~— (4) The street address and telephone number of the boarding home facility.~~

~~— (5) The name, street address, mailing address, e-mail address, and telephone number of a person or persons to contact in an emergency as required by Section 8A-17 of this chapter.~~

~~— (6) Documentary evidence of payment of ad valorem taxes, fees, fines, and penalties owed to the city in connection with the boarding home facility.~~

~~— (7) The names, street addresses, mailing addresses, e-mail addresses, telephone numbers, legible copies of the drivers' licenses or other official state or federal identification cards, and dates of birth of any owners, operators, employees, and volunteers of the boarding home facility other than the applicant. The street address may not be the address of the boarding home facility, unless the owner, operator, or employee actually resides full-time at the boarding home facility.~~

~~— (8) If the owner or operator of the boarding home facility is not also the owner of the property on which the boarding home facility is located, a letter~~

(a) To obtain a license to operate a boarding home facility, a person must submit an application to the director on a form provided for that purpose. The applicant must be the owner or operator of the boarding home facility. If the owner or operator is not

an individual, an authorized officer or agent of the owner or operator must file the form. The application must contain the following information and be accompanied by the fee, if any, required under Section 8A-8 of this chapter before it is considered to be complete:

(1) The name, street address, mailing address, e-mail address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and date of birth of the applicant. The street address may not be the address of the boarding home facility unless the applicant actually resides full-time at the boarding home facility.

(2) The name, street address, mailing address, e-mail address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and position of the authorized officer or agent filing the form on behalf of the applicant, if the applicant is not an individual. The street address may not be the address of the boarding home facility unless the authorized officer or agent actually resides full-time at the boarding home facility.

(3) The form of business of the applicant; the name, street address, mailing address, e-mail address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and date of birth of a high managerial agent of the business; and, if the business is a legal entity, such as a corporation or association, a copy of the documents establishing the business.

(4) The street address and telephone number of the boarding home facility.

(5) The name, street address, mailing address, e-mail address, and telephone number of a person or persons to contact in an emergency as required by Section 8A-17 of this chapter.

(6) Documentary evidence of payment of ad valorem taxes, fees, fines, and penalties owed to the city in connection with the boarding home facility or documentary evidence that the applicant is current on a payment plan for any back ad valorem taxes, fees, fines, and penalties owed to the city in connection with the boarding home facility.

(7) The names, street addresses, mailing addresses, e-mail addresses, telephone numbers, legible copies of the drivers' licenses or other official state or federal identification cards, and dates of birth of any

owners, operators, employees, and volunteers of the boarding home facility other than the applicant. The street address may not be the address of the boarding home facility, unless the owner, operator, or employee actually resides full-time at the boarding home facility.

signed by the owner of the property stating that the applicant has permission to operate a boarding home facility on the property and acknowledging the requirements for the property to be used as a boarding home facility as set forth in this chapter. If the owner of the property is an entity, the letter must be on official letterhead and signed by an officer of the entity or other person with the authority to make binding representations on the entity's behalf regarding the use of the property.

————— (9) Criminal history reports for each owner, operator, employee, and volunteer of the boarding home facility showing that they are not disqualified to own, operate, or work at a boarding home facility under Section 8A-37 of this chapter. Such reports must include a current official Texas criminal history report with a fingerprint card (issued within the preceding 12 months) for each owner, operator, employee, and volunteer of the boarding home facility as well as an official criminal history report issued within the preceding 12 months from all other states in which an owner, operator, employee, or volunteer has resided within the past 10 years.

————— (10) The maximum number of residents that will reside at the boarding home facility.

————— (11) The services to be offered or provided to the residents of the boarding home facility.

————— (12) Proof that the proposed use of the property complies with the Dallas Development Code.

————— (13) If the boarding home facility has one or more residents with a disability, a list of the categories of disabilities of the residents (vision impairment, hearing impairment, mobility impairment, dementia, and other).

————— (14) A sworn certification from the applicant, owner, or operator that the boarding home facility does not have, and will not have, any residents with an addiction to alcohol or a controlled substance, or alternatively, a document that describes the applicant's, owner's, or operator's plan for ensuring that the

residents who are addicted to alcohol or a controlled substance, or who are recovering from such an addiction, refrain from using alcohol or the controlled substance, including all rules by which residents must abide, as required by Section 8A-34 of this chapter.

————— (15) A statement that, by filing the application, the applicant swears or affirms under penalty of perjury that, to the best of the applicant's knowledge, all information contained in the application is true and correct and that the application is complete and includes all information required to be disclosed under this section.

————— (16) Such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested license should be granted.

(8) If the owner or operator of the boarding home facility is not also the owner of the property on which the boarding home facility is located, a letter signed by the owner of the property stating that the applicant has permission to operate a boarding home facility on the property and acknowledging the requirements for the property to be used as a boarding home facility as set forth in this chapter. If the owner of the property is an entity, the letter must be on official letterhead and signed by an officer of the entity or other person with the authority to make binding representations on the entity's behalf regarding the use of the property.

(9) Criminal history reports for each owner, operator, employee, and volunteer of the boarding home facility showing that they are not disqualified to own, operate, or work at a boarding home facility under Section 8A-37 of this chapter. Such reports must include a current official Texas criminal history report (issued within the preceding 12 months) for each owner, operator, employee, and volunteer of the boarding home facility as well as an official criminal history report issued within the preceding 12 months from all other states in which an owner, operator, employee, or volunteer has resided within the past 10 years.

(10) The maximum number of residents that will reside at the boarding home facility.

(11) The services to be offered or provided to the residents of the boarding home facility.

(12) Proof that the proposed use of the property complies with the Dallas Development Code.

(13) If the boarding home facility has one or more residents with a disability, a list of the categories of disabilities of the residents (vision impairment, hearing impairment, mobility impairment, dementia, and other).

(14) A sworn certification from the applicant, owner, or operator that the boarding home facility does not have, and will not have, any residents with an addiction to alcohol or a controlled substance, or alternatively, a document that describes the applicant's, owner's, or operator's plan for ensuring that the residents who are addicted to alcohol or a controlled substance, or who are recovering from such an addiction, refrain from using alcohol or the controlled substance, including all rules by which residents must abide, as required by Section 8A-34 of this chapter.

(15) A statement that, by filing the application, the applicant swears or affirms under penalty of perjury that, to the best of the applicant's knowledge, all information contained in the application is true and correct and that the application is complete and includes all information required to be disclosed under this section.

(16) A survey showing the location and distances of the boarding home facility from other boarding home facilities and group dwelling facilities located within 2,000 feet. For purposes of this paragraph, group dwelling facility includes a group residential facility and handicapped group dwelling unit, as those terms are defined in Section 51A-4.209 of the Dallas City Code. For purposes of this paragraph, the distance between uses is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the uses are located. (Note: The spacing component of these regulations is based, not on the handicapped status of the residents, but on the non-family status of the groups.)

(17) Such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested license should be granted.

(b) If the applicant failed to provide all of the information required by Subsection (a) or to pay the fee required by Section 8A-8 of this chapter, the director shall give the applicant notice in writing by certified

mail, return receipt requested, of the application's deficiencies.

(c) The application will automatically expire if either the fee or the information requested in Subsection (b) is not provided to the director within 30 days of the date written notice was sent to applicant by the director.

(d) The director, at his sole discretion, may extend the 30-day deadline to provide the fee or information requested in Subsection (b). (Ord. Nos. 28706; 29753; 32397)

SEC. 8A-7. NOTIFICATION OF CHANGE OF INFORMATION.

The licensee shall notify the director within 10 days after any material change in the information contained in the application for a license to operate a boarding home facility, including any change in ownership or operation of the property, any new

criminal convictions or charges brought against a boarding home facility's owners, operators, employees, or volunteers and any new categories of disabilities served by the boarding home facility. (Ord. Nos. 28706; 29753)

SEC. 8A-8. FEES.

(a) The fee for a license to operate a boarding home facility is \$500.

(b) No refund of a license fee will be made.

~~— (c) An applicant for a license may file an application with the director seeking a waiver or reduction of the annual license fee if the boarding home facility serves one or more persons with a disability and payment of the fee would result in substantial financial hardship to the applicant. The application must include the following information before it will be considered complete:~~

~~— (1) The name, street address, mailing address, e-mail address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and date of birth of the applicant.~~

~~— (2) The number of residents of the boarding home facility with a disability.~~

~~— (3) A list of the categories of disabilities of the residents (vision impairment, hearing impairment, mobility impairment, dementia, and other) and the number of residents with each type of disability.~~

~~— (4) The services provided by the boarding home facility to the residents.~~

~~— (5) An explanation of the nature and severity of the financial hardship to the applicant if the fee were to be paid.~~

~~— (6) A copy of the balance sheets and income statements for the boarding home facility, or equivalent documents, establishing the applicant's financial condition for the last three years in accordance with generally accepted accounting principles, unless the boarding home facility has been open for less than three years, in which case it must provide a copy of those documents during the time the facility has been in operation.~~

~~— (7) A statement that, by filing the application, the applicant swears or affirms under penalty of perjury that, to the best of the applicant's knowledge, all information contained in the application is true and correct and that the application is complete and includes all information required to be disclosed under this chapter.~~

~~— (8) Such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested waiver or reduction should be granted.~~

~~— (d) The director may waive or reduce the annual license fee if the director, after reviewing the complete application, finds that the applicant provides services to one or more persons with a disability and payment of the fee would result in substantial financial hardship to the applicant.~~

~~— (e) If the director determines that an applicant should be denied a fee waiver or reduction, the director shall notify the applicant in writing by certified mail, return receipt requested, that the fee waiver or reduction is denied and include in the notice the reason for denial and a statement informing the applicant of the right to appeal.~~

~~— (f) An applicant may appeal a decision of the director under this section to the permit and license appeal board in accordance with Section 2-96 as if it were a permit. The permit and license appeal board shall consider the facts as they existed at the time of the director's decision. The applicant has the burden of proof to establish the necessary facts to warrant favorable action. (Ord. Nos. 28706; 29753; 32397)~~

SEC. 8A-9. ISSUANCE AND DENIAL OF LICENSE.

~~—(a) Upon the submission of a complete application, the director shall issue a license to operate a boarding home facility to the applicant if the director determines:~~

~~—(1) the applicant has complied with all requirements for issuance of the license;~~

~~—(2) the applicant, owners, operators, employees, and volunteers of the boarding home facility meet the criminal history qualifications of Section 8A-37 of this chapter;~~

~~—(3) the applicant, owners, operators, or employees of the boarding home facility do not own or operate another licensed boarding home facility in the city for which the license is currently suspended or has been revoked within the past 12 months;~~

~~—(4) the applicant has not made a false statement as to a material matter in the application for a license;~~

~~—(5) the condition and use of the boarding home facility comply with the zoning regulations in the Dallas Development Code, the minimum housing standards in Chapter 27, and the standards in this chapter applicable to the property;~~

~~—(6) the applicant, owners, and operators are not delinquent in any ad valorem taxes, fees, fines, or penalties owed to the city in relation to the property where the boarding home facility is located; and~~

~~—(7) the applicant, owners, and operators of the boarding home facility have not had a license for that boarding home facility revoked within the past 12 months.~~

~~—(b) If the director determines that the requirements of Subsection (a) have not been met, the director shall deny the license.~~

~~—(c) If the director determines that an applicant should be denied a license, the director shall notify the applicant in writing by certified mail, return receipt requested, that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right to appeal.~~

(a) Approval. Upon the submission of a complete application, the director shall issue a license to operate a boarding home facility to the applicant if the director determines:

(1) the applicant has complied with all requirements for issuance of the license;

(2) the applicant, owners, operators, employees, and volunteers of the boarding home facility meet the criminal history qualifications of Section 8A-37 of this chapter;

(3) the applicant, owners, operators, or employees of the boarding home facility do not own or operate another licensed boarding home facility in the city for which the license is currently suspended or has been revoked within the past 12 months;

(4) the applicant has not made a false statement as to a material matter in the application for a license;

(5) the condition and use of the boarding home facility comply with the zoning regulations in the Dallas Development Code, the minimum housing standards in Chapter 27, and the standards in this chapter applicable to the property;

(6) the applicant, owners, and operators are not delinquent in any ad valorem taxes, fees, fines, or penalties owed to the city in relation to the property where the boarding home facility is located or have established and are current on a payment plan for any delinquent ad valorem taxes, fees, fines, or penalties owed; and

(7) the applicant, owners, and operators of the boarding home facility have not had a license for that boarding home facility revoked within the past 12 months.

(b) Denial. The director shall deny the license if:

(1) the director determines that the

requirements of Subsection (a) have not been met; or

(2) the boarding home facility is located within 2,000 feet of another boarding home facility or group dwelling facility.

(A) This paragraph does not apply to a boarding home facility licensed before February 22, 2023 and that continuously maintains a boarding home license.

(B) For purposes of this paragraph, group dwelling facility includes a group residential facility and handicapped group dwelling unit, as those terms are defined in Section 51A-4.209 of the Dallas City Code. For purposes of this paragraph, the distance between uses is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the uses are located. (Note: The spacing component of these regulations is based, not on the handicapped status of the residents, but on the non-family status of the groups.)

(c) Notification. If the director determines that an applicant should be denied a license, the director shall notify the applicant in writing by certified mail, return receipt requested, that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right to appeal. (Ord. Nos. 28706; 29753; 32397)

SEC. 8A-10. PROHIBITION OF NEW RESIDENTS; SUSPENSION OF LICENSE.

(a) The director may suspend a boarding home facility license for a period not to exceed 90 days if the director finds that:

(1) the licensee or employee of the boarding home facility failed to comply with any provision of this chapter, any other ordinance, or any state or federal law applicable to the operation of a boarding home facility;

(2) the licensee or employee of the boarding home facility intentionally or knowingly impeded or refused to allow an inspection by the director authorized under this chapter; or

(3) the possession, use, or sale of a controlled substance occurs at a boarding home facility.

(b) A boarding home facility for which the license has been suspended must provide a list of current residents to the director on the first day of the suspension and may not admit new residents during the time the license is suspended.

(c) The director, at his sole discretion, may enter into a good neighbor agreement with a licensee if the director determines that the good neighbor agreement would eliminate the noncompliance that would otherwise justify a suspension, result in prompt future inspections, and elevate one or more conditions at the boarding home facility to a standard above the requirements of this chapter.

(d) The director shall send to the licensee by certified mail, return receipt requested, a written statement of the reasons for the suspension, the date the suspension is to begin, the duration of the suspension, and the licensee's right to appeal.

(e) A licensee whose license is suspended may not be granted a license to operate additional boarding home facilities during the period of suspension.

(f) A licensee commits an offense if he operates or owns a boarding home facility that admits new residents during the time that the suspension of the license is in effect. (Ord. Nos. 28706; 29753)

SEC. 8A-11. REVOCATION OF LICENSE.

~~— (a) Except as provided in Subsection (b), the director shall revoke any license issued to operate a boarding home facility if the director determines that:~~

~~— (1) the licensee fails to meet the criminal history qualifications of Section 8A-37 of this chapter or allows an employee or volunteer to work at the facility who fails to meet the criminal history qualifications;~~

~~— (2) the licensee intentionally made a false statement as to a material matter in the application or in a hearing concerning the license;~~

~~— (3) the licensee failed to pay a fee required by this chapter at the time it was due; or~~

~~— (4) a cause for suspension under Section 8A-10 has occurred and the license has already been suspended at least once within the preceding 12 months.~~

(a) Except as provided in Subsection (b), the director shall revoke any license issued to operate a boarding home facility if the director determines that:

(1) the licensee fails to meet the criminal history qualifications of Section 8A-37 of this chapter or allows an employee or volunteer to work at the facility who fails to meet the criminal history qualifications;

(2) the licensee intentionally made a false statement as to a material matter in the application or in a hearing concerning the license;

(3) the licensee failed to pay a fee required by this chapter at the time it was due; or

(4) a cause for suspension under Section 8A-10 has occurred and the license has already been suspended at least once within the preceding 12 months.

(b) The director, at his sole discretion, may enter into a good neighbor agreement with a licensee if the director determines that the good neighbor agreement would eliminate the noncompliance that would otherwise justify a revocation, result in prompt future inspections, and elevate one or more conditions at the boarding home facility to a standard above the requirements of this chapter.

(c) Before revoking a license under Subsection (a), the director shall notify the licensee in writing by certified mail, return receipt requested, that the license is being considered for revocation. The notice must include the reason for the proposed revocation, action the licensee must take, if any, to prevent the revocation, and a statement that the licensee has 10 days to comply with the notice.

(d) If, after 10 days from the date of the notice required in Subsection (c) was sent or delivered, the licensee has not complied with required actions listed in the notice, the director shall revoke the license and notify the licensee in writing of the revocation by certified mail, return receipt requested. The notice must include the reason for the revocation, and a statement informing the licensee of the right of appeal.

(e) If a boarding home facility license has been revoked, the licensee may not apply for a new license for 12 months from the date of revocation.

(f) If a boarding home facility license has been revoked, the licensee has 10 days to relocate residents of the facility and cease operations.

(g) If a licensee does not relocate residents of the facility within 10 days of revocation of a boarding home facility license, the director may relocate residents and seek to recover relocation costs from the licensee. (Ord. Nos. 28706; 29753; [32397](#))

SEC. 8A-12. APPEALS OF DENIALS, SUSPENSIONS, AND REVOCATIONS.

(a) If the director denies issuance or renewal of a license or suspends or revokes a license issued under this chapter, the action is final unless the licensee files an appeal with the permit and license appeal board in accordance with Section 2-96 of this code.

(b) The filing of an appeal stays the action of the director in suspending or revoking a license, or in denying renewal of a license that was valid on the date

the application for renewal was submitted, until the permit and license appeal board makes a final decision.

(c) A good neighbor agreement may not be appealed.

(d) The permit and license appeal board may not impose a good neighbor agreement in connection with an appeal of a suspension or revocation.

(e) The permit and license appeal board shall consider the facts as they existed at the time of the license denial, suspension, or revocation in making its decision.

(f) The applicant or licensee has the burden of proof on appeal. (Ord. Nos. 28706; 29753)

SEC. 8A-13. EXPIRATION AND RENEWAL OF LICENSE.

(a) A license to operate a boarding home facility expires one year after the date of issuance. A pending application for renewal does not extend the expiration date of a previously issued license.

(b) A licensee shall apply for renewal at least 30 days before the expiration of the license on a form provided by the director. The licensee shall submit the fee, if any, prescribed by Section 8A-8 of this chapter, supply updated criminal background checks for all owners, operators, employees, and volunteers in accordance with Sections 8A-6(a)(9) and 8A-37 of this chapter, and update information contained in the original license application required under Section 8A-6 of this chapter, or any subsequent renewals under this section, if any of the information has changed. The licensee shall also sign a statement under penalty of perjury affirming that there is either no change in the information contained on the original license application and any subsequent renewal applications, or that the information that has been updated is accurate and complete.

(c) The director shall follow the procedures set forth in Section 8A-9 when determining whether to renew a license. (Ord. Nos. 28706; 29753)

SEC. 8A-14. NONTRANSFERABILITY.

~~—A license to operate a boarding home facility is not transferable to another owner, operator, or location.~~

A license to operate a boarding home facility and a license fee under Section 8A-8 is not transferable to another owner, operator, applicant, or location. (Ord. Nos. 28706; 32397)

SEC. 8A-15. RECORDS.

(a) The licensee shall maintain the records listed in Subsection (b) either at the boarding home facility to which the records pertain or at a single location within the city. The licensee shall make those records available for inspection by the director or a peace officer at reasonable times upon request for purposes of administering this chapter.

(b) Records that must be maintained by the licensee include, but are not limited to:

(1) current records of ownership of the property where the boarding home facility is located;

(2) a copy of any current good neighbor agreement as described in Sections 8A-10 and 8A-11;

(3) a copy of the boarding home facility's privacy policy, as required by Section 8A-34;

(4) records demonstrating compliance with applicable laws and regulations, as required by Section 8A-20;

(5) records documenting that each resident has received training on the emergency evacuation plan of the boarding home facility at least two times per calendar year, as required by Section 8A-29;

(6) records documenting that each resident was shown how to use all emergency exits from the facility within 24 hours of arrival at the facility, as required by Section 8A-30;

(4) A copy of the most recent inspection report relating to the facility by the city or a concise and accurate summary of that inspection report. The licensee shall redact inspection reports where necessary to protect residents' privacy.

(5) A notice in a form prescribed by the director that lists the name, location, and contact information for:

(A) the North Texas Behavioral Health Authority and the closest local public health services agency in the proximity of the facility; and

(B) a local organization or entity that represents, advocates, or serves elderly persons or persons with disabilities, including any related toll-free contact information for reporting emergencies to the organization or entity.

(6) Information concerning tenants' rights and responsibilities including a copy of Article V, "Enforcement," of Chapter 8A, "Boarding Home Facilities," of the Dallas City Code, as amended. (Ord. Nos. 28706; 29753; 32397)

SEC. 8A-17. EMERGENCY RESPONSE INFORMATION.

(a) The licensee shall provide the director with the name, street address, mailing address, e-mail address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week in the event of an emergency condition on the property where the boarding home facility is located.

(b) The licensee shall notify the director within five days after any change in the emergency response information.

(c) The licensee, or an authorized agent, must arrive at the property within one hour after a contact person named under this section is notified by a city employee or emergency response personnel that an emergency condition has occurred on the property. (Ord. 28706)

SEC. 8A-18. FAILURE TO PAY AD VALOREM TAXES, FEES, FINES, AND PENALTIES.

~~—A licensee commits an offense if he allows any ad valorem taxes, fees, fines, or penalties owed to the city in connection with the boarding home facility to become delinquent.~~

(a) A licensee commits an offense if he allows any ad valorem taxes, fees, fines, or penalties owed to the city in connection with the boarding home facility to become delinquent.

(b) It is a defence to prosecution under this section that the licensee diligently entered into a payment plan and makes regular payments in accordance with that plan to pay the delinquent ad valorem taxes, fees, fines, or penalties. (Ord. Nos. 28706; 32397)

SEC. 8A-19. REASONABLE ACCOMMODATIONS.

(a) Purpose. The city, pursuant to the Fair Housing Amendments Act of 1988 ("FHAA") 42 U.S.C. § 3601, *et seq.*, as amended, and the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12101, *et seq.*, as amended, intends to ensure that all persons with a disability have an equal opportunity to use and enjoy a dwelling by providing such persons with reasonable accommodations in rules, policies, practices, and procedures promulgated under this chapter. This section allows a person to seek relief from the enforcement of any regulation contained in this chapter that would result in illegal discrimination against the disabled.

(b) Method of submitting a request for a reasonable accommodation; fees; confidentiality.

(1) A request for a reasonable accommodation may be submitted at any time that the accommodation may be necessary to ensure equal access to housing.

(2) A request for a reasonable accommodation may be submitted by an individual with a disability, the person's representative, or a licensee providing housing for one or more individuals with disabilities.

(h) Personal hygiene items. The licensee shall provide bath towels, washcloths, soap, combs or brushes, and toothbrushes at all times in a quantity sufficient to meet the needs of residents.

(i) Emergency exit. Each sleeping room must provide access to an emergency exit without passing through another sleeping room in accordance with the Dallas Fire Code, as amended. (Ord. Nos. 28706; 29753)

SEC. 8A-24. BATHROOM FACILITIES.

(a) If a boarding home facility has a resident who is non-ambulatory or has an ambulatory impairment:

(1) the licensee shall provide a toilet, lavatory, and bathtub or shower on each floor when not provided in an individual room; and

(2) a bathroom door must have a minimum opening of 32 inches with the door open 90 degrees, measured between the face of the door and the opposite stop.

(b) The licensee shall provide toilets, lavatories, and bathtubs or showers at a ratio of one toilet, one lavatory, and one bathtub or shower for each eight residents, or fraction of eight residents.

(c) Toilets, lavatories, and bathtubs or showers must be accessible to residents without going outside of the building or without going through a sleeping room of another resident.

(d) The licensee shall keep all bathroom facilities clean and in good repair.

(e) The licensee shall ensure that all bathroom facilities are well-lighted and ventilated.

(f) The licensee shall adequately supply all bathroom facilities with toilet paper, soap, and hand towels.

(g) The licensee shall supply bathtubs and showers with non-slip surfaces and curtains or other safe enclosures for privacy. (Ord. Nos. 28706; 29753)

SEC. 8A-25. TELEPHONE.

A telephone that is connected to a land line must be available 24 hours a day, be easily accessible, and afford privacy for use by residents. A list of emergency telephone numbers, including the numbers of the Dallas Police Department, Dallas Fire-Rescue Department, ambulance, the director, the Texas Department of Family and Protective Services (DFPS), the local mental health authority, and the Texas Information and Referral Network, must be placed in plain view on or next to the telephone and made accessible to persons who are visually or hearing impaired, as needed. (Ord. 28706)

SEC. 8A-26. LAUNDRY FACILITIES.

A washer or dryer:

(1) cannot be located in the kitchen area; and

(2) must be properly vented to the outside of the structure. (Ord. 28706)

SEC. 8A-27. KITCHEN.

~~—(a) A kitchen must be accessible to each resident without going through a sleeping room of another resident.~~

~~—(b) A kitchen must have a food preparation area of at least six square feet that is smooth, impermeable, free of cracks, and easily cleanable. This surface area must not be primarily used for eating.~~

~~—(c) If a boarding home facility has a kitchen without a dining area attached, the licensee shall provide a separate dining area of 15 square feet per~~

resident. A kitchen with an attached dining area must be at least 100 square feet in area.

—(d) A kitchen must contain a sink with at least two compartments for manual dishwashing.

—(e) A kitchen must contain an operational cooking stove with at least two burners fuelled by gas or electricity or an operational microwave oven.

—(f) A kitchen must contain at least one cabinet with a minimum of five cubic feet of storage space per resident, suitable for storage of food and utensils.

—(g) A kitchen must be equipped with at least one electrical outlet suitable for plugging in small kitchen appliances.

—(h) The licensee shall keep the kitchen in a clean and sanitary condition.

—(i) A kitchen must contain a refrigerator that is equipped with a thermometer and is maintained in an operational, clean, and sanitary condition. A refrigerator must maintain foods at the temperatures required by Section 8A-33.

(a) A kitchen must be accessible to each resident without going through a sleeping room of another resident.

(b) A kitchen must have a food preparation area of at least six square feet that is smooth, impermeable, free of cracks, and easily cleanable. This surface area must not be primarily used for eating.

(c) If a boarding home facility has a kitchen without a dining area attached, the licensee shall provide a separate dining area of 15 square feet per resident. A kitchen with an attached dining area must be at least 100 square feet in area.

(d) A kitchen must contain a sink which allows for manual dishwashing that is at least 22 inches by 27 inches by 5 inches.

(e) A kitchen must contain an operational cooking stove with at least two burners fuelled by gas or electricity and an operational microwave oven.

(f) A kitchen must contain at least one cabinet with a minimum of five cubic feet of storage space per

resident, suitable for storage of food and utensils.

(g) A kitchen must be equipped with at least one electrical outlet suitable for plugging in small kitchen appliances.

(h) The licensee shall keep the kitchen in a clean and sanitary condition.

(i) A kitchen must contain a refrigerator that is at least 12 cubic feet in area, is equipped with a thermometer, and is maintained in an operational, clean, and sanitary condition. A refrigerator must maintain foods at the temperatures required by Section 8A-33. (Ord. Nos. 28706; 32397)

SEC. 8A-28. DINING ROOM.

(a) A dining room must be accessible to residents without going through the sleeping room of another resident.

(b) The minimum floor area for a dining room is 15 square feet per resident.

(c) If a boarding home facility provides community meals, the licensee shall equip a dining room with one dining chair and two linear feet of dining table space for each resident. (Ord. 28706)

(f) The minimum fine established in Subsection (e) will double for the second conviction of the same offense within any 24-month period and treble 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) A separate offense occurs each day or part of a day the violation is committed, continued, or permitted.

(h) Emergency closing order.

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

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

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

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

(5) An emergency closing order may be appealed to the permit and license appeal board in accordance with Section 2-96 as if it were a permit. The

director and the permit and license appeal board shall expedite any hearing or decision involving an emergency closing order issued under this section. An appeal to the permit and license appeal board does not stay enforcement of an emergency closing order.

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

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

(k) It is an affirmative defense to prosecution under this section that the person is not an owner, operator, or employee of a boarding home facility as defined by this chapter. (Ord. Nos. 28706; 29753; 32168; 32397)

SEC. 8A-41. RETALIATION AGAINST RESIDENTS PROHIBITED.

(a) An operator commits an offense if the operator raises a resident's rent, diminishes services to a resident, or attempts eviction of a resident within six months after:

(1) the resident files a valid complaint with the director complaining of a violation of this chapter on property occupied by the resident; a complaint is considered valid if it results in an action described in Paragraphs (2), (3), or (4) of this subsection;

(2) the director issues to the operator or the operator's agent a written notice or citation listing any violation of this chapter that exists on property occupied by the resident;

(3) the city attorney files an action under Article V of this chapter, Chapter 54 of the Texas Local Government Code, or Chapter 260 of the Texas Health and Safety Code relating to any violation of this chapter that exists on property occupied by the resident;

(4) the resident, after filing a complaint with the director and the operator or the operator's agent, files a written complaint with the city attorney complaining of a violation of this chapter on property occupied by the resident, unless the complaint is later withdrawn by the resident or dismissed on the merits; or

(5) repairs are completed on property occupied by the resident in compliance with either a written notice or citation issued by the director or a court order.

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

(1) rent was increased pursuant to an escalation clause in a written lease which provided for changes in costs of utilities, taxes, and insurance;

(2) rent was increased, services were reduced, or notices to vacate were issued as part of a pattern of rent increases, service reductions, or evictions for an entire boarding home facility;

(3) the resident was delinquent in rent when the operator gave notice to vacate or filed an eviction action;

(4) the resident was responsible for or caused a violation of this chapter that existed on property occupied by the resident;

(5) the resident's written lease fixing the rent, services, or term of occupancy had expired, unless, at the time an action described in Subsection (a)(1), (2), or (3) occurred, a violation of this chapter that was reasonably dangerous to the physical health or safety of the resident or another person existed on property occupied by the resident;

(6) the resident holds over after giving notice of termination or intent to vacate;

(7) the resident holds over after the operator gives notice of termination at the end of the rental term and, at the time the notice of termination was given, the operator or the operator's agent had not received actual notice that a valid complaint had been filed with the city complaining of violations of this chapter on property occupied by the resident;

(8) before filing a complaint with the city complaining of a violation of this chapter on property

occupied by the resident, other than a violation that is reasonably dangerous to the physical health or safety of the resident or another person, the resident fails to comply with a written lease provision requiring the resident to:

(A) notify the operator or the operator's agent, in writing, of the violation; and

(B) allow the operator 15 days to correct the violation; or

(9) the operator proves that the rent increase, service reduction, or attempted eviction was for good cause and not for purposes of retaliation against the resident.

(c) An offense under this section may be prosecuted upon the filing of a written complaint by the resident with the city attorney. (Ord. 32397)

CHAPTER 12A**CODE OF ETHICS****ARTICLE I.****DECLARATION OF POLICY AND DEFINITIONS.**

- Sec. 12A-1. Statement of purpose and principles of conduct.
- Sec. 12A-2. Definitions.

ARTICLE II.**CODE OF CONDUCT; ACTIONS OF OTHERS;
AND ETHICS COMMITMENTS.****Division 1. Code of Conduct.**

- Sec. 12A-3. Fiduciary duty.
- Sec. 12A-4. Standards of behavior; standards of civility.
- Sec. 12A-5. Anti-discrimination.
- Sec. 12A-6. Retaliation prohibited.

Division 2. Actions of Others.

- Sec. 12A-7. Other persons.
- Sec. 12A-8. Duty to report violations.

Division 3. Ethics Commitments.

- Sec. 12A-9. Ethics training.
- Sec. 12A-10. Dissemination of code of ethics.
- Sec. 12A-11. Ethics pledge.

ARTICLE III.**CONFLICTS OF INTEREST.**

- Sec. 12A-12. Gifts.
- Sec. 12A-13. Personal benefit to others.
- Sec. 12A-13.1. Substantial interest in business entity.
- Sec. 12A-14. Miscellaneous conflicts of interest.
- Sec. 12A-15. Donations.
- Sec. 12A-16. Nepotism.
- Sec. 12A-17. Confidential information.

- Sec. 12A-18. Representation of private interests.
- Sec. 12A-19. Conflicting outside employment.
- Sec. 12A-20. Public property and resources.
- Sec. 12A-21. Political activity.
- Sec. 12A-22. Prohibited interests in contracts.
- Sec. 12A-23. *Ex parte* communications.
- Sec. 12A-24. Recusal and disclosure.

ARTICLE IV.**FORMER CITY OFFICIALS AND EMPLOYEES.**

- Sec. 12A-25. Continuing confidentiality.
- Sec. 12A-26. Subsequent representation.
- Sec. 12A-27. Discretionary contracts.
- Sec. 12A-28. Restrictions on lobbying.

ARTICLE V.**LOBBYISTS.**

- Sec. 12A-29. Definitions.
- Sec. 12A-30. Persons required to register as lobbyists.
- Sec. 12A-31. Exceptions.
- Sec. 12A-32. Registration.
- Sec. 12A-33. Activity reports.
- Sec. 12A-34. Non-registrant disclosure statements.
- Sec. 12A-35. Restricted activities.
- Sec. 12A-36. Identification of clients.
- Sec. 12A-37. Timeliness of filing registrations, activity reports, and non-registrant disclosure statements.
- Sec. 12A-38. Administration.
- Sec. 12A-39. Violations; penalty.

ARTICLE VI.**REPORTING REQUIREMENTS; FINANCIAL
DISCLOSURE.**

- Sec. 12A-40. Financial disclosure report.
- Sec. 12A-41. Short form annual report.
- Sec. 12A-42. Gift reporting.
- Sec. 12A-43. Donations.
- Sec. 12A-44. Travel reporting requirements.
- Sec. 12A-45. Violation of reporting requirements.
- Sec. 12A-45.1. Reporting requirements chart.

ARTICLE VII.**LEGAL COUNSEL.**

- Sec. 12A-46. City attorney's office.
Sec. 12A-47. Division of the inspector general.
Sec. 12A-48. Outside legal counsel.

ARTICLE VIII.**ETHICS ADVISORY COMMISSION.**

- Sec. 12A-49. Ethics advisory commission - creation; composition, terms, and qualifications.
Sec. 12A-50. Jurisdiction and powers.
Sec. 12A-51. Annual report.

ARTICLE IX.**ETHICS COMPLAINTS, INVESTIGATIONS, AND EVIDENTIARY HEARINGS.**

- Sec. 12A-52. Ethics complaints and investigations.
Sec. 12A-53. Hearing procedures.
Sec. 12A-54. ~~Hearing rules.~~
Sec. 12A-52. ~~Disposition of complaint.~~

ARTICLE X.**ENFORCEMENT, CULPABLE MENTAL STATE, AND PENALTIES.**

- ~~Sec. 12A-53. General.~~
~~Sec. 12A-54. Violations; penalty.~~
~~Sec. 12A-55. Culpable mental state.~~
~~Sec. 12A-56. Disciplinary action.~~
~~Sec. 12A-57. Sanctions.~~
~~Sec. 12A-58. Prosecution for perjury.~~
~~Sec. 12A-59. Interference with an investigation.~~
~~Sec. 12A-60. Disqualification from contracting.~~
~~Sec. 12A-61. Vexatious complainants.~~
Sec. 12A-55. General.
Sec. 12A-56. Violations; penalty.
Sec. 12A-57. Culpable mental state.
Sec. 12A-58. Disciplinary action.
Sec. 12A-59. Sanctions.
Sec. 12A-60. Prosecution for perjury.
Sec. 12A-61. Interference with an investigation.
Sec. 12A-62. Disqualification from contracting.
Sec. 12A-63. Vexatious complainants.

ARTICLE XI.**ADMINISTRATIVE PROVISION.**

- Sec. 12A-62-64. City council review.

ARTICLE I.

DECLARATION OF POLICY AND DEFINITIONS.

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

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

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

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

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

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

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

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

~~—(1) Commitment beyond self.~~

~~—(2) Obedience and commitment to the law.~~

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

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

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

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

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

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

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

(1) Commitment beyond self.

(2) Obedience and commitment to the law.

- ~~———— (3) Commitment to the public good.~~
- ~~———— (4) Respect for the value and dignity of all individuals.~~
- ~~———— (5) Accountability to the public.~~
- ~~———— (6) Truthfulness.~~
- ~~———— (7) Fairness.~~
- ~~———— (8) Responsible application of resources.~~
- ~~———— (c) Application.~~

~~———— (1) To implement the purpose and principles of conduct in this section, the city council has determined that it is advisable to enact this code of ethics for all city officials, employees, and persons doing business with the city, to serve as a standard for official conduct and as a basis for discipline.~~

~~———— (2) This chapter is cumulative of and supplemental to all applicable provisions of the city charter, other city ordinances, and state and federal laws and regulations. Compliance with this chapter does not excuse or relieve any person from any obligation imposed by the city charter, other city ordinances, or state or federal laws or regulations.~~

~~———— (3) Even if a city official or employee is not prohibited from taking official action by this chapter, action may be prohibited by duly promulgated personnel rules.~~

~~———— (d) No cause of action. This section is a statement of purpose and principles only. Nothing in this section may be used to create a cause of action under this chapter.~~

(3) Commitment to the public good.

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

(5) Accountability to the public.

(6) Truthfulness.

(7) Fairness.

(8) Responsible application of resources.

(c) Application.

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

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(3) Even if a city official or employee is not prohibited from taking official action by this chapter, action may be prohibited by duly promulgated personnel rules.

(d) No cause of action. This section is a statement of purpose and principles only. Nothing in this section may be used to create a cause of action under this chapter. (Ord. Nos. 24316; 30391; 32072; 32472)

SEC. 12A-2. DEFINITIONS.

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

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

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

~~———— (2) AFFILIATED. Business entities are "affiliated" if one is the parent or subsidiary of the other or if they are subsidiaries of the same parent business entity.~~

~~———— (3) Reserved.~~

~~———— (4) BEFORE THE CITY. Representation or appearance "before the city" means before:~~

~~———— (A) the city council;~~

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

~~———— (C) a city official or employee.~~

~~———— (5) Reserved.~~

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

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

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

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

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

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

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

(A) the city council;

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

(C) a city official or employee.

(4) BENEFIT means anything reasonably regarded as monetary gain or monetary advantage, including a personal benefit to any other person in whose welfare the beneficiary has a direct and substantial interest. Monetary gain or advantage includes, but is not limited to, gain or advantage in the form of money, services, goods, and financial or business relationships.

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

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

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

(8) CLIENT.

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

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

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

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

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

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

(10) CONFIDENTIAL GOVERNMENT INFORMATION includes:

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

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

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

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

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

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

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

(14) DOMESTIC PARTNER means an individual who, on a continuous basis, lives in the same household and shares the common resources of life in a close, personal, intimate, committed relationship with a city official or employee. A domestic partner may be of the same or opposite gender as the official or

employee and is not married to or related by blood to the official or employee.

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

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

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

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

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

(20) INFORMATION means a written statement filed with the ethics advisory commission by the inspector general alleging violation(s) of the code of ethics and contains the name of the respondent, the city rule or city code or city charter provision alleged to have been violated, the place where the violation is alleged to have been committed, the date of the alleged violation, and a description of the violation.

(21) KNOWINGLY or WITH KNOWLEDGE. A person acts "knowingly" or "with knowledge" regarding his or her conduct or to circumstances surrounding his or her conduct when the person is aware of the nature of the conduct or that the circumstances exist or should be reasonably certain to cause the result.

~~————— (10) CLIENT:~~

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

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

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

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

~~————— (C) This definition does not apply to the term "client" when used in Article V (lobbyist regulations).~~

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

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

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

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

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

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

~~————— (13) DEPARTMENT DIRECTOR means the head of any department or office, including an office under the city manager, that is created by the city charter or by ordinance of the city council.~~

~~————— (14) DISCRETIONARY CONTRACT means any contract other than one that by law must be awarded on a competitive bid basis.~~

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

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

~~————— (19) EX PARTE COMMUNICATION means any communication not made in a written document filed with the ethics advisory commission and not~~

made orally during a hearing but does not include a communication made pursuant to an inquiry duly authorized by the commission.

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

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

____ (22) ~~KNOWINGLY or WITH KNOWLEDGE~~. A person acts "knowingly" or "with knowledge" regarding his or her conduct or to circumstances surrounding his or her conduct when the person is aware of the nature of the conduct or that the circumstances exist or should be reasonably certain to cause the result.

____ (23) ~~OFFICIAL or CITY OFFICIAL~~ includes the following persons, except when used in Article V (lobbyist regulations):

____ (A) ~~City council members.~~

____ (B) ~~Municipal judges.~~

____ (C) ~~The city manager, the chief of staff, assistant city managers, and chiefs.~~

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

____ (E) ~~The city attorney, the first assistant city attorney, and the inspector general.~~

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

____ (G) ~~All department directors.~~

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

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

____ (J) ~~Reserved.~~

____ (K) ~~The chief financial officer.~~

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

____ (24) ~~OFFICIAL ACTION~~ includes:

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

____ (B) ~~any failure to act, if the official or employee is under a duty to act.~~

____ (25) ~~OFFICIAL CAPACITY or OFFICIAL DUTIES~~ means acting, or actions relating to matters, within the scope of employment or office, or under the official or employee's control or supervision.

____ (26) ~~OFFICIAL INFORMATION~~ includes information gathered pursuant to the power or authority of city government.

(22) OFFICIAL or CITY OFFICIAL includes the following persons, except when used in Article V (lobbyist regulations):

(A) City council members.

(B) Municipal judges.

(C) The city manager, the chief of staff, assistant city managers, and chiefs.

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

(E) The city attorney, the first assistant city attorney, and the inspector general.

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

(G) All department directors.

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

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

(J) The chief financial officer.

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

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

(B) any failure to act, if the official or employee is under a duty to act.

(24) OFFICIAL CAPACITY or OFFICIAL DUTIES means acting, or actions relating to matters, within the scope of employment or office, or under the official or employee's control or supervision.

(25) OFFICIAL INFORMATION includes information gathered pursuant to the power or authority of city government.

~~———— (27) PARTNER includes any partner in a general partnership, limited partnership, or joint venture.~~

~~———— (28) PERISHABLE FOOD OR BEVERAGES are consumable products, such as packaged foods, delivered fresh foods, including baked goods and~~

(26) PARTNER includes any partner in a general partnership, limited partnership, or joint venture.

(27) PERISHABLE FOOD OR BEVERAGES are consumable products, such as packaged foods, delivered fresh foods, including baked goods and edible gift baskets, sealed beverages, and floral arrangements.

~~edible gift baskets, sealed beverages, and floral arrangements.~~

~~—————(29) PERSONAL BENEFIT means any benefit knowingly solicited, accepted, or agreed to be accepted by another for the purpose of influencing how a city official or employee performs or refrains from performing an official action.~~

~~—————(30) PERSONALLY PARTICIPATED. The requirement of having "personally participated" in a matter is met only if the individual in fact exercised discretion relating to the matter. The fact that the person had responsibility for a matter does not by itself establish that the person "personally participated" in the matter.~~

~~—————(31) RELATIVE means a spouse, domestic partner, child, stepchild, brother, sister, parent or stepparent, or a person claimed as a dependent on the city official or employee's latest individual federal income tax return.~~

~~—————(32) REPRESENTATION encompasses every form of communication or personal appearance in which a person, not acting in performance of official duties, formally or informally serves as an advocate for private interests. Lobbying and service as an expert witness, even on an informal basis, are forms of representation. "Representation" does not include appearance as a fact witness in litigation or other official proceedings.~~

~~—————(33) SOLICITATION. "Solicitation" of subsequent employment or a subsequent business opportunity includes any form of proposal or negotiation relating to employment or a business opportunity.~~

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(32) **SOLICITATION.** "Solicitation" of subsequent employment or a subsequent business opportunity includes any form of proposal or negotiation relating to employment or a business opportunity. (Ord. Nos. 24316; 24485; 27748; 28020; 30391; 32072; 32472)

ARTICLE II.

CODE OF CONDUCT; ACTIONS OF OTHERS; AND ETHICS COMMITMENTS.

Division 1. Code of Conduct.

SEC. 12A-3. FIDUCIARY DUTY.

~~—A city official and employee, in the performance of that person's official duties, shall fulfill the city official's and employee's fiduciary duty to the city.—~~

A city official and employee, in the performance of his or her official duties, shall fulfill his or her fiduciary duty to the city. (Ord. Nos. 32072; 32472)

SEC. 12A-4. STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY.

~~—(a) Standards of behavior. City officials and employees shall, when acting in the performance of their official duties, comply with the following standards of behavior:~~

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

~~—(2) To uphold all applicable laws and regulations to protect and enhance the city's ability to accomplish its mission.~~

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

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

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

(a) Standards of behavior. City officials and employees shall, when acting in the performance of their official duties, comply with the following standards of behavior:

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

support of the public.

(2) To uphold all applicable laws and regulations to protect and enhance the city's ability to accomplish its mission.

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

(4) To responsibly manage taxpayer resources.

(5) To take no actions that could benefit the official or employee personally, or his or her relative, to the detriment of the city, avoiding even the appearance of a conflict of interest, and to always exercise good judgment.

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

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

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

~~_____ (7) To strive for personal and professional growth to improve effectiveness as an employee or elected or appointed official.~~

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

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

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

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

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

~~_____ (A) interfere with the work of city employees.~~

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

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

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

~~_____ (E) berate nor admonish city employees.~~

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

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

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

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

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

~~This paragraph does not prohibit city council members from receiving information from or providing information to a board or commission member, working together with board and commission members on projects, or expressing their opinions to board and commission members.~~

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

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

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

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

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

(A) interfere with the work of city employees.

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

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

(D) berate city employees.

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

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

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

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

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

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

~~their race, ethnicity, color, age, religion, marital or parental status, sex, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, political opinions or affiliations, or any other legally protected characteristic or status diminishes us and compromises our ability to fulfill our mission. Discrimination~~

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

SEC. 12A-5. ANTI-DISCRIMINATION.

—Excluding anyone from our community based on

~~against others based on any of these factors, or any other legally protected classifications, is prohibited. Discriminatory harassment and other offensive acts include any conduct, whether verbal, visual, or physical, that creates an abusive and hostile work environment, or that has the purpose or effect of interfering with an employee's work performance or development. (Ord. Nos. 32072; 32472)~~

SEC. 12A-6. RETALIATION PROHIBITED.

~~—A person commits an offense if he or she retaliates against any person for filing a complaint, or for testifying, assisting, or participating in any manner in a proceeding or hearing under this chapter.~~

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

Division 2. Actions of Others.

SEC. 12A-7. OTHER PERSONS.

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

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

~~—(c) Participation in ethics violations. No person shall intentionally or knowingly induce, attempt to induce, conspire with, aid, or assist, or attempt to aid or assist another person to violate any provision of this chapter.~~

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

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

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

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

~~—Duty to report violations. Persons shall immediately report any conduct that the person knows to be a violation of this chapter to the inspector general. Failure to report a violation of this chapter is a violation.~~

~~of this chapter. Any person who knowingly fails to report a violation of this chapter shall be subject to sanctions described in this chapter. For purposes of this section, a report made to the inspector general's Fraud, Waste, or Abuse hotline will be considered a report under this section.~~

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

Division 3. Ethics Commitments.

SEC. 12A-9. ETHICS TRAINING.

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

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

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

~~—(d) The director of the office of procurement services shall publish on the city's website information as to how this chapter applies to consultants or contractors and to city officials and city employees who work with consultants or contractors.~~

~~—(e) This ethics training and information required by this section shall be made available in a format and medium as determined by the chief integrity officer.~~

~~The chief integrity officer, in coordination with the city manager, city auditor, and city secretary's liaisons,~~

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

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

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

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

(e) This ethics training and information required by this section shall be made available in a format and medium as determined by the chief integrity officer. The chief integrity officer, in coordination with the city manager, city auditor, and city secretary's liaisons, shall structure ethics training and information to ensure that participants have the necessary knowledge to accomplish the statement of purpose in this chapter and comply with all applicable ethics laws. City officials and employees must demonstrate such knowledge by passing any required ethics training.

(f) Failure to receive ethics training, documents, or notices required by this section does not waive that person's duty to comply with this chapter or waive enforcement of this chapter.

shall structure ethics training and information to ensure that participants have the necessary knowledge to accomplish the statement of purpose in this chapter and comply with all applicable ethics laws. City officials and employees must demonstrate such knowledge by passing any required ethics training.

—(f) Failure to receive ethics training, documents, or notices required by this section does not waive that person's duty to comply with this code of ethics or waive enforcement of this chapter. (Ord. Nos. 32072; 32472)

SEC. 12A-10. DISSEMINATION OF CODE OF ETHICS.

—(a) Within 30 days after starting their position, every new city official or employee must be given a copy or a link to this chapter. The inspector general or the city attorney shall provide a copy of this chapter to every city official. The city manager, city attorney, city secretary, city auditor, park and recreation director, inspector general, civil service director, and employees' retirement fund administrator shall provide a copy of this chapter to every city employee under their supervision. Each city official and employee shall acknowledge, in writing, that the employee received a copy or link to this chapter. Copies of this chapter must be made readily available to the public.

—(b) The failure of any person to receive a copy of this chapter or a link to the chapter will have no effect on that person's duty to comply with this chapter or on the enforcement of the provisions of this chapter.

(a) Within 30 days after starting their position, every new city official or employee must be given a copy or a link to this chapter. The inspector general or the city attorney shall provide a copy of this chapter to every city official. The city manager, city attorney, city secretary, city auditor, park and recreation director, inspector general, civil service director, and employees' retirement fund administrator shall provide a copy of this chapter to every city employee under their supervision. Each city official and employee shall acknowledge, in writing, that the official or employee received a copy or link to this chapter. Copies of this chapter must be made readily available to the public.

(b) The failure of any person to receive a copy of this chapter or a link to the chapter has no effect on that

person's duty to comply with this chapter or on the enforcement of the provisions of this chapter. (Ord. Nos. 32072; 32472)

SEC. 12A-11. ETHICS PLEDGE.

—All city officials, before their appointment, shall sign the following ethics pledge and file it with the city secretary:

—"I have received a copy of Dallas City Code Chapter 12A, "Code of Ethics." I have read and understand the Code of Ethics. I understand that

~~the Code of Ethics is binding on me, and therefore I agree to comply with the Code of Ethics. I understand that the Code of Ethics imposes restrictions on present city officials, former city officials, lobbyists, and persons doing business with the city. I agree to participate in periodic ethics training. I agree to seek advice from the City Attorney's Office when necessary to ensure compliance with the Code of Ethics. I agree that I will not violate the code of ethics, participate in violations of the Code of Ethics, or fail to report violations of the Code of Ethics. I understand that violation of the Code of Ethics, participation in a violation of the Code of Ethics, and failure to report a violation of the Code of Ethics may result in severe consequences."~~

All city officials, upon their appointment, shall sign the following ethics pledge and file it with the city secretary:

"I have received a copy of Dallas City Code Chapter 12A, "Code of Ethics." I have read and understand the Code of Ethics. I understand that the Code of Ethics is binding on me, and therefore I agree to comply with the Code of Ethics. I understand that the Code of Ethics imposes restrictions on present city officials, former city officials, lobbyists, and persons doing business with the city. I agree to participate in periodic ethics training. I agree to seek advice from the City Attorney's Office when necessary to ensure compliance with the Code of Ethics. I agree that I will not violate the Code of Ethics, participate in violations of the Code of Ethics, or fail to report violations of the Code of Ethics. I understand that violation of the Code of Ethics, participation in a violation of the Code of Ethics, and failure to report a violation of the Code of Ethics may result in severe consequences."

(Ord. Nos. 32072; 32472)

ARTICLE III.

CONFLICTS OF INTEREST.

SEC. 12A-12. GIFTS.

~~(a) General rules.~~

~~(1) A city official or employee shall not~~

~~solicit, accept, or agree to accept any gift, favor, benefit, or service that:~~

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

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

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

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

(a) General rules.

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

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

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

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

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

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

~~————— (3) Except as provided in Subsection (f), a city official or employee shall not accept cash, a cash equivalent open loop gift card (including a Visa or Mastercard gift card), check, or negotiable instrument from any person or representative of a person or entity who does business with or is seeking to do business with the city. In this Paragraph OPEN LOOP means a general purpose charge card that can be used anywhere that brand of card is accepted and does not include closed loop gift cards that can only be used at a specific merchant listed on the card.~~

~~————— (4) Employees must comply with departmental rules regarding gifts, if any. If a conflict of interest exists between this chapter and a departmental rule, the stricter rule or regulation controls.~~

~~————— (5) A city official or employee who receives an unsolicited benefit or gift that he or she is not allowed to accept or does not wish to accept to avoid any appearance of impropriety, may donate the item to the city or another governmental entity that has the authority to accept the item or to recognize tax-exempt charitable organization formed for educational, religious, or scientific purposes. A city official or employee who donates an unsolicited benefit or gift may notify the inspector general on a form approved by the inspector general that provides the city official or employee's name, the gift donated, and the entity to which the city official or employee donated the unsolicited benefit or gift.~~

~~————— (b) Exceptions. Subsection (a) does not include:~~

~~————— (1) reimbursement of reasonable expenses for travel in accordance with the city's ordinances, administrative directives, and this section;~~

~~————— (2) a public award or reward in recognition of public service or professional achievement, if the award or reward is reasonable in light of the occasion;~~

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

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

~~————— (5) admission, regardless of value, to an event that a city official or employee is invited to, is offered tickets to, or is participating in relating to their official duties or responsibilities, including gathering information about a current or potential city supported program;~~

~~————— (6) tickets, meals, travel, lodging, and entertainment accepted by a city official or employee in accordance with this Subsections (c) and (d);~~

~~————— (7) gifts having a nominal value (a noncash value of less than \$50.00) accepted by a city official or employee from a resident or person or entity doing, or seeking to do, business with the city if a city official or employee does not receive cumulative gifts from a single source in a calendar year of more than \$50.00 or plaques, caps, key rings, mugs, tee shirts, fresh cut flowers given at public appearances, or perishable food and beverages infrequently given.~~

~~————— (8) A ceremonial or protocol gift given to a city official or employee on behalf of the city, provided that any ceremonial or protocol gift given to:~~

~~————— (A) a city official valued over \$300.00 must be delivered to the city manager as a donation to the city, or~~

~~————— (B) an employee must be delivered to the city manager within 30 days after receipt as a donation to the city.~~

~~————— (9) Gifts from a relative or a person with whom the city official or employee has a personal, professional, or business relationship independent of the city official or employee's status with the city.~~

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

(3) Except as provided in Subsection (f), a

city official or employee shall not accept cash, a cash equivalent open loop gift card (including a Visa or Mastercard gift card), check, or negotiable instrument from any person or representative of a person or entity who does business with or is seeking to do business with the city. In this paragraph, OPEN LOOP means a general-purpose charge card that can be used anywhere that brand of card is accepted and does not include closed loop gift cards that can only be used at a specific merchant listed on the card.

(4) Employees must comply with departmental rules regarding gifts, if any. If a conflict exists between this chapter and a departmental rule, the stricter rule or regulation controls.

(5) A city official or employee who receives an unsolicited benefit or gift that he or she is not allowed to accept or does not wish to accept to avoid any appearance of impropriety, may donate the item to the city, another governmental entity that has the authority to accept the item, or to a tax-exempt charitable organization formed for educational, religious, or scientific purposes. A city official or employee who donates an unsolicited benefit or gift may notify the inspector general on a form approved by the inspector general that provides the city official or employee's name, the gift donated, and the entity to which the city official or employee donated the unsolicited benefit or gift.

(b) Exceptions. For purposes of this chapter, the following are not considered reportable gifts:

(1) reimbursement of reasonable expenses for travel in accordance with the city's ordinances, administrative directives, and this section;

(2) a public award or reward in recognition of public service or professional achievement, if the award or reward is reasonable in light of the occasion;

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

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

(5) admission, regardless of value, to an event that a city official or employee is invited to, is offered tickets to, or is participating in relating to their official duties or responsibilities, including gathering

information about a current or potential city supported program;

(6) tickets, meals, travel, lodging, and entertainment accepted by a city official or employee in accordance with Subsections (c) and (d);

(7) items having a nominal value (a noncash value of less than \$50.00) accepted by a city official or employee from a resident or person or entity doing, or seeking to do, business with the city if a city official or employee does not receive cumulative items from a single source in a calendar year of more than \$50.00 or plaques, caps, key rings, mugs, tee shirts, fresh cut flowers given at public appearances, or perishable food and beverages infrequently given.

(8) A ceremonial or protocol gift given to a city official or employee on behalf of the city, provided that any ceremonial or protocol gift given to:

(A) a city official valued over \$300.00 is delivered to the city manager as a donation to the city, or

(B) an employee is delivered to the city manager within 30 days after receipt as a donation to the city.

(9) Gifts from a relative or a person with whom the city official or employee has a personal, professional, or business relationship independent of the city official or employee's status with the city.

~~— (c) Honorarium, meals, travel, lodging, and entertainment.~~

~~— (1) A city official or employee may not solicit, accept, or agree to accept any honorarium (cash payment or in-kind gift, except a plaque) in consideration for services that a city official or employee would not have been requested to provide but for his or her official position or duties.~~

~~— (2) A city official may accept meals, travel, lodging, or entertainment if:~~

~~— (A) city official or employee is a guest; and~~

~~— (B) the donor or host is present at the meal, travel, lodging, or entertainment (meals, lodging, travel, or entertainment from a person who does business or is seeking to do business with the city when the donor host is not present is prohibited).~~

~~— (3) An employee may accept meals, travel, lodging, or entertainment relating to a conference, seminar, trade show, or event that is related to the employee's job duties. Attendance must be approved in accordance with the city's Administrative Directive on travel. Costs must be reasonable.~~

(c) Honorarium, meals, travel, lodging, and entertainment.

(1) A city official or employee may not solicit, accept, or agree to accept any honorarium (cash payment or in-kind gift, except a plaque) in consideration for services that a city official or employee would not have been requested to provide but for his or her official position or duties.

(2) A city official may accept meals, travel, lodging, or entertainment if:

(A) the city official is a guest; and

(B) the donor or host is present at the meal, travel, lodging, or entertainment.

(3) An employee may accept meals, travel, lodging, or entertainment relating to a conference, seminar, trade show, or event that is related to the employee's job duties. Attendance must be approved in

accordance with the city's Administrative Directive on travel, and costs must be reasonable.

~~— (d) Tickets.~~

~~— (1) When receiving complimentary tickets, city officials and employees must evaluate whether the tickets are a gift in violation of Subsection (a).~~

~~— (2) City officials and employees may receive tickets to a fundraiser or charity event that benefits a city facility or program, subject to availability and in the sole discretion of an event sponsor. These tickets may not be sold or transferred, except to another city official or employee.~~

~~— (3) Councilmembers and board and commission members may receive complimentary annual memberships, individual or family, to city owned facilities that are operated or managed by a non-profit entity on behalf of the city.~~

~~————— (4) City officials may receive tickets to city owned facilities that are operated by a non-profit entity, such as the State Fair, Arboretum, Dallas Museum of Art, Dallas Summer Musical, South Dallas Cultural Center, and the Latino Cultural Center, subject to availability and in the sole discretion of an event sponsor, and either the city official or their spouse, domestic partner, or significant other must be in attendance at the event. These tickets may not be sold or transferred, except to another city official or employee.~~

~~————— (5) Councilmembers and board and commission members may request tickets to events at city owned facilities that are operated or managed by a for-profit entity over which city council does not have oversight responsibilities, such as American Airlines Center, but councilmembers are required to purchase these tickets at face value.~~

~~————— (6) City officials and department directors may accept blocks of promotional complimentary tickets to events for distribution, in accordance with any requirements by the event sponsor, to the general public, including constituents, to encourage attendance of the general public at city facilities, programs, and events.~~

~~————— (7) City officials and employees may accept discount tickets if the tickets are provided to all councilmembers, an entire department, or the entire city.~~

(d) Tickets.

(1) When receiving complimentary tickets, city officials and employees must evaluate whether the tickets are a gift in violation of Subsection (a).

(2) City officials and employees may receive tickets to a fundraiser or charity event that benefits a city facility or program, subject to availability and in the sole discretion of an event sponsor. These tickets may not be sold or transferred, except to another city official or employee.

(3) Councilmembers and board and commission members may receive complimentary annual memberships, individual or family, to city owned facilities that are operated or managed by a non-profit entity on behalf of the city.

(4) City officials may receive tickets to city owned facilities that are operated by a non-profit entity,

such as the State Fair, Arboretum, Dallas Museum of Art, Dallas Summer Musicals, South Dallas Cultural Center, and the Latino Cultural Center, subject to availability and in the sole discretion of an event sponsor, and either the city official or his or her spouse, domestic partner, or significant other must be in attendance at the event. These tickets may not be sold or transferred, except to the city official's spouse, domestic partner, or significant other to another city official or employee.

(5) Councilmembers and board and commission members may request tickets to events at city owned facilities that are operated or managed by a for-profit entity over which city council does not have oversight responsibilities, such as American Airlines Center, but councilmembers and board and commission members are required to purchase these tickets at face value.

(6) City officials and department directors may accept blocks of promotional complimentary tickets to events for distribution, in accordance with any requirements by the event sponsor, to the general public, including constituents, to encourage attendance of the general public at city facilities, programs, and events.

(7) City officials and employees may accept discount tickets if the tickets are provided to all councilmembers, an entire department or office, or the entire city.

~~———— (e) Reporting. City officials and employees must report gifts, including tickets, meals, travel, lodging, or entertainment in accordance with applicable state law and the city's reporting requirements in Article VI.~~

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

(e) Reporting. Except as provided in this chapter, city officials and employees must report gifts, including tickets, meals, travel, lodging, or entertainment in accordance with applicable state law and the city's reporting requirements in Article VI.

(f) Campaign contribution exception. The general rule in Subsection (a) does not apply to a campaign contribution received and reported in compliance with the Texas Election Code. (Ord. Nos. 32072; 32472)

SEC. 12A-13. PERSONAL BENEFIT TO OTHERS.

~~— (a) Personal benefits to others. To avoid the appearance and risk of a conflict of interest, a city official or employee shall not use his or her official position or office, to take or refrain from taking, official action that he or she knows will result in a personal benefit for any of the following persons or entities:~~

~~— (1) a relative of the city official or employee;~~

~~— (2) a person with whom the city official or employee has a financial or business relationship, including but not limited to:~~

~~— (A) an outside employer business of the city official, employee, or their relative, or someone who works for such outside employer of business;~~

~~— (B) a client or substantial customer of the city official, employee, or their relative (SUBSTANTIAL means an amount exceeding 10 percent of the city official, employee, or their relative's income for the previous year);~~

~~— (C) a debtor or creditor of the city official, employee, or their relative; or~~

~~— (D) a person or business entity with whom the city official or employee has, directly or indirectly, within the past 12 months;~~

~~— (i) engaged in negotiations pertaining to a business opportunity; or~~

~~— (ii) solicited an offer of employment, received, and not rejected an offer of employment, or accepted an offer of employment.~~

~~— (b) Recusal and disclosure. A city official or employee whose conduct would violate Subsection (a) shall follow the recusal and disclosure requirements in Section 12A-24 of this chapter.~~

~~— (c) Exceptions. A personal benefit does not include:~~

~~— (A) salaries, compensation, or employee benefits;~~

~~— (B) campaign or political contributions that are made and reported in accordance with state law;~~

~~— (C) hospitality extended for a purpose unrelated to the official business of the city;~~

~~— (D) a public award or reward in recognition of public service or professional achievement, if the award or reward is reasonable in light of the occasion;~~

~~— (E) gifts or other ceremonial symbols of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities;~~

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

~~— (G) complimentary copies of trade publications; and~~

~~— (H) anything of value received as a devise, bequest, or inheritance.~~

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

(a) Personal benefits to others. To avoid the appearance and risk of a conflict of interest, a city official or employee shall not use his or her official position or office, to take or refrain from taking, official action that he or she knows will result in a personal benefit for any of the following persons or entities:

(1) a relative of the city official or employee;

(2) a person with whom the city official or employee has a financial or business relationship, including but not limited to:

(A) an outside employer business of the city official, employee, or their relative, or someone

who works for such outside employer of business;

(B) a client or substantial customer of the city official, employee, or their relative (SUBSTANTIAL means an amount exceeding 10 percent of the city official, employee, or their relative's income for the previous year);

(C) a debtor or creditor of the city official, employee, or their relative; or

(D) a person or business entity with whom the city official or employee, has, directly or indirectly, within the past 12 months,

(i) engaged in negotiations pertaining to a business opportunity, or

(ii) solicited an offer of employment, received, and not rejected an offer of employment, or accepted an offer of employment.

(b) Recusal and disclosure. A city official or employee whose conduct would violate Subsection (a) shall follow the recusal and disclosure requirements in Section 12A-24 of this chapter.

(c) Exceptions. A personal benefit does not include:

(1) salaries, compensation, or employee benefits when the salaries, compensation, or employee benefits are not given in exchange for a city employee's or city official's official action or lack of action;

(2) campaign or political contributions that are made and reported in accordance with state law;

(3) hospitality extended for a purpose unrelated to the official business of the city;

(4) a public award or reward in recognition of public service or professional achievement, if the award or reward is reasonable in light of the occasion;

(5) gifts or other ceremonial symbols of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities;

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

(7) complimentary copies of trade publications; and

(8) anything of value received as a devise, bequest, or inheritance.

(d) Municipal management district boards. The restrictions and requirements of this section do not apply to a member of a municipal management district board. (Ord. Nos. 32072; 32472)

SEC. 12A-13.1. SUBSTANTIAL INTEREST IN BUSINESS ENTITY.

(a) If a city official or employee has a substantial interest in a business entity or in real property, the city official or employee shall file in accordance with Section 12A-24, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:

(1) in the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or

(2) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a specific economic effect on the value of the property, distinguishable from the effect on the public.

(b) For purposes of this section, a person has a substantial interest if:

(1) in a business entity:

(A) the city official or employee owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more or \$15,000 or more of the fair market value of the business entity; or

(B) funds received by the city official or employee from the business entity exceed 10 percent of the person's gross income for the previous year.

(2) in real property, the city official or employee's interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

(c) A city official or employee is considered to have a substantial interest under this section if a relative of the city official or employee has a substantial interest under this section. (Ord. 32472)

SEC. 12A-14. MISCELLANEOUS CONFLICTS
OF INTEREST.

~~—(a) Special rules.~~

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

(a) Special rules.

(1) Acquisition of interest in impending or decided matters. A city official or employee shall not acquire an interest (economic or otherwise) in any matter:

(A) if the official or employee knows that the interest will be affected by upcoming official action of the city.

(B) affected by an official action of the city for a period of one year after the date of the official action.

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

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

~~————— (4) Benefits to previous employers. A city official or employee may not, within 12 months of entering city employment or service, award a contract or participate in a matter benefiting a person or business entity that formerly employed the city official or employee.~~

~~————— (5) Area of notification conflict.~~

~~————— (A) General. A city official or employee may not take official action on, or otherwise participate in, a matter if the city official or employee has an ownership interest, a lease, or other economic interest in a property within the area of notification listed in:~~

~~————— (1) Sections 51A-1.105(a) and (b);~~

~~————— (2) Section 51A-4.701;~~

~~————— (3) Sections 51A-9.201 and 51A-9.202.~~

~~———— For purposes of this paragraph, ECONOMIC INTEREST includes, but is not limited to, legal or equitable property interests in land, chattels, and intangibles, and contractual rights, having more than de minimis value.~~

~~————— (B) Recusal and disclosure. A city official or employee whose conduct would violate Subparagraph (A) of this paragraph shall adhere to the recusal and disclosure requirements in Section 12A-24 of this chapter.~~

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

(3) Benefits to previous employers. A city official or employee may not, within 12 months of beginning his or her employment or service with the city, award a contract or participate in a matter benefiting a person or business entity that formerly employed the city official or employee.

(4) Area of notification conflict.

(A) General. A city official or employee shall not take official action on, or otherwise participate in, a matter if the city official or employee has an ownership interest, a lease, or other economic interest in a property within the area of notification listed in:

(1) Sections 51A-1.105(a) and (b) (zoning and board of adjustment applications);

(2) Section 51A-4.701 (authorized zoning cases);

(3) Sections 51A-9.201 and 51A-9.202 (thoroughfare realignments, state or county thoroughfare improvements).

For purposes of this paragraph, ECONOMIC INTEREST includes, but is not limited to, legal or equitable property interests in land, chattels, and intangibles, and contractual rights, having more than de minimis value.

(B) Recusal and disclosure. A city official or employee who has an ownership interest, a lease, or other economic interest in a property within the area of notification in Subparagraph (A) of this paragraph shall follow the recusal and disclosure requirements in Section 12A-24 of this chapter.

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

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

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

~~(B) participate in discussions and voting on matters before the board of directors that may indirectly affect the member's property within the reinvestment zone, but must adhere to the recusal and disclosure requirements in Section 12A-24 on matters before the board of directors that may directly affect the member's property.~~

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

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

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

(b) Board of directors of a reinvestment zone.

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

(A) own property within that reinvestment zone; and

(B) participate in discussions and voting on matters before the board of directors that may indirectly affect the member's property within the reinvestment zone, but must follow the recusal and disclosure requirements in Section 12A-24 on matters before the board of directors that may directly affect the member's property in the reinvestment zone.

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

(A) financed with tax increment funds; and

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

~~(c) City officials and employees serving in policymaking positions for business entities at the direction of the city. The restrictions and requirements of Section 12A-24 of this chapter do not apply to a city official or employee serving as an officer or director or in any other policymaking position for a business entity when taking official action on behalf of the city on matters concerning that business entity, if the city official or employee:~~

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

~~(2) has no substantial economic interest in the business entity or in the matter on which the action~~

(c) City officials and employees serving in policymaking positions for business entities at the direction of the city. The restrictions and requirements of Section 12A-24 of this chapter do not apply to a city official or employee serving as an officer or director or in any other policymaking position for a business entity when taking official action on behalf of the city on matters concerning that business entity, if the city official or employee:

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

(2) has no substantial economic interest in the business entity or in the matter on which the action is being taken as defined in Texas Local Government Code Section 171.002, as amended.

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

is being taken as defined in Texas Local Government Code Section 171.002.

—(d) Municipal management district boards. The restrictions and requirements of this section do not apply to a member of a municipal management district board. (Ord. Nos. 24316; 24720; 27504; 27819; 30391; 32072; 32472)

SEC. 12A-15. DONATIONS.

—(a) Purpose and procedures.

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

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

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

—(b) General rule.

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

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

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

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

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

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

—(c) Reporting. City officials, employees, and departments receiving a donation to the city shall report the donation in compliance with Article VI.

—(d) Exceptions. This section does not apply to gifts made to a city official or employee in compliance with Section 12A-12. This section does not apply to exceptions to the gift rules.

(a) Purpose and procedures.

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

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

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

(b) General rule.

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

that:

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

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

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

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

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

(c) Reporting. City officials, employees, and departments receiving a donation to the city shall report the donation in compliance with Article VI.

(d) Exceptions. This section does not apply to gifts made to a city official or employee in compliance with Section 12A-12. This section does not apply to exceptions to the gift rules. (Ord. Nos. 32072; 32472)

SEC. 12A-16. NEPOTISM.

~~— (a) Appointment or employment of relatives.~~

~~— (1) A city official or employee shall not appoint, or take any action to influence the appointment of, that person's relative to a quasi-judicial board or commission within the city.~~

~~— (2) A city council member shall not appoint any fellow city council member's relative to the ethics advisory commission or to any quasi-judicial board or commission within the city.~~

~~— (3) A city official or employee shall not appoint or employ, or take any action to influence the appointment or employment of, his or her relative to any position of employment within the city.~~

(a) Appointment or employment of relatives.

(1) A city official or employee shall not appoint, or take any action to influence the appointment of, his or her relative to a quasi-judicial

board or commission within the city.

(2) A city council member shall not appoint any fellow city council member's relative to the ethics advisory commission or to any quasi-judicial board or commission within the city.

(3) A city official or employee shall not appoint or employ, or take any action to influence the appointment or employment of, his or her relative to any position of employment within the city.

(b) Supervision of relatives. In addition to the nepotism restrictions of Section 34-5(d) of the city code for employees, no city official shall be permitted to be the immediate supervisor of his or her relative.

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

— (b) ~~Supervision of relatives.~~ In addition to the nepotism restrictions of Section 34-5 (d) of the city code for employees, no city official shall be permitted to be the immediate supervisor of his or her relative.

— (c) ~~Fringe benefits.~~ The general rule described in Subsection (a) does not prohibit the city from granting fringe benefits to city employees as a part of their contracts of employment or as an added incentive to securing or retaining employees. (Ord. Nos. 24316; 27504; 27819; 30391; 32072; 32472)

SEC. 12A-17. CONFIDENTIAL INFORMATION.

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

— (b) ~~Improper disclosure or use.~~ A city official or employee shall not intentionally or knowingly disclose any confidential government information gained by reason of the official's or employee's position. This rule does not prohibit:

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

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

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

— (c) ~~Disclosure of a closed meeting.~~ A city official or employee shall not knowingly disclose to a member of the public the certified agenda, the recording, or the discussion had within a meeting that was lawfully closed to the public, unless the disclosure is made with lawful authority.

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

(b) Improper disclosure or use. A city official or employee shall not knowingly disclose any confidential government information gained by reason of the official's or employee's position. This subsection does

not prohibit:

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

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

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

(c) Disclosure of a closed meeting. A city official or employee shall not knowingly disclose to a member of the public the certified agenda, the recording, or the discussion had within a meeting that was lawfully closed to the public, unless the disclosure is made with lawful authority.

(d) Penalty. A person commits an offense if he or she discloses confidential information in violation of Subsections (b) or (c). (Ord. Nos. 24316; 30391; 32072; 32472)

SEC. 12A-18. REPRESENTATION OF PRIVATE INTERESTS.

— (a) ~~Representation before the city.~~

— (1) ~~General rule.~~

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

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

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

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

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

~~_____ (2) Exceptions. The restrictions in this subsection do not apply to:~~

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

(a) Representation before the city.

(1) General rule.

(A) Representation for compensation.

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

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

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

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

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

(2) Exceptions. The restrictions in this subsection do not apply to:

(A) A person who is a city official only because that person is an appointed member of a board, commission, or body, may represent for compensation a person, group, or entity before the city so long as the

representation is not before the board, commission, or body that the person is a member of.

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

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

(D) A member of a municipal management district board.

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

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

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

(4) Campaign disclosure.

(A) Applicability.

(1) A person who was paid to participate in, or served as a campaign treasurer in, a sitting councilmember's most recent city council campaign and who represents themselves, their client, their employer, or another third party at a public or private city meeting where at least one councilmember is present must disclose that participation. A "campaign treasurer" is the person designated as a campaign treasurer for a candidate under the Texas Election Code.

(2) A person who represents at a public or private city meeting where at least one councilmember is present the interests of a person or entity that was paid to participate in a sitting councilmember's most recent city council campaign must disclose that participation.

(B) Disclosure requirement. Campaign participation must be disclosed verbally immediately:

(1) after stating his or her name and address for the record during a public city meeting where the representation is taking place; or

(2) at the beginning of a private city meeting.

The most recent campaign includes both the campaign for the general election and the runoff election, if applicable.

(b) Representation in litigation adverse to the city.

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

(2) Board and commission members. A person who is a city official only because that person is an appointed member of a board, commission, or body shall not represent any person, group, or entity (other than themselves or their relative) in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to the interests of the city and the matter is substantially related to the official's duties to the city.

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

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

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

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

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

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

~~————— (B) state or imply that the city official or employee can influence city action on any basis other than the merits.~~

~~————— (b) Representation in litigation adverse to the city.~~

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

~~————— (2) Board and commission members. A person who is a city official only because that person is an appointed member of a board, commission, or body shall not represent any person, group, or entity (other than themselves or their relative) in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to the interests of the city~~

and the matter is substantially related to the official's duties to the city.

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

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

~~————— (d) Municipal management district boards. The restrictions stated in Subsection (a) do not apply to a member of a municipal management district board. (Ord. Nos. 24316; 27819; 30391; 32072; **32472**)~~

SEC. 12A-19. CONFLICTING OUTSIDE EMPLOYMENT.

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

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

~~————— (2) personally provide services for compensation, directly or indirectly, to a person or organization that is requesting an approval, investigation, or determination from the body or department of which the official or employee is a member.~~

~~————— (b) Exception. The restrictions stated in Subsection (a) do not apply to:~~

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

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

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

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

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

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

— (3) employment does not conflict with his or her duties as an employee of the city.

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

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

(2) personally provide services for compensation, directly or indirectly, to a person or organization that is requesting an approval, an investigation, or a determination from the body or department of which the official or employee is a member.

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

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

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

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

approval of outside employment as applicable.

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

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

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

(3) employment does not conflict with his or her duties as an employee of the city. (Ord. Nos. 24316; 27819; 32072; 32472)

SEC. 12A-20. PUBLIC PROPERTY AND RESOURCES.

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

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

— (c) City officials and employees may not apply for or obtain an incentive offered by the city, including grants, loans, tax abatements, and tax credits, unless the incentive is available to the general public, the

application is evaluated under the same criteria that apply to the general public, and the incentive is subject to the same terms and conditions that apply to the general public.

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

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

(c) City officials and employees may not apply for or obtain an incentive offered by the city, including grants, loans, tax abatements, and tax credits, unless the incentive is available to the general public, the application is evaluated under the same criteria that apply to the general public, and the incentive is subject to the same terms and conditions that apply to the general public. (Ord. Nos. 24316; 30391; 32072; 32472)

SEC. 12A-21. POLITICAL ACTIVITY.

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

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

~~(A) an endorsement, a city official (who is a city official only because that person is an appointed member of a board, commission, or body) is not prohibited from lending the city official's name so long as the office held with the city is not mentioned;~~

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

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

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

Code; or

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

~~(b) Employees. A city employee may become a candidate for public office. A city employee may not~~

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

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

(A) an endorsement, a city official (who is a city official only because that person is an appointed member of a board, commission, or body) is not prohibited from lending the city official's name so long as the office held with the city is not mentioned;

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

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

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

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

(b) Employees. A city employee may become a candidate for public office. A city employee may not be disciplined, including termination, solely because the city employee becomes a candidate for public office. The city employee must, however, still fulfill all

the duties and responsibilities associated with his or her city employment.

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

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

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

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

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

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

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

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

(h) **Public property and resources.** Limitations on the use of public property and resources for political purposes are imposed by Section 12A-20 of this chapter.

be disciplined, including termination, solely because the city employee becomes a candidate for public office. The city employee must, however, still fulfill all the duties and responsibilities associated with their city employment.

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

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

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

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

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

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

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

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

— (h) Public property and resources. Limitations on the use of public property and resources for political purposes are imposed by Section 12A-20 of this chapter. (Ord. Nos. 24316; 25203; 29645; 30391; 32072; 32472)

SEC. 12A-22. PROHIBITED INTERESTS IN CONTRACTS.

— (a) Charter restrictions relating to financial interests in city contracts. A city official or employee shall comply with the restrictions on financial interests in city contracts in Chapter XXII, Section 11 of the city charter except as provided in Section 12A-20(c). The restrictions on financial interests in a city contract in Chapter XXII, Section 11 of the city charter do not apply to a nominee or member of a city board or commission except as provided in Subsection (b) below and Section 12A-20(c).

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

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

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

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

— (1) board or commission that is advisory only;

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

— (3) municipal management district board.

(a) Charter restrictions relating to financial interests in city contracts. Except as provided in Section 12A-20(c), a city official or employee shall comply with the restrictions on financial interests in city contracts in Chapter XXII, Section 11 of the city

charter. The restrictions on financial interests in a city contract in Chapter XXII, Section 11 of the city charter do not apply to a nominee or member of a city board or commission except as provided in Subsection (b) and Section 12A-20(c).

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

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

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

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

(1) board, commission, or body that is advisory only;

(2) committees or task forces formed by boards or commissions;

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

(4) municipal management district board.

~~— (d) Restrictions relating to the first year of employment. During the first year of city service, a city official or employee shall not participate in the making or awarding of a contract or attempt to use their official position to influence a city decision relating to a contract if a party to the contract is a person or entity by whom the city official or employee was employed within one year before beginning city service.—~~

(d) Restrictions relating to the first year of employment. During the first year of city service, a city official or employee shall not participate in the making or awarding of a contract or attempt to use their official position to influence a city decision relating to a contract if a party to the contract is a person or entity by whom the city official or employee was employed within one year before beginning city service. (Ord. Nos. 24316; 27504; 27819; 29645; 30391; 32072; 32472)

SEC. 12A-23. *EX PARTE COMMUNICATIONS.*

~~— No person shall, directly or indirectly, communicate with any city official of any quasi-judicial city board or commission as to any adjudicative matter that is, or may reasonably be expected to be, pending before the board or commission, unless a full disclosure of the communication is simultaneously made available to every other party to the matter. This prohibition does not apply to any communication by a city employee with the city board or commission in the performance of the city employee's official duties.—~~

No person shall, directly or indirectly, communicate with any city official of any quasi-judicial city board or commission regarding any adjudicative matter that is, or may reasonably be expected to be, pending before the board or commission, unless a full disclosure of the communication is simultaneously made available to every other party to the matter. This prohibition does not apply to any communication by a city employee with the city board or commission in the performance of the city employee's official duties. (Ord. Nos. 32072; 32472)

SEC. 12A-24. RECUSAL AND DISCLOSURE.

~~— (a) General rule. A city official or employee whose conduct or action on a matter would violate any section in Articles II and III of this chapter must recuse themselves. From the time that the conflict is~~

~~recognized, the city official or employee shall:~~

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

~~— (2) promptly, file with the city secretary a written statement disclosing the conflict of interest.—~~

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

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

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

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

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

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

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

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

~~———— (8) a city council member shall promptly disclose that member's conflict to the city council and shall not be present during any discussion or voting on the matter.~~

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

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

(2) promptly file with the city secretary a written statement disclosing the conflict of interest.

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

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

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

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

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

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

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

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

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

(c) Exception to the recusal requirement. If a city official is required to file and does file a written statement disclosing a conflict of interest under Subsection (a), the official is not required to abstain from further participation in the matter requiring the written statement if a majority of the members of the city council, a board or commission, or another city body of which the official is a member is composed of persons who are likewise required to file and who do file written statements of similar interest on the same official action. (Ord. Nos. 30391; 32072; 32472)

ARTICLE IV.

FORMER CITY OFFICIALS AND EMPLOYEES.

SEC. 12A-25. CONTINUING
CONFIDENTIALITY.

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

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

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

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

~~— (b) Disclosure of a closed meeting. A former city official or employee shall not knowingly disclose to a member of the public the certified agenda, the recording, or the discussion had within a meeting that was lawfully closed to the public, unless the disclosure is made with lawful authority.~~

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

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

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

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

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

32072; 32472)

SEC. 12A-26. SUBSEQUENT
REPRESENTATION.

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

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

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

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

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

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

~~_____ (c) Representation in litigation adverse to the city. A former city official or employee shall not, absent consent from the inspector general, represent any person, group, or entity (other than himself or herself or his or her relative) in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to the interests of the city and the matter is one in which the former city official or employee personally participated prior to termination of his or her official duties or is a matter substantially related to such a matter.~~

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

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

(1) before the city council or that board,

commission, or body;

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

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

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

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

(c) Representation in litigation adverse to the city. A former city official or employee shall not, for a duration of one year after completing his or her service with the city, represent any person, group, or entity (other than himself or herself or his or her relative) in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to the interests of the city and the matter is one in which the former city official or employee personally participated prior to termination of his or her official duties or is a matter substantially related to such a matter.

(d) Statement or implication of inappropriate influence. In connection with the representation of private interests, a former city official or employee shall not state or imply that he or she can influence city action on any basis other than the merits. (Ord. Nos. 24316; 32072; 32472)

SEC. 12A-27. DISCRETIONARY
CONTRACTS.

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

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

~~— (1) submit a proposal, on behalf of the official or employee or on behalf of a private business entity, to make any discretionary city contract; or~~

~~— (2) negotiate or enter into any discretionary city contract.~~

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

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

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

~~— (2) a member of a board or commission that is advisory only; or~~

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

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

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

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

(1) submit a proposal, on behalf of the official or employee or on behalf of a private business entity, to make any discretionary city contract; or

(2) negotiate or enter into any discretionary city contract.

(c) Prior participation in negotiation or award of contract and disclosure requirements. A former city official or employee may not, within one year after the termination of official duties, perform work on a

compensated basis relating to a discretionary contract with the city if he or she personally participated in the negotiation or awarding of the contract. A former city official or employee, for one year after termination of official duties, must disclose to the city secretary immediately upon knowing that he or she will perform work on a compensated basis relating to any discretionary contract with the city.

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

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

(2) a member of a board, commission, or body that is advisory only;

(3) a volunteer on a committee or task force formed by a board or commission; or

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

(e) Waivers. The prohibitions of Subsections (a), (b), and (c) may be waived by the city council, after a review of the specific circumstances, for a person who is considered a former official because he or she was a member of a board or commission that is more than advisory in nature. (Ord. Nos. 24316; 24721; 32072; 32472)

SEC. 12A-28. RESTRICTIONS ON LOBBYING.

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

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

~~—(c) A city employee, including city employees who are city officials, shall be prohibited from registering as a lobbyist and from lobbying city council~~

~~members, or any city department, board, or commission, for one year after leaving employment with the city.~~

~~—(d) Nothing in this section prohibits a person from lobbying on behalf of another government agency if they are employed by that governmental agency.~~

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

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

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

(d) Nothing in this section prohibits a person from lobbying on behalf of another government agency if they are employed by that governmental agency. (Ord. Nos. 30391; 32072; 32472)

ARTICLE V.

LOBBYISTS.

SEC. 12A-29. DEFINITIONS.

~~In this article, unless specifically provided otherwise:~~

~~(1) CITY OFFICIAL means:~~

~~(A) The mayor and city council members.~~

~~(B) The city manager, assistant city managers, and chiefs.~~

~~(C) The city attorney, first assistant city attorney, and inspector general.~~

~~(D) The city secretary and first assistant city secretary.~~

~~(E) The city auditor and first assistant city auditor.~~

~~(F) Municipal judges.~~

~~(G) All department directors.~~

~~(H) City of Dallas appointed members to the following boards and commissions:~~

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

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

~~(iii) City plan commission.~~

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

~~(v) Community development commission.~~

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

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

~~(viii) Ethics advisory commission.~~

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

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

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

~~(xii) All local government corporation boards.~~

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

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

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

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

In this article, unless specifically provided otherwise:

(1) CITY OFFICIAL means:

(A) The mayor and city council members.

(B) The city manager, assistant city managers, and chiefs.

(C) The city attorney, first assistant city attorney, and inspector general.

(D) The city secretary and first assistant city secretary.

(E) The city auditor and first assistant city auditor.

(F) Municipal judges.

(G) All department directors.

(H) City of Dallas appointed members to the following boards and commissions:

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

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(v) Community development commission.

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(vii) Dallas - Fort Worth international airport board.

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(xii) All local government corporation boards.

(xiii) All municipal management district boards.

(xiv) Park and recreation board.

(xv) Permit and license appeal board.

(xvi) All reinvestment zone boards.

~~person is both a client and a lobbyist.~~

~~(B) In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.~~

~~(C) In the case of a limited liability company, limited partnership company, or similar entity, the client includes the managers and general~~

~~(2) CLIENT.~~

(A) "Client" means any person on whose behalf lobbying is conducted. If a person engages in lobbying on that person's own behalf, whether directly or through the acts of others, the person is both a client and a lobbyist.

(B) In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(C) In the case of a limited liability company, limited partnership company, or similar entity, the client includes the managers and general partners, but does not include the non-managing members or limited partners.

(D) In the case of affiliated business entities, the client includes the parent entity and each subsidiary with a direct economic interest in a municipal question and on whose behalf the municipal question is being lobbied but does not include any other subsidiaries or entities whose only involvement in the municipal question or lobbying activities is being under the common control or ownership structure of the parent entity.

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~~(A) "Client" means any person on whose behalf lobbying is conducted. If a person engages in lobbying on that person's own behalf, whether directly or through the acts of others, the~~

partners, but does not include the non-managing members or limited partners.

_____(D) In the case of affiliated business entities, the client includes the parent entity and each subsidiary with a direct economic interest in a municipal question and on whose behalf the municipal question is being lobbied but does not include any other subsidiaries or entities whose only involvement in the municipal question or lobbying activities is being under the common control or ownership structure of the parent entity.

_____(3) COMPENSATION.

_____(A) "Compensation" means any money, service, facility, or other thing of value that is received, or is to be received, in return for or in connection with lobbying services rendered, or to be rendered, including reimbursement of expenses incurred in lobbying.

_____(B) "Compensation" does not include:

_____(i) a payment made to any individual regularly employed by a person if:

_____(aa) the payment ordinarily would be made regardless of whether the individual engaged in lobbying activities; and

_____(bb) lobbying activities are not part of the individual's regular responsibilities to the person making the payment; or

_____(ii) any amounts previously reported under Section 12A-33 of this article.

_____(C) If a lobbyist engages in both lobbying activities and other activities on behalf of a person, compensation for lobbying includes all amounts received from that person, if, for the purpose of evading the obligations imposed under this article, the lobbyist has structured the receipt of compensation in a way that unreasonably minimizes the value of the lobbying activities.

_____(D) Compensation that has not yet been received is considered to be received on the date that it is earned, if that date is ascertainable; otherwise, it is received on the date on which the contract or agreement for compensation is made, or on the date lobbying commences, whichever is first.

(3) COMPENSATION.

(A) "Compensation" means any money, service, facility, or other thing of value that is received, or is to be received, in return for or in connection with lobbying services rendered, or to be rendered, including reimbursement of expenses incurred in lobbying.

(B) "Compensation" does not include:

(i) a payment made to any individual regularly employed by a person if:

(aa) the payment ordinarily would be made regardless of whether the individual engaged in lobbying activities; and

(bb) lobbying activities are not part of the individual's regular responsibilities to the person making the payment; or

(ii) any amounts previously reported under Section 12A-33 of this article.

(C) If a lobbyist engages in both lobbying activities and other activities on behalf of a person, compensation for lobbying includes all amounts received from that person, if, for the purpose of evading the obligations imposed under this article, the lobbyist has structured the receipt of compensation in a way that unreasonably minimizes the value of the lobbying activities.

(D) Compensation that has not yet been received is considered to be received on the date that it is earned, if that date is ascertainable; otherwise, it is received on the date on which the contract or agreement for compensation is made, or on the date lobbying commences, whichever is first.

_____(4) EXPENDITURE.

_____(A) "Expenditure" means a payment;

~~distribution, loan, advance, reimbursement, deposit, or gift of money or anything of value, including a contract, promise, or agreement to make an expenditure, regardless of whether such contract, promise, or agreement is legally enforceable.~~

~~————— (B) "Expenditure" does not include:~~

~~————— (i) an amount paid to any individual regularly employed by a person if:~~

~~————— (aa) the amount paid to the individual is ordinarily paid regardless of whether the individual engages in lobbying activities; and~~

~~————— (bb) lobbying activities are not part of the individual's regular responsibilities to the person making the payment; or~~

~~————— (ii) the cost of photocopying city documents, if those costs are the only expenditures made by the person in question on lobbying activities.~~

~~————— (C) The date on which an expenditure is incurred is determined according to generally accepted accounting principles.~~

~~————— (5) GIFT has the same meaning as in Section 12A-2.~~

~~————— (6) IMMEDIATE FAMILY means a spouse, a domestic partner, and dependent children.~~

~~————— (7) LOBBYIST means a person who engages in lobbying, whether directly or through the acts of another. If an agent or employee engages in lobbying for a principal or employer, both the agent and the~~

(4) EXPENDITURE.

(A) "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or gift of money or anything of value, including a contract, promise, or agreement to make an expenditure, regardless of whether such contract, promise, or agreement is legally enforceable.

(B) "Expenditure" does not include:

(i) an amount paid to any individual regularly employed by a person if:

(aa) the amount paid to the individual is ordinarily paid regardless of whether the

individual engages in lobbying activities; and

(bb) lobbying activities are not part of the individual's regular responsibilities to the person making the payment; or

(ii) the cost of photocopying city documents, if those costs are the only expenditures made by the person in question on lobbying activities.

(C) The date on which an expenditure is incurred is determined according to generally accepted accounting principles.

(5) GIFT has the same meaning as in Section 12A-2.

(6) IMMEDIATE FAMILY means a spouse, a domestic partner, and dependent children.

(7) LOBBYIST means a person who engages in lobbying, whether directly or indirectly. If an agent or employee engages in lobbying for a principal or employer, both the agent and the principal, or the employee and the employer, are lobbyists.

principal, or the employee and the employer, are lobbyists.

~~_____ (8) LOBBY or LOBBYING.~~

~~_____ (A) "Lobby or lobbying" means any oral or written communication (including an electronic communication) to a city official, made directly or indirectly by any person in an effort to influence or persuade an official to favor or oppose, recommend, or not recommend, vote for or against, or take or refrain from taking action on any municipal question.~~

~~_____ (B) "Lobby or lobbying" does not include a communication:~~

~~_____ (i) merely requesting information or inquiring about the facts or status of any municipal question, matter, or procedure, and not attempting to influence a city official;~~

~~_____ (ii) made by a public official or employee (including, but not limited to, an official or employee of the city of Dallas) acting in his or her official capacity;~~

~~_____ (iii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;~~

~~_____ (iv) made in a speech, article, publication, or other material that is distributed and made available to the public, or through radio, television, cable television, or any other medium of mass communication;~~

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

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

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

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

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

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

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

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

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

(8) LOBBY or LOBBYING.

(A) "Lobby or lobbying" means any oral or written communication (including an electronic communication) to a city official, made directly or indirectly by any person in an effort to influence or persuade an official to favor or oppose, recommend or not recommend, vote for or against, or take or refrain from taking action on any municipal question.

(B) "Lobby or lobbying" does not include a communication:

(i) merely requesting information or inquiring about the facts or status of any municipal question, matter, or procedure that does not attempt to influence a city official;

(ii) made by a public official or employee (including, but not limited to, an official or employee of the city of Dallas) acting in his or her official capacity;

(iii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iv) made in a speech, article, publication, or other material that is distributed and made available to the public, or through radio, television, cable television, or any other medium of mass communication;

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

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

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

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

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

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

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

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

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

—————(9) LOBBYING FIRM means:

—————(A) a self-employed lobbyist;

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

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

—————(10) MUNICIPAL QUESTION means a public policy issue of a discretionary nature that is pending before, or that may be the subject of action by, the city council or any city board or commission. The term includes, but is not limited to, proposed actions or proposals for action in the form of ordinances,

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(A) a self-employed lobbyist;

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

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

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

resolutions, motions, recommendations, reports, regulations, policies, nominations, appointments, sanctions, and bids, including the adoption of specifications, awards, grants, or contracts. The term does not include the day-to-day application, administration, and execution of city programs and policies such as permitting, platting, and design approval matters related to or in connection with a specific project or development.

____ (11) PERSON means an individual, corporation, association, firm, partnership, committee, club, organization, or a group of persons voluntarily acting in concert.

____ (12) PUBLIC SUBSIDY MATTER means any of the following:

____ (A) A tax abatement.

____ (B) A housing tax credit.

____ (C) An historic development tax abatement.

____ (D) Federal grant money administered by the city.

____ (E) Tax increment financing.

____ (F) An economic development grant or loan.

____ (G) The direct sale or lease of city-owned or city-controlled real property excepted from complying with the notice and bidding requirements of Texas Local Government Code Section 272.001(a) or other law.

____ (13) REGISTRANT means a person required to register under this article.

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

(12) PUBLIC SUBSIDY MATTER means any of the following:

(A) A tax abatement.

(B) A housing tax credit.

(C) An historic development tax abatement.

(D) Federal grant money administered by the city.

(E) Tax increment financing.

(F) An economic development grant or loan.

(G) The direct sale or lease of city-owned or city-controlled real property excepted from complying with the notice and bidding requirements of Texas Local Government Code Section 272.001(a) or other law.

(13) REGISTRANT means a person required to register under this article. (Ord. Nos. 27748; 27834; 30489; 32072; 32472)

SEC. 12A-30. PERSONS REQUIRED TO REGISTER AS LOBBYISTS.

____ (a) Except as provided by Section 12A-31, a person must register with the city secretary if the person:

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

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

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

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

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

____ (b) A lobbying firm that is not required to register under Subsection (a) of this section may register as a lobbyist with the city secretary if the lobbying firm has more than one employee who is required to register under Subsection (a). A lobbying

~~firm that chooses to register under this subsection for all of its employees that are lobbyists, instead of having them register individually, will be deemed to be a "registrant" and "a person required to register" for all purposes of this article and will be subject to all requirements, procedures, and penalties applicable to a "registrant" and "person required to register," as those terms are used in this article.~~

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

~~—(d) A person who is representing an association of city employees or an association of former city~~

(a) Except as provided by Section 12A-31, a person must register with the city secretary if the person:

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

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

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

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

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

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

(c) An attorney who is representing a client must

register as a lobbyist if the attorney meets the compensation or reimbursement standards of Subsection (a). A law firm employing two or more attorneys required to register as lobbyists under this section may register as a lobbying firm instead of registering the individual attorneys.

(d) A person who is representing an association of city employees or an association of former city employees must register as a lobbyist if the person meets the compensation or reimbursement standards of Subsection (a) or if the person is representing the association on a pro bono basis.

employees must register as a lobbyist if the person meets the compensation or reimbursement standards of Subsection (a) or if the person is representing the association on a pro bono basis.—(Ord. Nos. 27748; 27834; 30391; 32072; 32472)

SEC. 12A-31. EXCEPTIONS.

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

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

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

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

—(4) A person who neither knows nor has reason to know that a municipal question is pending at the time of contact with a city official. This exception does not apply if the existence of a municipal question is discovered during on-going contacts with a city

official and the person then engages in additional lobbying of the same official or other city officials with respect to that municipal question.

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

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

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

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

—(b) If, after notification by the city secretary that registration is required, a person claims an exception under this section, that person shall file an affidavit with the city secretary stating the basis for the exception within 14 days after the date of notification. If, after notification by the city secretary that registration is required, the person determines that registration is required, the person must register within 14 days after the date of notification.

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

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

advocated by a media outlet directly impacts, affects, or seeks to influence a municipal question in which the media outlet has a direct or indirect economic interest.

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

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

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

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

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

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

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

(b) If, after notification by the city secretary that registration is required, a person shall, within 14 days of the date of notification:

(1) file an affidavit with the city secretary stating the basis for an exception under this section; or

(2) register as required by this article. (Ord.

Nos. 27748; 30391; 32072; 32472)

SEC. 12A-32. REGISTRATION.

~~—(a) Initial registration. A person required to register as a lobbyist under this article shall file a separate registration for each client. A registrant who makes more than one lobbying contact for the same client shall file a single registration form covering all lobbying contacts for that client. If the registrant is not~~

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

an individual, an authorized officer or agent of the registrant must file the form. An initial registration form relating to a client must be filed by a person required to register under this article within five days after the start of lobbying activity for that client, except that initial registration of a client in a zoning case must be filed within five days after the zoning application is filed with the city. In no event shall a registrant knowingly fail to register, or knowingly fail to disclose such registration to relevant city officials, prior to official city action relating to the subject matter of the lobbying activity.

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

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

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

——— (A) the registrant;

——— (B) the client;

——— (C) any person, other than the client, on whose behalf the registrant has been engaged by the client to lobby;

——— (D) any person, other than the client, who is known by the registrant to contribute financially to the compensation of the registrant, or who, in whole or in major part, plans, supervises, or controls the registrant's lobbying activities on behalf of the client;

——— (E) any lobbying firm for which the registrant is an agent or employee with respect to the client; and

——— (F) each employee or agent of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client.

——— (2) A statement of all municipal questions on which the registrant:

——— (A) has lobbied for the client in the calendar quarter in which the registration is filed and in the three months preceding the filing of the registration, including the name of each city official contacted by the registrant on behalf of the client with regard to each municipal question and the type of contact made with the city official (in person, telephone call, letter, or electronic mail); or

——— (B) will foreseeably lobby for the client in the calendar quarter in which the registration is filed and in the three months following the filing of the registration.

——— (3) If the municipal question relates to a zoning case, the name of each city official contacted and the type of contact made (in person, telephone call, letter, or electronic mail) by the registrant on behalf of the client from the time the registrant began lobbying activities relating to the zoning case until the time the registrant filed a registration for the client in compliance with this section.

——— (4) Disclosure of any employment or arrangement to lobby for the client on a contingent fee basis.

——— (5) A list of any positions held by the registrant as a city official or city employee, as those terms are defined in Section 12A-2, during the 24 months preceding the filing of the registration.

——— (6) A statement that, by filing the registration, the registrant swears or affirms under penalty of perjury that, to the best of the registrant's knowledge, all information contained in the registration is true and correct and that the registration is complete and includes all information required to be disclosed under this article.

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

being conducted or will foreseeably be conducted for the client during the new registration year.

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

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

(A) the registrant;

(B) the client;

(C) any person, other than the client, on whose behalf the registrant has been engaged by the client to lobby;

(D) any person, other than the client, who is known by the registrant to contribute financially to the compensation of the registrant, or who, in whole or in major part, plans, supervises, or controls the registrant's lobbying activities on behalf of the client;

(E) any lobbying firm for which the registrant is an agent or employee with respect to the client; and

(F) each employee or agent of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client.

(2) A statement of all municipal questions on which the registrant:

(A) has lobbied for the client in the calendar quarter in which the registration is filed and in the three months preceding the filing of the registration, including the name of each city official contacted by the registrant on behalf of the client with regard to each municipal question and the type of contact made with the city official (in person, telephone call, letter, electronic mail, etc.); or

(B) will foreseeably lobby for the client in the calendar quarter in which the registration is filed and in the three months following the filing of the registration.

(3) If the municipal question relates to a zoning case, the name of each city official contacted and the type of contact made (in person, telephone call,

letter, electronic mail, etc.) by the registrant on behalf of the client from the time the registrant began lobbying activities relating to the zoning case until the time the registrant filed a registration for the client in compliance with this section.

(4) Disclosure of any employment or arrangement to lobby for the client on a contingent fee basis.

(5) A list of any positions held by the registrant as a city official or city employee, as those terms are defined in Section 12A-2, during the 24 months preceding the filing of the registration.

(6) A statement that, by filing the registration, the registrant swears or affirms under penalty of perjury that, to the best of the registrant's knowledge, all information contained in the registration is true and correct and that the registration is complete and includes all information required to be disclosed under this article.

(7) If the registrant is a former city official or employee, a statement that, by filing the registration, the registrant swears or affirms that, to the best of the registrant's knowledge, the registrant's lobbying activities have not violated and will not foreseeably violate Article III of this chapter, which governs former city officials and employees.

(d) Fee. At the time of filing an initial or subsequent annual registration, a registrant shall pay to the city an annual registration fee of \$300. A separate registration fee is not required for each additional client registered during a registration year. All lobbyist registration fees must be deposited into a separate account within the general fund, which account must be used to offset the costs of administering the city's lobbyist registration program and the costs of handling disclosure filings.

~~————— (7) If the registrant is a former city official or employee, a statement that, by filing the registration, the registrant swears or affirms that, to the best of the registrant's knowledge, the registrant's lobbying activities have not violated and will not foreseeably violate Article III of this chapter, which governs former city officials and employees.~~

~~————— (d) Fee. At the time of filing an initial or subsequent annual registration, a registrant shall pay to the city an annual registration fee of \$300. A separate registration fee is not required for each additional client registered during a registration year. All lobbyist registration fees must be deposited into a separate account within the general fund, which account must be used to offset the costs of administering the city's lobbyist registration program and the costs of handling disclosure filings.~~ (Ord. Nos. 27748; 32072; [32472](#))

SEC. 12A-33. ACTIVITY REPORTS.

~~————— (a) Required disclosures. Except as provided in Section 12A-31 of this article, each registrant shall file with the city secretary a report concerning the registrant's lobbying activities for each client from whom, or with respect to whom, the registrant received compensation of, or expended, monies for lobbying during the prior calendar quarter. The report for the preceding calendar quarter must be filed not earlier than the first day or later than the 15th day of April, July, October, or January, or on the date registration on behalf of the client is required, whichever comes later. If the registrant is not an individual, an authorized officer or agent of the registrant shall file the form. The report must be filed on the form and in the manner prescribed by the city secretary and must include, with respect to the previous calendar quarter, to the extent applicable, the following information:~~

~~————— (1) The name of the registrant, the name of the client, and any changes or updates in the information provided in the most recent registration statement filed pursuant to Section 12A-32.~~

~~————— (2) A list of the specific issues upon which the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of specific legislative proposals and other proposed, pending, or completed official actions.~~

~~————— (3) Disclosure of any employment or arrangement to lobby for the client on a contingent fee basis.~~

~~————— (4) The name of each city official contacted by the registrant on behalf of the client with regard to a municipal question and the type of contact made with the city official (in person, telephone call, letter, or electronic mail).~~

~~————— (5) A list of the employees or agents of the registrant who acted as lobbyists on behalf of the client.~~

~~————— (6) Cumulative lobbying expenditures of over \$5,000 in a calendar quarter, separated into the following categories:~~

~~————— (A) Advertising and publications.~~

~~————— (B) Compensation to other than full-time employees.~~

~~————— (C) Reimbursement to others.~~

~~————— (D) Personal sustenance, lodging and travel, if reimbursed.~~

~~————— (E) Other expenses.~~

~~————— (7) Gifts, benefits, and expenditures that have a cumulative value of more than \$25 that are made to, conferred upon, or incurred on behalf of a city official or his or her immediate family by the registrant, or by anyone acting on behalf of the registrant, in any calendar quarter must be itemized by item, date, city official, actual cost, and circumstances of the transaction. The total aggregate value of all gifts, benefits, and expenditures for each city official shall not exceed \$300 per lobbyist, per calendar year.~~

~~— (8) Each exchange (itemized by date, business entity and address, city official, amount, and nature of transaction) of money, goods, services, or anything of value by the registrant, or by anyone acting on behalf of the registrant, with any business entity in which the registrant knows or should know that a city official has a financial interest, directly or indirectly. For purposes of this paragraph, financial interest includes legal or equitable interest in land, chattels, intangibles, and property rights having more than a de minimum value.~~

For purposes of this paragraph, "exchange" does not include a routine purchase from a commercial business establishment, if the city official in question is neither aware, nor likely to become aware, of the transaction.

~~— (9) The name and position of each city official or member of a city official's immediate family who is employed by the registrant.~~

~~— (10) A statement that, by filing the report, the registrant swears or affirms under penalty of perjury that, to the best of the registrant's knowledge, all information contained in the report is true and correct and that the report is complete and includes all information required to be reported under this article.~~

~~— (b) Information required to be provided to registrant. Each person about whose activities a registrant is required to report by Subsection (a) shall provide a full account of such activities to the registrant at least five days before the registrant's report is due to be filed.~~

~~— (c) Preservation of records. Each registrant shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the activity reports required under this section for two years after the date the report containing such items is filed.~~

~~— (d) No activity or changes. No quarterly activity report is required if there is no activity during the preceding calendar quarter and there are no other changes to items required to be reported.~~

(a) Required disclosures. Except as provided in Section 12A-31 of this article, each registrant shall file with the city secretary a report concerning the registrant's lobbying activities for the prior calendar quarter. The report for the preceding calendar quarter

must be filed not earlier than the first day or later than the 15th day of April, July, October, or January, or on the date registration is required, whichever comes later. A registrant must file a report for each client the registrant received compensation from or expended monies for lobbying during the prior calendar quarter. If the registrant is not an individual, an authorized officer or agent of the registrant shall file the report. The report must be filed on the form and in the manner prescribed by the city secretary and must include, with respect to the previous calendar quarter, to the extent applicable, the following information:

(1) The name of the registrant, the name of the client, and any changes or updates in the information provided in the most recent registration statement filed pursuant to Section 12A-32.

(2) A list of the specific issues upon which the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of specific legislative proposals and other proposed, pending, or completed official actions.

(3) Disclosure of any employment or arrangement to lobby for the client on a contingent fee basis.

(4) The name of each city official contacted by the registrant on behalf of the client with regard to a municipal question and the type of contact made with the city official (in person, telephone call, letter, electronic mail, etc.).

(5) A list of the employees or agents of the registrant who acted as lobbyists on behalf of the client.

(6) Cumulative lobbying expenditures of over \$5,000 in a calendar quarter, separated into the following categories:

(A) Advertising and publications.

(B) Compensation to other than full-time employees.

(C) Reimbursement to others.

(D) Personal sustenance, lodging and travel, if reimbursed.

(E) Other expenses.

(7) Gifts, benefits, and expenditures that have a cumulative value of more than \$25 that are made to, conferred upon, or incurred on behalf of a city official or his or her immediate family by the registrant, or by anyone acting on behalf of the registrant, in any calendar quarter must be itemized by item, date, city official, actual cost, and circumstances of the transaction. Pursuant to Section 12A-35(h), the total aggregate value of all gifts, benefits, and expenditures for each city official shall not exceed \$300 per lobbyist, per calendar year.

(8) Each exchange (itemized by date, business entity and address, city official, amount, and nature of transaction) of money, goods, services, or anything of value by the registrant, or by anyone acting on behalf of the registrant, with any business entity in which the registrant knows or should know that a city official has a financial interest, directly or indirectly. For purposes of this paragraph, financial interest includes legal or equitable interest in land, chattels, intangibles, and property rights having more than a de minimum value.

For purposes of this paragraph, "exchange" does not include a routine purchase from a commercial business establishment, if the city official in question is neither aware, nor likely to become aware, of the transaction.

(9) The name and position of each city official or member of a city official's immediate family who is employed by the registrant.

(10) A statement that, by filing the report, the registrant swears or affirms under penalty of perjury that, to the best of the registrant's knowledge, all information contained in the report is true and correct and that the report is complete and includes all information required to be reported under this article.

(b) Information required to be provided to registrant. Each person about whose activities a registrant is required to report by Subsection (a) shall provide a full account of such activities to the registrant at least five days before the registrant's report is due to be filed.

(c) Preservation of records. Each registrant shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the activity reports required under this section for two years after the date the report containing such items is

filed.

(d) No activity or changes. No quarterly activity report is required if there is no activity during the preceding calendar quarter and there are no other changes to items required to be reported. (Ord. Nos. 27748; 32072; 32472)

SEC. 12A-34. NON-REGISTRANT DISCLOSURE STATEMENTS.

~~—(a) Non-registrant disclosure statement required for zoning cases. Any applicant, property owner, or purchaser with a property under contract who lobbies a city council member or a member of the city plan commission on a municipal question relating to a zoning case that will affect the property shall file a non-registrant disclosure statement in accordance with this section. An initial non-registrant disclosure statement must be filed within five days after the applicant, property owner, or purchaser contacts a city council member or member of the city plan commission for lobbying purposes. This paragraph only applies to lobbying contacts made after the application for the zoning case is filed with the city.~~

~~—(b) Required information. A non-registrant disclosure statement must be filed on the form and in the manner prescribed by the city secretary. If the applicant, property owner, or purchaser with a property under contract is not an individual, an authorized officer or agent of that person shall file the non-registrant disclosure statement. The non-registrant disclosure statement must include, to the extent applicable, the following information:~~

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

~~————(A) the applicant;~~

~~————(B) the property owner; and~~

~~————(C) the purchaser with a property under contract.~~

~~————(2) The full name, telephone number, permanent address, and nature of the business of the person filing the non-registrant disclosure statement, if different from the applicant, property owner, or purchaser.~~

~~————(3) The address of the property that is the~~

~~subject of the designated zoning case.~~

(a) Non-registrant disclosure statement required for zoning cases. Any applicant, property owner, or purchaser with a property under contract who lobbies a city council member or a member of the city plan commission on a municipal question relating to a zoning case that will affect the property shall file a non-registrant disclosure statement in accordance with this section. An initial non-registrant disclosure statement must be filed within five days after the applicant, property owner, or purchaser contacts a city council member or member of the city plan commission for lobbying purposes. This paragraph only applies to lobbying contacts made after the application for the zoning case is filed with the city.

(b) Required information. A non-registrant disclosure statement must be filed on the form and in the manner prescribed by the city secretary. If the applicant, property owner, or purchaser with a property under contract is not an individual, an authorized officer or agent of that person shall file the non-registrant disclosure statement. The non-registrant disclosure statement must include, to the extent applicable, the following information:

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

(A) the applicant;

(B) the property owner; and

(C) the purchaser with a property under contract.

(2) The full name, telephone number, permanent address, and nature of the business of the person filing the non-registrant disclosure statement, if different from the applicant, property owner, or purchaser.

(3) The address of the property that is the subject of the designated zoning case.

~~———— (4) A description of the designated zoning case.~~

~~———— (5) The name of each city council member or city plan commission member contacted by the applicant, property owner, or purchaser relating to a zoning case and the type of contact made (in person, telephone call, letter, or electronic mail).~~

~~———— (6) A statement that, by filing the non-registrant disclosure statement, the filer swears or affirms under penalty of perjury that, to the best of the filer's knowledge, all information contained in the non-registrant disclosure statement is true, correct, and complete and includes all information required to be disclosed under this section.~~

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

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

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

~~———— (1) an applicant, property owner, or purchaser with a property under contract who is currently registered with the city as a lobbyist and filing activity reports in accordance with this article; or~~

~~———— (2) a neighborhood association, crime watch group, or homeowner's association or its members when lobbying on a municipal question that affects the group or association as a whole.~~

~~(4) A description of the designated zoning case.~~

~~(5) The name of each city council member or city plan commission member contacted by the~~

applicant, property owner, or purchaser relating to a zoning case and the type of contact made (in person, telephone call, letter, electronic mail, etc.).

(6) A statement that, by filing the non-registrant disclosure statement, the filer swears or affirms under penalty of perjury that, to the best of the filer's knowledge, all information contained in the non-registrant disclosure statement is true, correct, and complete and includes all information required to be disclosed under this section.

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

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

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

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

(2) a neighborhood association, crime watch group, or homeowner's association or its members when lobbying on a municipal question that affects the group or association as a whole. (Ord. Nos. 27748; 30489; 32072; 32472)

SEC. 12A-35. RESTRICTED ACTIVITIES.

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

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

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

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

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

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

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

~~— (f) Prohibited representations. A person who lobbies or engages another person to lobby, or any other person acting on behalf of such person, shall not~~

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

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

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

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

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

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

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

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

~~represent, either directly or indirectly, orally or in writing, that the person can control or obtain the vote or action of any city official.~~

~~— (g) Lobbying by bidders and proposers on city contracts and public subsidy matters.~~

~~— (1) Bidders and proposers on city contracts.~~

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

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

~~— (2) Public subsidy matters.~~

~~— (A) A person applying for or requesting a public subsidy matter shall not lobby a city council member either directly or indirectly (through a representative, employee, or agent) from the time a complete application or request is accepted until the applicant or requestor is notified that the public subsidy matter will not be placed on a city council agenda or the public subsidy matter is approved or denied by city council.~~

~~— (B) A city council member shall not discuss an application or request for a public subsidy matter either directly (with the person or entity submitting the application or request) or indirectly (with a lobbyist, representative, employee, or agent of the person or entity submitting the application or request) from the time a complete application or request is accepted until the applicant or requestor is notified that the public subsidy matter will not be placed on a city council agenda or the public subsidy matter is approved or denied by city council.~~

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

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

~~— (i) Limits on gifts, benefits, and expenditures. A lobbyist shall not confer gifts, benefits, and expenditures upon a city official exceeding a total aggregate value of \$300 per lobbyist, per calendar year.~~

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

(1) Bidders and proposers on city contracts.

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

(B) A city council member shall not discuss a request for bids or a request for proposals on a city contract either directly (with the person or entity submitting the bid or proposal) or indirectly (with a lobbyist, representative, employee, or agent of the

person or entity submitting the bid or proposal) from the time the advertisement or public notification of the request for bids or request for proposals is made until the time the contract is awarded by the city council. The department issuing the request for bids or request for proposals shall forward to all city council members any protest received and any response to that protest before city council considers awarding that city contract.

(2) Public subsidy matters.

(A) A person applying for or requesting a public subsidy matter shall not lobby a city council member either directly or indirectly (through a representative, employee, or agent) from the time a complete application or request is accepted until the applicant or requestor is notified that the public subsidy matter will not be placed on a city council agenda or the public subsidy matter is approved or denied by city council.

(B) A city council member shall not discuss an application or request for a public subsidy matter either directly (with the person or entity submitting the application or request) or indirectly (with a lobbyist, representative, employee, or agent of the person or entity submitting the application or request) from the time a complete application or request is accepted until the applicant or requestor is notified that the public subsidy matter will not be placed on a city council agenda or the public subsidy matter is approved or denied by city council.

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

(h) Limits on gifts, benefits, and expenditures. A lobbyist shall not confer gifts, benefits, and expenditures upon a city official exceeding a total aggregate value of \$300 per lobbyist, per calendar year. (Ord. Nos. 27748; 30391; 32072; 32472)

SEC. 12A-36. IDENTIFICATION OF CLIENTS.

~~—(a) Appearances. Each person who lobbies or engages another person to lobby before the city council or before a city board or commission identified in Section 12A-29(1)(II) shall orally identify himself or herself and any client he or she represents upon beginning an address. Each person who lobbies or~~

~~engages another person to lobby shall also disclose on appropriate sign-in sheets his or her identity, the~~

identity of the client he or she represents, and whether he or she is registered as a lobbyist under this article.

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

~~—— (c) Written lobbying contacts. Any registrant who makes a written lobbying contact (including an electronic communication) with a city official shall identify each client on whose behalf the lobbying contact is made and identify himself or herself as a registered lobbyist.~~

(a) **Appearances.** Each person who lobbies or engages another person to lobby before the city council or before a city board or commission identified in Section 12A-29(1)(H) shall orally identify himself or herself and any client he or she represents upon beginning an address. Each person who lobbies or engages another person to lobby shall also disclose on appropriate sign-in sheets his or her identity, the identity of the client he or she represents, and whether he or she is registered as a lobbyist under this article.

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

(c) **Written lobbying contacts.** Any registrant who makes a written lobbying contact (including an electronic communication) with a city official shall identify each client on whose behalf the lobbying contact is made and identify himself or herself as a registered lobbyist. (Ord. Nos. 27748; 30391; 32072; 32472)

SEC. 12A-37. TIMELINESS OF FILING REGISTRATIONS, ACTIVITY REPORTS, AND NON-REGISTRANT DISCLOSURE STATEMENTS.

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

United States mail or by common or contract carrier is timely if:

~~—— (1) it is properly addressed with postage and handling charges prepaid;~~

~~—— (2) it bears a post office cancellation mark or a receipt mark from a common or contract carrier indicating a time within the applicable filing period or before the applicable filing deadline, or the person required to file furnishes satisfactory proof that it was deposited in the mail or with a common or contract carrier within that filing period or before that filing deadline; and~~

~~—— (3) it was in fact received by the city secretary.~~

~~—— (b) A registration, an activity report, or a non-registrant disclosure statement filed electronically is timely if it is time and date stamped as having been~~

received by the city's server by 5 p.m. on the last day permitted for filing the particular registration, report, or statement under this article.

(a) A registration, an activity report, or a non-registrant disclosure statement filed by first-class United States mail or by common or contract carrier is timely if:

(1) it is properly addressed with postage and handling charges prepaid;

(2) it bears a post office cancellation mark or a receipt mark from a common or contract carrier indicating a time within the applicable filing period or before the applicable filing deadline, or the person required to file furnishes satisfactory proof that it was deposited in the mail or with a common or contract carrier within that filing period or before that filing deadline; and

(3) it was in fact received by the city secretary.

(b) A registration, an activity report, or a non-registrant disclosure statement filed electronically is timely if it is time and date stamped as having been received by the city's server by 5:00 p.m. on the last day permitted for filing. (Ord. Nos. 27748; 32072; 32472)

SEC. 12A-38. ADMINISTRATION.

—The city secretary shall:

—(1) provide guidance and assistance on requirements for lobbyist registration, activity reports, and non-registrant disclosure statements and develop common standards, rules, and procedures for compliance with this article;

—(2) coordinate with the inspector general to review registrations, activity reports, and non-registrant disclosure statements for completeness and timeliness;

—(3) maintain filing, coding, and cross-indexing systems to carry out the purposes of this article, including:

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

—(B) computerized systems designed to

minimize the burden of filing and maximize public access to materials filed under this article;

—(4) on a quarterly basis, provide an updated list of all registered lobbyists and lobbying firms, and their clients, to the inspector general, the city council, the city manager, the city attorney, the city auditor, the administrative municipal judge, all department heads, and all chairs of boards and commissions identified in Section 12A-29(1)(H) of this article;

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

The city secretary shall:

(1) provide guidance and assistance on requirements for lobbyist registration, activity reports, and non-registrant disclosure statements and develop common standards, rules, and procedures for compliance with this article;

(2) coordinate with the inspector general to review registrations, activity reports, and non-registrant disclosure statements for completeness and timeliness;

(3) maintain filing, coding, and cross-indexing systems to carry out the purposes of this article, including:

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

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

(4) on a quarterly basis, provide an updated list of all registered lobbyists and lobbying firms, and their clients, to the inspector general, the city council, the city manager, the city attorney, the city auditor, the administrative municipal judge, all department heads, and all chairs of boards and commissions identified in Section 12A-29(1)(H);

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

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

~~_____ (6) retain registrations, activity reports, and non-registrant disclosure statements in accordance with the Local Government Records Act (Title 6, Subtitle C, Texas Local Government Code, as amended). (Ord. Nos. 27748; 32702; 32472)~~

SEC. 12A-39. VIOLATIONS; PENALTY.

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

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

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

(b) An offense under this article is punishable by a criminal fine not to exceed \$500. (Ord. Nos. 27748; 32472)

ARTICLE VI.

REPORTING REQUIREMENTS.

SEC. 12A-40. FINANCIAL DISCLOSURE REPORT.

~~_____ (a) Who must file:~~

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

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

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

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

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

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

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

~~(vi) Community development commission.~~

~~(vii) Dallas Area Rapid Transit board.~~

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

~~(ix) Ethics advisory commission.~~

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

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

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

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

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

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

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

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

~~(C) The inspector general.~~

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

~~(E) Assistant city managers and chiefs.~~

(a) Who must file.

(1) Designated city officials and designated city employees. Before initially accepting appointment or assuming the duties of office, and annually thereafter, the following city officials and employees

shall file with the city secretary a complete, sworn financial disclosure report complying with Subsection (b):

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

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

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

(iii) Business development corporation board.

(iv) City plan and zoning commission.

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

(vi) Community development commission.

(vii) Dallas Area Rapid Transit board.

(viii) Dallas-Fort Worth international airport board.

(ix) Ethics advisory commission.

(x) Fire code advisory and appeals board.

(xi) Housing finance corporation board.

(xii) Landmark commission and landmark commission alternate members.

(xiii) Park and recreation board.

(xiv) Permit and license appeal board.

(xv) All reinvestment zone boards.

(xvi) All municipal management district boards.

(B) The first assistant city attorney.

(C) The inspector general.

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

(E) Assistant city managers and chiefs.

(F) Municipal judges.

(G) Chief financial officer.

~~_____ (F) Municipal judges.~~

~~_____ (G) Chief financial officer.~~

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

(2) The mayor, city council members, the city attorney, the city manager, and candidates for city council. The mayor, each city council member, the city attorney, the city manager, and each candidate for a place on the city council are required to file with the city secretary verified financial statements complying with Chapter 145 of the Texas Local Government Code, as amended.

~~_____ (b) Contents of financial disclosure report.~~

~~_____ (1) For purposes of this subsection:~~

~~_____ (A) FAMILY MEMBER means a spouse, domestic partner, or dependent of an official or employee required to file a financial disclosure report under Subsection (a)(1).~~

~~_____ (B) REPORTING PARTY means a city official or employee filing a financial disclosure report as required under Subsection (a)(1).~~

~~_____ (2) Each financial disclosure report must be on a form provided by the Office of the Inspector General and must contain all of the following information:~~

~~_____ (A) Name of the reporting party.~~

~~_____ (B) Name of each family member of the reporting party.~~

~~_____ (C) Names under which the reporting party and his or her family members do business.~~

~~_____ (D) Names of the employers of the reporting party and his or her family members.~~

~~_____ (E) Identification of each source of income amounting to more than \$300 received in the preceding calendar year by the reporting party or a family member.~~

~~_____ (F) Identification of each business entity (including self-employment in the form of a sole proprietorship under a personal or assumed name) in which the reporting party or a family member has an investment of more than \$1,000 at the fair market value at the time of the financial disclosure report, which investment must be described in the financial disclosure report.~~

~~_____ (G) Identification of each non-profit entity or business entity in which the reporting party or a family member is a partner, manager, director, officer, or board member, or serves in any other policymaking position.~~

~~_____ (H) Identification of any business entity that the reporting party knows is a partner, parent, or subsidiary business entity of a business entity owned, operated, or managed by the reporting party or a family member.~~

~~_____ (I) Identification of any person or business entity from whom, within the previous calendar year, the reporting party or his or her spouse or domestic partner, directly or indirectly, has:~~

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

~~_____ (ii) accepted an offer of employment that is binding or expected by the parties to be carried out.~~

~~_____ (J) Identification (by exact street address or, if no street address is ascertainable, by lot and block description) of all real property located within the State of Texas in which the reporting party or a family member has a leasehold interest, a contractual right to purchase, or an interest as fee simple owner, beneficial owner, partnership owner, joint owner with an individual or corporation, or owner of more than 25 percent of a corporation that has title to the real property. The following property is not required to be disclosed:~~

~~_____ (i) Property used as a personal residence of a peace officer.~~

(b) Contents of financial disclosure report.

(1) For purposes of this subsection:

(A) FAMILY MEMBER means a spouse, domestic partner, or dependent of an official or

employee required to file a financial disclosure report under Subsection (a)(1).

(B) REPORTING PARTY means a city official or employee filing a financial disclosure report as required under Subsection (a)(1).

(2) Each financial disclosure report must be on a form provided by the Office of the Inspector General and must contain all of the following information:

(A) Name of the reporting party.

(B) Name of each family member of the reporting party.

(C) Names under which the reporting party and his or her family members do business.

(D) Names of the employers of the reporting party and his or her family members.

(E) Identification of each source of income amounting to more than \$300 received in the preceding calendar year by the reporting party or a family member.

(F) Identification of each business entity (including self-employment in the form of a sole proprietorship under a personal or assumed name) in which the reporting party or a family member has an investment of more than \$1,000 at the fair market value at the time of the financial disclosure report, which investment must be described in the financial disclosure report.

(G) Identification of each non-profit entity or business entity in which the reporting party or a family member is a partner, manager, director, officer, or board member, or serves in any other policymaking position.

(H) Identification of any business entity that the reporting party knows is a partner, parent, or subsidiary business entity of a business entity owned, operated, or managed by the reporting party or a family member.

(I) Identification of any person or business entity from whom, within the previous calendar year, the reporting party or his or her spouse or domestic partner, directly or indirectly, has:

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

(ii) accepted an offer of employment that is binding or expected by the parties to be carried out.

(I) Identification (by exact street address or, if no street address is ascertainable, by lot-and-block description) of all real property located within the State of Texas in which the reporting party or a family member has a leasehold interest; a contractual right to purchase; or an interest as fee simple owner, beneficial owner, partnership owner, joint owner with an individual or corporation, or owner of more than 25 percent of a corporation that has title to the real property. The following property is not required to be disclosed:

(i) Property used as a personal residence of a peace officer.

~~_____ (ii) Property over which the reporting party has no decision power concerning acquisitions or sales.~~

~~_____ (iii) Property held through a real estate investment trust, mutual fund, or similar entity, unless the reporting party or a family member participates in the management of the trust, fund, or entity.~~

~~_____ (K) Identification of persons or entities to whom the reporting party or a family member owes an unsecured debt of more than \$5,000, but not including debts for:~~

~~_____ (i) money borrowed from a relative; or~~

~~_____ (ii) revolving charge accounts.~~

~~_____ (L) Identification of all persons or entities who owe the reporting party or a family member an unsecured debt of more than \$5,000, but not including debts owed by relative.~~

~~_____ (M) Identification of the source of each gift or accumulation of gifts from one source of more than \$300 in estimated fair market value received by the reporting party or a family member, or received by a person for the use or benefit of the reporting party or a family member, within the preceding calendar year and the estimated fair market value of each gift. Quarterly reports required under this article can be used to meet this requirement. This requirement does not include:~~

~~_____ (i) a gift received from a relative, if given on account of kinship, or from a domestic partner, if given on account of personal relationship;~~

~~_____ (ii) a gift received by will, by intestate succession, or as distribution from an inter vivos or testamentary trust established by a spouse, domestic partner, or ancestor;~~

~~_____ (iii) gifts received among and between fellow city officials and city employees;~~

~~_____ (iv) a lawful campaign or officeholder contribution reported as required by Chapter 254 of the Texas Election Code; and~~

~~_____ (v) admission to an event in which the reporting party is participating in connection with official duties.~~

~~_____ (c) Open records. A financial disclosure report is an open record subject to the Texas Open Records Act and must be maintained in accordance with the Local Government Records Act.~~

~~_____ (d) Annual filing date. An annual financial disclosure report filed by an official or employee who is required to report must be received by the city secretary by 5:00 p.m. on April 30. When the deadline falls on a Saturday or Sunday, or on an official city holiday as established by the city council, the deadline for receipt by the city secretary is extended to 5:00 p.m. of the next day that is not a Saturday, Sunday, or official city holiday. The inspector general may for good cause grant an extension of time in which to file a report upon written request submitted in advance of the deadline. The extension may not exceed 15 days.~~

~~_____ (e) Reporting periods. Each initial or annual financial disclosure report filed by an individual designated in Subsection (a)(1) must disclose information relating to the prior calendar year.~~

~~_____ (f) City secretary.~~

~~_____ (1) The city secretary shall:~~

~~_____ (A) prior to January 15 of each year, notify all city officials and employees designated in Subsection (a)(1) of their obligation to file financial disclosure reports with the Office of the Inspector General, and shall provide the officials and employees with the appropriate forms to be completed;~~

~~_____ (B) provide forms to all new city council appointees and advise them of reporting requirements and deadlines;~~

(ii) Property over which the reporting party has no decision power concerning acquisitions or sales.

(iii) Property held through a real

estate investment trust, mutual fund, or similar entity, unless the reporting party or a family member participates in the management of the trust, fund, or entity.

(K) Identification of persons or entities to whom the reporting party or a family member owes an unsecured debt of more than \$5,000, but not including debts for:

(i) money borrowed from a relative; or

(ii) revolving charge accounts.

(L) Identification of all persons or entities who owe the reporting party or a family member an unsecured debt of more than \$5,000, but not including debts owed by relative.

(M) Identification of the source of each gift or accumulation of gifts from one source of more than \$300 in estimated fair market value received by the reporting party or a family member, or received by a person for the use or benefit of the reporting party or a family member, within the preceding calendar year and the estimated fair market value of each gift. Quarterly reports required under this article can be used to meet this requirement. This requirement does not include:

(i) a gift received from a relative, if given on account of kinship, or from a domestic partner, if given on account of personal relationship;

(ii) a gift received by will, by intestate succession, or as distribution from an inter vivos or testamentary trust established by a spouse, domestic partner, or ancestor;

(iii) gifts received among and between fellow city officials and city employees;

(iv) a lawful campaign or officeholder contribution reported as required by Chapter 254 of the Texas Election Code; and

(v) admission to an event in which the reporting party is participating in connection with official duties.

(c) Open records. A financial disclosure report is an open record subject to the Texas Open Records Act and must be maintained in accordance with the Local Government Records Act.

(d) Annual filing date. An annual financial disclosure report filed by an official or employee who is required to report must be received by the city secretary by 5:00 p.m. on April 30. When the deadline falls on a Saturday or Sunday, or on an official city holiday as established by the city council, the deadline for receipt by the city secretary is extended to 5:00 p.m. of the next day that is not a Saturday, Sunday, or official city holiday. The inspector general may for good cause grant an extension of time in which to file a report upon written request submitted in advance of the deadline. The extension may not exceed 15 days.

(e) Reporting periods. Each initial or annual financial disclosure report filed by an individual designated in Subsection (a)(1) must disclose information relating to the prior calendar year.

(f) City secretary.

(1) The city secretary shall:

(A) prior to January 15 of each year, notify all city officials and employees designated in Subsection (a)(1) of their obligation to file financial disclosure reports with the city secretary, and shall provide the officials and employees with the appropriate forms to be completed;

(B) provide forms to all new city council appointees and advise them of reporting requirements and deadlines;

~~_____ (C) provide guidance and assistance on the reporting requirements for persons required to file financial disclosure reports and develop common standards, rules, and procedures for compliance with this article;~~

~~_____ (D) Reserved.~~

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

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

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

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

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

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

~~_____ (g) In addition to other remedies and penalties set forth in this chapter, a violation of this section is punishable by a criminal fine not to exceed \$500.~~

(C) provide guidance and assistance on the reporting requirements for persons required to file financial disclosure reports and develop common standards, rules, and procedures for compliance with this article;

(D) Reserved.

(E) maintain filing, coding, and cross-indexing systems to carry out the purpose of this article

and maintain a publicly available list of all persons required to file a financial disclosure report;

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

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

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

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

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

(g) In addition to other remedies and penalties set forth in this chapter, a violation of this section is punishable by a criminal fine not to exceed \$500. (Ord. Nos. 24316; 24485; 25236; 25906; 27819; 30391; 32072; 32472)

SEC. 12A-41. SHORT FORM ANNUAL REPORT.

~~— A person who is required to file an annual financial disclosure report under Section 12A-40(a)(1) may fulfill those filing obligations by submitting a short sworn statement on a form provided by the inspector general to the city secretary, if there have been no changes in the information disclosed by that person in a complete financial disclosure report filed within the past five years. The short statement must indicate the date of the person's most recently filed complete financial disclosure report and must state that there have been no changes in that information.~~

A person who is required to file an annual financial disclosure report under Section 12A-40(a)(1) may fulfill those filing obligations by submitting a short sworn statement on a form provided by the inspector general to the city secretary. A person is eligible to submit a short statement, if there have been no changes in the information disclosed by that person in a complete financial disclosure report filed within the past five years. The short statement must indicate the date of the person's most recently filed complete financial disclosure report and must state that there have been no changes in that information. The annual filing date of the short form annual report is the same as that for the financial disclosure report in Section 12A-40(d). (Ord. Nos. 24316; 25906; 32072; 32472)

SEC. 12A-42. GIFT REPORTING.

~~— (a) General:~~

~~— (1) City official and employee disclosure statements for all gifts received in each three-month period in a calendar year must be filed on a quarterly basis, subject to the reporting exceptions below. City officials and employees may use the annual Financial Disclosure Report, required under Section 12A-40, as the first quarter's disclosure statement.~~

~~— (2) All disclosure statements must be filed in an electronic format with the city secretary. Disclosure statements must include the:~~

~~— (A) date of the gift;~~

~~— (B) identity of the person or entity making the gift;~~

~~— (C) name of the city official or employee receiving the gift;~~

~~— (D) a description of the gift; and~~

~~— (E) the estimated monetary value of the gift.~~

(a) General.

(1) All city officials and employees must file a disclosure statement on a quarterly basis, for all reportable gifts received in each three-month period in a calendar year, subject to the reporting exceptions below. City officials and employees required to file an annual Financial Disclosure Report, under Section 12A-40, may use it as the first quarter's disclosure statement.

(2) All disclosure statements must be filed in an electronic format with the city secretary. Disclosure statements must include the:

(A) date of the gift;

(B) identity of the person or entity giving the gift;

(C) name of the city official or employee receiving the gift;

(D) a description of the gift; and

(E) the estimated monetary value of the gift.

~~———— (3) City officials and employees are not required to report gifts with a monetary value of less than \$300, except that reporting is required for gifts from a single source in a single year with a cumulative value of \$300 or more, excluding gifts of perishable food or beverages of an estimated value of \$100 or less.~~

~~———— (4) City officials and employees are not required to report gifts from a relative or person with whom the city official or employee has a personal, professional, or business relationship, unless the gift is accepted in the city official or employee's official capacity as described in Section 12A-2(25).~~

~~———— (b) Reporting of gifts over \$300. A city official and employee required to file a financial disclosure report under Section 12A-40 of this chapter shall report all gifts of \$300 or more in the financial disclosure report.~~

~~———— (c) Additional requirements for city officials in Subsection (a). City officials listed in Subsection (a) who have received no reportable gifts must file a quarterly gift report acknowledging that no reportable gifts were received.~~

~~———— (d) Additional departmental reporting requirements. Employees must file this disclosure statement in addition to any departmental requirements.~~

(3) City officials and employees are not required to report gifts with a monetary value of less than \$300, except that reporting is required for gifts from a single source in a single year with a cumulative value of \$300 or more, excluding gifts of perishable food or beverages of an estimated value of \$100 or less.

(4) City officials and employees are not required to report gifts from a relative or person with whom the city official or employee has a personal, professional, or business relationship, unless the gift is accepted in the city official or employee's official capacity as described in Section 12A-2(25).

(b) Reporting of gifts over \$300. The mayor, city council members, the city attorney, the city manager, and city officials and employees required to file a financial disclosure report under Section 12A-40 shall also report all gifts of \$300 or more in the financial disclosure report.

(c) Additional requirements for city officials in Section 12A-40(a). The mayor, city council members, the city attorney, the city manager, and designated city officials listed in Section 12A-40(a) who have received no reportable gifts must file a quarterly gift report acknowledging that no reportable gifts were received.

(d) Additional departmental reporting requirements. Employees must file this disclosure statement in addition to any departmental requirements. (Ord. Nos. 32072; 32472)

SEC. 12A-43. DONATIONS.

~~———— (a) City officials, employees, and departments receiving a donation to the city of money, real estate, products, or services shall report the donation to the city secretary and the city manager or the city manager's designee on a form to be provided by the city manager or the city manager's designee. The report must include the date of the donation; the identity of the person or business entity making the donation; the city official, employee, or department receiving the donation; a description of the donation; the estimated monetary value of the donation; the intended use of the~~

~~donation; and the actual use and disposition of the donation. Reports of all donations, subject to the exceptions below, received in each three-month period in a calendar year, are required to be submitted to the city secretary on a quarterly basis. The report must be filed with the city manager or the city manager's designee within 30 days after receipt of the donation. This report is required in addition to any other documentation required for the donation.~~

~~—(b) The individual or department that receives the donation is responsible for reporting the donation.~~

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

(a) City officials, employees, and departments receiving a donation to the city of money, real estate, products, or services shall report the donation to the city secretary and the city manager or the city manager's designee on a form to be provided by the city manager or the city manager's designee. The report must include:

- (1) the date of the donation;
- (2) the identity of the person or business entity making the donation;
- (3) the city official, employee, or department receiving the donation;
- (4) a description of the donation;
- (5) the estimated monetary value of the donation;
- (6) the intended use of the donation; and
- (7) the actual use and disposition of the donation.

Reports of all donations, subject to the exceptions below, received in each three-month period in a calendar year, are required to be submitted to the city secretary on a quarterly basis. The report must be filed with the city manager or the city manager's designee within 30 days after receipt of the donation. This report is required in addition to any other documentation required for the donation.

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

(c) Reporting is not required for donations to the city of money, real estate, products, or services with a monetary value of less than \$1,000, except that reporting is required for donations from a single source in a single year with a cumulative value of \$1,000 or more. (Ord. Nos. 32072; 32472)

SEC. 12A-44. TRAVEL REPORTING REQUIREMENTS.

~~—(a) Any person who, in connection with his or her official duties, accepts a trip or excursion to a location greater than 50 miles from the city that involves the gratuitous provision of transportation, accommodations, entertainment, meals, or refreshments paid for by a person or entity other than a public agency, received in each three-month period in a calendar year, must file with the city secretary (except subordinates of the city manager, who shall also file with the city manager) on a quarterly basis, a disclosure statement identifying:~~

- ~~—(1) the name of the sponsor of the trip or excursion;~~
- ~~—(2) the name of the person or entity paying for the trip or excursion, if different from the sponsor;~~
- ~~—(3) the places to be visited; and~~
- ~~—(4) the purpose and dates of the travel.~~

(a) Except as provided in Section 12A-12(b), any person who, in connection with his or her official duties, accepts a trip or excursion to a location greater than 50 miles from the city that involves the gratuitous provision of transportation, accommodations, entertainment, meals, or refreshments paid for by a person or entity other than a public agency, received in each three-month period in a calendar year (quarterly), must file with the city secretary (except subordinates of the city manager, who shall also file with the city manager) on a quarterly basis, a disclosure statement identifying:

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

(3) the places to be visited; and

(4) the purpose and dates of the travel.

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

(c) All employees must file this disclosure statement in addition to any departmental requirements.

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

~~—(c) All employees must file this disclosure statement in addition to any departmental requirements.~~ (Ord. Nos. 24316; 25906; 30391; 32072; 32472)

SEC. 12A-45. VIOLATION OF REPORTING REQUIREMENTS.

~~—Failure to timely file a report required under this article is a violation of this chapter, as is the filing of a report with incorrect, misleading, or incomplete information.~~

Failure to timely file a report required under this article is a violation of this chapter, as is the filing of a report with incorrect, misleading, or incomplete information. (Ord. Nos. 24316; 25906; 32072; 32472)

SEC. 12A-45.1. REPORTING REQUIREMENTS CHART.

REPORT	WHO REPORTS	DUE DATE	SUBMITTED TO
Financial Disclosure Report Section 12A-40	<ol style="list-style-type: none"> 1. City of Dallas appointed members to the following boards, commissions, and committees: <ol style="list-style-type: none"> a. Board of Adjustment and Board of Adjustment Alternate Members b. Building Inspection Advisory, Examining, and Appeals Board c. Business Development Corporation Board d. City Plan and Zoning Commission e. Civil Service Board and Civil Service Board Adjunct Members f. Community Development Commission g. Dallas Area Rapid Transit Board h. Dallas-Fort Worth International Airport Board i. Ethics Advisory Commission j. Fire Code Advisory and Appeals Board k. Housing Finance Corporation Board l. Landmark Commission and Landmark Commission Alternate Members m. Park and Recreation Board n. Permit and License Appeal Board o. All Reinvestment Zone Boards p. All Municipal Management District Boards 2. First Assistant City Attorney 3. Inspector General 4. City Auditor and City Secretary, and their First Assistants 5. Assistant City Managers and Chiefs 6. Municipal Judges 7. Chief Financial Officer 	Annual Filing Date: 5:00 p.m., April 30th. * When the deadline falls on a Saturday or Sunday, or on an official city holiday as established by the city council, the deadline for receipt by the City Secretary is extended to 5:00 p.m. of the next day that is not a Saturday, Sunday, or official city holiday. * The Inspector General may for good cause grant an extension of time in which to file a report upon written request submitted in advance of the deadline. The extension may not exceed 15 days.	City Secretary

<p>Financial Statement Report</p> <p>Texas Local Government Code Chapter 145</p>	<ol style="list-style-type: none"> 1. Mayor 2. City Council Members 3. City Attorney 4. City Manager 5. Candidates for a Place on the City Council 	<p>Annual Filing Date for the Mayor, City Council Members, City Attorney, and City Manager - 5:00 p.m., April 30th</p> <p>Filing Date for Candidates for a Place on City Council, not later than the earlier of:</p> <ol style="list-style-type: none"> 1. The 20th day after deadline for filing an application for a place on the ballot of an election; or 2. The fifth day before the date of the election. <p>* When the deadline falls on a Saturday, Sunday, or an official national or state holiday, the deadline for receipt by the City Secretary is extended to 5:00 p.m. of the next day that is not a Saturday, Sunday, or an official national or state holiday.</p> <p>* The City Attorney or City Manager may request the City Secretary to grant an extension of not more than 60 days for filing the statement.</p>	<p>City Secretary</p>
<p>Short Form Annual Report</p> <p>Section 12A-41</p>	<p>A person who is required to file an annual financial disclosure report may fulfill those filing obligations by submitting a short sworn statement if there have been no changes in the information disclosed by that person in a complete financial disclosure report filed within the past five years.</p>	<p>Annual Filing Date: 5:00 p.m., April 30th.</p> <p>* When the deadline falls on a Saturday or Sunday, or on an official city holiday as established by the city council, the deadline for receipt by the City Secretary is extended to 5:00 p.m. of the next day that is not a Saturday, Sunday, or official city holiday.</p>	<p>City Secretary</p>

<p>Gift Reporting</p> <p>Section 12A-42</p>	<p>City officials and city employees who are not required to file an annual financial disclosure report:</p> <ol style="list-style-type: none"> 1. Not required to report gifts with a monetary value of less than \$300, except that reporting is required for gifts from a single source in a single year with a cumulative value of \$300 or more, excluding gifts of perishable food or beverages of an estimated value of \$100 or less. 2. Must also follow departmental reporting requirements for gifts. <p>City officials and city employees who are required to file an annual financial disclosure report:</p> <ol style="list-style-type: none"> 1. Received gifts with a monetary value of \$300 or more, excluding gifts of perishable food or beverages of an estimated value of \$100 or less. 2. May use the annual financial disclosure report as the first quarter's disclosure statement. 3. Must also follow departmental reporting requirements for gifts. <p>The Mayor, City Council Members, City Attorney, City Manager, and City Officials and Employees under Section 12A-40(a) are required to report:</p> <ol style="list-style-type: none"> 1. Gifts of \$300 or more in the financial disclosure report in addition to the quarterly report. 2. If no reportable gifts were received, must file a quarterly gift report acknowledging that no reportable gifts were received. <p>No one is required to report gifts from a relative or person with whom the city official or employee has a personal, professional, or business relationship, unless the gift is accepted in the city official or employee's official capacity.</p> <p>*See Section 12A-12(b) for gifts that are not considered reportable gifts.</p>	<p>Disclosure statement must be filed on a quarterly basis, for all reportable gifts received in each three-month period in a calendar year.</p>	<p>City Secretary (electronic format)</p>
<p>Donations</p> <p>Section 12A-43</p>	<p>City Officials, city employees, and city departments:</p> <ol style="list-style-type: none"> 1. Reporting is not required for donations to the city of money, real estate, products, or services with a monetary value of less than \$1,000, except that reporting is required for donations from a single source in a single year with a cumulative value of \$1,000 or more. 2. The donation report must be filed in addition to any other documentation required for the donation. 	<p>Donations must be reported to the city secretary on a quarterly basis, received in each three-month period in a calendar year.</p> <p>Donations must be reported to the city manager within 30 days after receipt of the donation.</p>	<p>City Manager (within 30 days of receipt of the donation)</p>
<p>Travel Reporting</p> <p>Section 12A-44</p>	<p>Any person who, in connection with his or her official duties, accepts a trip or excursion to a location greater than 50 miles from the city that involves the gratuitous provision of transportation, accommodations, entertainment, meals, or refreshments paid for by a person or entity other than a public agency.</p>	<p>Travel must be reported on a quarterly basis in each three-month period in a calendar year.</p>	<p>City Secretary</p> <p>Subordinates of the City Manager shall also file with the City Manager.</p>

(Ord. 32472)

ARTICLE VII.

LEGAL COUNSEL.

SEC. 12A-46. CITY ATTORNEY'S OFFICE.

—— (a) The city attorney's office shall act as the legal counsel to the ethics advisory commission.

—— (b) If the ethics advisory commission determines that a person has violated this chapter, the city council may direct the city attorney to initiate whatever legal action is necessary, including but not limited to injunctive relief.

(a) The city attorney's office shall act as the legal counsel to the ethics advisory commission.

(b) If the ethics advisory commission determines that a person has violated this chapter, the city council may direct the city attorney to initiate whatever legal action is necessary, including but not limited to injunctive relief. (Ord. Nos. 32072; 32472)

SEC. 12A-47. DIVISION OF THE INSPECTOR GENERAL.

—— (a) Powers and duties. Supervised by the city attorney to lead the Division of the Inspector General in the City Attorney's Office, the inspector general serves as an independent investigative authority in regard to ethics and official misconduct. The inspector general has the following powers and duties:

—— (1) ~~Seek out and initiate investigations into misconduct involving ethics, fraud, waste, abuse, and corruption of city officials, city employees, and persons doing business with the city.~~

—— (2) ~~Receive and investigate complaints and anonymous tips alleging:~~

—— (A) ~~violations of the laws, ordinances, and rules in Section 12A-50(a)(2); and~~

—— (B) ~~fraud, waste, abuse, and corruption within the city.~~

—— (3) ~~Submit quarterly reports to the ethics advisory commission, the city council, the city auditor, and the city manager detailing the findings of investigations completed by the inspector general.~~

—— (4) ~~Prosecute alleged or suspected violations of the laws, ordinances, and rules in Section 12A-26(a)(2) before the ethics advisory commission and recommend appropriate disciplinary action.~~

—— (5) ~~Issue subpoenas for the attendance of witnesses or the production of documents or other evidence that the inspector general deems necessary for an investigation into an alleged or suspected violation following the procedures outlined in Section 12A-26(d).~~

—— (6) ~~Make recommendations to the ethics advisory commission that complainants are vexatious and recommend appropriate sanctions for vexatious complainants.~~

—— (7) ~~Issue advisory opinions to city officials and city employees in accordance with Section 12A-45(d).~~

—— (8) ~~Supervise a chief integrity officer to administer and manage the Integrity Officer Program.~~

—— (9) ~~Investigate and enforce claims of retaliation in violation of this chapter.~~

(a) Powers and duties. Supervised by the city attorney to lead the Division of the Inspector General in the City Attorney's Office, the inspector general serves as an independent investigative authority in

regard to ethics and official misconduct. The inspector general has the following powers and duties:

(1) Seek out and initiate investigations into misconduct involving ethics, fraud, waste, abuse, and corruption of city officials, city employees, and persons doing business with the city.

(2) Receive and investigate complaints and anonymous tips alleging:

(A) violations of the laws, ordinances, and rules in Section 12A-50(a)(2); and

(B) fraud, waste, abuse, and corruption within the city.

(3) Submit quarterly reports to the ethics advisory commission, the city council, the city auditor, and the city manager detailing the findings of investigations completed by the inspector general.

(4) Prosecute alleged or suspected violations of the laws, ordinances, and rules in Section 12A-50(a)(2) before the ethics advisory commission and recommend appropriate disciplinary action.

(5) Issue subpoenas in accordance with Paragraph (b)(2).

(6) Make recommendations to the ethics advisory commission that complainants are vexatious and recommend appropriate sanctions for vexatious complainants.

(7) Issue advisory opinions to city officials and city employees in accordance with Subsection (d).

(8) Supervise a chief integrity officer to administer and manage the Integrity Officer Program.

(9) Investigate and enforce claims of retaliation in violation of this chapter.

~~— (b) Investigations initiated by the inspector general. The inspector general has broad authority to initiate investigations, either as the result of a tip received, or upon observing suspicious conduct or documentation. Investigations initiated by the inspector general shall be treated as complaints received by the inspector general, following the same complaint process in Article 12A-49.~~

~~— (c) Quarterly reports. The inspector general shall submit quarterly reports to the ethics advisory commission, the city council, the city auditor, and the city manager detailing the findings and conclusions of all completed investigations, whether initiated by the inspector general or initiated as a result of a formal complaint or anonymous tip. The report shall summarize all completed investigations, including dismissals, approved settlement agreements, and the disposition of prosecutions. For investigations that have been dismissed, the reports shall not include the names of complainants or of persons investigated by the inspector general.~~

~~— (d) Advisory opinions.~~

~~— (1) Confidential advisory opinions.~~

~~— (A) Issuance. By written request to the inspector general, any city official or employee may request a confidential advisory opinion regarding whether his or her own proposed actions or conduct would violate this chapter. The inspector general shall make all reasonable efforts to issue the advisory opinion within 10 business days after receipt of the request. The inspector general, for good cause shown, may decline to issue the opinion.~~

~~— (B) Reliance. A person who reasonably and in good faith acts in accordance with a confidential advisory opinion issued by the inspector general may not be found to have violated this chapter by engaging in conduct approved in the opinion, if:~~

~~— (i) the person requested the issuance of the opinion;~~

~~— (ii) the request for an opinion fairly and accurately disclosed all relevant facts necessary to render the opinion; and~~

~~— (iii) the person waives the attorney-client privilege with respect to the written advisory opinion.~~

~~— (C) Pending confidential advisory opinions. Whenever a confidential advisory opinion from the inspector general has been requested regarding the proposed actions or conduct of an official or employee, no action may be taken by the ethics advisory commission or inspector general regarding those particular actions or conduct until the inspector general issues the confidential advisory opinion. Any time limits that the inspector general is required to follow in processing an ethics complaint regarding those particular actions or conduct will be extended to allow for the inspector general to issue the advisory opinion.~~

~~— (2) General advisory opinions.~~

~~— (A) Publishing. The inspector general may publish written general advisory opinions to serve as guidance to city officials and employees.~~

~~— (B) Reliance. A person who reasonably and in good faith acts in accordance with a general advisory opinion published by the inspector general may not be found to have violated this chapter.~~

~~— (c) Integrity Officer Program.~~

~~— (1) Purpose.~~

~~— (A) The Integrity Officer Program provides support to city departments and offices by ensuring that city employees and persons doing business with the city comply with the Code of Ethics and adhere to all ethical standards and reporting requirements.~~

(b) Investigations.

(1) Except as provided in this subsection, the inspector general has broad authority to initiate investigations, either as the result of a tip received, or upon observing suspicious conduct or documentation. Investigations initiated by the inspector general shall

be treated as complaints received by the inspector general, following the same complaint process in Section 12A-52.

(2) For the purpose of conducting investigations authorized by this chapter, the inspector general shall subpoena witnesses and compel the production of books, papers, and other evidence material in the same manner as is prescribed by the laws of this state for compelling the attendance of witnesses and production of evidence in the corporation court. A person receiving a subpoena in accordance with this section may, before the return date specified in the subpoena, petition the corporation court for a motion to modify or quash the subpoena. Refusal to appear or to produce any document or other evidence after receiving a subpoena pursuant to this paragraph is a violation of this chapter subject to sanctions as described in Section 2-9 of the Dallas City Code.

(3) The inspector general shall not commence or continue an investigation involving alleged conduct that is the subject of pending civil or criminal litigation, and shall instead postpone such investigation pending:

(A) the conclusion of any claim or civil litigation involving the alleged conduct; and

(B) if grand jury proceedings are anticipated, the conclusion of all grand jury proceedings relating to the alleged conduct.

(c) Quarterly reports. The inspector general shall submit quarterly reports to the ethics advisory commission, the city council, the city auditor, and the city manager detailing the findings and conclusions of all completed investigations, whether initiated by the inspector general or initiated as a result of a formal complaint or anonymous tip. The report shall summarize all completed investigations, including dismissals, approved settlement agreements, and the disposition of prosecutions. For investigations that have been dismissed, the reports shall not include the names of complainants or of persons investigated by the inspector general.

(d) Advisory opinions.

(1) Confidential advisory opinions.

(A) Issuance. By written request to the chief integrity officer or city attorney, any city official

or employee may request a confidential advisory opinion regarding whether his or her own proposed actions or conduct would violate this chapter. The attorney assigned to draft the advisory opinion shall make all reasonable efforts to issue the advisory opinion within 10 business days after receipt of the request. The city attorney, for good cause shown, may decline to issue the opinion.

(B) Reliance. A person who reasonably and in good faith acts in accordance with a confidential advisory opinion may not be found to have violated this chapter by engaging in conduct approved in the opinion, if:

(i) the person requested the issuance of the opinion;

(ii) the request for an opinion fairly and accurately disclosed all relevant facts necessary to render the opinion; and

(iii) the person waives the attorney-client privilege with respect to the written advisory opinion.

(C) Pending confidential advisory opinions. Whenever a confidential advisory opinion has been requested regarding the proposed actions or conduct of a city official or employee, no action may be taken by the ethics advisory commission or inspector general regarding those particular actions or conduct until the city attorney or chief integrity officer issues the confidential advisory opinion. Any time limits that the inspector general is required to follow in processing an ethics complaint regarding those particular actions or conduct will be extended to allow for the city attorney or chief integrity officer to issue the advisory opinion.

(2) General advisory opinions.

(A) Publishing. The inspector general, chief integrity officer, or city attorney may publish written general advisory opinions to serve as guidance to city officials and employees.

(B) Reliance. A person who reasonably and in good faith acts in accordance with a general advisory opinion published by the inspector general, chief integrity officer, or city attorney may not be found to have violated this chapter.

(e) Integrity Officer Program.

(1) Purpose.

(A) The Integrity Officer Program provides support to city departments and offices by ensuring that city employees and persons doing business with the city comply with the Code of Ethics and adhere to all ethical standards and reporting requirements.

~~_____ (B) The city manager, city secretary, and city auditor shall designate a liaison to assist the chief integrity officer with ethics training and the Chief Integrity Program.~~

~~_____ (2) Chief integrity officer. The inspector general shall supervise a chief integrity officer to coordinate with city departments and offices to provide training related to integrity, transparency, and accountability within city government. The duties of the chief integrity officer shall include, but not be limited to, the following:~~

~~_____ (A) Administer and manage the Integrity Officer Program under the supervision of the inspector general.~~

~~_____ (B) Develop and implement training programs and other communication with city officials, city employees, and persons doing business with the city that reinforce ethical conduct and the requirements of the code of ethics.~~

~~_____ (C) Assist the inspector general, ethics advisory commission, and city manager on matters of ethics, including proposing amendments to the Code of Ethics.~~

~~_____ (D) Notify all city departments and offices of any significant amendments to the Code of Ethics.~~

~~_____ (E) Annually distribute a plain-language guide to the Code of Ethics to all city officials, employees, and registered lobbyists.~~

~~_____ (F) Assist the inspector general in the enforcement of the Code of Ethics.~~

~~_____ (G) Promote a culture of ethics within the city.~~

(B) The city manager, city secretary, and city auditor shall designate a liaison to assist the chief integrity officer with ethics training and the Chief Integrity Program.

(2) Chief integrity officer. The inspector general shall supervise a chief integrity officer to coordinate with city departments and offices to provide training related to integrity, transparency, and accountability within city government. The duties of

the chief integrity officer shall include, but not be limited to, the following:

(A) Administer and manage the Integrity Officer Program under the supervision of the inspector general.

(B) Develop and implement training programs and other communication with city officials, city employees, and persons doing business with the city that reinforce ethical conduct and the requirements of the code of ethics.

(C) Assist the city attorney, inspector general, ethics advisory commission, and city manager on matters of ethics, including proposing amendments to the Code of Ethics and drafting confidential and general advisory opinions.

(D) Notify all city departments and offices of any significant amendments to the Code of Ethics.

(E) Annually distribute a plain-language guide to the Code of Ethics to all city officials, employees, and registered lobbyists.

(F) Assist the inspector general in the enforcement of the Code of Ethics.

(G) Promote a culture of ethics within the city. (Ord. Nos. 32072; 32472)

SEC. 12A-48. OUTSIDE LEGAL COUNSEL.

~~_____ (a) Ethics advisory commission. An independent outside attorney, who does not otherwise represent the city or a city official or an employee in his or her official capacity, may be appointed by the city council, at the recommendation of the city attorney, to serve as legal counsel to the ethics advisory commission for a particular case whenever:~~

~~_____ (1) a complaint is filed relating to:~~

~~_____ (A) an alleged violation of this chapter by a city council member; or~~

~~_____ (B) an alleged violation of this chapter by a city employee who is a department director or of~~

higher rank;

~~_____ (2) the ethics advisory commission requests such an appointment; or~~

~~_____ (3) the city attorney requests such an appointment for good cause shown.~~

~~_____ (b) City official or employee charged in a complaint.~~

~~_____ (1) A city official or employee charged in a complaint may retain an independent outside attorney, who does not otherwise represent the city or a city official or an employee in his or her official capacity, approved by the city attorney to serve as the person's legal counsel for a particular case.~~

~~_____ (2) If a city official or employee charged in a complaint retains an independent outside attorney approved by the city attorney, the city will pay the reasonable and necessary fees not to exceed the median hourly rate from the most recent State Bar of Texas salary survey for the Dallas-Fort Worth-Arlington metropolitan statistical area, as well as the reasonable costs of that attorney from the time the inspector general files the complaint with the ethics advisory commission through the conclusion of the evidentiary hearing.~~

(a) Ethics advisory commission. An independent outside attorney, who does not otherwise represent the city, a city official, or an employee in his or her official capacity, may be appointed by the city council, at the recommendation of the city attorney, to serve as legal counsel to the ethics advisory commission for a particular case whenever:

(1) a complaint is filed relating to:

(A) an alleged violation of this chapter by a city council member; or

(B) an alleged violation of this chapter by a city employee who is a department director or of higher rank;

(2) the ethics advisory commission requests such an appointment; or

(3) the city attorney requests such an appointment for good cause shown.

(b) City official or employee charged in a

complaint.

(1) Once an information is filed by the inspector general with the ethics advisory commission, a city official or employee named as the respondent in the information may retain an independent outside attorney, who does not otherwise represent the city, a city official, or an employee in his or her official capacity, approved by the city attorney to serve as the person's legal counsel for a particular case.

(2) If a city official or employee charged in a complaint retains an independent outside attorney from an approved list provided by the city attorney, the city will pay the reasonable and necessary fees not to exceed the median hourly rate from the most recent State Bar of Texas salary survey for the Dallas-Fort Worth-Arlington metropolitan statistical area, as well as the reasonable costs of that attorney from the time the inspector general files the complaint with the ethics advisory commission through the conclusion of the evidentiary hearing. The ethics advisory commission shall review the invoice submitted by outside council and determine whether the fees and costs are reasonable and necessary in accordance with this paragraph.

(3) If the ethics advisory commission finds that the city official or employee committed a violation of this chapter, the city official or employee shall reimburse the city for the fees and expenses of an attorney retained under Paragraph (2).

(c) Complaints filed against employees within the Division of the Inspector General. If a complaint is filed against the inspector general or any employee within the Division of the Inspector General, the city attorney shall retain an independent outside attorney, who does not otherwise represent the city, a city official, or the inspector general in his or her official capacity to investigate the complaint to its conclusion in accordance with Article IX.

~~————— (3) If the ethics advisory commission finds that the city official or employee committed a violation of this chapter, the city official or employee shall reimburse the city for the fees and expenses of that attorney. (Ord. Nos. 32072; 32472)~~

ARTICLE VIII.

ETHICS ADVISORY COMMISSION.

SEC. 12A-49. ETHICS ADVISORY COMMISSION - CREATION; COMPOSITION, TERMS, AND QUALIFICATIONS.

~~————— (a) Creation and composition. There is hereby created the ethics advisory commission, to be composed of 15 members appointed by the city council as a whole. The mayor shall appoint the chair, and the full city council shall appoint two vice-chairs. Regular meetings of the commission shall be attended by the entire 15-member commission.~~

~~————— (b) Evidentiary hearing panels.~~

~~————— (1) For purposes of hearing and adjudicating ethics complaints, the city secretary shall divide the commission into panels of five members each. The chair and vice-chairs shall act as presiding officers of the panels. Only one panel may hear and adjudicate a particular ethics complaint. If a case is withdrawn and subsequently refiled, it must be returned to the panel to which it was originally assigned.~~

~~————— (2) The city secretary shall randomly assign ethics complaints to be heard and adjudicated to a panel, except that:~~

~~————— (A) an ethics complaint in which the complainant or respondent is a city council member shall not be heard or adjudicated by the panel whose membership includes the commissioner nominated by that city council member; and~~

~~————— (B) at least two members meeting the special qualifications must be assigned to each five-member panel.~~

~~————— (3) To the greatest extent practicable, the panels must reflect the geographic and ethnic diversity of the city.~~

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

~~————— (d) Qualifications:~~

~~————— (1) Except as provided in this article, each member of the ethics advisory commission shall meet the requirements of Chapter 8 of the city code. Additionally, at least six members of the ethics advisory commission must meet a minimum of one of the following qualifications:~~

~~————— (A) Possess a juris doctorate degree from an institution of higher learning.~~

~~————— (B) Formerly served as a Justice of the Peace.~~

~~————— (C) Currently or formerly employed as a professor or instructor at an institution of higher learning in the following disciplines:~~

~~————— (i) Ethics.~~

~~————— (ii) Criminal justice.~~

~~————— (D) Currently or formerly employed as an ethics officer, or similar position, in a public or private organization, aligning the practices of that organization with the stated ethical standards of the organization or enforcing the ethical standards or codes of the organization.~~

~~————— (2) At least two members meeting the special qualifications must be assigned to each five-member panel.~~

(a) Creation and composition. There is hereby created the ethics advisory commission, to be composed of 15 members appointed by the city council as a whole. The mayor shall appoint the chair, and the

full city council shall appoint two vice-chairs. Regular meetings of the commission shall be attended by a quorum of the entire 15-member commission.

(b) Evidentiary hearing panels.

(1) Once an information has been submitted to the commission for an evidentiary hearing, the city secretary shall select hearing panel members on a random basis, subject to availability, to hear and adjudicate the information. The panel chair shall meet a special qualification requirement and shall act as the presiding officer of the panel. Hearing panels must include at least one other member meeting the special qualifications requirements. Only one panel may hear and adjudicate a particular ethics complaint. If a case is withdrawn and subsequently refiled, it must be returned to the panel to which it was originally assigned.

(2) The city secretary shall randomly assign commissioners to evidentiary hearing panels, except that:

(A) an information in which the complainant or respondent is a city council member shall not be heard or adjudicated by a panel whose membership includes the commissioner nominated by that city council member; and

(B) the city secretary shall make reasonable efforts to select commissioners who did not sit on the most recent evidentiary hearing panel.

(3) To the greatest extent practicable, the panels must reflect the geographic and ethnic diversity of the city.

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

(d) Qualifications.

(1) Except as provided in this article, each member of the ethics advisory commission shall meet the requirements of Chapter 8 of the city code. Additionally, at least six members of the ethics advisory commission must meet a minimum of one of the following special qualifications:

(A) Possess a juris doctorate degree

from an institution accredited by the American Bar Association.

(B) Formerly served as a Justice of the Peace.

(C) Currently or formerly employed as a professor or instructor at an institution of higher learning in the following disciplines:

(i) Ethics.

(ii) Criminal justice.

(D) Currently or formerly employed as an ethics officer, or similar position, in a public or private organization, aligning the practices of that organization with the stated ethical standards of the organization or enforcing the ethical standards or codes of the organization.

(2) At least two members meeting the special qualifications must be assigned to each five-member panel.

~~_____ (3) No member of the commission may be:~~

~~_____ (A) a city official or the relative of a city official;~~

~~_____ (B) a city employee or the relative of a city employee;~~

~~_____ (C) an elected public official;~~

~~_____ (D) a candidate for elected public office;~~

~~_____ (E) a person who, for compensation, represents the private interests of others before the city council;~~

~~_____ (F) a paid campaign worker or a political consultant of a current city council member; or~~

~~_____ (G) a current or former member of a bar association who has had his law license suspended or revoked.~~

(3) No member of the commission may be:

(A) serving as a city official in another capacity or the relative of a person serving as a city official in another capacity;

(B) a city employee or the relative of a city employee;

(C) an elected public official;

(D) a candidate for elected public office;

(E) a person who, for compensation, represents the private interests of others before the city council;

(F) a paid campaign worker or a political consultant of a current city council member; or

(G) a current or former member of a bar association who has had his or her law license suspended or revoked. (Ord. Nos. 24316; 29645; 32072; 32472)

~~_____ (1) The ethics advisory commission shall have jurisdiction to review and make findings concerning any alleged violation of the laws, ordinances, and rules listed in Paragraph (2) by any person subject to those laws, ordinances, or rules, including but not limited to current city officials and employees, former city officials and employees, and persons doing business with the city.~~

~~_____ (2) The ethics advisory commission may consider violations of the following laws, ordinances, and rules:~~

~~_____ (A) Section 8-22, "Board Members," of Article V, "Code of Conduct," of Chapter 8, "Boards and Commissions," of the Dallas City Code;~~

~~_____ (B) Chapter 12A, "Code of Ethics," of the Dallas City Code;~~

SEC. 12A-50. JURISDICTION AND POWERS.

~~_____ (a) Jurisdiction.~~

~~————— (C) Chapter 15A, "Elections," of the Dallas City Code, except to the extent that Chapter 15A is administered and enforced by the Texas Ethics Commission;~~

~~————— (D) the second sentence of Chapter XVI, Section 16(a) of the city charter, which reads "No officer or employee of the city shall directly or indirectly, in any way be required to contribute to any political campaign, political party, organization which supports candidates for public office, or for any partisan political purpose whatsoever;~~

~~————— (E) Chapter XXII, Section 11, "Financial Interest of Employee or Officer Prohibited," of the city charter;~~

~~————— (F) Chapter XXIV, Section 1, "No Officer or Employee to Accept Gift, Etc., From Public Utility," of the city charter;~~

~~————— (G) Chapter IV, Section 5(b)(5), "Districts and Redistricting," of the city charter;~~

~~————— (H) Texas Local Government Code Chapter 145, "Financial Disclosure by and Standards of Conduct for Local Government Officers," as amended;~~

~~————— (I) Texas Local Government Code Chapter 171, "Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and Certain Other Local Governments," as amended;~~

~~————— (J) Texas Local Government Code Chapter 176, "Disclosure of Certain Relationships with Local Government Officers; Providing Public Access to Certain Information," as amended;~~

~~————— (K) Section 212.017, "Conflict of Interest; Penalty," of Texas Local Government Code Chapter 212, "Municipal Regulation of Subdivisions and Property Development," as amended;~~

~~————— (L) conflicts of interest and gift regulations applicable to local government recipients of federal grants, including Subsection (c) of Section~~

(a) Jurisdiction.

(1) The ethics advisory commission shall have jurisdiction to review and make findings concerning any alleged violation of the laws, ordinances, and rules listed in Paragraph (2) by any person subject to those laws, ordinances, or rules,

including but not limited to current city officials and employees, former city officials and employees, and persons doing business with the city.

(2) The ethics advisory commission may consider violations of the following laws, ordinances, and rules:

(A) Section 8-22, "Board Members," of Article V, "Code of Conduct," of Chapter 8, "Boards and Commissions," of the Dallas City Code;

(B) Chapter 12A, "Code of Ethics," of the Dallas City Code;

(C) Chapter 15A, "Elections," of the Dallas City Code, except to the extent that Chapter 15A is administered and enforced by the Texas Ethics Commission;

(D) the second sentence of Chapter XVI, Section 16(a) of the city charter, which reads "No officer or employee of the city shall directly or indirectly, in any way be required to contribute to any political campaign, political party, organization which supports candidates for public office, or for any partisan political purpose whatsoever";

(E) Chapter XXII, Section 11, "Financial Interest of Employee or Officer Prohibited," of the city charter;

(F) Chapter XXIV, Section 1, "No Officer or Employee to Accept Gift, Etc., From Public Utility," of the city charter;

(G) Chapter IV, Section 5(b)(5), "Districts and Redistricting," of the city charter;

(H) Texas Local Government Code Chapter 145, "Financial Disclosure by and Standards of Conduct for Local Government Officers," as amended;

(I) Texas Local Government Code Chapter 171, "Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and Certain Other Local Governments," as amended;

(J) Texas Local Government Code Chapter 176, "Disclosure of Certain Relationships with Local Government Officers; Providing Public Access to Certain Information," as amended;

(K) Section 212.017, "Conflict of

Interest; Penalty," of Texas Local Government Code Chapter 212, "Municipal Regulation of Subdivisions and Property Development," as amended;

(L) conflicts of interest and gift regulations applicable to local government recipients of federal grants, including Subsection (c) of Section 200.318 of Title 2 of the Code of Federal Regulations, as amended; and

(M) any other city rule or city code or city charter provision pertaining to the ethical conduct of city officials or employees.

200.318 of Title 2 of the Code of Federal Regulations, as amended; and

~~_____ (M) any other city rule or city code or city charter provision pertaining to the ethical conduct of city officials or employees.~~

~~_____ (3) The commission may not consider any alleged or suspected violation that occurred more than one year before the date of the filing of a complaint or more than one year before the initiation of an investigation by the inspector general. The inspector general shall not accept, process, or investigate any complaint that is filed more than one year after the date of the alleged or suspected violation.~~

~~_____ (b) Termination of city official's or employee's duties. The termination of a city official's or employee's duties does not affect the jurisdiction of the ethics advisory commission with respect to alleged violations occurring prior to the termination of the official's or employee's official duties.~~

~~_____ (c) Powers. The ethics advisory commission has the following powers only:~~

~~_____ (1) To establish, amend, and rescind rules and procedures governing its own internal organization and operations in a manner and form consistent with this article.~~

~~_____ (2) To meet as often as necessary to fulfill its responsibilities.~~

~~_____ (3) To request from the city manager through the city council the appointment of such staff as is necessary to carry out the duties of the commission.~~

~~_____ (4) To review and dispose of complaints brought by the inspector general.~~

~~_____ (5) To make findings of fact as necessary for the disposition of a complaint.~~

~~_____ (6) To approve, reject, or modify settlement agreements between the inspector general and persons that are the subject of a complaint.~~

~~_____ (7) To make notifications and extend deadlines within the jurisdiction of the ethics advisory commission.~~

~~_____ (8) To advise and make recommendations to the city council concerning the city's ethics code and ethics policies.~~

~~_____ (9) To make determinations that complainants are vexatious, make findings of facts, and sanction persons who are deemed vexatious complainants.~~

~~_____ (10) Such other powers as are specifically granted in this chapter or by the city council.~~

~~_____ (d) Subpoenas.~~

~~_____ (1) The ethics advisory commission has the power to issue subpoenas for the attendance of witnesses or subpoenas for the production of documents or other evidence that the ethics advisory commission deems necessary for an evidentiary hearing. The ethics advisory commission may issue a subpoena only after a written request to appear or provide documents or other evidence has not been complied with and after consultation with the city attorney.~~

~~_____ (2) A party to an ethics complaint (either the complaining party or the party complained against) may request that the ethics advisory commission issue a subpoena. The ethics advisory commission may issue the requested subpoena for good cause upon a showing of the need for the witness, documents, or other evidence. The ethics advisory commission may refuse the requested subpoena upon a finding that good cause does not exist.~~

~~_____ (3) A person may object to a subpoena within seven working days after receiving the~~

subpoena. Objections to subpoenas must be in writing and submitted to the city secretary, and copied to the party who requested the subpoena, if any. The party who requested the subpoena shall have three working days after receipt of the objections to respond in writing to the city secretary. The ethics advisory commission shall rule on the objection. Failure to object to a subpoena waives any objection to the subpoena.

— (4) Refusal to appear or to produce any document or other evidence after receiving a subpoena pursuant to this section is a violation of this chapter subject to sanctions as described in Section 2-9 of the Dallas City Code.

(b) Statute of limitations. The commission may not consider any alleged or suspected violation that occurred more than one year before the date of the filing of a complaint or more than one year before the initiation of an investigation by the inspector general. The inspector general shall not accept, process, or investigate any complaint that is filed more than one year after the date of the alleged or suspected violation. This statute of limitations is tolled during any time an investigation is halted due to ongoing criminal or civil litigation in accordance with Section 12A-47(b)(3).

(c) Termination of city official's or employee's duties. The termination of a city official's or employee's duties does not affect the jurisdiction of the ethics advisory commission with respect to alleged violations occurring prior to the termination of the official's or employee's official duties.

(d) Powers. The ethics advisory commission has only the following powers:

(1) To establish, amend, and rescind rules and procedures governing its own internal organization and operations in a manner and form consistent with this article.

(2) To meet as often as necessary to fulfill its responsibilities.

(3) To request from the city manager through the city council the appointment of such staff as is necessary to carry out the duties of the commission.

(4) To review and dispose of informations brought by the inspector general.

(5) To make findings of fact as necessary for the disposition of an information.

(6) To approve, reject, or modify settlement agreements between the inspector general and respondents.

(7) To review invoices submitted by outside council and determine whether the legal fees and costs are reasonable and necessary in accordance with Section 12A-48(b).

(8) To make notifications and extend deadlines within the jurisdiction of the ethics advisory commission.

(9) To advise and make recommendations to the city council concerning the city's ethics code and ethics policies.

(10) To make determinations that complainants are vexatious, make findings of facts, and sanction persons who are deemed vexatious complainants.

(11) Such other powers as are specifically granted in this chapter or by the city council.

(e) Subpoenas.

(1) The ethics advisory commission has the power to issue subpoenas in accordance with Section 2-8 to compel the attendance of witnesses and the production of testimony and evidence.

(2) At least 14 working days before the hearing, each party may file with the city secretary a request for subpoena of witnesses and documents, in accordance with this subsection:

(A) The request for subpoena of witnesses and documents must include:

(i) the name and address of each witness to be subpoenaed;

(ii) if documents are being subpoenaed, the specific identification of books, papers, documents, or other tangible things sought to be subpoenaed.

(B) The party requesting the subpoena shall notify the subpoenaed witness of postponements, rescheduling, and appearance times.

(C) Either party may object to a subpoena request within seven working days after receiving notice of the subpoena request. Objections to subpoenas must be in writing, submitted to the city secretary, and copied to the opposing party, who has three working days after receipt of the objections to respond in writing to the substantive reasons for the objection.

(D) The city secretary shall forward the written objections and the response to the objections, if any, to the ethics advisory commission panel chair for resolution. If the panel chair is unavailable, the objections must be ruled upon by his or her designee, who shall be a member of the hearing panel.

(E) Each party shall organize and number the responsive information ("the released documents") before turning it over to the city secretary. The released documents must be provided within an amount of time determined by the panel chair or, if no objections are filed, in an amount of time determined by the city secretary. The city secretary shall provide a complete copy of the released documents to both parties of the hearing, at the expense of the party who issued the subpoena for the documents.

(F) The individual picking up the released documents must sign for the produced information. The requesting party has three working days to submit, in writing, any objections to the completeness of the released documents. The producing party has three working days to respond, in writing, to the substantive reasons for the requesting party's objections. The city secretary shall maintain one complete copy of the released documents, to allow the panel chair to fully assess and rule on any objections to the completeness of compliance with the subpoena.

(G) The city secretary shall forward the objections and any response to the objections to the panel chair for resolution. If the panel chair is unavailable, the objections will be ruled upon by his or her designee, who shall be a member of the hearing panel.

(H) Decisions rendered by the panel chair (or his or her designee, if applicable) regarding subpoenas or responsive information are final and are not subject to further appeal.

(I) After all decisions have been rendered by the panel chair regarding the scope of documents to be released pursuant to a subpoena, the city secretary shall provide a complete copy of the released documents to both parties of the hearing, at the expense of the party who issued the subpoena for the documents.

(3) Refusal to appear or to produce any document or other evidence after receiving a subpoena pursuant to this section is a violation of this chapter subject to sanctions as described in Section 2-9 of the Dallas City Code. (Ord. Nos. 24316; 29660; 30391; 32072; 32472)

SEC. 12A-51. ANNUAL REPORT.

~~—The ethics advisory commission shall prepare and submit an annual report to the city council detailing the activities of the commission during the prior year. The format for the report must be designed to maximize public and private understanding of the commission's operations. The report may recommend changes to the text or administration of this chapter. The city secretary shall take reasonable steps to ensure wide dissemination and availability of the annual report of the ethics advisory commission.~~

The ethics advisory commission shall prepare and submit an annual report to the city council detailing the activities of the commission during the prior year. The format for the report must be designed to maximize public and private understanding of the commission's operations. The report may recommend changes to the text or administration of this chapter. The city secretary shall take reasonable steps to ensure wide dissemination and availability of the annual report of the ethics advisory commission. (Ord. Nos. 32072; 32472)

ARTICLE IX.

ETHICS COMPLAINTS, INVESTIGATIONS, AND EVIDENTIARY HEARINGS.

SEC. 12A-52. ETHICS COMPLAINTS AND INVESTIGATIONS.

~~—(a) Filing a complaint. Any person who is a resident of the city, a person doing business or attempting to do business with the city, or a city official or employee, either at the time the alleged~~

violation of this chapter occurred or at the time the complaint is submitted, who believes there has been a violation of

this chapter may file a complaint with the inspector general on a form provided by the inspector general. The inspector general will receive and investigate all complaints. To the greatest extent possible, the complaint should contain the following information and items:-

—————(1) The name, address, email address, and telephone number of the complainant.-

—————(2) The name, address (if known), email address (if known), and telephone number (if known) of each person who allegedly committed the violation.-

—————(3) A statement of the facts on which the complaint is based, including the exact date or dates of the alleged violation.-

—————(4) Identification of the ethics laws, ordinances, and rules allegedly violated, using either a citation to the applicable section or a description containing substantially the same language as the ethics laws, ordinances, and rules (if known).-

—————(5) Copies of the documents or other evidence, if any, referenced in the complaint or in the complainant's possession that support the complaint attached to the complaint. If a complainant submits evidence in an electronic, mechanical, or other format that the inspector general cannot duplicate or display, the inspector general shall request that person to provide the evidence in a format that the office can duplicate or display.-

—————(6) The names, addresses, email addresses, and telephone numbers (if known) of witnesses, if any, that can offer testimony in support of the complaint.-

—————(7) Other sources of evidence, if any, that the complainant recommends should be considered by the inspector general and the ethics advisory commission.-

—————(8) An affidavit in which the complainant swears or affirms, under the penalty of perjury, that:-

(a) Filing a complaint. Any person may file a complaint with the inspector general on a form provided by the inspector general, if the complainant, either at the time the alleged violation of this chapter occurred or at the time the complaint is submitted, is a resident of the city, a person doing business or attempting to do business with the city, or a city official or employee, and the complainant believes there has been a violation of this chapter. The inspector

general will receive and investigate all complaints. To the greatest extent possible, the complaint should contain the following information and items:

(1) The name, address, email address, and telephone number of the complainant.

(2) The name, address (if known), email address (if known), and telephone number (if known) of each person who allegedly committed the violation (the respondent(s)).

(3) A statement of the facts on which the complaint is based, including the exact date or dates of the alleged violation.

(4) Identification of the ethics laws, ordinances, and rules allegedly violated, using either a citation to the applicable section or a description containing substantially the same language as the ethics laws, ordinances, and rules (if known).

(5) Copies of the documents or other evidence, if any, referenced in the complaint or in the complainant's possession that support the complaint attached to the complaint. If a complainant submits evidence in an electronic, mechanical, or other format that the inspector general cannot duplicate or display, the inspector general shall request that the complainant provide the evidence in a format that the office can duplicate or display.

(6) The names, addresses, email addresses, and telephone numbers (if known) of witnesses, if any, that can offer testimony in support of the complaint.

(7) Other sources of evidence, if any, that the complainant recommends should be considered by the inspector general.

(8) An affidavit in which the complainant swears or affirms, under the penalty of perjury, that:

~~_____ (A) the complaint states a violation of this chapter;~~

~~_____ (B) the complaint is not being presented for any improper purpose, such as to harass, cause unnecessary delays, or needlessly increase the cost of defense to the person charged in the complaint; and~~

~~_____ (C) either:~~

~~_____ (i) all information submitted in and with the complaint is true and correct; or~~

~~_____ (ii) to the best of the complainant's knowledge, formed after an inquiry reasonable under the circumstances, the factual contentions in the complaint are supported by credible evidence submitted in and with the complaint.~~

~~_____ (b) Notification. The inspector general shall promptly forward a copy of a complaint to the person charged in the complaint. The person charged in the complaint shall have the opportunity to submit a sworn statement to the inspector general, together with such other information that person believes is relevant.~~

~~_____ (c) Investigations and findings by the inspector general.~~

~~_____ (1) Investigations. Upon receiving a complaint, the inspector general shall initiate an investigation to determine if probable cause exists to move the complaint to the ethics advisory commission for an evidentiary hearing. "Probable cause" exists when there is a reasonable basis to believe that a violation occurred. During the investigation, the inspector general may interview witnesses and gather and inspect documents and other evidence relevant to the complaint.~~

~~_____ (2) Dismissals. The inspector general shall dismiss complaints where the evidence does not substantiate probable cause.~~

~~_____ (3) Recommendations of settlement agreements. If a settlement agreement is reached between the inspector general and the person subject to a complaint, the inspector general's report shall include a recommendation that the complaint be settled according to the terms negotiated with and approved by the person charged in the complaint. The ethics advisory commission may approve the settlement agreement by a majority vote or reject or modify the settlement agreement by a 3/4 vote of the commission at the commission's next regular meeting. If the settlement agreement is rejected by the ethics advisory commission or modified in a way not approved by the person subject to the complaint, the complaint shall be scheduled for an evidentiary hearing in accordance with Section 12A-51.~~

~~_____ (4) Recommendations of prosecution. If the inspector general finds that there is probable cause that a violation occurred and a settlement agreement has not been reached, the inspector general's report shall include a recommendation that the complaint be prosecuted before a panel of the ethics advisory commission for an evidentiary hearing in accordance with Section 12A-51.~~

~~_____ (d) Confidentiality of complaints and investigations.~~

~~_____ (1) No city official or employee shall reveal information relating to a complaint or investigation until it has been made public by the inspector general, except as required for the performance of official duties or as required by law.~~

~~_____ (2) Ex parte communications by or to members of the ethics advisory commission are prohibited by Section 12A-51(b) of this chapter.~~

~~_____ (3) All papers and communications relating to a complaint or investigation are confidential unless required to be made public under the Public Information Act (Chapter 552, Texas Government Code) or other applicable law.~~

(A) the complaint states a violation of this chapter;

(B) the complaint is not being presented for any improper purpose, such as to harass, cause unnecessary delays, or needlessly increase the

cost of defense to the person charged in the complaint; and

(C) either:

(i) all information submitted in and with the complaint is true and correct; or

(ii) to the best of the complainant's knowledge, the factual contentions in the complaint are supported by credible evidence submitted in and with the complaint.

(b) Investigations and findings by the inspector general.

(1) Investigations. The inspector general shall initiate an investigation to determine if a credible allegation exists to move the complaint to the ethics advisory commission for an evidentiary hearing. During the investigation, the inspector general may interview witnesses and gather and inspect documents and other evidence relevant to the allegations.

(2) Dismissals. The inspector general shall dismiss complaints where the evidence does not substantiate a credible allegation.

(3) Recommendations of settlement agreements.

(A) Except as provided in this paragraph, if a settlement agreement is reached between the inspector general and the respondent, the inspector general's report shall include a recommendation that the complaint be settled according to the terms negotiated with and approved by the respondent. The settlement agreement must include the agreed-upon final sanction, if any. The inspector general shall brief the ethics advisory commission on the settlement agreement at the commission's next regular meeting. The ethics advisory commission may reject or modify the settlement agreement by a 3/4 vote of the commission or approve the settlement agreement by a simple majority vote at the commission's next regular meeting. If the settlement is not modified or rejected at the commission's next regular meeting, the settlement is deemed approved. If the settlement agreement is rejected by the ethics advisory commission or modified in a way not approved by the respondent, the information shall be scheduled for an evidentiary hearing in accordance with Paragraph (4).

(B) This paragraph does not apply to current city employees as the disciplinary process is governed by personnel rules, regulations, and procedures.

(4) Prosecution. If the inspector general finds that there exists a credible allegation that a violation occurred and a settlement agreement has not been reached, the inspector general shall file an information with the ethics advisory commission. Once the commission receives the information, the city secretary's office shall select a panel of the commission and schedule the evidentiary hearing. The inspector general shall prosecute the complaint before the panel in accordance with Section 12A-53.

(c) Notification to respondent. Once the inspector general completes an investigation and finds that the complaint is substantiated, the inspector general shall promptly forward a copy of the complaint to the respondent. The inspector general shall notify the respondent of the opportunity to attend a settlement conference.

(d) Confidentiality of complaints and investigations.

(1) No city official or employee shall reveal information relating to a complaint or investigation until it has been made public by the inspector general, except as required for the performance of official duties or as required by law.

(2) *Ex parte* communications by or to members of the ethics advisory commission are prohibited by Section 12A-53(b) of this chapter.

(3) All papers and communications relating to a complaint or investigation are confidential unless required to be made public under the Public Information Act (Chapter 552, Texas Government Code) or other applicable law.

~~—— (e) Compliance with investigations. City officials and employees shall cooperate with inspector general investigations.~~

~~—— (f) False accusations and responses. The inspector general shall, in writing, advise all witnesses interviewed during an ethics investigation that falsely accusing someone of a violation of this chapter may result in criminal prosecution of anyone who knowingly makes a false accusation. The inspector general shall, in writing, advise the person charged in the complaint that falsely responding to a complaint may result in criminal prosecution of anyone who knowingly makes a false response.~~

(e) Compliance with investigations. City officials and employees shall cooperate with inspector general investigations.

(f) False accusations and responses. The inspector general shall, in writing, advise all witnesses interviewed during an ethics investigation that falsely accusing someone of a violation of this chapter may result in criminal prosecution of anyone who knowingly makes a false accusation. The inspector general shall, in writing, advise the person charged in the complaint that falsely responding to a complaint may result in criminal prosecution of anyone who knowingly makes a false response. (Ord. Nos. 24316; 25236; 29660; 29770; 30391; 32072; 32472)

SEC. 12A-53. HEARING PROCEDURES.

~~—— (a) Evidentiary hearing. After a complaint is referred to the ethics advisory commission by the inspector general for an evidentiary hearing, the city secretary shall assign the complaint to a panel of the ethics advisory commission for disposition and schedule the hearing. Not less than 10 days before the hearing, the inspector general shall, by certified mail or personal service, give written notice of the hearing to the person about whom the complaint was made. If a person entitled to notice under this subsection consents in writing, the inspector general may give written notice by facsimile, email, or first class U.S. mail. The notice must state the specific provision or provisions of this chapter alleged to have been violated, as determined by the inspector general's investigation and report to the ethics advisory commission.~~

~~—— (b) Ex Parte communications. It is a violation of~~

this chapter for:

~~—— (1) the complainant, a witness, the person charged in the complaint, or any person acting on their behalf to engage or attempt to engage, directly or indirectly, in any *ex parte* communication about the subject matter of a complaint with a member of the ethics advisory commission; or~~

~~_____ (2) a member of the ethics advisory commission to:~~

~~_____ (A) knowingly entertain an *ex parte* communication prohibited by Subsection (b)(1); or~~

~~_____ (B) knowingly communicate, directly or indirectly, with any person, other than a member of the commission, its staff, or its legal counsel, about any issue of fact or law relating to the complaint.~~

(a) Rules of procedure. Evidentiary hearings must be conducted in accordance with this section and the rules of procedure adopted by the ethics advisory commission.

(b) *Ex parte* communications. It is a violation of this chapter for:

(1) the complainant, a witness, the respondent, the inspector general, or any person acting on their behalf to engage or attempt to engage, directly or indirectly, in any *ex parte* communication about the subject matter of a complaint or information with a member of the ethics advisory commission; or

(2) a member of the ethics advisory commission to:

(A) knowingly entertain an *ex parte* communication prohibited by Subsection (b)(1); or

(B) knowingly communicate, directly or indirectly, with any person, other than a member of the commission, its staff, or its legal counsel, about any issue of fact or law relating to the complaint or information. (Ord. Nos. 24316; 29660; 30391; 32072)

~~_____ (c) Procedural rules. A quorum of four commission panel members must be present for a hearing. Any member of the commission who is not present at a hearing on a complaint may not participate in any discussion, voting, or disposition regarding the complaint. All witnesses must be sworn before any testimony is presented to the panel. The commission is not bound by the rules of evidence and may establish time limits and other rules relating to the participation of any person in the hearing, subject to Subsections (e) and (f).~~

~~_____ (d) Role of the inspector general. In prosecuting the complaint, the inspector general may make a statement and present and cross-examine witnesses.~~

SEC. 12A-54. ~~_____~~ HEARING RULES.

~~_____ (a) Hearings on complaints. The rules contained in this section apply to all hearings of the ethics advisory commission on complaints not summarily dismissed or settled.~~

~~_____ (b) General rules. A determination that a violation of this chapter has occurred can be made only upon a concurring vote of at least 3/4 of the members of a panel. A finding that a violation occurred must be supported by clear and convincing evidence. "Clear and convincing evidence" means that measure or degree of proof that produces in a person's mind a firm belief or conviction as to the truth of the allegations sought to be established.~~

~~— (e) Rights of the person charged. The person charged in the complaint has the right to attend the hearing, the right to make a statement, the right to present and cross-examine witnesses, and the right to represent themselves or be represented by legal counsel or another advisor.~~

~~— (f) Rights of the complainant. The complainant has the right to attend the hearing.~~

(c) Burden of proof. A determination that a violation of this chapter has occurred can be made only upon a concurring vote of at least 3/4 of the members of a panel. A finding that a violation occurred must be supported by a preponderance of the evidence.

(d) Procedural rules. A quorum of four commission panel members must be present for a hearing. Any member of the commission who is not present at a hearing where testimony is given on a complaint may not participate in any discussion, voting, or disposition regarding the complaint. All witnesses must be sworn before any testimony is presented to the panel. The panel is not bound by the rules of evidence and may establish time limits and other rules relating to the participation of any person in the hearing, subject to Subsections (e), (f), and (g).

(e) Role of the inspector general. In prosecuting the complaint, the inspector general may make a statement and present and cross-examine witnesses.

(f) Rights of the respondent. The respondent has the right to attend the hearing, the right to make a statement, the right to present and cross-examine witnesses, and the right to represent themselves or be represented by legal counsel or another advisor. If the respondent does not attend the hearing to provide a defense, the hearing panel may proceed with the hearing to final determination.

(g) Rights of the complainant. The complainant has the right to attend the hearing. (Ord. Nos. 24316; 29660; 30391; 32072; 32472)

SEC. 12A-52-54.

DISPOSITION OF COMPLAINT.

~~— (a) Written decision. The ethics advisory commission panel shall make all reasonable efforts to~~

~~issue a written decision within 20 days after the conclusion of an evidentiary hearing. The commission shall state its findings in the written decision. The written decision must either:~~

~~— (1) dismiss the complaint, with the grounds for dismissal set forth in the decision; or~~

~~— (2) find that there has been a violation of this chapter and identify in the decision the particular provision or provisions violated.~~

~~— (b) Notification. Within 10 days after issuing a written decision, the ethics advisory commission panel shall forward copies of the findings and decision to the complainant, the person charged in the complaint, the city attorney, the city council, the inspector general, the person or body to whom the particular complaint must be referred for sanctions, and any member of the ethics advisory commission who did not participate in the disposition of the complaint. A copy of the findings and decision must also be forwarded to the city secretary, who shall make it available to the public as authorized by law.~~

~~— (c) Similar charges barred. If the complaint is dismissed by a panel of the ethics advisory commission because the evidence failed to establish a violation of this chapter, the ethics advisory commission shall not~~

~~entertain any other similar complaint based on substantially the same evidence.~~

(a) Written decision. The ethics advisory commission panel shall make all reasonable efforts to issue a written decision within 20 days after the conclusion of an evidentiary hearing. The commission shall state its findings in the written decision. The written decision must either:

(1) dismiss the complaint, with the grounds for dismissal set forth in the decision; or

(2) find that there has been a violation of this chapter and identify in the decision the particular provision or provisions violated.

(b) Notification. Within 10 days after issuing a written decision, the ethics advisory commission panel shall forward copies of the written decision to the respondent, the city attorney, the city council, the inspector general, the person or body to whom the particular complaint must be referred for sanctions, and any member of the ethics advisory commission who did not participate in the disposition of the complaint. A copy of the findings and decision must also be forwarded to the city secretary, who shall make it available to the public as authorized by law.

(c) Similar charges barred. If the complaint is dismissed by a panel of the ethics advisory commission because the evidence failed to establish a violation of this chapter, the ethics advisory commission shall not entertain any other similar complaint based on substantially the same evidence. (Ord. Nos. 24316; 25236; 29660; 32072; 32472)

ARTICLE X.

ENFORCEMENT, CULPABLE MENTAL STATE, AND PENALTIES.

SEC. 12A-53-55. GENERAL.

~~—The remedies contained in this article are available whenever the ethics advisory commission finds a violation or violations of this chapter.~~

The remedies contained in this article are available whenever the ethics advisory commission finds a violation or violations of this chapter. (Ord. Nos. 24316; 32072; 32472)

SEC. 12A-54-56. VIOLATIONS; PENALTY.

~~—A person who violates any of the laws, ordinances, and rules listed in Section 12A-48(a)(2), or who fails to perform an act required of the person by any of the laws, ordinances, and rules listed in Section 12A-48(a)(2), commits a violation of this chapter.~~

A person who violates any of the laws, ordinances, and rules listed in Section 12A-50(a)(2), or who fails to perform an act required of the person by any of the laws, ordinances, and rules listed in Section 12A-50(a)(2), commits a violation of this chapter. (Ord. Nos. 30391; 32072; 32472)

SEC. 12A-55-57. CULPABLE MENTAL STATE.

~~—To commit a violation under any provision of this chapter, a person must have acted or failed to act knowingly or with knowledge.~~

To commit a violation under any provision of this chapter, a person must have acted or failed to act knowingly or with knowledge. (Ord. Nos. 24316; 32072; 32472)

SEC. 12A-56-58. DISCIPLINARY ACTION.

~~—(a) An employee who fails to comply with this chapter or who violates this chapter may be disciplined in accordance with city personnel rules and procedures. Where no specific appeal procedure is otherwise prescribed, an appeal by an employee will be to the trial board.~~

(a) An employee who fails to comply with this chapter or who violates this chapter may be disciplined in accordance with city personnel rules and procedures.

~~—— (b) If a city council member fails to comply with this chapter or violates this chapter, the matter must be decided by the city council in accordance with the city charter.~~

~~—— (c) If a member of a board or commission fails to comply with this chapter or violates this chapter, the matter must be decided by the city council in accordance with the city charter.~~

~~—— (d) If the civil service director, the park and recreation director, or the employees' retirement fund administrator fails to comply with this chapter or violates this chapter they may be disciplined in accordance with the personnel rules and the matter must be decided by their respective boards.~~

~~—— (e) If the city manager, city attorney, city auditor, city secretary, or a municipal judge fails to comply with this chapter or violates this chapter they may be disciplined in accordance with the personnel rules and the matter must be decided by the city council.~~

~~—— (f) If a former city official or former city employee fails to comply with this chapter or violates this chapter, the matter must be decided by the city council.~~

~~—— (g) If a person who is not a current or former city official or a current or former city employee fails to comply with this chapter or violates this chapter, the matter must be decided by city council.~~

(b) If a city council member fails to comply with this chapter or violates this chapter, the sanction must be decided by the city council in accordance with the city charter.

(c) If a member of a board or commission fails to comply with this chapter or violates this chapter, the sanction must be decided by the city council in accordance with the city charter.

(d) If the civil service director, the park and recreation director, or the employees' retirement fund administrator fails to comply with this chapter or violates this chapter, they may be disciplined in accordance with the personnel rules and the sanction must be decided by their respective boards.

(e) If the city manager, city attorney, city auditor, city secretary, or a municipal judge fails to comply with

this chapter or violates this chapter, they may be disciplined in accordance with the personnel rules and the sanction must be decided by the city council.

(f) If a former city official or former city employee fails to comply with this chapter or violates this chapter, the sanction must be decided by the city council.

(g) If a person who is not a current or former city official or a current or former city employee fails to comply with this chapter or violates this chapter, the sanction must be decided by city council.

(h) Settlement agreements approved by the ethics advisory commission must include the final sanction, if any. (Ord. Nos. 24316; 30391; 32072; 32472)

SEC. 12A-57-59. SANCTIONS.

~~—— (a) In determining sanctions based on a recommendation of the inspector general and the ethics advisory commission, the person or entity imposing the sanction shall take into consideration the recommendation of the inspector general, the ethics advisory commission, and the following factors:~~

~~—— (1) The culpability of the person charged.~~

~~————— (2) The harm to public or private interests resulting from the violation.~~

~~————— (3) The necessity of preserving public trust in the city.~~

~~————— (4) Whether there is evidence of a pattern of disregard for ethical standards.~~

~~————— (5) Whether remedial action has been taken that will mitigate the adverse effects of the violation.~~

~~———— (b) For current city employees, the sanctioning person shall take appropriate action in accordance with the personnel rules, and may impose any of the following additional sanctions:~~

~~————— (1) Referral to ethics training. The sanctioning person may require a city employee to attend ethics training. When recommending a referral to ethics training, the ethics advisory commission shall include in the recommendation the manner and quantity of training based on the type and severity of the violation.~~

~~————— (2) Referral for damages or injunction. The sanctioning person may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.~~

~~————— (3) Referral for criminal prosecution. The sanctioning person may refer the violation to the Dallas Police Department, if the sanctioning entity finds that the violation warrants criminal prosecution.~~

~~———— (c) For the civil service director, the park and recreation director, or the employees' retirement fund administrator, the sanctioning entity shall take appropriate action in accordance with the personnel rules, and may impose any of the following additional sanctions:~~

~~————— (1) Referral to ethics training. The sanctioning entity may require the person to attend ethics training. When recommending a referral to ethics training, the ethics advisory commission shall~~

(a) In determining sanctions based on a recommendation of the ethics advisory commission, the person or entity imposing the sanction shall take into consideration the recommendation of the ethics advisory commission and the following factors:

(1) The culpability of the person charged.

(2) The harm to public or private interests resulting from the violation.

(3) The necessity of preserving public trust in the city.

(4) Whether there is evidence of a pattern of disregard for ethical standards.

(5) Whether remedial action has been taken that will mitigate the adverse effects of the violation.

(b) For current city employees, the sanctioning person shall take appropriate action in accordance with the personnel rules, and may impose any of the following additional sanctions:

(1) Referral to ethics training. The sanctioning person may require a city employee to attend ethics training. When recommending a referral to ethics training, the ethics advisory commission shall include in the recommendation the manner and quantity of training based on the type and severity of the violation.

(2) Referral for damages or injunction. The sanctioning person may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.

(3) Referral for criminal prosecution. The sanctioning person may refer the violation to the Dallas Police Department, if the sanctioning person finds that the violation warrants criminal prosecution.

(c) For the civil service director, the park and recreation director, or the employees' retirement fund administrator, the sanctioning entity shall take appropriate action in accordance with the personnel rules, and may impose any of the following additional sanctions:

(1) Referral to ethics training. The sanctioning entity may require the person to attend ethics training. When recommending a referral to ethics training, the ethics advisory commission shall include in the recommendation the manner and quantity of training based on the type and severity of the violation.

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————— (2) Referral for damages or injunction. The sanctioning entity may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.

————— (3) Referral for criminal prosecution. The sanctioning entity may refer the violation to the Dallas Police Department, if the sanctioning entity finds that the violation warrants criminal prosecution.

————— (d) For the city manager, city attorney, city auditor, city secretary, or a municipal judge, the city council shall take appropriate action in accordance with the personnel rules, and may impose any of the following additional sanctions:

————— (1) Referral to ethics training. The city council may require the person to attend ethics training. When recommending a referral to ethics training, the ethics advisory commission shall include in the recommendation the manner and quantity of training based on the type and severity of the violation.

————— (2) Referral for damages or injunction. The city council may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.

————— (3) Referral for criminal prosecution. The city council may refer the violation to the Dallas Police Department, if the city council finds that the violation warrants criminal prosecution.

————— (e) For a city council member, a board or commission member, a former city official, or a former city employee, the city council may impose any of the following sanctions:

————— (1) Letter of notification. The city council may issue a letter of notification if the city council finds that a violation of this chapter was clearly unintentional. A letter of notification must advise the

person of any steps to be taken to avoid future violations.

————— (2) Letter of admonition. The city council may issue a letter of admonition if the city council finds that the violation of this chapter was minor, but where the circumstances call for a more substantial response than a letter of notification.

————— (3) Referral to ethics training. The city council may require a current city official to attend ethics training. When recommending a referral to ethics training, the ethics advisory commission shall include in the recommendation the manner and quantity of training based on the type and severity of the violation.

————— (4) Reprimand. The city council may issue a reprimand if the city council finds that a violation of this chapter was not minor and was committed intentionally or through reckless disregard of this chapter.

————— (5) Resolution of censure. The city council may adopt a resolution of censure if the city council finds that a serious or repeated violation of this chapter has been committed intentionally or through reckless disregard of this chapter and the violation substantially threatens the public trust.

————— (6) Voiding of prior actions. The city council may, to the extent allowed by law, void any prior city council or city board or commission action that approved any decision, agreement, award, or contract if the action was taken as a result of a violation of this chapter and the interests of the city require voiding of the prior action.

————— (7) Suspension from office. The city council may suspend a current city official other than a city council member from office for a period determined by the city council if the city council finds that a serious or repeated violation of this chapter was committed intentionally or through culpable disregard of this chapter. Any proceedings for suspension of a current city official shall be in compliance with the city charter and state law.

(2) Referral for damages or injunction. The sanctioning entity may refer the violation to the city attorney for an action to recover damages to the city or

to enjoin prohibited actions.

(3) Referral for criminal prosecution. The sanctioning entity may refer the violation to the Dallas Police Department, if the sanctioning entity finds that the violation warrants criminal prosecution.

(d) For the city manager, city attorney, city auditor, city secretary, or a municipal judge, the city council shall take appropriate action in accordance with the personnel rules, and may impose any of the following additional sanctions:

(1) Referral to ethics training. The city council may require the person to attend ethics training. When recommending a referral to ethics training, the ethics advisory commission shall include in the recommendation the manner and quantity of training based on the type and severity of the violation.

(2) Referral for damages or injunction. The city council may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.

(3) Referral for criminal prosecution. The city council may refer the violation to the Dallas Police Department, if the city council finds that the violation warrants criminal prosecution.

(e) For a city council member, a board or commission member, a former city official, or a former city employee, the city council may impose any of the following sanctions:

(1) Letter of notification. The city council may issue a letter of notification if the city council finds that a violation of this chapter was clearly unintentional. A letter of notification must advise the person of any steps to be taken to avoid future violations.

(2) Letter of admonition. The city council may issue a letter of admonition if the city council finds that the violation of this chapter was minor, but where the circumstances call for a more substantial response than a letter of notification.

(3) Referral to ethics training. The city council may require a current city official to attend ethics training. When recommending a referral to ethics training, the ethics advisory commission shall include in the recommendation the manner and quantity of training based on the type and severity of the violation.

(4) Reprimand. The city council may issue a reprimand if the city council finds that a violation of this chapter was not minor and was committed intentionally or through reckless disregard of this chapter.

(5) Resolution of censure. The city council may adopt a resolution of censure if the city council finds that a serious or repeated violation of this chapter has been committed intentionally or through reckless disregard of this chapter and the violation substantially threatens the public trust.

(6) Voiding of prior actions. The city council may, to the extent allowed by law, void any prior city council or city board or commission action that approved any decision, agreement, award, or contract if the action was taken as a result of a violation of this chapter and the interests of the city require voiding of the prior action.

(7) Suspension from office. The city council may suspend a current city official other than a city council member from office for a period determined by the city council if the city council finds that a serious or repeated violation of this chapter was committed intentionally or through culpable disregard of this chapter. Any proceedings for suspension of a current city official shall be in compliance with the city charter and state law.

~~———— (8) Removal from office. The city council may remove a current city official, including a city council member, from office if the city council finds that a serious or repeated violation of this chapter was committed intentionally or through culpable disregard of this chapter and future violations are likely to occur. Any proceedings for removal of a current city official from office shall be in compliance with the city charter and state law.~~

~~———— (9) Referral for damages or injunction. The city council may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.~~

~~———— (10) Referral for criminal prosecution. The city council may refer the violation to the Dallas Police Department, if the city council finds that the violation warrants criminal prosecution.~~

~~———— (f) For a person who is not a current or former city official or a current or former city employee (e.g., lobbyists, people doing business with the city, resident), the city council may impose any of the following sanctions:~~

~~———— (1) Letter of notification. The city council may issue a letter of notification if the city council finds that a violation of this chapter was clearly unintentional. A letter of notification must advise the person of any steps to be taken to avoid future violations.~~

~~———— (2) Letter of admonition. The city council may issue a letter of admonition if the city council finds that the violation of this chapter was minor, but where the circumstances call for a more substantial response than a letter of notification.~~

~~———— (3) Reprimand. The city council may issue a reprimand if the city council finds that a violation of this chapter was not minor and was committed intentionally or through reckless disregard of this chapter.~~

~~———— (4) Resolution of censure. The city council may adopt a resolution of censure if the city council finds that a serious or repeated violation of this chapter has been committed intentionally or through reckless disregard of this chapter and the violation substantially threatens the public trust.~~

~~———— (5) Disqualification from contracting or lobbying. The city council may, to the extent allowed by law, prohibit the person from entering into contracts with the city or from lobbying before the city on behalf of clients. The scope and duration of the disqualification shall be determined by the city council.~~

~~———— (6) Voiding of prior actions. The city council may, to the extent allowed by law, void any prior city council or city board or commission action that approved any decision, agreement, award, or contract if the action was taken as a result of a violation of this chapter and the interests of the city require voiding of the prior action.~~

~~———— (7) Referral for damages or injunction. The city council may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.~~

~~———— (8) Referral for criminal prosecution. The city council may refer the violation to the Dallas Police Department, if the city council finds that the violation warrants criminal prosecution.~~

(8) Removal from office. The city council may remove a current city official, including a city council member, from office if the city council finds that a serious or repeated violation of this chapter was committed intentionally or through culpable disregard of this chapter and future violations are likely to occur. Any proceedings for removal of a current city official from office shall be in compliance with the city charter and state law.

(9) Referral for damages or injunction. The city council may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.

(10) Referral for criminal prosecution. The city council may refer the violation to the Dallas Police Department, if the city council finds that the violation warrants criminal prosecution.

(f) For a person who is not a current or former city official or a current or former city employee (e.g., lobbyists, people doing business with the city, resident), the city council may impose any of the following sanctions:

(1) Letter of notification. The city council may issue a letter of notification if the city council finds that a violation of this chapter was clearly unintentional. A letter of notification must advise the person of any steps to be taken to avoid future violations.

(2) Letter of admonition. The city council may issue a letter of admonition if the city council finds that the violation of this chapter was minor, but where the circumstances call for a more substantial response than a letter of notification.

(3) Reprimand. The city council may issue a reprimand if the city council finds that a violation of this chapter was not minor and was committed intentionally or through reckless disregard of this chapter.

(4) Resolution of censure. The city council may adopt a resolution of censure if the city council finds that a serious or repeated violation of this chapter has been committed intentionally or through reckless disregard of this chapter and the violation substantially threatens the public trust.

(5) Disqualification from contracting or lobbying. The city council may, to the extent allowed by law, prohibit the person from entering into contracts with the city or from lobbying before the city on behalf of clients. The scope and duration of the disqualification shall be determined by the city council.

(6) Voiding of prior actions. The city council may, to the extent allowed by law, void any prior city council or city board or commission action that approved any decision, agreement, award, or contract if the action was taken as a result of a violation of this chapter and the interests of the city require voiding of the prior action.

(7) Referral for damages or injunction. The city council may refer the violation to the city attorney for an action to recover damages to the city or to enjoin prohibited actions.

(8) Referral for criminal prosecution. The city council may refer the violation to the Dallas Police

Department, if the city council finds that the violation warrants criminal prosecution. (Ord. Nos. 30391; 32072; 32472)

SEC. 12A-58-60.

PROSECUTION FOR PERJURY.

~~Any person who knowingly files or makes a false sworn statement under this chapter is subject to criminal prosecution for perjury under the laws of the State of Texas.~~

Any person who knowingly files or makes a false sworn statement under this chapter is subject to criminal prosecution for perjury under the laws of the State of Texas. (Ord. Nos. 24316; 29660; 32072; 32472)

SEC. 12A-59-61. INTERFERENCE WITH AN INVESTIGATION.

~~— A person commits an offense if the person interferes with any investigation of an alleged violation of this chapter in any manner, including seeking to persuade or coerce others to withhold their cooperation.~~

A person commits an offense if the person interferes with any investigation of an alleged violation of this chapter in any manner, including seeking to persuade or coerce others to withhold their cooperation. (Ord. Nos. 30391; 32072; 32472)

SEC. 12A-60-62. DISQUALIFICATION FROM CONTRACTING.

~~— (a) Any person who has been found by the ethics advisory commission to have intentionally or knowingly violated any provision of this chapter may be prohibited by the city council from entering into any contract with the city for a period of two years.~~

~~— (b) It is a violation of this chapter:~~

~~— (1) for a person debarred from entering into a contract with the city to enter or attempt to enter into a contract with the city during the period of disqualification from contracting; or~~

~~— (2) for a city official or employee to knowingly assist in a violation of Subsection (b)(1).~~

~~— (c) Nothing in this section prohibits any person from receiving a city service or benefit, or from using a city facility, according to the same terms generally available to the public.~~

~~— (d) A business entity may be disqualified from contracting with the city based on the conduct of the entity's employee or agent if the conduct occurred within the scope of employment or agency with the entity.~~

(a) Any person who has been found by the ethics advisory commission to have knowingly violated any provision of this chapter may be prohibited by the city council from entering into any contract with the city for a period of two years.

(b) It is a violation of this chapter:

(1) for a person debarred from entering into a contract with the city to enter or attempt to enter into a contract with the city during the period of disqualification from contracting; or

(2) for a city official or employee to knowingly assist in a violation of Subsection (b)(1).

(c) Nothing in this section prohibits any person from receiving a city service or benefit, or from using a city facility, according to the same terms generally available to the public.

(d) A business entity may be disqualified from contracting with the city based on the conduct of the entity's employee or agent if the conduct occurred within the scope of employment or agency with the entity. (Ord. Nos. 24316; 32072; 32472)

SEC. 12A-61-63. VEXATIOUS COMPLAINANTS.

~~— (a) Definition. A vexatious complainant is someone who persistently files ethics complaints~~

~~without having sufficient grounds for doing so. Vexatious complainants file complaints that are meant:~~

~~———— (1) to abuse the investigative process of the inspector general; or~~

~~———— (2) to harass, annoy, cause delay or detriment to a person subject to a complaint; or~~

~~———— (3) for a political or other wrongful purpose.~~

~~———— (b) Report and recommendation of the inspector general. If the inspector general has probable cause to suspect a person of being a vexatious complainant, the inspector general shall submit a report to the ethics advisory commission detailing the facts supporting the inspector general's position.~~

~~———— (c) Effect of order to show cause. Once the inspector general has submitted a vexatious complainant report to the ethics advisory commission, the inspector general shall not accept or process another complaint from the complainant until the commission has determined whether the complainant is a vexatious complainant.~~

~~———— (d) Notification. The inspector general shall promptly forward a copy of the report to the complainant with instructions detailing the response and hearing procedures.~~

~~———— (e) Response. The complainant shall have the opportunity to submit a sworn response, together with such other information he or she believes is relevant. The response must be submitted to the inspector general within 10 days after the date that the complainant was sent the inspector general's report. Copies of all information provided to the inspector general by the complainant or the person charged in the complaint must be distributed to the ethics advisory commission within 10 days after the inspector general receives the information.~~

(a) Definition. A vexatious complainant is someone who persistently files ethics complaints without having sufficient grounds for doing so. Vexatious complainants file complaints that:

(1) abuse the investigative process of the inspector general;

(2) harass, annoy, cause delay or detriment to a person subject to a complaint;

(3) are repeatedly baseless and without merit; or

(4) are filed for a political or other wrongful purpose.

(b) Report and recommendation of the inspector general. If the inspector general credibly suspects a person of being a vexatious complainant, the inspector general shall submit a report to the ethics advisory commission chair detailing the facts supporting the inspector general's position and requesting a hearing on the matter.

(c) Stay of complaints. Once the inspector general has submitted a vexatious complainant report to the ethics advisory commission, the inspector general shall not accept or process another complaint from the complainant until the commission has determined whether the complainant is a vexatious complainant.

(d) Notification. The inspector general shall promptly forward a copy of the report to the complainant with instructions detailing the response and hearing procedures.

(e) Response. The complainant shall have the opportunity to submit a sworn response, together with such other information the complainant believes is relevant. The response must be submitted to the inspector general within 10 days after the date that the complainant was sent the inspector general's report. Copies of all information provided to the inspector general by the complainant must be distributed to the ethics advisory commission within 10 days after the inspector general receives the information.

~~—— (f) Format of evidence. If a complainant submits evidence in an electronic, mechanical, or other format that the inspector general cannot duplicate or display, the inspector general shall request the complainant provide the evidence in a format that the inspector general can duplicate or display. If the complainant fails to provide the evidence to the inspector general in a format that the inspector general can duplicate or display within seven days after the inspector general has made a request, then the evidence may not be presented to or considered by the ethics advisory commission when making its determination.~~

~~—— (g) Evidentiary hearing. The ethics advisory commission shall hold a hearing to determine whether the complaint is a frivolous complaint. Not less than 10 days before the hearing, the inspector general shall, by certified mail or personal service, give written notice to the complainant of the date, time, and place of the hearing. If the complainant consents in writing, the inspector general may give written notice by facsimile, email, or first class U.S. mail.~~

~~—— (h) Ex Parte communications. It is a violation of this section for:~~

~~—— (1) the complainant or any person acting on their behalf to engage or attempt to engage, directly or indirectly, in any *ex parte* communication about the subject matter of an evidentiary hearing under this section with any member of the ethics advisory commission; or~~

~~—— (2) a member of the ethics advisory commission to:~~

~~—— (A) knowingly entertain an *ex parte* communication prohibited by Subsection (h)(1); or~~

~~—— (B) knowingly communicate, directly or indirectly, with any person, other than a member of the commission, its staff, or its legal counsel, about any issue of fact or law relating to an evidentiary hearing under this section.~~

~~—— (i) Hearing rules. Unless otherwise provided in this section, the rules for hearings in Section 12A-52 apply to hearings conducted in accordance with this section:~~

~~—— (j) Rights of the complainant. The complainant has the right to attend the hearing, the right to make a statement, the right to present and cross-examine witnesses, and the right to be represented by legal counsel or another advisor.~~

~~—— (k) Standard of review. In determining whether a complaint is a vexatious complainant, the ethics advisory commission may consider the inspector general's report and additional evidence of:~~

~~—— (1) the timing of the complaints with respect to when the facts supporting the alleged violations became known or should have become known to the complainant;~~

~~—— (2) the nature and type of any publicity surrounding the filing of the complaints;~~

~~—— (3) the existence and nature of any relationship between the persons charged in the complaints and the complainant before the complaints were filed;~~

~~—— (4) whether the complainant knew or reasonably should have known that the allegations in the complaints were groundless; and~~

~~—— (5) the complainant's motives in filing the complaints, including whether or not the complaints were meant:~~

~~—— (1) to abuse the investigative process of the inspector general; or~~

~~—— (2) to harass, annoy, cause delay or detriment to a person subject to a complaint; or~~

~~—— (3) for a political or other wrongful purpose.~~

(f) Format of evidence. If a complainant submits evidence in an electronic, mechanical, or other format that the inspector general cannot duplicate or display, the inspector general shall request the complainant provide the evidence in a format that the

inspector general can duplicate or display. If the complainant fails to provide the evidence to the city inspector general in a format that the inspector general can duplicate or display within seven days after the inspector general has made a request, then the evidence may not be presented to or considered by the ethics advisory commission when making its determination.

(g) **Evidentiary hearing.** The ethics advisory commission shall hold a hearing to determine whether the complainant is a vexatious complainant. Not less than 10 days before the hearing, the inspector general shall, by certified mail or personal service, give written notice to the complainant of the date, time, and place of the hearing. If the complainant consents in writing, the inspector general may give written notice by facsimile, email, or first class U.S. mail.

(h) ***Ex parte* communications.** It is a violation of this section for:

(1) the complainant, the inspector general, or any person acting on their behalf to engage or attempt to engage, directly or indirectly, in any *ex parte* communication about the subject matter of an evidentiary hearing under this section with any member of the ethics advisory commission; or

(2) a member of the ethics advisory commission to:

(A) knowingly entertain an *ex parte* communication prohibited by Subsection (h)(1); or

(B) knowingly communicate, directly or indirectly, with any person, other than a member of the commission, its staff, or its legal counsel, about any issue of fact or law relating to an evidentiary hearing under this section.

(i) **Hearing procedures.** Unless otherwise provided in this section, the procedures for hearings in Section 12A-53 apply to hearings conducted in accordance with this section.

(j) **Rights of the complainant.** The complainant has the right to attend the hearing, the right to make a statement, the right to present and cross-examine witnesses, and the right to be represented by legal counsel or another advisor.

(k) **Standard of review.** In determining whether a complainant is a vexatious complainant, the ethics advisory commission may consider the inspector

general's report and additional evidence of:

(1) the timing of the complaints with respect to when the facts supporting the alleged violations became known or should have become known to the complainant;

(2) the nature and type of any publicity surrounding the filing of the complaints;

(3) the existence and nature of any relationship between the persons charged in the complaints and the complainant before the complaints were filed;

(4) whether the complainant knew or reasonably should have known that the allegations in the complaints were groundless or without merit; and

(5) the complainant's motives in filing the complaints, including whether or not the complaints were meant:

(A) to abuse the investigative process of the inspector general;

(B) to harass, annoy, cause delay or detriment to a person subject to a complaint; or

(C) for a political or other wrongful purpose.

~~—— (l) Determination. A determination that a complainant is a vexatious complainant may be made only upon an affirmative vote of three-fifths of all commission members present and voting. Otherwise, the complainant is not deemed a vexatious complainant. A finding that a complainant is vexatious must be supported by clear and convincing evidence. "Clear and convincing evidence" means that measure or degree of proof that produces in a person's mind a firm belief or conviction as to the truth of the allegations sought to be established. The commission's determination that a complainant is not a vexatious complainant does not affect the prior decision of the inspector general to dismiss the complainant's prior complaints.~~

~~—— (m) Sanction for being deemed a vexatious complainant.~~

~~—— (1) If a claimant is determined to be a vexatious complainant, the ethics advisory commission may prohibit the complainant from filing another complaint alleging one or more violations of this chapter for up to:~~

~~—— (A) two years after the date of the commission's determination that the complaint is a vexatious complainant, if the commission had not determined within the preceding five years that the complaint was a vexatious complainant; or~~

~~—— (B) four years after the date of the commission's determination that the complaint is a vexatious complainant, if the commission had determined within the preceding five years that the complaint was a vexatious complainant.~~

~~—— (2) When determining whether and for how long to prohibit a complainant who has been deemed a vexatious complainant from filing another complaint under this chapter, the ethics advisory commission shall consider the following factors:~~

~~—— (A) The seriousness of the potential consequences to the persons charged in the groundless~~

~~complaints and the extent and gravity of the abuse, harassment, and delay resulting from the filing of groundless complaints.~~

~~—— (B) The sanction necessary to deter future violations, including number of groundless complaints filed whether there are any mitigating circumstances.~~

~~—— (C) Any other matters that justice may require.~~

~~—— (3) If the ethics advisory commission prohibits the complainant from filing another complaint for a specific amount of time under Subsection (m)(1), the inspector general shall not accept or process another complaint alleging one or more violations of this chapter from the complainant during the time that the complainant is prohibited from filing a complaint.~~

~~—— (4) The inspector general may notify the appropriate regulatory or supervisory agency of the findings and determination of the ethics advisory commission, including referring its findings and determination to a criminal investigation agency or prosecution entity for investigation of a violation of a state or federal law.~~

~~—— (n) Written decision. If the ethics advisory commission determines that a complainant is a vexatious complainant and imposes a sanction, it shall make all reasonable efforts to issue a written decision within 15 days after the hearing. The commission shall state its findings in the written decision.~~

~~—— (o) Notification. Within 10 days after issuing a written decision, the ethics advisory commission shall forward copies of the findings and decision to the complainant, the city attorney, the city secretary, the city council, and any member of the commission who did not participate in the disposition of the matter. The city secretary shall make copies of the findings and decision available to the public as authorized by law.~~

(l) Determination. A determination that a complainant is a vexatious complainant may be made only upon an affirmative vote of three-fifths of all commission members present and voting. Otherwise, the complainant is not deemed a vexatious complainant. A finding that a complainant is

vexatious must be supported by a preponderance of the evidence. The commission's determination that a complainant is not a vexatious complainant does not affect the prior decision of the inspector general to dismiss the complainant's prior complaints.

(m) Sanction for being deemed a vexatious complainant.

(1) If a complainant is determined to be a vexatious complainant, the ethics advisory commission may prohibit the complainant from filing another complaint alleging one or more violations of this chapter for up to:

(A) two years after the date of the commission's determination that the complainant is a vexatious complainant, if the commission had not determined within the preceding five years that the complainant was a vexatious complainant; or

(B) four years after the date of the commission's determination that the complainant is a vexatious complainant, if the commission had determined within the preceding five years that the complainant was a vexatious complainant.

(2) When determining whether and for how long to prohibit a complainant who has been deemed a vexatious complainant from filing another complaint under this chapter, the ethics advisory commission shall consider the following factors:

(A) The seriousness of the potential consequences to the persons charged in the groundless complaints and the extent and gravity of the abuse, harassment, and delay resulting from the filing of groundless complaints.

(B) The sanction necessary to deter future violations, including number of groundless complaints filed and whether there are any mitigating circumstances.

(C) Any other matters that justice may require.

(3) If the ethics advisory commission prohibits the complainant from filing another complaint for a specific amount of time under Subsection (m)(1), the inspector general shall not accept or process another complaint alleging one or more violations of this chapter from the complainant during the time that the complainant is prohibited from filing

a complaint.

(4) The inspector general may notify the appropriate regulatory or supervisory agency of the findings and determination of the ethics advisory commission, including referring its findings and determination to a criminal investigation agency or prosecution entity for investigation of a violation of a state or federal law.

(n) Written decision. If the ethics advisory commission determines that a complainant is a vexatious complainant and imposes a sanction, it shall make all reasonable efforts to issue a written decision within 15 days after the hearing. The commission shall state its findings in the written decision.

(o) Notification. Within 10 days after issuing a written decision, the ethics advisory commission shall forward copies of the findings and decision to the complainant, the city attorney, the city secretary, the city council, and any member of the commission who did not participate in the disposition of the matter. The city secretary shall make copies of the findings and decision available to the public as authorized by law. (Ord. Nos. 29660; 32072; 32472)

ARTICLE XI.

ADMINISTRATIVE PROVISION.

SEC. 12A-62-64. CITY COUNCIL REVIEW.

~~—This entire chapter shall be reviewed by city council every two years in even-numbered years beginning in January 2024, and every other January thereafter.~~

This entire chapter shall be reviewed by city council every two years in even-numbered years beginning in January 2024, and every other January thereafter. (Ord. Nos. 24316; 30391; 32072; 32472)

or as otherwise approved by the director, the certificate of inspection score issued by the director.

(e) A person commits an offense if he, as an owner, landlord, or property manager of a multitenant property, fails to provide each tenant, upon request, with a copy of the rules of the multitenant property.

(f) A person commits an offense if he, as an owner, landlord, or property manager of a multitenant property, operates that property or otherwise allows a dwelling unit in that property to be occupied or leased without employing a full-time manager to oversee the day-to-day operations of the property, if the property has 12 or more units.

~~—(g) It is a defense to prosecution under this section that:~~

~~—(1) at the time of notice of violation, no dwelling units in the rental property are leased or offered for lease and the owner of the rental property has filed with the director an exemption affidavit on a form provided by the director;~~

~~—(2) at the time of notice of violation, the owner of the single dwelling unit rental property had rented the property to tenants for a total of not more than 30 consecutive days during the preceding 12 months;~~

~~—(3) at the time of notice of violation, the only tenants living in the single dwelling unit rental property are individuals related to the owner by consanguinity or affinity;~~

~~—(4) at the time of the notice of violation, the owner of a single dwelling unit rental property had a homestead exemption for the property on file with the county appraisal district which the rental property is located; or~~

~~—(5) at the time of the notice of a violation:~~

~~—(A) the property was a short-term rental; and~~

~~—(B) applicable hotel occupancy taxes levied on the property under Article V of Chapter 44 of the city code, as amended, had been collected and remitted in full.~~

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

(1) at the time of notice of violation, no dwelling units in the rental property are leased or offered for lease and the owner of the rental property has filed with the director an exemption affidavit on a form provided by the director;

(2) at the time of notice of violation, the owner of the single dwelling unit rental property had rented the property to tenants for a total of no more than 30 consecutive days during the preceding 12 months;

(3) at the time of the notice of violation, the only tenants living in the single dwelling unit rental property are individuals related to the owner by consanguinity or affinity;

(4) at the time of the notice of violation, the owner of a single dwelling unit rental property had a homestead exemption for the property on file with the county appraisal district in which the rental property is located; or

(5) at the time of the notice of violation:

(A) the property was registered as a short-term rental in accordance with Chapter 42B; and

(B) applicable hotel occupancy taxes levied on the property under Articles V and VII of Chapter 44 had been collected and remitted in full. (Ord. Nos. 22205; 22695; 24481; 25522; 30236; 32058; 32473)

SEC. 27-31. REGISTRATION; FEES; RENEWAL.

(a) Rental properties and condominium associations must provide a complete registration to the director annually.

(b) A registration application for a multitenant property, single dwelling unit rental property or

CHAPTER 28**MOTOR VEHICLES AND TRAFFIC****ARTICLE I.****IN GENERAL.**

- Sec. 28-1. Short title.
- Sec. 28-2. Definitions.
- Sec. 28-3. Applicability of traffic regulations in parks, public housing projects and public hospital grounds.
- Sec. 28-4. Authority to remove vehicles; redemption; fees.
- Sec. 28-5. Release of impounded vehicles to lienholders.
- Sec. 28-5.1. Authority to immobilize vehicles; redemption; fees.

ARTICLE II.**TRAFFIC ADMINISTRATION.****Division 1. Traffic Engineer.**

- Sec. 28-6. Reserved.
- Sec. 28-7. Reserved.
- Sec. 28-8. Traffic engineer - Duties.
- Sec. 28-9. Traffic engineer - Appointment of technicians and clerical staff; fees for services.
- Sec. 28-10. Emergency and experimental regulations.

Division 2. Traffic Division.

- Sec. 28-11. Establishment and control.
- Sec. 28-12. Duties generally.
- Sec. 28-13. Records of traffic violations.
- Sec. 28-14. Investigation of accidents.
- Sec. 28-15. Traffic accident reports.
- Sec. 28-16. Same - Submission of annual traffic safety reports.
- Sec. 28-17. Traffic accident studies.

ARTICLE III.**ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS.**

- Sec. 28-18. Authority of police and fire department officials.
- ~~Sec. 28-19. Traffic and parking controllers.~~
- Sec. 28-19. Parking enforcement officers.**
- Sec. 28-20. Obedience to chapter required; penalty.
- Sec. 28-20.1. Presumption in fleeing from a police officer.

ARTICLE IV.**ACCIDENTS.**

- Sec. 28-21. Intentional collisions.
- Sec. 28-22. Duty to give information and render aid.
- Sec. 28-23. Presumption in hit and run accidents.

ARTICLE V.**TRAFFIC-CONTROL DEVICES.**

- Sec. 28-24. Authority to install.
- Sec. 28-24.1. Traffic barricade manual.
- Sec. 28-24.2. Fees for plan reviews and field adjustments.
- Sec. 28-25. Authorized installation presumed.
- Sec. 28-26. Parking designations; authority to install.
- Sec. 28-26.1. Bus lane designations; authority to install; prohibition; exception.
- Sec. 28-27. Manual and specifications.
- Sec. 28-27.1. Placement of crime watch signs and volunteers in patrol signs.
- Sec. 28-28. Testing under actual conditions of traffic.
- Sec. 28-29. Existing devices affirmed and ratified.
- Sec. 28-30. Display of unauthorized signs, signals or markings.

Division 2. Prohibited in Specified Places.

- Sec. 28-82. Parking near railroad tracks; prohibited generally; permitted for loading.
- Sec. 28-83. Reserved.
- Sec. 28-84. Parking for more than 24 hours prohibited.
- Sec. 28-85. Parking for certain purposes and parking on highways and parkways prohibited.
- Sec. 28-86. Parking by parking lot owners.
- Sec. 28-87. Parking in alleys.
- ~~Sec. 28-88. Standing or parking on one-way and two-way roadways.~~
- Sec. 28-88. Standing or parking on one-way roadways, two-way roadways, and cul-de-sacs.**

Division 3. Stopping for Loading or Unloading Only.

- Sec. 28-89. Curb loading zones - Authority to designate; times operative.
- Sec. 28-90. Reserved.
- Sec. 28-91. Reserved.
- Sec. 28-92. Reserved.
- Sec. 28-93. Same - Use not exclusive.
- Sec. 28-94. Use of passenger curb loading zones.
- Sec. 28-95. Use of freight curb loading zones by commercial vehicles.
- Sec. 28-96. Use of freight curb loading zones by non-commercial vehicles.
- Sec. 28-96.1. Loading zone permit - Application; fee; expiration; transferability.
- Sec. 28-97. Vehicles backed to curb for loading.
- Sec. 28-98. Position of vehicles backed to curb for loading, etc.
- Sec. 28-99. Authority to designate public carrier stands.
- Sec. 28-100. Parking of busses and taxicabs regulated.
- Sec. 28-101. Restricted use of bus stops and taxicab stands.
- Sec. 28-102. Stopping of busses within intersection or crosswalk.

Division 4. Parking Meters.

- Sec. 28-103. Authority to install meters; where installed.
- Sec. 28-104. Indication of expiration of parking time.
- Sec. 28-105. Vehicle to be parked within limit lines at meters.
- Sec. 28-106. Payment required.
- Sec. 28-107. Parking where meter has expired.
- Sec. 28-108. Parking where meter is displaying a violation signal.
- Sec. 28-109. Stopping, standing, or parking beyond maximum legal time limit prohibited.
- Sec. 28-110. Use of metered parking spaces for loading and unloading.
- Sec. 28-111. Tampering with parking meters.
- Sec. 28-112. Deposit of slugs and non-authorized payment devices prohibited.
- Sec. 28-113. Collection and disposition of money deposited.
- Sec. 28-114. Convenience fee for parking payments by telephone or the Internet.
- Sec. 28-114.1. Zones within the central business district.
- Sec. 28-114.2. Zones outside the central business district.
- Sec. 28-114.3. Reserved.
- Sec. 28-114.4. Reserved.
- Sec. 28-114.5. Reserved.
- Sec. 28-114.6. Reserved.
- Sec. 28-114.7. Reserved.
- Sec. 28-114.8. Reserved.
- Sec. 28-114.9. Reserved.
- Sec. 28-114.10. Reserved.
- Sec. 28-114.11. Central business district.
- Sec. 28-114.12. Parking meter hooding and temporary removal fees; exceptions.

Division 2. Enforcement of School Bus Stop Arm Violations as Civil Offenses.

- Sec. 28-224. School bus stop arm violations as civil offenses; defenses; presumptions.
- Sec. 28-225. Civil school bus stop arm citations; form.
- Sec. 28-226. Service of a civil school bus stop arm citation.
- Sec. 28-227. Answering a civil school bus stop arm citation.
- Sec. 28-228. Adjudication by mail.
- Sec. 28-229. Hearings for disposition of a school bus stop arm citation; citation and photographic recorded images as prima facie evidence.
- Sec. 28-230. Failure to answer a civil school bus stop arm citation or appear at a hearing.
- Sec. 28-231. Civil fines for school bus stop arm violations; penalties and other costs.
- Sec. 28-232. Appeal from hearing.
- Sec. 28-233. Effect of liability; exclusion of civil remedy; enforcement.
- Sec. 28-234. Disposition of civil fines, penalties, and costs assessed for school bus stop arm violations.

ARTICLE XXI.

MISCELLANEOUS FEES.

- Sec. 28-235. Engineering review and location fees.

ARTICLE I.

IN GENERAL.

SEC. 28-1. SHORT TITLE.

This chapter may be cited as the Dallas Traffic Ordinance. (Ord. 14584)

SEC. 28-2. DEFINITIONS.

(a) In this chapter:

(1) ALLEY means any narrow street described in this chapter that has no legal or official name other than "alley".

(2) APPROVED ABBREVIATIONS. The following approved abbreviations may be used in connection with issuing traffic tickets, citations, and complaints for violation of the Dallas Traffic Ordinance: "Street" may be abbreviated as "St."; "Avenue" may be abbreviated as "Ave." or "Av."; "Freeway" may be abbreviated as "Frwy." or "Fwy."; "Lane" may be abbreviated as "Ln."; "Drive" may be abbreviated as "Dr."; "Road" may be abbreviated as "Rd."; "Boulevard" may be abbreviated as "Blvd."; "Expressway" may be abbreviated as "Exp.", "Ewy." or "Expwy."; "Place" may be abbreviated as "Pl."; "Court" may be abbreviated as "Ct."; "Parkway" may be abbreviated as "Pkw."; "Circle" may be abbreviated as "Cir."; "Highway" may be abbreviated as "Hwy."; "Plaza" may be abbreviated as "Plz."; "Square" may be abbreviated as "Sq."; and "Terrace" may be abbreviated as "Ter." In all cases where the word is abbreviated it shall be understood to mean the same as though fully written out.

(3) ARTERIAL means a street designated as either a principal or a minor arterial in the city's thoroughfare plan.

(4) BOOT means a lockable vehicle wheel clamp or similar device that is designed to be placed on a parked vehicle to prevent the operation of the vehicle until the device is unlocked and removed.

(4.1) CHIEF OF POLICE means the chief of the police department of the city or the chief's authorized representative.

(4.2) CITY MARSHAL means the city marshal of the city, or the marshal's authorized representative.

(5) COLLECTOR-DISTRIBUTOR ROAD means an auxiliary roadway, separated laterally from,

but generally parallel to, the freeway through roadway, which serves to collect and distribute traffic from several access connections between selected points of ingress to and egress from the through traffic lanes.

(6) COMMERCIAL VEHICLE means any vehicle that displays a valid commercial, truck, or truck-tractor state license plate.

(7) CURB means the lateral lines of a roadway, whether constructed above grade or not, which are not intended for vehicular travel.

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

(9) DIVIDED ROADWAY or DIVIDED HIGHWAY means a roadway or highway divided into two roadways by leaving an intervening space or by a physical barrier, or clearly indicated dividing section between the two roadways.

(10) HORSE means any saddle or harness animal.

(11) IMMOBILIZE means to place a boot on a parked vehicle to prevent the operation of the vehicle until the boot is unlocked and removed.

(12) LIMIT LINES means boundaries of parking areas, loading zones, safety or danger zones, crosswalks, and lines marked for the purpose of excluding traffic and parking.

(13) LOADING ZONE means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

~~————— (14) METER AND PARKING BAN HOLIDAYS include only the following days:~~

~~————— (A) New Years Day (January 1);~~

~~————— (B) Martin Luther King's Birthday (third Monday in January);~~

~~————— (C) President's Day (third Monday in February);~~

~~————— (D) Memorial Day (last Monday in May);~~

~~————— (E) Independence Day (July 4);~~

~~————— (F) Labor Day (first Monday in September);~~

~~————— (G) Thanksgiving Day (fourth Thursday in November); and~~

~~————— (H) Christmas Day (December 25).~~

(14) METER AND PARKING BAN HOLIDAYS include only the following days:

(A) New Years Day (January 1);

(B) Martin Luther King's Birthday (third Monday in January);

(C) President's Day (third Monday in February);

(D) Memorial Day (last Monday in May);

(E) Independence Day (July 4);

(F) Labor Day/Cesar E. Chavez Day (first Monday in September);

(G) Thanksgiving Day (fourth Thursday in November); and

(H) Christmas Day (December 25).

(15) ONE-WAY STREET means any street or highway on which traffic is restricted to movement in one direction only.

(16) OPERATOR means any person in control of a vehicle, including a railroad train or vehicle being towed.

(17) PARK or PARKING means the standing of vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(18) PARKING BAN means certain hours during the day at which time standing, parking, or stopping of a vehicle is prohibited along the curb of designated streets as indicated by signs authorized by the traffic engineer.

(18.1) PARKING ENFORCEMENT OFFICER means the person designated by the city manager to perform the functions of parking enforcement officer or his authorized representative.

(19) PARKING VIOLATION means a violation of any provision of this chapter governing the stopping, standing, or parking of a vehicle.

(20) PARKWAY means that portion of a street or highway between the curb lines or the lateral lines of a roadway and the adjacent property lines, not intended for the use of pedestrians; also, the intervening space between the roadways of a divided street or highway or any island or area, whether or not clearly defined by curbs or markings, which divides any portion of any street, highway, or intersection into separate lanes for vehicular traffic.

(20.1) PEACE OFFICER means officers who are required to obtain and maintain a commission through the Texas Commission on Law Enforcement and listed in Section 2.12 of the Texas Code of Criminal Procedure. This includes police officers, city marshals, and arson investigators.

(21) PUBLIC PLACE means any place where the general public has a right to assemble, or to which people commonly resort for purposes of business, amusement, recreation or other lawful purpose.

(22) SERVICE ROAD means an auxiliary roadway adjacent to a freeway, expressway, or arterial that is used by traffic desiring access to abutting property and by traffic seeking ingress to or egress from the adjacent freeway, expressway, or arterial.

(23) STAND or STANDING means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

(24) STOP or STOPPING, when prohibited, means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

(25) TIME STANDARD (OFFICIAL), for purposes of designating certain hours in this chapter, means central standard time or central daylight-saving time as may be in current use in the city.

(26) TRAFFIC DIVISION means the traffic division of the police department of the city.

(27) **TRAFFIC ENGINEER** means the person designated by the city manager to perform the functions of traffic engineer or his authorized representative.

(28) **VIADUCT** means a bridge-like structure to carry a roadway over a valley or ravine, or across another roadway.

(b) All other words used in this chapter shall have the meanings assigned to them by the state vehicle laws or their ordinary and commonly accepted meanings as set forth in Webster's New International Dictionary (Unabridged), and other dictionaries of recognized standing. (Ord. Nos. 14584; 15004; 16577; 17226; 19173; 20012; 20269; 20965; 21186; 21194; 27697; 30654; 32470)

**SEC. 28-3. APPLICABILITY OF TRAFFIC
REGULATIONS IN PARKS,
PUBLIC HOUSING PROJECTS
AND PUBLIC HOSPITAL
GROUNDS.**

(a) The regulation of vehicular and pedestrian traffic on all ways, roads, streets, alleys, and places, whether named or not, open to the public, whether dedicated or not, in all public parks owned or controlled by the city, in all the public housing projects owned, controlled, or operated by the housing authority of the city, or any other housing project whose streets or ways are open to the public, and in all public hospital grounds located in the city, shall be controlled and regulated in accordance with this chapter.

(b) All traffic-control devices installed within the public parks or public housing projects, including all parking, stop, speed, and directional signs, and any other kind of a traffic control sign, shall be obeyed as provided in this chapter. This section shall be cumulative of other traffic ordinances now in effect concerning traffic regulations in public parks. (Ord. 14584)

SEC. 28-4. AUTHORITY TO REMOVE VEHICLES; REDEMPTION; FEES.

~~— (a) A police officer is authorized to remove or cause the removal of a vehicle or other property of any description from a street to a place designated by the chief of police when:~~

~~— (1) the vehicle or property is left unattended upon a bridge or viaduct or in a tunnel or underpass;~~

~~— (2) the vehicle is illegally parked so as to block the entrance to any private driveway;~~

~~— (3) the vehicle is found upon a street and a report has previously been made that the vehicle has been stolen or a complaint has been filed and a warrant issued charging that the vehicle has been unlawfully taken from the owner;~~

~~— (4) the officer has reasonable grounds to believe that the vehicle has been abandoned;~~

~~— (5) a vehicle upon a street is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;~~

~~— (6) an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by law required to take the person arrested immediately before a magistrate;~~

~~— (7) the vehicle is standing, parked, or stopped in any portion of a street, and the officer has reason to believe that the vehicle constitutes a hazard or interferes with the normal function of a governmental agency or that the safety of the vehicle is imperiled;~~

~~— (8) the vehicle is standing, parked, or stopped in violation of the parking ban regulations;~~

~~— (9) the vehicle is standing, parked, or stopped in violation of any provision of this chapter;~~

~~— (10) the vehicle is the subject of a hearing officer's order for a parking violation and impoundment of the vehicle is authorized by Section 28-130.10 of this chapter;~~

~~— (11) the vehicle is in an accident and the vehicle's owner or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code, as amended; or~~

~~— (12) the vehicle is stopped by a police officer for an alleged violation of a city or state traffic law or other law applicable to the operation of a vehicle on the roadway and the vehicle's owner or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code, as amended.~~

~~— (b) A vehicle removed and towed under this section must be kept at the place designated by the chief of police until application for redemption is made by the owner or the owner's authorized agent, who will be entitled to possession of the vehicle upon payment of costs of towing, notification, impoundment, and storage. The chief of police shall charge fees for storage of vehicles at city pound locations in accordance with the following regulations:~~

~~— (1) The storage fee is \$21.03 for each day or portion of a day that a vehicle not longer than 25 feet is stored and \$36.08 for each day or portion of a day that a vehicle longer than 25 feet is stored, except that a storage fee may not be charged for more than one day if the vehicle remains at the city pound location for less than 12 hours.~~

~~— (2) Storage fees on a stolen vehicle will be charged as outlined in Paragraph (1) of this subsection, commencing on the second day following the date notice is received by the owner of the vehicle, or the owner's agent, that the vehicle may be claimed.~~

(a) A city peace officer, or parking enforcement officer is authorized to remove or cause the removal of a vehicle or other property of any description from a street to a place designated by the chief of police or the director, when:

(1) the vehicle or property is left

unattended upon a bridge or viaduct or in a tunnel or underpass;

(2) the vehicle is illegally parked so as to block the entrance to any private driveway;

(3) the vehicle is found upon a street and a report has previously been made that the vehicle has been stolen or a complaint has been filed and a warrant issued charging that the vehicle has been unlawfully taken from the owner;

(4) the peace officer or parking enforcement officer has reasonable grounds to believe that the vehicle has been abandoned;

(5) a vehicle upon a street is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

(6) a peace officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by law required to take the person arrested immediately before a magistrate;

(7) the vehicle is standing, parked, or stopped in any portion of a street, and the peace officer or parking enforcement officer has reason to believe that the vehicle constitutes a hazard or interferes with the normal function of a governmental agency or that the safety of the vehicle is imperiled;

(8) the vehicle is standing, parked, or stopped in violation of the parking ban regulations;

(9) the vehicle is standing, parked, or stopped in violation of any provision of this chapter;

(10) the vehicle is the subject of a hearing officer's order for a parking violation and impoundment of the vehicle is authorized by Section 28-130.10 of this chapter;

(11) the vehicle is in an accident and the vehicle's owner or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code, as amended; or

(12) the vehicle is stopped by a police officer or city marshal for an alleged violation of a city or state

traffic law or other law applicable to the operation of a vehicle on the roadway and the vehicle's owner or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code, as amended.

(b) A vehicle removed and towed under this section must be kept at the place designated by the chief of police or the director until application for redemption is made by the owner or the owner's authorized agent, who will be entitled to possession of the vehicle upon payment of costs of immobilization, towing, notification, impoundment, and storage. The chief of police or the director shall charge fees for storage of vehicles at city pound locations in accordance with the following regulations:

(1) The storage fee is \$20 for each day or portion of a day that a vehicle not longer than 25 feet is stored and \$35 for each day or portion of a day that a vehicle longer than 25 feet is stored, except that a storage fee may not be charged for more than one day if the vehicle remains at the city pound location for less than 12 hours.

(2) Storage fees on a stolen vehicle will be charged as outlined in Paragraph (1) of this subsection, commencing on the second day following the date notice is received by the owner of the vehicle, or the owner's agent, that the vehicle may be claimed.

~~—— (3) Storage fees on a vehicle owned by an arrested person will be charged as outlined in Paragraph (1) of this subsection, commencing on the date of impoundment.~~

~~—— (4) Storage fees will not be collected when a vehicle is not involved in an accident, but is taken into protective custody and the driver is incapacitated due to physical injury or other illness to the extent that the driver is unable to care for the vehicle.~~

~~—— (5) Storage fees on any vehicle involved in a motor vehicle accident will be charged as outlined in Paragraph (1) of this subsection, commencing on the date of impoundment.~~

~~—— (6) An impoundment fee of \$21.03, in addition to applicable towage, notification, and storage fees, will be charged for a vehicle that has been removed and towed to a city pound location.~~

~~—— (7) A notification fee of \$50, in addition to applicable towage, impoundment, and storage fees, will be charged for a vehicle that has been removed and towed to a city pound location.~~

~~—— (c) A police officer may, at his discretion, with the express written permission of an arrested person, leave an arrested person's vehicle at the scene of the arrest or other location. In these instances, the arresting officer shall ensure that the vehicle is legally parked and secured.~~

~~—— (d) The chief of police or a designated representative may release a vehicle without payment of towage, notification, impoundment, or storage fees under the following circumstances:~~

~~—— (1) a vehicle was taken into protective custody when the incident did not involve an arrest, violation, or automobile accident;~~

~~—— (2) a vehicle is owned by or belongs to an individual who is not a citizen of the United States,~~

~~who does not permanently reside in the United States; and who is entitled to diplomatic immunity;~~

~~—— (3) subsequent investigation results in a determination that there was no violation of this code or the Texas Motor Vehicle Laws or that the arrested person did not commit a criminal offense; or~~

~~—— (4) a vehicle is owned by or belongs to the victim of a violent crime and was taken into custody for evidentiary purposes.~~

~~—— (e) If a vehicle was towed and stored for an evidentiary or examination purpose, the chief of police or a designated representative shall release the vehicle without payment of towage and storage fees when required to do so under Article 18.23 of the Texas Code of Criminal Procedure, as amended.~~

~~—— (f) A person commits an offense if he removes or attempts to remove a vehicle from a city pound location without first paying the towage, notification, impoundment, and storage fees that have accrued on the vehicle.~~

~~—— (g) As a consequence of the fees to be charged for vehicles stored at city pound locations and for purposes of state law, the city council hereby designates all city pound locations as storage facilities operated for commercial purposes.~~

(3) Storage fees on a vehicle owned by an arrested person will be charged as outlined in Paragraph (1) of this subsection, commencing on the date of impoundment.

(4) Storage fees will not be collected when a vehicle is not involved in an accident, but is taken into protective custody and the driver is incapacitated due to physical injury or other illness to the extent that the driver is unable to care for the vehicle.

(5) Storage fees on any vehicle involved in a motor vehicle accident will be charged as outlined in Paragraph (1) of this subsection, commencing on the date of impoundment.

(6) An impoundment fee of \$20, in addition to applicable towage, notification, and storage fees, will be charged for a vehicle that has been removed and towed to a city pound location.

(7) A notification fee of \$50, in addition to applicable towage, impoundment, and storage fees, will be charged for a vehicle that has been removed and towed to a city pound location.

(8) All unpaid fines, penalties, and costs assessed against the person by a hearing officer for a parking violation if the vehicle was towed as result of parking violation fees.

(c) A police officer or city marshal may, at his discretion, with the express written permission of an arrested person, leave an arrested person's vehicle at the scene of the arrest or other location. In these instances, the arresting officer shall ensure that the vehicle is legally parked and secured.

(d) The chief of police, the director, or a designated representative may release a vehicle without payment of immobilization, towage, notification, impoundment, or storage fees under the following circumstances:

(1) a vehicle was taken into protective custody when the incident did not involve an arrest, violation, or automobile accident;

(2) a vehicle is owned by or belongs to an individual who is not a citizen of the United States, who does not permanently reside in the United States, and who is entitled to diplomatic immunity;

(3) subsequent investigation results in a determination that there was no violation of this code or the Texas Motor Vehicle Laws or that the arrested person did not commit a criminal offense; or

(4) a vehicle is owned by or belongs to the victim of a violent crime and was taken into custody for evidentiary purposes.

(e) If a vehicle was towed and stored for an evidentiary or examination purpose, the chief of police or a designated representative shall release the vehicle without payment of towage and storage fees when required to do so under Article 18.23 of the Texas Code of Criminal Procedure, as amended.

(f) A person commits an offense if he removes or attempts to remove a vehicle from a city pound location without first paying the towage, notification, impoundment, and storage fees that have accrued on the vehicle.

(g) As a consequence of the fees to be charged for vehicles stored at city pound locations and for purposes of state law, the city council hereby designates all city pound locations as storage facilities operated for commercial purposes. (Ord. Nos. 14584; 14686; 15949; 16287; 16477; 17406; 17547; 18411; 19300; 20076; 20448; 20965; 21819; 22906; 22964; 24743; 25384; 26134; 26293; 27189; 32362; 32470)

SEC. 28-5. RELEASE OF IMPOUNDED VEHICLES TO LIENHOLDERS.

Upon payment of all fees required by Section 28-4, a vehicle impounded by the police department pursuant to the enforcement of the provisions of this code may be released to the lienholder, or an authorized agent, holding a valid and existing mortgage lien on the vehicle impounded if the mortgage lienholder:

(1) furnishes to the police department, for its inspection:

(A) the mortgage lien contract, or a certified copy of the contract, specifying that, upon default of the mortgagor, the mortgagee is entitled to possession of the vehicle; and

(B) the certificate of title with the lien appearing on it; and

(2) furnishes to the police department an affidavit stating that:

(A) the mortgage lienholder holds a lien on the impounded vehicle;

(B) the mortgagor has defaulted;

(C) the mortgage lienholder desires possession and is entitled to possession of the vehicle; and

(D) the mortgage lienholder agrees to indemnify and hold harmless the city, its police department, and its employees upon delivery of the vehicle to the mortgage lienholder. (Ord. Nos. 14584; 20448; 21819)

SEC. 28-5.1. AUTHORITY TO IMMOBILIZE VEHICLES; REDEMPTION; FEES.

~~— (a) A police officer or a traffic and parking controller is authorized to immobilize or cause the immobilization of any vehicle that is the subject of a hearing officer's order for a parking violation when the placement of a boot on the vehicle is authorized by Section 28-130.10 of this chapter.~~

~~— (b) During the first 24 hours after a vehicle has been immobilized under this section, a police officer or a traffic and parking controller may leave the vehicle immobilized or remove or cause the removal of the~~

~~vehicle from the street in accordance with Section 28-4 of this article. After a vehicle has been immobilized for 24 hours, the vehicle must be removed from the street in accordance with Section 28-4 of this article.~~

~~— (c) The owner of an immobilized vehicle, or the owner's authorized agent, may apply for redemption of the vehicle in a place and manner designated by the director. The owner or the owner's authorized agent will be entitled to possession of the vehicle upon payment of:~~

~~— (1) an immobilization fee of \$100;~~

~~— (2) all unpaid fines, penalties, and costs assessed against the person by a hearing officer for a parking violation; and~~

~~— (3) all towage, storage, notification, preservation, and service fees incurred if the vehicle was removed from a street in accordance with Section 28-4 of this article.~~

~~— (d) A person commits an offense if he:~~

~~— (1) removes, disables, tampers with, or damages a boot placed on a vehicle pursuant to this section;~~

~~— (2) tows or moves an immobilized vehicle from the location at which the vehicle was immobilized, unless at the direction of a police officer or a traffic and parking controller; or~~

~~— (3) removes or relocates any notice placed on an immobilized vehicle, unless the person was a police officer, a traffic and parking controller, the owner of the vehicle, or the vehicle owner's authorized agent.~~

~~— (e) An offense under Subsection (d)(1) or (d)(2) of this section is punishable by a fine of \$500. An offense under Subsection (d)(3) is punishable by a fine of not more than \$500.~~

(a) A peace officer or a parking enforcement officer is authorized to immobilize or cause the immobilization of any vehicle that is the subject of a hearing officer's order for a parking violation when the placement of a boot on the vehicle is authorized by Section 28-130.10 of this chapter.

(b) During the first 24 hours after a vehicle has been immobilized under this section, a peace officer or a parking enforcement officer may leave the vehicle immobilized or remove or cause the removal of the vehicle from the street in accordance with Section 28-4 of this article. After a vehicle has been immobilized for 24 hours, the vehicle must be removed from the street in accordance with Section 28-4 of this article.

(c) The owner of an immobilized vehicle, or the owner's authorized agent, may apply for redemption of the vehicle in a place and manner designated by the director. The owner or the owner's authorized agent will be entitled to possession of the vehicle upon payment of:

(1) an immobilization fee of \$100;

(2) all unpaid fines, penalties, and costs assessed against the person by a hearing officer for a parking violation; and

(3) all towage, storage, notification, preservation, and service fees incurred if the vehicle was removed from a street in accordance with Section 28-4 of this article.

(d) A person commits an offense if he:

(1) removes, disables, tampers with, or damages a boot placed on a vehicle pursuant to this section;

(2) tows or moves an immobilized vehicle from the location at which the vehicle was immobilized, unless at the direction of a peace officer or a parking enforcement officer; or

(3) removes or relocates any notice placed on an immobilized vehicle, unless the person was a peace officer, a parking enforcement officer, the owner of the vehicle, or the vehicle owner's authorized agent.

(e) An offense under Subsection (d)(1) or (d)(2) of this section is punishable by a fine of \$500. An offense under Subsection (d)(3) is punishable by a fine of not more than \$500. (Ord. Nos. 20965; 21819; 26309; 32470)

ARTICLE III.

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS.

SEC. 28-18. AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS.

(a) It shall be the duty of the officers of the police department or officers who are assigned by the chief of police, to enforce the traffic laws of the city and the state vehicle laws applicable to street traffic in the city.

(b) Officers of the police department or officers who are assigned by the chief of police are hereby authorized to direct traffic by voice, hand, or signal, in conformance with traffic laws; provided, that in the event of a fire or other emergency, to expedite traffic, or to safeguard pedestrians, officers of the police or fire departments may direct traffic as conditions require notwithstanding the provisions of the traffic laws.

(c) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing the traffic in the immediate vicinity.

(d) A person commits an offense if he intentionally fails or refuses to comply with the lawful order or direction of a police officer or fire department officer. (Ord. 14584)

SEC. 28-19. TRAFFIC AND PARKING CONTROLLERS PARKING ENFORCEMENT OFFICERS.

~~—(a) There is hereby created in the Dallas police department, under the direction of the chief of police, a unit known as traffic and parking controllers, which will be an organized auxiliary unit to the Dallas police department.~~

~~—(b) A traffic and parking controller is authorized, in the same manner as a police officer, to:~~

~~—(1) issue citations for any traffic or parking violation within the city;~~

~~—(2) impound any vehicle that is:~~

~~—(A) in violation of a parking or fire lane regulation; or~~

~~—(B) the subject of a hearing officer's order for a parking violation when impoundment of the vehicle is authorized by Section 28-130.10 of this chapter; and~~

~~—(3) immobilize any vehicle that is the subject of a hearing officer's order for a parking violation when the placement of a boot on the vehicle is authorized by Section 28-130.10 of this chapter.~~

~~—(c) It is the duty of a traffic and parking controller to direct and guide motor vehicles and pedestrian traffic in the city as directed by the chief of police.~~

~~—(d) A traffic and parking controller is authorized to direct traffic by voice, hand, or signal, in conformance with traffic laws; provided, that in the event of a fire or other emergency, to expedite traffic, or to protect pedestrians, a traffic and parking controller may direct traffic as conditions require notwithstanding the provisions of the traffic laws.~~

~~—(e) A traffic and parking controller is not eligible for membership in the Firemen, Policemen and Fire Alarm Operators Pension Fund created pursuant to Article 6243a, Vernon's Texas Civil Statutes, but is eligible for membership in the employee's retirement fund of the city of Dallas.~~

~~—(f) A traffic and parking controller is deemed to be a member of an organized police auxiliary unit with power to make arrests, for the purpose of qualifying for survivors' assistance benefits under the provisions of Article 6228f, Vernon's Texas Civil Statutes. A traffic and parking controller is not a regular member of the police department within the meaning of state laws governing regular police personnel.~~

(a) There is hereby created in the department of transportation, under the direction of the director, a division known as parking enforcement and management, which will be an organized auxiliary division to the department of transportation.

(b) A parking enforcement officer is authorized to:

(1) issue citations for any parking violation within the city;

(2) impound any vehicle that is:

(A) in violation of a parking or fire lane regulation; or

(B) the subject of a hearing officer's order for a parking violation when impoundment of the vehicle is authorized by Section 28-130.10 of this chapter; and

(3) immobilize any vehicle that is the subject of a hearing officer's order for a parking violation when the placement of a boot on the vehicle is authorized by Section 28-130.10 of this chapter.

(c) It is the duty of a parking enforcement officer to direct and guide motor vehicles and pedestrian traffic in the city as directed by the director.

(d) A parking enforcement officer is authorized to direct traffic by voice, hand, or signal, in conformance with traffic laws; provided, that in the event of a fire or other emergency, to expedite traffic, or to protect pedestrians, a parking enforcement officer may direct traffic as conditions require notwithstanding the provisions of the traffic laws.

(e) A parking enforcement officer is not eligible for membership in the Firemen, Policemen and Fire Alarm Operators Pension Fund created pursuant to Article 6243a, Vernon's Texas Civil Statutes, but is eligible for membership in the employee's retirement fund of the city of Dallas.

(f) A parking enforcement officer, while in the performance of official duties, is deemed to be engaged in the performance of a governmental function.

(g) A parking enforcement officer may not be armed with firearms.

~~—(g) A traffic and parking controller, while in the performance of official duties, is deemed to be engaged in the performance of a governmental function.~~

~~—(h) A traffic and parking controller may not be armed with firearms.—(Ord. Nos. 14584; 19579; 20269; 20965; 22026; 27697; 32470)~~

SEC. 28-20. OBEDIENCE TO CHAPTER REQUIRED; PENALTY.

(a) It is a violation of this chapter for any person to do an act forbidden, fail to perform an act required, or commit an act made an offense by this chapter.

(b) A person convicted of a violation of a provision of this chapter, for which another penalty is not provided by state law or other city ordinance, shall be punished by a fine not to exceed \$500. (Ord. Nos. 14584; 19963)

SEC. 28-20.1. PRESUMPTION IN FLEEING FROM A POLICE OFFICER.

The person in whose name the vehicle is registered shall be presumed to be the driver of a vehicle involved in fleeing from a police officer when, in violation of state law, the driver willfully fails to bring his vehicle to a stop, or otherwise flees or attempts to elude a pursuing police vehicle, after being given a visual or audible signal to stop by a uniformed officer in an appropriately marked official police vehicle. Proof may be made by a copy or facsimile of the registration of the vehicle with the State Highway Department or County Motor Vehicle License Department or any other licensing agency showing the name of the person to whom the license plates were issued. This proof shall constitute prima facie evidence of the fact that the person to whom the certificate of registration was issued was the driver of the vehicle. This presumption may be rebutted by competent evidence. (Ord. 19180)

ARTICLE IV.

ACCIDENTS.

SEC. 28-21. INTENTIONAL COLLISIONS.

A person commits an offense if while driving, operating, or in control of a vehicle, animal, railroad engine, or railroad car he intentionally causes, or permits the vehicle, animal, railroad engine, or railroad car to come in collision with any other vehicle, animal, person, street sign, street post, water plug, mailbox, or other obstacle or object in or on any street, alley, avenue, highway, or other public place in the city. (Ord. 14584)

SEC. 28-22. DUTY TO GIVE INFORMATION AND RENDER AID.

The driver of a vehicle involved in an accident resulting in damage to a bicycle or other device propelled wholly or in part by human power which is driven or attended by a person, shall give his name, address, and the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's, commercial operator's, or chauffeur's license to the person driving or attending the bicycle or device. (Ord. 14584)

SEC. 28-23. PRESUMPTION IN HIT AND RUN ACCIDENTS.

The person in whose name a vehicle is registered, shall be presumed to be the driver of the vehicle involved in an accident resulting in damage to a vehicle or other object, when the driver fails to stop and render the duties required of drivers under state law. Proof may be made by a copy or facsimile of the registration of the vehicle with the State Highway Department or County Motor Vehicle License Department or any other licensing agency showing the name of the person to whom the license plates were

<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>	<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>
Coit Road	Spring Valley Road to Forest Lane	40	Deepwood Drive	Carter Road to Western Hills Drive	25
Columbia Avenue	Carroll Avenue to Beacon Street	35	Delhi Street	Pointer Avenue to Toronto Avenue	20
Commerce Street	Rock Island Street to Trinity River	35	Dennison Street	Delhi Street to Rupert Street	20
Commerce Street	Fort Worth Avenue to the Trinity River	35	Denton Drive	The northwest city limits to Webb Chapel Extension	35
Commodore Drive	Bexar Street to Woodville Street	20	Denton Drive	Webb Chapel Extension to Mockingbird Lane	40
Commonwealth Drive	Irving Boulevard to Stemmons Freeway	45	Denton Drive	Mockingbird Lane to Maple Avenue	35
Congress Place	Kings Road to Hawthorne Avenue	20	Dickerson Street	McCallum Boulevard to 270 feet south of Hidden Creek Drive	35
Continental Avenue	Singleton Boulevard to Core Street	35	Dolphin Road	Samuell Boulevard to Haskell Avenue	35
Corinth Street Road	150 feet east of Atwood Street to Morrell Avenue	35	Dowdy Ferry Road	C. F. Hawn Freeway to Murdock-Dowdy Ferry Connection	35
Corinth Street Road	Morrell Avenue to Ohio Avenue	40	Dowdy Ferry Road	Murdock-Dowdy Ferry Connection to the south city limits	40
Corinth Street Viaduct	East levee of the Trinity River to 150 feet east of Atwood Street	35	Duncanville Road	Keeneland Parkway to the south city limits	40
Corrigan Avenue	Ledbetter Drive to Bonnie View Road	25	East Grand Avenue	Wayne Street to Tenison Parkway	35
Crosstown Expressway	Fitzhugh Avenue to Barry Avenue	35	East Grand Avenue	Tenison Parkway to Gaston Avenue	40-35
Dallas Parkway	Lyndon B. Johnson Freeway to 435 feet north of Arapaho Road	40	Easton Road	Lippit Avenue to the Santa Fe Railroad	35
Dallas Parkway	435 feet north of Arapaho Road to the north city limits	45	Elam Road	Jim Miller Road to the east city limits at Acres Drive	35
Daniel Dale Road	Old Hickory Trail to R. L. Thornton Freeway	40	Elsie Faye Heggins Street	Lamar Street to 500 feet South of Lyons Street	35
Davis Street	The west city limits to Tatum Avenue	45	Emerald Street	Lu Field Road to Royal Lane	35
Davis Street	Tatum Avenue to Dwight Avenue	35	Empire Central	John W. Carpenter Freeway to Harry Hines Boulevard	35
Davis Street	Dwight Avenue to Westmoreland Avenue	40	FM 1382	500 feet south of Interstate Highway 20 to 2.6 miles south of Camp Wisdom Road	Set by Texas Transportation Commission Minute Order No. 108474, as amended
Davis Street	Cliffdale Avenue to Marlborough Avenue	35			

<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>	<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>
FM 1382	2.1 miles north to 2.6 miles north of Lyndon B. Johnson Freeway	Set by Texas Transportation Commission Minute Order No. 108474, as amended	Garland Road	Tranquilla Drive to Barnes Bridge Road	40
Fair Oaks Avenue	125 feet north of Merriman Parkway to Abrams Road	35	Garland Road	Barnes Bridge Road to Lyndon B. Johnson Freeway	45
Ferguson Road	Samuell Boulevard to Lyndon B. Johnson Freeway	40	Gaston Avenue	Cambria Boulevard to East Grand Avenue	35
Fish Trap Road	Shaw Street to Dennison Street	20	Gladiolus Lane	Boulder Drive to Franklin Street	25
Fish Trap Road	Canada Drive to Bickers Street	20	Goldman Street	Canada Drive to Dennison Street	20
Five Mile Parkway	Rugged Drive to Lost Creek Drive	25	Great Trinity Forest Way	Ledbetter Drive to Wadsworth Drive	45
Fitzhugh Avenue	Crosstown Expressway to Second Avenue	35	Great Trinity Forest Way	Wadsworth Drive to Oklaunion Drive	50
Floyd Road	The north city limits to Valley View Lane	35	Great Trinity Forest Way	Oklaunion Drive to C. F. Hawn Freeway	40
Forest Lane	Preston Road to Skillman Street	40	Greenleaf Street	Holystone Street to Applegrove Street	20
Forest Lane	Skillman Street to the east city limits	45	Greenville Avenue	The north city limits to Walnut Hill Lane	40
Forest Lane	Harry Hines Boulevard to Preston Road	35	Greenville Avenue	Walnut Hill Lane to Mockingbird Lane	35
Forney Road	Jim Miller Road to Buckner Boulevard	35	Gus Thomasson Road	Joaquin Drive to Maylee Boulevard	35
Forney Road	Buckner Boulevard to Sam Houston Road	40	Gus Thomasson Road	Santa Fe Railroad to Kilkenny Place	35
Fort Worth Avenue	Davis Street to Westmoreland Road	40	Hampton Road	Akron Street to Dallas-Fort Worth Turnpike	40
Fort Worth Avenue	Westmoreland Road to West Commerce Street	35	Hampton Road	415 feet north of Canada Drive to Akron Street	35
Frankford Road	All portions within the city limits	40	S. Hampton Road	Dallas-Fort Worth Turnpike to Cliff Teen Court	35
Garden Lane	Pinkston Drive to Roberts Avenue	20	S. Hampton Road	Cliff Teen Court to the south city limits at Daniieldale Road	40
Garland Road	Gaston Avenue to Tranquilla Drive	35	Hampton Road Bridge (the bridge connecting N. Hampton Road and Inwood Road over the Trinity River)	415 feet north of Canada Drive to 870 feet south of Conveyor Lane	45
Garland Road	Gaston Avenue to Forest Hills Place	40			
Garland Road	Forest Hills Place to Tranquilla Drive	35			

<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>	<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>
Youngblood Road	Central Expressway to a point one mile east of Central Expressway	15	Central Expressway (S. M. Wright Freeway; SH 310)	C. F. Hawn Freeway to a point two-tenths of a mile north of Overton Road	50
Zang Boulevard	Greenbriar Lane to one-eighth of a mile south of Clarendon Drive	35	Central Expressway (S. M. Wright Freeway; SH 310)	From a point two-tenths of a mile north of Overton Road to Linfield Drive	50
Zang Boulevard	One-eighth of a mile south of Clarendon Drive to three-tenths of a mile south of Saner Avenue	40	Central Expressway (S. M. Wright Freeway; SH 310)	Linfield Drive to a point 750 feet north of Ledbetter Drive	50
(Ord. Nos. 14584; 14696; 14818; 14869; 14922; 14974; 15194; 15430; 15455; 15541; 15699; 15760; 15835; 16018; 16091; 16166 16288; 16411; 16524; 16577; 16624; 16821; 16901; 16986; 17041; 17146; 17345; 17456; 17576; 17667; 17875; 18265; 18283; 18483; 18484; 18982; 18983; 19749; 20196; 20475; 21237; 21564; 22643; 22926; 23078; 23556; 23917; 25833; 26500; 27294; 27700; 28871; 30022; 30217; 31552; 32291; 32488)			Central Expressway (SH 310)	From a point 750 feet north of Ledbetter Drive to the south city limits at Langdon Drive	50
SEC. 28-45. EXPRESSWAYS AND FREEWAYS.			C. F. Hawn Freeway (US 175)	S. Central Expressway (SH 310) to Prairie Creek Road	Set by Texas Transportation Commission Minute Order No. 114203
(a) A person commits an offense if he operates or drives a vehicle on any of the following designated freeways or expressways at a speed greater than the speed designated by this section for that freeway or expressway or portion of freeway or expressway, and any speed in excess of the limit provided in this section shall be prima facie evidence that the speed is not reasonable nor prudent and is unlawful.			C. F. Hawn Freeway (US 175)	Prairie Creek Road to Dallas south city limits	Set by Texas Transportation Commission Minute Order No. 114203
			Dallas Ft. Worth Turnpike (IH 30)	West city limits to Stemmons Freeway (IH 35E)	Set by Texas Transportation Commission Minute Order No. 114203
			Dallas North Tollway	From a divergent point of McKinnon Avenue and Harry Hines Boulevard to the north city limits	Set by North Texas Tollway Authority Resolution No. 97-30, as amended
<u>STREET</u>	<u>EXTENT</u>	<u>SPEED (MPH)</u>	E.R.L. Thorton Freeway (IH 30)	First Avenue to Rockwall county line	Set by Texas Transportation Commission Minute Order No. 114203
Central Expressway	Woodall Rodgers Freeway to Live Oak Street	50	Good-Latimer Expressway	Taylor Street to Central Expressway	35
Central Expressway	From a point 600 feet south of Taylor Street to Park Row	35	Interstate Highway 30	Dallas county line to Rockwall west city limits	Set by Texas Transportation Commission Minute Order No. 114203
Central Expressway (S. M. Wright Freeway; US 175)	Park Row to C. F. Hawn Freeway	Set by Texas Transportation Commission Minute Order No. 106769, as amended			

<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>	<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
Comal Street	700-800	150' W. to 100' E. of Ewing Avenue	W. Davis Street	4900-5100	35'E. of Justin Avenue to 75'E. of Bond Avenue
Coming Avenue	200E-200W	110'E. of Beckley Avenue to 110'W. of Toluca Avenue	Deerfield Lane	3700-3800	150'S. of Gibb Williams Road to 100'N. of Bridal Wreath Lane
Community Drive	3200	225'S. to 215'N. of Timberline Drive	Deer Path Drive	1900-2200	200'E. of Garrison Street to 225'W. of Easter Avenue
Congress Avenue	4000-4100	160' N. to 160' S. of Throckmorton Street	Delmar Avenue	2800-3000	150'S. of Marquita Avenue to 120'N. of Vickery Boulevard
Conner Drive	1300-1400	15'N. of Lake June Road to 425'S. of Grovecrest Drive	Delmar Avenue	4100	200'N. of Winton Street to 100'S. of Anita Street
Conroe Street	3100-3200	480' S. of Nomas Street to Nomas Street	Denley Drive	1200-1400	100'S. of Forester Drive to 75'S. of Genoa Avenue
Corinth Street	300-400	350'S. of Avenue B to 15'S. of Avenue D	Dennis Road	11300-11600	320' S. of Northaven Road to 200' N. of Modella Avenue
Corning Avenue	700-1000	210'E. of Ewing Avenue to 165' W. of Maryland Avenue	Diceman Drive	9000-9100	Old Gate Lane to 100' W. of San Saba Drive
Cortland Avenue	7600-7700	150'N. of Anson Road to 50'S. of Bombay Avenue	Dickerson Street	17800-18000	270' S. of Hidden Creek Drive to 235' N. of Maribeth Drive
Cox Lane	11900-12100	60'N. of Crest Cove Circle to 270'S. of High Vista Drive	Dilido Road	3100-3700	25' N. of Britain Way to 100' S. of Senate Street
Cradlerock Drive	10500-10600	200'W. of Amity Lane to Cheyenne Road	Drury Drive	1100-1400	600'W. of Polk Street to 1000'E. of Regatta Drive
N. Crawford Street	100-300	200'S. of Ninth Street to 100'N. of Eighth Street	Duncanville Road	2000-2300	380'N. to 1225'N. of Illinois Avenue
Cromwell Drive	11300-11500	130'S. of Flair Drive to 60'S. of Winged Foot Court	Duncanville Road	2200	1610'N. to 2735'N. of Illinois Avenue
Crown Shore Drive	3800	130'W. of Cold Harbor Lane to 140'E. of Cox Lane	Dunlap Drive	8600-8700	235'W to 265'E. of Odeneal Street
Cummings Avenue	2900	Sunnyvale Street to 20'W. of Tacoma Street	Durham Street	8200-8400	200' S. of Wentwood Drive to 50' S. of Northwest Parkway
Dale Crest Drive	9800-9900	175' S. to 345' N. of Park Lane	Easter Avenue	3200-3300	210' N. of Deerpath Drive to 25' S. of Village Way
Dallas North Tollway west service road		220'N. of Wycliff Avenue to Wycliff Avenue	Easton Road	400-800	380' S. of Bon Aire Drive to 160' S. of Lippit Avenue
Darien Street	3600-3700	Bickers Street to Bayside Street	Eastridge Drive	6500-6700	200' N. of Ridgecrest Road to 250' S. of Ridgecrest Road
W. Davis Street	400-600	170'E. of Woodlawn Avenue to 200'W. of Cedar Hill Avenue	Eastridge Drive	6700-6800	180' S. of Slopes Drive to 200' S. of Park Lane
W. Davis Street	1500-1800	220'E. of Montclair Avenue to 440'W. of Mary Cliff Road	Edd Road	1400	390'E. of Vida Lane to 40'W. of Garden Grove Drive
W. Davis Street	2400-2500	20' W. of N. Terrace Boulevard to 75'E. of Bernice Street			

<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>	<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
S. Fitzhugh Avenue	1000-1100	100'S. of Gurley Avenue to 300'N. of E. Grand Avenue	Gilbert Avenue	4300-4500	125' E. of Herschel Avenue to 205' W. of Prescott Avenue
Flair Drive	3400-3500	320'E. of Sonnet Drive to 250'E. of Cromwell Drive	Gladstone Drive	2300-2500	150'E. of S. Hampton Road to 100'W. of S. Franklin Avenue
Fordham Road	800-1000	160' E. of Maryland Avenue to 334' W. of Utah Avenue	Glasgow Drive	300N-300S	125'N. of Reiger Avenue to 125'S. of Covington Lane
Fordham Road	2800-3000	Stanley Smith Drive to 400'E. of Bonnie View Road (East Leg)	Glenhaven Boulevard	4100-4300	270'W. of Sunnyside Avenue to 280'E. of Andrews Street
Forest Lane	4500-4800	190'W. of Welch Road to 270'E. of Nanwood Drive	Goldwood Drive	1800	100'E. of Indian Ridge Trail to 150'W. of Forest Meadow Trail
Forest Lane	8800-8900	480'E. to 520'W. of Shepherd Road	Gooding Drive	10000-10100	150'N. of Killion Drive to 100'N. of Walnut Hill Lane
Forest Lane	9600-9700	820'E. to 400'W. of Oakshire Place	Goodman Street	5100-5200	60'W. of N. Bagley Street to N. Morocco Avenue
Forest Lane	9700-9800	230' W. to 230' E. of Audelia Road	Goodwin Avenue	5700-5900	50' E. of Delmar Avenue to 390' W. of Matilda Street
Forestgate Drive	11900-12000	500' N. of Forest Lane to 100' W. of east leg of Forestgate Drive	E. Grand Avenue	4900-5000	100'E. of Fitzhugh Avenue to 80'E. of S. Barry Avenue
Forney Road	7700	350'E. to 1050'W. of Wimbelton Way	E. Grand Avenue	5700-6200	50' W. of Parkview Avenue to 50' W. of Cristler Avenue
Fort Worth Avenue	2600-2700	370' W. to 290' E. of Westmount Avenue	East Grand Avenue	7200-7500	290'S. to 530'N. of LaVista Drive
Fox Creek Trail	8300-8400	210' W. of Wisdom Creek Drive to 200' E. of Firethorn Drive	East Grand Avenue	7200-7300	290'S. to 270'N. of LaVista Drive
Frankford Road	2500-2600	500' E. of Kelly Boulevard to 150' W. of Creststone Drive	Great Trinity Forest Way	3000-3200	525'W. of Bonnie View Road to 70'W. of Greencrest Drive
Frankford Road	4100-4200	375'E. of Voss Road to 32'W. of Whispering Gables Drive	Great Trinity Forest Way	6900-7200	465'E. to 500'W. of Jim Miller Road
Frankford Road	5700-5800	200'W. of Gallery Road/ Windflower Way to 450'W. of Campbell Road	Green Cove Lane	600-800	350'E. of Lone Oak Trail to 300'W. of Oak Trail
S. Franklin Street	3700-3900	210' S. of Gibb Williams Road to 25' N. of Bridal Wreath Lane	Greenmeadow Drive	2900-3000	John West Road to 180'N. of Forestcliff Drive
Fullerton Drive	1200-1300	100' S. of Remond Drive to Colorado Boulevard	Greenmound Avenue	8800-9000	200'W. of McKim Drive to Blanton Street
Garden Grove Drive	10300	650'S. of Edd Road to Edd Road	Greenspan Drive	6600-6900	100'N. of Midvale Drive to 300'N. of Brierfield Drive
Gaston Avenue	5700-5800	170'S. to 185'N. of Skillman Street	Greenspan Drive	7700-7800	400'N. to 350'S. of Kirnwood Drive
Gayglen Drive	7600-7800	300'W. of Long Branch Lane to 15'W. of Anchorage Circle	Greenville Avenue	2800-3000	Vickery Boulevard to 70'N. of Vanderbilt Avenue
			Greenway Boulevard	7400-7500	100'N. of Glenwick Lane to 160'S. of Boaz Street
			Gross Road	1700-2100	110'W. of Lindaro Lane to Felicia Court
			Gus Thomasson Road	2900-3000	140'E. of Shiloh Road to 130'W. of Matterhorn Drive

<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>	<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
Gus Thomasson Road	3200-3300	30'E. of Libby Lane to the Mesquite city limits	Herschel Avenue	3700-4000	110' S. of Gilbert Avenue to 355' N. of Gilbert Avenue
Gus Thomasson Road	10300	170' S. of Mandalay Drive to 80' S. of Ruth Ann Drive	Highland Hills Drive	5900	90'W. of Moonstone Drive to Bonnie View Drive
Hampton Road	2000	215'S. of Elmwood Boulevard to 265'N. of Wright Street	Highland Road	2000-2300	405' E. of Ferguson Road to 620' W. of Villa Cliff Drive
N. Hampton Road	500-600	230' S. to 250' N. of Davis Street	Highland Road	2400	210'N. to 200'S. of Claremont Drive
N. Hampton Road	3200-3300	210' S. to 235' N. of Dennison Street	Hillbrook Street	2900-3000	Lake Circle to Sondra Drive
N. Hampton Road	3700-4100	70' S. of Bayside Street to 330' N. of Calypso Street	Hillburn Drive	2600	190'S. of Piedmont Drive to Piedmont Drive
S. Hampton Road	400-600	280'N. of W. Twelfth Street to 230'S. of Gladstone Drive	Hillcrest Road	9700-10300	140'N. of Stichter Avenue to 150'S. of Waggoner Drive
S. Hampton Road	2900-3000	135' S. to 800' S. of Perryton Drive	Hillcrest Road	14000-14200	220' S. of Spring Valley Road to 30' S. of Meadowcreek Drive
S. Hampton Road	4000-4100	200' N. to 315' S. of Vatican Lane	Hillcrest Road	15700	45'S. of La Bolsa Drive to 300'N. of Arapaho Road
Hargrove Drive	9400	150' S. of Oradell Lane to Sheila Lane	Hillcrest Road	16300-16400	270'S. to 260'N. of Brentfield Drive
Harry Hines Boulevard	8500-8600	350'S. to 330'N. of Regal Row	Hillcrest Road	16900-17000	220'S. of Park Hill Drive to Dye Drive
Harter Road	800-900	Riverton Road to 20' S. of Tarleton Street	Hillside Drive	2700-2800	80'N. of Westlake Avenue to 120'N of Blanch Circle
Harvest Hill Road	4500-4800	255'W. of Welch Road to 250'E. of Harriet Drive	Hodde Street	6800-7000	100'E. of Woodmont Drive to Jim Miller Road
Harvest Hill Road	5100-5200	200'E. of Inwood Road (East Leg) to Forest Bend Road	Holcomb Road	600-700	80'S. of Old Homestead Drive to 600'N. of Elam Heights Drive
N. Haskell Avenue	1800-1900	400' N. to 200' S. of Munger Avenue	Holly Hill Drive	7000	240' W. to 780' E. of Ridgcrest Road
N. Haskell Avenue	3100	40'W. of McKinney Avenue to 30'E. of Cole Avenue	Horn Beam Drive	12700	550'S. of Bunchberry Drive to Bunchberry Drive
Haymarket Road	1200-1400	100'S. of Cade Road to 465'S. of Sewell Circle	Hovenkamp Drive	4800-4900	100'N. of Winding Woods Trail to Ashbrook Road
Hazelhurst Lane	4800-5000	20'S. of Everglade Road to 50'N. of Fallon Place	Hudnall Street	3100-3200	200' W. to 200' E. of Vandelia Street
Healey Drive	2500-2700	210'W. of Casa Oaks Drive to 190'E. of Shiloh Road	Hume Drive	7600-7900	500'W. of Buckner Boulevard to Piedmont Drive
Hedgeway Drive	10000-10100	Walnut Hill Lane to 300' N. of Killion Drive	Hunnicut Road	8200-8300	15'W. of Rivercrest Drive to 5'E. of Coolgreene Drive
Henderson Avenue	1800-1900	10'W. of Lewis Street to 250' W. of McMillan Avenue	Idaho Avenue	3900-4200	Grinnell Street to 200'S. of Brookmere Drive
N. Henderson Avenue	2500-2700	80' N. of Homer Street to 125' S. of Manett Street	E. Illinois Avenue	500-700	40'W. of Alaska Avenue to 20'W. of Maryland Avenue
Hermosa Drive	10100-10400	190'S. of Stevens Street to 150'S. of Fuller Drive	W. Illinois Avenue	1300-1500	330'E. to 345'W. of S. Edgefield Avenue

<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>	<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
Northaven Road	3800-3900	150'W. of Rosser Road to 140'W. of Snow White Drive	Patton Avenue	100-300	100'N. of Tenth Street to 50'S. of Eighth Street
Northaven Road	7000-7100	250'E. to 250'W. of St. Judes Drive	Paulus Avenue	100-300	50' N. of Covington Lane to 100' N. of Reiger Street
Northcliff Drive	9600-9800	200'E. of Brookhurst Drive to 150'W. of Peavy Road	Peavy Road	600-700	180' N. of Waterview Road to 70' S. of Northcliff Drive
Northwest Parkway	7200-7300	100' E. of Airline Road to Durham Street	Peavy Road	2600-2800	320' N. of Ferguson Road to 160' S. of Gross Road
Nuestra Drive	12500-12600	300'N. of Charlestown Drive to Montford Drive	Pelican Drive	11200	15' E. of Flicker Lane to 20' W. of McCree Road
Oak Lawn Avenue	3700-3900	100'S. of Gilbert Avenue to 150'N of Irving Avenue	Pennsylvania Avenue	1500-2300	180' W. of Holmes Street to 300' W. of Edgewood Street
Oak Trail	4900-5100	215'N. of Green Cove Lane to 240'S. of Town Creek Drive	Pennsylvania Avenue	2900-3000	20'S. of Meadow Street to 100'S. of Jeffries Street
Odom Drive	8500-8600	60'E. of Holcomb Road to 150'W. of Odeneal Street	Philip Avenue	4800-5000	50'W. of Fitzhugh Avenue to 50'E. of S. Barry Avenue
Old Gate Lane	1400-1500	80' S. of Forest Hills Boulevard to Diceman Drive	Piedmont Drive	7500-7600	150'S. to 200'N. of Hume Drive
Old Ox Road	5900-6100	5'S. of Caravan Trail to 100'N. of Indian Summer Trail	Piedmont Drive	7700	200' N. to 180' S. of Ravehill Lane
Old Seagoville Road	9600-9900	St. Augustine Drive to 400'W. of September Lane	Pine Street	2300-2500	50'E. of Leland Avenue to 175'E. of Latimer Street
Orlando Court	4000-4100	220'W. to 175'E. of Randolph Drive	Plano Road	9600-9700	370'S. to 300'N. of Kingsley Road
Osage Plaza Parkway	7700	450' S. of Maribeth Drive to 60' N. of Bromwich Drive	Pleasant Drive	1200-1300	180'S. to 500'N. of Lake June Road
Overton Road	100 W.-100 E.	165'W. to 185'E. of Beckley Avenue	Pleasant Valley Drive	12300-12400	75'S. of Glen Canyon Drive to 175'N. of Chimney Hill Lane
Overton Road	800-900	Maryland Avenue to 300'E. of Idaho Avenue	Pleasant Vista Drive	300	165'N. of Hamlin Drive to 165'S. of Wessex Drive
Overton Road	2100-2400	220'W. of Easter Avenue to 360'E. of Garrison Street	Plymouth Road	600-700	215'N. to 215'S. of Avon Street
E. Overton Road	3400-3600	180'N. to 395'S. of Southern Oaks Boulevard	Polk Street Cut-off	600	250'N. to 300'S. of Page Avenue
Palisade Drive	8900-9100	140'E. of Greendale Drive to 270'W. of Prairie Creek Road	S. Polk Street	3100-3200	50'S. of O'Bannon Drive to 100'S. of Kiest Boulevard
Park Lane	3100-3200	60'W. of Harwell Drive to 125'W. of Dale Crest Drive	S. Polk Street	5400-5500	400'N. of Drury Drive to 100'S. of Clear Fork Drive
Park Lane	8300-8400	250' W. to 245' E. of Ridgecrest Road	S. Polk Street	5700-5800	300'N. to 300'S. of Reynoldston Lane
Parkview Avenue	900-1000	150'N. to 220'S. of Gurley Avenue	S. Polk Street	9200-9400	200' N. of Wardmont Avenue to 185' S. of Brogdon Lane
Patterson Street	1400-1500	50'W of Akard Street to Ervay Street			

STREET	BLOCK(s)	EXTENT	STREET	BLOCK(s)	EXTENT
Pomona Road	4500	Cherokee Trail to Catawba Road	Ridge Center Drive	6100-6200	Wandt Drive to 495' W. of Cedar Ridge Road
Prairie Creek Road	3600-3800	60' N. of Tampus Lane to 300' S. of Cedar Run Drive	Ridgecrest Road	5800-5900	Holly Hill Drive to 240' E. of Fair Oaks Avenue
N. Prairie Creek Road	1900-2000	80' S. of Donnybrook Lane to 150' N. of Seaway Drive	Ridgecrest Road	6200-6400	220' W. of Eastridge Drive to 100' E. of Eastridge Drive
Preston Road	10500-10600	200' S. of Street Marks Circle to 200' S. of Over Downs Drive	Ridgecrest Road	6300-6400	660' W. to 1430' W. of Eastridge Drive
Prichard Lane	2400	180' S. of Ravehill Lane to Ravehill Lane	Ridgeside Drive	4400-4500	100' W. of Welch Road to 245' E. of Crestline Drive
Prichard Lane	2900	700' S. of Scylene Road to Scylene Road	Robert B. Cullum Boulevard	1600-1700	250' W. to 250' E. of Pennsylvania Avenue
Pritchard Lane	2500-2600	195' S. of Reva Street to Hume Drive	Rolling Hills Lane	7900-8000	254' W. to 232' E. of Coit Road
Racine Drive	7600-8000	5' S. of Edgedale Drive to 200' S. of Jadewood Drive	Rolling Hills Lane	13900-14000	180' W. of Waterfall Way to 350' W. of Flagstone Lane
Ravensway Drive	10000	150' S. of Church Road to 200' S. of Windledge Drive	Roper Street	6700-7100	W. University Boulevard to 200' S. of Thedford Avenue
Ravinia Drive	2000-2400	80' S. of Rolinda Drive to 183' S. of Poinsettia Drive	Ross Avenue	4400-4500	60' W. of Ashby Street to 350' E. of Carroll Avenue
S. Ravinia Drive	1100-1200	20' S. of Clarendon Drive to 40' N. of Grafton Street	Ross Avenue	4700-4900	80' E. of Grigsby Avenue to 400' W. of Bennett Avenue
S. Ravina Drive	1400-1700	200' S. of Sharon Avenue to 150' N. of Falls Drive	Ross Avenue	4600-4900	175' E. of Annex Avenue to 400' W. of Bennett Avenue
Raydell Place	3100	75' E. of School dell Drive to 60' W. of Barnett Avenue	Ross Avenue	5200-5300	300' N. of Moser Avenue to 65' S. of N. Garrett Avenue
E. Red Bird Lane	1300-1600	245' E. of Samcar Trail to 230' E. of Old Ox Road	Rosser Road	12200-12400	40' N. of Port Royal Drive to 70' S. of High Summit Drive
W. Red Bird Lane	3700-3800	255' W. to 270' E. of Red Bird Center Drive	Round Rock Road	7500-7900	75' E. of Meandering Way to 220' E. of Spring Creek Road
Regal Road	1900	660' S. of Harry Hines Boulevard to Harry Hines Boulevard	Routh Street	1700-2100	215' N. of Ross Avenue to 50' S. of Woodall Rodgers (North Service Road)
Regatta Drive	5600-5700	25' N. of Reynoldston Lane to 300' S. of Chalet Lane	Royal Lane	2000-2200	315' W. of Newkirk Street (North Leg) to 580' W. of Goodnight Lane
Reiger Avenue	6100	175' N. of Slaughter to 60' S. of N. Paulus Avenue	Royal Lane	5500-5700	600' W. of Netherland Drive to 100' W. of the Dallas North Tollway off ramp
Remond Drive	2600	145' E. of Hartsdale Drive to 100' E. of Fullerton Drive	Royal Lane	6400-6600	260' W. to 610' E. of Edgemere Road
Reynoldston Lane	1200-1400	600' E. of Spring Glen Drive to 10' E. of Caracas Drive	Royal Lane	9100-9200	265' E. to 265' W. of Arborside Drive
Richwater Drive	5800-6000	200' W. to 570' E. of Campbell Road	Rugged Drive	3800-4000	150' S. of Vatican Lane to 300' N. of Rubens Drive
			Rylie Crest Drive	11000-11100	100' E. of the South Leg of Haymarket Road to the east city limits

STREET	BLOCK(s)	EXTENT	STREET	BLOCK(s)	EXTENT
Rylie Road	10200-10500	200'E. of Haymarket Road to 30'W. of Trewitt Street	Sonnet Drive	11300-11400	170' S. of Flair Drive to 200' N. of Orchard Ridge Court
Salado Drive	16100	120'N. of La Manga Drive to 13'S. of Carta Valley Drive	Southern Oaks Boulevard	3300-3400	300'N. to 300'S. of Tips Boulevard
San Leandro Drive	8300-8400	150' W. of St. Francis Avenue to Whittier Avenue	Sprague Drive	3300-3400	300'W. of Boulder Drive to 15'E. of Westmoreland Road
Schroeder Road	12300-12400	280'S. to 190'N. of Towns Street	Spring Grove Avenue	13400-13600	150'W. of Meandering Way to 200'E. of Knollwood Drive
Scyene Road	7800-7900	150'E. of Scyene Circle to 100'E. of Prichard Lane	Spring Valley Road	6600-6900	800' W. of Hillcrest Road to 50' W. of Brookridge Drive
Scyene Road	9500-9600	530' N. to 683' S. of N. St. Augustine Road	Stag Road	3000-3100	2500'E. of Bonnie View Road to 1040'W. of Haas Drive
Seagoville Road	11000	100'E. of Haymarket Road to the east city limits	Stampede Lane	2200	50' E. of Chaparral Waters Way to 120' W. of Olympus Boulevard
Seagoville Road	15600-15900	295'W. to 750'E. of Woody Road	St. Augustine Road	100S-200N	220' S. of Grady Lane to 200' N. of Grove Oaks Boulevard
Seagoville Road	16100-16200	450'W. to 310'E. of Stark Road	N. St. Augustine Road	500-700	200' S. of Calico Drive to 400' N. of Rhoda Lane
S. Seagoville Road	300	300'W. of St. Augustine Drive to St. Augustine Drive	N. St. Augustine Road	1000	75' N. of Paramount Avenue to 75' S. of Angelus Road
Searcy Drive	2900	111' W. to 120' E. of Cowart Street	N. St. Augustine Road	1400-1600	420' S. to 530' N. of Musgrave Drive
Sebring Drive	6500-6600	60'S. of Tioga Street to 300'N. of Soft Wind Drive	N. St. Augustine Road	2000-2200	50' S. of Olde Towne Rowe to 435' S. of Bruton Road
Seco Boulevard	6800-7100	Celeste Drive to 300'W. of Gillette Street	N. St. Augustine Road	2400-2500	170' S. of Bluffcreek Drive to 170' N. of Highfield Drive
Second Avenue	4300-4500	10'N. of York Street to 150'N. of Carpenter Avenue	N. St. Augustine Road	2900-3200	630' N. to 230' S. of Scyene Road
Shadybank Road	16400-16500	100'S. of Redpine Road to 150'S. of Embers Road	St. David Drive	2800-2900	225' W. of St. Gabriel Drive to 60' W. of St. Rita Drive
Sheila Lane	3400	300' E. of Lakefield Boulevard to Hargrove Drive	Stevens Forest Drive	1800-2000	135' W. of Mary Cliff Road to 220'E. of Stevens Village Drive
Shiloh Road	9900-10000	175'S. of Healey Drive to 150'N. of Milmar Drive	St. Francis Avenue	1600-1700	125'S. of San Cristobal Drive to 200'N. of San Leandro Drive
Shiloh Road	10800	35'W. of Centerville Road to Ferguson Road	St. Francis Avenue	4400-4500	205' W. of Berridge Lane to 145' E. of Trace Road
Singleton Boulevard	1600-1800	410'W. to 330'E. of Vilbig Road	St. Judes Drive	11200-11400	140' S. of Midbury Drive to 140' N. of Mason Dells Drive
Singleton Boulevard	2800-3000	190'E. of Westerfeld Avenue to 280'E. of Kingbridge Street			
Singleton Boulevard	5300-5600	250'E. of Clymer Street to 60'E. of Lumley Street			
Sondra Drive	6700	215'W. of Hillbrook Street to Wendover Road			

STREET	BLOCK(s)	EXTENT	STREET	BLOCK(s)	EXTENT
St. Michaels Drive	11200-11400	200' S. of Midbury Drive to 180' N. of Mason Dells Drive	Towns Street	8200-8300	Schroeder Road to Dandridge Drive
St Moritz Avenue	6200	250' E. of Norris Street to 50' W. of Alderson Street	Tumalo Trail	3200-3300	100' N. of Odessa Street to 500' N. of Nomas Street
Stichter Avenue	6300-6500	200' E. of Edgemere Road to 200' W. of Tibbs Street	W. Twelfth Street	500-600	250' E. to 250' W. of Llewellyn Avenue
Stoneview Drive	9000-9200	200' S. of Beckleymeade Avenue to 200' N. of Westfall Drive	W. Twelfth Street	1300-1500	85' W. of Clinton Avenue to 115' W. of the south leg of Windomere Avenue
Stults Road	8400-8500	116' E. of Pinewood Drive to 100' S. of Floyd Lake Drive	W. Twelfth Street	2300-2500	35' W. of Hollywood Avenue to 165' W. of Franklin Street
Stults Road	8600-8800	Shepherd Road to 200' W. of Woodshore Drive	N. Tyler Street	100	80' N. of Tenth Street to Melba Street
Sunland Street	11600-11800	160' N. of Lippitt Avenue to 150' S. of Flamingo Lane	S. Tyler Street	500-600	250' S. to 200' N. of Page Avenue
Sunnyvale Street	4700-4800	500' S. to 150' N. of Cummings Avenue	Tyree Street	6800	120' N. of Thedford Avenue to Linnet Lane
Sunnyvale Street	4100	185' N. to 185' S. of Wilhurt Avenue	Umphress Road	7600-7900	250' E. of Prichard Lane to 250' E. of Hillburn Drive
Swansee Drive	2100-2000	80' E. of Alamosa Drive to 100' W. of Cassia Drive	Umphress Road	7700-7900	250' S. of Prichard Lane to 300' W. of Ormond Drive
Sylvan Avenue	3200-3300	230' S. of Nomas Street to 150' N. of McBroom Street	University Boulevard	4300-4700	180' W. of Webster Drive to 140' E. of Roper Street
Teagarden Road	10200	250' W. to 650' E. of Education Way	Vail Street	18300	200' S. of Timberglen Road to Timberglen Road
Telegraph Avenue	2400-2500	Claremont Drive to 140' E. of Rangeway Drive	Vandelia Street	5500-5600	100' S. of Inwood Road to 150' N. of Hedgerow Drive
Thedford Avenue	3600-3800	160' N. of Tyree Street to 170' E. of Victoria Avenue	Vanderbilt Avenue	5700-5900	200' W. of Matilda Street to 220' E. of Delmar Avenue
Throckmorton Street	2700-3000	35' E. of Dickason Avenue to 120' W. of Congress Avenue	Verde Valley Lane	5100-5200	170' W. to 170' E. of Noel Road
Tibbs Street	9700-9900	145' N. of Aberdeen Avenue to 155' N. of Walnut Hill Lane	Vernon Avenue	2000-2300	100' S. of Ludlow Street to 150' S. of Ferndale Avenue
Timberglen Road	3400	Kelly Boulevard to 30' W. of Justice Lane	Veterans Drive	4600	Ann Arbor Avenue to 500' S. of Ann Arbor Avenue
Timberglen Road	3600	200' W. to 210' E. of Vail Street	Veterans Drive	4600-4900	765' N. of 52nd Street to 150' S. of Ledbetter Road
Tioga Street	3500-3800	200' W. of Bonnie View Road to 190' W. of Strawberry Trail	Victoria Avenue	6700-6900	250' S. to 120' N. of Thedford Avenue
Toluca Avenue	3000	Corning Avenue to McVay Avenue	Victor Street	4500	N. Carroll Avenue to 270' E. of N. Carroll Avenue
Tosca Lane	2100-2200	20' W. of Rugged Drive to 250' W. of Ovid Avenue	Voss Road	17800-17900	206' S. of Briargrove Lane to 65' S. of Whispering Gables Drive
Town North Drive	6800-7000	150' S. of Berryhill Street to 150' N. of Larmanda Street			

<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>	<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
Walmsley Avenue	1300-1500	75'E. of Neal Street to 150'W. of N. Edgefield Avenue	Wendover Road	3200-3400	220'W. of Alexander Drive to 120'N. of Meadow Lake Avenue
Walnut Hill Lane	2900-3000	210'W. of Monroe Drive to 60'E. of Goodyear Drive	Wentwood Drive	7200-7400	250' E. of Durham Street to 120' E. of Airline Road
Walnut Hill Lane	3300-3400	180' W. to 825' E. of Webb Chapel Road	Westmoreland Road	100 S-100 N	210' S. to 270' N. of West Jefferson Boulevard
Walnut Hill Lane	4100	160' W. of Ontario Lane to 230' W. of Midway Road	S. Westmoreland Road	500-600	40'S. of Arnoldell Street to 300'S. of Irwindell Boulevard
Walnut Hill Lane	4900-5000	300' E. of Surrey Oaks Drive to 40' W. of Strait Lane	S. Westmoreland Road	1400-1500	60'N. of Glen Haven Boulevard to 150'S. of Shelly Boulevard
Walnut Hill Lane	6300-6500	270'W. of Tibbs Street to 240'E. of Edgemere Road	S. Westmoreland Road	3400-3900	50' N. of Kimballdale Road to 50' N. of Mapleleaf Lane
Walnut Hill Lane	8700-8900	10'W. of Claybrook Drive to 150'W. of Abrams Road	N. Westmoreland Road	3400-3600	450'S. of Morris Street to 250'N. of Bickers Street
Walnut Hill Lane	9400-9500	500' W. to 200' E. of Meadowhill Drive	Wheatland Road	1700-2000	300'E. of McKissick Lane to 50'E. of Fellowship Drive
Walnut Hill Lane	10100-10400	270' W. of Ferndale Road to 120' W. of Livenshire Drive	Wheatland Road	7100-7200	325'E. to 500'W. of County View Road
Walnut Street	10200-10400	280'W. to 220'E. of Hornbean Drive	W. Wheatland Road	400-500	620' E. to 420' W. of Willoughby Boulevard
Walton Walker Boulevard northbound service road	800-900	320'S. to 105'N. of Keeneland Parkway	Whispering Hills Drive	12700-12900	125'N. of Laingtree Drive to Sunridge Trail
Walton Walker Boulevard southbound service road	800-900	275'N. to 115'S. of Keeneland Parkway	Whitehurst Drive	9200	320'W. to 300'E. of Club Meadows Drive
Wandt Drive	6700-7000	425' N. of Camp Wisdom Road to Ridge Center Drive	Whitehurst Drive	9300-9400	660'W. of Echo Valley Drive to 55'E. of Spring Hollow Drive
N. Washington Avenue	1900-2300	110' N. of Munger Avenue to 285' S. of Thomas Avenue	Whitehurst Drive	9400-9600	75'W. of Branch Hollow Drive to 60'E. of Glen Springs Drive
Waterfall Way	13600-13700	130'N. of Brookgreen Drive to 200'N. of Rolling Hill Lane	Whitehurst Drive	9700-9800	275' E. of Arbor Park Drive to 120' E. of Ferris Branch Boulevard
Wayne Street	900-1000	120'N. to 220'S. of Gurley Avenue	White Rock Trail	9400-9700	70' S. of Crestedge Drive to 550' N. of Kingsley Road
Webb Chapel Road	9800	30'S. of Park Lane (North Leg) to 20'N. of Manana Drive	White Rock Trail	9900-10000	350'S. of White Rock Place to 330'S. of Church Road
Webb Chapel Road	9900-10000	50' N. of Lockmoor Lane to 245' N. of Walnut Hill Lane	Whitewing Lane	8800-8900	25' S. of Quail Run to Pelican Drive
Welch Road	11600-11800	230'S. of Hockaday Drive to 100'S. of Allencrest Lane	Willoughby Boulevard	8500-8700	40' S. to 650' N. of Adjective Street
Welch Road	12200-12300	115'S. of Ridgeside Drive to 200'S. of Rickover Drive	Willow Lane	4800-4900	90'W. of Shirestone Lane to 160'W. of Drujon Lane
Welch Road	12600-12700	160'S. of Mill Creek Road to 110'N. of Harvest Hill Road			

<u>STREET</u>	<u>BLOCK(s)</u>	<u>EXTENT</u>
Willowdell Drive	12200	250'W. of Schroeder Road to Schroeder Road
Winedale Drive	7100	Abrams Road to Kingsley Road
N. Winnetka Avenue	3100-3300	50'S. of McBroom Street to 200'S. of Pueblo Street
Woodall Rodgers (South Service Road)	2400-2600	50' W. of Jack Evans Street to 100' E. of Routh Street
E. Woodin Boulevard	500-600	150'W. of Alaska Avenue to 90'W. of S. Marsalis Avenue
Woody Road	900-1000	610'S. of Seagoville Road to Seagoville Road
Worth Street	4500	N. Carroll Avenue to 670' E. of N. Carroll Avenue
Worth Street	5700-5900	300'W. of Lowell Street to 400'E. of Ridgeway Street
Wozencraft Drive	5700	45'E of Nuestra Drive to 300'W of Jamestown Road
Wright Street	2800-2900	150'W. to 220'E. of Ravinia Drive
Wycliff Avenue	2100-2300	260'S. to 360'N. of Rosewood Avenue
Wycliff Avenue	2500-2800	75'W. of Hartford Street to 350'E. of Maple Avenue

(Ord. Nos. 14584; 18409; 18483; 18983; 19749; 20196; 21237; 21564; 22763; 22926; 23078; 23158; 23294; 23556; 23917; 24492; 25833; 26500; 27294; 27700; 28871; 28940; 29071; 29246; 29395; 29613; 30022; 30217; 31552; 31770; 32069; 32291; 32488)

SEC. 28-51. SPEED IN PARKING LOT OF DALLAS CONVENTION CENTER.

A person commits an offense if he drives or operates a vehicle upon a parking lot of the Dallas Convention Center at a speed in excess of 10 miles per hour. Any speed in excess of 10 miles per hour shall be prima facie evidence that the speed is not reasonable nor prudent and is unlawful. (Ord. 14584)

SEC. 28-52. SPEED IN THE DALLAS CITY HALL PARKING GARAGE.

A person commits an offense if he drives or operates a vehicle in the parking garage, as designated in Section 28-128.1 of this chapter, at a speed in excess of 10 miles per hour. Any speed in excess of 10 miles per hour is prima facie evidence that the speed is not reasonable nor prudent and is unlawful. (Ord. 14911)

SEC. 28-52.1. SPEED IN THE BULLINGTON STREET TRUCK TERMINAL.

A person commits an offense if he drives or operates a vehicle in the terminal, as designated in Section 28-128.8 of this chapter, at a speed in excess of 10 miles per hour. Any speed in excess of 10 miles per hour is prima facie evidence that the speed is not reasonable nor prudent and is unlawful. (Ord. 18408)

Division 3. Turning Movements.

SEC. 28-53. OBEDIENCE TO NO-TURN SIGNS.

Whenever authorized signs are erected indicating that no right, left, or U turn is permitted, the driver of a vehicle shall obey the directions of the sign. (Ord. 14584)

SEC. 28-54. LIMITATION ON U TURNS.

A person commits an offense, if as the operator of a vehicle, he turns the vehicle so as to proceed in the opposite direction upon any street in a business district unless a U turn sign permitting such a turn has been installed in the area, or in any other district unless the movement can be made in safety and without interfering with other traffic. (Ord. 14584)

<u>STREET</u>	<u>EXTENT</u>	<u>DIRECTION</u>	<u>STREET</u>	<u>EXTENT</u>	<u>DIRECTION</u>
Larkhill Drive	Forrestal Drive to Knoxville Street	East	Reiger Avenue	Glasgow Drive to Paulus Avenue	East
Linnet Lane	Tyree Street to Victoria Street	East	Ridgeway Street	Worth Street to Junius Street	South
Lowell Street	Worth Street to Junius Street	North	Rolling Hills Lane	Waterfall Way to Esperanza Road	East
Maryland Avenue	Corning Avenue to McVey Avenue	North	Rosewood Avenue	Lucas Drive to Arroyo Avenue	South
McKissick Lane	Egyptian Drive to Algebra Drive	South	San Jacinto Street	Fitzhugh Avenue to Prairie Avenue	West
Melba Street	N. Llewellyn Avenue to N. Adams Avenue	East	San Leandro Drive	St. Francis Avenue to Whittier Avenue	East
Melbourne Avenue	Clinton Avenue to Edgefield Avenue	West	Scottsboro Lane	Grassy Ridge Trail to Marsalis Avenue	West
Mercer Drive	Mariposa Drive to Ash Creek Drive	West	Silver Springs Drive	Knoxville Street to Sage Valley Lane	East
Military Parkway (North Service Road)	Jim Miller Road to Wilkes Avenue	West	Sprague Drive	Boulder Drive to Westmoreland Road	West
Mimosa Lane	Hillcrest Road to Thackery Street	West	Stichter Avenue	Tibbs Street to Edgemere Road	East
Mixon Drive	Clover Lane to Highgrove Drive	South	Sunset Street	Van Buren Avenue to Polk Street	East
Montana Avenue	Marsalis Avenue to Alaska Avenue	West	Taft Street	Mary Cliff Road to Montclair Avenue	East
Montclair Avenue	Taft Street to Ranier Street	South	Telegraph Avenue	Claremont Drive to Rangeway Drive	East
Morocco Avenue	Goodman Street to the alley 760 feet north of Goodman Street	North	Tennant Street	Oak Cliff Boulevard to Jefferson Boulevard	North
Mouser Street	Bonnie View Road to Signet Street	East	Tenth Street	Oak Cliff Boulevard to Tennant Street	West
W. Ninth Street	N. Adams Avenue to N. Llewellyn Avenue	West	Throckmorton Street	Dickason Avenue to Congress Avenue	West
Nomas Street	Clymer Street to Tumalo Trail	East	Tosca Lane	Rugged Drive to Ovid Avenue	West
Odom Drive	Holcomb Road to Odeneal Street	East	Towns Street	Schroeder Road to Oberlin Drive	West
Ouida Avenue	Schooldell Drive to Barnett Avenue	East	Tufts Street	Rylie Road to Cade Road	South
Paducah Avenue	Denley Drive to Lancaster Road	East	Tyree Street	Thedford Avenue to Linnet Lane	North
Palisade Drive	Greendale Drive to Prairie Creek Road	East	Vanderbilt Avenue	Hillbrook Street to Oakhurst Street	West
Philip Avenue	Fitzhugh Avenue to Munger Avenue	East	Vanderbilt Avenue	Matilda Street to Delmar Avenue	East
Pomona Road	Catawba Road to Cherokee Trail	East	Victoria Avenue	Linnet Lane to Thedford Avenue	South
N. Prairie Avenue	Ross Avenue to San Jacinto Street	Northwest	Waterfall Way	Rolling Hills Lane to Brookgreen Drive	South
Racine Drive	Kirwood Drive to Cleardale Drive	North	Waterview Road	Peavy Road to Brookhurst Drive	East
Rangeway Drive	Telegraph Avenue to El Cerrito Drive	South			
Raydell Place	Westmoreland Road to Barnett Avenue	West			

<u>STREET</u>	<u>EXTENT</u>	<u>DIRECTION</u>
Winton Street	Concho Street to Delmar Avenue	West
Worth Street	Ridgeway Street to Lowell Street	West
Wyoming Street	Knoxville Street to Forrestal Drive	West
Zurich Drive	Edgeworth Drive to Haymarket Road	West

(Ord. Nos. 14584; 18409; 19749; 21237; 21564; 22926; 23078; 24492; 25833; 26500; 27294; 27700; 28871; 28940; 29071; 29246; 29395; 30022; 30217; 31552; 32291; 32488)

ARTICLE VIII.

PEDESTRIANS' RIGHTS AND DUTIES.

SEC. 28-61. DUTIES OF PEDESTRIANS WHILE ON SIDEWALKS.

(a) Pedestrians shall stand on sidewalks or islands while waiting for a bus.

(b) Pedestrians, while waiting for a bus, shall stand on the side of a sidewalk either at or near the curb or the property line, in a manner which will not interfere with other pedestrians using the sidewalk.

(c) A pedestrian, except one wholly or partially blind, shall accord full right-of-way on a sidewalk or in a crosswalk, to all persons carrying a cane or walking stick which is white or white with the lower end red. (Ord. 14584)

SEC. 28-61.1. STANDING AND WALKING IN CERTAIN AREAS PROHIBITED.

(a) A person commits an offense if the person stands or walks on a median that measures six feet or less in width, in areas where no median exists for roadways designated as divided roadways, or in an area designated as a clear zone.

(b) For purposes of this section,

(1) CLEARZONE means the unobstructed, traversable area provided beyond the edge of the through travelled way for the recovery of errant vehicles. On a curbed street, the clear zone is the area four feet from the face of the curb. On an uncurbed street, the clear zone is 10 feet from the edge of the travel lane. A clear zone includes shoulders, bicycle lanes, and auxiliary lanes, except auxiliary lanes that function like through lanes. However, a clear zone does not include areas adjacent to the back of the curb where a paved sidewalk exists.

(2) MEDIAN means the intervening space, physical barrier, or clearly indicated dividing section between the two roadways of opposing traffic on a public divided roadway.

(3) RAISED SPLITTER ISLAND (also known as separator islands) means a median that slows, directs, and separates conflicting traffic and may provide refuge for pedestrians who are crossing a road.

SEC. 28-75. ALTERNATE ROUTES.

When a street or roadway designated as a truck route is under repair or otherwise temporarily out of use, the traffic engineer is authorized to designate alternate truck routes. (Ord. 14584)

ARTICLE XI.**STOPPING, STANDING, AND PARKING
GENERALLY.****Division 1. Generally.****SEC. 28-76. OBEDIENCE TO SIGNS.**

A person commits an offense, if as the operator of a vehicle, he parks, stops, or stands the vehicle in violation of an official sign, curb marking, or street marking prohibiting, regulating, or restricting the parking, stopping, or standing of a vehicle. (Ord. 14584)

**SEC. 28-76.1. UNATTENDED VEHICLES
PRESUMED LEFT BY OWNER.**

(a) When a vehicle is found unattended or unoccupied upon a street, highway, alley, or other place in violation of any provision of this chapter regulating the stopping, standing, or parking of vehicles, it shall be presumed that the owner unlawfully stopped, stood, or parked the vehicle.

(b) Proof of ownership of a vehicle may be made by a computer-generated record of the registration of the vehicle with the State Department of Highways and Public 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. (Ord. 20012)

**SEC. 28-76.2. ILLEGALLY STOPPED
VEHICLES; MAY BE
REQUIRED TO MOVE.**

~~When a police officer or traffic and parking controller finds a vehicle standing upon a street or highway in violation of a provision of this article, the police officer or traffic and parking controller is authorized to move the vehicle, or to require the driver or other person in charge of the vehicle to move the vehicle, to a location off the paved or main part of the street or highway.~~

When a police officer or parking enforcement officer finds a vehicle standing upon a street or highway in violation of a provision of this article, the police officer or parking enforcement officer is authorized to move the vehicle, or to require the driver or other person in charge of the vehicle to move the vehicle, to a location off the paved or main part of the street or highway. (Ord. Nos. 20012; 32470)

SEC. 28-76.3. PARKING BAN.

A person commits an offense if, during a parking ban, he stops, stands, or parks a vehicle along a curb of a street posted conspicuously with signs indicating the parking ban. (Ord. 20012)

**SEC. 28-76.4. PARKING DEFENSES FOR
CITY COUNCIL MEMBERS
AND LAW ENFORCEMENT
OFFICERS.**

(a) City council members. It is a defense to prosecution under Sections 28-106, 28-107, 28-108, and 28-109 of this chapter that a vehicle in violation of any of those sections:

(1) was stopped, stood, or parking by a city council member of the city of Dallas while on official city business; and

(2) had city council parking authorization, in a form approved by the chief of police, placed so as to be clearly visible from the front windshield of the vehicle.

(b) Law enforcement officers.

service utility companies engaged in repairing or extending public service utilities; motor busses when taking on or discharging passengers at customary bus stops; other vehicles when actually parked at a designated loading zone, or where it is lawful to park a commercial motor vehicle for the purpose of accepting or delivering transportable goods; or a vehicle with a mechanical defect, making it unsafe to proceed further, in which event, it shall be lawful to stand or park the vehicle during the time necessary to make emergency repairs. (Ord. 14584)

SEC. 28-81. PARKING OF VEHICLES WITH CAPACITY OF MORE THAN ONE AND ONE-HALF TONS IN CERTAIN DISTRICTS.

(a) A person commits an offense if he stops, parks, or stands a truck-tractor, road tractor, semitrailer, bus, trailer, or truck with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification, upon property within a residential area. This subsection shall not apply to the parking or standing of a vehicle for the purpose of expeditiously loading or unloading passengers, freight, or merchandise.

(b) A person commits an offense if he stops, parks, or stands a motor home, house trailer, or recreational vehicle with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification, upon any public right-of-way abutting a residential area. This subsection shall not apply to the parking or standing of a vehicle for the purpose of expeditiously loading or unloading passengers or property.

(c) In this section, RESIDENTIAL AREA means any block face containing a single family, duplex, or multi-family dwelling. (Ord. Nos. 14584; 19455; 20269)

SEC. 28-81.1. STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES.

~~— (a) Except when necessary to avoid conflict with other traffic or to be in compliance with the law or the directions of a police officer, a traffic and parking controller, or an official traffic control device, a person commits an offense if he:~~

~~— (1) stops, stands, or parks a vehicle:~~

~~— (A) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;~~

~~— (B) on a sidewalk;~~

~~— (C) within an intersection;~~

~~— (D) on a crosswalk;~~

~~— (E) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;~~

~~— (F) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;~~

~~— (G) upon any bridge or other elevated structure upon a highway or within a highway tunnel;~~

~~— (H) on any railroad track;~~

~~— (I) on the roadway of any street, when the vehicle constitutes a hazard to itself or to persons or other vehicles;~~

~~— (J) in violation of a sign prohibiting the stopping of vehicles; or~~

~~— (K) in designated bike lanes; or~~

(a) Except when necessary to avoid conflict with other traffic or to be in compliance with the law or the directions of a police officer, city marshal, a parking enforcement officer, or an official traffic-control device, a person commits an offense if he:

(1) stops, stands, or parks a vehicle:

(A) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(B) on a sidewalk;

(C) within an intersection;

(D) on a crosswalk;

(E) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;

(F) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(G) upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(H) on any railroad track;

(I) on the roadway of any street, when the vehicle constitutes a hazard to itself or to persons or other vehicles; or

(J) in violation of a sign prohibiting the stopping of vehicles;

(K) in designated bike lanes; or

(2) stands or parks a vehicle:

(A) in front of a public or private driveway;

(B) within 15 feet of a fire hydrant;

(C) within 20 feet of a crosswalk at an intersection;

(D) within 30 feet of the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;

(E) when properly posted with signs, within 20 feet of the driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of an entrance;

(F) in violation of a sign prohibiting the standing of vehicles; or

(G) in a fire lane.

- ~~_____ (2) stands or parks a vehicle:~~
- ~~_____ (A) in front of a public or private driveway;~~
- ~~_____ (B) within 15 feet of a fire hydrant;~~
- ~~_____ (C) within 20 feet of a crosswalk at an intersection;~~
- ~~_____ (D) within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;~~
- ~~_____ (E) when properly posted with signs, within 20 feet of the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station, within 75 feet of the entrance;~~
- ~~_____ (F) in violation of a sign prohibiting the standing of vehicles; or~~
- ~~_____ (G) in a fire lane; or~~
- ~~_____ (H) in designated bike lanes.~~

(b) A person commits an offense if he moves a vehicle not lawfully under his control:

- (1) an unlawful distance away from a curb;
or
- (2) into any area prohibited by this section.

(c) Notwithstanding Subsection (a)(1)(B), a person may stop, stand, or park a bicycle on a sidewalk if the bicycle does not impede the normal and reasonable movement of pedestrian or other traffic on the sidewalk. (Ord. Nos. 20012; 20269; 32291; 32470)

Division 2. Prohibited in Specified Places.

SEC. 28-82. PARKING NEAR RAILROAD TRACKS; PROHIBITED GENERALLY; PERMITTED FOR LOADING.

(a) A person commits an offense if he parks a vehicle, whether occupied or not, within 50 feet of the nearest rail of a railroad crossing, except when temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(b) A person commits an offense if he stops, parks, or stands a vehicle, at a location other than a railroad crossing, so that any portion of the vehicle is closer than six feet to the nearest rail of the track of a railroad company. This subsection does not apply to the parking or standing of vehicles for the purpose of loading or unloading passengers, freight, or merchandise to or from a railroad car or building adjoining the track. (Ord. Nos. 14584; 20012)

SEC. 28-83. RESERVED.

(Repealed by Ord. 20012)

SEC. 28-84. PARKING FOR MORE THAN 24 HOURS PROHIBITED.

A person commits an offense if he leaves standing or parked in a public street, alley, or other public place, an unattended vehicle or other private property for a continuous period of time longer than 24 hours. (Ord. 14584)

SEC. 28-85. PARKING FOR CERTAIN PURPOSES AND PARKING ON HIGHWAYS AND PARKWAYS PROHIBITED.

(a) A person commits an offense if he parks a vehicle upon a street or highway for the purpose of:

- (1) displaying the vehicle for sale; or
- (2) washing, greasing, or repairing the vehicle, except when repairs are necessitated by an emergency.

(b) A person commits an offense if he stops, parks, or stands a vehicle, whether attended or unattended:

- (1) on a parkway; or
- (2) upon the main-traveled part of a highway outside of a business or residence district unless:

(A) it is not practicable to stop, park, or stand the vehicle off that part of the highway;

(B) an unobstructed width of the highway opposite a standing vehicle is left for the free passage of other vehicles; and

(C) a clear view of the stopped vehicle is available from a distance of 200 feet in each direction upon the highway.

(c) Subsection (b) does not apply to a vehicle that develops a mechanical defect making it impossible or unsafe to proceed further, and in this case it is lawful to stop, park, or stand the vehicle for the time necessary to make emergency repairs. (Ord. Nos. 14584; 20012)

SEC. 28-86. PARKING BY PARKING LOT OWNERS.

A person commits an offense if as the owner or attendant of a parking lot, who receives a fee for parking or storing a vehicle, he parks a vehicle within a metered or unmetered parking zone, sidewalk, parkway space, or on the streets or highways of the city. (Ord. 14584)

SEC. 28-87. PARKING IN ALLEYS.

(a) A person commits an offense if he parks or stands a passenger car or light truck in an alley so that any portion of the vehicle:

- (1) obstructs a driveway; or
- (2) limits the width of the alley to less than 10 feet.

(b) This section does not apply to a vehicle when it is used for construction, maintenance, or repair work in an alley or when it has a defect which immobilizes the vehicle. (Ord. Nos. 14818; 15455)

~~**SEC. 28-88. STANDING OR PARKING ON ONE-WAY AND TWO-WAY ROADWAYS.**~~

SEC. 28-88. STANDING OR PARKING ON ONE-WAY ROADWAYS, TWO-WAY ROADWAYS, AND CUL-DE-SACS.

(a) If a highway includes one or more separate roadways, and traffic is restricted to one direction on one or more of the separate roadways, a person commits an offense if he stops, stands, or parks a vehicle:

- (1) upon the left-hand side of the one-way roadway, unless signs are erected to permit such stopping, standing, or parking;
- (2) with the left-hand wheels of the vehicle more than 18 inches from the left-hand curb or edge of

the roadway, if stopping, standing, or parking is permitted on the left-hand side of the one-way roadway;

(3) with the right-hand wheels of the vehicle more than 18 inches from the right-hand curb or edge of the roadway; or

(4) in a direction other than the direction of authorized traffic movement.

(b) A person commits an offense if he stops, stands, or parks a vehicle upon a two-way roadway:

(1) on the left-hand side of the roadway; or

(2) with the right-hand wheels of the vehicle more than 18 inches from the right-hand curb or edge of the roadway.

(c) A person commits an offense if he stops, stands, or parks a vehicle upon a cul-de-sac:

(1) With the right-hand wheels of the vehicle more than 18 inches from the right-hand curb or edge of the roadway; or

(2) In the center portion of the cul-de-sac unless the center is clearly marked for parking. (Ord. Nos. 14584; 20012; 20269; 32470)

Division 3. Stopping for Loading or Unloading Only.

SEC. 28-89. CURB LOADING ZONES - AUTHORITY TO DESIGNATE; TIMES OPERATIVE.

(a) The traffic engineer, on the basis of engineering and traffic surveys, is authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating these locations. A loading zone shall be designated by upright signs or painted curb markings of a distinctive color imprinted with the words "Loading Zone" or "Passenger Loading Zone".

(b) Freight loading zones shall be effective between 6:00 a.m. and 6:00 p.m., except Sundays and

meter holidays, unless signs or markings specify other effective hours and days. Passenger loading zones shall be effective at all times. If the zone lies within a section

<u>STREET</u>	<u>BLOCK(S)</u>	<u>SIDE(S)</u>	<u>EXTENT</u>
Akard Street	2600	Both	Lyte Street to Payne Street
Alamo Street	2500	Both	Olin Welbourne Street to Field Street
All Star Way	1400	Both	Victory Avenue to Houston Street
Broom Street	900	Both	Lamar Street to Field Street
Caroline Street	2500	Both	Payne Street to Field Street
Continental Avenue	2200-2400	Both	Trinity Railway Express tracks to Ross Avenue
High Market Street	600	Both	Victory Avenue to Houston Street
Houston Street	2100-2400 N.	Both	Continental Avenue to Olive Street
Houston Street	2500 N.	East	Olive Street to Payne Street
Lamar Street	2200-2600 N.	Both	Broom Street to Trinity Railway Express tracks
Lyte Street	1500	Both	Houston Street to Akard Street
Museum Way	600	Both	Victory Avenue to Houston Street
Olin Welbourne Street	1600	Both	Alamo Street to Caroline Street
Olive Street	2900-3000	Both	Victory Avenue to Field Street
Payne Street	1600	Both	Houston Street to Akard Street
Valor Place	2500	Both	Olive Street to 182 feet north of Olive Street
Victory Park Lane	2200-2400	Both	High Market Street to Olive Street

(b) Sixty cents an hour zones. A person shall pay an hourly rate of 60 cents for the use of a metered parking space upon the following streets or portions of streets outside the central business district during the following effective times:

(1) Monday through Sunday from 7:00 a.m. until 6:00 p.m. only.

<u>STREET</u>	<u>BLOCK(S)</u>	<u>SIDE(S)</u>	<u>EXTENT</u>
Belleview Street	900-1000	Both	Lamar Street to Wall Street
Lamar Street	1400-2000 S.	Both	Belleview Street to Corinth Street
Belleview Street	900-1000	Both	Botham Jean Boulevard to Wall Street
Botham Jean Boulevard	1400-2000	Both	Belleview Street to Corinth Street
Lofland Street	2100	Both	Harry Hines Boulevard to Redfield Street
Redfield Street	5200	Both	Lofland Street to Butler Street

(2) Monday through Sunday from 7:00 a.m. until 12 midnight only.

<u>STREET</u>	<u>BLOCK(S)</u>	<u>SIDE(S)</u>	<u>EXTENT</u>
Broom Street	900-1300	Both	Lamar Street to Field Street
Houston Street	2100-2400 N.	Both	McKinney Avenue to Wichita Street
Lamar Street	1000-1300 S.	Both	R. L. Thornton Freeway to Belleview Street
Lamar Street	2200 N.	Both	Broom Street to 257 feet north of Broom Street
Lamar Street	2300-2600 N.	Both	Houston Street to Victory Street

(c) Fifty cents an hour zones. A person shall pay an hourly rate of 50 cents for the use of a metered parking space upon the following streets or portions of streets outside the central business district during the following effective times:

(1) Monday through Sunday from 7:00 a.m. until 6:00 p.m. only.

<u>STREET</u>	<u>BLOCK(S)</u>	<u>SIDE(S)</u>	<u>EXTENT</u>
Medical Center Drive	5200-5400	Both	Motor Street to 2,784 feet north of Motor Street
Park Central Drive	11800-11900	Both	Forest Lane to Merit Drive

<u>STREET</u>	<u>BLOCK(S)</u>	<u>SIDE(S)</u>	<u>EXTENT</u>
Oakland Avenue	600-900	Both	Worth Street to Gaston Avenue
Oak Street	700-1100	Both	Junius Street to Swiss Avenue
St. Joseph Street	1000	Both	Swiss Avenue to Floyd Street
Simpson Street	3800-4000	Both	Washington Street to Haskell Avenue
Swiss Avenue	2400-2500	Both	Florence Street to N. Good-Latimer Expressway

(2) Monday through Sunday from 7:00 a.m. until 12 midnight only.

<u>STREET</u>	<u>BLOCK(S)</u>	<u>SIDE(S)</u>	<u>EXTENT</u>
Indiana Avenue	3000	Both	Walton Street to Hall Street

(3) Monday through Sunday from 10:00 a.m. until 4:00 p.m. only.

<u>STREET</u>	<u>BLOCK(S)</u>	<u>SIDE(S)</u>	<u>EXTENT</u>
Lancaster Avenue	100 N.	Both	Ninth Street to Tenth Street
Llewellyn Avenue	200-300 S.	Both	Sunset Avenue to Centre Street

(h) Five cents an hour zones. A person shall pay an hourly rate of five cents for the use of a metered parking space upon the following streets or portions of streets outside the central business district during the following effective times:

(1) Monday through Sunday from 7:00 a.m. until 6:00 p.m. only.

<u>STREET</u>	<u>BLOCK(S)</u>	<u>SIDE(S)</u>	<u>EXTENT</u>
Akard Street	2400 N.	Both	Ashland Street to Harwood Street
Bryan Street	4100-4300	Both	Haskell Avenue to Burlew Street
Nussbaumer Street	2900	Both	Oakland Street to Oak Street
Peak Street	1300-1400	Both	Gaston Avenue to Scurry Street

(2) Monday through Sunday from 7:00 a.m. until 12 midnight only.

<u>STREET</u>	<u>BLOCK(S)</u>	<u>SIDE(S)</u>	<u>EXTENT</u>
McKinney Avenue	1700 N.	Both	Akard Street to the Woodall Rodgers Freeway north service road

(i) Split hourly rate zones. A person shall pay an hourly rate of one dollar from 7:00 a.m. until 5:00 p.m., two dollars from 5:00 p.m. until 12 midnight, and no charge from 12 midnight until 7:00 a.m. on Monday through Sunday, for the use of a metered parking space upon the following streets or portions of streets outside the central business district:

<u>STREET</u>	<u>BLOCK(S)</u>	<u>SIDE(S)</u>	<u>EXTENT</u>
Houston Street	2500 N.	West	Olive Street to All Star Way
Victory Avenue	2200-2700	Both	Continental Avenue to Trinity Railway Express tracks

(Ord. Nos. 17964; 19173; 21194; 24411; 24483; 24882; 25756; 27210; 27553; 28792; 32488)

SECS. 28-114.3 THRU 28-114.10. RESERVED.

(Repealed by Ord. Nos. 19173; 27210)

SEC. 28-114.11. CENTRAL BUSINESS DISTRICT.

For purposes of this division, the central business district is defined as that area bounded by Woodall Rodgers Freeway on the north, Julius Schepps Freeway on the east, R. L. Thornton Freeway on the south, and Stemmons Freeway on the west. (Ord. Nos. 17964; 27210)

SEC. 28-128.12. STOPPING, STANDING, OR PARKING PROHIBITED.

(a) A person commits an offense if, during normal operating hours, he stops, stands, or parks a vehicle in the terminal for any purpose other than the expeditious unloading and delivery or pickup and loading of materials to or from a business located within a building opening into the terminal.

(b) A person commits an offense if, during normal operating hours, he stops, stands, or parks a vehicle in the terminal for a period exceeding 30 minutes. (Ord. Nos. 18408; 22026; 23694)

SEC. 28-128.13. PERMISSION FROM DIRECTOR; DEFENSES.

(a) Upon determining that the conduct would not interfere with the orderly and efficient operation of the terminal, the director of equipment and building services, or a designated agent, may give a person, in writing, permission to engage in conduct prohibited by Section 28-128.11(a) or 28-128.12.

(b) It is a defense to prosecution under Sections 28-128.11(a) and 28-128.12 that the person had written permission to engage in the prohibited conduct from the director of equipment and building services, or a designated agent. (Ord. Nos. 18408; 19312; 22026; 23694)

SEC. 28-128.14. RESERVED.

(Repealed by Ord. 20012)

SEC. 28-128.15. AUTHORITY TO REMOVE VEHICLES AND ISSUE CITATIONS.

(a) The director of equipment and building services, or a designated agent, may remove to the city

pound any vehicle stopped, standing, or parked in the terminal in violation of this division.

(b) The director of equipment and building services, or a designated agent, have authority to enforce the provisions of this division and to issue citations for violations of this division and for violations of the speed limit designated in Section 28-52.1 of this chapter. (Ord. Nos. 18408; 19312; 19679; 22026; 23694)

SEC. 28-128.16. TRAFFIC CONTROL.

(a) Designated employees of the department of equipment and building services shall direct traffic by voice, hand, or signal in the terminal.

(b) A person commits an offense if he fails or refuses to comply with a traffic directive of a designated employee of the department of equipment and building services. A designated employee of the department of equipment and building services may cause the removal from the terminal of any person committing an offense under this subsection. (Ord. Nos. 18408; 19312; 19679; 22026; 23694)

Division 7. Administrative Adjudication of Parking Violations.**SEC. 28-129. PARKING VIOLATIONS MADE CIVIL OFFENSES.**

~~Every violation of a provision of this chapter or of Chapter 32 of this code governing the stopping, standing, or parking of a vehicle is a civil offense. In addition to being subject to the criminal penalties and procedures established in Chapter 51A of this code, a violation of Section 51A-4.301(d)(5) governing the parking of a motor vehicle on an unapproved surface may also be adjudicated as a civil offense under this division.~~

Every violation of a provision of this chapter, except for Section 28-121.2, or of Chapter 32 of this code governing the stopping, standing, or parking of a vehicle is a civil offense. In addition to being subject to the criminal penalties and procedures established in Chapter 51A of this code, a violation of Section 51A-4.301(d)(5) governing the parking of a motor

vehicle on an unapproved surface may also be adjudicated as a civil offense under this division. (Ord. Nos. 14584; 20012; 20269; 21612; 22340; 32470)

manager a written appeal. The city manager shall, within 24 hours after the appeal is filed, consider all the evidence in support of or against the action appealed and render a decision either sustaining or reversing the denial or revocation. The decision of the city manager shall be final. (Ord. Nos. 14584; 19869)

ARTICLE XVII.

STREETCAR REGULATIONS.

SEC. 28-193. DEFINITIONS.

In this article:

(1) **LOADING AND UNLOADING** means the transfer of persons or property between a vehicle or streetcar and the curb, or between a vehicle or streetcar and a nearby building.

(2) **MOTORMAN** means an employee of a streetcar company who controls the movement of a streetcar.

~~(3) **STREETCAR** means a self-powered vehicle used for transporting persons or property that is operated upon rails within a public right-of-way.~~

(3) **STREETCAR** means a vehicle used for transporting persons or property that is operated upon rails within a public right-of-way and can be either self-powered or powered by overhead electrical cables. A trolley is considered a streetcar for the purposes of this chapter.

(4) **STREETCAR COMPANY** means any person licensed by the city to operate a streetcar within the city.

(5) **STREETCAR STOP** means an area in the public right-of-way reserved for the exclusive use of streetcars during the loading or unloading of passengers or property.

(6) **STREET RAILROAD** means any rail or appurtenance located within a public right-of-way that is authorized by the city to be used for streetcars. (Ord. Nos. 20329; 32488)

SEC. 28-194. AUTHORITY OF THE DIRECTOR OF TRANSPORTATION.

The director of transportation shall administer and enforce this article and otherwise exercise direction and control over the operation of all streetcars in the city in accordance with city ordinances, the city charter, and other applicable law and with any license issued to a streetcar company by the city. (Ord. Nos. 20329; 22026; 28424; 30239; 30654)

SEC. 28-195. OPERATION OF STREETCARS AND OTHER VEHICLES.

(a) When overtaking and passing on the right side of a streetcar that is approaching or stopped at a designated streetcar stop, a driver of a vehicle shall stop at least five feet from the rear of the streetcar and proceed only when safe, allowing pedestrians the right-of-way.

(b) A person commits an offense if he stops, stands, or parks any vehicle other than a streetcar at a designated streetcar stop or between the right curb and a designated streetcar stop.

(c) An operator of a streetcar may not stop the streetcar at any location other than a designated streetcar stop, except in an emergency or when complying with other traffic regulations. Streetcar passengers shall be loaded and unloaded only at a designated streetcar stop. (Ord. 20329)

SEC. 28-196. UNLAWFUL CONDUCT ON OR NEAR A STREETCAR.

(a) A person commits an offense if he:

(1) boards, alights, clings to the outside of, or otherwise makes or attempts to make unsafe contact with a moving streetcar; or

ARTICLE IV.

WHITE ROCK LAKE AND BACHMAN
LAKE RESERVOIRS.

Division 1. Generally.

- Sec. 32-32. Jurisdiction of park and recreation board subject to primary right of Dallas Water Utilities waterworks department.
- Sec. 32-33. Authority of city police on reservoir property.
- Sec. 32-34. Powers and duties of park and recreation director superintendent of White Rock Lake generally.
- Sec. 32-35. Disturbing trees and shrubs; gathering pecans.
- Sec. 32-36. Commercial vehicles prohibited; speed limit of vehicles.
- Sec. 32-37. Seining for minnows.
- Sec. 32-38. Taking fish from hatchery. Reserved.
- Sec. 32-39. Swimming.

Division 2. Operation of Boats.

- Sec. 32-40. Equipment prohibited on the water.
- Sec. 32-41. Sanitary requirements generally.
- Sec. 32-42. Prohibition of boats to suppress epidemic.
- Sec. 32-43. Use of boat under influence of intoxicants; forfeiture of license for violation of section.
- Sec. 32-44. Special recreational events.
- Sec. 32-45. Manner of operation generally.
- Sec. 32-46. Passenger capacity. Reserved.
- Sec. 32-47. Life preservers; lights; mufflers; speed.
- Sec. 32-48. Seaworthiness generally; impounding loose boats.
- Sec. 32-49. Sirens.
- Sec. 32-50. Catching fish for sale.
- Sec. 32-51. Designation of area for anchoring sailboats.
- Sec. 32-52. Inspection and approval prerequisite to issuance of licenses. Reserved.
- Sec. 32-53. Impoundment for lack of license; redemption.
- Sec. 32-54. Disposition of impounded boats for normal sales to redeem.

ARTICLE V.

ELM FORK.

- Sec. 32-55. Polluting waters.
- Sec. 32-56. Creating filth.
- Sec. 32-57. Activities prohibited by two preceding sections deemed nuisances.
- Sec. 32-58. Authority of director of public health and chief of police.
- Sec. 32-59. Power and authority of city; guards.
- Sec. 32-60. Penalty; civil actions.

ARTICLE VI.

LAKE RAY HUBBARD.

- Sec. 32-61. Temporary scope.
- Sec. 32-62. Definitions.
- Sec. 32-63. Construction prohibited.
- Sec. 32-64. Solicitation prohibited.
- Sec. 32-65. Restricted areas.
- Sec. 32-66. Trespassing prohibited in certain areas.
- Sec. 32-67. Destruction of city property.
- Sec. 32-68. Use of firearms and other discharge devices prohibited.
- Sec. 32-69. Discarding of waste prohibited.
- Sec. 32-70. Gasoline or oil storage.
- Sec. 32-71. Advertisements.
- Sec. 32-72. Prohibited uses.
- Sec. 32-73. Diversion of water prohibited.
- Sec. 32-74. Abandonment of personal property.
- Sec. 32-75. Fishing prohibited in certain areas.
- Sec. 32-76. Commercial fishing prohibited.
- Sec. 32-77. Hunting prohibited.
- Sec. 32-78. Camping prohibited in certain areas.
- Sec. 32-79. Picnicking in designated areas.
- Sec. 32-80. Recreational programs.
- Sec. 32-81. Vehicle control
- Sec. 32-82. Local additions to the Texas Water Safety Act.
- Sec. 32-83. Authority to enforce.

upper south bank of Cedar Creek a distance of 880 feet; thence southward a distance of 165 feet to the place of beginning. (Ord. 6230)

SEC. 32-30. SAME - NOTICE OF CLOSING HOURS.

Signs advising the public that the Marsalis Park Zoo is closed at 9:00 p.m. each day shall be placed at all street entrances to the zoo prior to 9:00 p.m. each day. (Ord. 6230)

SEC. 32-31. SAME - REMAINING IN ZOO AFTER CLOSING HOURS.

No person shall enter or remain in Marsalis Park Zoo, except as provided in Section 32-29, after 9:00 p.m. of any day without authority of the park board of the city. (Ord. 6230)

ARTICLE IV.

WHITE ROCK LAKE AND BACHMAN LAKE RESERVOIRS.

Division 1. Generally.

SEC. 32-32. — JURISDICTION OF PARK BOARD SUBJECT TO PRIMARY RIGHT OF WATERWORKS DEPARTMENT.

—The jurisdiction of the park board over the White Rock Lake property and the Bachman's Dam property shall be subject to the primary right of the city waterworks department to utilize it for waterworks purposes and the park board shall in no way interfere with the exercise of the right in the event that it becomes expedient and necessary to again devote those properties for the use of waterworks purposes. Any building on the respective sites owned and operated by the water-

department shall continue to be at the disposal of the waterworks department at all times.

SEC. 32-32. JURISDICTION OF PARK AND RECREATION BOARD SUBJECT TO PRIMARY RIGHT OF DALLAS WATER UTILITIES.

The jurisdiction of the park and recreation board over the White Rock Lake property and the Bachman's Dam property shall be subject to the primary right of Dallas Water Utilities to utilize it for waterworks purposes and the park and recreation board shall in no way interfere with the exercise of the right in the event that it becomes expedient and necessary to again devote those properties for the use of waterworks purposes. Any building on the respective sites owned and operated by Dallas Water Utilities shall continue to be at the disposal of Dallas Water Utilities at all times. (Ord. Nos. 8018; 32407)

SEC. 32-33. AUTHORITY OF CITY POLICE ON RESERVOIR PROPERTY.

—Any police officer of the city shall have authority to arrest any person on any property owned and used by the city for reservoir purposes for violation of any of the provisions of this article.

Any police officer of the city shall have authority to arrest any person on any property owned and used by the city for recreational or water supply purposes for violation of any of the provisions of this article. (Ord. Nos. 8018; 32407)

SEC. 32-34. — POWERS AND DUTIES OF SUPERINTENDENT OF WHITE ROCK LAKE GENERALLY.

—The superintendent of White Rock Lake, subject to the control and direction of the park board and the director of parks, shall have full charge and control of the waters of the reservoirs and grounds of White Rock Lake, and it shall be his duty at all times to command and preserve the peace and patrol such waters and grounds or to cause the same to be done for the purpose of enforcing obedience and strict compliance upon the part of any person with the terms, provisions and conditions of this article and all other provisions of this code, laws, ordinances, rules and regulations of

~~the city relating to the waters of White Rock Reservoir and the grounds adjacent thereto, and to make arrest upon the violation of any provision of this code or other ordinance of the city.~~

SEC. 32-34. POWERS AND DUTIES OF PARK AND RECREATION DIRECTOR.

The director of the park and recreation department or the director's designee, subject to the control and direction of the park and recreation board, shall have full charge and control of the waters of the lakes and grounds of White Rock and Bachman Lakes, and shall have the right at all times to command and preserve the peace and patrol such waters and grounds or to cause the same to be done for the purpose of enforcing obedience and strict compliance upon the part of any person with the terms, provisions, and conditions of this article and all other provisions of this code, laws, ordinances, rules, and regulations of the city relating to the waters of White Rock and Bachman Lakes and the grounds adjacent thereto. (Ord. Nos. 8018; 32407)

SEC. 32-35. DISTURBING TREES AND SHRUBS; GATHERING PECANS.

~~—It shall be unlawful for any person to disturb any of the shrubbery or trees and particularly the pecan trees growing upon the lands adjacent to White Rock and included within the White Rock Lake Reservoir and Bachman Lake Reservoir. It shall be unlawful for any person to thrash, throw sticks into or otherwise disturb pecan trees and it shall be unlawful for any person to gather pecans from the trees growing upon~~

such premises; except, that persons may pick up from the ground pecans that have fallen thereon.

It shall be unlawful for any person to disturb any of the shrubbery or trees and particularly the pecan trees growing upon the lands adjacent to White Rock and included within White Rock and Bachman Lakes. It shall be unlawful for any person to thrash, throw sticks into, or otherwise disturb pecan trees and it shall be unlawful for any person to gather pecans from the trees growing upon such premises; except, that persons may pick up from the ground pecans that have fallen thereon. (Ord. Nos. 8018; 32407)

SEC. 32-36. COMMERCIAL VEHICLES PROHIBITED; SPEED LIMIT OF VEHICLES.

— No commercial vehicles or trucks shall be permitted to go upon or travel over the driveways and roads located on the grounds of White Rock and Bachman Lakes that are constructed and maintained as part of the facilities of the grounds in their use as a public park. No motor driven vehicle or automobile shall travel at a greater rate of speed than the speed limits posted on standard traffic signs in or upon such driveways maintained in the use of such park grounds.

No commercial vehicles or trucks shall be permitted to go upon or travel over the driveways and roads located on the grounds of White Rock and Bachman Lakes that are constructed and maintained as part of the facilities of the grounds in their use as a public park. No motor driven vehicle or automobile shall travel at a greater rate of speed than the speed limits posted on standard traffic signs in or upon such driveways maintained in the use of such park grounds. (Ord. Nos. 8018; 32407)

SEC. 32-37. SEINING FOR MINNOWS.

— It shall be unlawful for any person to seine for minnows or use a seine for any purpose within the waters of White Rock Lake or Bachman Dam.

It shall be unlawful for any person to seine for minnows or use a seine for any purpose within the waters of White Rock or Bachman Lakes. (Ord. Nos. 8018; 32407)

SEC. 32-38. TAKING FISH FROM HATCHERY RESERVED.

— It shall be unlawful for any person to fish, seine, catch or take from the fish hatchery belonging to the city and located immediately below the White Rock Lake dam, any fish or minnows, excepting, however, that the city, acting through the officers and employees in charge of such fish hatchery, may take fish therefrom for the purpose of supplying any waters belonging to or under the control of the city. No fish shall be taken from such fish hatchery for the benefit or use of any private person, individual or corporation. (Ord. 8018)

SEC. 32-39. SWIMMING.

— It shall be unlawful for any person to swim or bathe in the waters of White Rock and Bachman Lakes.

It shall be unlawful for any person to swim or bathe in the waters of White Rock and Bachman Lakes. (Ord. Nos. 8018; 32407)

Division 2. Operation of Boats.

SEC. 32-40. EQUIPMENT PROHIBITED ON THE WATER.

~~—(a) A person commits an offense if he takes a surfboard, a sailboard, water skis, or other similar device on the waters of White Rock Lake or Bachman Lake.~~

~~—(b) A person commits an offense if he operates a boat by means of a motor having a commercial power rating in excess of 10.5 H.P. on the waters of White Rock Lake or Bachman Lake.~~

~~—(c) It is a defense to prosecution under Subsection (a) or (b) that the person was participating in a special recreational event authorized in writing by the park and recreation board.~~

~~—(d) It is a defense to prosecution under Subsection (b) that the person was a city employee operating a motor boat in the scope of his employment.~~

(a) A person commits an offense if he takes a surfboard, jet ski, water skis, or other similar device on the waters of White Rock or Bachman Lakes. City Departments have the authority to use jet skis or other similar devices on the waters to address an emergency.

(b) Except as provided in this section, a person commits an offense if he operates a boat by means of a motor having a commercial-power rating in excess of 10.5 H.P. on the waters of White Rock or Bachman Lakes.

(c) It is a defense to prosecution under Subsection (a) or (b) that the person was participating in a special recreational event authorized in writing by the park and recreation board.

(d) It is a defense to prosecution under Subsection (b) that the person was a city employee operating a motorboat in the scope of his or her employment.

(e) Rescue boats utilized by the Dallas Fire-Rescue Department and the Dallas Police Department may use a motor as determined appropriate by them on waters of White Rock or Bachman Lakes.

(f) Rescue boats utilized by authorized users under a formal city agreement may use a motor having

a commercial power rating of 60 H.P. on waters of White Rock or Bachman Lakes. (Ord. Nos. 8018; 15195; 32407)

SEC. 32-41. SANITARY REQUIREMENTS GENERALLY.

~~—All persons using and operating a boat in the waters of the reservoirs shall do so in such a manner as to not create an unsanitary condition in or about such waters, and not to pollute such water or make them unwholesome or unfit for use. It shall be unlawful for any person to swim or wash any article of any character in the waters of the city reservoirs known as White Rock Lake and Bachman Lake, or throw or place or deposit any trash, urine, excrement or filth of any kind in waters of such reservoirs, or to deposit or throw any substance of any kind in such waters which will pollute or is likely to pollute the waters of such reservoirs, and all such persons shall obey all sanitary regulations and provisions contained in this code regulating the use of such waters and ground.~~

All persons using and operating a boat in the waters of the lakes shall do so in such a manner as to not create an unsanitary condition in or about such waters, and not to pollute such water or make them unwholesome or unfit for use. It shall be unlawful for any person to swim or wash any article of any character in the waters of White Rock and Bachman Lakes, or throw or place or deposit any trash, urine, excrement, or filth of any kind in waters of such lakes, or to deposit or throw any substance of any kind in such waters which will pollute or is likely to pollute the waters of such lakes, and all such persons shall obey all sanitary regulations and provisions contained in this code regulating the use of such waters and ground. (Ord. Nos. 8018; 32407)

SEC. 32-42. PROHIBITION OF BOATS TO SUPPRESS EPIDEMIC.

~~—The city council shall at all times have full power and authority to prohibit the use and operation of any and all boats in the waters of the reservoirs should it become necessary, in the opinion of the city council, to do so for the purpose of suppressing and arresting any epidemic or any contagious or infectious disease or whenever, in the opinion of the city council, the use and operation of boats in such waters should be discontinued for any reason whatever. Subject to such control and supervision, the reservoirs shall be controlled and maintained for recreational purposes by the park board.~~

The city council shall at all times have full power and authority to prohibit the use and operation of any and all boats in the waters of the lakes should it become necessary, in the opinion of the city council, to do so for the purpose of suppressing and arresting any epidemic or any contagious or infectious disease or whenever, in the opinion of the city council, the use and operation of boats in such waters should be discontinued for any reason whatever. Subject to such control and supervision, the lakes shall be controlled and maintained for recreational purposes by the park and recreation board. (Ord. Nos. 8018; 32407)

SEC. 32-43. USE OF BOAT UNDER INFLUENCE OF INTOXICANTS; FORFEITURE OF LICENSE FOR VIOLATION OF SECTION.

~~—It shall be unlawful for any person to go upon the waters of White Rock Lake and Bachman Lake or to ride in or on or operate a boat upon such waters while under the influence of liquor or intoxicating beverages of any character. Upon the conviction of any person for operating a boat upon such waters while intoxicated, such person shall forfeit his license to operate such boat and such person shall not again receive such license except upon an order of the park board.~~

It shall be unlawful for any person to go upon the waters of White Rock and Bachman Lakes or to operate a boat upon such waters while under the influence of liquor or intoxicating beverages of any character. (Ord. Nos. 8018; 32407)

SEC. 32-44. SPECIAL RECREATIONAL EVENTS.

~~—On certain occasions and for the purpose of recreational and sports events at White Rock Lake or Bachman Lake, the park and recreation board may authorize the use of water equipment and motorboats that are otherwise prohibited by Section 32-40. This special use shall be under the supervision of the director of the park and recreation department.~~

On certain occasions and for the purpose of recreational and sports events at White Rock or Bachman Lakes, the park and recreation board may authorize the use of water equipment and motorboats that are otherwise prohibited by Section 32-40. This special use shall be under the supervision of the director of the park and recreation department. (Ord. Nos. 8018; 15195; 32407)

**SEC. 32-45. MANNER OF OPERATION
GENERALLY.**

~~— Every person using or operating a boat of any character or description upon the waters of the reservoirs shall use and operate the same in careful and prudent manner, so as not to collide or come in contact with any other boat being used or operated in such waters, and so as to avoid accident and injury to any person or damage to property. Failure to use and operate any boat in such waters in a careful and prudent manner and so as to avoid accident and injury to persons or damage to property is an offense.~~

Every person using or operating a boat of any character or description upon the waters of the lakes shall use and operate the same in careful and prudent manner, so as not to collide or come in contact with any other boat being used or operated in such waters, and so as to avoid accident and injury to any person or damage to property. Failure to use and operate any boat in such waters in a careful and prudent manner and so as to avoid accident and injury to persons or damage to property is an offense. (Ord. Nos. 8018; 19963; 32407)

SEC. 32-46. PASSENGER CAPACITY ~~RESERVED~~.

~~— The passenger capacity of each boat used and operated in the waters of the reservoirs shall be fixed by the superintendent of White Rock and indicated by the number impressed upon the license plate by such superintendent, and no person using or operating a boat in such waters shall carry more passengers in any boat than the maximum number fixed for such boat by the superintendent of White Rock. (Ord. 8018)~~

**SEC. 32-47. LIFE PRESERVERS; LIGHTS;
MUFFLERS; SPEED.**

~~— Every boat of every kind, character and description used and operated in the waters of the reservoirs shall, at all times, carry approved life preservers for each passenger thereof. It shall be the duty of every owner and operator of every boat of every kind and character for hire on such lake to provide a life preserver for every person and passenger using and operating such boat.~~

~~— All motorboats or boats propelled by motors in the waters of White Rock must be equipped with lights according to United States government regulations.~~

All rowboats, sailboats or other watercraft must have a light on some part thereof. The lights on such boats must be operated after sunset so that the same are visible for a distance of one-half mile.

—Boating is prohibited from sundown to sunup on Bachman Lake. All motorboats must be equipped with mufflers on the exhausts. The park board shall have authorization to establish safety zones and speed limits by the placing of buoys wherever deemed advisable for the safety of all water participants and it shall hereafter be unlawful for a speed boat or motorboat to go or travel within the designated areas plainly marked by buoys or shore lines and at a speed greater than five miles per hour. Motorboats or speed boats in coming to the docks or landing places must slow down to five miles per hour.

(a) Life preservers must be worn in compliance with Texas Parks & Wildlife regulations regarding life preserving devices.

(b) All motorboats or boats propelled by motors in the waters of White Rock Lake must be equipped with lights according to United States government regulations. All rowboats, sailboats, or other watercraft must have a light on some part thereof. The lights on such boats must be operated after sunset so that the same are visible for a distance of one-half mile.

(c) All motorboats must be equipped with mufflers on the exhausts. The park and recreation board shall have authorization to establish safety zones and speed limits by the placing of buoys wherever deemed advisable for the safety of all water participants and it shall hereafter be unlawful for a speed boat or motorboat to go or travel within the designated areas plainly marked by buoys or shorelines and at a speed greater than five miles per hour. Motorboats or speed boats in coming to the docks or landing places must slow down to five miles per hour.

(d) Boating is prohibited from sundown to sunup on Bachman Lake, unless under a formal city agreement. (Ord. Nos. 8018; 32407)

SEC. 32-48. SEAWORTHINESS GENERALLY; IMPOUNDING LOOSE BOATS.

—It shall be unlawful for any person to place, keep

and use any watercraft of any description on the waters of the reservoirs if such craft is not seaworthy. If any such craft is, in the opinion of the officer enforcing the terms of this article, unseaworthy, he may bar the use of such unseaworthy craft until the same is reconditioned.

—All boats, of every kind and description, that are not anchored or are loose shall be impounded in accordance with the provisions of this article. The owner or owners of such boat in retrieving same from the possession of the impounding officer shall pay a fee of \$3 therefor. If such boat is not redeemed or retrieved within two weeks after such impounding, it shall be sold under the provisions of this article.

(a) It shall be unlawful for any person to place, keep, and use any watercraft of any description on the waters of the lakes if such craft is not seaworthy. If any such craft is, in the opinion of the officer enforcing the terms of this article, unseaworthy, he may bar the use of such unseaworthy craft until the same is reconditioned.

(b) All boats, of every kind and description, that are not anchored or are loose shall be impounded in accordance with the provisions of this article. If such boat is not redeemed or retrieved within 30 days after such impounding, it shall be disposed of 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. (Ord. Nos. 8018; 32407)

SEC. 32-49. SIRENS.

—It shall be unlawful for any person or persons to equip a motorboat with a siren and to use such siren on the waters of White Rock Lake.

(a) Except as provided in this section, it shall be unlawful for any person or persons to equip a motorboat with a siren and to use such siren on the waters of White Rock and Bachman Lakes.

(b) Rescue boats may be equipped with sirens. (Ord. Nos. 8018; 32407)

SEC. 32-50. CATCHING FISH FOR SALE.

~~—No person shall use or operate a boat of any kind or description in the waters of the reservoirs for the purpose of catching and taking fish or game for market or sale. This shall not apply to persons authorized by contract by the park board to remove rough fish under the supervision of the superintendent of White Rock Lake when such persons are licensed by the state fish and game commission to remove rough fish.~~

No person shall use or operate a boat of any kind or description in the waters of the lakes for the purpose of catching and taking fish, game, or other wildlife for market or sale. This shall not apply to persons authorized by contract by the park and recreation board to remove rough fish under the supervision of the director of park and recreation when such persons are licensed by the state fish and game commission to remove rough fish. (Ord. Nos. 8018; 32407)

SEC. 32-51. DESIGNATION OF AREA FOR ANCHORING SAILBOATS.

~~—All sailboats on White Rock Lake, in the city, shall be anchored only at the following location, or part thereof, on the shore of White Rock Lake:~~

~~—Beginning at the Garland Highway and following the meanderings of the lake for a distance of 3.5 miles to the south point. The south point as designated herein is .7 mile from the north point; and the north point, as designated and referred to herein, is 1.2 miles from the highway. The area herein referred to between the south and north points is commonly referred to and known as Big Thicket Bay.~~

~~—It shall hereafter be unlawful for a sailboat to be anchored on White Rock Lake, or any part of the lake, other than the designated area referred to as Big Thicket Bay as more fully designated in this section.~~

(a) Except as provided in this section, all sailboats on White Rock Lake, in the city, shall be anchored only at the following location, or part thereof, on the shore of White Rock Lake:

Beginning at the Garland Highway and following the meanderings of the lake for a distance of 3.5 miles to the south point. The south point as designated herein is .7 mile from the north point; and the north point, as designated and referred to herein, is 1.2 miles from the highway. The area herein referred to between the south and north points is commonly referred to and

known as Big Thicket Bay.

(b) The director of the park and recreation department or the director's designee, shall determine the number of boats that can be safely anchored in the location at one time.

(c) If a sailing club has entered an agreement with the city, sailboats may be moored at the location specified in the agreement. (Ord. Nos. 8018; 32407)

SEC. 32-52. INSPECTION AND APPROVAL PREREQUISITE TO ISSUANCE OF LICENSES RESERVED.

~~—It shall be the duty of the superintendent of White Rock or his authorized assistant to inspect all boats and watercraft of every kind and description before the same are permitted to be placed upon or in the waters of the reservoirs, and to approve or disapprove~~

the construction, mechanism and state of repair of each boat before the same is placed in such waters, and if for any reason such officer should be of the opinion that any boat is unsafe and unworthy or dangerous to life, he shall so state in writing to the owner or person in charge of same; but if he should be of the opinion that such boat is safe and worthy to be placed in such waters, he shall also so state in writing to the owner or person in charge thereof, and every person applying for a license to use and operate a boat in such waters shall first present a written statement by the superintendent of White Rock approving the boat such person proposes to use and operate in such waters; provided, however, that in any case where such officer disapproves any boat he shall fully state in writing his disapproval, giving his reasons in full therefor, and the owner or person in charge of such boat shall have the right to submit such matter to the park board, whose decision shall in all cases be final. (Ord. 8018)

SEC. 32-53. IMPOUNDMENT FOR LACK OF LICENSE; REDEMPTION.

—It shall be the duty of the superintendent of White Rock to impound all boats on White Rock and Bachman that are on such lakes without the metal plates provided for in this article displayed in the manner provided for in this article. The superintendent of White Rock and those acting under his directions shall hold every boat impounded in accordance with this article for two weeks after the same is impounded. The owner of such boat at any time during such two weeks may redeem the same by the payment of a fee of \$3 to the superintendent of White Rock; provided, that the owner shall secure and affix to such boat before removing same from the possession of the superintendent of White Rock the metal plate for the current license fee as provided for this article.

The director of park and recreation or the director's designee shall have the right to impound all boats on White Rock and Bachman that are on such lakes without a required state-issued license. The director of park and recreation and those acting under his or her directions shall hold every boat impounded in accordance with this article for 30 days after the same is impounded. The owner shall secure and affix to such boat before removing same from the possession of the director of park and recreation or the director's designee the required state-issued license. (Ord. Nos.

8018; 32407)

SEC. 32-54. DISPOSITION OF IMPOUNDED BOATS FOR NORMAL SALES TO REDEEM.

—If the owner shall not redeem a boat impounded in accordance with this article within two weeks from the

~~date of its being impounded, the superintendent of White Rock shall cause the impounded boat to be sold at public auction at White Rock Reservoir, at the White Rock Service Center. Such sale shall follow a notice thereof made in the manner now required for notices of sales of personal property to be sold under execution, and the sale shall be conducted in the same manner and after the required notice as sales of personal property are conducted when sold under execution and in the manner required by state statutes. The superintendent of White Rock, in the event that no one bids upon the boat a sufficient amount to cover the cost of sale, together with all other accrued charges against such boat, shall, for and on behalf of the city, bid in such boat for such amount as will cover the cost of sale and the other sums due the city upon same. A bill of sale, in all cases, shall be executed by the city to the purchaser. In the event that the city purchases the boat the same shall be sold in the same manner as other personal property belonging to the city for a sufficient amount to pay all sums expended by the city on such boat. Any sale of such a boat by the city, after purchase by the city, shall be subject to the approval of the park board and to the execution of a bill of sale by the proper authorities.~~

~~—If the owner of an impounded boat shall desire to redeem the same after the expiration of two weeks as set out above, but before the final sale is made, he may do so by payment of the impounding fee of \$3, the securing of a license for the then current year, and the payment of all costs of sale incurred up to that time and by affixing to the boat the metal plate required by the terms of this article. The city shall not be liable for any damages in connection with the sale of any boat over and beyond such surplus as may be left on hand from the sale of same after the application of the proceeds of the sale in the manner provided in this section.~~

(a) If the owner shall not redeem a boat impounded in accordance with this article within 30 days from the date of it being impounded, the director of parks and recreation or the director's designee shall cause the impounded boat to be disposed of 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.

(b) If the owner of an impounded boat shall desire to redeem the same after the expiration of 30 days as set out above, but before the final sale is made, he may do so by securing a state-issued license for the then current year, and the payment of all costs of sale incurred up to that time and by affixing to the boat the

state-issued licenses required by the terms of this article. The city shall not be liable for any damages in connection with the sale of any boat. (Ord. Nos. 8018; 32407)

ARTICLE V.

ELM FORK.

SEC. 32-55. POLLUTING WATERS.

It shall be unlawful for any person to pollute any of the waters of Elm Fork impounded by reason of the

CHAPTER 42A**SPECIAL EVENTS; NEIGHBORHOOD MARKETS;
DALLAS FARMERS MARKET FARMERS
MARKET; STREETLIGHT POLE BANNERS****ARTICLE I.****GENERAL PROVISIONS.**

- Sec. 42A-1. Purpose.
- Sec. 42A-2. Definitions.
- Sec. 42A-3. General authority and duty of director.
- Sec. 42A-4. Chapter cumulative.
- Sec. 42A-5. Exemptions.
- Sec. 42A-6. Fees.
- Sec. 42A-7. Indemnification.
- Sec. 42A-8. Appeal from denial or revocation of a permit.
- Sec. 42A-9. Amplified outdoor sound and lighting.
- Sec. 42A-10. High impact areas.
- Sec. 42A-11. Clean zone.

ARTICLE II.**SPECIAL EVENT PERMITS.**

- Sec. 42A-12. Application; issuance.
- Sec. 42A-13. Security; crowd control; and traffic control.
- Sec. 42A-14. Emergency medical services.
- Sec. 42A-15. Insurance.
- Sec. 42A-16. Street closures.
- Sec. 42A-17. Parking.
- Sec. 42A-18. Notice.
- Sec. 42A-19. Portable restroom and trash receptacle requirements.
- Sec. 42A-20. Denial or revocation.

ARTICLE III.**NEIGHBORHOOD MARKET.**

- Sec. 42A-21. Application; issuance.
- Sec. 42A-22. Location of a neighborhood market.
- Sec. 42A-23. Operation of a neighborhood market.
- Sec. 42A-24. Street closures.
- Sec. 42A-25. Parking.
- Sec. 42A-26. Products at a neighborhood market.
- Sec. 42A-27. Vendor's statement.
- Sec. 42A-28. Denial or revocation.

ARTICLE IV.**DALLAS STREET SEATS ~~PILOT~~ PROGRAM.**

- Sec. 42A-28.1. Establishment of rules and regulations.
- Sec. 42A-28.2. Application; issuance.
- Sec. 42A-28.3. Location, design, and operations.
- Sec. 42A-28.4. Public safety review.
- Sec. 42A-28.5. Community support and property authorization.
- Sec. 42A-28.6. Public notice.
- Sec. 42A-28.7. Insurance requirements.
- Sec. 42A-28.8. Street seat removal.
- Sec. 42A-28.9. Denial or revocation.

ARTICLE V.**DALLAS FARMERS MARKET FARMERS
MARKET.**

- Sec. 42A-29. Application; issuance.
- Sec. 42A-30. Street closures.
- Sec. 42A-31. Parking.
- Sec. 42A-32. Operations of Dallas Farmers Market farmers market.
- Sec. 42A-33. Products at Dallas Farmers Market.
- Sec. 42A-34. Denial or revocation.

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, 2023.~~

(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. A Phase II permit issued under the street seats program will expire two years after issuance. An applicant may apply for a new Phase II permit 60 days before the expiration date listed on the permit. All Phase II permit processing fees apply.

(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

(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; 32485)

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.

(c) A street seat may require site visits or inspections by city staff. If site visits or inspections are required, the applicant or the applicant's design and installation contractors shall accompany city staff on scheduled site visits or inspections.

~~— (d) Applicants shall select from one of the pre-approved designs provided by the city which comply with NACTO parklet guidelines.~~

(d) The design submitted with the application must be approved by all applicable city departments and must comply with NACTO parklet guidelines.

(e) A permit holder is responsible for providing and maintaining all street seats elements including furniture and amenities.

(f) Designs must meet all city requirements and safety regulations as detailed in the guidebook. (Ord. Nos. 31708; 32485)

SEC. 42A-28.4. PUBLIC SAFETY REVIEW.

The applicant shall provide a road safety review produced by a professional engineer licensed in the state of Texas within 14 days of application acceptance. The review must be specific to the proposed street seat location and must confirm that the proposed street seat follows the NACTO parklet guidelines and all city requirements and safety regulations as detailed in the guidebook. (Ord. 31708)

SEC. 42A-28.5. COMMUNITY SUPPORT AND PROPERTY AUTHORIZATION.

(a) An applicant must provide written approval from the following parties as part of the permit application:

(1) the property owner of the real estate immediately adjacent to the proposed street seat,

(2) all adjacent tenants if utilizing any public property that is immediately adjacent to or abutting an establishment other than the applicant's establishment,

(3) from the property owner if utilizing any private property other than property owned exclusively by the applicant.

(b) An applicant shall secure permission for utilizing restrooms owned by another establishment. (Ord. 31708)

SEC. 42A-28.6. PUBLIC NOTICE.

(a) Public notice must be displayed within the window of the abutting establishment for a minimum of 30 days during the application review to allow for public input.

(b) Written notice must be given to owners and occupants of real property abutting the proposed street seat and those impacted by the street seat utilizing the template provided by the director a minimum of five days prior to the first date of construction. Notice may be delivered by hand, mail, or email. (Ord. 31708)

SEC. 42A-28.7. INSURANCE REQUIREMENTS.

(a) An applicant for a street seat permit 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; and

(2) is acceptable to the city.

(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 street seat.

CHAPTER 42B**SHORT-TERM RENTALS**

Sec. 42B-1.	Definitions.
Sec. 42B-2.	Authority of director.
Sec. 42B-3.	Establishment of rules and regulations.
Sec. 42B-4.	Short-term rental registration and posting requirements.
Sec. 42B-5.	Short-term rental registration; fees; renewal.
Sec. 42B-6.	Short-term rental registration application.
Sec. 42B-7.	Review and acceptance of registration application.
Sec. 42B-8.	Property inspections.
Sec. 42B-9.	Issuance and denial of registration.
Sec. 42B-10.	Revocation of short-term rental registration.
Sec. 42B-11.	Required emergency response.
Sec. 42B-12.	Operation of short-term rental.
Sec. 42B-13.	Hosting platform registration; revocation.
Sec. 42B-14.	Hosting platform operations.
Sec. 42B-15.	Criminal offenses.
Sec. 42B-16.	Review of chapter.

SEC. 42B-1. DEFINITIONS.

In this chapter:

(1) **BEDROOM** means any room in a short-term rental other than a kitchen, dining room, living room, bathroom, or closet.

(2) **BOOKING TRANSACTION** means any reservation or payment service provided by a person who facilitates a short-term rental transaction between a prospective visitor and a host.

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

(4) **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.

(5) **EGREGIOUS OFFENSE** means an offense that caused or could cause a serious threat to public health and safety, including but not limited to, commission of crimes that are related to drugs, prostitution, or a serious breach of the peace.

(6) **EMERGENCY CONDITION** means any fire, natural disaster, collapse hazard, burst pipe, lack of operable utilities, serious police incident, noise violation, or other condition that requires an immediate response to prevent harm to the property, the occupants of the property, or the public.

(7) **HOST** means a person who operates a short-term rental and includes representatives, agents, and employees of the host.

(8) **HOSTING PLATFORM** means a person who participates in the short-term rental business by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.

(9) **LOCAL RESPONSIBLE PARTY** means a natural person who represents the owner or host who may be contacted 24 hours a day, seven days a week, in the event of an emergency condition at a short-term rental.

(10) **MULTITENANT STRUCTURE** means a structure with three or more rentable units.

(11) **OWNER** means a person who owns property used as a short-term rental and includes representatives, agents, and employees of the owner.

(12) **RENTABLE UNIT** means one or more rooms designed to accommodate tenants containing one or more kitchens, one or more bathrooms, and one or more bedrooms.

(13) **SHORT-TERM RENTAL** means a full or partial rentable unit containing one or more kitchens, one or more bathrooms, and one or more bedrooms that is rented to occupants for fewer than 30 consecutive days or one month, whichever is less, per rental period. (Ord. 32473)

SEC. 42B-2. AUTHORITY OF DIRECTOR.

The director shall implement and enforce this chapter and may by written order establish such rules, regulations, or procedures, not inconsistent with this chapter or other city ordinances, and state or federal law, as the director determines are necessary to discharge any duty under or to affect the policy of this chapter. (Ord. 32473)

SEC. 42B-3. 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 the notice required under the Open Meetings Act (Chapter 551, Texas Government Code), as amended, shall notify each owner, host, hosting platform, 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 owners, hosts, hosting platforms, 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. 32473)

SEC. 42B-4. SHORT-TERM RENTAL REGISTRATION AND POSTING REQUIREMENTS.

(a) A person commits an offense if he owns or operates a short-term rental without a valid short-term rental registration issued under this chapter.

(b) A person other than a hosting platform commits an offense if the person advertises a property for rent as a short-term rental without a valid short-term rental registration issued under this chapter.

(c) The owner and host of a short-term rental commits an offense if he fails to post the following in a conspicuous place in a common area of the property or as otherwise approved by the director:

(1) the short-term rental certificate of occupancy; and

(2) the certificate of registration for short-term rental. (Ord. 32473)

SEC. 42B-5. SHORT-TERM RENTAL REGISTRATION; FEES; RENEWAL.

(a) Each short-term rental lodging use must be separately registered.

(b) A short-term rental registration expires on the earlier of:

(1) one year after the registration date, or

(2) when ownership of the property changes.

(c) The annual registration fee for a short-term rental is \$404.00.

(d) The registration fee is nonrefundable. The registration fee may not be prorated or applied to another property.

(e) The initial inspection fee is included in the annual registration fee. If a property must be reinspected, the reinspection fee is \$234.00.

(f) A host shall keep the information contained in its registration application current and accurate. If there is any change in the application information, the host shall notify the director in writing within 10 days of the changes of information.

(g) A registration may be renewed by making application for a renewal in accordance with this chapter on a form provided by the director. In the application for renewal, the host shall certify that all information in the then-current registration application is still accurate as of the date of the renewal application or otherwise correct any information that is not accurate as of the date of the renewal application. (Ord. 32473)

SEC. 42B-6. SHORT-TERM RENTAL REGISTRATION APPLICATION.

To obtain a registration to operate a short-term rental, a person must submit a complete application to the director on a form provided for that purpose. If the applicant is not an individual, an authorized officer or agent of the applicant must file the form. The

application must contain the following information and be accompanied by the annual registration fee required under Section 42B-5 before it is considered complete:

(1) The name, mailing address, and telephone number for:

(A) the owner;

(B) the host;

(C) the local responsible party;

(D) if the owner of the short-term rental is not a natural person, then an agent, employee, or officer of the owner authorized to receive legal notices and service of legal process on behalf of the owner, and in the case of an entity required to be registered with the State of Texas, the registered agent for service of process for the entity;

(E) if the host is not a natural person, then an agent, employee, or officer of the host authorized to receive legal notices and service of legal process on behalf of the host, and in the case of an entity required to be registered with the State of Texas, the registered agent for service of process for the entity;

(F) the holder of any deed of trust or mortgage lien on the short-term rental property being registered; and

(G) any agent, employee, officer, property manager, and other persons in control of, managing, or operating the short-term rental property on behalf of the owner or host;

(2) the property address;

(3) if the property being registered is part of a multitenant property or a condominium:

(A) the name of the property, all legal addresses comprising the property, and the main telephone number, if any, of the property;

(B) the apartment or unit number of the short-term rental unit being registered; and

(C) an affidavit signed by the owner acknowledging that the owner is responsible for ensuring that no unregistered short-term rentals operates on the property and that the owner may be liable for code violations committed by hosts or short-

term rental guests, such as being declared a habitual nuisance property under Chapter 27 of this code;

(4) if the owner is not a natural person, the form of the entity, including, but not limited to, a corporation, general partnership, limited partnership, trust, or limited liability company, and the state or foreign jurisdiction of organization and registration, if other than the State of Texas, as well as the name and mailing address for each principal officer, director, general partner, trustee, manager, member, or other person charged with the operation, control, or management of the entity;

(5) if the host is not a natural person, the form of the entity, including, but not limited to, a corporation, general partnership, limited partnership, trust, or limited liability company, and the state or foreign jurisdiction of organization and registration, if other than the State of Texas, as well as the name and mailing address for each principal officer, director, general partner, trustee, manager, member, or other person charged with the operation, control, or management of the entity;

(6) a copy of the host's current driver's license or other government-issued personal identification card containing a photograph of the host, if the host is a natural person;

(7) the hotel occupancy tax registration number issued in accordance with Chapter 44 of this code;

(8) any additional information the host desires to include or that the director deems necessary to aid in the determination of whether the application will be deemed complete;

(9) an acknowledgement by the host of the following:

(A) occupancy limits;

(B) parking requirements;

(C) noise limits;

(D) revocation process; and

(E) advertisement and signage limitations; and

(10) if the host is not the owner, a statement

that is signed and acknowledged by the owner giving the host permission to operate the short-term rental. (Ord. 32473)

SEC. 42B-7. REVIEW AND ACCEPTANCE OF REGISTRATION APPLICATION.

(a) An application will not be processed until the annual registration fee required by Section 42B-5 has been paid.

(b) The director shall review an application within 10 business days of receipt to determine completeness.

(c) If the director finds that the applicant has failed to submit a complete application or that any of the information on the application is materially incorrect or misleading, the director shall promptly notify the applicant by United States or electronic mail that the application is defective or incomplete and the director shall list the defects and missing items.

(d) An application shall expire and be void *ab initio* if by the 10th business day after the applicant is notified that the application is defective or incomplete, the applicant fails to provide documents or other information necessary to comply with the requirements of this chapter.

(e) If the director finds that the applicant submitted a complete application and all criteria have been met, the director shall promptly notify the applicant that the application has been received and found to be complete. (Ord. 32473)

SEC. 42B-8. PROPERTY INSPECTIONS.

(a) After the director deems an application complete, but before an application is approved, the director shall conduct an inspection of the property to determine if there are any code violations. If the inspection reveals any violations of the Dallas City Code, the director shall issue a notice of violation to the owner, operator, or person in control to remedy the violations. The director shall not approve the registration until the identified code violations at the property have been abated.

(b) The director may conduct inspections of short-term rental properties at any time the director deems necessary when determined to be in the interest

of the public health, safety, and welfare.

(c) Except as provided in this section, the director shall conduct a property inspection of each short-term rental upon application for renewal of a registration.

(d) For a registration renewal, no inspection is required if code violations were not found on the property in the previous 12 calendar months.

(e) The director may conduct inspections at the property if any complaint is received alleging violations occurring at the property including, but not limited to, violations of noise or parking regulations. (Ord. 32473)

SEC. 42B-9. ISSUANCE AND DENIAL OF REGISTRATION.

(a) Upon the submission of a complete application, the director shall issue a registration to operate a short-term rental if the director determines:

(1) the applicant has complied with all requirements for issuance of the registration;

(2) the applicant has not made a false statement as to a material matter in the application;

(3) the property being registered has passed all inspections and the condition and use of the short-term rental comply with the zoning regulations in the Dallas Development Code and the minimum property standards in Chapter 27;

(4) there have not been two or more citations for violations of the Dallas City Code found on the property being registered within the preceding 12 calendar months prior to the registration application;

(5) if the property is a multitenant property, registration of the rentable unit will not exceed the density requirements in Section 42B-12;

(6) the owner and host are not delinquent in any ad valorem taxes, fees, fines, or penalties owed to the city in relation to the property where the short-term rental is located;

(7) the owner and host are not delinquent in any hotel occupancy taxes owed to the city; and

(8) the owner and host have not had a short-term rental registration revoked within the past 12 months.

(b) If the director determines that the requirements of Subsection (a) have not been met, the director shall deny the registration.

(c) If the director determines that the applicant should be denied a registration, the director shall notify the applicant in writing, by certified mail, return receipt requested, that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right to appeal. (Ord. 32473)

SEC. 42B-10. REVOCATION OF SHORT-TERM RENTAL REGISTRATION.

(a) The director may revoke a short-term rental registration if the property registered as a short-term rental is the site of two or more citations for violations of the Dallas City Code or state or federal law two or more times in the preceding year. Violations considered under this provision include, but are not limited to, parking on unapproved surfaces, failure to maintain the property free of litter, exceeding noise limitations, disorderly or criminal conduct, failure to pay hotel occupancy tax, or any of the provisions of this chapter.

(b) A short-term rental registration issued under this chapter may be revoked at the director's discretion if an egregious offense occurs at the property.

(c) The director may revoke all registrations associated with a single owner or host upon revocation of any registration.

(d) If the director determines that a registration should be revoked, the director shall notify the owner and host in writing, by certified mail, return receipt requested, that the registration is revoked and include in the notice the reason for revocation and a statement informing the owner and host of the right to appeal.

(e) An owner or host that has had a registration revoked under this section shall not be permitted to apply for a short-term rental registration for a period of one year following the date of the revocation.

(f) A revocation under this section is final unless the owner or host files an appeal with the permit and license appeal board in accordance with Section 2-96.

(g) The filing of an appeal stays the action of the director in revoking a registration until the permit and license appeal board makes a final decision.

(h) The permit and license appeal board shall consider the facts as they existed at the time of the registration denial, suspension, or revocation in making its decision. (Ord. 32473)

SEC. 42B-11. REQUIRED EMERGENCY RESPONSE.

(a) A host shall provide the director with the name, address, and telephone number of a local responsible party. This designation shall be provided on a notarized form designated by the director that is signed by the local responsible party.

(b) A host shall notify the director immediately of any change in the emergency response information on a notarized form designated by the director.

(c) The local responsible party shall arrive at the property within one hour after being notified by the city or emergency response personnel that an emergency condition has occurred on the property.

(d) Upon arrival at the short-term rental when requested as provided above, the local responsible party shall notify the requesting city personnel of his arrival and shall take reasonable actions to resolve the emergency condition.

(e) A local responsible party must be authorized to make decisions regarding the premises and its occupants. A local responsible party may be required to, and shall not refuse to, accept service of citation for any violations on the premises. Acceptance of service shall not act to release owner of any liability under this chapter. (Ord. 32473)

SEC. 42B-12. OPERATION OF SHORT-TERM RENTAL.

(a) Maximum occupancy for a short-term rental is three people per bedroom with a total occupancy of 12.

(b) The number of short-term rentals in a single rentable unit may not exceed one.

(c) The maximum density for short-term rentals

located in a multifamily structure is:

(1) three percent of rentable units if the multitenant structure has more than 20 rentable units and is located in a multifamily or multiple-family zoning district or a planned development district or conservation district whose base zoning is multifamily or multiple-family;

(2) 20 percent of rentable units if the multitenant structure has more than 20 rentable units and is located in a nonresidential zoning district;

(3) zero rentable units if the multitenant structure has 20 rentable units or less.

(d) The use of amplified sound equipment that produces a sound audible beyond the property line of the premises between the hours of 10:00 p.m. and 7:00 a.m. is prohibited.

(e) The host shall limit the number of guest vehicles to the number of available off-street parking spaces available at the short-term rental property.

(f) The minimum allowable rental period is two nights.

(g) Any public listing or advertisement for a property as a short-term rental must include:

(1) the City of Dallas short-term rental registration number;

(2) occupancy limitations;

(3) limitations on the use of amplified sound equipment;

(4) the number of vehicles allowed;

(5) city regulations related to parking on unapproved surfaces and oversized vehicles; and

(6) a minimum allowable rental period of two nights.

(h) A short-term rental may not be used as a commercial amusement, restaurant, or similar business unless the property has a valid certificate of occupancy for the use. (Ord. 32473)

SEC. 42B-13. HOSTING PLATFORM

REGISTRATION; REVOCATION.

(a) To obtain a registration to operate as a hosting platform, a person shall submit a complete application to the director on a form provided for that purpose. If the applicant is not an individual, an authorized officer or agent of the applicant must file the form. The application must contain the following information before it is considered complete:

(1) the name, telephone number, and email address of a contact person at the hosting platform; and

(2) any other information the director deems necessary.

(b) A registration issued under this section is valid for one year.

(c) The director may revoke the registration of a hosting platform if the hosting platform collects a fee or fails to submit a report in violation of Section 42B-14.

(d) If the director determines that a registration should be revoked, the director shall notify the hosting platform in writing, by certified mail, return receipt requested, that the registration is revoked and include in the notice the reason for revocation and a statement informing the owner and host of the right to appeal.

(e) A hosting platform that has had a registration revoked under this section shall not be permitted to apply for a hosting platform registration for a period of one year following the date of the revocation.

(f) A revocation under this section is final unless the hosting platform files an appeal with the permit and license appeal board in accordance with Section 2-96.

(g) The filing of an appeal stays the action of the director in revoking a registration until the permit and license appeal board makes a final decision.

(h) The permit and license appeal board shall consider the facts as they existed at the time of the revocation in making its decision. (Ord. 32473)

SEC. 42B-14. HOSTING PLATFORM OPERATIONS.

(a) Hosting platforms shall not collect or receive a fee, directly or indirectly, through an agent or intermediary, for completing a booking transaction for a short-term rental unless the hosting platform has registered with the city in compliance with this Section 42B-13 and the short-term rental has a valid registration number issued by the director in accordance with Section 42B-9.

(b) Hosting platforms shall not collect or receive a fee, directly or indirectly, through an agent or intermediary, for facilitating or providing services ancillary to an unregistered short-term rental, including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance.

(c) A hosting platform registered under this chapter shall provide the director, on a monthly basis, an electronic report, in a format determined by the director, of the listings maintained, authorized, facilitated, or advertised by the hosting platform within the city for the applicable reporting period. The report must include a breakdown of where the listings are located and whether the listing is for a room or a whole rentable unit. (Ord. 32473)

SEC. 42B-15. CRIMINAL OFFENSES.

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 article, that is applicable to a person. A culpable mental state is not required for an offense under this chapter unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each day in which an offense occurs. (Ord. 32473)

SEC. 42B-16. REVIEW OF CHAPTER.

The regulations in this chapter must be reviewed by a city council committee by June 14, 2025. (Ord. 32473)

SEC. 47A-2.2.12. DRIVER REGULATIONS.

While driving a transportation-for-hire vehicle, a driver shall comply with this chapter, rules and regulations established under this chapter, and all other laws applicable to the operation of a motor vehicle in this state. A driver providing transportation-for-hire services at Dallas Love Field Airport or Dallas-Fort Worth International Airport shall also comply with all of the rules and regulations of those airports. (Ord. 29596)

DIVISION 3.**VEHICLE PERMIT.****SEC. 47A-2.3.1. VEHICLE PERMIT REQUIRED.**

No vehicle may be used to provide transportation-for-hire services without current insurance, association with a registered operating authority, and a valid permit for that vehicle issued under this article. (Ord. Nos. 29596; 31689)

SEC. 47A-2.3.2. REQUIREMENTS FOR VEHICLE PERMIT.

(a) To obtain a vehicle permit, a permit applicant must provide the director with the following information, including the:

- (1) vehicle's current state issued vehicle registration expiration year and month;
- (2) permit applicant's name, mailing address, email address, and telephone contact information;
- (3) vehicle identification number of the vehicle to be permitted;

(4) year, make, and model of the vehicle to be permitted;

(5) license plate number of the vehicle to be permitted;

(6) state vehicle inspection; and

(7) a vehicle lease agreement, if applicable.

(b) To obtain a vehicle permit for a previously permitted vehicle, in addition to providing the above information, a permit applicant must demonstrate that, within the preceding 90 days, the vehicle has been inspected and has a state vehicle inspection report. (Ord. Nos. 29596; 29706; 30180; 31689)

SEC. 47A-2.3.3 VEHICLE QUALITY STANDARDS.

~~—(a) An operating authority shall maintain all motorized vehicles operating under its permit, and a driver shall maintain the motorized transportation-for-hire vehicle he is driving for hire, in a condition such that each vehicle meets all safety standards required by the State of Texas for passenger vehicles and the following additional standards:~~

~~—(1) the exterior and interior are clean and appear new or substantially like new;~~

~~—(2) front and rear seats, armrests, interior door panels, headliners, carpet, mats, and front and rear dashboards are in good condition, free of cracks, rips, tears, or excessive wear;~~

~~—(3) body panels, trim, and moldings are free of dents (other than minor door dings that do not involve paint damage), scratches, or other obvious unrepaired damage;~~

(a) An operating authority shall maintain all motorized vehicles operating under its permit, and a driver shall maintain the motorized transportation-for-hire vehicle he or she is driving for hire, in accordance with the Texas Department of Public Safety Vehicle Inspection program. Additionally, each vehicle must be deemed safe, mechanically sound, and road worthy. The exterior and interior must be clean and meet the following standards:

(1) body panels, trim, and moldings are free of dents and scratches (other than minor dents and scratches that are less than five inches in length and less than 0.5 inch in depth);

(2) paint is in good condition, free of unrepaired damage, visible fading, mismatched colors, or excessive orange peel;

~~_____ (4) paint is in good condition, free of scratches or other obvious unrepaired damage, visible fading, runs, peeling, overspray, mismatched colors, or excessive paint damage;~~

~~_____ (5) front and rear tires, wheels, and wheel covers match and are the proper size and type for the vehicle;~~

~~_____ (6) all recall work recommended by the vehicle's manufacturer has been performed;~~

~~_____ (7) air conditioner, heater, and defoggers function properly.~~

~~_____ (b) It is a defense to prosecution for a violation of Subsection (a) that the violation was remedied within twenty-one (21) days after receiving the citation.~~

(3) front and rear tires, wheels, and wheel covers match and are the proper size and type for the vehicle;

(4) all recall work recommended by the vehicle's manufacturer has been performed;

(5) air conditioner, heater, and defoggers function properly;

(6) all exterior lights function and are aimed as designed by the manufacturer;

(7) all doors open and close smoothly using interior and exterior door handles. (Ord. Nos. 29596; 30180; 31689; 32467)

SEC. 47A-2.3.4. DISPLAY OF VEHICLE PERMIT.

(a) A person commits an offense if he:

(1) operates a transportation-for-hire vehicle with an expired vehicle permit or with no vehicle permit affixed to the vehicle;

(2) attaches a vehicle permit to a transportation-for-hire vehicle not authorized to operate as a transportation-for-hire vehicle;

(3) forges, alters, or counterfeits a transportation-for-hire vehicle permit required by this

section; or

(4) possesses a forged, altered, or counterfeited transportation-for-hire vehicle permit required by this section.

(b) A transportation-for-hire vehicle permit assigned to one vehicle is not transferable to another. (Ord. 29596)

- (2) the total fare;
- (3) an itemization showing how the fare was calculated;
- (4) the trip distance (if fare based in whole or in part on distance);
- (5) the duration of the trip in minutes (if fare based in whole or in part on time);
- (6) the name of the operating authority under which the driver was operating at the time of the ride;
- (7) the driver's first name and driver permit number; and
- (8) the vehicle permit number.

(e) The receipt may be submitted to the payor electronically if the ride was dispatched electronically or if the payor agrees to accept an electronic receipt.

~~_____ (f) Hailable vehicles shall not charge any fare for providing transportation-for-hire service in the city that exceeds the maximum rates of fare authorized by the following schedule:~~

~~_____ (1) General fares:~~

~~_____ (A) Initial meter drop: \$2.25;~~

~~_____ (B) Each 1/9 mile: \$0.20;~~

~~_____ (C) Traffic delay time/waiting time, per 1- 1/2 minutes: \$0.45; and~~

~~_____ (D) Each extra passenger (up to manufacturer's rated seating capacity): \$2.00.~~

~~_____ (2) Love Field Airport fares:~~

~~_____ (A) Each trip departing from the airport (in addition to the general fare) shall include the trip fee as that trip fee is set in Chapter 5 of this code, as amended.~~

~~_____ (B) Minimum charge for each trip departing from the airport: \$8.00.~~

~~_____ (C) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Central Business District area or originating at a location within the Dallas Central Business District area and terminating at the airport: \$21.00.~~

~~_____ (D) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Market Center area or originating at a location within the Dallas Market Center area and terminating at the airport: \$18.00.~~

~~_____ (3) Dallas Fort Worth International Airport fares:~~

~~_____ (A) Minimum charge for each terminal transfer: \$7.00.~~

~~_____ (B) Minimum charge for each trip that requires exiting the Airport parking plaza and terminates inside of airport property: \$14.50.~~

~~_____ (C) Minimum charge for each trip that requires exiting the Airport parking plaza and terminates outside of airport property: \$17.00.~~

~~_____ (D) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Central Business District area or originating at a location within the Dallas Central Business District area and terminating at the airport: \$45.00.~~

~~_____ (E) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Market Center area or originating at a location within the Dallas Market Center area and terminating at the airport: \$37.00.~~

~~_____ (4) Gasoline surcharge:~~

~~_____ (A) A gasoline surcharge approved by the director may be added to a hailable vehicle fare~~

(f) Hailable vehicles shall not charge any fare for providing transportation-for-hire service in the city that exceeds the maximum rates of fare authorized by

the following schedule:

(1) General fares.

(A) Initial meter drop: \$3.00;

(B) Each 1/4 mile: \$0.70;

(C) Traffic delay time/waiting time, per 1 minute: \$0.40; and

(D) Each extra passenger (up to manufacturer's rated seating capacity): \$2.00.

(2) Love Field Airport fares.

(A) Each trip departing from the airport (in addition to the general fare) shall include the trip fee as that trip fee is set in Chapter 5 of this code, as amended.

(B) Minimum charge for each trip departing from the airport: \$10.00.

(C) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Central Business District area or originating at a location within the Dallas Central Business District area and terminating at the airport: \$26.00.

(D) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Market Center area or originating at a location within the Dallas Market Center area and terminating at the airport: \$20.00.

(3) Dallas-Fort Worth International Airport fares.

(A) Minimum charge for each terminal transfer: \$7.00.

(B) Minimum charge for each trip that requires exiting the Airport parking plaza and terminates inside of airport property: \$14.50.

(C) Minimum charge for each trip that requires exiting the Airport parking plaza and terminates outside of airport property: \$17.00.

(D) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Central Business District area or

originating at a location within the Dallas Central Business District area and terminating at the airport: \$55.00.

(E) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Market Center area or originating at a location within the Dallas Market Center area and terminating at the airport: \$47.00.

~~when the average weekly retail price of regular grade gasoline in the State of Texas exceeds \$2.00 per gallon as determined by the United States Department of Energy, Energy Information Administration:~~

~~————— (B) The gasoline surcharge will be calculated in \$0.50 increments and applied per trip. For every \$0.50 increase or decrease in the average price per gallon of gasoline above the \$2.00 threshold, the per trip surcharge fee will be adjusted \$0.50 up or down to reflect the change in the average gasoline price. For example:~~

(4) Gasoline surcharge.

(A) A gasoline surcharge approved by the director may be added to a hailable vehicle fare when the average weekly retail price of regular grade gasoline in the State of Texas exceeds \$2.00 per gallon as determined by the United States Department of Energy, Energy Information Administration.

(B) The gasoline surcharge is calculated in \$0.50 increments and applied per trip. For every \$0.50 increase or decrease in the average price per gallon of gasoline above the \$2.00 threshold, the per trip surcharge fee is adjusted \$0.50 up or down to reflect the change in the average gasoline price. For example:

AVERAGE PRICE OF GASOLINE (PER GALLON)	AMOUNT OF SURCHARGE (PER TRIP)
\$2.00 or less	No surcharge
\$2.01 to \$2.50	\$0.50
\$2.51 to \$3.00	\$1.00
\$3.01 to \$3.50	\$1.50
Each additional \$0.50 increase in the average per gallon price of gasoline	Additional \$0.50 per trip

~~————— (C) The director shall determine the gasoline surcharge on a quarterly basis each year by checking, in accordance with the following schedule, the average price per gallon of gasoline as posted by the United States Department of Energy in its weekly updates:~~

(C) The director shall determine the gasoline surcharge on a quarterly basis each year by checking, in accordance with the following schedule, the average price per gallon of gasoline as posted by the

United States Department of Energy in its weekly updates:

DATE OF QUARTERLY PRICE CHECK BY DIRECTOR	DATE OF QUARTERLY ADJUSTMENT (IF REQUIRED)
December 20	January 1
March 20	April 1
June 20	July 1
September 20	October 1

(g) Each driver of a hailable vehicle shall charge the rates of fare prescribed in Subsection (f) in accordance with the following terms and conditions:

(1) "Dallas Central Business District area" includes:

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; 32467)

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.~~

(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;

(C) the fare rate; and

(D) the current fuel surcharge.

(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. Nos. 29596; 32467)

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. [RESERVED.]

SEC. 47A-2.4.12. SOLICITATION OF PASSENGERS BY BUSINESS

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>
32310 (Cont'd)			22	Amends 49-18.2(f)
			23	Amends 49-18.4(b)
			24	Amends 49-18.4(e)
			25	Amends 49-18.4(f)
			26	Amends 49-18.5(a)
			27	Amends 49-18.5(b)
			28	Amends 49-18.9
32329	10-26-22		1	Amends 27-46(3)
			2	Amends 27-53
32330	10-26-22		1	Amends 13-10
32333	10-26-22		1	Adds 28-61.1
32334	10-26-22		1	Amends 18-55
			2	Amends 18-56(b)
			3	Amends 18-58
			4	Amends 18-59
			5	Adds 18-61.1
			6	Adds 18-61.2
			7	Adds 18-61.3
			8	Amends 18-62(a)
			9	Adds 18-65.1
			10	Amends 18-66(a)
32342	11-9-22		1	Amends 34-9(a)
			2	Amends 34-25(b)
32344	11-9-22		1	Amends ch. 27, art. V
32362	12-14-22		1	Amends 15D-57(a)
			2	Amends 28-4(b)
32363	12-14-22	1-1-23	1	Amends 44-48
			2	Amends 44-49(c)
			3	Amends 44-50
			4	Amends 44-52(b)
32397	2-22-23		1	Amends 8A-4(a)
			2	Amends 8A-6(a)
			3	Amends 8A-8
			4	Amends 8A-9
			5	Amends 8A-11(a)
			6	Amends 8A-14
			7	Adds 8A-16(6)
			8	Amends 8A-18
			9	Amends 8A-27
			10	Adds 8A-40(k)
			11	Adds 8A-41
32407	3-8-23		1	Amends ch. 32, art. IV, 32-32 thru 32-54
32466	5-24-23		1	Amends 2-120(g)
32467	6-14-23		1	Amends 47A-2.3.3(a)
			2	Amends 47A-2.4.8(f)

32470	6-14-23	3	Amends 47A-2.4.9(a)
		1	Adds 28-2(4.2)
		2	Amends 28-2(14)
		3	Adds 28-2(18.1)
		4	Adds 28-2(20.1)
		5	Amends 28-4
		6	Amends 28-5.1
		7	Amends 28-19
		8	Amends 28-76.2
		9	Amends 28-81.1(a)
		10	Retitles 28-88
		11	Adds 28-88(c)
32472	6-14-23	12	Amends 28-129
		1	Amends ch. 12A, 12A-1 thru 12A-64
32473	6-14-23	1	Amends 27-30(g)
		2	Adds ch. 42B, 42B-1 thru 42B-16
32484	6-28-23	1	Adds ch. 2, art. XXX, 2-172 thru 2-174
32485	6-28-23	1	Retitles ch. 42A, art. IV
		2	Amends 42A-28.2(a)
		3	Amends 42A-28.3(d)
32488	6-28-23	1	Amends 28-44
		2	Amends 28-50(c)
		3	Amends 28-60(b)
		4	Amends 28-114.2(b)
		5	Amends 28-193(3)

Index

Inventory of real property	Sec. 2-21
Procedures for the sale of unneeded real property by formal bid or negotiation	Sec. 2-24
Procedures for the sale of unneeded real property by public auction	Sec. 2-24.1
Type of conveyance	Sec. 2-25
Civil service board (See CIVIL SERVICE BOARD)	
Claims against the city (See CLAIMS AGAINST THE CITY)	
Code of ethics (See CODE OF ETHICS)	
College advisory commission (See COLLEGE ADVISORY COMMISSION)	
Commission on disabilities (See COMMISSION ON DISABILITIES)	
Community development commission (See COMMUNITY DEVELOPMENT COMMISSION)	
Contracts (See "Purchases and contracts" below, This Topic)	
Cultural affairs commission (See CULTURAL AFFAIRS COMMISSION)	
Delivery of books, etc., to successor in office	Sec. 2-2
Department of building services (See DEPARTMENT OF BUILDING SERVICES)	
Department of information and technology services (See DEPARTMENT OF INFORMATION AND TECHNOLOGY SERVICES)	
Department of convention and event services (See DEPARTMENT OF CONVENTION AND EVENT SERVICES)	
Department of development services (See DEPARTMENT OF DEVELOPMENT SERVICES)	
Department of equipment and fleet management (See DEPARTMENT OF EQUIPMENT AND FLEET MANAGEMENT)	
Department of housing & neighborhood revitalization (See DEPARTMENT OF HOUSING & NEIGHBORHOOD REVITALIZATION)	
Department of human resources (See DEPARTMENT OF HUMAN RESOURCES)	
Department of public works (See DEPARTMENT OF PUBLIC WORKS)	
Department of sanitation services (See DEPARTMENT OF SANITATION SERVICES)	
Department of transportation (See DEPARTMENT OF TRANSPORTATION)	
Economic development advisory board (See ECONOMIC DEVELOPMENT ADVISORY BOARD)	
Eminent domain proceedings for personal property	Sec. 2-16
Filling temporary vacancies	
Designation, appointment and duties of temporary acting and acting city manager	Sec. 2-118
Designation, appointment and duties of temporary acting and acting department directors	Sec. 2-119
Fiscal notes	Sec. 2-17.1
Hearings and investigations as to city affairs	
Penalty for failure to testify, etc.	Sec. 2-9
Subpoena powers of person or body conducting same.	Sec. 2-8
Labor unions	
City employees not to organize or join	Sec. 2-5
Intent and purpose of provision	Sec. 2-6
Penalty for violating prohibitions.	Sec. 2-7

Index

BICYCLES

Applicability of traffic regulations to bicycle and electric bicycle riders	Sec. 9-1
Bicycle helmets	
Bicycle helmet required	Sec. 9-8
Definitions	Sec. 9-7
Penalty	Sec. 9-10
Sale or lease of bicycles	Sec. 9-9
Bicycles prohibited on enumerated streets	Sec. 9-6
Bicycles prohibited on pedestrianways	Sec. 28-34
Removal, etc., of serial numbers on bicycles; authorizing the chief of police to confiscate same	Sec. 9-4
Responsibility of parent or guardian	Sec. 9-5

BILLIARD HALLS

Definitions	Sec. 9A-1
Hours of operation	Sec. 9A-5
Inspection	Sec. 9A-12
Licenses	
Appeal	Sec. 9A-9
Expiration of license; denial of renewal application	Sec. 9A-6
Fees	Sec. 9A-4
Issuance	Sec. 9A-3
Posting	Sec. 9A-3
Required	Sec. 9A-2
Revocation	Sec. 9A-8
Suspension	Sec. 9A-7
Transfer of license	Sec. 9A-10
Occupation tax	Sec. 9A-13
Persons under 17 prohibited	Sec. 9A-11

BINGO GROSS RECEIPTS TAX (See TAXATION)

BOARDING HOME FACILITIES

Administrative	
Appeals of denials, suspensions, and revocations	Sec. 8A-12
Emergency response information	Sec. 8A-17
Exemptions	Sec. 8A-5
Expiration and renewal of license	Sec. 8A-13
Failure to pay ad valorem taxes, fees, fines, and penalties	Sec. 8A-18
Fees	Sec. 8A-8
Inspections; fees	Sec. 8A-20
Issuance and denial of license	Sec. 8A-9
License application	Sec. 8A-6
License required	Sec. 8A-4
Nontransferability	Sec. 8A-14
Notification of change of information	Sec. 8A-7
Posting requirements	Sec. 8A-16
Prohibition of new residents; suspension of license	Sec. 8A-10

Index

Reasonable accommodations	Sec. 8A-19
Records	Sec. 8A-15
Reports to the Texas Health and Human Services Commission	Sec. 8A-21
Revocation of license	Sec. 8A-11
When written notice is deemed delivered.....	Sec. 8A-21.1
Enforcement	
Retaliation against residents prohibited	Sec. 8A-41
Violations; penalty	Sec. 8A-40
General provisions	
Authority of director	Sec. 8A-3
Definitions	Sec. 8A-2
Purpose	Sec. 8A-1
Resident health and safety	
Assessment and periodic monitoring of residents	Sec. 8A-39
Assistance with self-administration of medication	Sec. 8A-35
Criminal history	Sec. 8A-37
Emergency precautions	Sec. 8A-29
Food and drink; meals	Sec. 8A-33
Linens and laundry	Sec. 8A-31
Poisonous, toxic, and flammable materials	Sec. 8A-32
Policies and procedures to ensure resident health and safety	Sec. 8A-34
Qualifications to own, operate, or work in facilities with persons recovering from substance or alcohol abuse	Sec. 8A-38
Requirements for in-service education of boarding home facility staff	Sec. 8A-36
Water quality	Sec. 8A-30
Structure and maintenance	
Bathroom facilities	Sec. 8A-24
Construction, remodeling, and maintenance	Sec. 8A-22
Dining room	Sec. 8A-28
Kitchen	Sec. 8A-27
Laundry facilities	Sec. 8A-26
Sleeping rooms	Sec. 8A-23
Telephone	Sec. 8A-25

BOARDS AND COMMISSIONS (See also specific names of boards and commissions in Main Index)

Administrative procedures	
Board recommendations	Sec. 8-26
Dealings with city employees	Sec. 8-27
Code of conduct	
Administrative staff	Sec. 8-23
Board members	Sec. 8-22
Members of the public	Sec. 8-25
News media members	Sec. 8-24
Definitions	Sec. 8-1
Duties and privileges of members	
Attendance	Sec. 8-20
Confidentiality	Sec. 8-14.1
Demand for roll card	Sec. 8-18
Excusal during meeting	Sec. 8-21

Index

CLAIMS AGAINST THE CITY

Breach of contract claims

Notice required for certain breach of contract claims Sec. 2-86

Payment of a breach of contract claim without prior city council approval. Sec. 2-87

Miscellaneous claims, fines, penalties, and sanctions against the city

Handling and investigation of miscellaneous claims, fines, penalties, and
sanctions against the city Sec. 2-88

Payment of a miscellaneous claim, fine, penalty, or sanction without prior
city council approval Sec. 2-89

Tort claims

Filing of Sec. 2-81

Handling by city attorney Sec. 2-82

Handling by director of risk management Sec. 2-83

Non-waiver of notice of claim. Sec. 2-85

Payment of property damage, personal injury, or wrongful death claim
without prior city council approval Sec. 2-84

CLEAN-AIR ORDINANCE (See AIR POLLUTION)

CODE OF ETHICS

Administrative provision

City council review. Sec. 12A-62-64

Code of conduct; actions of others; and ethics commitments

Actions of others

Duty to report violations Sec. 12A-8

Other persons. Sec. 12A-7

Code of conduct

Anti-discrimination Sec. 12A-5

Fiduciary duty Sec. 12A-3

Retaliation prohibited. Sec. 12A-6

Standards of behavior; standards of civility Sec. 12A-4

Ethics commitments

Dissemination of code of ethics. Sec. 12A-10

Ethics pledge Sec. 12A-11

Ethics training Sec. 12A-9

Conflicts of interest

Confidential information. Sec. 12A-17

Conflicting outside employment Sec. 12A-19

Donations. Sec. 12A-15

Ex parte communications Sec. 12A-23

Gifts Sec. 12A-12

Miscellaneous conflicts of interest Sec. 12A-14

Nepotism Sec. 12A-16

Personal benefit to others. Sec. 12A-13

Political activity. Sec. 12A-21

Prohibited interests in contracts Sec. 12A-22

Public property and resources Sec. 12A-20

Index

Recusal and disclosure	Sec. 12A-12.24
Representation of private interests	Sec. 12A-18
Substantial interest in business entity	Sec. 12A-13.1
Declaration of policy and definitions	
Definitions	Sec. 12A-2
Statement of purpose and principles of conduct	Sec. 12A-1
Enforcement, culpable mental state, and penalties	
Culpable mental state	Sec. 12A-55
Disciplinary action	Sec. 12A-56
Disqualification from contracting	Sec. 12A-60
General	Sec. 12A-53
Interference with an investigation	Sec. 12A-59
Prosecution for perjury	Sec. 12A-58
Sanctions	Sec. 12A-57
Vexatious complainants	Sec. 12A-61
Violations; penalty	Sec. 12A-54
Culpable mental state	Sec. 12A-57
Disciplinary action	Sec. 12A-58
Disqualification from contracting	Sec. 12A-62
General	Sec. 12A-55
Interference with an investigation	Sec. 12A-61
Prosecution for perjury	Sec. 12A-60
Sanctions	Sec. 12A-59
Vexatious complainants	Sec. 12A-63
Violations; penalty	Sec. 12A-56
Ethics advisory commission	
Annual report	Sec. 12A-51
Creation; composition, terms, and qualifications	Sec. 12A-49
Jurisdiction and powers	Sec. 12A-50
Ethics complaints, investigations, and evidentiary hearings	
Disposition of complaint	Sec. 12A-52-54
Ethics complaints and investigations	Sec. 12A-52
Hearing procedures	Sec. 12A-53
Hearing rules	Sec. 12A-54
Former city officials and employees	
Continuing confidentiality	Sec. 12A-25
Discretionary contracts	Sec. 12A-27
Restrictions on lobbying	Sec. 12A-28
Subsequent representation	Sec. 12A-26
Legal counsel	
City attorney's office	Sec. 12A-46
Division of the inspector general	Sec. 12A-47
Outside legal counsel	Sec. 12A-48
Lobbyists	
Activity reports	Sec. 12A-33
Administration	Sec. 12A-38
Definitions	Sec. 12A-29
Exceptions	Sec. 12A-31
Identification of clients	Sec. 12A-36
Non-registrant disclosure statements	Sec. 12A-34
Persons required to register as lobbyists	Sec. 12A-30

Index

Reporting requirements; ~~financial disclosure~~

Donations	Sec. 12A-43
Financial disclosure report	Sec. 12A-40
Gift reporting	Sec. 12A-42
Reporting requirements chart	Sec. 12A-45.1
Short form annual report	Sec. 12A-41
Travel reporting requirements	Sec. 12A-44
Violation of reporting requirements	Sec. 12A-45

CODE OF ORDINANCES; GENERAL PROVISIONS

Amendments or additions to code; printing	Sec. 1-6
Catchlines of sections	Sec. 1-3
Culpable mental state	Sec. 1-5.1
Disannexation	
Application	Sec. 1-7
Procedure	Sec. 1-8
How code designated and cited	Sec. 1-1
Notice to property owners; presumption of ownership	Sec. 1-9
Provisions considered as continuation of existing ordinances	Sec. 1-2
Rules of construction	Sec. 1-5
Severability of parts of code	Sec. 1-4
Standard of judicial review for city board and commission decisions	Sec. 1-11

COIN-OPERATED DEVICES (See CONSUMER AFFAIRS)

COLLEGE ADVISORY COMMISSION

Created	Sec. 2-173
Duties and responsibilities	Sec. 2-174
Membership; terms; meetings	Sec. 2-173
Purpose	Sec. 2-172

COMMISSION ON DISABILITIES

Commission on disabilities - created; function; terms; meetings	Sec. 2-152.1
Definition	Sec. 2-152.2
Duties and responsibilities	Sec. 2-152.3
Technical resource panel	Sec. 2-152.4

COMMUNITY CENTER BOARD (See MARTIN LUTHER KING, JR. COMMUNITY CENTER BOARD)

COMMUNITY DEVELOPMENT COMMISSION

Created	Sec. 2-150
Duties and functions	Sec. 2-151
Standards of conduct	Sec. 2-152

CONSUMER AFFAIRS

Administration

Assistants and additional personnel	Sec. 50-2
Director	Sec. 50-1
Power to seize	Sec. 50-4
Powers of the director	Sec. 50-3

Coin-operated devices

Index

Dallas City Hall Parking Garage	
Area designated	Sec. 28-128.1
Certain vehicles prohibited from entering	Sec. 28-128.3
Erection of signs	
Authority to remove illegally parked vehicles and issue parking citations	Sec. 28-128.6
Failure to obey signs	Sec. 28-128.4
Purpose	Sec. 28-128.2
Speed limit	Sec. 28-52
Traffic control	Sec. 28-128.7
Dallas Convention Center Parking Facility	
Area designated	Sec. 28-122
Certain vehicles prohibited from stopping, standing or parking	Sec. 28-124
Parking prohibited	
Authority to issue parking citations to illegally parked vehicles	Sec. 28-128
Authority to remove illegally parked vehicles	Sec. 28-127
Erection of signs regulating same	Sec. 28-125
Purpose	Sec. 28-123
Speed limit	Sec. 28-51
Definitions	Sec. 28-2
Enforcement and obedience to traffic regulations	
Authority of police and fire department officials	Sec. 28-18
Obedience to chapter required; penalty	Sec. 28-20
Parking enforcement officers	Sec. 28-19
Presumption in fleeing from a police officer	Sec. 28-20.1
Traffic and parking controllers	Sec. 28-19
Freeway regulations	
Animal-drawn vehicles, motor driven cycle, and pushcarts prohibited from using enumerated streets	Sec. 28-159
Drivers prohibited from stopping on enumerated streets; defenses	Sec. 28-159.1
Hitchhiking prohibited on freeways	Sec. 28-158
Pedestrians prohibited from crossing enumerated streets	Sec. 28-157
Speed limits	Sec. 28-45
Vehicular access to enumerated streets to be designated	Sec. 28-156
Funeral processions (See FUNERAL PROCESSIONS)	
Impoundment of motor vehicles (See "Stopping, standing and parking" below, This Topic)	
Light rail transit system	
Definitions	Sec. 28-200
Operation of vehicles in the transitway mall and transit corridor	Sec. 28-201
Transitway mall safety quadrants	Sec. 28-202
Litter, throwing from vehicles prohibited	Sec. 7A-7
Miscellaneous fees	
Engineering review and location fees	28-235

Index

Indication of expiration of parking time	Sec. 28-104
Parking meter hooding and temporary removal fees; exceptions	Sec. 28-114.12
Parking where meter has expired	Sec. 28-107
Parking where meter is displaying a violation signal	Sec. 28-108
Payment required	Sec. 28-106
Stopping, standing, or parking beyond maximum legal time limit prohibited	Sec. 28-109
Tampering with parking meters	Sec. 28-111
Use of metered parking spaces for loading and unloading	Sec. 28-110
Vehicle to be parked within limit lines at meters	Sec. 28-105
Zones outside the central business district	Sec. 28-114.2
Zones within the central business district	Sec. 28-114.1
Parking of commercial vehicles	Sec. 28-80
Parking of vehicles with capacity of more than one and one-half tons in certain districts.	Sec. 28-81
Prohibited in specified places	
Parking by parking lot owners	Sec. 28-86
Parking for certain purposes and parking on highways and parkways prohibited.	Sec. 28-85
Parking for more than 24 hours prohibited.	Sec. 28-84
Parking in alleys	Sec. 28-87
Parking near railroad tracks; prohibited generally; permitted for loading	Sec. 28-82
 Standing or parking on one-way and two-way roadways.	Sec. 28-88
Standing or parking on one-way roadways, two-way roadways, and cul-de-sacs	Sec. 28-88
Resident-parking-only program	
Definitions	Sec. 28-121.14
Designation of resident-parking-only zones; elimination or modification of zones	Sec. 28-121.15
General authority and duty of director	Sec. 28-121.13
Offenses; permit revocation.	Sec. 28-121.18
Purpose.	Sec. 28-121.12
Resident-parking-only permit.	Sec. 28-121.16
Temporary parking permits	Sec. 28-121.17
Restricted or prohibited in certain areas	
Parking, stopping, and standing vehicles in private parking areas - authority to regulate; application of section.	Sec. 28-115
Approval of time limit, parking ban and parking plan; Sections 28-115 to 28-119 not mandatory	Sec. 28-116
Erection of signs; content of signs; marking of parking spaces	Sec. 28-117
Enforcement.	Sec. 28-119
Parking on vacant property in residential or apartment districts	
Erection of signs	Sec. 28-120
Prohibited when signs erected	Sec. 28-121
Residential permit parking program	
Definitions	Sec. 28-121.8
Designation of residential permit parking zones	Sec. 28-121.9
Offenses; permit revocation.	Sec. 28-121.11

Index

Commercial fishing prohibited.....	Sec. 32-76
Construction prohibited.....	Sec. 32-63
Definitions.....	Sec. 32-62
Destruction of city property.....	Sec. 32-67
Discarding of waste prohibited.....	Sec. 32-69
Diversion of water prohibited.....	Sec. 32-73
Fishing prohibited in certain areas.....	Sec. 32-75
Gasoline or oil storage.....	Sec. 32-70
Hunting prohibited.....	Sec. 32-77
Local additions to the Texas Water Safety Act.....	Sec. 32-82
Picnicking in designated areas.....	Sec. 32-79
Prohibited uses.....	Sec. 32-72
Recreational programs.....	Sec. 32-80
Restricted areas.....	Sec. 32-65
Solicitation prohibited.....	Sec. 32-64
Temporary scope.....	Sec. 32-61
Trespassing prohibited in certain areas.....	Sec. 32-66
Use of firearms and other discharge devices prohibited.....	Sec. 32-68
Vehicle control.....	Sec. 32-81
Littering in parks.....	Sec. 7A-8
Marsalis Park Zoo	
Hours of opening and closing established; exceptions.....	Sec. 32-29
Notice of closing hours.....	Sec. 32-30
Remaining in zoo after closing hours.....	Sec. 32-31
Noises interfering with enjoyment of public park and recreation areas.....	Sec. 32-11.4
Possession of alcoholic beverages in parks.....	Sec. 32-11.3
Promulgation and posting of rules and regulations.....	Sec. 32-11
Protection of fish, animals, and fowl.....	Sec. 32-7
Public shooting ranges.....	Sec. 32-11.1
Safety of patrons generally; limitation of activities by permit.....	Sec. 32-1
Sale of services or goods on park property.....	Sec. 32-10
Schedules for operating facilities.....	Sec. 32-9
Speed limit.....	Secs. 28-46, 32-2
Traffic regulations, applicability of.....	Sec. 28-3
Trucks, operation in public parks.....	Sec. 28-70
Use of commercial vehicles, etc.....	Sec. 32-5
White Rock Lake and Bachman Lake Reservoirs	
Authority of city police on reservoir property.....	Sec. 32-33
Commercial vehicles prohibited; speed limit of vehicles.....	Sec. 32-36
Disturbing trees and shrubs; gathering pecans.....	Sec. 32-35
Jurisdiction of park and recreation board subject to primary right of Dallas Water Utilities waterworks department	Sec. 32-32
Operation of boats	
Catching fish for sale.....	Sec. 32-50
Designation of area for anchoring sailboats.....	Sec. 32-51
Disposition of impounded boats for normal sales to redeem.....	Sec. 32-54
Equipment prohibited on the water.....	Sec. 32-40
Impoundment for lack of license; redemption.....	Sec. 32-53
Inspection and approval prerequisite to issuance of licenses.....	Sec. 32-52

Index

Life preservers; lights; mufflers; speed	Sec. 32-47
Manner of operation generally	Sec. 32-45
Passenger capacity	Sec. 32-46
Prohibition of boats to suppress epidemic	Sec. 32-42
Sanitary requirements generally	Sec. 32-41
Seaworthiness generally; impounding loose boats	Sec. 32-48
Sirens	Sec. 32-49
Special recreational events	Sec. 32-44
Use of boat under influence of intoxicants; forfeiture of license for violation of section	Sec. 32-43
Powers and duties of superintendent of White Rock Lake generally	Sec. 32-34
Powers and duties of park and recreation director	Sec. 32-34
Seining for minnows	Sec. 32-37
Swimming	Sec. 32-39
Taking fish from hatchery	Sec. 32-38

PEDESTRIANS (See MOTOR VEHICLES AND TRAFFIC)

PERMIT AND LICENSE APPEAL BOARD

Appeals from actions of department directors	Sec. 2-96
Appeals to state district court	Sec. 2-99
Created; function; terms	Sec. 2-95
Public notice requirements for hearings on exemptions from locational restrictions	Sec. 2-98
Resets and continuances of hearings before the permit and license appeal board	Sec. 2-97
Training	Sec. 2-95.1

PERSONNEL RULES

Benefits	
Health benefit plans	Sec. 34-32
Life insurance	Sec. 34-33
Compensation	
Distribution of pay checks	Sec. 34-21
Exempt employees	Sec. 34-20
General	Sec. 34-15
Overtime and paid leave for civilian employees	Sec. 34-17
Pay for vacation leave	Sec. 34-18
Work hours	Sec. 34-16
Work hours, paid leave, and overtime for public safety employees	Sec. 34-19
Dallas transit system employees	Sec. 13A-2
Discipline, grievance, and appeal procedures	
Appeals to the civil service board	Sec. 34-39
Appeals to the trial board or administrative law judge	Sec. 34-40
Discipline procedures	Sec. 34-37
Grievance and appeal procedures	Sec. 34-38

Index

SEXUALLY ORIENTED BUSINESSES

Additional regulations	
Adult cabarets	Sec. 41A-18.1
Adult motels	Sec. 41A-18
Adult motion picture theaters.	Sec. 41A-17
Escort agencies	Sec. 41A-15
Nude model studios.	Sec. 41A-16
Prostitution (See OFFENSES - MISCELLANEOUS)	
Solicitation for purposes of prostitution (See OFFENSES - MISCELLANEOUS)	
Amendment of this chapter	Sec. 41A-23
Appeal	Sec. 41A-11
Classification	Sec. 41A-3
Definitions	Sec. 41A-2
Denial, suspension, revocation, or denial of renewal of a license for criminal convictions	Sec. 41A-10.1
Display of sexually explicit material to minors.	Sec. 41A-20
Enforcement	Sec. 41A-21
Exemption from location restrictions	Sec. 41A-14
Expiration of license	Sec. 41A-8
Exterior portions of sexually oriented businesses	Sec. 41A-14.1
Fees	Sec. 41A-6
Hours of operation	Sec. 41A-14.3
Identification records	Sec. 41A-7.1
Injunction	Sec. 41A-22
Inspection	Sec. 41A-7
Issuance of license.	Sec. 41A-5
License and designated operator required	Sec. 41A-4
Location of sexually oriented businesses.	Sec. 41A-13
Notice of denial of issuance or renewal of license or suspension or revocation of license; surrender of license	Sec. 41A-10.2
Prohibitions against minors in sexually oriented businesses	Sec. 41A-20.1
Purpose and intent	Sec. 41A-1
Regulations pertaining to exhibition of sexually explicit films or videos.	Sec. 41A-19
Revocation	Sec. 41A-10
Sign requirements.	Sec. 41A-14.2
Surrender of license	Sec. 41A-10.2
Suspension	Sec. 41A-9
Transfer of license	Sec. 41A-12

SHORT-TERM RENTALS

Authority of director.	Sec. 42B-2
Criminal offenses	Sec. 42B-15
Definitions	Sec. 42B-1
Establishment of rules and regulations	Sec. 42B-3
Hosting platform operations.	Sec. 42B-14
Hosting platform registration; revocation	Sec. 42B-13
Issuance and denial of registration.	Sec. 42B-9
Operation of short-term rental	Sec. 42B-12
Property inspections	Sec. 42B-8
Required emergency response	Sec. 42B-11
Review and acceptance of registration application	Sec. 42B-7
Review of chapter	Sec. 42B-16

Revocation of short-term rental registration	Sec. 42B-10
Short-term rental registration and posting requirements	Sec. 42B-4
Short-term rental registration application	Sec. 42B-6
Short-term rental registration; fees; renewal	Sec. 42B-5

SIGNS

Temporary political campaign signs (See ELECTIONS)

SMOKE DETECTORS (See “Alarm systems” under FIRE PROTECTION)

SMOKING

Definitions	Sec. 41-1
Enforcement	
Penalties	Sec. 41-9

Index

SPECIAL EVENTS; NEIGHBORHOOD MARKETS; DALLAS FARMERS MARKET FARMERS MARKET; STREETLIGHT POLE BANNERS

Dallas Farmers Market farmers market

Application; issuance	Sec. 42A-29
Denial or revocation	Sec. 42A-34
Operations of Dallas Farmers Market farmers market	Sec. 42A-32
Parking	Sec. 42A-31
Products at Dallas Farmers Market	Sec. 42A-33
Street closures	Sec. 42A-30

Dallas street seats ~~pilot~~ program

Application; issuance	Sec. 42A-28.2
Community support and property authorization	Sec. 42A-28.5
Denial or revocation	Sec. 42A-28.9
Establishment of rules and regulations	Sec. 42A-28.1
Insurance requirements	Sec. 42A-28.7
Location, design, and operations	Sec. 42A-28.3
Public notice	Sec. 42A-28.6
Public safety review	Sec. 42A-28.4
Street seat removal	Sec. 42A-28.8

Enforcement

Offenses	Sec. 42A-40
Penalty	Sec. 42A-41

General provisions

Amplified outdoor sound and lighting	Sec. 42A-9
Appeal from denial or revocation of a permit	Sec. 42A-8
Chapter cumulative	Sec. 42A-4
Clean zone	Sec. 42A-11
Definitions	Sec. 42A-2
Exemptions	Sec. 42A-5
Fees	Sec. 42A-6
General authority and duty of director	Sec. 42A-3
High impact areas	Sec. 42A-10

CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

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- Sec. 51A-4.509. Parking management overlay district.
- Sec. 51A-4.510. Accessory dwelling unit overlay.
- Sec. 51A-4.511. Neighborhood forest overlay.

**Division 51A-4.600. Regulations of
Special Applicability.**

- Sec. 51A-4.601. Creation of a building site.
- Sec. 51A-4.602. Fence, screening and visual obstruction regulations.
- Sec. 51A-4.603. Use of conveyance as a building.
- Sec. 51A-4.604. Restrictions on access through a lot.
- Sec. 51A-4.605. Design standards.

Division 51A-4.700. Zoning Procedures.

- Sec. 51A-4.701. Zoning amendments.
- Sec. 51A-4.702. Planned development (PD) district regulations.
- Sec. 51A-4.703. Board of adjustment hearing procedures.
- Sec. 51A-4.704. Nonconforming uses and structures.
- Sec. 51A-4.705. Annexed territory temporarily zoned.
- Sec. 51A-4.706. Reserved.

**Division 51A-4.800. Development
Impact Review.**

- Sec. 51A-4.801. Purpose.
- Sec. 51A-4.802. Definitions.
- Sec. 51A-4.803. Site plan review.

Division 51A-4.900. Affordable Housing.

- Sec. 51A-4.901. Purpose.
- Sec. 51A-4.902. Definitions.
- Sec. 51A-4.903. Application of division.
- Sec. 51A-4.904. Special exception.
- Sec. 51A-4.905. Procedures to obtain a density bonus.
- Sec. 51A-4.906. Review by the director.
- Sec. 51A-4.907. Decision by the director.
- Sec. 51A-4.908. Affordable housing instrument required.

- Sec. 51A-4.909. Operation of affordable housing program.
- Sec. 51A-4.910. Alternative ways to satisfy SAH unit obligation.

Division 51A-4.1000. Park Land Dedication.

- Sec. 51A-4.1001. Purpose.
- Sec. 51A-4.1002. Applicability.
- Sec. 51A-4.1003. Definitions and interpretations.
- Sec. 51A-4.1004. Dedication.
- Sec. 51A-4.1005. Fee-in-lieu.
- Sec. 51A-4.1006. Park development fee.
- Sec. 51A-4.1007. Calculations, deductions, and credits.
- Sec. 51A-4.1008. Park land dedication standards.
- Sec. 51A-4.1009. Park land dedication fund.
- Sec. 51A-4.1010. Tree mitigation.
- Sec. 51A-4.1011. Appeals.
- Sec. 51A-4.1012. Review.

Division 51A-4.1100. Mixed-Income Housing.

- Sec. 51A-4.1101. Purpose.
- Sec. 51A-4.1102. Applicability.
- Sec. 51A-4.1103. Definitions and interpretations.
- Sec. 51A-4.1104. Development bonus period.
- Sec. 51A-4.1105. Procedures to obtain a development bonus.
- Sec. 51A-4.1106. Development ~~requirements~~ regulations.
- Sec. 51A-4.1107. Design standards.
- Sec. 51A-4.1108. Board of adjustment variances.

ARTICLE V.

**FLOODPLAIN AND ESCARPMENT
ZONE REGULATIONS.**

**Division 51A-5.100. Floodplain
Regulations.**

- Sec. 51A-5.101. Definitions and interpretations applicable to the floodplain regulations.
- Sec. 51A-5.102. Designation or removal of FP areas.

**Division 51A-4.110. Residential
District Regulations.**

**SEC. 51A-4.111. AGRICULTURAL [A(A)]
DISTRICT.**

(1) Purpose. There exists in certain fringe areas of the city, land which is presently used for agricultural purposes and to which urban services are not yet available. These lands should appropriately continue to be used for agricultural purposes until needed for urban purposes in conformity with the orderly growth of the city. The uses permitted in the A(A) district are intended to accommodate normal farming, ranching, and gardening activities. It is anticipated that all of the A(A) district area will be changed to other urban zoning categories as the area within the corporate limits of Dallas becomes fully developed. Newly annexed territory will be temporarily zoned as an A(A) district until permanent zoning is established.

(2) Main uses permitted.

(A) Agricultural uses.

- Animal production.
- Commercial stable.
- Crop production.

(B) Commercial and business service
uses.

None permitted.

(C) Industrial uses.

- Gas drilling and production. [SUP]
- Mining. [SUP]
- Organic compost recycling facility. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]

(D) Institutional and community
service uses.

- Adult day care facility. [SUP]
- Cemetery or mausoleum. [SUP]
- Child-care facility. [SUP]
- Church.
- College, university or seminary.
- Community service center. [SUP]
- Convalescent and nursing homes, hospice care, and related institutions. [SUP]
- Convent or monastery.
- Foster home. [SUP]
- Hospital. [SUP]
- Library, art gallery, or museum. [SUP]
- Open-enrollment charter school or private school. [SUP]
- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(G) Office uses.

None permitted.

(B) In this district, the following accessory use is permitted by SUP only:

- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

- Accessory medical/infectious waste incinerator. *[See Section 51A-4.217(3.1).]*

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is 50 feet.

(B) Side and rear yard.

- (i) Minimum side yard is 20 feet.
- (ii) Minimum rear yard is:

(aa) 50 feet for single family structures; and

(bb) 10 feet for other permitted structures.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. No maximum floor area ratio.

(E) Height. Maximum structure height is 24 feet.

(F) Lot coverage.

- (i) Maximum lot coverage is:

(aa) 10 percent for residential structures; and

(bb) 25 percent for nonresidential structures.

(ii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size.

(i) Minimum lot area for residential use is three acres.

(ii) Repealed by Ord. 20441.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions. None. (Ord. Nos. 19455; 19786; 20384; 20441; 20625; 20950; 21002; 21314; 22255; 24271; 24543; 26920; 32209)

SEC. 51A-4.112.

SINGLE FAMILY DISTRICTS.

(a) R-1ac(A) district.

(1) Purpose. There exists in certain parts of the city large areas of single family residential development on estate type lots of one acre or more in

area. This development has been supplied with utilities and other public services based upon an estate type density. To conserve the character and value of buildings and building sites existing in these areas and to provide for the gradual expansion of this residential development in accordance with the need and a comprehensive plan for various types of residential districts, the R-1ac(A) district is provided. This district is intended to be composed of single family dwellings together with public and private schools, churches, and public park areas to serve the area. The sections designated in the R-1ac(A) districts are limited in area and are not intended to be subject to major alteration by future amendment except at the fringe of the districts where minor adjustments may become appropriate to permit the reasonable development of vacant tracts or gradual transition from other districts.

(2) Main uses permitted.

(A) Agricultural uses.

- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility. [SUP]
- Cemetery or mausoleum. [SUP]
- Child-care facility. [SUP]
- Church.

- College, university or seminary. [SUP]
- Community service center. [SUP]
- Convent or monastery. [SUP]
- Foster home. [SUP]
- Library, art gallery, or museum. [SUP]
- Public or private school. [SUP]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

- Country club with private membership. [SUP]
- Private recreation center, club, or area. [SUP]
- Public park, playground, or golf course.

(I) Residential uses.

- Handicapped group dwelling unit [See Section 51A-4.209(3.1).]
- Single family.

(J) Retail and personal service uses.

None permitted.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility. [SUP]
- Cemetery or mausoleum. [SUP]
- Child-care facility. [SUP]
- Church.
- College, university or seminary. [SUP]
- Community service center. [SUP]
- Convent or monastery. [SUP]
- Foster home. [SUP]
- Library, art gallery, or museum. [SUP]
- Public or private school. [SUP]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

- Country club with private membership. [SUP]
- Private recreation center, club, or area. [SUP]
- Public park, playground, or golf course.

(I) Residential uses.

- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]
- Single family.

(J) Retail and personal service uses.

None permitted.

(K) Transportation uses.

- Private street or alley. [SUP]
- Transit passenger shelter. [See Section 51A-4.211.]
- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.

- Electrical substation. [SUP]
- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
- Police or fire station. [SUP]
- Radio, television, or microwave tower. [SUP]
- Tower/antenna for cellular communication. [See Section 51A-4.212 (10.1).]

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. In this district, off-street parking must be provided at or below ground level.

(6) Environmental performance standards.
See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Electrical service for single family uses. In this district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will:

(i) not be contrary to the public interest;

(ii) not adversely affect neighboring properties; and

(iii) not be used to conduct a use not permitted in this district.

(c) R-16(A) district.

(1) Purpose. Single family residential development has taken place on intermediate sized lots in portions of the city in recent years. In order to protect and encourage the continued development of intermediate density with single family residences in appropriate areas of the city, the R-16(A) district is provided. In addition to single family residences, it is intended that churches, public and private schools, and public parks necessary to serve and complement the

intermediate density development be permitted. The areas placed in the R-16(A) district are generally limited in area and are not intended to be subject to major alteration by future amendment except where changed conditions might justify the action or where minor adjustments in the boundary of a district may be appropriate to secure a reasonable development of the land.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

-- Adult day care facility. [SUP]

-- Cemetery or mausoleum. [SUP]

-- Child-care facility. [SUP]

-- Church.

-- College, university or seminary. [SUP]

-- Community service center. [SUP]

-- Convent or monastery. [SUP]

-- Foster home. [SUP]

-- Library, art gallery, or museum. [SUP]

(ii) not adversely affect neighboring properties; and

(iii) not be used to conduct a use not permitted in this district.

(d) R-13(A) district.

(1) Purpose. Single family residential development has taken place on intermediate sized lots in portions of the city in recent years. In order to protect and encourage the continued development of intermediate density with single family residences in appropriate areas of the city, the R-13(A) district is provided. In addition to single family residences, it is intended that churches, public and private schools, and public parks necessary to serve and complement the intermediate density development be permitted. The areas placed in the R-13(A) district are generally limited in area and are not intended to be subject to major alteration by future amendment except where changed conditions might justify the action or where minor adjustments in the boundary of a district may be appropriate to secure a reasonable development of the land.

(2) Main uses permitted.

(A) Agricultural uses.

- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility. [SUP]
- Cemetery or mausoleum. [SUP]
- Child-care facility. [SUP]
- Church.
- College, university or seminary. [SUP]
- Community service center. [SUP]
- Convent or monastery. [SUP]
- Foster home. [SUP]
- Library, art gallery, or museum. [SUP]
- Public or private school. [SUP]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

- Country club with private membership. [SUP]
- Private recreation center, club, or area. [SUP]
- Public park, playground, or golf course.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
[By special authorization of the building official.]

(D) Institutional and community service uses.

- Adult day care facility. [SUP]
- Cemetery or mausoleum. [SUP]
- Child-care facility. [SUP]
- Church.
- College, university or seminary. [SUP]
- Community service center. [SUP]
- Convent or monastery. [SUP]
- Foster home. [SUP]
- Library, art gallery, or museum. [SUP]
- Public or private school. [SUP]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

- Country club with private membership. [SUP]
- Private recreation center, club, or area. [SUP]
- Public park, playground, or golf course.

(I) Residential uses.

- Handicapped group dwelling unit. *[See Section 51A-4.209(3.1).]*
- Single family.

(J) Retail and personal service uses.

None permitted.

(K) Transportation uses.

- Private street or alley. [SUP]
- Transit passenger shelter. *[See Section 51A-4.211.]*
- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.

- Electrical substation. [SUP]
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
- Police or fire station. [SUP]
- Radio, television, or microwave tower. [SUP]
- Tower/antenna for cellular communication. *[See Section 51A-4.212 (10.1).]*

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. In this district, off-street parking must be provided at or below ground level.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Electrical service for single family uses. In this district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will:

(i) not be contrary to the public interest;

(ii) not adversely affect neighboring properties; and

(iii) not be used to conduct a use not permitted in this district.

(f) R-7.5(A) district.

(1) Purpose. This district comprises a major portion of the existing single family dwelling development of the city and is considered to be the proper zoning classification for large areas of the undeveloped land remaining in the city appropriate for single family dwelling use. This district is intended to

be composed of single family dwellings together with public and private schools, churches, and public parks essential to create basic neighborhood units. Limited portions of these neighborhood units may consist of denser residential zoning classifications which are shown on the zoning district map or which later may be created by amendments to the map.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

-- Adult day care facility. [SUP]

-- Cemetery or mausoleum. [SUP]

-- Child-care facility. [SUP]

-- Church.

-- College, university or seminary. [SUP]

-- Community service center. [SUP]

-- Convent or monastery. [SUP]

-- Foster home. [SUP]

-- Library, art gallery, or museum. [SUP]

-- Public or private school. [SUP]

(ii) not adversely affect neighboring properties; and

(iii) not be used to conduct a use not permitted in this district.

(g) R-5(A) district.

(1) Purpose. This classification creates a single family dwelling district which is appropriate in area requirements for moderate value single family housing development and which, at the same time, provides a reasonable standard of light, air, and similar living amenities. It is intended that the R-5(A) classification be added by amendment in specific areas where higher density single family residence development is shown to be appropriate because of existing development and the adequacy of utilities and where redevelopment of substandard areas at increased single family density is appropriate.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

-- Adult day care facility. [SUP]

-- Cemetery or mausoleum. [SUP]

-- Child-care facility. [SUP]

-- Church.

-- College, university or seminary. [SUP]

-- Community service center. [SUP]

-- Convent or monastery. [SUP]

-- Foster home. [SUP]

-- Library, art gallery, or museum. [SUP]

-- Public or private school. [SUP]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

-- Carnival or circus (temporary). [By special authorization of the building official.]

-- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

-- Country club with private membership. [SUP]

-- Private recreation center, club, or area. [SUP]

-- Public park, playground, or golf course.

(I) Residential uses.

-- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]

-- Single family.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 45 percent for residential structures; and

(bb) 25 percent for nonresidential structures.

(ii) Surface parking lots and underground parking structures are not included in lot coverage calculations.

(G) Lot size.

(i) Minimum lot area for residential use is 5,000 square feet.

(ii) Repealed by Ord. 20441.

(iii) Repealed by Ord. 20441.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. In this district, off-street parking must be provided at or below ground level.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Electrical service for single family uses. In this district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The

board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will:

(1) not be contrary to the public interest;

(2) not adversely affect neighboring properties; and

(3) not be used to conduct a use not permitted in this district. (Ord. Nos. 19455; 19786; 19808; 20122; 20384; 20441; 20625; 20950; 21002; 21044; 21314; 24543; 26920; 32209)

SEC. 51A-4.113. DUPLEX [D(A)] DISTRICT.

(1) Purpose. Duplex dwellings have long been a recognized form of housing in the city. In order to provide standards which will protect and encourage the various types of duplex dwellings existing in the city, a duplex dwelling district with minimum area requirements is provided.

(2) Main uses permitted.(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. [SUP]
[By special authorization of the building official.]

(6) Environmental performance standards.
See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Electrical service for duplex uses. In this district, a lot for a duplex use may be supplied by not more than one electrical utility service and metered by not more than two electrical meters. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than two electrical meters on a lot for a duplex use in this district when, in the opinion of the board, the special exception will:

(i) not be contrary to the public interest;

(ii) not adversely affect neighboring properties; and

(iii) not be used to conduct a use not permitted in this district.

(B) Electrical service for single family uses. In this district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will:

(i) not be contrary to the public interest;

(ii) not adversely affect neighboring properties; and

(iii) not be used to conduct a use not permitted in this district. (Ord. Nos. 19455; 19786; 19808; 20122; 20384; 20441; 20625; 20950; 21002; 21044; 21314; 24543; 26920; 32209)

SEC. 51A-4.114.

TOWNHOUSE [TH-1(A), TH-2(A), and TH-3(A)] DISTRICTS.

(1) Purpose. These classifications create districts that are being recognized as a form of housing in the city, and provide standards which will protect and encourage various types of single family dwellings in the city. The townhouse districts are also established in an effort to provide a more dense single family residential character by providing minimum standards for lot area, yards, lot coverage, and lot frontage.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

-- Adult day care facility. [SUP]

-- Cemetery or mausoleum. [SUP]

-- Child-care facility. [SUP]

-- Church.

-- College, university or seminary. [SUP]

-- Community service center. [SUP]

(ii) Repealed by Ord. 20441.

(iii) Repealed by Ord. 20441.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. In this district, off-street parking must be provided at or below ground level.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Single family structure spacing. In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat.

(B) Electrical service for single family uses. In this district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will:

(i) not be contrary to the public interest;

(ii) not adversely affect neighboring properties; and

(iii) not be used to conduct a use not permitted in this district.

(C) Electrical service for duplex uses. In this district, a lot for a duplex use may be supplied by not more than one electrical utility service and metered by not more than two electrical meters. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than two electrical meters on a lot for a duplex use in this district when, in the opinion of the board, the special exception will:

(i) not be contrary to the public interest;

(ii) not adversely affect neighboring properties; and

(iii) not be used to conduct a use not permitted in this district. (Ord. Nos. 19455; 19786; 19808; 19912; 19913; 20384; 20441; 20625; 20950; 21002; 21044; 21314; 24543; 26920; 32209)

SEC. 51A-4.115.

CLUSTERED HOUSING (CH) DISTRICT.

(1) Purpose. To provide for the development and protection of areas of moderate density housing with flexibility to allow for common open space.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production.
[SUP]

- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility. [SUP]
- Cemetery or mausoleum. [SUP]
- Child-care facility. [SUP]
- Church.
- College, university or seminary. [SUP]
- Community service center. [SUP]
- Convalescent and nursing homes, hospice care, and related institutions. [SUP]
- Convent or monastery. [SUP]
- Foster home.
- Library, art gallery, or museum. [SUP]
- Public or private school. [SUP]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

- Carnival or circus (temporary). ~~[By special authorization of the building official.]~~
- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

- Country club with private membership. [RAR]
- Private recreation center, club, or area. [SUP]
- Public park, playground, or golf course.

(I) Residential uses.

- Duplex.
- Group residential facility. [See Section 51A-4.209(3).]
- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]
- Multifamily.
- Retirement housing.
- Single family.

(J) Retail and personal service uses.

None permitted.

(K) Transportation uses.

- Private street or alley. [SUP]
- Transit passenger shelter.
- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.

- Electrical substation. [SUP]
- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
- Police or fire station. [SUP]
- Radio, television, or microwave tower. [SUP]
- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]

(G) Lot size. Minimum lot size is 2,000 square feet for each dwelling unit.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. In this district, off-street parking must be provided at or below ground level.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Minimum district size. A minimum of one-half acre is required for the establishment of this district unless the city council determines that a smaller district is justified in a transitional circumstance separating a residential district from a higher density district.

(B) Limit on attached units. No group of attached dwelling units may exceed eight in number. (Ord. Nos. 19455; 19786; 19808; 19912; 20384; 20625; 20950; 21002; 21044; 21186; 21314; 22139; 22782; 24543; 26920; 32209)

SEC. 51A-4.116. MULTIFAMILY DISTRICTS.

(a) MF-1(A) and MF-1(SAH) districts.

(1) Purpose. The MF-1(A) and MF-1(SAH) districts are composed mainly of areas containing mixtures of single family, duplex, and multifamily dwellings and certain uniformly developed multifamily dwelling sections. These districts are medium density districts and are located in certain areas close into the

center of the city and at various outlying locations. The area regulations are designed to protect the residential character and to prevent the overcrowding of the land by providing minimum standards for building spacing, yards, off-street parking, and coverage. All commercial and office uses are prohibited. It is anticipated that additional areas may be designated in the MF-1(A) or MF-1(SAH) district from time to time in the future where the change is appropriate and access and utility services can reasonably accommodate these medium density dwellings. Additionally, the MF-1(SAH) district is created to encourage the provision of affordable housing.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. [SUP]
[By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility. [SUP]

-- Cemetery or mausoleum. [SUP]

-- Child-care facility. [SUP]

-- Church.

-- College, university or seminary. [SUP]

-- Community service center. [SUP]

- Convalescent and nursing homes, hospice care, and related institutions. *[RAR]*
- Convent or monastery.
- Foster home.
- Hospital. *[SUP]*
- Library, art gallery, or museum. *[SUP]*
- Public or private school. *[SUP]*

(E) Lodging uses.

~~None permitted.~~

- Short-term rental lodging.

(F) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

- Country club with private membership. *[RAR]*
- Private recreation center, club, or area. *[SUP]*
- Public park, playground, or golf course.

(I) Residential uses.

- College dormitory, fraternity, or sorority house.
- Duplex.
- Group residential facility. *[See Section 51A-4.209(3).]*
- Handicapped group dwelling unit. *[See Section 51A-4.209(3.1).]*

- Multifamily.
- Retirement housing.
- Single family.

(J) Retail and personal service uses.

None permitted.

(K) Transportation uses.

- Transit passenger shelter.
- Transit passenger station or transfer center. *[SUP]*

(L) Utility and public service uses.

- Electrical substation. *[SUP]*
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
- Police or fire station. *[SUP]*
- Radio, television, or microwave tower. *[SUP]*
- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1).]*
- Utility or government installation other than listed. *[SUP]*

(M) Wholesale, distribution, and storage uses.

- Recycling drop-off container. *[See Section 51A-4.213 (11.2).]*
- Recycling drop-off for special occasion collection. *[See Section 51A-4.213 (11.3).]*

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(8) Additional provisions.

(A) Single family structure spacing. In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat.

(b) MF-2(A) and MF-2(SAH) districts.

(1) Purpose. The MF-2(A) and MF-2(SAH) districts are composed mainly of areas containing mixtures of single family, duplex, and multifamily dwellings and certain uniformly developed multifamily dwelling sections. These districts are medium density districts and are located in certain areas close into the center of the city and at various outlying locations. The area regulations are designed to protect the residential character and to prevent the overcrowding of the land by providing minimum standards for building spacing, yards, off-street parking, and coverage. All commercial and office uses are prohibited. It is anticipated that additional areas may be designated in the MF-2(A) or MF-2(SAH) district from time to time in the future where the change is appropriate and access and utility services can reasonably accommodate these medium density dwellings. Additionally, the MF-2(SAH) district is created to encourage the provision of affordable housing.

(2) Main uses permitted.(A) Agricultural uses.

- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

- Gas drilling and production.
[SUP]

- Temporary concrete or asphalt batching plant. [SUP]
[By special authorization of the building official.]

(D) Institutional and community service uses.

- Adult day care facility. [SUP]
- Cemetery or mausoleum.
[SUP]
- Child-care facility. [SUP]
- Church.
- College, university or seminary. [SUP]
- Community service center.
[SUP]
- Convalescent and nursing homes, hospice care, and related institutions. [RAR]
- Convent or monastery.
- Foster home.
- Hospital. [SUP]
- Library, art gallery, or museum. [SUP]
- Public or private school. [SUP]

(E) Lodging uses.

- **Short-term rental lodging.**
- Lodging or boarding house.

(F) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(G) Office uses.

None permitted.

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) No minimum lot area per dwelling unit. No minimum lot area per dwelling unit is required for qualifying developments,

(iv) Developments with transit proximity. For a development with transit proximity as defined in Section 51A-4.1102, maximum lot coverage is 85 percent.

(v) Urban form setback. An additional 10-foot front yard setback is required for that portion of a structure above 45 feet in height.

(vi) Retirement housing. The density limits in Section 51A-4.209(b)(5.2)(E)(ii) do not apply.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Single family structure spacing. In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat.

(c) MF-3(A) district.

(1) Purpose. To provide for the development and protection of midrise, medium density multifamily residential dwellings built on one lot. This district is not intended to be located in areas of low density residential development.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]
 -- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

-- Adult day care facility. [L] [SUP]
 -- Cemetery or mausoleum. [SUP]
 -- Child-care facility. [L] [SUP]
 -- Church.
 -- College, university or seminary. [SUP]
 -- Community service center. [SUP]
 -- Convalescent and nursing homes, hospice care, and related institutions. [RAR]
 -- Convent or monastery.
 -- Foster home.

- Hospital. [SUP]
- Library, art gallery, or museum. [SUP]
- Public or private school. [SUP]

(E) Lodging uses.

- **Short-term rental lodging.**
- Lodging or boarding house.

(F) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

- Country club with private membership. [RAR]
- Private recreation center, club, or area. [SUP]
- Public park, playground, or golf course.

(I) Residential uses.

- College dormitory, fraternity, or sorority house.
- Group residential facility. *[See Section 51A-4.209(3).]*
- Multifamily.
- Residential hotel.
- Retirement housing.

(J) Retail and personal service uses.

- Dry cleaning or laundry store. [L]

- General merchandise or food store 3,500 square feet or less. [L]
- Motor vehicle fueling station. [SUP]
- Personal service uses. [L]

(K) Transportation uses.

- Transit passenger shelter.
- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.

- Electrical substation. [SUP]
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
- Police or fire station. [SUP]
- Post office. [SUP]
- Radio, television, or microwave tower. [SUP]
- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1).]*
- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

- Recycling drop-off container. *[See Section 51A-4.213 (11.2).]*
- Recycling drop-off for special occasion collection. *[See Section 51A-4.213 (11.3).]*

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility. [L] [SUP]
- Cemetery or mausoleum. [SUP]
- Child-care facility. [L] [SUP]
- Church.
- College, university or seminary. [SUP]
- Community service center. [SUP]
- Convalescent and nursing homes, hospice care, and related institutions. [RAR]
- Convent or monastery.
- Foster home.
- Hospital. [SUP]
- Library, art gallery, or museum. [SUP]
- Public or private school. [SUP]

(E) Lodging uses.

- **Short-term rental lodging.**
- Lodging or boarding house.

(F) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

- Country club with private membership. [RAR]
- Private recreation center, club, or area. [SUP]
- Public park, playground, or golf course.

(I) Residential uses.

- College dormitory, fraternity, or sorority house.
- Group residential facility. *[See Section 51A-4.209(3).]*
- Multifamily.
- Residential hotel.
- Retirement housing.

(J) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210 (b)(4).]*
- Dry cleaning or laundry store. [L]
- General merchandise or food store 3,500 square feet or less. [L]
- Motor vehicle fueling station. [SUP]
- Personal service uses. [L]

TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district; and

(bb) 10 feet in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure over 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density. Maximum dwelling unit density is 160 dwelling units per net acre.

(D) Floor area ratio. Maximum floor area ratio is 4.0.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 240 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size.

(i) Minimum lot size is 6,000 square feet.

(ii) Minimum lot area per dwelling unit is as follows:

<u>TYPE OF STRUCTURE</u>	<u>MINIMUM LOT AREA PER DWELLING UNIT</u>
Multifamily:	
No separate bedroom	225 sq. ft.
One bedroom	275 sq. ft.
Two bedrooms	325 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	50 sq. ft.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions. None. (Ord. Nos. 19455; 19786; 19808; 19912; 19913; 20384; 20441; 20625; 20920; 20950; 21002; 21044; 31314; 21663; 21735; 22139; 22531; 22782; 24543; 26920; 31152; [32209](#); [32482](#))

SEC. 51A-4.117. MANUFACTURED HOME [MH(A)] DISTRICT.

(1) Purpose. The manufactured home is recognized as a specific form of housing for which accommodations should be provided. To provide appropriate standards for density, spacing, and use, a separate district is created and designated for the specific purpose of providing at appropriate locations, area for the development of manufactured home parks, courts, or subdivisions. In certain commercial

and industrial districts, a manufactured home development may be provided for by amending the zoning district map where these projects are appropriate by approval of a specific use permit. The standards for commercial manufactured home development for transient occupancy differ from those of a manufactured home subdivision where more or less permanent occupancy is anticipated.

(2) Main uses permitted.

(A) Agricultural uses.

- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility. [SUP]
- Cemetery or mausoleum. [SUP]
- Child-care facility. [SUP]
- Church.
- Community service center. [SUP]
- Foster home. [SUP]
- Library, art gallery, or museum. [SUP]
- Public or private school. [SUP]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

- Country club with private membership. [RAR]
- Public park, playground, or golf course.

(I) Residential uses.

- College dormitory, fraternity, or sorority house.
- Handicapped group dwelling unit. *[See Section 51A-4.209(3.1).]*
- Manufactured home park or subdivision.
- Single family.

(J) Retail and personal service uses.

None permitted.

(K) Transportation uses.

- Transit passenger shelter.
- Transit passenger station or transfer center. [SUP]

(aa) 1,500 square feet for a manufactured home on a transient stand; or

(bb) 4,000 square feet for a manufactured home on a subdivided lot.

(ii) Repealed by Ord. 20441.

(iii) Repealed by Ord. 20441.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) In this district, no person may locate a manufactured home nearer than 10 feet to the side line of any lot or stand, and the minimum space between adjacent manufactured homes must be 20 feet. (Ord. Nos. 19455; 19786; 20360; 20441; 20625; 20950; 21002; 21044; 21314; 21442; 22392; 24543; 26920; 32209)

SECS. 51A-4.118

THRU 51A-4.119. **RESERVED.** (Ord. Nos. 19455; 19786)

Division 51A-4.120. Nonresidential District Regulations.

SEC. 51A-4.121. OFFICE DISTRICTS.

(a) Neighborhood office [NO(A)] district.

(1) Purpose. This district represents a group of uses that is restricted to office uses which predominantly serve neighborhood or community needs. They are, therefore, compatible with and are intended for location adjacent to single family, duplex, and townhouse neighborhoods. This district is designed to preserve the environmental quality of neighborhood areas.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. [SUP]
[By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility. [L]

-- Cemetery or mausoleum. [SUP]

-- Child-care facility. [L]

-- Church.

(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility. [L]
- Cemetery or mausoleum. [SUP]
- Child-care facility. [L]
- Church.
- College, university, or seminary.
- Community service center. [SUP]
- Convent or monastery.
- Library, art gallery, or museum.
- Open-enrollment charter school or private school. [SUP]
- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

- Overnight general purpose shelter. [See Section 51A-4.205 (2.1)]

(F) Miscellaneous uses.

- Attached non-premise sign. [SUP]
- Carnival or circus (temporary). [By special authorization of the building official.]

- Temporary construction or sales office.

(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [SUP]
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area. [SUP]
- Public park, playground, or golf course.

(I) Residential uses.

- College dormitory, fraternity or sorority house.

(J) Retail and personal service uses.

- Alcoholic beverage establishments. [See Section 51A-4.210 (b)(4).]
- Business school.
- Dry cleaning or laundry store. [L]
- General merchandise or food store 3,500 square feet or less. [L]
- Personal service uses. [L]
- Restaurant without drive-in or drive-through service. [L] [RAR]

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in these districts if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(C) Garbage collection and mechanical equipment areas. Garbage collection and mechanical equipment areas may not be located closer than 20 feet to the nearest building site in an R, R(A), D, D(A), TH, TH(A), or CH district, or that portion of a planned development district restricted to single family and/or duplex uses.

(D) Screening surface parking lots from street. In these districts, all off-street surface parking lots, excluding driveways used for ingress or egress, must be screened from the street. For more information regarding this requirement, see Section 51A-4.301.

(E) Screening side and rear yards from residential districts. In these districts, if a building or parking structure is erected on a building site and a portion of the side or rear yard abuts or is across an adjoining alley from an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district, any portion of the building site directly across from that district must be screened from that district.

(c) MO(A) districts (MO-1 and MO-2).

(1) Purpose. These districts represent a group of uses that is restricted to office and limited service uses, which serve the building occupants. These districts are intended to serve both community and city-wide needs, and should be located adjacent to higher density residential, and low and medium density office, retail, commercial, and light industrial districts. In addition to office uses, certain complementary retail uses are permitted in these districts in order to meet the day-to-day retail needs of area residents and office patrons.

(2) Main uses permitted.(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

-- Catering service. [L]
 -- Electronics service center. [L]
 -- Medical or scientific laboratory.

(C) Industrial uses.

-- Gas drilling and production. [SUP]
 -- Temporary concrete or asphalt batching plant. [SUP]
~~{By special authorization of the building official.}~~

(D) Institutional and community service uses.

-- Adult day care facility. [L]
 -- Cemetery or mausoleum. [SUP]
 -- Child-care facility. [L]

- Church.
- College, university, or seminary.
- Community service center. [SUP]
- Convent or monastery.
- Hospital. [SUP]
- Library, art gallery, or museum.
- Open-enrollment charter school or private school. [SUP]
- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

- Extended stay hotel or motel. [SUP]
- Hotel or motel. [RAR] or [SUP] [See Section 51A-4.205(1).]
- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]
- **Short-term rental lodging.**

(F) Miscellaneous uses.

- Attached non-premise sign. [SUP]
- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]

- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area. [SUP]
- Public park, playground, or golf course.

(I) Residential uses.

- College dormitory, fraternity or sorority house.

(J) Retail and personal service uses.

- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
- Business school.
- Dry cleaning or laundry store. [L]
- General merchandise or food store 3,500 square feet or less. [L]
- Motor vehicle fueling station. [L]
- Personal service uses. [L]
- Restaurant without drive-in or drive-through service. [L] [RAR]
- Theater. [SUP]

(K) Transportation uses.

- Helistop. [SUP]
- Transit passenger shelter.
- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in these districts if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(C) Garbage collection and mechanical equipment areas. Garbage collection and mechanical equipment areas may not be located closer than 20 feet to the nearest building site in an R, R(A), D, D(A), TH, TH(A), or CH district, or that portion of a planned development district restricted to single family and/or duplex uses.

(D) Screening surface parking lots from street. In these districts, all off-street surface parking lots, excluding driveways used for ingress or egress, must be screened from the street. For more information regarding this requirement, see Section 51A-4.301.

(E) Screening side and rear yards from residential districts. In these districts, if a building or parking structure is erected on a building site and a portion of the side or rear yard abuts or is across an adjoining alley from an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district, any portion of the building site directly across from that district must be screened from that district.

(d) General office [GO(A)] district.

(1) Purpose. This district represents a group of uses which would accommodate sophisticated office developments and may include certain complementary retail and residential uses as a minor component of such developments. This district is intended to serve city-wide needs and should be located near higher density zoning districts, especially where the potential trip generation allowed by this group will have a minimal effect on low density communities.

(2) Main uses permitted.(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

-- Catering service. [L]
 -- Electronics service center. [L]
 -- Medical or scientific laboratory.

(C) Industrial uses.

-- Gas drilling and production. [SUP]
 -- Temporary concrete or asphalt batching plant. [SUP]
~~{By special authorization of the building official.}~~

(D) Institutional and community service uses.

-- Adult day care facility. [L]
 -- Cemetery or mausoleum. [SUP]
 -- Child-care facility. [L]
 -- Church.
 -- College, university, or seminary.

- Community service center. [SUP]
- Convent or monastery.
- Hospital. [RAR]
- Library, art gallery, or museum.
- Open-enrollment charter school or private school. [SUP]
- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

- Extended stay hotel or motel. [SUP]
- Hotel or motel. [RAR]
- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]
- **Short-term rental lodging.**

(F) Miscellaneous uses.

- Attached non-premise sign. [SUP]
- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(I) Residential uses.

- College dormitory, fraternity or sorority house.
- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]
- Single family, duplex, and multifamily uses may occupy up to five percent of the total floor area of any building. See the "additional provisions" [Paragraph (8)] in this subsection.

(J) Retail and personal service uses.*

- Alcoholic beverage establishments. [See Section 51A-4.210 (b)(4).]
- Business school.
- Dry cleaning or laundry store.
- General merchandise or food store 3,500 square feet or less.
- Motor vehicle fueling station. [L]
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service. [RAR]
- Theater. [SUP]

*In this district, a retail and personal service use: (1) must be contained entirely within a building; and (2) may not have a floor area that, in combination with the

TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(C) Garbage collection and mechanical equipment areas. Garbage collection and mechanical equipment areas may not be located closer than 20 feet to the nearest building site in an R, R(A), D, D(A), TH, TH(A), or CH district, or that portion of a planned development district restricted to single family and/or duplex uses.

(D) Screening surface parking lots from street. In this district, all off-street surface parking lots, excluding driveways used for ingress or egress, must be screened from the street. For more information regarding this requirement, see Section 51A-4.301.

(E) Screening side and rear yards from residential districts. In this district, if a building or parking structure is erected on a building site and a portion of the side or rear yard abuts or is across an adjoining alley from an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district, any portion of the building site directly across from that district must be screened from that district.

(F) Residential use restrictions. In this district, single family, duplex, and multifamily uses are permitted as a component of a building if they collectively comprise no more than five percent of the total floor area of the building.

(G) Retail and personal service use restrictions. In this district, a retail and personal service use:

(i) must be contained entirely within a building; and

(ii) may not have a floor area that, in combination with the floor areas of other retail and personal service uses in the building, exceeds 10 percent of the total area of the building. (Ord. Nos. 19455; 19786; 19806; 19808; 19873; 19928; 20382; 20625; 20920; 20950; 21002; 21044; 21314; 21399; 21442; 21663; 21735; 22392; 22531; 22782; 24232; 24271; 24543; 24857; 25815; 26920; 28214; 32209; 32482)

SEC. 51A-4.122. RETAIL DISTRICTS.

(a) Neighborhood service [NS(A)] district.

(1) Purpose. To accommodate convenience retail shopping, services, and professional offices principally servicing and compatible in scale and intensity of use with adjacent residential uses.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production.
[SUP]

-- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

-- Adult day care facility.

-- Cemetery or mausoleum.
[SUP]

-- Child-care facility.

(6) Environmental performance standards.

See Article VI.

(7) Landscape regulations. See Article X.(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(b) Community retail (CR) district.

(1) Purpose. To provide for the development of community-serving retail, personal service, and office uses at a scale and intensity compatible with residential communities.

(2) Main uses permitted.(A) Agricultural uses.

- Crop production.

(B) Commercial and business service uses.

- Building repair and maintenance shop. [RAR]
- Catering service.

- Custom business services.
- Electronics service center.
- Medical or scientific laboratory. [SUP]
- Tool or equipment rental.

(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [SUP]
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. [SUP]
- Convent or monastery.
- Hospital. [SUP]
- Library, art gallery, or museum.
- Open-enrollment charter school or private school. [SUP]
- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

- Hotel and motel. [SUP]
- Lodging or boarding house. [SUP]
- Overnight general purpose shelter. [See Section 51A-4.205 (2.1)]

- Electronics service center.
- Labor hall. [SUP]
- Machinery, heavy equipment, or truck sales and services. [RAR]
- Medical or scientific laboratory. [SUP]
- Tool or equipment rental.
- Vehicle or engine repair or maintenance. [RAR]

(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [SUP]
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center.
- Convent or monastery.
- Halfway house. [SUP]
- Hospital. [RAR]
- Library, art gallery, or museum.
- Open-enrollment charter school or private school. [SUP]
- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

- Extended stay hotel or motel. [SUP]
- Hotel or motel. [RAR] or [SUP] [See Section 51A-4.205(1).]
- Lodging or boarding house.
- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]

(F) Miscellaneous uses.

- Attached non-premise sign. [SUP]
- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 70 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories above grade is five. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that

district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use. (Ord. Nos. 19455; 19786; 19806; 19808; 19873; 19931; 20242; 20273; 20382; 20494; 20625; 20895; 20902; 20920; 20950; 21002; 21044; 21259; 21314; 21399; 21442; 21663; 21735; 22204; 22531; 22782; 24232; 24271; 24543; 24857; 25785; 26920; 27572; 28079; 28214; 30477; 32209)

SEC. 51A-4.123. COMMERCIAL SERVICE AND INDUSTRIAL DISTRICTS.

(a) Commercial service (CS) district.

(1) Purpose. To provide for the development of commercial and business serving uses that may involve outside storage, service, or display. This district is not intended to be located in areas of low and medium density residential development.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

-- Building repair and maintenance shop. [RAR]
 -- Bus or rail transit vehicle maintenance or storage facility. [RAR]
 -- Catering service.
 -- Commercial bus station and terminal. [DIR] [By right or SUP. See Section 51A-4.211(2).]
 -- Commercial cleaning or laundry plant. [RAR]
 -- Custom business services.

- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing. [RAR]
- Labor hall. [SUP]
- Machine or welding shop. [RAR]
- Machinery, heavy equipment, or truck sales and services. [RAR]
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.
- Vehicle or engine repair or maintenance. [RAR]

(C) Industrial uses.

- Gas drilling and production. [SUP]
- Industrial (inside) for light manufacturing.
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [SUP]
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. [SUP]
- Convent or monastery.
- Halfway house. [SUP]
- Hospital. [RAR]

- Open-enrollment charter school or private school. [SUP]
- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

- Extended stay hotel or motel. [SUP]
- Hotel or motel. [RAR] or [SUP] [See Section 51A-4.205(1).]
- Lodging or boarding house.
- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]

(F) Miscellaneous uses.

- Attached non-premise sign. [SUP]
- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [RAR]
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Country club with private membership.

development which may be adjacent to residential communities.

(2) Main uses permitted.

(A) Agricultural uses.

- Crop production.

(B) Commercial and business service uses.

- Building repair and maintenance shop. [RAR]
- Bus or rail transit vehicle maintenance or storage facility. [RAR]
- Catering service.
- Commercial bus station and terminal.
- Commercial cleaning or laundry plant. [RAR]
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing. [RAR]
- Labor hall. [SUP]
- Machine or welding shop. [RAR]
- Machinery, heavy equipment, or truck sales and services. [RAR]
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.
- Vehicle or engine repair or maintenance.

(C) Industrial uses.

- Alcoholic beverage manufacturing. [RAR]

- Gas drilling and production. [SUP]
- Industrial (inside) for light manufacturing.
- Inside industrial. [RAR]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [SUP]
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. [SUP]
- Halfway house. [SUP]
- Hospital. [SUP]
- Open-enrollment charter school or private school. [SUP]
- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

- Extended stay hotel or motel. [SUP]
- Hotel or motel. [RAR] or [SUP] [See Section 51A-4.205(1).]
- Lodging or boarding house.
- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]

(c) Industrial/research (IR) district.

(1) Purpose. To provide for research and development, light industrial, office, and supporting commercial uses in an industrial research park setting. This district is not intended to be located in areas of low and medium density residential development.

(2) Main uses permitted.(A) Agricultural uses.

- Crop production.

(B) Commercial and business service uses.

- Building repair and maintenance shop. [RAR]
- Bus or rail transit vehicle maintenance or storage facility. [RAR]
- Catering service.
- Commercial cleaning or laundry plant. [RAR]
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing. [RAR]
- Labor hall. [SUP may be required. See Section 51A-4.202 (8.1).]
- Machine or welding shop. [RAR]
- Machinery, heavy equipment, or truck sales and services. [RAR]
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.
- Vehicle or engine repair or maintenance.

(C) Industrial uses.

- Alcoholic beverage manufacturing. [RAR]
- Gas drilling and production. [SUP]
- Industrial (inside). [See Section 51A-4.203(b)(1).]
- Industrial (inside) for light manufacturing.
- Industrial (outside). [See Section 51A-4.203(b)(2).]
- Medical/infectious waste incinerator. [SUP]
- Municipal waste incinerator. [SUP]
- Organic compost recycling facility. [SUP]
- Pathological waste incinerator. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [SUP]
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center.
- Hospital. [RAR]
- Public or private school. [SUP]

(E) Lodging uses.

- Extended stay hotel or motel. [SUP]
- Hotel or motel. [RAR]
- Lodging or boarding house.

TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(d) Industrial manufacturing (IM) district.

(1) Purpose. To provide for heavy industrial manufacturing uses with accompanying open storage and supporting commercial uses. This district is not intended to be located in or near areas of residential development.

(2) Main uses permitted.

(A) Agricultural uses.

- Crop production.

(B) Commercial and business service uses.

- Building repair and maintenance shop. [RAR]
- Bus or rail transit vehicle maintenance or storage facility. [RAR]
- Catering service.
- Commercial cleaning or laundry plant. [RAR]
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing. [RAR]
- Labor hall. [SUP may be required. See Section 51A-4.202 (8.1).]
- Machine or welding shop. [RAR]

- Machinery, heavy equipment, or truck sales and services. [RAR]
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.
- Vehicle or engine repair or maintenance. [RAR]

(C) Industrial uses.

- Alcoholic beverage manufacturing. [RAR]
- Gas drilling and production. [SUP]
- Gas pipeline compressor station. [SUP]
- Industrial (inside). [SUP may be required. See Section 51A-4.203(a); otherwise RAR.]
- Industrial (inside) for light manufacturing.
- Industrial (outside). [SUP may be required. See Section 51A-4.203(a); otherwise RAR.]
- Medical/infectious waste incinerator. [SUP]
- Metal salvage facility. [SUP]
- Mining. [SUP]
- Municipal waste incinerator. [SUP]
- Organic compost recycling facility. [RAR]
- Outside salvage or reclamation. [SUP]
- Pathological waste incinerator. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 110 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories above grade is eight. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH,

TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use. (Ord. Nos. 19455; 19786; 19806; 19873; 19931; 20242; 20273; 20363; 20382; 20425; 20478; 20625; 20806; 20895; 20902; 20920; 20950; 21002; 21044; 21186; 21259; 21314; 21399; 21442; 21456; 21663; 21735; 22204; 22255; 22392; 22531; 22782; 23735; 24232; 24271; 24543; 24759; 24857; 25056; 25785; 25815; 26269; 26920; 27563; 28079; 28214; 28700; 28737; 28803; 29228; 29917; 30477; 32209)

SEC. 51A-4.124.

CENTRAL AREA DISTRICTS.

(a) CA-1(A) district.

(1) Purpose. This district is provided to accommodate existing development in the central area of the city, to encourage the most appropriate future use of land, and to prevent the increase of street congestion. This district is hereby designated as an area of historical, cultural, and architectural importance and significance.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business services uses.

-- Building repair and maintenance shop.

-- Bus or rail transit vehicle maintenance or storage facility.

-- Catering service.

- Commercial cleaning or laundry plant
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing.
- Labor hall. [SUP]
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.
- Vehicle or engine repair or maintenance. [DIR]

(C) Industrial uses.

- Alcoholic beverage manufacturing. [SUP]
- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [SUP]
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. [SUP]
- Convalescent and nursing homes, hospice care, and related institutions.
- Convent or monastery.
- Foster home. [SUP]
- Halfway house. [SUP]
- Hospital.

- Library, art gallery, or museum.
- Open-enrollment charter school or private school. [SUP]
- Public school other than an open-enrollment charter school.

(E) Lodging uses.

- Extended stay hotel or motel. [SUP]
- Hotel or motel.
- Lodging or boarding house.
- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]
- Short-term rental lodging.

(F) Miscellaneous uses.

- Attached non-premise sign. [SUP]
- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Country club with private membership.

(2) Main uses permitted.(A) Agricultural uses.

- Crop production.

(B) Commercial and business services uses.

- Building repair and maintenance shop.
- Bus or rail transit vehicle maintenance or storage facility.
- Catering service.
- Commercial cleaning or laundry plant.
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing.
- Labor hall. [SUP]
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.
- Vehicle or engine repair or maintenance. [DIR]

(C) Industrial uses.

- Alcoholic beverage manufacturing. [SUP]
- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility.

- Cemetery or mausoleum. [SUP]
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center.
- Convalescent and nursing homes, hospice care, and related institutions.
- Convent or monastery.
- Foster home.
- Halfway house. [SUP]
- Hospital.
- Library, art gallery, or museum.
- Open-enrollment charter school or private school. [SUP]
- Public school other than an open-enrollment charter school.

(E) Lodging uses.

- Extended stay hotel or motel. [SUP]
- Hotel or motel.
- Lodging or boarding house.
- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]
- Short-term rental lodging.

(F) Miscellaneous uses.

- Attached non-premise sign. [SUP]
- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(cc) no minimum in all other cases.

(ii) Minimum rear yard is:

(aa) 10 feet for duplex structures;

(bb) 15 feet for multifamily structures 36 feet or less in height; and

(cc) no minimum in all other cases.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. Maximum floor area ratio is 20.0.

(E) Height. Maximum structure height is any legal height.

(F) Lot coverage. Maximum lot coverage is 100 percent.

(G) Lot size. Minimum lot area per dwelling unit is as follows:

<u>TYPE OF STRUCTURE</u>	<u>MINIMUM LOT AREA PER DWELLING UNIT</u>
Single family	1000 sq. ft.
Duplex	2500 sq. ft.
Multifamily:	
No separate bedroom	50 sq. ft.
One bedroom	65 sq. ft.
Two bedrooms	75 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	10 sq. ft.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. In this district, for all uses except single family and duplex, off-street parking is only required for a building built after June 1, 1981, or an addition to an existing building, at a ratio of one parking space for each 2,000 square feet of floor area which exceeds 5,000 square feet. No off-street parking is required for a building with 5,000 square feet or less of floor area. If there is a conflict, this paragraph controls over other off-street parking regulations in this chapter. Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Single family structure spacing. In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat. (Ord. Nos. 19455; 19786; 19806; 19912; 20242; 20273; 20361; 20625; 20731; 20752; 20895; 20902; 20920; 20950; 21001; 21002; 21044; 21259; 21314; 21735; 21960; 22097; 22139; 22204; 22531; 22799; 24232; 24271; 24543; 24857; 25047; 25133; 25487; 25785; 26920; 28073; 28125; 28214; 28272; 28700; 29128; 29917; 30932; 32209; 32482)

SEC. 51A-4.125. MIXED USE DISTRICTS.

(a) In general. Single or multiple uses may be developed on one site in a mixed use district as in any other district; however, in order to encourage a mixture of uses and promote innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel, density bonuses are awarded to developments that qualify as “mixed use projects” as defined in Subsection (b). If a development does not qualify as an MUP, it is limited to a “base” dwelling unit density and floor area ratio.

(d) MU-1 and MU-1(SAH) districts.

(1) Purpose. To provide for the development of moderate density retail, office, and/or multifamily residential uses in combination on single or contiguous building sites; to encourage innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel. Additionally, the MU-1(SAH) district is created to encourage the provision of affordable housing.

(2) Main uses permitted.(A) Agricultural uses.

- Crop production.

(B) Commercial and business service uses.

- Catering service.
- Custom business services.
- Electronics service center.
- Labor hall. [SUP]
- Medical or scientific laboratory. [SUP]

(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [SUP]
- Child-care facility.
- Church.

- College, university or seminary.
- Community service center. [SUP]
- Convalescent and nursing homes, hospice care, and related institutions. [RAR]
- Convent or monastery.
- Foster home.
- Hospital. [SUP]
- Library, art gallery, or museum.
- Open-enrollment charter school or private school. [SUP]
- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

- Extended stay hotel or motel. [SUP]
- Hotel or motel. [RAR] or [SUP] [See Section 51A-4.205(1).]
- **Short-term rental lodging.**

(F) Miscellaneous uses.

- Attached non-premise sign. [SUP]
- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(G) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards.
See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(SAH), MF-1(A), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope which originates in that district. (See Section 1A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(e) MU-2 and MU-2(SAH) districts.

(1) Purpose. To provide for the development of medium density retail, office, hotel, and/or multifamily residential uses in combination on single or contiguous building sites; to encourage innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel. Additionally, the MU-2(SAH) district is created to encourage the provision of affordable housing.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

-- Catering service.

-- Custom business services.

-- Electronics service center.

-- Labor hall. [SUP]

-- Medical or scientific laboratory.

-- Tool or equipment rental.

(C) Industrial uses.

-- Gas drilling and production.
[SUP]

-- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

-- Adult day care facility.

-- Cemetery or mausoleum.
[SUP]

-- Child-care facility.

-- Church.

-- College, university or seminary.

-- Community service center.
[SUP]

-- Convalescent and nursing homes, hospice care, and related institutions. [RAR]

-- Convent or monastery.

-- Foster home.

-- Halfway house. [SUP]

-- Hospital. [SUP]

- Library, art gallery, or museum.
- Open-enrollment charter school or private school. [SUP]
- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

- Extended stay hotel or motel. [SUP]
- Hotel or motel. [RAR]
- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]
- **Short-term rental lodging.**

(F) Miscellaneous uses.

- Attached non-premise sign. [SUP]
- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Country club with private membership.

- Private recreation center, club, or area.
- Public park, playground, or golf course.

(I) Residential uses.

- College dormitory, fraternity, or sorority house.
- Duplex.
- Group residential facility. [See Section 51A-4.209(3).]
- Multifamily.
- Residential hotel.
- Retirement housing.

(J) Retail and personal service uses.

- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
- Animal shelter or clinic without outside runs. [RAR]
- Auto service center. [RAR]
- Business school.
- Car wash. [RAR]
- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
- Commercial amusement (outside). [SUP]
- Commercial parking lot or garage. [RAR]
- Convenience store with drive-through. [SUP]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store greater than 3,500 square feet.

(f) MU-3 and MU-3(SAH) districts.

(1) Purpose. To provide for the development of high density retail, office, hotel, and/or multifamily residential uses in combination on single or contiguous building sites; to encourage innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel. Additionally, the MU-3(SAH) district is created to encourage the provision of affordable housing.

(2) Main uses permitted.(A) Agricultural uses.

- Crop production.

(B) Commercial and business service uses.

- Catering service.
- Custom business services.
- Electronics service center.
- Labor hall. [SUP]
- Medical or scientific laboratory.
- Tool or equipment rental.

(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [SUP]
- Child-care facility.
- Church.

- College, university or seminary.
- Community service center. [SUP]
- Convalescent and nursing homes, hospice care, and related institutions. [RAR]
- Convent or monastery.
- Foster home.
- Halfway house. [SUP]
- Hospital. [RAR]
- Library, art gallery, or museum.
- Open-enrollment charter school or private school. [SUP]
- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

- Extended stay hotel or motel. [SUP]
- Hotel or motel. [RAR]
- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]
- **Short-term rental lodging.**

(F) Miscellaneous uses.

- Attached non-premise sign. [SUP]
- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope which originates in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use. (Ord. Nos. 19455; 19786; 19806; 19808; 19912; 19931; 20237; 20242; 20273; 20380; 20382; 20625; 20895; 20902; 20920; 20928; 20950; 21002; 21044; 21259; 21314; 21399; 21400; 21442; 21663; 21735; 21796; 22139; 22204; 22531; 22782; 24232; 24271; 24543; 24857; 25785; 25815; 26920; 27572; 28079; 28214; 30477; 31152; 32209; 32482)

SEC. 51A-4.126. MULTIPLE COMMERCIAL DISTRICTS.

(a) In general. Single or multiple uses may be developed on one site in a multiple commercial district as in any other district; however, in order to encourage a mixture of uses, density bonuses are awarded to developments that qualify as “multiple commercial projects” as defined in Subsection (b). If a development does not qualify as an MCP, it is limited to a “base” floor area ratio. When a development qualifies as an MCP, it earns a higher maximum floor area ratio. For more information regarding the exact increments of increase, consult the yard, lot, and space regulations in this section governing the particular district of interest.

(b) Qualifying as a multiple commercial project.

To qualify as a MULTIPLE COMMERCIAL PROJECT (MCP) for purposes of this section, a development must contain uses in two or more of the following categories, and the combined floor areas of the uses in each category must equal or exceed the following percentages of the total floor area of the project:

MC-1 AND MC-2 DISTRICTS

<u>Use Category</u>	<u>% of Total Floor Area</u>
Lodging	15%
Office	15%
Retail and personal service	10%

MC-3 AND MC-4 DISTRICTS

<u>Use Category</u>	<u>% of Total Floor Area</u>
Lodging	10%
Office	15%
Retail and personal service	5%

(c) Multiple commercial project (MCP) regulations.

(1) If an MCP is proposed, a project plan must be submitted to and approved by the building official.

(2) If an MCP is constructed in phases:

(A) the first phase must independently qualify as an MCP under Subsection (b); and

(B) each subsequent phase combined with all previous phases already completed or under

construction must also qualify as an MCP under Subsection (b).

(3) An MCP may consist of two or more building sites if they are developed under a unified development plan. The plan must be:

(A) signed by or on behalf of all of the owners of the property involved;

(B) approved by the building official; and

(C) filed in the deed records of the county where the property is located.

(4) When an MCP consists of multiple building sites, its development standards and off-street parking regulations are calculated by combining the sites and treating them as a single building site.

(d) MC-1 district.

(1) Purpose. To provide for the development of moderate density lodging, office, and retail uses in or adjacent to a residential community where development options need to remain flexible, and where a moderate density mixed use development having a residential component could adversely impact the community.

(2) Main uses permitted.

(A) Agricultural uses.

- Crop production.

(B) Commercial and business service uses.

- Catering service.
- Custom business services.
- Electronics service center.
- Labor hall. [SUP]
- Medical or scientific laboratory. [SUP]

(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [SUP]
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. [SUP]
- Convent or monastery.
- Hospital. [SUP]
- Library, art gallery, or museum.
- Open-enrollment charter school or private school. [SUP]
- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

- Extended stay hotel or motel. [SUP]
- Hotel or motel. [RAR] or [SUP] [See Section 51A-4.205(1).]
- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]
- **Short-term rental lodging.**

(e) MC-2 district.

(1) Purpose. To provide for the development of moderate density lodging, office, and retail uses adjacent to a residential community where development options need to remain flexible, and where a moderate density mixed use development having a residential component could adversely impact the community.

(2) Main uses permitted.(A) Agricultural uses.

- Crop production.

(B) Commercial and business service uses.

- Catering service.
- Custom business services.
- Electronics service center.
- Labor hall. [SUP]
- Medical or scientific laboratory. [SUP]

(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [SUP]
- Child-care facility.
- Church.
- College, university, or seminary.

- Community service center. [SUP]
- Convent or monastery.
- Hospital. [SUP]
- Library, art gallery, or museum.
- Open-enrollment charter school or private school. [SUP]
- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

- Extended stay hotel or motel. [SUP]
- Hotel or motel. [RAR] or [SUP] [See Section 51A-4.205(1).]
- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]
- **Short-term rental lodging.**

(F) Miscellaneous uses.

- Attached non-premise sign. [SUP]
- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.

(B) Commercial and business service uses.

- Catering service.
- Custom business services.
- Electronics service center.
- Labor hall. [SUP]
- Medical or scientific laboratory.
- Tool or equipment rental.

(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [SUP]
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. [SUP]
- Convent or monastery.
- Hospital. [SUP]
- Library, art gallery, or museum.
- Open-enrollment charter school or private school. [SUP]
- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

- Extended stay hotel or motel. [SUP]
- Hotel or motel. [RAR] or [SUP] [See Section 51A-4.205(1).]
- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]
- **Short-term rental lodging.**

(F) Miscellaneous uses.

- Attached non-premise sign. [SUP]
- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(G) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope which originates in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use. (Ord. Nos. 19786; 19806; 19808; 19873; 20242; 20273; 20380; 20382; 20625; 20895; 20902; 20920; 20950; 21002; 21044; 21259; 21314; 21399; 21400; 21442; 21663; 21735; 21796; 22204; 22531; 22782; 24232; 24271; 24543; 24857; 25785; 25815; 26920; 28079; 28214; 32209; 32482)

SEC. 51A-4.127. URBAN CORRIDOR DISTRICTS.

(a) In general. A minimum of two land uses must be developed on a lot in an urban corridor district, with one use being residential use above street level. Density bonuses are awarded to lots that have parking structures. Parking requirements are reduced for lots that have linkages to transit and have a high level of pedestrian amenities. There are three types of urban corridor districts, differing principally in their density and height allowances: UC-1, UC-2, and UC-3. The urban corridor district regulations apply to all frontages of the lot, except where otherwise specified.

(b) Qualifying a segment of a street as an urban corridor.

(1) Urban corridor requirements. A segment of street must have all of the following characteristics to be an urban corridor:

- (A) A minimum outside lane width of 10 feet.
- (B) A road composition that supports buses.
- (C) No speed bumps.

(D) A minimum turning radius of 50 feet.

(E) A minimum overhead clearance of 11 feet.

(2) Community collectors and arterial streets. An urban corridor segment of street must be built in accordance with the city’s thoroughfare plan, and must be the following type of thoroughfare for each urban corridor district:

(A) UC-1: community collector or four- or six-lane arterial.

(B) UC-2: four- or six-lane arterial.

(C) UC-3: six-lane arterial.

(3) State highways. A UC-1, UC-2, or UCD3 district may exist along a segment of a state highway designated by the Texas Department of Transportation if the segment has all of the characteristics required for an urban corridor, and the department determines the frontage to be safe (based on vehicular traffic speed and volume) for the level of pedestrian traffic expected for the type of urban corridor district requested.

(4) Ineligible streets. Interstate highways, freeways, expressways, and their frontage roads are ineligible streets for urban corridors.

(c) UC districts.

(1) Purpose. To encourage medium density mixed use development with a required above-grade residential component, pedestrian-friendly site design, and an urban street character, in order to increase pedestrian traffic, reduce vehicular traffic, promote innovative use of space, promote energy efficient design, conserve land, and accommodate a range of compatible land uses through appropriate site design.

(2) Main uses permitted.(A) Agricultural uses.

- Crop production.

(B) Commercial and business service uses.

- Catering service.
- Custom business services.
- Electronics service center.
- Job or lithographic printing.
- Medical or scientific laboratory. [SUP]

(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [SUP]
~~[By special authorization of the building official.]~~

(D) Institutional and community service uses.

- Adult day care facility.
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. [SUP]
- Convalescent and nursing homes, hospice care, and related institutions.
- Convent or monastery.
- Hospital. [SUP]
- Library, art gallery, or museum.
- Open enrollment charter school or private school. [SUP]

- Public school other than open enrollment charter school. [RAR]

(E) Lodging uses.

~~-- None permitted.~~

-- Short-term rental lodging.

(F) Miscellaneous uses.

- Temporary construction or sales office.

(G) Office uses.

- Alternative financial establishment. [SUP in UC-2 and UC-3 only.]
- Financial institution without drive-in window.
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Private recreation center, club, or area. [UC-2 and UC-3 only.]
- Public park, playground, or golf course. [DIR]

(I) Residential uses.

- College dormitory, fraternity, or sorority house. [SUP]
- Group residential facility. [SUP]
- Handicapped group dwelling unit. [SUP]
- Multifamily.
- Retirement housing. [SUP]

(II) not have a bottom edge higher than three feet above the base of building; and

(III) be less than 10 feet high.

(dd) It is recommended that street-fronting, street-level windows be clear, unpainted, or made of similarly treated glass allowing visibility within street-level uses.

(iv) Pedestrian access to the building. Primary pedestrian (i.e. residential and customer) ingress and egress must be to or from an urban corridor. Pedestrian ingress and egress for all other functions must be to or from rear or side yard entrances. Pedestrian pathways must be provided to connect the pedestrian zone to the parking lot, rear entrances to dwellings, and to emergency exits.

(d) Site plan.

(1) A site plan must be submitted in accordance with the requirements of this subsection before an application is made for a permit for work on a lot in an urban corridor district.

(2) Procedure. The applicant should contact the department to arrange a pre-application conference, at which the applicant should provide a sketch plan of the site with the information requested by the department. When the applicant is ready to apply for site plan review, the applicant must provide a detailed site plan.

(3) The site plan must:

(A) satisfy the requirements of Subparagraphs (A) through (G), (J), and (N) through (Q) in Section 51A-4.803(d)(1);

(B) show all existing and proposed points of ingress and egress, building entrances, exits, service areas, and windows;

(C) show all public right-of-way lines;

(D) show the location and indicate the type, size, and height of perimeter fencing, screening, and buffering elements proposed or required;

(E) show all provisions to be made to direct and detain storm water and to mitigate erosion both during and following the completion of construction;

(F) show the location and indicate the type, orientation, size, and height of light standards that will illuminate any portion of a required yard;

(G) show the location of existing and proposed signs;

(H) show the existing and proposed locations of all exterior loudspeakers and sound amplifiers;

(I) show the existing and proposed locations for all mechanical equipment capable of producing high levels of noise;

(J) show all existing and proposed provisions for pedestrian circulation on the lot including the location of the pedestrian amenity zones and the location and description of amenities provided to satisfy the three-amenity rule and the requirements for parking reductions;

(K) demonstrate how the urban corridor district site meets the minimum open space requirements showing location and landscape plans of all open space including buffer zones and screening areas;

(L) demonstrate eligibility for parking requirement reduction or density bonuses, if requested by applicant; and

(M) any other reasonable and pertinent information that the director determines to be necessary for site plan review. (Ord. Nos. 24718; 25785; 26920; 28125; 28214; 28424; 28700; 31607; 32002; 32209; 32482)

Dallas Development Code: Ordinance No. 19455, as amended

	DISTRICTS	Single Family								D/TH		Multifamily							
		A(A)	R-1ac(A)	R-1/2ac(A)	R-16(A)	R-13(A)	R-10(A)	R-7.5(A)	R-5(A)	D(A)	TH(1-3)(A)	CH	MF-1(A)	MF-1(SAH)	MF-2(A)	MF-2(SAH)	MF-3(A)	MF-4(A)	MH(A)
4.203	INDUSTRIAL USES		RESIDENTIAL																
0	Alcoholic beverage manufacturing																		
1	Industrial (inside) not potentially incompatible*																		
1A	Industrial (inside) potentially incompatible*																		
1.1	Industrial (inside) light manufacturing																		
2	Industrial (outside) not potentially incompatible*																		
2A	Industrial (outside) potentially incompatible*																		
2.1	Medical / infectious waste incinerator																		
3	Metal salvage facility																		
3.1	Mining	S																	
3.2	Gas drilling and production	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
3.3	Gas pipeline compressor station																		
4	Municipal waste incinerator																		
4.1	Organic compost recycling facility	S																	
5	Outside salvage or reclamation																		
5.1	Pathological waste incinerator																		
6	Temporary concrete or asphalt batching plant				By special authorization of the building official														

* See Section 51A-4.203(a) to determine whether the proposed use is "potentially incompatible."

		DISTRICTS	Single Family								D/TH		Multifamily							
			A(A)	R-1ac(A)	R-1/2ac(A)	R-16(A)	R-13(A)	R-10(A)	R-7.5(A)	R-5(A)	D(A)	TH(1-3)(A)	CH	MF-1(A)	MF-1(SAH)	MF-2(A)	MF-2(SAH)	MF-3(A)	MF-4(A)	MH(A)
4.203	INDUSTRIAL USES		RESIDENTIAL																	
0	Alcoholic beverage manufacturing																			
1	Industrial (inside) not potentially incompatible*																			
1A	Industrial (inside) potentially incompatible*																			
1.1	Industrial (inside) light manufacturing																			
2	Industrial (outside) not potentially incompatible*																			
2A	Industrial (outside) potentially incompatible*																			
2.1	Medical / infectious waste incinerator																			
3	Metal salvage facility																			
3.1	Mining	S																		
3.2	Gas drilling and production	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
3.3	Gas pipeline compressor station																			
4	Municipal waste incinerator																			
4.1	Organic compost recycling facility	S																		
5	Outside salvage or reclamation																			
5.1	Pathological waste incinerator																			
6	Temporary concrete or asphalt batching plant																			

* See Section 51A-4.203(a) to determine whether the proposed use is "potentially incompatible."

Dallas Development Code: Ordinance No. 19455, as amended

Office				Retail			Com./Ind.				Cntrl.		Mixed Use					Multiple Com.				Urban Cor.					
NO(A)	LO(A)	MO(A)	GO(A)	NS(A)	CR	RR	CS	LI	IR	IM	CA-1(A)	CA-2(A)	MU-1	MU-1(SAH)	MU-2	MU-2(SAH)	MU-3	MU-3(SAH)	MC-1	MC-2	MC-3	MC-4	UC-1	UC-2	UC-3		
NONRESIDENTIAL																									4.203		
								(R)	(R)	(R)	S	S															0
								(R)	(R)	(R)																	1
										S																	1A
							●	●	●	●																	1.1
									S	(R)																	2
										S																	2A
									S	S																	2.1
										S																	3
										S																	3.1
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	3.2
										S																	3.3
									S	S																	4
									S	(R)																	4.1
										S																	5
									S	S																	5.1
								By special authorization of the building official																6			

Office				Retail			Com./Ind.				Cntrl.		Mixed Use					Multiple Com.				Urban Cor.					
NO(A)	LO(A)	MO(A)	GO(A)	NS(A)	CR	RR	CS	LI	IR	IM	CA-1(A)	CA-2(A)	MU-1	MU-1(SAH)	MU-2	MU-2(SAH)	MU-3	MU-3(SAH)	MC-1	MC-2	MC-3	MC-4	UC-1	UC-2	UC-3		
NONRESIDENTIAL																										4.203	
								R	R	R	S	S															0
								R	R	R																	1
										S																	1A
							●	●	●	●																	1.1
									S	R																	2
									S																		2A
									S	S																	2.1
									S																		3
									S																		3.1
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	3.2
									S																		3.3
									S	S																	4
									S	R																	4.1
									S																		5
									S	S																	5.1
By special authorization of the building official																										6	

		DISTRICTS	Single Family							D/TH	CH	Multifamily					MH(A)		
			A(A)	R-1ac(A)	R-1/2ac(A)	R-16(A)	R-13(A)	R-10(A)	R-7.5(A)	R-5(A)		D(A)	TH(1-3)(A)	MF-1(A)	MF-1(SAH)	MF-2(A)		MF-2(SAH)	MF-3(A)
4.205	LODGING USES		RESIDENTIAL																
1	Hotel or Motel																		
1.1	Extended stay hotel or motel																		
2	Lodging or boarding house													●	●	●	●		
2.1	Overnight general purpose center																		
2.2	Short-term rental lodging												●	●	●	●	●	●	

		DISTRICTS	Single Family								D/TH		Multifamily							
			A(A)	R-1ac(A)	R-1/2ac(A)	R-16(A)	R-13(A)	R-10(A)	R-7.5(A)	R-5(A)	D(A)	TH(1-3)(A)	CH	MF-1(A)	MF-1(SAH)	MF-2(A)	MF-2(SAH)	MF-3(A)	MF-4(A)	MH(A)
4.206	MISCELLANEOUS USES		RESIDENTIAL																	
1	Attached non-premise sign																			
2	Carnival or circus (temporary)		By special authorization of the building official																	
3	Detached non-premise sign		Generally Prohibited - See Section 51A-7.306																	
4	Hazardous waste management facility																			
5	Placement of fill material		★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★
6	Temporary construction or sales office		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●

Dallas Development Code: Ordinance No. 19455, as amended

Office				Retail			Com./Ind.				Cntl.		Mixed Use						Multiple Com.				Urban Cor.					
NO(A)	LO(A)	MO(A)	GO(A)	NS(A)	CR	RR	CS	LI	IR	IM	CA-1(A)	CA-2(A)	MU-1	MU-1(SAH)	MU-2	MU-2(SAH)	MU-3	MU-3(SAH)	MC-1	MC-2	MC-3	MC-4	UC-1	UC-2	UC-3	P(A)		
NONRESIDENTIAL																												4.205
		★	★		S	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★						1
		S	S			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S						1.1
					S	●	●	●	●	S	●	●																2
	★	★	★		★	★	★	★	★		★	★			★	★	★	★	★	★	★	★						2.1

Office				Retail			Com./Ind.			Cntrl.		Mixed Use						Multiple Com.				Urban Cor.						
NO(A)	LO(A)	MO(A)	GO(A)	NS(A)	CR	RR	CS	LI	IR	IM	CA-1(A)	CA-2(A)	MU-1	MU-1(SAH)	MU-2	MU-2(SAH)	MU-3	MU-3(SAH)	MC-1	MC-2	MC-3	MC-4	UC-1	UC-2	UC-3	P(A)		
NONRESIDENTIAL																												4.206
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S					1	
By special authorization of the building official																												2
Generally Prohibited - See Section 51A-7.306																												3
									★	●																	4	
★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	★	5	
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	6	

[illegible][illegible]

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(10) Machinery, heavy equipment, or truck sales and service.

(A) Definition: A facility for the display, sale, and service of machinery, heavy equipment, or trucks.

(B) Districts permitted: By right in RR, CS, and industrial districts. RAR required in RR, CS, and industrial districts.

(C) Required off-street parking: One space per 1,000 square feet of sales area (whether inside or outside).

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	100,000

(11) Medical or scientific laboratory.

(A) Definition: A facility for testing and analyzing medical or scientific problems.

(B) Districts permitted: By right in MO(A), GO(A), CS, industrial, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC-3, and MC-4 districts.

By SUP only in LO(A), CR, RR, MU-1, MU-1(SAH), MC-1, MC-2, and urban ~~corridor districts~~ **corridor districts**.

(C) Required off-street parking: One space per 300 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(12) Technical school.

(A) Definition: A business enterprise offering instruction and training in trades or crafts such as auto repair, cooking, welding, bricklaying, machinery operation, or other similar trades or crafts.

(B) Districts permitted: By right in CS, industrial, and central area districts.

(C) Required off-street parking: One space per 25 square feet of classroom. Any personal service uses accessory to a technical school must be parked to the personal service use parking requirement.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(13) Tool or equipment rental.

(A) Definition: A facility for renting tools or equipment.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, MU-2; MU-2(SAH), MU-3, MU-3(SAH), MC-3, and MC-4 districts.

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(14) Vehicle or engine repair or maintenance.

(A) Definition: A facility for the repair, maintenance, or restoration of motor vehicles, motor vehicle engines, electrical motors, or other similar items.

(B) Districts permitted: By right in RR, CS, industrial, and central area districts. RAR required in RR, CS, and IM districts. DIR required in central area districts.

(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of five spaces is required. Parking spaces that are used to repair vehicles and located in a structure are not counted in determining the required parking.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use. (Ord. Nos. 19455; 19786; 20493; 20902; 21001; 21663; 23910; 24718; 28803; 30890)

SEC. 51A-4.203.

INDUSTRIAL USES.

(a) Potentially incompatible industrial uses.

(1) A “potentially incompatible industrial use” listed in this subsection is permitted by SUP only in the IM district.

(2) The following main uses, activities, operations, and processes are hereby declared to be potentially incompatible industrial uses:

-Asphalt or concrete batching

- Bulk processing, washing, curing, or dyeing of hair, felt, or feathers
- Concrete crushing
- Fat rendering
- Foundries, ferrous or non-ferrous
- Grain milling or processing
- Leather or fur tanning, curing, finishing, or dyeing

(iv) Bodies for cremation.

(B) Districts permitted: By SUP only in IR and IM districts.

(C) Required off-street parking: One space per 1,000 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) A pathological waste incinerator must be located on a lot that is no smaller than one acre in size, and be at least 100 feet from the lot line.

(ii) The incinerator must be located at least:

(aa) 1,000 feet from all lots containing residential; public or private school; church; and public park, playground, or golf course uses;

(bb) one mile from all lots containing municipal and hazardous waste incinerators; and

(cc) one-fourth mile from all lots containing medical/infectious and pathological waste incinerators.

(iii) Reserved.

(iv) All waste must be disposed of within a 24 hour period.

(v) No outside storage is permitted in conjunction with this use.

(6) Temporary concrete or asphalt batching plant.

(A) Definition: A temporary facility for mixing cement or asphalt.

~~_____ (B) Districts permitted: Special authorization by the building official is required in accordance with the additional provisions for this use.~~

(B) Districts permitted: By SUP only in all districts.

(C) Off-street parking:

Required off-street parking: Two spaces. Off-street parking requirements for this use may be satisfied by providing temporary parking spaces that do not strictly comply with the construction and maintenance provisions for off-street parking in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that the temporary parking spaces:

(i) are adequately designed to accommodate the parking needs of the use; and

(ii) will not adversely affect surrounding uses.

(D) Required off-street loading: None.

(E) Additional provisions:

~~_____ (i) A temporary certificate of occupancy is required for this use. The building official may issue a temporary certificate of occupancy in any zoning district for a temporary batching plant to mix, compound, and batch concrete, asphalt, or both, for a public or private project. The certificate is valid for six months. The building official shall deny the certificate if he determines that on-site fencing, screening, or buffering elements do not provide adequate protection for adjacent property. If the project is not completed within six months, the building official may extend the certificate to complete the project.~~

(i) An application for specific use permit must consider if on-site fencing, screening, or buffering elements provide adequate protection for adjacent property.

(ii) A person to whom a temporary certificate of occupancy is issued shall:

(aa) comply with city, state and federal laws at the batching plant site;

(bb) clear the site of equipment, material and debris upon completion of the project;

(cc) repair or replace any public improvement that is damaged during the operation of the temporary batching plant; and

(dd) locate and operate the temporary plant in a manner which eliminates unnecessary dust, noise, and odor (as illustrated by, but not limited to covering trucks, hoppers, chutes, loading and unloading devices and mixing operations, and maintaining driveways and parking areas free of dust).

~~(iii) A person shall only furnish concrete, asphalt, or both, to the specific project for which the temporary certificate of occupancy is issued.~~

(iii) A person shall only furnish concrete, asphalt, or both, to the specific project for which the specific use permit is issued.

~~(iv) The placement of a temporary batching plant for a private project is restricted to the site of the project. The board may grant a special exception to this requirement when, in the opinion of the board, the special exception will not adversely affect neighboring properties. (Ord. Nos. 19455; 19786; 20411; 20478; 20493; 21002; 21456; 22026; 22255; 22388; 22392; 24792; 25047; 26920; 28553; 28700; 28803; 29228; 29557; 29917; 30890; 32209)~~

SEC. 51A-4.204.

INSTITUTIONAL AND COMMUNITY SERVICE USES.

(1) Adult day care facility.

(A) Definition: A facility that provides care or supervision for five or more persons 18 years of age or older who are not related by blood, marriage, or adoption to the owner or operator of the facility,

whether or not the facility is operated for profit or charges for the services it offers.

(B) Districts permitted: By right in retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use in MF-3(A), MF-4(A), and office districts. By SUP in residential districts. *[No SUP required for a limited use in MF-3(A) and MF-4(A) districts.]*

(C) Required off-street parking: One space per 500 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The limited use regulations in this chapter are modified for this use to allow an outdoor recreation area and separate access from the main building to the recreation area.

(ii) This use must comply with statutory licensing requirements.

(iii) The persons being cared for or supervised under this use may not use the facility as a residence.

(2) Cemetery or mausoleum.

(A) Definition:

(i) A cemetery is a place designated for burial of the dead.

(ii) A mausoleum is a building with places for the entombment of the dead.

1,000 feet from any building site containing any residential use listed in Section 51A-4.209 except a "college dormitory, fraternity, or sorority house"; and a minimum of 1,000 feet from any building site containing another shelter. All measurements shall be taken radially between the building sites in question. In addition, the shelter must obtain a certificate of occupancy and any other required licenses and approvals before it may begin operating. A shelter that relocates in accordance with this subparagraph shall not acquire any nonconforming rights during the period of suspension, and any investment made in land, buildings, or structures during that period shall be at the complete risk of the shelter that an SUP may not ultimately be granted. At or before the end of the one-year period, the shelter shall either file an application for an SUP or cease operations. A shelter that files an application for an SUP in accordance with this subparagraph may remain operating while the application is pending before the city plan commission or city council; however, if the application is denied or withdrawn, the shelter shall cease operations no later than 60 days after the date the final decision is made to deny the application, or the date the application is withdrawn, whichever is applicable.

(3) ~~Reserved.~~ Short-term rental lodging.

(A) Definition: A full or partial rentable unit containing one or more kitchens, one or more bathrooms, and one or more bedrooms that is rented to occupants for fewer than 30 consecutive days per rental period.

(B) Districts permitted: By right in MO(A), GO(A), multifamily, central area, mixed use, multiple commercial, and urban corridor districts.

(C) Required off-street parking: One space per bedroom used as short-term rental lodging.

(D) Required off-street loading: none.

(E) Additional provisions:

(i) This use must comply with Chapter 42B, "Short-Term Rentals," of the Dallas City Code.

(ii) The number of short-term rentals in a single rentable unit may not exceed one.

(iii) A short-term rental must not be used as a commercial amusement (inside), commercial amusement (outside), restaurant with drive-in or drive-through service, restaurant without drive-in or drive-through service, or any other use unless it is located in a zoning district in which the use is permitted and a certificate of occupancy is issued for the use.

(iv) Short-term rental lodging is prohibited in a multifamily structure that has received a density bonus under Division 51A-4.1100.

(v) For purposes of this paragraph, rentable unit means one or more rooms designed to accommodate tenants containing one or more kitchens, one or more bathrooms, and one or more bedrooms. (Ord. Nos. 19455; 19786; 19873; 20038; 20493; 20920; 21663; 22139; 24857; 25435; 30890; 32482)

SEC. 51A-4.206.

MISCELLANEOUS USES.

(1) Attached non-premise sign.

(A) Definition: A "non-premise sign" as defined in Article VII that is also an "attached sign" as defined in that article.

(B) Districts permitted:

(i) By express authorization in special provision sign districts.

(ii) By express authorization and SUP only in planned development districts.

commission's action without being scheduled for a city council hearing. The commission shall review a request for a change in a zoning district classification or boundary that has not been scheduled within six months of the commission's action to determine whether a time extension should be granted for a specified period or whether the application should be terminated and declared null and void.

(c) City council action.

(1) The director shall send written notice of a public hearing on a city council, city plan commission, or landmark commission authorized hearing for a change in a zoning district classification or boundary to all owners of real property according to the following table:

Authorized Hearing Area	Area of Notification for Hearing
0-1 acre	200 feet
over 1 acre to 5 acres	300 feet
over 5 acres to 15 acres	400 feet
over 15 acres to 25 acres	400 feet
over 25 acres	500 feet

See Section 51A-1.105 for the notification area for other applications. The measurement of the notification area includes streets and alleys. The notice must be given not less than 15 days before the date set for the city council hearing by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved tax roll. This notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census. The applicant may not alter, change, amend, enlarge, or withdraw a portion of an application after notices have been mailed for the public hearing.

(2) Before the city council holds the public hearing on an amendment to this article or on a request for a change in a zoning district classification or boundary, the city secretary shall give notice of the public hearing in the official newspaper of the city at least 15 days before the hearing.

(3) An amendment to this article and requests for a change in a zoning district classification or boundary must be approved by the affirmative vote of a majority of city council members present; except, the favorable vote of three-fourths of all members of the city council is required if:

(A) the request for a change in a zoning district classification or boundary has been recommended for denial by the commission; or

(B) a written protest against a change in a zoning district boundary or classification has been signed by the owners of 20 percent or more of either the land in the area of request or land within 200 feet, including streets and alleys, measured from the boundary of the area of request and the protest has been filed with the director.

(4) When city council passes an amending ordinance, the city secretary shall file the amending ordinance in the official city records. Unless the amending ordinance expressly indicates otherwise, the area of request is presumed to include the area to the centerline of an adjacent street or alley.

(d) Two-year limitation.

~~———— (1) Except as provided in Subsections (d)(2) and (d)(3), after a final decision is reached by the commission or city council either granting or denying a request for a change in a zoning district classification or boundary, no further applications may be considered for that property for two years from the date of the final decision.~~

~~———— (2) If the commission or the city council renders a final decision of denial without prejudice, or if the city council grants a specific use permit and imposes a time limit of two years or less, the two year limitation is waived.~~

~~———— (3) A property owner may apply for a waiver of the two year limitation in the following manner:~~

~~———— (A) The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the commission shall consider his request and shall advise~~

~~the applicant of his right to appear before the commission.~~

~~_____ (B) The commission may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote by the commission is required to grant the request. If a rehearing is granted, the applicant shall follow the procedure for an amendment to this article or a request for a change in a zoning district classification or boundary.~~

~~_____ (C) If the commission denies the request, the applicant may appeal in writing to the city council by filing an appeal with the director.~~

(1) Except as provided in Subsections (d)(2) and (d)(3), after a final decision is reached by the commission or city council denying a request for a change in a zoning district classification or boundary, no subsequent applications may be considered for that property for two years from the date of the final decision.

(2) If the commission or the city council renders a final decision of denial without prejudice, the two-year limitation is waived.

(3) A property owner may apply for a waiver of the two-year limitation in the following manner:

(A) The applicant shall submit the request in writing to the director. The director shall inform the applicant of the date on which the commission shall consider the request and shall advise the applicant of the right to appear before the commission.

(B) The commission may waive the time limitation if there are changed circumstances sufficient to warrant a new hearing.

(C) A simple majority vote by the commission is required to grant the request. If a waiver is granted, the applicant shall follow the procedure for a zoning amendment under this article or a request for a change in a zoning district classification or boundary.

(D) If the commission denies the request, the applicant may appeal in writing to the city council by filing an appeal with the director.

(e) Postponements.

(1) The applicant and the opponents shall each be allowed to postpone one hearing date before the commission and one hearing date before the city council.

(2) A request for postponement must be in writing and must be submitted to the director no later than 5:00 p.m. on the Monday of the week preceding the week of the hearing. If the deadline falls on an official city holiday, then the request must be submitted no later than noon on the following day.

(3) Before a hearing to be held by the city plan commission may be postponed, the person requesting postponement shall pay a fee of \$150.00 to the director. Before a hearing to be held by the city council may be postponed, the person requesting postponement shall pay a fee of \$150.00 to the director.

(4) Only the applicant or his representative may postpone the hearing date prior to the mailing of the hearing notices. A hearing postponed by the applicant or his representative whether prior to the mailing of required notices or after the mailing of required notices may be postponed for no longer than 60 days from the date of the scheduled or advertised hearing. If the applicant fails to request in writing within 60 days a new hearing date, the application is automatically withdrawn, and the director shall return the application to the applicant and the filing fee, less that amount necessary for administrative cost as determined by the director.

(8) Conflicting instruments. In the event that multiple protests and withdrawals are filed on behalf of the same owner, the instrument with the latest date and time of execution controls. (Ord. Nos. 19455; 19872; 19935; 20037; 20381; 21431; 22389; 24718; 26271; 28096; 31471; **32481**)

SEC. 51A-4.702. PLANNED DEVELOPMENT (PD) DISTRICT REGULATIONS.

(a) General provisions.

(1) Purpose. The purpose of the PD is to provide flexibility in the planning and construction of development projects by allowing a combination of land uses developed under a uniform plan that protects contiguous land uses and preserves significant natural features.

(2) Uses. A PD may contain any use or combination of uses listed in Division 51A-4.200. The uses permitted in a PD must be listed in the ordinance establishing the district.

(3) Signs. An ordinance establishing or amending a PD may not authorize the erection, relocation, or alteration of a detached non-premise sign. A special provision sign district must be established to authorize the erection, relocation, or alteration of a detached non-premise sign. For more information regarding special provision sign districts, see Division 51A-7.500.

(4) Mandatory regulations. The ordinance establishing a PD must specify regulations governing building height, floor area, lot area, lot coverage, density, yards, off-street parking and loading, environmental performance standards, signs, landscaping, and streets and alleys. The following table may be used as a general guide in establishing these regulations:

General Guidelines for Establishing PD Regulations

<u>GENERAL USE CATEGORY</u>	<u>ZONING DISTRICT</u>
Single family	TH-3(A)*
Multifamily	MF-3(A)
Retail	CR
Office	MO-1
Commercial	CS
Industrial	IR

*If platted lots for a single family use have a minimum width of 30 feet at the front property line, then one parking space is required.

(5) Codification. The regulations of each PD ordinance shall be codified in Chapter 51P. The conditions in the PD ordinance and the development plan, landscape plan, or conceptual plan are conditions that must be complied with before a certificate of occupancy may be granted.

(6) Applicable regulations.

(A) For PDs created on or after March 1, 1987, the regulations in this chapter control unless they are expressly altered by a PD ordinance in accordance with this section. The general guidelines in Subsection (a)(4) control if the PD ordinance does not enumerate the regulations governing building height, floor area, lot area, lot coverage, density, yards, off-street parking and loading, environmental performance standards, signs, landscaping, and streets and alleys.

(B) For PDs created prior to March 1, 1987, the regulations of Chapter 51 control unless they are expressly altered by a PD ordinance in accordance with this section. The general guidelines below control if the PD ordinance does not enumerate the regulations governing building height, floor area, lot area, lot coverage, density, yards, off-street parking and loading, environmental performance standards, signs, landscaping, and streets and alleys.

(ii) If land is proposed to be dedicated by separate instrument, before acceptance the applicant shall submit either a phase I environmental assessment that shows no environmental conditions exist on the property or a phase II environmental assessment that shows no remediation is required.

(4) Land in a federally designated floodplain or floodway may be dedicated as park land if the land otherwise meets the acceptance standards for park land in this section and all other ordinances, rules, and regulations of the city. Floodplain and floodway areas may only be used to meet a maximum of 50 percent of the dedication requirements. Stormwater detention/retention areas and associated access easements do not meet the standards for acceptance of park land.

(5) For developments in more than one park dedication zone, property may be dedicated in either park dedication zone. (Ord. 30934, ~~eff. 7/1/19~~)

SEC. 51A-4.1009. PARK LAND DEDICATION FUND.

(a) In general.

(1) There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this section. The fund will be known as the "Park Land Dedication Fund." Except as provided in this section and Section 51A-4.1005, funds will only be released from the Park Land Dedication Fund to buy, build, or enhance a park within the park dedication zone, from which the funds originated.

(2) Fees paid into the park land dedication fund must be spent by the city within 10 years after the payment of the required fees. If the funds cannot be spent within the 10 year period, the owners of the property on the last day of the 10 year period will be entitled to a refund of the unexpended sum upon request. The owners of the property, as shown on the current tax roll or proven by other instrument, must request a refund within one year of the expiration of the 10 year period. The request must be made in writing to the director.

(3) Where funds have been paid or a dedication for a phased development has been made in

accordance with this section, and the original developer does not complete all phases of the entire development, credit for any prior dedication or payment will be applied to subsequent replats or development plans for the same land on a pro-rata basis by dwelling unit for a period of 10 years. Increased density requires the dedication of additional park land or payment of additional fees.

(b) Expenditures. The park land dedication fund must be used for the acquisition and improvement of parks and may not be used for park maintenance or city staff overhead expenses. Indirect costs reasonably incurred in connection with park acquisition and improvement, such as appraisal fees, environmental assessment costs, legal expenses, and engineering and design costs, are limited to a maximum of 10 percent of total acquisition or improvement costs. (Ord. 30934, ~~eff. 7/1/19~~)

SEC. 51A-4.1010. TREE MITIGATION.

(a) In general. Trees on dedicated park land may be used to meet tree mitigation requirements in accordance with Article X.

(b) Tree mitigation credits. To be eligible for Article X tree mitigation credits, dedicated park land and private park land must meet the conservation easement standards in Sections 51A-10.135(f)(1), 51A-10.135(f)(3), and 51A-10.135(f)(5).

(c) Conservation easements. Park land dedication requirements may be met on an acre for acre basis for any land dedicated as a conservation easement under Article X that meets the conservation easement standards in Article X and the requirements for publicly accessible private park land in Section 51A-4.1007(b)(2)(A)(i) and is accepted by the director. (Ord. 30934, ~~eff. 7/1/19~~)

SEC. 51A-4.1011. APPEALS.

Except for appeals of apportionment of exactions, all appeals of the director's decisions are appealable to the park and recreation board following the same procedure as an appeal of an administrative official's decision to the board of adjustment. Notice of appeal

must be made within 15 days of the date of that decision. (Ord. 30934, ~~eff. 7/1/19~~)

SEC. 51A-4.1012. REVIEW.

The director shall review this ordinance every five years from the effective date. (Ord. 30934, ~~eff. 7/1/19~~)

Division 51A-4.1100. Mixed-Income Housing.

SEC. 51A-4.1101. PURPOSE.

This division is adopted to implement the provisions and goals of the comprehensive housing policy, affirmatively further fair housing, create and maintain available and affordable housing throughout Dallas, promote greater fair housing choices, and overcome patterns of segregation and concentrations of poverty. (Ord. 31152)

SEC. 51A-4.1102. APPLICABILITY.

~~— (a) In general. Development bonuses apply to qualifying developments located in:~~

~~— (1) MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts;~~

~~— (2) MU-1, MU-2, and MU-3 Mixed Use Districts;~~

~~— (3) MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts with public deed restrictions that only limit allowed uses;~~

~~— (4) MU-1, MU-2, and MU-3 Mixed Use Districts with public deed restrictions that only limit allowed uses; and~~

~~— (5) Planned development districts that reference compliance with this division or planned development districts that default to MF-1(A), MF-2(A), MF-3(A), MU-1, MU-2, and MU-3 Districts as base zoning and only alter the allowed uses.~~

(a) In general. Development bonuses apply to qualifying developments as follows:

(1) Type One developments are located in:

(A) MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts.

(B) MU-1, MU-2, and MU-3 Mixed Use Districts.

(C) MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts with public deed restrictions. If there is a conflict between a public deed restriction that modifies development standards and this division, the more restrictive standard controls.

(D) MU-1, MU-2, and MU-3 Mixed Use Districts with public deed restrictions. If there is a conflict between a public deed restriction that modifies development standards and this division, the more restrictive standard controls.

(E) Planned development districts that default to MF-1(A), MF-2(A), MF-3(A), MU-1, MU-2, and MU-3 Districts as base zoning and do not alter the yard, lot, and space or parking regulations. If there is a conflict between the planned development district regulations and this division, the more restrictive standard controls.

(2) Type Two developments are located in planned development districts that specify mixed-income development bonuses or that reference compliance with this division.

(3) Type Three developments are located in planned development districts that reference compliance with this division and expressly reference compliance with Section 51A-4.1106(f). If there is a conflict between the standards in a planned development district and this division, the planned development district conditions control.

(b) Market value analysis. Specific development bonus applicability is further determined based on the location of the development in a specific market value analysis category.

(c) Residential uses. To be eligible for development bonuses under this division, developments must include multifamily or retirement housing uses. (Ord. Nos. 31152; 32210)

SEC. 51A-4.1103. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions. In this division:

~~———— (1) 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.~~

~~———— (2) AFFIRMATIVE FAIR HOUSING MARKETING means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, national origin, religion, sex, age, disability, or other protected class under Title VIII of the Civil Rights Act of 1964 and all related regulations, executive orders, and directives.~~

~~———— (3) AREA MEDIAN FAMILY INCOME ("AMFI") means the median income for the Dallas Area Standard Metropolitan Statistical Area, adjusted for family size, as determined annually by the Department of Housing and Urban Development.~~

~~———— (4) ELIGIBLE HOUSEHOLDS means households with an adjusted income within the required income band or voucher holders regardless of income.~~

~~———— (5) INCOME means income as defined by 24 CFR §5.609.~~

~~———— (6) INCOME BAND means the range of household 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 (income bands descriptions are located in Chapter 20A).~~

~~———— (7) MARKET VALUE ANALYSIS ("MVA") means the official study that was commissioned by and prepared for the City of Dallas to assist residents and policy-makers in understanding the elements of their local residential real estate markets.~~

~~———— (8) MIXED-INCOME RESTRICTIVE COVENANT means a covenant running with the land that meets the requirements of this division and Chapter 20A.~~

~~———— (9) OWNER means the entity or person using the development bonus as well as all other owners or operators of the development during the rental affordability period.~~

~~———— (10) PASSENGER LOADING ZONE means a space that is reserved for the exclusive use of vehicles during the loading or unloading of passengers. A passenger loading zone is not a taxicab stand for purposes of Section 28-101, "Restricted Use of Bus Stops and Taxicab Stands."~~

~~———— (11) PEDESTRIAN SCALE LIGHTING means lighting that emanates from a source that is no more than 14 feet above the grade of the sidewalk or an equivalent pedestrian light fixture approved by the director of transportation.~~

~~———— (12) RENTAL AFFORDABILITY PERIOD means the 20 year period that the reserved dwelling units may only be leased to and occupied by eligible households or voucher holders.~~

~~———— (13) RESERVED DWELLING UNIT means the rental units within a development available to be occupied or currently occupied by eligible families or voucher holders and are leased at affordable rents set according to this division.~~

~~———— (14) STOOP means a small porch leading to the entrance of a residence.~~

~~———— (15) TRANSIT PROXIMITY means development within one-half mile of a transit station, including trolley stops, train stations, transfer centers, transfer locations, transit centers, and any transit stop with a climate-controlled waiting area. Transit agencies served include Dallas Area Rapid Transit, Trinity Railway Express, and trolley service.~~

~~———— (16) VOUCHER HOLDER means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal government.~~

(1) AFFORDABLE RENT means affordable rent as defined in Section 20A- 24(2).

(2) AFFIRMATIVE FAIR HOUSING MARKETING means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, national origin, religion, sex, age, disability, or other protected class under Title VIII of the Civil Rights Act of 1964 and all related regulations, executive orders, and directives.

(3) **AREA MEDIAN FAMILY INCOME** ("AMFI") means the median income for the Dallas Area Standard Metropolitan Statistical Area, adjusted for family size, as determined annually by the U.S. Department of Housing and Urban Development.

(4) **ELIGIBLE HOUSEHOLDS** means households with an income within the required income band or voucher holders regardless of income.

(5) **EXISTING BUILDING** means a building constructed on or before December 31, 2021.

(6) **INCOME** means income as defined by 24 CFR §5.609.

(7) **INCOME BAND** means the range of household 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 (income bands descriptions are located in Chapter 20A).

(8) **MARKET VALUE ANALYSIS ("MVA")** means the official study that was commissioned by and prepared for the City of Dallas to assist residents and policy-makers in understanding the elements of their local residential real estate markets.

(9) **MIXED INCOME HOUSING DEVELOPMENT BONUS** program (MIHDB) means the Mixed Income Housing Development Bonus program as described in the Comprehensive Housing Policy.

(10) **MIXED-INCOME RESTRICTIVE COVENANT** means a covenant running with the land that meets the requirements of this division and Chapter 20A.

(11) **OWNER** means the entity or person using the development bonus as well as all other owners or operators of the development during the rental affordability period.

(12) **PASSENGER LOADING ZONE** means a space that is reserved for the exclusive use of vehicles during the loading or unloading of passengers. A passenger loading zone is not a taxicab stand for purposes of Section 28-101, "Restricted Use of Bus Stops and Taxicab Stands."

(13) **PEDESTRIAN SCALE LIGHTING** means lighting that emanates from a source that is no more than 14 feet above the grade of the sidewalk or an equivalent pedestrian light fixture approved by the director of transportation.

(14) **RENTAL AFFORDABILITY PERIOD** means the 20 year period that the reserved dwelling units may only be leased to and occupied by eligible households or voucher holders.

(15) **RESERVED DWELLING UNIT** means the rental units within a development available to be occupied or currently occupied by eligible families or voucher holders and are leased at affordable rents set according to this division.

(16) **STOOP** means a small porch leading to the entrance of a residence.

(17) **TRANSIT PROXIMITY** means development within one-half mile, measured radially, of a transit station, including trolley stops, train stations, transfer centers, transfer locations, transit centers, and any transit stop with a climate-controlled waiting area. Transit agencies served include Dallas Area Rapid Transit, Trinity Railway Express, and trolley service.

(18) **VOUCHER HOLDER** means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal government.

(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. 31152; 32210)

SEC. 51A-4.1104. DEVELOPMENT BONUS PERIOD.

(a) Any development bonus provided in this division is only applicable to structures built during the rental affordability period or according to the terms of the mixed-income restrictive covenant.

(b) Structures built during the term of the mixed-income restrictive covenant may retain their bonuses until they are destroyed by an intentional act of the owner.

(c) Structures built during the term of the mixed-income restrictive covenant may retain their bonuses and be rebuilt if they are destroyed by other than an intentional act of the owner, or owner's agent, if the development continues to meet the requirements of this division. (Ord. 31152)

SEC. 51A-4.1105. PROCEDURES TO OBTAIN A DEVELOPMENT BONUS.

~~—— (a) In general.~~

~~—— (1) The owner must comply with the requirements of Chapter 20A, as amended.~~

~~—— (2) Owners shall obtain a certified verification of the building site's MVA category and shall sign a reserved dwelling unit verification before applying for a permit for construction in accordance with this division and Section 20A-25.~~

~~—— (b) Building permit application. An application for a building permit using a development bonus must include the following:~~

~~—— (1) the date, names, addresses, and telephone numbers of the applicant and all property owners;~~

~~—— (2) the legal description, the current zoning classification, the market value analysis category, and the census tract of the building site for which the development bonus is requested;~~

~~—— (3) the total number of dwelling units proposed, the number of reserved dwelling units provided, and the number of reserved dwelling units required as a result of receiving the development bonus;~~

~~—— (4) the total number of one-bedroom dwelling units, two-bedroom dwelling units, etc. being proposed;~~

~~—— (5) a copy of the signed market value analysis verification from the director of housing and neighborhood revitalization; and~~

~~—— (6) any other reasonable and pertinent information that the building official determines to be necessary for review.~~

~~—— (c) Building permit issuance. Before the issuance of a building permit, the mixed-income restrictive covenant must be recorded in the county in which the building site is located, and an official copy of the executed and recorded mixed-income restrictive covenant must be submitted to the building official.~~

~~—— (d) Minimum units required.~~

~~—— (1) A development using a development bonus in this division must provide a minimum of one reserved dwelling unit regardless of the percentage of total units required.~~

~~—— (2) Fractions of a required unit will be rounded up to the next whole number.~~

~~—— (3) A development using a development bonus in this division shall 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.~~

(a) In general.

(1) The owner must comply with the requirements of Chapter 20A, as amended.

(2) Before applying for a permit for construction in accordance with this division, and

Section 20A-25 owners shall:

(A) obtain a certified verification of the building site's MVA category;

(B) sign a reserved dwelling unit verification; and

(C) obtain certified verification of participation in the mixed income housing development bonus program.

(b) Building permit application. An application for a building permit using a development bonus must include the following:

(1) the date, names, addresses, and telephone numbers of the applicant and all property owners;

(2) the legal description, the current zoning classification, the market value analysis category, and the census tract of the building site for which the development bonus is requested;

(3) the total number of dwelling units proposed, the number of reserved dwelling units provided, and the number of reserved dwelling units required as a result of receiving the development bonus;

(4) the total number of one-bedroom dwelling units, two-bedroom dwelling units, etc. being proposed;

(5) the certified verification of the building site's MVA category, the reserved dwelling unit verification, and the certified verification of participation in the mixed income housing development bonus program;

(6) the total floor area as defined by Chapter 51A-2.102(38) and the floor area devoted to residential uses as defined in Section 51A-4.209; and

(7) any other reasonable and pertinent information that the building official determines to be necessary for review.

(c) Building permit issuance. Before the issuance of a building permit, the mixed-income restrictive covenant must be recorded in the county in which the building site is located, and an official copy of the executed and recorded mixed-income restrictive covenant must be submitted to the building official.

(d) Minimum units required.

(1) A development using a development bonus in this division must provide a minimum of one reserved dwelling unit regardless of the percentage of total units required.

(2) In this division, calculations of the total number of required reserved units that result in fractions of a required unit must be rounded up to the next whole number.

(3) A development using a development bonus in this division must 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.

~~—— (e) Phasing. ———~~

~~—— (1) To obtain a development bonus for a phased development, a project plan must be submitted to the building official with the initial building permit application.~~

~~—— (2) For a phased development:~~

~~—— (A) the first phase must independently qualify for the development bonus; and~~

~~—— (B) each subsequent phase combined with all previous phases already completed or under construction must also qualify for the development bonus.~~

~~—— (3) A project taking advantage of a development bonus may consist of two or more building sites if they are developed under a project plan. The project plan must be:~~

~~—— (A) signed by all property owners; and~~

~~—— (B) approved by the building official.~~

~~—— (f) Certificate of occupancy. Before the issuance of a final certificate of occupancy for a multifamily or retirement housing use, the owner must submit to the building official any additional information needed to ensure compliance with the terms of the building permit and the mixed-income restrictive covenant, including:~~

~~—— (1) The approved affirmative fair housing marketing plan described in Section 20A-31(g).~~

~~—— (2) A letter from the director of housing and neighborhood revitalization certifying that the development complies with the mixed-income restrictive covenant.~~

(e) Phasing.

(1) To obtain a development bonus for a phased development, a project plan must be submitted to the building official with the initial building permit application.

(2) For a phased development:

(A) the first phase must independently qualify for the development bonus;

(B) each subsequent phase combined with all previous phases already completed or under construction must also qualify for the development bonus; and

(C) the dispersal requirements in Section 51A-4.1106 only apply to buildings and phases with reserved units.

(3) A project taking advantage of a development bonus may consist of two or more building sites if they are developed under a project plan. The project plan must include a unit dispersal plan and must be:

(A) signed by all property owners; and

(B) approved by the building official.

(f) Certificate of occupancy. Before the issuance of a final certificate of occupancy for a multifamily or retirement housing use, the owner must submit to the building official any additional information needed to ensure compliance with the terms of the building permit and the mixed-income restrictive covenant, including:

(1) The approved affirmative fair housing marketing plan described in Section 20A-31(g).

(2) A letter from the director of housing and neighborhood revitalization certifying that the development complies with the mixed-income restrictive covenant.

(3) A letter documenting that the development has registered with one or more local providers of housing vouchers and has acknowledged that the development must pass the provider's required inspections. (Ord. Nos. 31152; 32210)

SEC. 51A-4.1106.**DEVELOPMENT
REQUIREMENTS
REGULATIONS.**

(a) Reserved dwelling unit location requirements. Except as provided in Section 51A-4.1105(e) and in this section, all reserved dwelling units must be provided on the same building site as the market rate units.

~~—(b) Reserved dwelling units must be dispersed throughout the residential floor area of each building.~~

~~—(c) Reserved dwelling units must not be segregated or concentrated in any one floor or area of any buildings but must be dispersed throughout all residential buildings.~~

~~—(d) Reserved dwelling units may float within each dwelling unit type.~~

~~—(e) Reserved dwelling units must be of comparable finish-out and materials as the market rate dwelling units and must be equally available to eligible families or voucher holders as other market rate dwelling unit tenants.~~

(1) Reserved dwelling units must be dispersed throughout the residential floor area of each building.

(2) Reserved dwelling units must not be segregated or concentrated in any one floor or area of any buildings but must be dispersed throughout all residential buildings.

(3) Reserved dwelling units may float within each dwelling unit type.

(4) Reserved dwelling units must be of comparable finish-out and materials as the market rate dwelling units and must be equally available to eligible families or voucher holders as other market rate dwelling unit tenants.

(b) Pro-rata dispersal of reserved dwelling units.

~~—(f) Except as provided in Section 20A-31(i), reserved dwelling units must be dispersed substantially pro-rata among the total unit types so that not all the reserved dwelling units are efficiency or one-bedroom units. For example, if 10 percent of the total dwelling units are reserved dwelling units, 10 percent of the efficiency units, 10 percent of the one-bedroom units, 10 percent of the two-bedroom units, 10 percent of the three-bedroom units (and so on, if applicable) must be reserved dwelling units.~~

~~—(1) A maximum 10 percent of the total units may be specialty units including club suites and penthouse suites and are not required to be part of the dispersal of reserved dwelling units by type; however, the overall 10 percent requirement is calculated based on the total number of all units.~~

~~—(2) In determining the required number of reserved dwelling units, fractional units are counted to the nearest whole number, with one-half counted as an~~

~~additional unit, but a minimum of one unit is required.~~

~~—(g) Eligible families or voucher holders occupying reserved units may not be restricted from common areas and amenities unless the restrictions apply to all dwelling unit occupants.~~

(1) In general. Except as provided in Section 20A-31(i) and this subsection, reserved dwelling units must be dispersed substantially pro-rata among the total unit types so that not all the reserved dwelling units are efficiency or one-bedroom units. For example, if 10 percent of the total dwelling units are reserved dwelling units, 10 percent of the efficiency units, 10 percent of the one-bedroom units, 10 percent of the two-bedroom units, 10 percent of the three-bedroom units (and so on, if applicable) must be reserved dwelling units.

(2) Specialty units.

(A) A maximum 10 percent of the total units may be specialty units including club suites and penthouse suites and are not required to be part of the dispersal of reserved dwelling units by type; however, specialty units are included in the total number of all units used to calculate the number of reserved units.

(B) Units may not be designated as specialty units solely due to the number of bedrooms in the unit.

(c) Common areas and amenities. Eligible families or voucher holders occupying reserved units may not be restricted from common areas and amenities unless the restrictions apply to all dwelling unit occupants.

(d) Type One developments. Type One developments are eligible to receive the mixed income housing development bonuses in the specific district regulations in accordance with Section 20A-23.1, as amended.

(e) Type Two developments. Type Two developments are eligible to receive mixed income housing development bonuses in the planned development district conditions in accordance with Section 20A-23.1, as amended.

(f) Type Three developments. Type Three developments with a minimum of 80 percent of floor area devoted to residential uses are eligible to receive the following mixed income housing development bonuses according to this subsection and in accordance with Section 20A-23.1, as amended. A minimum of one reserved unit or the percentage of total units in a tier,

whichever is greater, must be provided.

(1) Dwelling unit bonus. The number of reserved units required is calculated based on the total number of dwelling units, after the dwelling unit bonus is determined.

MVA Category	Tier 1 ($\leq 50\%$ of AMFI) Minimum 3% of units	Tier 2 (51 - 80% of AMFI) Minimum 5% of units	Tier 3 (81 - 100% of AMFI) Minimum 10% of units
MVA A-F	Greater of 50% or an additional 80 units	Greater of 30% or an additional 60 units	Greater of 20% or an additional 40 units
MVA G-I	Greater of 60% or an additional 80 units	Greater of 40% or an additional 60 units	Greater of 30% or an additional 40 units

(2) Floor area ratio bonus. This bonus applies only to residential floor area ratio.

MVA Category	Tier 1 ($\leq 50\%$ of AMFI) Minimum 3% of units	Tier 2 (51 - 80% of AMFI) Minimum 5% of units	Tier 3 (81 - 100% of AMFI) Minimum 10% of units
MVA A-F	Greater of 25% or an additional 1.5 FAR	Greater of 15% or an additional 1.0 FAR	Greater of 10% or an additional 0.5 FAR
MVA G-I	Greater of 45% or an additional 2.5 FAR	Greater of 35% or an additional 2.0 FAR	Greater of 20% or an additional 1.0 FAR

(3) Height bonus. This bonus applies to all uses. Any height bonus leading to a fraction of an additional story is rounded to the next higher story. Except as provided in this subsection the following bonuses apply:

MVA Category	Tier 1 ($\leq 50\%$ of AMFI) Minimum 3% of units	Tier 2 (51 - 80% of AMFI) Minimum 5% of units	Tier 3 (81 - 100% of AMFI) Minimum 10% of units
MVA A-F	Greater of 25% or an additional 50 feet	Greater of 15% or an additional 30 feet	Greater of 10% or an additional 15 feet
MVA G-I	Greater of 45% or an additional 50 feet	Greater of 35% or an additional 30 feet	Greater of 20% or an additional 15 feet

(4) Stories bonus. This bonus applies to all uses. Any story bonus leading to a fraction of an additional story is rounded to the next higher story. Except as provided in this subsection the following bonuses apply:

MVA Category	Tier 1 ($\leq 50\%$ of AMFI) Minimum 3% of units	Tier 2 (51 - 80% of AMFI) Minimum 5% of units	Tier 3 (81 - 100% of AMFI) Minimum 10% of units
MVA A-F	Greater of 25% or an additional four stories	Greater of 15% or an additional three stories	Greater of 10% or an additional two stories
MVA G-I	Greater of 45% or an additional four stories	Greater of 35% or an additional three stories	Greater of 2% or an additional two stories

(5) Conflicts. In the case of a conflict between a height bonus and a stories bonus the greater bonus applies.

(6) Parking reduction. This reduction only applies to the total number of required off-street parking spaces for nonresidential uses except alcoholic beverage establishments, commercial amusement (inside), commercial

amusement (outside), restaurant without drive-in or drive-through service, and restaurant with drive-in or drive-through service.

MVA Category	Tier 1 (<= 50% of AMFI) Minimum 3% of units	Tier 2 (51 - 80% of AMFI) Minimum 5% of units	Tier 3 (81 - 100% of AMFI) Minimum 10% of units
MVA A-F	100%	50%	20%
MVA G-I	100%	70%	40%

(g) Alternative methods. The requirements for on-site reserved units in this division may be met by alternative methods as provided in Section 20A-23.1, as amended. (Ord. Nos. 31152; 32210)

SEC. 51A-4.1107. DESIGN STANDARDS.(a) In general.

~~———— (1) To obtain a development bonus under this division, a qualifying development must meet the requirements of this section, where applicable.~~

~~———— (2) Except as provided in this section, the board of adjustment may not grant a variance or special exception to the standards in this section.~~

(1) Except as provided in this section, to obtain a development bonus under this division, a qualifying development must meet the requirements of this section, where applicable.

(2) Except as provided in this section, the board of adjustment may not grant a variance or special exception to the standards in this section.

(3) Except if the existing building is destroyed by the intentional act of the owner or the owner's agent, the existing building may be renovated, remodelled, repaired, rebuilt, or enlarged using the bonuses in this division if the work does not cause the existing building to become more nonconforming as to the requirements in this section and the applicable zoning district.

(4) For off-street parking requirements for residential uses in existing buildings, development bonuses may not reduce the minimum number of required off-street parking spaces beyond the number required in Subsection (c).

(b) Yard, lot, and space standards.

(1) Encroachments. The following additional items are permitted to be located within the required front, side, and rear yards:

(A) Seat walls, retaining walls, stoops, porches, steps, unenclosed balconies, ramps, handrails, safety railings, and benches all not exceeding four feet in height and extending a maximum of five feet into the required minimum yards.

(B) Landscape planters.

(C) Sculptures.

(D) Awnings

(2) Front yard fences. A maximum four-foot-high fence is allowed in a front yard. A maximum four-foot-high handrail may be located on retaining walls in a front yard.

(3) Height. Maximum height is controlled by the development bonus provisions and must comply with residential proximity slope regulations if applicable.

(c) Off-street parking and loading.

~~———— (1) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.~~

~~———— (2) Multifamily parking. Except as provided in this paragraph, one and one-quarter space per dwelling unit is required.~~

~~————— (A) At least 15 percent of the required parking must be available for guest parking. ———~~

~~————— (B) For developments with transit proximity, one space per dwelling unit is required. At least 15 percent of the required parking must be available for guest parking. ———~~

~~————— (3) Retirement housing. One space per dwelling unit is required. ———~~

~~————— (4) Parking locations. ———~~

~~————— (A) In general. Surface parking is prohibited between the street-facing facade and the property line. For buildings with more than one street frontage, only two street frontages are subject to this requirement. ———~~

~~————— (B) Thoroughfare frontage. For buildings fronting on a thoroughfare, surface parking is prohibited within the front setback. ———~~

~~————— (C) Surface parking. A maximum of 15 percent of the total on-site parking may be provided as surface parking in a side yard. ———~~

~~————— (D) Parking structures. That portion of the ground-level floor facing the street of any multi-floor parking facility must have an active use other than parking, with a minimum depth of 25 feet, or must have an exterior facade that is similar in materials, architecture, and appearance to the facade of the main structure. Exterior parking structure facade openings must provide solid screening a minimum 42 inches from the floor level within the parking structure to screen vehicles and vehicle headlights. ———~~

~~————— (E) Assigned parking. For assigned parking spaces, those spaces allotted for reserved dwelling units must be dispersed and distributed amongst all other assigned parking for similar units. ———~~

~~————— (5) Passenger loading. ———~~

~~————— (A) Each building site must provide at least one off-street or on-street passenger loading space. The board of adjustment may grant a variance to this subparagraph. ———~~

(1) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(2) Multifamily parking. Except as provided in this paragraph, the lesser of one-half space per

dwelling unit or the minimum number of parking spaces required in Division 51A-4.200, as amended, is required.

(A) At least 15 percent of the required parking must be available for guest parking.

(B) For developments with transit proximity, the lesser of one-half space per dwelling unit or the minimum number of parking spaces required in Division 51A-4.200, as amended, is required. At least 15 percent of the required parking must be available for guest parking.

(3) Retirement housing. The lesser of one-quarter space per dwelling unit or the minimum number of parking spaces required in Division 51A-4.200, as amended, is required.

(4) Parking locations.

(A) In general. Except as provided in this paragraph, surface parking is prohibited between the street-facing facade and the property line. For buildings with more than one street frontage, only two street frontages are subject to this requirement.

(B) Thoroughfare frontage. For buildings fronting on a thoroughfare, surface parking is prohibited within the front setback.

(C) Surface parking. A maximum of 15 percent of the total on-site parking may be provided as surface parking in a side yard.

(D) Parking structure. That portion of the ground-level floor facing the street of any multi-floor parking facility must have an active use other than parking, with a minimum depth of 25 feet, or must have an exterior facade that is similar in materials, architecture, and appearance to the facade of the main structure. Exterior parking structure facade openings must provide solid screening a minimum 42 inches from the floor level within the parking structure to screen vehicles and vehicle headlights.

(E) Assigned parking. For assigned parking spaces, those spaces allotted for reserved dwelling units must be dispersed and distributed amongst all other assigned parking for similar units.

(5) Passenger loading.

(A) Each building site must provide at least one off-street or on-street passenger loading space. The board of adjustment may grant a variance to this subparagraph.

~~_____ (B) On-street passenger loading zones, if provided, must be constructed in compliance with Architectural Barrier Act accessibility standards and must be approved by the director and by the director of public works.~~

~~_____ (6) Screening of off-street loading spaces and service areas. Screening must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any of the methods described in Section 51A-4.602(b)(3), except that screening around service areas for trash collection must be screened by a masonry wall with a solid gate.~~

(B) On-street passenger loading zones, if provided, must be constructed in compliance with Architectural Barrier Act accessibility standards and must be approved by the director and by the director of public works.

(6) Screening of off-street loading spaces and service areas. Screening must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any of the methods described in Section 51A-4.602(b)(3), except that screening around service areas for trash collection must be screened by a masonry wall with a solid gate.

(7) Review. This subsection must be reviewed by city council within two years of May 11, 2022 and every two years, thereafter.

(d) Street and open space frontages.

(1) Frontages. All street-fronting facades and open-space fronting facades must have at least one window and at least one common primary entrance facing the street or open space at street-level. The entrance must access the street or open space with an improved path connecting to the sidewalk. A transparent surface is required for every 25 linear feet of continuous street-fronting and open-space-fronting facade.

(2) Individual entries. Except as provided in this paragraph, a minimum of 60 percent of the street-level dwelling units adjacent to a street in each building must have individual entries that access the street with an improved path connecting to the sidewalk. For at-grade open space, a minimum of 60 percent of the open-space fronting dwelling units in each building must have individual entries that access the open space. EXCEPTION. This paragraph does not

apply to retirement housing.

(e) Sidewalk, lighting, and driveway standards.

(1) Sidewalks.

(A) A sidewalk with a minimum average width of six feet must be provided along all street frontages.

(i) Except as provided in this subsection, all sidewalks must be clear and unobstructed for a minimum of five feet in width.

(ii) Tree grates do not count toward the minimum unobstructed sidewalk width.

(iii) If the building official determines that the location of a local utility or protected tree, as defined in Article X, would prevent a five-foot minimum width, the sidewalk may be reduced to four feet in width in that location.

(B) Sidewalks must be located in an area parallel to and between two feet and 15 feet of the back of the projected street curb.

(C) Except as provided in this paragraph, sidewalks must comply with the Street Design Manual, be continuous and level across all driveways and curb cuts, and be at the same grade as the existing sidewalk. A waiver of this requirement is available subject to approval of the director.

(2) Lighting.

(A) Special lighting requirement. Exterior lighting sources, if used, must be oriented down and onto the property they light and generally away from adjacent residential properties.

(B) Pedestrian scale lighting. For a development greater than 20,000 square feet of floor area, pedestrian scale lighting that provides a minimum maintained average illumination level of 1.5 foot candles must be provided along public sidewalks and adjacent to public streets. The design and placement of both the standards and fixtures must be approved by the director of transportation. Unless otherwise provided, the property owner is responsible for the cost of installation, operation, and maintenance of the lighting.

(f) Open space requirements.

(1) At least 10 percent of the building site must be reserved as open space for activity such as active or passive recreation, playground activity, groundwater recharge, or landscaping.

(A) No structures except for architectural elements; playground equipment; structures that are not fully enclosed such as colonnades, pergolas, and gazebos; and ordinary projections of window sills, bay windows, belt courses, cornices, eaves, and other architectural features are allowed; otherwise, open space must be open to the sky.

(B) Open space may contain primarily grass, vegetation, or open water; be primarily used as a ground-water recharge area; or contain pedestrian amenities such as fountains, benches, paths, or shade structures.

(C) Open space may also be provided at or below grade or aboveground by an outside roof deck, rooftop garden, playground area, pool area, patio, or similar type of outside common area.

(D) Private balconies, sidewalks, parking spaces, parking lots, drive aisles, and areas primarily intended for vehicular use are not considered open space and do not count towards the open space requirement.

(E) Operation or parking of vehicles within on-site open space is prohibited. Emergency and grounds maintenance vehicles are exempt.

(F) Open spaces must be properly maintained in a state of good repair and neat appearance, and plant materials must be maintained in a healthy, growing condition.

(2) Landscape areas that fulfill the requirements of Article X may also fulfill these requirements if all conditions of this section and Article X are met.

(g) Non-required fences. Unless a use specifically requires screening, all fences for uses along a street or trail must have a surface area that is a minimum of 50 percent open, allowing visibility between three feet and six feet above grade. The exceptions for multifamily districts in Sections 51A-4.602(a)(2) and 51A-4.602(a)(4) which provide that a fence exceeding four feet above grade may be erected in a front yard in multifamily districts are not applicable. (Ord. Nos. 31152; 32210)

SEC. 51A-4.1108

BOARD OF ADJUSTMENT VARIANCES.

~~—A development that is eligible to receive the bonuses in this division must either use the bonuses or go to the board of adjustment to seek a variance but may not do both for the same yard, lot, and space regulations.—~~

A development that is eligible to receive the bonuses in this division may either use the bonuses or go to the board of adjustment to seek a variance but may not do both for the same yard, lot, and space

regulations. (Ord. Nos. 31152; 32210)

Code Comparative Table - Part I of the Dallas Development Code (Chapter 51)

<u>Ordinance Number</u>	<u>Passage Date</u>	<u>Specified Effective Date</u>	<u>Ordinance Section</u>	<u>51 Section</u>
30654	9-20-17	10-1-17	35	Amends 51-2.102(75)
			36	Amends 51-2.102(99.1)
			37	Amends 51-2.102(116.1)
30890	6-13-18		1	Amends 51-4.201(b)(1)(C)
			2	Amends 51-4.202(12)(C)
			3	Amends 51-4.213(12)(C)
			4	Amends 51-4.213(19)(C)
30894	6-13-18		1	Amends 51-4.217(b)(11)(F)
			2	Amends 51-4.217(b)(11)(H)
30895	6-13-18		1	Amends 51-4.401(a)(1)
			2	Amends 51-4.401(a)(4)
			3	Amends 51-4.402(a)
			4	Amends 51-4.402(b)(3)
			5	Amends 51-4.403(a)(4)
			6	Amends 51-4.403(b)(2)
			7	Amends 51-6.102(a)(5)
30930	6-27-18		1	Amends 51-4.201(b)(1)(E)
30931	6-27-18		1	Adds 51-4.509
30932	6-27-18		1	Amends 51-2.102(9)
			2	Adds 51-2.102(9.1)
			3	Amends 51-4.401(a)(6)
			4	Amends 51-4.401(b)(3)
			5	Amends 51-4.401(c)(4)(A)(i)
31040	11-14-18		1	Adds Div. 51-9.500
31041	11-14-18		1	Adds 51-4.217(b)(19)
31152	3-27-19		1	Amends 51-4.201(b)(7)(E)(ii)
			2	Adds 51-4.404(a)(3)
			3	Adds 51-4.407(c)(2)
			4	Adds 51-4.408(b)(2)
			5	Amends 51-4.409(a)
			6	Adds Div. 51-4.900
31607	8-12-20		1	Amends 51-4.201(b)(1)(E)(viii)(ff)
31608	8-12-20		1	Amends 51-4.201(b)(3)(C)
31705	11-11-20		1	Adds 51-4.217(b)(19)
31916	6-23-21		1	Renumbers 51-4.217(b)(19) as 51-4.217(b)(20)
32002	9-22-21		15	Amends 51-2.102(32)
			16	Amends 51-2.102(33)
32209	5-11-22		1	Amends 51-4.216(3)
32264	8-10-22		1	Amends 51-2.102(7.1)
			2	Amends 51-2.102(8)
			3	Amends 51-2.102(53)
32482	6-14-23		1	Adds 51-4.216.1(5)

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

<u>Ordinance Number</u>	<u>Passage Date</u>	<u>Specified Effective Date</u>	<u>Ordinance Section</u>	<u>51A Section</u>
32002 (Cont'd)			25	Amends 51A-4.502(e)(6)
			26	Amends 51A-4.803(e)(1)
			27	Amends 51A-5.102(e)
			28	Amends 51A-5.105(e)
			29	Amends 51A-5.209(a)
			30	Amends 51A-6.108(e)(1)
			31	Amends 51A-7.932(i)(6)
			32	Amends 51A-8.201(23)
			33	Amends 51A-8.402
			34	Amends 51A-8.403(a)(1)(A)(ii)
			35	Amends 51A-8.403(a)(1)(A)(xi)
			36	Amends 51A-8.403(a)(1)(A)(xv)
			37	Amends 51A-8.403(a)(6)(D)
			38	Amends 51A-8.403(a)(6)(G)
			39	Amends 51A-8.404(i)
			40	Amends 51A-8.506(e)
			41	Amends 51A-8.604(c)
			42	Amends 51A-8.611(b)
			43	Amends 51A-8.611(c)(7)
			44	Amends 51A-8.611(d)(2)(D)
			45	Amends 51A-8.611(d)(3)(B)
			46	Amends 51A-8.611(e)
			47	Amends 51A-8.612(a)
			48	Amends 51A-9.305(a)
			49	Amends 51A-10.140(b)
32003	9-22-21	10-1-21	45	Adds 51A-1.105(aa)
32039	10-27-21		1	Amends ch. 51A, art. V, title
			2	Amends art. V, Div. 51A-5.100, 51A-5.101 thru 51A-5.107
32093	1-12-22		1	Amends 51A-9.401
			2	Amends 51A-9.403
32170	4-13-22		1	Amends 51A-3.102(d)
32209	5-11-22		2	Amends 51A-4.111(2)(C)
			3	Amends 51A-4.112(a)(2)(C)
			4	Amends 51A-4.112(b)(2)(C)
			5	Amends 51A-4.112(c)(2)(C)
			6	Amends 51A-4.112(d)(2)(C)
			7	Amends 51A-4.112(e)(2)(C)
			8	Amends 51A-4.112(f)(2)(C)
			9	Amends 51A-4.112(g)(2)(C)
			10	Amends 51A-4.113(2)(C)
			11	Amends 51A-4.114(2)(C)
			12	Amends 51A-4.115(2)(C)
			13	Amends 51A-4.116(a)(2)(C)
			14	Amends 51A-4.116(b)(2)(C)
			15	Amends 51A-4.116(c)(2)(C)

		16	Amends 51A-4.116(d)(2)(C)
		17	Amends 51A-4.117(2)(C)
		18	Amends 51A-4.121(a)(2)(C)
		19	Amends 51A-4.121(b)(2)(C)
		20	Amends 51A-4.121(c)(2)(C)
		21	Amends 51A-4.121(d)(2)(C)
		22	Amends 51A-4.122(a)(2)(C)
		23	Amends 51A-4.122(b)(2)(C)
		24	Amends 51A-4.122(c)(2)(C)
		25	Amends 51A-4.123(a)(2)(C)
		26	Amends 51A-4.123(b)(2)(C)
		27	Amends 51A-4.123(c)(2)(C)
		28	Amends 51A-4.123(d)(2)(C)
		29	Amends 51A-4.124(a)(2)(C)
		30	Amends 51A-4.124(b)(2)(C)
		31	Amends 51A-4.125(d)(2)(C)
		32	Amends 51A-4.125(e)(2)(C)
		33	Amends 51A-4.125(f)(2)(C)
		34	Amends 51A-4.126(d)(2)(C)
		35	Amends 51A-4.126(e)(2)(C)
		36	Amends 51A-4.126(f)(2)(C)
		37	Amends 51A-4.127(c)(2)(C)
		38	Amends 51A-4.203(a)(2)
		39	Amends 51A-4.203(b)(6)
32210	5-11-22	1	Amends 51A-4.1102(a)
		2	Amends 51A-4.1103(a)
		3	Amends 51A-4.1105
		4	Amends 51A-4.1106
		5	Amends 51A-4.1107(a)
		7	Amends 51A-4.1107(c)
		8	Amends 51A-4.1107(e)(1)
		9	Amends 51A-4.1108
32264	8-10-22	4	Amends 51A-2.102(8.1)
		5	Amends 51A-2.102(9)
		6	Amends 51A-2.102(57.1)
32340	10-26-22	1	Amends 51A-10.101(11)
		2	Amends 51A-10.101(64)
		3	Adds 51A-10.103(g)
		4	Amends 51A-10.135(i)(2)(B)(i)
		5	Amends 51A-10.135(i)(2)(B)(iii)
		6	Amends 51A-10.140(b)

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>
32481	6-14-23		1	Amends 51A-4.701(d)
32482	6-14-23		2	Amends 51A-4.116(a)(2)(E)
			3	Amends 51A-4.116(b)(2)(E)
			4	Amends 51A-4.116(c)(2)(E)
			5	Amends 51A-4.116(d)(2)(E)
			6	Amends 51A-4.121(c)(2)(E)
			7	Amends 51A-4.121(d)(2)(E)
			8	Amends 51A-4.124(a)(2)(E)
			9	Amends 51A-4.124(b)(2)(E)
			10	Amends 51A-4.125(d)(2)(E)
			11	Amends 51A-4.125(e)(2)(E)
			12	Amends 51A-4.125(f)(2)(E)
			13	Amends 51A-4.126(d)(2)(E)
			14	Amends 51A-4.126(e)(2)(E)
			15	Amends 51A-4.126(f)(2)(E)
			16	Amends 51A-4.127(c)(2)(E)
			17	Amends 51A-4.205(3)

Dallas Development Code Index

ZONING REGULATIONS

Affordable housing

Affordable housing instrument required.....	51A-4.908
Alternative ways to satisfy SAH unit obligation.....	51A-4.910
Application of division.....	51A-4.903
Decision by the director.....	51A-4.907
Definitions.....	51A-4.902
Operation of affordable housing program.....	51A-4.909
Procedures to obtain a density bonus.....	51A-4.905
Purpose.....	51A-4.901
Review by the director.....	51A-4.906
Special exception.....	51A-4.904

Bicycle parking regulations

Applicability.....	51A-4.331
General provisions.....	51A-4.332
Location and design.....	51A-4.334
Spaces required.....	51A-4.333
Waivers.....	51A-4.335

Development impact review

Definitions.....	51A-4.802
Purpose.....	51A-4.801
Site plan review.....	51A-4.803

Establishment of zoning districts

Interpretation of district regulations.....	51A-4.105
New zoning districts established.....	51A-4.101
Zoning district boundaries.....	51A-4.104
Zoning district map.....	51A-4.103

Mechanized parking

Definitions.....	51A-4.342
General standards.....	51A-4.345
Mechanized parking license.....	51A-4.344
Procedures for mechanized parking approval.....	51A-4.343
Purpose.....	51A-4.341

Mixed-income housing

Applicability.....	51A-4.1102
Board of adjustment variances.....	51A-4.1108
Definitions and interpretations.....	51A-4.1103
Design standards.....	51A-4.1107
Development bonus period.....	51A-4.1104
Development requirements regulations.....	51A-4.1106
Procedures to obtain a development bonus.....	51A-4.1105
Purpose.....	51A-4.1101