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CODE OF ORDINANCES

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TABLE OF CONTENTS
FOR VOLUMES I AND II

CHAPTER TITLE	CHAPTER NUMBER
General Provisions	1
Administration	2
Advertising	3
Reserved	4
Aircraft and Airports	5
Air Pollution	5A
Alcoholic Beverages	6
Amusement Centers	6A
Animals	7
Anti-Litter Regulations	7A
Boards and Commissions	8
Boarding Home Facilities	8A
Bicycles	9
Billiard Halls	9A
Building Security	9B
~~Carryout Bags~~ Reserved	9C
Reserved	10
Reserved	10A
Reserved	10B
Cemeteries and Burials	11
City Youth Program Standards of Care	12
Code of Ethics	12A
Convenience Stores	12B
Courts, Fines and Imprisonments	13
Dallas Transit System	13A
Dance Halls	14
Reserved	14A
Emergency Management	14B
Reserved	15
Elections	15A
Equal Employment Opportunity Contract Compliance	15B
Emergency Reporting Equipment and Procedures	15C
Emergency Vehicles	15D
Dallas Fire Code	16
Food Establishments	17
Municipal Solid Wastes	18
Health and Sanitation	19
Reserved	19A
Reserved	20
Fair Housing	20A
Reserved	21
Reserved	22
Reserved	23
Library	24

Sec. 2-39. Duties of the director of economic development.
Sec. 2-40. Reserved.

ARTICLE V.

DEPARTMENT OF SUSTAINABLE DEVELOPMENT AND CONSTRUCTION.

Sec. 2-41. Created; director of sustainable development and construction.
Sec. 2-42. Duties of the director of sustainable development and construction.

ARTICLE V-a.

DEPARTMENT OF EQUIPMENT AND BUILDING SERVICES.

Sec. 2-43. Created; director of equipment and building services.
Sec. 2-44. Duties of the director of equipment and building services.
Sec. 2-45. Reserved.

ARTICLE V-b.

DEPARTMENT OF CONVENTION AND EVENT SERVICES.

Sec. 2-46. Created; director of convention and event services.
Sec. 2-47. Duties of the director of convention and event services.

ARTICLE V-c.

DEPARTMENT OF PUBLIC WORKS.

Sec. 2-48. Created; director of public works.
Sec. 2-49. Duties of the director of public works.

ARTICLE V-d.

WATER UTILITIES DEPARTMENT.

Sec. 2-50. Created; director of water utilities.
Sec. 2-51. Duties of the director of water utilities.

ARTICLE V-e.

DEPARTMENT OF PLANNING AND ~~NEIGHBORHOOD VITALITY~~ URBAN DESIGN.

Sec. 2-52. Created; chief planning officer.
Sec. 2-53. Duties of the chief planning officer.
Secs. 2-54 thru 2-60. Reserved.

ARTICLE VI.

DEPARTMENT OF HUMAN RESOURCES.

Sec. 2-61. Created; director of human resources.
Sec. 2-62. Duties of director of human resources.

ARTICLE VII.

DEPARTMENT OF CODE COMPLIANCE.

Sec. 2-71. Created; director of code compliance.
Sec. 2-72. Duties of the director of code compliance.

ARTICLE VII-a.

OFFICE OF MANAGEMENT SERVICES.

Sec. 2-73. Created; director of management services.
Sec. 2-74. Duties of the director of management services.

ARTICLE V-d.

WATER UTILITIES DEPARTMENT.

SEC. 2-50. CREATED; DIRECTOR OF WATER UTILITIES.

There is hereby created the water utilities department of the city of Dallas, at the head of which shall be the director of water utilities who shall be appointed by the city manager. The department shall be composed of the director of water utilities and such other assistants and employees as the council may provide by ordinance upon recommendation of the city manager. (Ord. 14215)

SEC. 2-51. DUTIES OF THE DIRECTOR OF WATER UTILITIES.

The director of water utilities shall perform the following duties:

(1) Supervise the water and waste (municipal and industrial) water collection systems, mains, filtration plants, sanitary waste water treatment plants, reservoirs and all plants, properties, and appliances incident to the operation of the water and municipal and industrial waste water utilities of the city.

(2) Make recommendations to the city manager concerning the need for acquisition of additional water rights, appear before the Water Rights Commission, legislative committees and such other bodies as may be necessary for the acquisition of water rights; negotiate with the proper departments of the federal and state governments for the maintenance and acquisition of additional water rights; plan and program a waterworks system for the future growth of the city; conduct negotiations with customer cities, other public entities and industries for the furnishing of raw water and treated water; conduct negotiations with customer cities, other public entities and industries for the furnishing of treated waste water for irrigation and industrial use; and conduct negotiations with federal, state and local agencies for obtaining supplies of raw water.

(3) Make recommendations to the city manager concerning the need for expansion and improvements of the waste water collection and treatment system; and conduct negotiations with customer cities for the treatment of waste water.

(4) Make recommendations to the city manager as to rates and connection charges for the water utilities department necessary to defray the costs of proper maintenance, operation, expansion, and extension of the water or municipal and industrial waste water systems and facilities, treatment plants, reservoirs, appurtenances, facilities, and land owned and operated by the water utilities department.

(5) Supervise and administer special collections.

(6) Supervise and administer vital statistics.

(7) Perform other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 14215; 27697)

ARTICLE V-e.

DEPARTMENT OF PLANNING AND ~~NEIGHBORHOOD VITALITY~~ URBAN DESIGN.

SEC. 2-52. CREATED; CHIEF PLANNING OFFICER.

~~There is hereby created the department of planning and neighborhood vitality, the head of which shall be the chief planning officer who shall be~~

~~appointed by the city manager. The department of planning and neighborhood vitality will be composed of the chief planning officer and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.~~

There is hereby created the department of planning and urban design, the head of which shall be the chief planning officer who shall be appointed by the city manager. The department of planning and urban design will be composed of the chief planning officer and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. Nos. 29478~~, eff. 10/1/14~~; 29882, eff. 10/1/15)

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

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

~~(1) Supervise and administer the department of planning and neighborhood vitality.~~

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

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

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

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

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

~~(7) Perform such other duties as may be required by the city manager or by ordinance of the city council.~~

The chief planning officer shall perform the following duties:

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

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

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

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

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

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

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

(8) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 29478~~, eff. 10/1/14~~; 29882, eff. 10/1/15)

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

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

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

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

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

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

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

ARTICLE XVII.

DEPARTMENT OF SANITATION SERVICES.

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

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

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

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

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

~~(2) Supervise and administer the solid waste collection and disposal programs of the city.~~

~~(3) Perform such other duties as may be required by the city manager or by ordinance of the city council.~~

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

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

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

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

ARTICLE XVII-a.

DEPARTMENT OF STREET SERVICES.

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

There is hereby created the department of street services of the city of Dallas, at the head of which shall be the director of street services who shall be appointed by the city manager. The director must be a

(2) for the first 180 calendar days after beginning service at Dallas Love Field if such service was begun on or after July 1, 1989; or

(3) if failure to maintain the percentage of Stage 3 aircraft required by Subsection (b) of this section is the direct result of an act of God; a war, warlike operation, insurrection, or riot; an act of government including a regulation, requisition, rule, or order; a strike or labor trouble; or any other cause beyond the reasonable control of the commercial air carrier.

(d) A person who violates a provision of this section, or who fails to perform an act required of him by this section, is guilty of an offense. A person commits a separate offense for each operation in which an aircraft exceeding Stage 3 noise levels is used in violation of the monthly percentages required by Subsection (b) of this section. An offense under this section is punishable by a fine not to exceed $500. (Ord. 20301)

ARTICLE II.

GROUND TRANSPORTATION SERVICES AT LOVE FIELD AIRPORT.

SEC. 5-57. STATEMENT OF POLICY.

It is the policy of the city to provide and promote adequate and efficient ground transportation services at Dallas Love Field Airport for the convenience of the public. To this end, the city has established a ground transportation system at the airport designed to control traffic congestion, protect the public health and safety, preserve the airport infrastructure, and provide beneficial and convenient ground transportation services to air carrier passengers and other users at the airport. (Ord. Nos. 26492; 29596)

SEC. 5-58. DEFINITIONS.

In this article:

(1) AIRPORT means all of the land, improvements, facilities, and developments within the boundaries of Dallas Love Field Airport.

~~(2) AVI TAG means an electronic automatic vehicle identification tag issued by the North Texas Tollway Authority that is registered with the airport's ground transportation office and is used to charge trip fees for ground transportation vehicles operating at the airport.~~

(2) AVI TAG means an electronic automatic vehicle identification tag issued by the North Texas Tollway Authority that is registered with the airport's ground transportation office and may be used to charge trip fees for ground transportation vehicles operating at the airport.

~~(3) CERTIFICATE OF REGISTRATION or REGISTRATION means a certificate of registration issued by the director under Section 5-62 of this article that authorizes the operation of a courtesy vehicle or transportation-for-hire vehicle at the airport.~~

(3) CERTIFICATE OF REGISTRATION or REGISTRATION means a certificate of registration issued by the director under Section 5-62 of this article that authorizes the operation at the airport of a courtesy vehicle or transportation-for-hire vehicle that does not have a current, valid City of Dallas vehicle permit issued under Chapter 47A of this code.

(4) CONCESSION CONTRACT means a contractual agreement between the city and another person for the provision of car rental and parking services at the airport, under which the city receives a minimum monthly payment or percentage of the gross revenues received by the contractor for such services.

(5) COURTESY VEHICLE means any vehicle used to offer or provide courtesy vehicle services.

(6) COURTESY VEHICLE SERVICE means the provision of free transportation to customers by or for a business as an accessory to the main activities of the business.

~~(7) DECAL means a decal issued by the~~

~~director under Section 5-62 of this article authorizing a courtesy vehicle or transportation-for-hire vehicle to be operated at the airport.~~

(7) DECAL means a decal issued by the director under Section 5-62 of this article authorizing the operation at the airport of a courtesy vehicle or transportation-for-hire vehicle that does not have a current, valid City of Dallas vehicle permit issued under Chapter 47A of this code.

(8) DIRECTOR means the city's director of aviation or the director's designated representative, including the transportation coordinator.

(9) DRIVER means an individual who drives or otherwise controls the physical movements of a courtesy vehicle or transportation-for-hire vehicle.

(10) FIXED-BASE OPERATOR means a person who provides full-service aircraft maintenance, aircraft rental, passenger charter flight service, or fuel operations for compensation at the airport.

(11) GROUND TRANSPORTATION SERVICE means the business of operating a courtesy vehicle or transportation-for-hire vehicle at the airport for the purpose of dropping off or picking up passengers at the airport's terminal building or other areas of the airport.

(12) GROUND TRANSPORTATION VEHICLE means a courtesy vehicle or transportation-for-hire vehicle that is used for performing ground transportation service at the airport.

(13) HOLDER means a person who is granted operating authority to perform ground transportation service at the airport, and includes any person with an ownership interest in the ground transportation service.

(14) LAWFUL ORDER means a verbal or written directive issued by the director in the performance of official duties in the enforcement of this article and any rules and regulations promulgated under this article.

(15) OPERATE means:

(A) to own, drive, or be in control of a ground transportation vehicle at the airport; or

(B) to own or be in control of a ground transportation service provided at the airport.

(16) OPERATING AUTHORITY has the definition given that term in Chapter 47A of this code.

(17) OPERATOR means:

(A) the owner or driver of a ground transportation vehicle; or

(B) the holder of operating authority to perform ground transportation service at the airport.

(18) OWNER means the person:

(A) who is the legal owner of a motor vehicle;

(B) to whom a motor vehicle is registered by the state; or

(C) who is leasing a motor vehicle.

(19) PERSON means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two or more persons having a joint or common economic interest.

(20) TRANSPORTATION COORDINATOR means the person designated by the director to oversee and manage the ground transportation service operations at the airport.

(21) TRANSPORTATION-FOR-HIRE SERVICE has the definition given that term in Chapter 47A of this code.

(22) TRANSPORTATION-FOR-HIRE VEHICLE has the definition given that term in Chapter 47A of this code.

(23) TRIP means each time passengers are picked up at the airport by a ground transportation vehicle.

(24) TRIP FEE means the monetary amount charged per trip to the owner or operator of a ground transportation vehicle in accordance with Section 5-63 of this article. (Ord. Nos. 26492; 27831; 29596; 29721)

SEC. 5-59. GENERAL AUTHORITY FOR ENFORCEMENT.

(a) The director shall implement and enforce this article and may promulgate and enforce written rules and regulations, not inconsistent with this article, governing the operation of ground transportation vehicles and ground transportation services at the airport as the director determines necessary to provide for the orderly, efficient, and convenient flow of traffic, to protect the public health and safety, and to manage the ground transportation system at the airport.

(b) The director may issue lawful orders, not inconsistent with this article, as the director determines necessary to carry out duties under, or to effect the policy of, this article.

(c) The transportation coordinator is authorized to enforce this article and all rules, regulations, and lawful orders promulgated or issued by the director under this article. (Ord. Nos. 26492; 27831; 29596)

SEC. 5-60. DEFENSES.

It is a defense to prosecution under this article that:

(1) the motor vehicle was owned, operated, or leased by:

(A) a nonprofit organization and being used to carry only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers;

(B) an employer or employee association and being used to transport employees between the employee's homes and the employer's place of business or between work stations;

(C) an air freight or cargo company utilizing air cargo terminals at the airport;

(D) a fixed-based operator and being used to transport employees or customers at the airport;

(E) the federal or state government or a political subdivision of the state; or

(F) a school, university, organ donor company, medical service provider, or ambulance service; or

(2) the ground transportation vehicle was licensed by another governmental entity and was transporting a passenger from a point outside the city to a destination inside the airport, if the ground transportation vehicle leaves the airport without receiving a passenger inside the airport. (Ord. Nos. 26492; 29596)

SEC. 5-61. GROUND TRANSPORTATION SERVICE REQUIREMENTS.

~~(a) A person commits an offense if he:~~

~~(1) performs ground transportation service at the airport without being authorized under a current, valid certificate of registration issued under Section 5-62 of this article; or~~

~~(2) operates, or as a holder allows the operation of, a ground transportation vehicle at the airport without the operator of the vehicle being named in the registration issued under Section 5-62 of this article and without the vehicle being listed in the registration issued under Section 5-62 of this article.~~

~~(b) A person commits an offense if he performs transportation-for-hire service at the airport or operates a transportation-for-hire vehicle at the airport without current, valid operating authority under Chapter 47A of this code.~~

(a) A person commits an offense if he performs ground transportation service at the airport without being authorized under either:

(1) a current, valid certificate of registration issued under Section 5-62 of this article; or

(2) a current, valid operating authority permit issued under Chapter 47A of this code.

(b) A person commits an offense if he operates a ground transportation vehicle at the airport without either:

(1) being named in the registration issued under Section 5-62 of this article; or

(2) holding a current, valid driver permit issued under Chapter 47A of this code.

~~(c) Each ground transportation vehicle operated at the airport must display an AVI tag issued to the owner or operator of the vehicle. The AVI tag must be affixed to the vehicle in a location and manner approved by the director. An AVI tag is not transferable.~~

~~(d) Each ground transportation vehicle must have a decal issued under Section 5-62 of this article conspicuously affixed to the vehicle's front windshield in a location and manner approved by the director.~~

(c) A person commits an offense if he operates, or as a holder allows the operation of, a ground transportation vehicle at the airport that:

(1) is not listed in the registration issued under Section 5-62 of this article; or

(2) does not have a current, valid vehicle permit issued under Chapter 47A of this code.

(d) Each ground transportation vehicle operated at the airport that is required by the director to have an AVI tag must display the AVI tag issued to the owner or operator of the vehicle. The AVI tag must be affixed to the vehicle in a location and manner approved by the director. An AVI tag is not transferable.

(e) Each ground transportation vehicle operated at the airport that does not have a vehicle permit issued under Chapter 47A of this code must have a decal issued under Section 5-62 of this article conspicuously affixed to the vehicle's front windshield in a location and manner approved by the director. (Ord. Nos. 26492; 29596; 29721)

SEC. 5-62. REGISTRATION OF GROUND TRANSPORTATION SERVICE AT THE AIRPORT.

~~(a) Registration required; application.~~

~~(1) To obtain a ground transportation service certificate of registration, a person must submit an application to the director on a form provided for that purpose. The applicant must be the person who will own or operate the proposed ground transportation service.~~

~~(2) The registration application must include or be accompanied by:~~

~~(A) the name, address, and verified signature of the applicant;~~

~~(B) a description of each motor vehicle the applicant proposes to use in the operation of the ground transportation service, including the make, model, vehicle identification number, and state license plate number of the motor vehicle;~~

~~(C) the full name and driver's license number of every individual expected to drive or operate a ground transportation vehicle at the airport under the registration;~~

~~(D) proof of each driver's authority to operate the type of motor vehicle designated by the applicant to be operated in the ground transportation service;~~

~~(E) documentary evidence from an insurance company indicating a willingness to provide liability insurance on each courtesy vehicle or transportation-for-hire vehicle to be operated at the airport;~~

~~(F) for transportation-for-hire vehicles, proof of current, valid operating authority issued by the city under Chapter 47A of this code;~~

~~(G) proof showing the purchase or authorized use of a valid AVI tag for each courtesy vehicle or transportation-for-hire vehicle to be operated at the airport;~~

~~(H) an annual registration fee in the amount specified in Section 5-63 of this article; and~~

~~(I) any other information requested by the director that is reasonably necessary to determine the qualifications of the applicant to perform ground transportation service at the airport.~~

(a) Registration; application.

(1) To obtain a ground transportation service certificate of registration, a person must submit an application to the director on a form provided for that purpose. The applicant must be the person who will own or operate the proposed ground transportation service.

(2) The registration application must include or be accompanied by:

(A) the name, address, and verified signature of the applicant;

(B) a description of each motor vehicle the applicant proposes to use in the operation of the ground transportation service, including the make, model, vehicle identification number, and state license plate number of the motor vehicle;

(C) the full name and driver's license number of every individual expected to drive or operate a ground transportation vehicle at the airport under the registration;

(D) proof of each driver's authority to operate the type of motor vehicle designated by the applicant to be operated in the ground transportation service;

(E) documentary evidence from an insurance company indicating a willingness to provide liability insurance on each courtesy vehicle or transportation-for-hire vehicle to be operated at the airport;

(F) proof showing the purchase or authorized use of a valid AVI tag for each courtesy vehicle or transportation-for-hire vehicle to be operated at the airport;

(G) a decal fee in the amount specified in Section 5-63 of this article for each courtesy vehicle or transportation-for-hire vehicle to be operated at the airport that does not have a current, valid vehicle permit issued under Chapter 47A of this code; and

(H) any other information requested by the director that is reasonably necessary to determine the qualifications of the applicant to perform ground transportation service at the airport.

(b) Issuance and denial of registration.

(1) The director shall issue a certificate of registration to the applicant, unless the director determines that the applicant:

(A) failed to comply with the requirements for receiving a certificate of registration;

(B) failed to submit a complete registration application;

(C) made a false statement as to a material matter on or in connection with the registration application;

revocation begins on the date specified by the director or, in the case of an appeal, on the date ordered by the permit and license appeal board.

(4) If the director denies issuance or renewal of a ground transportation service certificate of registration, suspends or revokes a holder's certificate of registration, or suspends the authority of a courtesy vehicle or transportation-for-hire vehicle operator to operate at the airport under a holder's certificate of registration, the applicant, holder, or courtesy vehicle or transportation-for-hire vehicle operator, whichever applies, shall immediately cease any ground transportation service at the airport and shall promptly surrender and remove any registration decal from any motor vehicle used to perform ground transportation service at the airport.

(5) A holder whose certificate of registration has been revoked is not eligible to reapply for another ground transportation service certificate of registration before the expiration of 24 months after the date of revocation or, in the case of an appeal, the date the permit and license appeal board affirms the revocation.

(d) Appeal of denial, suspension, or revocation. Any person whose application for issuance or renewal of a ground transportation service certificate of registration is denied by the director, any holder whose certificate of registration has been revoked or suspended by the director, or any courtesy vehicle or transportation-for-hire vehicle operator whose authority to operate at the airport under a holder's certificate of registration has been suspended by the director may file an appeal with a permit and license appeal board in accordance with Section 2-96 of this code. (Ord. Nos. 26492; 29596; 29721)

SEC. 5-63. FEES.

~~(a) A person performing ground transportation service at the airport shall pay the following fees to the director:~~

~~(1) Annual registration fee. The annual registration fee for ground transportation service is $325. If a certificate of registration is issued for a period of time of less than one year, the fee will be prorated. A $50 late fee will be charged for each ground transportation service operating at the airport that has not registered with the city by September 30 of each year.~~

~~(2) Decal fees. An annual decal fee of $15 will be charged for each courtesy vehicle or transportation-for-hire vehicle operated at the airport by a ground transportation service operating at the airport. The fee to replace a decal that has been lost, stolen, or mutilated is $15.~~

~~(3) Trip fees. Each courtesy vehicle not operating under an airport concession contract and each transportation-for-hire vehicle will be charged $2.50 per trip per vehicle. Courtesy vehicles operating under an airport concession contract will not be charged a trip fee.~~

~~(b) The director shall establish rules and regulations governing the time and manner in which the fees required by this section must be paid.~~

(a) A person performing ground transportation service at the airport shall pay the following fees to the director:

(1) Decal fees. An annual decal fee of $15 will be charged for each courtesy vehicle or transportation-for-hire vehicle operated at the airport that does not have a current, valid City of Dallas vehicle permit issued under Chapter 47A of this code, by a ground transportation service operating at the airport. The fee to replace a decal that has been lost, stolen, or mutilated is $15.

(2) Trip fees. Each courtesy vehicle not operating under an airport concession contract and each transportation-for-hire vehicle will be charged $2.50 per trip per vehicle. Courtesy vehicles operating under an airport concession contract will not be charged a trip fee.

(b) The director shall establish rules and regulations governing the time and manner in which the fees required by this section must be paid. (Ord. Nos. 26492; 29596; 29721)

CHAPTER 5A

AIR POLLUTION

Sec. 5A-1. Short title.
Sec. 5A-2. Declaration of policy.
Sec. 5A-3. Chapter definitions.
Sec. 5A-4. General authority and duty of director.
Sec. 5A-5. Air pollution information required.
Sec. 5A-5.1. ~~Used car lots: registration required; fees.~~ Reserved.
Sec. 5A-6. Texas Natural Resource Conservation Commission rules.
Sec. 5A-7. City air pollution standards.
Sec. 5A-8. Registration fees.
Sec. 5A-9. Compliance order and emergency action.
Sec. 5A-10. Monitoring requirements.
Sec. 5A-11. Inspection of records.
Sec. 5A-12. Notice.
Sec. 5A-13. Nuisance.
Sec. 5A-14. Offenses.
Sec. 5A-15. Motor vehicle idling.

SEC. 5A-1. SHORT TITLE.

This chapter may be cited as the Dallas Clean Air Ordinance. (Ord. 15079)

SEC. 5A-2. DECLARATION OF POLICY.

It is the policy of the city of Dallas to safeguard the air resources of the city from air pollution and to promote the protection of the health, safety, general welfare, and physical property of the people within the city by regulating emission of air contaminants and by controlling or abating air pollution. The provisions of this chapter are to be construed, according to the fair import of their terms, to effect this policy. (Ord. 15079)

SEC. 5A-3. CHAPTER DEFINITIONS.

~~The definition of a term in this section applies to each grammatical variation of the term. In this chapter, unless the context requires a different definition:~~

~~(1) AIR CONTAMINANT means dust, fumes, gas, mist, odor, particulate matter, toxic materials, smoke, or vapor, individually or in combination, that is produced by a process other than natural.~~

~~(2) AIR POLLUTION means the presence in the atmosphere of one or more air contaminants in such concentration and of such duration:~~

~~(A) as to have or tend to have an injurious or adverse effect on human health or safety, animal or vegetable life, or property; or~~

~~(B) as to interfere with the normal use or enjoyment of animals, vegetation, or other property.~~

~~(3) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter and includes representatives, agents, or city employees designated by the director to assist in the enforcement and administration of this chapter.~~

~~(4) FACILITY means any stationary source of air contaminants and includes the following classes.~~

~~(A) Class "1" facility means a stationary source of air contaminants whose actual emissions at design capacity are greater than or equal to 100 tons per year of any pollutant.~~

~~(B) Class "2" facility means a stationary source of air contaminants whose uncontrolled emissions at design capacity would be greater than or equal to 100 tons per year for any pollutant, but whose actual emissions are less than 100 tons per year.~~

The definition of a term in this section applies to each grammatical variation of the term. In this chapter, unless the context requires a different definition:

(1) AIR CONTAMINANT means dust, fumes, gas, mist, odor, particulate matter, toxic materials, smoke, or vapor, individually or in

combination, that is produced by a process other than natural.

(2) AIR POLLUTION means the presence in the atmosphere of one or more air contaminants in such concentration and of such duration:

(A) as to have or tend to have an injurious or adverse effect on human health or safety, animal or vegetable life, or property; or

(B) as to interfere with the normal use or enjoyment of animals, vegetation, or other property.

(3) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter and includes representatives, agents, or city employees designated by the director to assist in the enforcement and administration of this chapter.

(4) FACILITY means any stationary source of air contaminants and includes the following classes.

(A) Class "1" facility means a stationary source of air contaminants whose actual emissions at design capacity are greater than or equal to 100 tons per year of any pollutant.

(B) Class "2" facility means a stationary source of air contaminants whose uncontrolled emissions at design capacity would be greater than or equal to 100 tons per year for any pollutant, but whose actual emissions are less than 100 tons per year.

~~(C) Class "3" facility means a stationary source of air contaminants whose uncontrolled emissions at design capacity are less than 100 tons per year, but greater than or equal to five tons per year.~~

~~(D) Class "4" facility means a facility whose uncontrolled emissions at design capacity are less than five tons per year but whose emissions are significant, or have the potential to be significant, or have a potential to be a nuisance.~~

~~(E) Class "5" facility means a dry cleaner that uses trichloroethylene, perchloroethylene, or naphtha when conducting cleaning operations on clothing or other fabrics.~~

~~(5) PERSON means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two or more persons having a joint or common economic interest.~~

~~(6) USED CAR LOT means a facility or location where used automobiles, trucks, vans, or recreational vehicles are displayed for sale or lease.~~

(C) Class "3" facility means a stationary source of air contaminants whose uncontrolled emissions at design capacity are less than 100 tons per year, but greater than or equal to five tons per year.

(D) Class "4" facility means a facility whose uncontrolled emissions at design capacity are less than five tons per year but whose emissions are significant, or have the potential to be significant, or have a potential to be a nuisance.

(E) Class "5" facility means a dry cleaner that uses trichloroethylene, perchloroethylene, or naphtha when conducting cleaning operations on clothing or other fabrics.

(5) PERSON means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two or more persons having a joint or common economic interest. (Ord. Nos. 15079; 17226; 17344; 19647; 20076; 20612; 21144; 29879, eff. 10/1/15)

SEC. 5A-4. GENERAL AUTHORITY AND DUTY OF DIRECTOR.

The director is the principal air pollution control officer of the city. The director shall implement and enforce this chapter and may establish such rules, not inconsistent with this chapter, as he determines are necessary to discharge his duty under, or to effect the policy of, this chapter. The director shall evaluate the effect of proposed zoning changes on air pollution and shall endeavor to coordinate his activities with those of the city planning and zoning agencies in order to achieve optimum management of the air resources of the city. The director is encouraged to cooperate, in a manner consistent with the policy of this chapter, with other governmental agencies concerned with air

confidential when submitted, without the written consent of the person who submits the information. (Ord. Nos. 15079; 19647; 22442)

SEC. 5A-5.1. RESERVED.

(Repealed by Ord. No. 29879, eff. 10/1/15)

~~**SEC. 5A-5.1. USED CAR LOTS: REGISTRATION REQUIRED; FEES.**~~

~~(a) Any person who owns or operates a used car lot within the city shall register with the director on a form provided for that purpose.~~

~~(b) Before a used car lot will be registered, an annual registration fee must be paid to the director in accordance with the following schedule:~~

~~Number of vehicle display spaces~~	~~Fee~~
~~1 to 9~~	~~$200~~
~~10 to 49~~	~~$245~~
~~50 or more~~	~~$295~~

~~(c) Registration expires one year from the date of issuance and renewal must be obtained annually.~~

~~(d) At least once a year, the director shall inspect a used car lot for compliance with state and federal laws requiring proper installation of pollution control devices on used motor vehicles. (Ord. Nos. 20076; 20612; 27353; 28019; 29477, eff. 10/1/14)~~

SEC. 5A-6. TEXAS NATURAL RESOURCE CONSERVATION COMMISSION RULES.

The city hereby adopts by reference the following rules of the Texas Natural Resource Conservation Commission, in their current form and as they may hereafter be amended (a copy of which is on file in the office of the director), including the tables, graphs, figures, appendices, and other matter promulgated as part of the state commission's rules, all of which are incorporated by reference as though written fully word for word in this chapter.

(1) 30 TAC, Chapter 101, General Rules.

(2) 30 TAC, Chapter 104, Bond Certification Criteria for Air Pollution Control Facilities.

(3) 30 TAC, Chapter 106, Exemptions from Permitting.

(4) 30 TAC, Chapter 111, (Regulation I) Control of Air Pollution from Visible Emissions and Particulate Matter.

(5) 30 TAC, Chapter 112, (Regulation II) Control of Air Pollution from Sulphur Compounds.

(6) 30 TAC, Chapter 113, (Regulation III) Control of Air Pollution from Toxic Materials.

(7) 30 TAC, Chapter 114, (Regulation IV) Control of Air Pollution from Motor Vehicles.

(8) 30 TAC, Chapter 115, (Regulation V) Control of Air Pollution from Volatile Organic Compounds.

(9) 30 TAC, Chapter 116, (Regulation VI) Control of Air Pollution by Permits for New Construction or Modification.

(10) 30 TAC, Chapter 117, (Regulation VII) Control of Air Pollution from Nitrogen Compounds.

(11) 30 TAC, Chapter 118, (Regulation VIII) Control of Air Pollution Episodes.

(12) 30 TAC, Chapter 119, (Regulation IX) Control of Air Pollution from Carbon Monoxide.

(13) 30 TAC, Chapter 122, (Regulation XII) Federal Operating Permits.
(Ord. Nos. 15079; 17344; 18902; 21144; 22442; 22894; 23264; 23723; 24027)

SEC. 5A-7. CITY AIR POLLUTION STANDARDS.

(a) No person may cause, suffer, allow, or permit the emission of lead or its compounds (measured as elemental lead) so as to cause or contribute to an exceedence of the ambient air quality standard for lead. The ambient air quality standard for lead and its compounds, measured as elemental lead by a reference method based on appendix G of 40 CFR 50, or by an equivalent method, is 1.5 micrograms per cubic meter, maximum arithmetic mean averaged over 30 calendar days. The data used to obtain the arithmetic mean averaged over 30 calendar days shall consist of individual 24-hour concentrations obtained on a regular sampling schedule and shall contain a minimum of 15 validated samples.

(b) No person or persons may cause, suffer, allow, or permit emissions of lead from any source or sources on a property or from multiple sources operated on contiguous properties to exceed any of the following net ground level concentrations:

(1) 8.3 micrograms of lead per cubic meter of air averaged over one hour; or

(2) 6.5 micrograms of lead per cubic meter of air averaged over three hours; or

(3) 5.2 micrograms of lead per cubic meter of air averaged over five hours.

(c) Odors (emission standard). A stationary source may not emit beyond its property line an odor, the strength of which equals or exceeds two odor units, as measured by the director on a Barnaby-Cheney Scentometer or equivalent odor-testing device.

(d) The director shall prescribe by rule such additional regulations as he determines are necessary to implement this section and may provide by rule for temporary suspension of the application of the air pollution standards prescribed by this section to a source that is operating under unusual conditions or circumstances that prevent compliance. (Ord. Nos. 15079; 18223; 18902)

SEC. 5A-8. REGISTRATION FEES.

(a) Any person operating or maintaining a facility registered with the director under Section 5A-5(a) or (b) shall pay a nonrefundable registration fee for each calendar year. The fee is based upon the applicable facility class, or upon the facility source status. The fee for each calendar year must be paid by December 31 of the previous calendar year.

(b) The fee for each class of facility is as follows:

Class "1" facility	$1,465
Class "2" facility	$1,200
Class "3" facility	$940
Class "4" facility	$960
Class "5" facility	~~$80~~ $110

(c) The annual registration fee for a new facility will be prorated from the date on which operations begin to the end of the calendar year.

(d) If the annual registration fee is not received by the date due, the registration for the facility lapses, and a reinstatement fee of $50 must be paid in addition to the registration fee before the registration will be renewed.

(e) A person commits a separate offense each day that he fails to either register a facility or pay the appropriate registration fee for a facility by the date due. (Ord. Nos. 19647; 20612; 26598; 27353; 28019; 29477~~, eff. 10/1/14~~; 29879, eff. 10/1/15)

SEC. 5A-9. COMPLIANCE ORDER AND EMERGENCY ACTION.

(a) If the director determines that a source is in violation of the emission standard prescribed by Section 5A-7(a), (b) or (c), the director by written order may require a person who owns, controls, or manages the source to take such action as the director determines is necessary to promote or effect compliance with the emission standard.

(b) If the director determines that an imminent and serious threat to the public health or safety exists because of violation of Section 5A-7, the director may take or cause to be taken such immediate action as is necessary under the circumstances to abate the threat.

(c) Exercise of authority granted by this section is not a prerequisite to prosecution of an offense under Section 5A-14. (Ord. Nos. 15079; 18902)

SEC. 5A-10. MONITORING REQUIREMENTS.

(a) The director by rule may prescribe reasonable requirements for monitoring or measuring emission of air contaminants by a person who owns, controls, or operates a source that emits an air contaminant identified in Section 5A-7.

(b) The director by rule may prescribe reasonable requirements for maintaining records on monitoring or measuring emissions by a person who is required to monitor or measure emission of air contaminants under Subsection (a) of this section. (Ord. 15079)

SEC. 5A-11. INSPECTION OF RECORDS.

The director may examine during regular business hours such records as are required by state or city law or rule to be maintained in connection with the operation of air pollution or emission control equipment or facilities or in connection with the emission of air contaminants. (Ord. 15079)

SEC. 5A-12. NOTICE.

Notice required or authorized under this chapter must be served on the person to be notified either personally or by mailing to the person at the address last known to the director. The effective date of notice required or authorized under this chapter is the date that the notice is personally served or that the notice is postmarked, as the case may be. (Ord. 15079)

SEC. 5A-13. NUISANCE.

A violation of a standard prescribed by Section 5A-7 constitutes a nuisance. The city attorney may file suit to obtain such orders or process as are necessary to abate the nuisance. (Ord. 15079)

SEC. 5A-14. OFFENSES.

~~(a) A person commits an offense if he:~~

~~(1) refuses to submit information requested by the director under Section 5A-5(a); or~~

~~(2) violates a rule of the Texas Natural Resource Conservation Commission identified in Section 5A-6; or~~

~~(3) owns, controls, or manages a source that violates the emission standard prescribed by Section 5A-7(a), (b) or (c); or~~

~~(4) interferes with the director in the exercise of his authority under Section 5A-9(b); or~~

~~(5) violates a rule established under Section 5A-10; or~~

(a) A person commits an offense if he:

(1) refuses to submit information requested by the director under Section 5A-5(a); or

(2) violates a rule of the Texas Natural Resource Conservation Commission identified in Section 5A-6; or

(3) owns, controls, or manages a source that violates the emission standard prescribed by Section 5A-7(a), (b) or (c); or

(4) interferes with the director in the exercise of his authority under Section 5A-9(b); or

(5) violates a rule established under Section 5A-10; or

~~(6) refuses to allow or interferes with an inspection authorized under Section 5A-11;~~

~~(7) violates a variance or order granted or issued by the Texas Natural Resource Conservation Commission under the Texas Clean Air Act; or~~

~~(8) fails to register a used car lot in compliance with Section 5A-5.1.~~

(6) refuses to allow or interferes with an inspection authorized under Section 5A-11; or

(7) violates a variance or order granted or issued by the Texas Natural Resource Conservation Commission under the Texas Clean Air Act.

(b) A culpable mental state is not required for the commission of an offense under this section unless the provision defining the offense expressly requires a culpable mental state.

(c) An offense committed under this section is punishable by a fine of not more than $2,000.

(d) A separate offense is committed each day in which an offense under this section occurs.

(e) If an enforcing officer designated by the director has probable cause to believe that a person has committed an offense under this section, the enforcing officer may issue the person a written citation requiring him to appear in municipal court to answer the charge against him. If, upon request by the enforcing officer, the person believed by the officer to have committed the offense refuses to promise to appear in court by signing the citation, the enforcing officer may cause the person to be arrested. The citation must include the name of the person cited for the offense, identification and date of offense alleged, and date of citation. The officer issuing a citation shall sign it.

(f) Prosecution for an offense under this section does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense. (Ord. Nos. 15079; 18001; 18902; 19963; 20076; 22442; 29879, eff. 10/1/15)

SEC. 5A-15. MOTOR VEHICLE IDLING.

(a) Definitions. In this section:

(1) COMMERCIAL PASSENGER TRANSPORTATION means a mode of transportation provided by a bus or motor coach designed to accommodate more than 10 passengers (including the operator) for compensation and that is powered by a primary propulsion engine, but specifically excluding the modes of railroad, light rail, or taxicabs.

(2) IDLE means the operation of an engine in the operating mode where:

(A) the engine is not engaged in gear;

(B) the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released; and

(C) there is no load on the engine.

(3) MECHANICAL OPERATIONS means the use of electrical tools or equipment in construction, maintenance, or repair of facilities.

(4) PASSENGER TRANSIT OPERATIONS means a regional mode of public transportation that is funded through a portion of sales tax for the region being served.

(5) PRIMARY PROPULSION ENGINE means a gasoline or diesel-fueled internal combustion engine that:

(A) is attached to a motor vehicle; and

(B) provides the power to propel the motor vehicle into motion and maintain motion.

(b) Idling prohibited. A person commits an offense if he causes, suffers, allows, or permits the

SEC. 7-2.5. IMPOUNDMENT OF ANIMALS.

(a) The director or the chief of police is authorized to impound:

(1) any animal in the city that is not restrained by a tether or leash, fenced yard, or enclosed structure;

(2) any animal for protective custody;

(3) any animal required to be quarantined under Section 7-2.4;

(4) any animal seized pursuant to a warrant or court order;

(5) any prohibited animal kept in the city in violation of Section 7-6.1; and

(6) any animal posing a threat to the public health or safety.

(b) If an animal described in Subsection (a) is on private property or property of the animal's owner, the impounding officer may enter the property for the purpose of impoundment or issuance of a citation, or both.

(c) The director is the designated caretaker of a stray, impounded, or surrendered animal immediately upon intake at the animal shelter.

(d) No animal impounded at a city animal shelter or in the custody or control of animal services may be knowingly sold, released, or otherwise disposed of for research purposes. (Ord. Nos. 26024; 29403)

SEC. 7-2.6. REDEMPTION OF IMPOUNDED ANIMALS.

~~(a) To redeem an impounded animal from a city animal shelter, the owner of the animal must provide proof of ownership and pay to the director the following fees:~~

~~(1) a redemption fee of:~~

~~(A) $7 for an animal delivered for impoundment to a city animal shelter by a person other than a city employee in the performance of official duties; or~~

~~(B) $27 for an animal delivered for impoundment to a city animal shelter by a city employee in the performance of official duties;~~

~~(2) $10 for each night the animal is housed in a city animal shelter;~~

~~(3) $10 for a rabies vaccination of a dog, cat, or ferret if the owner cannot show either:~~

~~(A) a current certificate of vaccination for the animal; or~~

~~(B) proof that the animal was not vaccinated due to health reasons as verified by a licensed veterinarian;~~

~~(4) the applicable registration fee for a dog or cat under Section 7-4.2, if the owner cannot show proof of current registration;~~

~~(5) $15 for a microchip implant and initial national registration of a dog or cat, unless:~~

~~(A) the animal was injected with a microchip implant prior to impoundment; or~~

~~(B) a licensed veterinarian certifies that the animal should not be injected with a microchip implant for health reasons; and~~

~~(6) $60 for the sterilization of a dog or $40 for the sterilization of a cat, unless:~~

(a) To redeem an impounded animal from a city animal shelter, the owner of the animal must provide proof of ownership and pay to the director the following fees:

(1) a redemption fee of:

(A) $50 for an animal delivered for

impoundment to a city animal shelter by a person other than a city employee in the performance of official duties; or

(B) $50 for an animal delivered for impoundment to a city animal shelter by a city employee in the performance of official duties;

(2) $15 for each night the animal is housed in a city animal shelter;

(3) $19 for a rabies vaccination of a dog, cat, or ferret if the owner cannot show either:

(A) a current certificate of vaccination for the animal; or

(B) proof that the animal was not vaccinated due to health reasons as verified by a licensed veterinarian;

(4) the applicable registration fee for a dog or cat under Section 7-4.2, if the owner cannot show proof of current registration;

(5) $15 for a microchip implant and initial national registration of a dog or cat, unless:

(A) the animal was injected with a microchip implant prior to impoundment; or

(B) a licensed veterinarian certifies that the animal should not be injected with a microchip implant for health reasons; and

(6) $139 for the sterilization of a dog or $139 for the sterilization of a cat, unless:

~~(A) the animal was spayed or neutered prior to impoundment;~~

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

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

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

~~(E) the animal is a competition cat or competition dog;~~

~~(F) the animal is a service animal; or~~

~~(G) the owner of the animal has, or obtains at the time of redemption, a valid intact animal permit for the animal under Section 7-4.11 of this chapter.~~

(A) the animal was spayed or neutered prior to impoundment;

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

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

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

(E) the animal is a competition cat or competition dog;

(F) the animal is a service animal; or

(G) the owner of the animal has, or obtains at the time of redemption, a valid intact animal permit for the animal under Section 7-4.11 of this chapter.

(b) The redemption period for an animal impounded in a city animal shelter, other than for quarantine or pursuant to a court order, is:

(1) three days after the date of impoundment, unless Paragraph (2) or (3) of this subsection applies to the animal;

(2) 10 days after the date of impoundment if:

(A) the animal is wearing a legible tag or has a microchip implant identifying its owner; or

(B) the director has reason to believe the animal has an owner; or

(3) 10 days after the date of impoundment if the animal is being held for protective custody.

(c) The redemption period for an animal impounded pursuant to a court order is the time set forth in the court order or, if no provision is made in the court order, five days after the court proceedings are final.

(d) The redemption period for an animal impounded for quarantine is three days after completion of the quarantine period.

(e) If an animal is not redeemed within the appropriate time period specified in Subsections (b) through (d), the animal will become the property of the city and may be placed for adoption, euthanized, or otherwise disposed of as recommended by the director.

(f) An owner of an impounded animal commits an offense if he removes or attempts to remove the animal from a city animal shelter without first paying all applicable fees required in Subsection (a). (Ord. Nos. 26024; 27250; 29879, eff. 10/1/15)

SEC. 7-2.7. ADOPTION OF ANIMALS.

(a) To adopt a dog or cat from animal services, the adopter shall:

(1) complete and sign an adoption application on a form provided by the director for that purpose;

(2) sign an adoption contract on a form provided by the director for that purpose, which shall include a statement that the adopter agrees that if the adopter fails to comply with a sterilization agreement under Subsection (d), the animal may be seized and impounded by the director and ownership will automatically revert to the city;

(3) pay to the director a non-refundable adoption fee (which includes, but is not limited to, the costs of any required vaccination, microchip implant, initial national registration, and sterilization) of:

(9) allow the dog easy access in and out. (Ord. 27250, sec. 7-4.9 eff. 9-25-08)

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

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

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

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

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

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

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

(5) the animal is a service animal; or

(6) the owner holds a valid intact animal permit issued under Section 7-4.11 of this chapter for the animal. (Ord. 27250, sec. 7-4.10 eff. 10-25-08)

SEC. 7-4.11. INTACT ANIMAL PERMIT.

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

(b) An intact animal permit may only be issued for a dog or cat:

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

(2) that is currently in compliance with the registration requirements of Section 7-4.2 of this chapter;

(3) that is injected with a microchip implant and registered with a national registry for purposes of identification and/or recovery of the animal by its owner, unless a licensed veterinarian certifies that the dog or cat should not be injected with a microchip implant for health reasons;

(4) whose owner:

(A) is a member of a purebred dog or cat club, approved by the director, that maintains and enforces a code of ethics for breeding that includes restrictions on breeding dogs and cats with genetic defects and life threatening health problems common to the breed; or

(B) has, at the owner's expense, satisfactorily completed a course on responsible pet ownership offered by the city or otherwise approved by the director.

~~(c) To obtain an intact animal permit, a person must submit an application to the director (on a form provided by the director for that purpose) and pay an annual intact animal permit fee of $70. The intact animal permit application must include:~~

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

~~(2) the location where the dog or cat is harbored;~~

~~(3) a description of the dog or cat;~~

(c) To obtain an intact animal permit, a person must submit an application to the director (on a form provided by the director for that purpose) and pay an annual intact animal permit fee of $100. The intact animal permit application must include:

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

(2) the location where the dog or cat is harbored;

(3) a description of the dog or cat;

~~(4) proof that the animal is qualified for an intact animal permit under Subsection (b) of this section; and~~

~~(5) any other information determined necessary by the director for the enforcement and administration of this section.~~

(4) proof that the animal is qualified for an intact animal permit under Subsection (b) of this section; and

(5) any other information determined necessary by the director for the enforcement and administration of this section.

(d) An intact animal permit expires one year after the date of issuance and may be renewed by applying in accordance with Subsection (c) of this section. If the director does not receive an application for a permit renewal within 45 days after the expiration of the permit, a $10 late fee will be added to the permit fee.

(e) An intact animal permit is not transferable.

(f) A permittee commits an offense if he allows a permitted female dog or cat to have more than one litter during the permit term.

(g) It is a defense to prosecution under Subsection (f) that the permittee:

(1) received written authorization from the director under Subsection (h) of this section to allow the female dog or cat to have two litters during the permit term; and

(2) did not allow the female dog or cat to have more than the number of litters authorized by the director for the permit term.

(h) Upon request of a permittee, the director may, in writing, authorize the permittee to allow a permitted female dog or cat to have two litters during the permit term if the permittee establishes, according to regulations adopted by the director, that:

(1) having two litters during the permit term is required to:

(A) protect the health of the female dog or cat; or

address, and telephone number of the dog's or cat's new owner within five days after the date of the sale, adoption, or other transfer of the animal.

(j) The director shall deny or revoke an intact animal permit if the director determines that the applicant or permittee:

(1) failed to comply with any provision of this chapter; or

(2) intentionally made a false statement as to a material matter on the intact animal permit application.

(k) If the director denies or revokes an intact animal permit, the director shall notify the applicant or permittee in writing of the action and a statement of the right to an appeal. The applicant or permittee may appeal the decision of the director to the permit and license appeal board in accordance with Section 2-96 of this code. The filing of an appeal stays an action of the director in revoking the permit until the permit and license appeal board makes a final decision. (Ord. Nos. 27250~~, sec. 7-4.11 eff. 10-25-08~~; 29879, eff. 10/1/15)

SEC. 7-4.12. DUTY TO LOCATE OWNERS OF STRAY DOGS.

A person commits an offense if he takes possession of a stray dog in the city and knowingly fails to make, within 72 hours after taking possession, a reasonable effort to locate the dog's owner by:

(1) calling the telephone number listed on the dog's tags;

(2) taking the dog to a licensed veterinarian for a microchip, tattoo, or other identification screening and calling the owner identified through the screening;

(3) calling 311 to request that animal services pick up the dog for identification screening and impoundment; or

(4) delivering the dog to the city's animal shelter for identification screening and impoundment. (Ord. 27888)

ARTICLE V.

DANGEROUS DOGS.

SEC. 7-5.1. DEFINITIONS.

(a) Except where a term is otherwise defined in Subsection (b) of this section, the definitions contained in Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, are incorporated into this article by reference.

(b) In this article:

(1) BODILY INJURY means physical pain, illness, or any impairment of physical condition.

(2) DANGEROUS DOG means a dog that:

(A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

(B) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

(3) SERIOUS BODILY INJURY means an injury characterized by severe bite wounds or severe

(B) the person has all required state and federal licenses and permits;

(C) the person is in compliance with all federal, state, and city laws or regulations applicable to the animal; and

(D) the person has on file with the director, on a form provided for that purpose, a current list describing all prohibited animals kept in the city by the person and specifying the location where each animal is kept; or

(12) exhibiting a prohibited animal (other than a dangerous wild animal as defined in Section 822.101 of the Texas Health and Safety Code, as amended) at the State Fair of Texas or at a special event conducted with written permission of the city, if the person:

(A) has all required state and federal licenses and permits;

(B) is in compliance with all federal, state, and city laws or regulations applicable to the animal; and

(C) has on file with the director, on a form provided for that purpose, a current list describing all prohibited animals kept in the city by the person and specifying the location where each animal is kept. (Ord. 26024)

SEC. 7-6.2. REGULATED ANIMALS.

(a) A person commits an offense if he owns a regulated animal for any purpose in the city without holding a valid regulated animal permit issued for the animal under this section.

(b) All defenses set forth in Section 7-6.1(b) relating to prohibited animals are defenses to prosecution under Subsection (a) of this section when applied to regulated animals.

(c) A regulated animal permit may be issued only to a person who is in the business of exhibiting one or more regulated animals to the public and who:

(1) has all required state and federal licenses and permits; and

(2) is in compliance with all federal, state, and city laws or regulations applicable to the regulated animal.

(d) Regulated animal permits are classified as follows:

(1) Annual regulated animal permit. Possession of an annual regulated animal permit is required to keep a regulated animal in the city for more than 10 days within any calendar year. The permit is valid for one year after the date of issuance, unless sooner revoked by the director, and may be renewed by filing an application in accordance with this section.

(2) Temporary regulated animal permit. Possession of a temporary regulated animal permit is required to keep a regulated animal in the city for not more than 10 days within any calendar year. The permit is valid for a period designated by the director not to exceed 10 days.

(e) The fees for a regulated animal permit are as follows:

Type of Permit	Fee
(1) Annual	$500
(2) Temporary	~~$100~~ $250

(f) A regulated animal permit is nontransferable, and the permit fee is nonrefundable.

(3) provides a safe, healthy, and humane environment for the animal.

(p) An owner of a regulated animal shall keep and confine the animal in accordance with the caging requirements and standards established by the director.

(q) For each regulated animal, the owner shall comply with all applicable standards of the Animal Welfare Act (7 U.S.C. Section 2131, et seq.), as amended, and with regulations adopted under that Act relating to:

(1) facilities and operations;

(2) animal health and husbandry; and

(3) veterinary care.

(r) An owner of a regulated animal commits an offense if he fails to comply with this section. Each animal with respect to which there is a violation and each day that a violation continues is a separate offense.

(s) The director shall deny issuance or renewal of a regulated animal permit if the applicant:

(1) makes a false statement of material fact on an application for a regulated animal permit;

(2) is not in compliance with this section or Article III of this chapter;

(3) is not in compliance with any conditions of the permit or any rules established by the director relating to the regulated animal;

(4) has had a regulated animal permit revoked by the director within the preceding 12 months; or

(5) intentionally or knowingly impeded a lawful inspection by the director or the director's authorized representative.

(t) The director shall revoke a regulated animal permit if the director determines that the permit holder has:

(1) made a false statement of material fact on an application for a regulated animal permit;

(2) violated a provision of this section or Article III of this chapter;

(3) violated a condition of the permit or a rule established by the director relating to the regulated animal; or

(4) intentionally or knowingly impeded a lawful inspection by the director or the director's authorized representative.

(u) If the director refuses to issue or renew a regulated animal permit, or revokes a regulated animal permit, the director shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the action, including the reason for the action, and a statement of the right to an appeal. The applicant or permit holder may appeal the decision of the director to a permit and license appeal board in accordance with Section 2-96 of this code. The filing of a request for an appeal hearing with the permit and license appeal board stays an action of the director in revoking a permit until the permit and license appeal board makes a final decision. (Ord. Nos. 26024; 29879, eff. 10/1/15)

ARTICLE VII.

MISCELLANEOUS.

SEC. 7-7.1. INTERFERENCE WITH AN ANIMAL SERVICES OFFICER.

A person commits an offense if he interferes with, hinders, or molests any employee or agent of animal services in the performance of official duties. (Ord. 26024)

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, 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.

(C) placing medication in a resident's hand or in or on a clean surface such as a medication reminder box; and

(D) reminding a resident when a prescription medication needs to be refilled.

~~(4) BOARDING HOME FACILITY means an establishment that:~~

~~(A) furnishes, in one or more buildings, lodging to three or more persons who are unrelated to the owner of the establishment by blood or marriage;~~

~~(B) provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services to those persons; and~~

~~(C) is not listed in Section 8A-5 of this chapter.~~

(4) BOARDING HOME FACILITY means an establishment that:

(A) furnishes, in one or more buildings, lodging to three or more persons who are unrelated to the owner of the establishment by blood or marriage; and

(B) provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services to those persons.

(5) CONTROLLED SUBSTANCE means a substance regulated under 21 C.F.R. § 1308, as amended.

~~(6) CONVICTION means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned. "Conviction" includes disposition of charges against a person by probation.~~

(6) CONVICTION means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned. "Conviction" includes disposition of charges against a person by probation or deferred adjudication.

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

~~(8) DIRECT THREAT means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.~~

(8) DIRECT THREAT means a significant risk to the health or safety of one or more individuals that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or service.

(9) 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.

(10) DISABILITY means a disability as defined in 42 U.S.C. § 12102, as amended.

(11) EMERGENCY CONDITION means any fire, natural disaster, collapse hazard, burst pipe, leaking sewage, lack of working utilities, dangerous utilities, serious police incident, or other condition that requires an immediate response to prevent harm to the property, the occupants of the property, or the public.

~~(12) EMPLOYEE means a person who performs caretaking duties or regularly works in a boarding home facility.~~

(12) EMPLOYEE means any individual who performs caretaking duties or regularly works in a boarding home facility for any form of compensation or consideration.

~~(13) EXPLOITATION means the illegal or improper act or process of an owner, operator, employee, caretaker, family member, or other individual who has an on-going relationship with the resident using the resources of a resident for monetary or personal benefit, profit, or gain without the informed consent of the resident.~~

(13) EXPLOITATION means the illegal or improper act or process of an owner, operator, employee, caretaker, family member, or other individual who has an on-going relationship with the resident using the resources of a resident for monetary or personal benefit, profit, or gain without the informed voluntary consent of the resident.

(14) GOOD NEIGHBOR AGREEMENT means a contract between the city and a licensee whereby the city agrees to defer one or more forms of enforcement action in consideration for the licensee agreeing to perform actions, or refrain from performing actions, that are not already required or prohibited by city ordinance, rule, or regulation, or any county, state, or federal law or regulation and that enhances the peace, health, safety, good morals, and general welfare of the residents and employees of the boarding home facility and the surrounding community.

~~(15) INJURY, INCIDENT, OR UNUSUAL ACCIDENT means an event that resulted in a change in a resident's physical or mental status that requires intervention by a private or public entity responsible~~

~~for medical or mental health services or an event that requires the facility to take safety and protection measures for the resident or others. This term includes, but is not limited to, the following:~~

~~(A) An allegation of abuse, neglect, or exploitation.~~

~~(B) Death.~~

~~(C) A resident's unexplained absence from the boarding home facility.~~

~~(D) Fire.~~

~~(E) Criminal acts.~~

~~(F) Fights between residents.~~

(15) INJURY, INCIDENT, OR UNUSUAL ACCIDENT means an event that occurred in the boarding home facility, on the grounds of the boarding home facility, or under the licensee's supervision and resulted in a change in a resident's physical or mental status that requires intervention by a private or public entity responsible for medical or mental health services or an event that requires the facility to take safety and protection measures for the resident or others. This term includes, but is not limited to, the following:

(A) An allegation of abuse, neglect, or exploitation.

(B) Death.

(C) A resident's unexplained absence from the boarding home facility.

(D) Fire.

(E) Criminal acts.

(F) Fights between residents.

~~(16) LICENSEE means:~~

~~(A) a person in whose name a boarding home facility license has been issued;~~

~~(B) each individual listed as an owner or operator of the boarding home facility on the application for a boarding home facility license;~~

~~(C) each individual who has an ownership interest in the corporation or other legal entity owning or operating the boarding home facility, regardless of whether the individual's name or signature appears on the boarding home facility license application; and~~

~~(D) each officer of the corporation or other legal entity owning or operating a boarding home facility, regardless of whether the individual's name or signature appears on the boarding home facility license application.~~

(16) LICENSEE means:

(A) a person in whose name a boarding home facility license has been issued;

(B) each individual listed as an owner or operator of the boarding home facility on a pending or approved application for a boarding home facility license;

(C) each individual who has a 20 percent or greater ownership interest in the corporation or other legal entity owning or operating the boarding home facility, regardless of whether the individual's name or signature appears on the pending or approved boarding home facility license application;

(D) each officer, director, and board member of the corporation or other legal entity owning or operating a boarding home facility, regardless of whether the individual's name or signature appears on the pending or approved boarding home facility license application; and

(E) each individual that exercises substantial de facto control over a boarding home facility regardless of whether the individual's name or signature appears on the pending or approved boarding home facility license application.

(17) NEGLECT means the failure of a resident or licensee to provide goods or services,

including medical services, that are necessary to avoid physical or emotional harm or pain.

(17.1) OPERATE means to manage, run, or be in control of a boarding home facility.

~~(18) OPERATOR means the person in control of a boarding home facility.~~

(18) OPERATOR means any person exerting control over a boarding home facility, including, any sole proprietor, his or her agent, and any officer, director, board member, staff member, or agent of a corporation or other legal entity who has managerial control of the on-site, day-to-day operations of a boarding home facility, regardless of whether that person is listed as an operator on the boarding home facility license application.

(18.1) OWN means a right by law to possess, manage, sell, or donate property.

~~(19) OWNER means an individual who has an ownership interest in a corporation or other legal entity operating a boarding home facility or the owner of the real property where a boarding home facility is located.~~

(19) OWNER means an individual who owns a boarding home facility as a sole proprietorship, an individual who has 20 percent or greater ownership interest in a corporation or other legal entity that owns or operates a boarding home facility, a non-profit entity that owns or operates a boarding home facility, or the owner of the real property where a boarding home facility is located.

(20) PERSONAL CARE SERVICES means:

(A) assistance with meals, dressing, movement, bathing, or other personal needs or maintenance;

(B) the administration of medication by a person licensed to administer medication or the assistance with or supervision of medication; or

(C) general supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence in an assisted living facility or who needs assistance to manage the person's personal life, regardless of whether a guardian has been appointed for the person.

(21) RESIDENT means a person who is residing in a boarding home facility.

(22) VOLUNTEER means a person who is not an employee and works at or for a boarding home facility without any expectation of or entitlement to any form of compensation. (Ord. Nos. 28706~~, eff. 10-1-12~~; 29753)

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~~, eff. 10-1-12~~)

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.

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

(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~~, eff. 10-1-12~~; 29753)

SEC. 8A-5. EXEMPTIONS.

~~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.~~

(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~~, eff. 10-1-12~~; 29753)

SEC. 8A-6. LICENSE APPLICATION.

~~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 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, or employees 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) Completed state or federal request and release forms authorizing the city to obtain a criminal history report on each owner and operator of the boarding home facility.~~

~~(9) The maximum number of residents that will reside at the boarding home facility.~~

~~(10) The services to be offered or provided to the residents of the boarding home facility.~~

~~(11) A zoning verification letter stating that the proposed use of the property complies with the Dallas Development Code.~~

~~(12) If the boarding home facility has one or more residents with a disability, a list of disabilities of the residents.~~

~~(13) If the boarding home facility has one or more residents who are recovering from an addiction to alcohol or a controlled substance but are not currently using alcohol or the controlled substance, a document that describes the applicant's, owner's, or operator's plan for ensuring that the residents continue to 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.~~

~~(14) 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.~~

~~(15) 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.~~

(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 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.

(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~~, eff. 10-1-12~~; 29753)

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 and any new disabilities served by the boarding home facility.~~

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~~, eff. 10-1-12~~; 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 disabilities of the residents and the number of residents with each 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.~~

(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) An applicant may appeal a decision of the director under this section to the permit and license appeal board by filing a written notice with the director within 10 days after the date of the decision of the director. The permit and license appeal board shall hear and decide the appeal at its next available meeting. The permit and license appeal board shall use the same standard required for the director. The permit and license appeal board may affirm, reverse, or modify the decision of the director. Appeal to the permit and license appeal board constitutes the final administrative remedy.~~

(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~~, eff. 10-1-12~~; 29753)

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

~~(a) Upon payment of all required fees and 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 that:~~

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

~~(2) the applicant, owners, operators, and employees 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;~~

~~(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; and~~

~~(6) the applicant, owners, and operators do not owe the city any ad valorem taxes, fees, fines, or penalties.~~

~~(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 that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.~~

(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. (Ord. Nos. 28706~~, eff. 10-1-12~~ ; 29753)

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 the licensee or an employee of the boarding home facility has:~~

~~(1) 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; or~~

~~(2) intentionally or knowingly impeded or refused to allow an inspection by the director authorized under this chapter.~~

(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 may not admit any new residents during the time the license is suspended.~~

(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) In lieu of suspending a license for a boarding home facility, 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.~~

(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~~, eff. 10-1-12~~; 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 employs a person 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) In lieu of revoking a license for a boarding home facility, 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 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 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. The notice must include the reason for the revocation, and a statement informing the licensee of the right of appeal.~~

~~(e) If a license has been revoked, the licensee has 10 days to relocate the residents of the facility and cease operations. An appeal of the revocation does not suspend or toll this deadline.~~

(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~~, eff. 10-1-12~~; 29753)

~~**SEC. 8A-12. APPEALS.**~~

~~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.~~

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~~, eff. 10-1-12~~; 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.~~

~~(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 update the 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 sign a statement affirming that there is either no change in the information contained on the original license application and any subsequent renewal applications, or that any 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.~~

(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~~, eff. 10-1-12~~; 29753)

SEC. 8A-14. NONTRANSFERABILITY.

A license to operate a boarding home facility is not transferable to another owner, operator, or location. (Ord. 28706~~, eff. 10-1-12~~)

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) records documenting any reasonable accommodation granted under Section 8A-19;~~

~~(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;~~

~~(7) records documenting the results of water sample testing if the boarding home facility obtains drinking water from a water well, as required by Section 8A-30;~~

~~(8) records documenting the initial screening of potential residents and the quarterly individualized assessments of residents, as required by Section 8A-34;~~

~~(9) records documenting whether residents have taken, or been reminded to take, their medication, as required by Section 8A-34;~~

(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;

(7) records documenting the results of water sample testing if the boarding home facility obtains drinking water from a water well, as required by Section 8A-30;

(8) records documenting the initial screening of potential residents and the individualized assessments of residents, as required by Section 8A-34;

(9) records documenting whether residents have taken, or been reminded to take, their medication, as required by Section 8A-34;

~~(10) records documenting injuries, incidents, and unusual accidents that involve residents, as required by Section 8A-34;~~

~~(11) records documenting any allegations of abuse, neglect, or exploitation of a resident, as required by Section 8A-34;~~

~~(12) financial records for each resident for which the licensee is the representative payee, as required by Section 8A-34;~~

~~(13) a copy of the service agreement signed by each current resident, as required by Section 8A-34;~~

~~(14) records documenting required in-service education of boarding home facility staff;~~

~~(15) records documenting annual assessment and periodic monitoring of current residents to determine if residents are capable of self-administering medication and completing basic elements of personal care, as required by Section 8A-39;~~

~~(16) a roll of current residents, including their date of arrival, assigned room, and the name, address, and telephone number of the person or entity that referred them to the facility;~~

~~(17) a roll of former residents, including their date of departure, and the name, address, and telephone number of the person or entity in control of the residence to which they moved (if known); and~~

~~(18) any other records deemed necessary by the director for the administration and enforcement of this chapter.~~

(10) records documenting injuries, incidents, and unusual accidents that involve residents, as required by Section 8A-34;

(11) records documenting any allegations of abuse, neglect, or exploitation of a resident, as required by Section 8A-34;

(12) financial records for each resident for which the licensee is the representative payee or assists the resident with general money management, as required by Section 8A-34;

(13) a copy of the service agreement signed by each current resident, as required by Section 8A-34;

(14) records documenting required in-service education of boarding home facility staff;

(15) records documenting annual assessment and periodic monitoring of current residents to determine if residents are capable of self-administering medication and completing basic elements of personal care, as required by Section 8A-39;

(16) a roll of current residents, including their date of arrival, assigned room, and the name, address, and telephone number of the person or entity that referred them to the facility;

(17) a roll of former residents, including their date of departure, and the name, address, and telephone number of the person or entity in control of the residence to which they moved (if known);

(18) records documenting any work-related compensation received by each resident, as required by Section 8A-34 of this chapter; and

(19) any other records deemed necessary by the director for the administration and enforcement of this chapter.

(c) Except as otherwise provided, a licensee shall maintain a record that concerns a resident for three years after the resident no longer resides at the boarding home facility.

(d) Except as otherwise provided, a licensee shall maintain a record that does not concern a resident for three years. (Ord. Nos. 28706~~, eff. 10-1-12~~; 29753)

SEC. 8A-16. POSTING REQUIREMENTS.

~~The licensee shall prominently and conspicuously post for display in a public area inside the boarding home facility that is readily available to residents, the operator, employees, and visitors the following:~~

~~(1) The license issued under this chapter to operate the boarding home facility. The license must be presented upon request to the director or to a peace officer for examination.~~

~~(2) A sign prescribed by the director specifying how complaints may be registered with the city.~~

~~(3) A notice in a form prescribed by the director stating that inspection and related reports are available at the facility for public inspection and providing a telephone number that may be used to obtain information concerning the facility.~~

~~(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.~~

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

~~(A) 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.~~

The licensee shall prominently and conspicuously post for display in a public area inside the boarding home facility that is readily available to residents, the operator, employees, and visitors the following:

(1) The license issued under this chapter to operate the boarding home facility. The license must be presented upon request to the director or to a peace officer for examination.

(2) A sign prescribed by the director specifying how complaints may be registered with the city.

(3) A notice in a form prescribed by the director stating that inspection reports are available at the facility for public inspection and providing a telephone number that may be used to obtain information concerning the facility. The licensee shall redact inspection reports where necessary to protect residents' privacy.

(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. (Ord. Nos. 28706~~, eff. 10-1-12~~; 29753)

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~~, eff. 10-1-12~~)

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. (Ord. 28706~~, eff. 10-1-12~~)

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.

~~(3) A request for a reasonable accommodation must be submitted in writing to the director on the form provided by the department, or in the form of a letter.~~

(3) A request for a reasonable accommodation should be submitted in writing to the director on a form provided by the department, or in the form of a letter.

(4) There is no fee for an application requesting a reasonable accommodation.

(5) The city will retain any information identified by an applicant as confidential in compliance with applicable law and will not disclose the information unless required by law.

(6) If an individual needs assistance in making a request for a reasonable accommodation, the city will provide assistance to ensure that the application process is accessible to the individual.

~~(c) Application. An applicant shall submit the following information before an application for a reasonable accommodation is considered to be complete:~~

~~(1) The applicant's name, mailing address, street address, telephone number, and e-mail address.~~

(c) Application. An applicant shall submit the following information before an application for a

reasonable accommodation is considered to be complete:

(1) The applicant's name, mailing address, street address, telephone number, and e-mail address.

~~(2) The applicant's relation to the individual or individuals with a disability, if applicable.~~

~~(3) The address of the property to which the requested reasonable accommodation would apply.~~

~~(4) Information substantiating that the individual who would obtain the benefit of the reasonable accommodation is disabled.~~

~~(5) The section or sections of this chapter from which a reasonable accommodation is being requested.~~

~~(6) A brief explanation of why the requested accommodation is necessary for the individual or individuals with disabilities to have equal access to housing.~~

(2) The applicant's relation to the individual or individuals with a disability, if applicable.

(3) The address of the property to which the requested reasonable accommodation would apply.

(4) If the disability is not obvious, information substantiating that the individual who would obtain the benefit of the reasonable accommodation is disabled.

(5) The section or sections of this chapter from which a reasonable accommodation is being requested.

(6) If the need for the accommodation is not readily apparent, a brief explanation of why the requested accommodation is necessary for the individual or individuals with disabilities to have equal access to housing.

(d) Review of application by director; required findings; appeals.

(1) Upon receipt of a complete application for a reasonable accommodation, the director shall review the application and issue a written ruling that grants, grants with conditions, or denies the application.

~~(2) Before making a decision, the director may request an inspection of the boarding home facility and the land on which it is located. If the director makes such a request:~~

~~(A) the director has no obligation to make a decision until 10 days after the date the inspection occurs; and~~

~~(B) the applicant must make the property, the facility, and its records available for the inspection within 20 days after the date of the request or the request is automatically denied.~~

(2) Before making a decision, the director may request an inspection of the boarding home facility, its records, and the land on which it is located. If the director makes such a request the applicant must make the property, the facility, and its records available for the inspection within 20 days after the date of the request or the application is automatically denied. If the director deems it necessary to request additional information from the applicant consistent with federal and state law, the director shall contact the applicant in writing and specify the additional information that is required. If the director makes such a request, the applicant shall provide the additional information to the director within 20 days after the date of the request or the application is automatically denied.

(3) Before making a decision, the director shall consult with the city attorney and the director of

~~completed application, provided that the director is able to issue a decision based on the information provided in the original request. If the director deems it necessary to request additional information from the applicant consistent with federal law, the director shall contact the applicant in writing and specify the additional information that is required. In the event that a request for additional information is made, the 20-day period to issue a decision is stayed until the applicant responds to the request.~~

(6) The director shall issue a written decision within 30 days of the later of receipt of a completed application, provided that the director is able to issue a decision based on the information provided in the original request; the completed inspection of the property, facility, and its records, as requested by the director; or the director's receipt of all additional information requested.

~~(7) All written decisions must explain in detail the basis of the decision and notify the applicant of the right to appeal the director's decision to the permit and license appeal board.~~

(7) All written decisions must be sent by certified mail, return receipt requested, and explain in detail the basis of the decision and notify the applicant of the right to appeal the director's decision to the permit and license appeal board.

~~(8) If the director denies an application for a reasonable accommodation, the action is final unless the applicant files an appeal with the permit and license appeal board in accordance with Section 2-96 of this code.~~

(8) If the director denies an application for a reasonable accommodation, the action is final unless the applicant files an appeal with the permit and license appeal board in accordance with Section 2-96 of this code 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 or licensee has the burden of proof on appeal. (Ord. Nos. 28706~~, eff. 10-1-12~~ ; 29753)

SEC. 8A-20. INSPECTIONS; FEES.

(a) Required inspections.

(1) A boarding home facility must pass all required inspections.

(2) The licensee shall keep a current file of reports and other documentation on site that is needed to demonstrate compliance with applicable ordinances, laws, and regulations. Inspection records must be signed and dated by the appropriate authority and there must be no pending corrective actions.

(3) The following inspections are required:

(A) Licensing inspection.

(B) Annual licensing renewal inspection.

(e) Reinspection fee. The licensee shall pay:

(1) to the director of code compliance $50 for each reinspection after the first reinspection by that department that must be conducted before the violation is determined to be eliminated; and

(2) to the director of any other city department the fee required (if any) by the applicable code for each reinspection by that department that must be conducted before the violation is determined to be eliminated. (Ord. 28706~~, eff. 10-1-12~~)

SEC. 8A-21. REPORTS TO THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION.

Before September 30 of each year, the director shall submit a report to the Texas Health and Human Services Commission. The report must contain the following information:

(1) The total number of boarding home facilities licensed by the city during the preceding state fiscal year.

(2) The total number of boarding home facility applications for which licenses were denied, including a summary of the causes for denial.

(3) The total number of boarding home facility licenses that were active on August 31 of the preceding state fiscal year.

(4) The total number of residents housed in each boarding home facility reported.

(5) The total number of inspections conducted by the city at each boarding home facility.

(6) The total number of licenses suspended or revoked as a result of an inspection.

(7) A summary of the outcome for any residents displaced by suspension or revocation of a license. (Ord. 28706~~, eff. 10-1-12~~)

SEC. 8A-21.1. WHEN WRITTEN NOTICE IS DEEMED DELIVERED.

(a) For purposes of this chapter, written notice is deemed to be delivered:

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

(2) three days after the date the notice is placed in the United States mail with proper postage and properly addressed to the applicant or licensee at the address provided for the applicant or licensee in the most recent license application.

(b) The fact that the notice is returned undelivered or that the return receipt is not signed by the addressee shall not affect the validity of the notice. (Ord. 29753)

ARTICLE III.

STRUCTURE AND MAINTENANCE.

SEC. 8A-22. CONSTRUCTION, REMODELING, AND MAINTENANCE.

(a) In general. Each licensee shall ensure the residents' health, safety, comfort, and protection through the standards contained in this section that address the construction, remodeling, and maintenance of a boarding home facility.

~~(b) Applicable regulations. Each boarding home facility must comply with the following codes and regulations:~~

~~(1) The Dallas Development Code.~~

~~(2) The Dallas Building Code, the Dallas One- and Two-Family Dwelling Code, or the Dallas Existing Building Code, as applicable.~~

~~(3) The Dallas Fire Code and any other~~

~~applicable federal, state, or local fire codes and standards.~~

~~(4) Federal, state, and local health and safety codes.~~

~~(5) Federal and state accessibility regulations.~~

(b) Applicable regulations. Each boarding home facility must comply with the following codes and regulations:

(1) The Dallas Development Code. *[NOTE: A boarding home facility is not a zoning use and is separate from and unrelated to the lodging or boarding house use defined in Chapter 51A.]*

(2) The Dallas Building Code, the Dallas One- and Two-Family Dwelling Code, or the Dallas Existing Building Code, as applicable.

(3) The Dallas Fire Code and any other applicable federal, state, or local fire codes and standards, as amended.

(4) Articles III and IV of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code.

(5) Federal, state, and local health and safety codes.

(6) Federal and state accessibility regulations.

(c) Interior doors. An interior door to a living space, bedroom, bathroom, or toilet room must fit the opening in which it is hung, be properly equipped with hardware, and be maintained in good working condition. Unless a resident has a disability that

requires frequent check-ups by others, a door with a locking device must be provided to provide privacy to and protection of the resident.

(1) Every closet door latch must be such that it can be readily opened from the inside in case of emergency.

(2) Every bathroom door or door lock must permit immediate opening of the locked door in case of emergency.

(d) Public pathways and stairways. A public pathway or stairway in a building must maintain a minimum unobstructed width in accordance with the Dallas Fire Code, as amended, and must be provided with a convenient light switch controlling an adequate light system.

(e) Windows and exterior doors.

(1) Every habitable room must have at least one window that can be easily opened, or such other device as will ventilate the room.

(2) Locks that can be easily opened manually from inside must be provided on all exterior doors.

(3) All windows must be capable of being opened without tools. Window openings must meet the requirements of the Dallas Building Code, Dallas Existing Building Code, the Dallas One- and Two-Family Dwelling Code, and the Dallas Fire Code, as applicable, for emergency egress.

(4) The bottom of the window opening must be not more than 44 inches above the floor in accordance with the Dallas Fire Code, as amended.

(5) A door, window, or emergency escape and rescue opening may be maintained that does not meet the requirements of this subsection upon the written approval of the fire code official.

(f) Maintenance.

(1) The licensee shall maintain the dwelling and premises in a clean and sanitary condition.

(2) The licensee shall keep a boarding home facility in good repair and maintenance in a manner that will promote the health, comfort, safety, and well-being of residents. (Ord. Nos. 28706~~, eff. 10-1-12~~; 29753)

SEC. 8A-23. SLEEPING ROOMS.

(a) Sleeping space per person. Each room occupied for sleeping purposes by one occupant must contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person must contain at least 50 square feet of floor space for each occupant in accordance with Section 27-15 of this code.

~~(b) Bed spacing. If a boarding home facility has a resident with a mobility impairment, beds must be spaced at least three feet apart when placed side-by-side or end-to-end.~~

(b) Bed spacing. If a boarding home facility has a resident with an ambulatory impairment, beds must be spaced at least three feet apart when placed side-by-side or end-to-end.

(c) Ceiling height. A sleeping room must have a ceiling height of at least seven feet in accordance with Section 27-15 of this code.

(d) Accessibility. A sleeping room must provide accessibility for non-ambulatory residents and residents with conditions that substantially limit ambulation or mobility.

(e) Beds.

~~(1) The licensee shall provide one bed for every resident. It is presumed that the boarding home facility has one resident for every bed present in the facility.~~

(1) The licensee shall provide one bed for every resident. It is presumed that the boarding home facility has one resident for every bed present in the facility, but an inspector may consider other factors and circumstances in determining the number of residents.

(2) All beds must be at least six feet long and three feet wide.

~~(4) The licensee shall equip all beds provided for non-ambulatory residents or residents with a mobility impairment or reduced bladder or bowel function with mattress covers that prevent bodily fluids from soiling the mattress.~~

(4) The licensee shall equip all beds provided for non-ambulatory residents or residents with an ambulatory impairment or reduced bladder or bowel function with mattress covers that prevent bodily fluids from soiling the mattress.

(5) More than two levels of stacked bunk beds are prohibited.

(6) The clear space above the top of the lower mattress of a double decker bunk bed and the bottom of the upper bunk must be at least 27 inches.

(7) The distance from the top of the upper mattress to the ceiling must be at least 36 inches.

(f) Pillows and sheets.

(1) The licensee shall provide each bed with at least one pillow with a clean, unsoiled pillow case, at least two clean, unsoiled sheets, and a cover such as a blanket or quilt.

(2) The licensee shall provide each resident with at least two extra, unsoiled pillow cases, sheets, and blankets.

(g) Storage.

(1) The licensee shall provide at least one chest of drawers in good working condition, or its equivalent, for each resident. The chest of drawers must contain a sufficient number of lockable drawers to house all necessary items of clothing and personal belongings of a resident.

(2) The licensee shall provide sufficient space in each resident's room or closet for residents to hang up clothes that are not stored in a chest of drawers.

(3) Clothing may not be stored on the floor.

(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~~, eff. 10-1-12~~; 29753)

SEC. 8A-24. BATHROOM FACILITIES.

~~(a) If a boarding home facility has a resident who is non-ambulatory or has a mobility 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.~~

(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.

(g) The licensee shall supply bathtubs and showers with non-slip surfaces and curtains or other safe enclosures for privacy. (Ord. Nos. 28706~~, eff. 10-1-12~~; 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~~, eff. 10-1-12~~)

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~~, eff. 10-1-12~~)

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. (Ord. 28706~~, eff. 10-1-12~~)

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~~, eff. 10-1-12~~)

SEC. 8A-30. WATER QUALITY.

If a boarding home facility uses well water, the licensee shall supply the director with annual test results for water samples taken from the water well from a laboratory accredited by the State of Texas under the National Environmental Laboratory Accreditation Program. If the sample results show coliform bacteria present, a resample must be taken within seven days after receipt of the results. The licensee shall supply results of testing the resample to the director within seven business days of receipt. (Ord. 28706~~, eff. 10-1-12~~)

SEC. 8A-31. LINENS AND LAUNDRY.

(a) If a boarding home facility provides laundry service or has laundry facilities on site, all linens and laundry must be placed in a closed bag or covered hamper before being transported to the laundry area.

(b) If a boarding home facility provides laundry service, all linens and laundry must be properly identified to prevent loss.

(c) Soiled linens and laundry must not be sorted or processed in kitchens, food preparation areas, or food storage areas. (Ord. 28706~~, eff. 10-1-12~~)

SEC. 8A-32. POISONOUS, TOXIC, AND FLAMMABLE MATERIALS.

(a) The licensee shall ensure that poisonous, toxic, and flammable materials:

(1) are stored and maintained away from bed linens, towels, food items, and kitchen equipment; and

(2) are not used in a way that contaminates food equipment or utensils or constitutes a hazard to employees or residents.

(b) The licensee shall prominently and distinctly label poisonous, toxic, and flammable materials for easy identification of contents. (Ord. 28706~~, eff. 10-1-12~~)

SEC. 8A-33. FOOD AND DRINK; MEALS.

~~(a) General. If a boarding home facility serves meals to one or more residents, the licensee shall ensure the following:~~

~~(1) All food and drink is clean and free from spoilage, pathogenic organisms, toxic chemicals, and other harmful substances.~~

~~(2) All food and drink is prepared, stored, handled, and served so as to be safe for human consumption.~~

~~(3) All food or drink subject to spoilage is maintained at a temperature of 41 degrees Fahrenheit or below.~~

~~(4) Hot foods that are ready to be served are maintained at 135 degrees Fahrenheit or above at all times.~~

~~(5) All food or drink stored in the freezer is maintained at a temperature of no higher than 0 degrees Fahrenheit.~~

~~(6) Alternative food selections are provided for residents on medically prescribed diets.~~

~~(7) A time schedule for meals is posted daily.~~

~~(8) Meals are:~~

~~(A) nutritionally balanced and provide the U.S. Department of Agriculture recommended daily allowance of vitamins, minerals, and calories;~~

(a) General. If a boarding home facility serves meals to one or more residents, the licensee shall ensure the following:

(1) All food and drink is clean and free from spoilage, pathogenic organisms, toxic chemicals, and other harmful substances.

(2) All food and drink is prepared, stored, handled, and served so as to be safe for human consumption.

(3) All food or drink subject to spoilage is maintained at a temperature of 41 degrees Fahrenheit or below.

(4) Hot foods that are ready to be served are maintained at 135 degrees Fahrenheit or above at all times.

(5) All food or drink stored in the freezer is maintained at a temperature of no higher than 0 degrees Fahrenheit.

(6) Alternative food selections are provided for residents who choose to disclose their medically prescribed diets to the licensee.

(7) A time schedule for meals is posted daily.

(8) Meals are:

(A) nutritionally balanced and provide the U.S. Department of Agriculture recommended daily allowance of vitamins, minerals, and calories;

~~(B) of sufficient quantity and quality to meet the nutritional needs of residents; and~~

~~(C) served with not more than 14 hours between the beginning of the evening meal and the beginning of the morning meal.~~

(B) of sufficient quantity and quality to meet the nutritional needs of residents; and

(C) served with not more than 14 hours between the beginning of the evening meal and the beginning of the morning meal.

(9) A valid food handler's certificate issued under Section 17-2.2 of this code has been issued in the name of the licensee.

(10) After each usage, all eating and drinking utensils are thoroughly washed and sanitized in hot water containing a suitable soap or synthetic detergent and rinsed in clean hot water. If a mechanical dishwasher is used, dish detergent is required.

~~(9) A valid food handler's certificate issued under Section 17-2.2 of this code has been issued in the name of the licensee.~~

~~(10) After each usage, all eating and drinking utensils are thoroughly washed and sanitized in hot water containing a suitable soap or synthetic detergent and rinsed in clean hot water. If a mechanical dishwasher is used, dish detergent is required.~~

(b) Animals prohibited. With the exception of service animals for persons with disabilities, birds, cats, dogs, or other animals are not permitted in areas where food is prepared or stored, or where utensils are washed or stored.

(c) Food handling.

~~(1) An owner, operator, employee, or resident engaged in food handling shall:~~

~~(A) observe sanitary methods, including hand washing; and~~

~~(B) not be assigned to preparing foods for others at the facility if carrying a disease that can be transmitted to others.~~

(1) An owner, operator, employee, or resident engaged in food handling shall:

(A) observe sanitary methods, including hand washing; and

(B) not be assigned to preparing foods for others at the facility if carrying a disease that can be transmitted to others in the normal course of food preparation.

(2) If preparing meals for residents, staff must meet food handling requirements and training approved by the director. (Ord. Nos. 28706~~, eff. 10-1-12~~; 29753)

(b) Individualized assessment.

~~(1) Before allowing an individual to reside at a boarding home facility, the licensee shall conduct an individualized assessment of that individual to determine if the individual would constitute a direct threat. The assessment must consider:~~

~~(A) any prior criminal or violent acts of the person;~~

~~(B) the amount of time that has elapsed since the commission of any such acts; and~~

~~(C) any treatment or medication received by the person that may have eliminated the direct threat.~~

~~(2) In the case of any resident or potential resident who has been convicted of an offense requiring registration with any sex offender registry, the individualized assessment must include a psycho-sexual evaluation of such person performed by a duly licensed psychiatrist or an individual having a Ph.D. in psychology. The licensee shall be responsible for determining whether any resident or potential resident has been convicted of an offense requiring registration with any sex offender registry.~~

~~(3) Prior to the occupancy of any boarding home facility and at least quarterly thereafter, the licensee shall certify in a sworn affidavit to the director that, based on the individualized assessment performed for each resident, no person will or does reside in the boarding home facility whose tenancy would likely constitute a direct threat to the health or safety of that person or other individuals or whose tenancy would result in substantial physical damage to the property of others.~~

(1) Before allowing an individual to reside at a boarding home facility, the licensee shall conduct an individualized assessment of that individual to determine if the individual would constitute a direct threat. The assessment must consider:

(A) any prior criminal or violent acts of the person;

(B) the amount of time that has elapsed since the commission of any such acts; and

(C) any actions taken by the person or other circumstances that may have eliminated the direct threat.

(2) In the case of any male resident or potential male resident who has been convicted of an offense requiring registration with any sex offender registry, the individualized assessment must include an assessment of risk performed by a Licensed Sex Offender Treatment Provider ("LSOTP") licensed under the Texas Occupations Code Title 3.110, Subchapters A and G, as amended. The assessment of risk must be obtained from the resident's or potential resident's current or former LSOTP. If there is no current LSOTP, or if the former LSOTP's assessment of risk is more than three years old, a new psycho-sexual evaluation and assessment of risk must be obtained to evaluate the resident's or potential resident's risk in the boarding home facility setting. A letter from the LSOTP summarizing his or her assessment of risk is sufficient documentation for the purposes of verifying compliance with the requirements of this paragraph.

(3) The licensee shall ensure that any resident that has been convicted of an offense requiring registration with any sex offender registry is registered with the proper authorities.

(4) Prior to the occupancy of any boarding home facility and at least quarterly thereafter, the licensee shall certify in a sworn affidavit to the director that, based on the individualized assessment performed for each resident, no person will or does reside in the boarding home facility whose tenancy would likely constitute a direct threat to the health or safety of that person or other individuals or whose tenancy would result in substantial physical damage to the property of others.

~~(c) Persons who may not reside in a boarding home facility. The licensee shall not allow the following individuals to reside at a boarding home facility:~~

~~(1) An individual convicted of the illegal manufacture or distribution of a controlled substance.~~

~~(2) An individual who, based upon an individualized assessment, is likely to constitute a direct threat to the health or safety of the individual or other individuals or whose tenancy would likely result in substantial damage to the property of others.~~

~~(3) An individual who requires the provision of personal care services or other services that state law requires a license to provide.~~

(c) Persons who may not reside in a boarding home facility. The licensee shall not allow the following individuals to reside at a boarding home facility:

(1) An individual convicted within the last 10 years of the illegal manufacture or distribution of a controlled substance.

(2) An individual who, based upon an individualized assessment, is likely to constitute a direct threat to the health or safety of the individual or other individuals or whose tenancy would likely result in substantial damage to the property of others.

(3) An individual who requires the provision of personal care services unless the personal care services are provided by outside professionals.

(d) Illegal drug use.

~~(1) All residents in a boarding home facility shall completely abstain from using controlled substances. The licensee shall immediately expel any resident who uses a controlled substance, whether on or off the premises, and shall not readmit the resident to any boarding home facility under the control of the licensee for a period of at least 60 days following the violation. However, nothing contained in this subsection may be construed to prohibit a resident from taking a prescription drug for which that resident has a valid and current prescription.~~

~~(2) If the boarding home facility has residents who are recovering from an addiction to a controlled substance, the licensee must develop a written plan for ensuring that the residents continue to refrain from using controlled substances, including any and all rules by which residents must abide, and must provide such plan to the director at his request.~~

(1) All residents in a boarding home facility shall completely abstain from using controlled substances. The licensee shall expel as promptly as possible under state law any resident who uses a controlled substance, whether on or off the premises, and shall not readmit the resident to any boarding home facility under the control of the licensee for a period of at least 60 days following the violation. However, nothing contained in this subsection may be construed to prohibit a resident from taking a prescription drug for which that resident has a valid and current prescription.

(2) If the boarding home facility has one or more residents who are recovering from an addiction to alcohol or a controlled substance, the licensee must develop a written plan for ensuring that the residents continue to refrain from using alcohol or controlled substances, including any and all rules by which residents must abide, and must provide such plan to the director at his request.

(e) Duty to document. The licensee shall document the following:

(1) A resident's illegal use of a controlled substance.

(2) A resident who poses a direct threat to the health or safety of other individuals.

(3) A resident who poses a direct threat of substantial damage to the property of others.

~~(f) Log. If a resident is currently taking a prescription medication, the licensee shall note whether the resident has taken, or been reminded to take, his or her medication. Unless prohibited by law, the licensee shall make copies of the log available to the director for inspection upon request.~~

(f) Log. If a resident with dementia is currently taking a prescription medication, or if a resident is taking a controlled substance or a psychotropic medication pursuant to a current and valid prescription, the licensee shall note in a written log whether the resident has taken, or been reminded to take, his or her medication. The log must provide the resident's name, the name of the medication, and the date and time that the resident took the medication or was reminded by the licensee to take the medication. Unless prohibited by law, the licensee shall make copies of the log available to the director for inspection upon request.

(g) Injuries, incidents, and unusual accidents.

(1) The licensee shall notify a resident's legal guardian, resident's legally authorized representative, or a family member designated by the resident, the legal guardian, or the legally authorized representative of any injury, incident, or unusual accident involving the resident.

~~(2) The licensee shall investigate and document on a form provided by the director any injuries, incidents, or unusual accidents to a resident by providing the following information:~~

~~(A) The resident's name.~~

~~(B) The date and time the injury, incident, or unusual accident occurred.~~

~~(C) Description of the injury, incident, or unusual accident.~~

~~(D) Description of any medical or mental health treatment the resident received.~~

~~(E) Steps taken by the owner or operator to prevent future injuries, incidents, or unusual accidents if a problem at the boarding home facility resulted in the injury, incident, or unusual accident.~~

~~(F) When the resident's legal guardian, resident's legally authorized representative, or a family member designated by the resident, the legal guardian,~~

~~or the legally authorized representative was notified about the injury, incident, or unusual accident.~~

(2) The licensee shall investigate and document on a form provided by the director any injuries, incidents, or unusual accidents to a resident by providing the following information:

(A) The resident's name.

(B) The date and time the injury, incident, or unusual accident occurred.

(C) Description of the injury, incident, or unusual accident.

(D) Description of any medical or mental health treatment the licensee sought for the resident.

(E) Steps taken by the owner or operator to prevent future injuries, incidents, or unusual accidents if a problem at the boarding home facility resulted in the injury, incident, or unusual accident.

(F) When the resident's legal guardian, resident's legally authorized representative, or a family member designated by the resident, the legal guardian, or the legally authorized representative was notified about the injury, incident, or unusual accident.

(h) Access to records. Within one business day after a request by a resident, the resident's guardian, the resident's legally authorized representative, or a family member designated by the resident, the legal guardian, or the legally authorized representative, the licensee shall allow access to, and provide copies at a reasonable cost of, the records documenting any injury, incident, or unusual accident involving that resident. Upon request, the licensee must explain how to examine the records.

(i) Abuse, neglect, and exploitation.

~~(1) A licensee shall report any allegations of abuse, neglect, or exploitation of a minor, an adult age 65 or older, or an adult with a disability to the Texas Department of Family and Protective Services. Failure to report suspected abuse, neglect, or exploitation of a minor, an elderly adult, or an adult with a disability is a Class A misdemeanor under Texas law.~~

~~(2) A licensee shall ensure that no resident is harassed, threatened, or intimidated at any time for making a report of abuse, neglect, or exploitation.~~

~~(3) A licensee shall provide each resident with a copy of the definitions of abuse, neglect, or exploitation as outlined in Chapter 48 of the Texas Human Resources Code, as amended.~~

~~(4) A licensee shall allow law enforcement, emergency medical, and fire personnel access to the boarding home facility when these professionals are responding to a call at the boarding home facility.~~

~~(5) An owner, operator, or employee may not refer a person to the boarding home facility with which he is associated or to any other facility if he knows or reasonably should know that the facility or its services are not appropriate for the condition of the person being referred.~~

(1) A licensee shall report and document any allegations of abuse, neglect, or exploitation of a minor, an adult age 65 or older, or an adult with a disability to the Texas Department of Family and Protective Services. Failure to report suspected abuse, neglect, or exploitation of a minor, an elderly adult, or an adult with a disability is a Class A misdemeanor under Texas law.

(2) A licensee shall ensure that no resident is harassed, threatened, or intimidated at any time for making a report of abuse, neglect, or exploitation.

(3) A licensee shall provide each resident with a copy of the definitions of abuse, neglect, or exploitation as outlined in Chapter 48 of the Texas Human Resources Code, as amended.

(4) A licensee shall allow law enforcement, emergency medical, and fire personnel access to the boarding home facility when these professionals are responding to a call at the boarding home facility.

(5) An owner, operator, or employee may not refer a person to the boarding home facility with which he is associated or to any other facility if he knows or reasonably should know that the facility or its services are not appropriate for the condition of the person being referred.

~~(6) If the licensee or an employee has any medical or mental health professional examine, diagnose, treat, or provide any other medical or mental health services to a resident, the licensee or employee must provide the resident with:~~

~~(A) the name, business address, and telephone number of the person who examined, diagnosed, treated, or provided any other service to the resident;~~

~~(B) a written explanation of the nature and results of the examination, diagnosis, treatment, or other service; and~~

~~(C) a copy of any prescription for any medicine.~~

~~(7) No licensee or employee may:~~

~~(A) use corporal punishment on a resident; or~~

~~(B) involuntarily seclude a resident from other residents.~~

~~(8) Physical and chemical restraints.~~

~~(A) No licensee or employee may use a physical restraint or chemical restraint on a resident.~~

~~(B) For purposes of Subsection (i)(8)(A), a physical restraint includes a vest, a hand mitt, and a seatbelt, and a chemical restraint includes an anti-psychotic drug and a sedative.~~

~~(C) It is a defense to prosecution under Subsection (i)(8)(A) that:~~

~~(i) the restraint was authorized by a physician, in writing, for a specified and limited period of time; or~~

~~(ii) the licensee or employee is the spouse, legal guardian, or next of kin of the resident or former resident.~~

~~(9) Access.~~

~~(A) A licensee shall allow a resident's personal physician, nurse, or other health care provider to have immediate access to the resident.~~

~~(B) A licensee shall allow the relatives, the guardian, and the legally authorized representative of a resident to have immediate access to the resident during the boarding home facility's visiting hours unless the resident objects.~~

(6) If the licensee or an employee has any medical or mental health professional examine, diagnose, treat, or provide any other medical or mental health services to a resident, the licensee or employee must provide the resident with:

(A) the name, business address, and telephone number of the person who examined, diagnosed, treated, or provided any other service to the resident;

(B) a written explanation of the nature and results of the examination, diagnosis, treatment, or other service if provided to the licensee or employee by the medical or mental health professional; and

(C) a copy of any prescription for any medicine if provided to the licensee or employee by the medical or mental health professional.

(7) No licensee or employee may:

(A) use corporal punishment on a resident;

(B) involuntarily seclude a resident from other residents;

(C) abuse, neglect, or exploit a resident;

(D) receive any referral fees, kickbacks, or other compensation in connection with the placement of residents; or

(E) engage in any coercive practices

involving residents' food stamps or disability checks.

(8) Physical and chemical restraints.

(A) No licensee or employee may use a physical restraint or chemical restraint on a resident.

(B) For purposes of Subsection (i)(8)(A), a physical restraint includes a vest, a hand mitt, and a seatbelt, and a chemical restraint includes an anti-psychotic drug and a sedative.

(C) It is a defense to prosecution under Subsection (i)(8)(A) that:

(i) the restraint was authorized by a physician, in writing, for a specified and limited period of time; or

(ii) the licensee or employee is the spouse, legal guardian, or next of kin of the resident or former resident.

(9) Access.

(A) A licensee shall allow a resident's personal physician, nurse, or other health care provider to have immediate access to the resident.

(B) A licensee shall allow the relatives, the guardian, and the legally authorized representative of a resident to have immediate access to the resident during the boarding home facility's visiting hours unless the resident objects.

~~(j) Conflicts of interests. The purposes of this subsection are to ensure both that residents have the right to manage their own affairs or to choose someone they trust to manage their affairs for them and that licensees and employees do not abuse their positions of power and trust for their own private gain.~~

~~(1) A licensee or employee of a boarding home facility shall not:~~

~~(A) borrow money from or loan money to residents;~~

~~(B) be a beneficiary of a current or former resident's will or life insurance;~~

~~(C) co-mingle a resident's funds with the funds of the licensee, employee, or another resident;~~

~~(D) employ a resident;~~

~~(E) go into business with a resident;~~

~~(F) serve as an employee or independent contractor of a resident;~~

~~(G) have sexual relations with a resident; or~~

(j) Conflicts of interests. The purposes of this subsection are to ensure both that residents have the right to manage their own affairs or to choose someone they trust to manage their affairs for them and that licensees and employees do not abuse their positions of power and trust for their own private gain.

(1) A licensee or employee of a boarding home facility shall not:

(A) borrow money from or loan money to residents;

(B) be a beneficiary of a current or former resident's will or life insurance;

(C) co-mingle a resident's funds with the funds of the licensee, employee, or another resident;

(D) employ a resident;

(E) require a resident to perform any kind of work for any person or entity;

(F) go into business with a resident;

(G) serve as an employee or independent contractor of a resident;

(H) have sexual relations with a resident; or

(I) have a power of attorney for a resident's affairs for any purpose.

~~(H) have a power of attorney for a resident's affairs for any purpose.~~

~~(2) It is a defense to prosecution:~~

~~(A) under Paragraph (1) that the licensee or employee is the spouse, legal guardian, or next of kin of the resident or former resident;~~

~~(B) under Paragraph (1)(D) that the licensee or employee employed the resident on the property where the boarding home facility is located; and~~

~~(C) under Paragraph (1)(H) that the licensee or employee is assisting the resident to establish eligibility for a federal or state program that provides financial assistance for medical services, such as Medicaid, or other services needed by the resident.~~

~~(3) No licensee or employee may be a representative payee for a resident or assist a resident with general money management unless the resident, the resident's guardian, the resident's legally authorized representative, or a family member designated by the resident, the legal guardian, or the legally authorized representative authorizes in writing the licensee or employee to be a representative payee or assist the resident with general money management.~~

~~(4) If a licensee or employee becomes the representative payee for a resident or assists a resident with general money management, the licensee or employee shall do the following:~~

~~(A) Maintain separate financial records for each resident for which the licensee or employee is the representative payee for the entire period of time the licensee or employee is the resident's representative payee and continue to maintain the resident's records for one year past the last calendar day the licensee or employee is the resident's representative payee.~~

~~(B) Include in the records an itemized list of expenditures that the licensee or employee has made on behalf of the resident, including the charges that are assessed by the licensee or employee.~~

~~(C) Maintain receipts for all expenditures in addition to the itemized documentation.~~

~~(D) Develop a budget with the resident outlining routine expenditures and ensure that expenditures that are not routine are discussed with the resident before the resident's funds are expended.~~

~~(E) Within one business day after receiving a request, allow the resident, the resident's guardian, the resident's legally authorized representative, or a family member designated by the resident, the legal guardian, or the legally authorized representative access to the resident's financial records that are maintained by the licensee or employee.~~

(2) It is a defense to prosecution:

(A) under Paragraph (1) that the licensee or employee is the spouse, legal guardian, or next of kin of the resident or former resident;

(B) under Paragraph (1)(D) that the licensee or employee pays the resident, either as a monetary payment or as an in-kind contribution towards lodging, food, or services provided by the boarding home facility, at least the federal minimum wage for each hour of work performed;

(C) under Paragraph (1)(E) that the licensee or employee does not receive any direct or indirect monetary payment, kickback, or in-kind compensation from any person or entity in connection with the resident's work and ensures that the resident receives, either as a monetary payment or as an in-kind contribution towards lodging, food, or services provided by the boarding home facility, an hourly wage that exceeds the federal minimum wage by at least $3.00 for each hour of work performed by the resident;

(D) under Paragraph (1)(E) that the work required is limited to chores or other routine housekeeping activities; and

(E) under Paragraph (1)(I) that the

licensee or employee is assisting the resident to establish eligibility for a federal or state program that provides financial assistance for medical services, such as Medicaid, or other services needed by the resident.

(3) No licensee or employee may be a representative payee for a resident or assist a resident with general money management unless the Social Security Administration, the resident, the resident's guardian, the resident's legally authorized representative, or a family member designated by the resident, the legal guardian, or the legally authorized representative authorizes in writing the licensee or employee to be a representative payee or assist the resident with general money management.

(4) If a licensee or employee becomes the representative payee for a resident or assists a resident with general money management, the licensee or employee shall do the following:

(A) Maintain separate financial records for each resident for which the licensee or employee is the representative payee or assists with general money management for the entire period of time the licensee or employee acts in that capacity and continue to maintain the resident's records for one year past the last calendar day the licensee or employee is the resident's representative payee or assists with money management.

(B) Include in the records an itemized list of expenditures that the licensee or employee has made on behalf of the resident, including the charges that are assessed by the licensee or employee.

(C) Maintain receipts for all expenditures in addition to the itemized documentation.

(D) Develop a budget with the resident outlining routine expenditures and ensure that expenditures that are not routine are discussed with the resident before the resident's funds are expended.

(E) Within one business day after receiving a request, allow the resident, the resident's guardian, the resident's legally authorized representative, or a family member designated by the resident, the legal guardian, or the legally authorized representative access to the resident's financial records that are maintained by the licensee or employee.

(F) Furnish the director a surety bond.

(i) The bond must be in an amount that is enough to cover the average monthly amount of money the licensee or employee manages or handles for all residents based on the following:

Amount of Resident Money Managed/Handled Per Month	Amount of Bond
$750 or less	$1,000
$751 to $1,500	$2,000
$1,501 to $2,500	$3,000
Every additional increment of $1,000 or fraction thereof	Additional $1,000

(ii) The bond must be issued by a bank or bonding company authorized to do business in the State of Texas.

(iii) The bond must provide that all residents, residents' guardians, residents' legally authorized representatives, or family members designated by the resident, the legal guardian, or the legally authorized representative have the right to directly sue upon the surety bond until the amount of the bond has been exhausted.

(iv) The bond must cover embezzlement or theft by the licensee or employee.

(G) Immediately cease acting as a representative payee once a resident moves out of a boarding home facility or no longer wants the licensee or employee to be his representative payee.

(H) Document the termination of the licensee's or employee's role as representative payee for a resident or former resident and the actions taken by the licensee or employee to ensure that the Social Security Administration recognizes this termination.

(5) A licensee or employee who employs a resident or requires a resident to perform any kind of work for any person or entity pursuant to Sections 8A-34(j)(2)(B) or (C) must maintain documentation of the dates and hours worked by each resident, the type and amount of compensation received by each resident, and the name, address, and telephone number of the person or entity for whom each resident worked. At least monthly, the licensee or employee must also give a signed copy of this documentation to the resident, the resident's guardian, or the resident's legally authorized representative.

(D) The amounts of other fees or fines charged, an explanation of what those fees and fines are for, when they are charged, and why.

(E) The party responsible for paying the monthly rent and other fees.

(F) Any services to be provided or that could be provided by the boarding home facility.

(G) If the resident has a guardian, legally authorized representative, or a family member designated by the resident, the legal guardian, or the legally authorized representative, that person's name, address, e-mail address, and telephone number.

(H) The rules and regulations of the boarding home facility.

(I) That a resident will be expelled if the owner or operator determines that the resident:

(i) has used a controlled substance within the past 30 days without a valid prescription;

(ii) has violated the rules of the boarding home facility if those rules require the expulsion for the violation;

(iii) poses a direct threat to the health or safety of other individuals; or

(iv) poses a direct threat of substantial damage to the property of others.

(J) If the resident earns any income from the licensee or an employee of the boarding home facility that exceeds the monthly rent owed, the licensee or employee's plan to allocate the income or system of disbursement of that income.

(l) Disclosure of charges and fees to resident. No licensee or employee may charge a resident for a service or item unless the licensee or employee has previously disclosed in writing that providing the service or item will incur an additional fee and the amount of that fee.

(m) Visitors. Operators, employees, and volunteers of the boarding home facility shall not have visitors on the premises, except for visitation necessary for the operation of the facility, for emergencies, or by family members of an operator, employee, or a volunteer.

(n) Privacy policy. Each boarding home facility must adopt a privacy policy to ensure the confidentiality of residents' financial, health, and medical information. The owner, operator, or licensee shall give a copy of the privacy policy to the resident, the resident's guardian, or the resident's legally authorized representative. (Ord. Nos. 28706~~, eff. 10-1-12~~; 29753)

SEC. 8A-35. ASSISTANCE WITH SELF-ADMINISTRATION OF MEDICATION.

(a) Assistance with self-administration of medication may be provided to an adult resident who can identify his or her medication and knows when the medication should be taken but requires assistance with self-administration. Assistance with self-administration of medication may not be provided to a minor.

(b) Assistance with self-administration of medication is limited to:

(1) reminding the resident to take medication;

(2) opening a container, removing medication from a container, and placing medication in a resident's hand or in or on a clean surface, such as a pill cup or medication reminder box, for the resident's self-administration; and

(3) reminding the resident when a prescription needs to be refilled.

(c) The licensee shall remind a resident to take medication if the licensee knows that the resident is

(d) The licensee shall store all residents' medication in a locked area. The licensee shall provide a central locked storage area or individual locked storage areas at the boarding home facility for each resident's medication.

(1) If the boarding home facility uses a central medication storage area, a boarding home employee must be available to provide access at all times and each resident's medication must be stored separately from other residents' medications within the storage area.

(2) If a resident's medication requires refrigeration, the licensee shall provide a refrigerator with a designated and locked storage area or a refrigerator inside a locked medication room.

(3) The licensee shall store medications labeled for "external use only" separately within the locked area.

(e) The licensee shall ensure that poisonous substances are labeled and safely stored within a locked area separately from medications.

~~(f) If a boarding home facility stores controlled substances, the licensee shall adopt and enforce a written policy for preventing the diversion of the controlled substances.~~

(f) If a boarding home facility stores medications, the licensee shall adopt and enforce a written policy for preventing the diversion of the medications.

(g) After a resident ceases to reside in the boarding home facility, the licensee shall properly dispose of any of the resident's remaining medication in accordance with applicable laws. (Ord. Nos. 28706~~, eff. 10-1-12~~ ; 29753)

SEC. 8A-36. REQUIREMENTS FOR IN-SERVICE EDUCATION OF BOARDING HOME FACILITY STAFF.

~~(a) Each licensee and employee of a boarding home facility must be trained on the following subjects prior to contact with residents or within five days of beginning work, ownership, or management of the facility, whichever is later:~~

~~(1) Employer rules and policies.~~

~~(2) Preventing, recognizing, and reporting abuse, neglect, and exploitation of residents.~~

~~(3) Residents' rights, including all applicable rights from the following:~~

~~(A) Chapter 102 (Rights of the Elderly) of the Texas Human Resource Code, as amended.~~

~~(B) Chapter 112 (Developmental Disabilities) of the Texas Human Resource Code, as amended.~~

~~(C) Chapter 301 (Fair Housing Practices) of the Texas Property Code, as amended.~~

~~(D) Chapter 92 (Residential Tenancies) of the Texas Property Code, as amended.~~

~~(4) Policies and procedures for contacting emergency personnel when health or safety of a resident or another individual is at risk.~~

~~(5) Complaint process specific to the city and the boarding home facility.~~

~~(6) Assisting residents with self-administration of medication.~~

~~(7) Prevention, recognition, and reporting of injuries, incidents, and unusual accidents to residents and others in the boarding home facility.~~

~~(8) Emergency, evacuation, and disaster plans.~~

~~(9) Assisting residents with obtaining health and social services.~~

(a) Each licensee and employee of a boarding home facility must be trained on the following subjects prior to contact with residents or within five days of beginning work, ownership, or management of the facility, whichever is later:

(1) Employer rules and policies.

(2) Preventing, recognizing, and reporting abuse, neglect, and exploitation of residents.

(3) Residents' rights, including all applicable rights from the following:

(A) Chapter 102 (Rights of the Elderly) of the Texas Human Resource Code, as amended.

(B) Chapter 112 (Developmental Disabilities) of the Texas Human Resource Code, as amended.

(C) Chapter 301 (Fair Housing Practices) of the Texas Property Code, as amended.

(D) Chapter 92 (Residential Tenancies) of the Texas Property Code, as amended.

(4) Policies and procedures for contacting emergency personnel when health or safety of a resident or another individual is at risk.

(5) Complaint process specific to the city and the boarding home facility.

(6) Prevention, recognition, and reporting of injuries, incidents, and unusual accidents to residents and others in the boarding home facility.

(7) Emergency, evacuation, and disaster plans.

(8) Assisting residents with obtaining health and social services.

~~(10) Services provided by the boarding home facility, including:~~

~~(A) nutrition, meal preparation, and dietary needs, if the boarding home facility provides meal preparation;~~

~~(B) sanitation;~~

~~(C) laundry, if the boarding home facility provides laundry services; and~~

~~(D) house work, if the boarding home facility provides house work.~~

~~(b) Each licensee and employee of a boarding home facility must be trained on the following subjects:~~

~~(1) Updates and changes in any policies and procedures within 10 days after the licensee or employee becomes aware of the change.~~

~~(2) Orientation specific to the needs of each new resident within three business days of the resident moving into the facility.~~

~~(3) Orientation specific to the needs of a resident whose needs have changed due to injury, illness, hospitalization, or other circumstances that affect the resident's needs within one day after licensee or employee becoming aware of the change.~~

(9) Services provided by the boarding home facility, including:

(A) nutrition, meal preparation, and dietary needs, if the boarding home facility provides meal preparation;

(B) sanitation;

(C) laundry, if the boarding home facility provides laundry services;

(D) house work, if the boarding home facility provides house work; and

(E) assistance with self-administration of medication, if the boarding home facility provides assistance with self-administration of medication.

(b) Each licensee and employee of a boarding home facility must be trained on the following subjects:

(1) Updates and changes in any policies and procedures within 10 days after the licensee or employee becomes aware of the change.

(2) Orientation specific to the needs of each new resident within three business days of the resident moving into the facility.

(3) Orientation specific to the needs of a resident whose needs have changed due to injury, illness, hospitalization, or other circumstances that affect the resident's needs within one day after licensee or employee becoming aware of the change. (Ord. Nos. 28706~~, eff. 10-1-12~~; 29753)

SEC. 8A-37. CRIMINAL HISTORY.

~~(a) A person may not own or operate a boarding home facility or be employed in a position the duties of which involve direct contact with a resident in a boarding home facility before the 10th anniversary of the date the person is convicted of any of the following offenses:~~

~~(1) Sections 481.112, 481.1121, 481.1122, 481.113, 481.114, 481.122, Texas Health and Safety Code (illegal manufacture or delivery of a controlled substance), as amended.~~

~~(2) Chapter 19, Texas Penal Code (criminal homicide), as amended.~~

~~(3) Chapter 20, Texas Penal Code (kidnapping and unlawful restraint), as amended.~~

~~(4) Section 21.02, Texas Penal Code (continuous sexual abuse of young child or children), as amended, or Section 21.11, Texas Penal Code (indecency with a child), as amended.~~

~~(5) Section 22.011, Texas Penal Code (sexual assault), as amended.~~

~~(6) Section 22.02, Texas Penal Code (aggravated assault), as amended.~~

~~(7) Section 22.04, Texas Penal Code (injury to a child, elderly individual, or disabled individual), as amended.~~

~~(8) Section 22.041, Texas Penal Code (abandoning or endangering child), as amended.~~

~~(9) Section 22.08, Texas Penal Code (aiding suicide), as amended.~~

~~(10) Section 25.031, Texas Penal Code (agreement to abduct from custody), as amended.~~

~~(11) Section 25.08, Texas Penal Code (sale or purchase of a child), as amended.~~

~~(12) Section 28.02, Texas Penal Code (arson), as amended.~~

~~(13) Section 29.02, Texas Penal Code (robbery), as amended.~~

(a) A person may not own or operate a boarding home facility or be employed or volunteer in a position the duties of which involve direct contact with a resident in a boarding home facility before the 10th anniversary of the date the person is convicted of any of the following offenses:

(1) Sections 481.112, 481.1121, 481.1122, 481.113, 481.114, 481.122, Texas Health and Safety Code (illegal manufacture or delivery of a controlled substance), as amended.

(2) Section 481.120, Texas Health and Safety Code (delivery of marijuana), as amended, that is punishable as a felony.

(3) Section 481.124, Texas Health and Safety Code (possession or transport of certain chemicals with intent to manufacture controlled substances), as amended, that is punishable as a felony.

(4) Chapter 19, Texas Penal Code (criminal homicide), as amended.

(5) Chapter 20, Texas Penal Code (kidnapping and unlawful restraint), as amended.

(6) Chapter 20A, Texas Penal Code (trafficking of persons), as amended.

(7) Section 21.02, Texas Penal Code (continuous sexual abuse of young child or children), as amended, or Section 21.11, Texas Penal Code (indecency with a child), as amended.

(8) Section 22.01, Texas Penal Code (assault on a public servant), as amended.

(9) Section 22.011, Texas Penal Code (sexual assault), as amended.

(10) Section 22.02, Texas Penal Code (aggravated assault), as amended.

(11) Section 22.04, Texas Penal Code (injury to a child, elderly individual, or disabled individual), as amended.

(12) Section 22.041, Texas Penal Code (abandoning or endangering child), as amended.

(13) Section 22.08, Texas Penal Code (aiding suicide), as amended.

(14) Section 25.031, Texas Penal Code (agreement to abduct from custody), as amended.

(15) Section 25.08, Texas Penal Code (sale or purchase of a child), as amended.

(16) Section 28.02, Texas Penal Code (arson), as amended.

(17) Section 29.02, Texas Penal Code (robbery), as amended.

~~(14) Section 29.03, Texas Penal Code (aggravated robbery), as amended.~~

~~(15) Section 21.08, Texas Penal Code (indecent exposure), as amended.~~

~~(16) Section 21.12, Texas Penal Code (improper relationship between educator and student), as amended.~~

~~(17) Section 21.15, Texas Penal Code (improper photography or visual recording), as amended.~~

~~(18) Section 22.05, Texas Penal Code (deadly conduct), as amended.~~

~~(19) Section 22.021, Texas Penal Code (aggravated sexual assault), as amended.~~

~~(20) Section 22.07, Texas Penal Code (terroristic threat), as amended.~~

~~(21) Section 33.021, Texas Penal Code (online solicitation of a minor), as amended.~~

~~(22) Section 34.02, Texas Penal Code (money laundering), as amended.~~

~~(23) Section 35A.02, Texas Penal Code (Medicaid fraud), as amended.~~

~~(24) Section 42.09, Texas Penal Code (cruelty to animals), as amended.~~

~~(25) Chapter 31, Texas Penal Code (theft), as amended, that is punishable as a felony.~~

~~(26) Section 30.02, Texas Penal Code (burglary), as amended.~~

~~(27) The laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed in this subsection.~~

(18) Section 29.03, Texas Penal Code (aggravated robbery), as amended.

(19) Section 21.08, Texas Penal Code (indecent exposure), as amended.

(20) Section 21.12, Texas Penal Code (improper relationship between educator and student), as amended.

(21) Section 21.15, Texas Penal Code (improper photography or visual recording), as amended.

(22) Section 22.05, Texas Penal Code (deadly conduct), as amended.

(23) Section 22.021, Texas Penal Code (aggravated sexual assault), as amended.

(24) Section 22.07, Texas Penal Code (terroristic threat), as amended.

(25) Section 33.021, Texas Penal Code (online solicitation of a minor), as amended.

(26) Section 34.02, Texas Penal Code (money laundering), as amended.

(27) Section 35A.02, Texas Penal Code (Medicaid fraud), as amended.

(28) Section 42.09, Texas Penal Code (cruelty to animals), as amended.

(29) Chapter 31, Texas Penal Code (theft), as amended, that is punishable as a felony.

(30) Section 30.02, Texas Penal Code (burglary), as amended.

(31) The laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed in this subsection.

~~(b) A person may not own or operate a boarding home facility or be employed in a position the duties of which involve direct contact with a resident in a~~

~~boarding home facility before the fifth anniversary of the date the person is convicted of any felony offense not listed in Subsection (a) or any of the following non-felony offenses:~~

~~(1) Section 22.01, Texas Penal Code (assault), as amended, that is punishable as a Class A misdemeanor.~~

~~(2) Section 32.45, Texas Penal Code (misapplication of fiduciary property or property of a financial institution), as amended, that is punishable as a Class A misdemeanor or a felony.~~

~~(3) Section 32.46, Texas Penal Code (securing execution of a document by deception), as amended, that is punishable as a Class A misdemeanor or a felony.~~

~~(4) Section 37.12, Texas Penal Code (false identification as peace officer), as amended.~~

~~(5) Section 42.01(a)(7), (8), or (9), Texas Penal Code (disorderly conduct involving a firearm), as amended.~~

~~(6) The laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed in this subsection.~~

(b) A person may not own or operate a boarding home facility or be employed or volunteer in a position the duties of which involve direct contact with a resident in a boarding home facility before the fifth anniversary of the date the person is convicted of attempt, conspiracy, or solicitation of an offense listed in Subsection (a), any felony offense not listed in Subsection (a), or any of the following non-felony offenses:

(1) Section 48.052, Texas Human Resources Code (failure to report abuse, neglect, or exploitation), as amended or Section 260A.012, Texas Health and Safety Code (failure to report abuse, neglect, or exploitation), as amended.

(2) Section 22.01, Texas Penal Code (assault), as amended, that is punishable as a Class A misdemeanor.

(3) Chapter 31, Texas Penal Code (theft), as amended, that is punishable as a Class A misdemeanor or felony.

(4) Section 32.45, Texas Penal Code (misapplication of fiduciary property or property of a financial institution), as amended, that is punishable as a Class A misdemeanor or a felony.

(5) Section 32.46, Texas Penal Code (securing execution of a document by deception), as amended, that is punishable as a Class A misdemeanor or a felony.

(6) Section 37.12, Texas Penal Code (false identification as peace officer), as amended.

(7) Section 42.01(a)(7), (8), or (9), Texas Penal Code (disorderly conduct involving a firearm), as amended.

(8) Section 42.062, Texas Penal Code (interference with emergency request for assistance), as amended, that is punishable as a Class A misdemeanor or felony.

(9) Section 42.07, Texas Penal Code (harassment), as amended that is punishable as a Class A misdemeanor.

(10) Chapter 49, Texas Penal Code (driving while intoxicated), as amended, that is punishable as a Class B misdemeanor, Class A misdemeanor, or felony, if the boarding home facility provides transportation services.

(11) The laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed in this subsection.

~~(c) The licensee shall ensure that all employees (including volunteers who are not residents) have had a background check of conviction records, pending charges, and disciplinary board decisions completed within the past two years, and is repeated every year thereafter, and that the individual is not disqualified~~

~~under this section. The owner or operator shall immediately discharge any employee or volunteer whose criminal history reveals conviction of a crime that bars employment or volunteer service at a boarding home facility.~~

(c) The licensee shall ensure that all employees and volunteers have had a background check of conviction records, pending charges, and disciplinary board decisions completed within the past 12 months, and is repeated every year thereafter, and that the individual is not disqualified under this section. The owner or operator shall immediately discharge any employee or volunteer whose criminal history reveals conviction of a crime that bars employment or volunteer service at a boarding home facility. A pending appeal of a criminal conviction has no effect on disqualification under this section. (Ord. Nos. 28706~~,~~ ~~eff. 10-1-12~~ ; 29753)

SEC. 8A-38. QUALIFICATIONS TO OWN, OPERATE, OR WORK IN FACILITIES WITH PERSONS RECOVERING FROM SUBSTANCE OR ALCOHOL ABUSE.

~~(a) If a boarding home facility allows an individual who has an impairment due to the illegal abuse of or addiction to a controlled substance to be a resident, the licensee and all employees and volunteers (other than residents) shall not have used a controlled substance within the previous year without a prescription from a licensed professional.~~

~~(b) All operators, employees, and volunteers of a boarding home facility shall completely abstain from illegally using controlled substances. The licensee shall immediately remove from the premises of the boarding home facility any owner, operator, employee, or volunteer who illegally uses a controlled substance, whether on or off the premises, and shall not allow that person to enter the premises of any boarding home facility under the control of the owner or operator for a period of at least one year following the violation. However, nothing contained in this subsection shall be construed to prohibit an operator, employee, or volunteer from taking a prescription drug for which that person has a valid and current prescription.~~

~~(c) The licensee shall immediately remove from the premises of a boarding home facility any owner, operator, employee, or volunteer who currently abuses alcohol, whether on or off the premises, such that the abuse of alcohol prevents that person from performing his or her job duties, if any, at the boarding home facility or who, by reason of such current alcohol abuse,~~

~~constitutes a direct threat to the property or safety of others.~~

~~(d) If the licensee removes a person from the premises of a boarding home facility under Subsection (c), the licensee shall not allow that person to re-enter the premises of any boarding home facility under the control of the owner or operator until that person is able to perform his or her job duties, if any, at a boarding home facility and does not constitute a direct threat to the property or safety of others.~~

(a) If a boarding home facility allows an individual who has an impairment due to the illegal abuse of or addiction to a controlled substance to be a resident, the licensee and all employees and volunteers (other than residents) shall not have used a controlled substance within the previous year without a prescription from a licensed professional.

(b) All operators, employees, and volunteers of a boarding home facility shall completely abstain from illegally using controlled substances. The licensee shall immediately remove from the premises of the boarding home facility any non-resident owner, operator, employee, or volunteer who illegally uses a controlled substance, whether on or off the premises, and shall not allow that person to enter the premises of any boarding home facility under the control of the owner or operator for a period of at least one year following the violation. The licensee shall remove from the premises of the boarding home facility, as promptly as possible under state law, any owner, operator, employee, or volunteer who resides at the boarding home facility and who illegally uses a controlled substance whether on or off the premises, and shall not allow that person to enter the premises of any boarding home facility under the control of the owner or operator for a period of at least one year following the violation. However, nothing contained in this subsection shall be construed to prohibit an operator, employee, or volunteer from taking a prescription drug for which that person has a valid and current prescription.

(c) The licensee shall immediately remove from the premises of a boarding home facility any non-resident owner, operator, employee, or volunteer who currently abuses alcohol, whether on or off the premises, such that the abuse of alcohol prevents that person from performing his or her job duties, if any, at the boarding home facility or who, by reason of such current alcohol abuse, constitutes a direct threat to the property or safety of others. The licensee shall remove from the premises of a boarding home facility, as promptly as possible under state law, any owner, operator, employee, or volunteer who resides at the boarding home facility and who currently abuses alcohol, whether on or off the premises, such that the abuse of alcohol prevents that person from performing his or her job duties, if any, at the boarding home facility or who, by reason of such current alcohol abuse, constitutes a direct threat to the property or safety of others.

(d) If the licensee removes a person from the premises of a boarding home facility under Subsection (c), the licensee shall not allow that person to re-enter the premises of any boarding home facility under the control of the owner or operator until that person is able to perform his or her job duties, if any, at a boarding home facility and does not constitute a direct threat to the property or safety of others. (Ord. Nos. 28706~~, eff. 10-1-12~~; 29753)

SEC. 8A-39. ASSESSMENT AND PERIODIC MONITORING OF RESIDENTS.

~~(a) The licensee, or a designee of the licensee, shall complete and document an annual assessment and conduct periodic monitoring to ensure that each resident is capable of self-administering medication and completing basic elements of personal care as listed in Subsections (b) and (c). The assessment will be used as a tool to determine if the needs of the resident can be provided by a boarding home facility or if the resident needs personal care services or medication administration that cannot be provided by the boarding home facility. The initial assessment of a resident must be completed within 30 days after the date the resident began residing at the facility.~~

(a) For any resident with dementia or who has been prescribed a controlled substance or psychotropic medication, the licensee, or a designee of the licensee, shall complete and document an annual assessment and conduct periodic monitoring to ensure that each resident is capable of self-administering medication and completing basic elements of personal care as listed in Subsections (b) and (c). The assessment will be used as a tool to determine if the needs of the resident can be provided by a boarding home facility or if the resident needs personal care services or medication administration that cannot be provided by the boarding home facility. The initial assessment of a resident must be completed within 30 days after the date the resident began residing at the facility.

~~(b) Elements of the self-administration of medication to be assessed include the ability to~~

~~perform each of the following tasks with little assistance:~~

~~(1) Identifying the name of the medication.~~

~~(2) Providing a reason for the medication (the owner or operator cannot force the resident to disclose a health condition that is the basis for the medication if the resident refuses).~~

~~(3) Distinguishing color or shape.~~

(b) Elements of the self-administration of medication to be assessed include the ability to perform each of the following tasks with little or no assistance:

(1) Identifying the name of the medication.

(2) Providing a reason for the medication (the owner or operator cannot force the resident to disclose a health condition that is the basis for the medication if the resident refuses).

(3) Distinguishing color or shape.

~~(4) Preparing the correct number of pills (dosage).~~

~~(5) Confirming the time to take medications.~~

~~(6) Reading labels.~~

(4) Preparing the correct number of pills (dosage).

(5) Confirming the time to take medications.

(6) Reading labels.

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

(1) Eat independently.

(2) Bathe without assistance.

(3) Dress without assistance.

(4) Move and transfer independently.

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

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

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

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

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

(e) A state of self-neglect does not exist if the resident receives outside professional services that meet the resident's need for personal care or self-administration of medication. In these cases, the resident can remain in the boarding home facility provided that all needs for personal care and self-administration of medication are met. (Ord. Nos. 28706~~, eff. 10-1-12~~; 29753)

ARTICLE V.

ENFORCEMENT.

SEC. 8A-40. VIOLATIONS; PENALTY.

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

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

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

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

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

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

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

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

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

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

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

(2) $500 for all other offenses.

~~(e) Emergency closing order.~~

~~(1) If the director finds a 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 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 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) The director and the permit and license appeal board shall expedite any hearing or decision involving an emergency closing order issued under this section.~~

~~(f) 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.~~

~~(g) 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.~~

(e) An offense under this chapter is punishable by a fine of not less than $250 for a first conviction of a violation of this chapter.

(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. (Ord. Nos. 28706~~, eff. 10-1-12~~; 29753)

CHAPTER 9C

RESERVED

(Repealed by Ord. 29754)

CHAPTER 9C

CARRYOUT BAGS

Sec. 9C-1. Purpose.
Sec. 9C-2. Definitions.
Sec. 9C-3. Single-use carryout bags.
Sec. 9C-4. Registration; environmental fee.
Sec. 9C-5. Reusable carryout bag standards.
Sec. 9C-6. Signage and other requirements.
Sec. 9C-7. Violations; penalty.

SEC. 9C-1. PURPOSE.

The purposes of this chapter are to:

(1) promote a "culture of clean" by reducing the negative impacts caused by single-use carryout bags, including:

(A) ugliness on city streets, sidewalks, trees, bushes, vacant lots, city parks, waterways, reservoirs, and shorelines that is detrimental to the quality of life of residents, the property values of homeowners, and the tourism industry;

(B) clogging stormwater and drainage systems, causing flooding, backups, and other additional harm to the environment; and

(C) polluting the landscape;

(2) reduce the costs associated with the use and distribution of single-use carryout bags;

(3) reduce the effort associated with the removal of litter generated by the use and distribution of single-use carryout bags;

(4) reduce the harmful impacts of single-use carryout bags on natural resources, including wildlife and plants;

(5) reduce the environmental impacts of single-use carryout bags on the environment, including natural landscapes, streams, creeks, reservoirs, lakes, and the Trinity River; and

(6) encourage the use of, and establish standards for, reusable carryout bags. (Ord. 29307, eff. 1-1-15)

SEC. 9C-2. DEFINITIONS.

In this chapter:

(1) BUSINESS ESTABLISHMENT means any entity that provides carryout bags to its customers, including sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity whether for profit or not-for-profit, and includes all employees of the entity and any independent contractors associated with the entity.

(2) CARRYOUT BAG means a bag provided by a business establishment to a customer, typically at the point of sale, for the purpose of transporting purchases.

(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) REUSABLE CARRYOUT BAG means a carryout bag that is specifically designed and manufactured for multiple reuse and meets the requirements of Section 9C-5 of this chapter.

(6) SINGLE-USE CARRYOUT BAG means a carryout bag that is not a reusable carryout bag. (Ord. 29307, eff. 1-1-15)

SEC. 9C-3. SINGLE-USE CARRYOUT BAGS.

(a) No person may provide single-use carryout bags at any city facility, city-sponsored special event as defined in Section 42A-2 of this code, or any event held on city property.

(b) Except as provided in Section 9C-4 of this chapter, a business establishment may not provide single-use carryout bags to its customers or to any person.

(c) A single-use carryout bag permitted under Section 9C-4 of this chapter must have a thickness of at least 0.70 mil and be printed with the name of the business establishment and the thickness of the bag in mil.

(d) This section does not apply to the following:

(1) Laundry, dry cleaning, or garment bags; biodegradable door-hanger bags; biodegradable newspaper bags; or packages of multiple bags intended for the disposal of garbage, pet waste, or yard waste.

(2) Recyclable paper bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities.

(3) Recyclable paper bags used by restaurants to take away prepared food.

(4) Single-use plastic bags used by restaurants to take away prepared food only where necessary to prevent moisture damage, such as for soups, sauces, salads with dressing, and liquids.

(5) Bags used by a consumer inside a business establishment to:

(A) contain bulk items, such as produce, nuts, grains, candy, or small hardware items;

(B) contain or wrap meat, fish, or frozen foods whether or not pre-packaged;

(C) contain or wrap flowers, potted plants, or other items to prevent moisture damage to other purchases; or

(D) contain unwrapped prepared foods or bakery goods.

(6) Bags used by a non-profit corporation or other charity to distribute food, grocery products, clothing, or other household items to clients. (Ord. 29307, eff. 1-1-15)

SEC. 9C-4. REGISTRATION; ENVIRONMENTAL FEE.

(a) Registration.

(1) A business establishment may provide single-use carryout bags to its customers if it registers with the department and charges a fee in accordance with this section.

(2) A business establishment wishing to provide single-use carryout bags to its customers shall annually register with the department on a form provided by the director.

(3) A separate registration is required for each location where the business establishment wishes to provide single-use carryout bags to its customers.

(4) There is no fee for registration.

(b) Environmental fee.

(1) If single-use carryout bags are provided to a customer, a business establishment shall charge the customer an environmental fee of $0.05 per bag.

(2) The customer shall pay the environmental fee required by this section at the time of purchase.

(3) A business establishment shall list the environmental fee as a separate item on the customer's transaction receipt detailing the number of single-use carryout bags provided to the customer and the total charge for the environmental fee.

(4) A business establishment shall not rebate or reimburse any portion of the environmental fee to a customer.

(5) Except as provided in Paragraph (6), a business establishment shall remit the environmental fees collected to the city on a quarterly basis with fees due to the city by the 20th day of the month following each calendar quarter, or the next business day if the 20th day of the following month falls on a weekend or holiday.

(6) A business establishment may retain 10 percent of the environmental fee to offset the costs of collecting the fee and complying with this section.

(7) Environmental fees collected under this section may only be used for the following purposes:

(A) paying for the costs of the registration program;

(B) the purchase and distribution of reusable carryout bags;

(C) public education on reducing the use of single-use carryout bags; or

(D) environmental clean-up programs.

(c) Recordkeeping.

(1) A business establishment shall keep detailed records of:

(A) the number of single-use carryout bags supplied to customers; and

(B) the amount of environmental fees collected from customers.

(2) A business establishment shall keep separate records for each location registered under this section.

(3) A business establishment shall maintain the records required under this subsection onsite at each registered location for at least the prior year.

(4) A business establishment shall make the records required under this subsection available for inspection by the director or a peace officer at reasonable times upon request for purposes of administering this chapter. (Ord. 29307, eff. 1-1-15)

SEC. 9C-5. REUSABLE CARRYOUT BAG STANDARDS.

(a) A business establishment may provide or sell reusable carryout bags to its customers or to any person. A person, subject to authorization by the city, may provide or sell reusable carryout bags at any city facility, city-sponsored special event as defined in Section 42A-2 of this code, or any event held on city property.

(b) A reusable carryout bag must display in a highly visible manner on the bag's exterior, the name of the business establishment and language describing the bag's ability to be reused or recycled.

(c) A reusable carryout bag must have a handle, except that a handle is not required for a reusable carryout bag constructed out of recyclable paper with a height of less than 14 inches and a width of less than eight inches.

(d) A reusable carryout bag must be constructed out of:

(1) cloth, other washable fabric, or other durable materials whether woven or non-woven;

(2) recyclable plastic, with a minimum thickness of 4.0 mil; or

(3) recyclable paper that contains a minimum of 40 percent recycled content.

(e) A reusable carryout bag must meet the minimum reuse testing standard of 100 reuses carrying 16 pounds.

(f) A reusable carryout bag made out of paper must have the percentage of recycled content of the bag printed on it.

(g) Alternative reusable bags.

(1) The director may approve an alternative bag to the reusable carryout bag if the director finds that:

(A) the proposed alternative bag provides reusability and durability that is equivalent to or better than the required bag; and

(B) the manufacturer or distributor of the proposed alternative bag has independent documentation that shows that the bag is capable of 100 reuses carrying 16 pounds.

(2) A request for approval of an alternative bag must be submitted on a form provided by the director.

(3) The applicant has the burden of proof to establish the necessary facts to warrant favorable action by the director. The director shall evaluate all applications on a case-by-case basis.

(4) The director shall render a decision on an application filed in accordance with this subsection no later than 60 days after the request is submitted. If the director fails to render a decision within 60 days, the application shall be deemed denied. The director shall prepare written findings to support the grant or denial of a request filed in accordance with this subsection.

(5) If the director denies an application for an alternative bag, the decision is final unless the applicant files an appeal with the permit license and appeals board in accordance with Section 2-96 of this code. (Ord. 29307, eff. 1-1-15)

SEC. 9C-6. SIGNAGE AND OTHER REQUIREMENTS.

(a) Except as provided in this section, a business establishment shall display signage in accordance with this section.

(b) A business enterprise is not required to display signage if the only single-use carryout bags it provides to customers fall under the exemption of Section 9C-3(d) of this chapter.

(c) Required signs must be displayed in both English and Spanish.

(d) The specific wording of a required sign may be chosen by the business establishment as long as the sign states all of the following:

(1) If the business establishment is not registered in accordance with Section 9C-4 of this chapter, that the business establishment does not offer single-use carryout bags.

(2) If the business establishment is registered in accordance with Section 9C-4 of this chapter, that single-use carryout bags are only

~~provided to a customer who pays a per-bag or per-transaction fee, as applicable.~~

~~(3) The options available for carrying items purchased from the business establishment.~~

~~(4) The environmental benefits of reducing, reusing, and recycling.~~

~~(e) A sign must be posted no farther than six feet from each point of sale.~~

~~(f) A business establishment that owns, leases, or controls its customer parking areas shall post and maintain in each customer parking area exterior signs with the following requirements:~~

~~(1) The signs must include wording that encourages customers to bring their own reusable carryout bags.~~

~~(2) The signs must be at least 11 inches by 17 inches in area and readable by walking customers.~~

~~(3) The signs must be posted so that they are visible to customers with a minimum of one sign for every 50 required parking spaces. Except as provided in this subsection, the signs must be distributed in a roughly even manner throughout the parking lot.~~

~~(4) If a business establishment has fewer than 50 required parking spaces, in lieu of posting signs in the parking area, it must post one sign at the exterior of each customer entrance, visible to customers entering the business establishment.~~

~~(5) The signs must be made of rigid, weather-resistant metal.~~

~~(g) The city does not provide the signs required by this section. It is the responsibility of the business establishment to produce, erect, and maintain the signs.~~

~~(h) A sign required by this section may only be removed by the owner of the business establishment or the property owner. (Ord. 29307, eff. 1-1-15)~~

~~SEC. 9C-7. VIOLATIONS; PENALTY.~~

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

~~(b) An offense under this chapter is punishable by a fine not to exceed $500. (Ord. 29307, eff. 1-1-15)~~

(1) The name, address, email address, and telephone number of the complainant.

(2) The name, address (if known), email address (if known), and telephone number (if known) of each person who allegedly committed the violation.

(3) A statement of the facts on which the complaint is based, including the exact date or dates of the alleged violation.

(4) Identification of the ethics provision or provisions allegedly violated, using either a citation to the applicable section and paragraph of this chapter or a description containing substantially the same language as the ethics provision or provisions.

(5) Copies of the documents or other evidence, if any, referenced in the complaint or in the complainant's possession that support the complaint attached to the complaint.

(6) The names, addresses, email addresses (if known), and telephone numbers of witnesses, if any, that can offer testimony in support of the complaint.

(7) Other sources of evidence, if any, that the complainant recommends should be considered by the ethics advisory commission.

~~(8) An affidavit in which the complainant swears or affirms, under the penalty of perjury, that all information submitted in and with the complaint is true and correct.~~

(8) An affidavit in which the complainant swears or affirms, under the penalty of perjury, that:

(A) the complaint states a violation of this chapter;

(B) the complaint is not being presented for any improper purpose, such as to harass, cause unnecessary delays, or needlessly increase the cost of defense to the person charged in the complaint; and

(C) either:

(i) all information submitted in and with the complaint is true and correct; or

(ii) to the best of the complainant's knowledge, formed after an inquiry reasonable under the circumstances, the factual contentions in the complaint are supported by credible evidence submitted in and with the complaint.

(b) Format of evidence. If a complainant or a person charged in a complaint submits evidence in an electronic, mechanical, or other format that the city secretary's office cannot duplicate or display, that office shall request that person to provide the evidence in a format that the office can duplicate or display. If that person fails to provide the evidence to the city secretary's office in a format that the office can duplicate or display within seven days after the office

(f) False accusations and responses. The city secretary shall, in writing, advise the person filing the complaint that falsely accusing someone of a violation of this chapter may result in criminal prosecution of anyone who knowingly makes a false accusation. The city secretary shall, in writing, advise the person charged in the complaint that falsely responding to a complaint may result in criminal prosecution of anyone who knowingly makes a false response.

(g) Summary dismissal.

~~(1) Within 30 days after receipt of a complete complaint, either the chair or vice chair, selected on a rotational basis and subject to availability, and two commission members, selected by lot by the city secretary and subject to availability, shall make a preliminary finding as to whether or not the complaint states a claim under this chapter and is supported by just cause. "Just cause" means such cause as is found to exist upon a reasonable inquiry that would induce a reasonably intelligent and prudent person to believe that a person has committed an act or acts constituting an ethical violation under this chapter.~~

(1) Within 30 days after receipt of a complete complaint, either the chair or vice chair, selected on a rotational basis and subject to availability, and two commission members, selected by lot by the city secretary and subject to availability, shall make a preliminary finding as to whether or not the complaint states a claim under this chapter and is supported by just cause. "Just cause" means such cause as is found to exist upon a reasonable inquiry, including an assessment of the credibility of the evidence, that would induce a reasonably intelligent and prudent person to believe that a person has committed an act or acts constituting an ethical violation under this chapter.

(2) If the preliminary finding is that the complaint does not state a claim under this chapter or does not have just cause, based upon the statements and evidence submitted, the complaint must be dismissed. A determination that a complaint be dismissed can only be made upon the affirmative vote of at least two of the three preliminary panel members. Written notice of the dismissal must be sent to both the person who made the complaint and the person about whom the complaint was made, identifying the reason or reasons for dismissal.

(3) The chair is recused from serving on a preliminary panel for any complaint filed against the mayor, except that the chair may participate in discussions and voting on a complaint against the mayor when it is being considered by the commission as a whole. If the chair, the vice chair, or both are

unable to serve on a preliminary panel, the appropriate number of ethics commission members shall be selected by lot by the city secretary as substitutes on the panel. The preliminary panel must always have three members. (Ord. Nos. 24316; 25236; 29660; 29770)

SEC. 12A-27. HEARING PROCEDURES.

(a) Evidentiary hearing. If a complaint is not summarily dismissed under Section 12A-26(g), it will be pursued further at a hearing before the ethics advisory commission. Not less than 10 days before the hearing, the city secretary shall, by certified mail or personal service, give written notice of the hearing to both the person who made the complaint and the person about whom the complaint was made. If a person entitled to notice under this subsection consents in writing, the city secretary may give written notice by facsimile, email, or first class U.S. mail. The notice must state the specific provision or provisions of this chapter alleged in the complaint to have been violated, as determined by the preliminary panel.

(b) Notice of charges. Before the commission may find that a violation of a particular provision of this chapter occurred, the person charged in the complaint must have notice that compliance with that provision is in issue and be given an opportunity to respond. Notice of the violation of a particular provision is conclusively established if:

(1) the complaint alleged that the provision was violated; or

(2) the ethics advisory commission or its legal counsel provides the person charged in the complaint with written notice of the alleged violation of the provision and with a 10-day period within which to respond in writing to the charge.

(c) *Ex Parte* communications. It is a violation of this chapter for:

(24) NEONATE/ PEDIATRIC TRANSPORT PERSONNEL means a registered nurse, physician, or respiratory therapist specially trained in the emergency and transport care of newborn and pediatric patients.

(25) OPERATE means to drive or to be in control of an ambulance.

(26) OPERATOR means the driver of an ambulance, the owner of an ambulance, or the holder of a private ambulance service license.

(27) OWNER means the person to whom state license plates for a vehicle were issued.

(28) PERMIT means written authorization issued by the director for a person to act as an ambulance personnel on a private ambulance within the city.

(29) PERMITTEE means a person who has been issued an ambulance personnel permit by the director under this article.

(30) PERSON means any individual, corporation, business, trust, partnership, association, or other legal entity.

(31) POLICE CHIEF means the chief of police of the city of Dallas or the chief's duly authorized representative.

(32) PRIVATE AMBULANCE means an ambulance constructed, equipped, and used for transporting sick, injured, or deceased persons under circumstances that do not constitute an emergency and have not been represented as an emergency.

(33) PRIVATE AMBULANCE SERVICE means the business of transporting, for compensation, sick, injured, or deceased persons under circumstances that do not constitute an emergency and have not been represented as an emergency.

(34) SPECIAL EVENT means any parade, sporting event, concert, or other event or gathering requiring on-site standby medical personnel.

(35) STREET means any street, alley, avenue, boulevard, drive, or highway commonly used for the purpose of travel within the corporate limits of the city. (Ord. Nos. 21861; 29544)

Division 2. Emergency Medical Services.

SEC. 15D-5. EMERGENCY AMBULANCE SERVICE PROVIDED BY FIRE DEPARTMENT; FEE.

(a) The fire department shall provide all emergency ambulance service within the city.

~~(b) The city shall charge the following fees for emergency ambulance services in the city provided in response to a call received by the fire department requesting the services:~~

~~(1) $800 for each transport of a resident of the city of Dallas to a hospital and $900 for each transport of a nonresident of the city of Dallas to a hospital.~~

~~(2) $125 for treatment of a person who is not transported by ambulance.~~

~~(3) The reasonable cost of any expendable items that are medically required to be used on a person transported by ambulance or treated without being transported by ambulance, including but not limited to drugs, dressings and bandages, airways, oxygen masks, intravenous fluids and equipment, syringes, and needles.~~

~~(4) The reasonable cost of any EKG/telemetry that is medically required to be~~

(b) The city shall charge the following fees for emergency ambulance services in the city provided in response to a call received by the fire department requesting the services:

(1) $1,485 for each transport of a resident of

the city of Dallas to a hospital and $1,578 for each transport of a nonresident of the city of Dallas to a hospital.

(2) $125 for treatment of a person who is not transported by ambulance.

(3) The reasonable cost of any expendable items that are medically required to be used on a person transported by ambulance or treated without being transported by ambulance, including but not limited to drugs, dressings and bandages, airways, oxygen masks, intravenous fluids and equipment, syringes, and needles.

~~performed on a person transported by ambulance or treated without being transported by ambulance.~~

~~(5) The reasonable cost of each additional paramedic over two that is medically required to respond to an emergency call.~~

~~(6) $15 for each loaded mile of transport by ambulance, beginning when the patient is loaded into the ambulance and ending upon arrival at the hospital.~~

(4) The reasonable cost of any EKG/telemetry that is medically required to be performed on a person transported by ambulance or treated without being transported by ambulance.

(5) The reasonable cost of each additional paramedic over two that is medically required to respond to an emergency call.

(6) $15 for each loaded mile of transport by ambulance, beginning when the patient is loaded into the ambulance and ending upon arrival at the hospital.

(c) The person receiving emergency ambulance service, whether transported by ambulance or treated without being transported by ambulance, and any person contracting for the service shall be responsible for payment of all fees. In the case of service received by a minor, the parent or guardian of the minor shall be responsible for payment of all fees.

(d) A current list of charges for the items, services, and personnel described in Subsections (b)(3), (4), and (5) must be maintained in the office of the emergency medical services division of the fire department and made available for public inspection during normal business hours. (Ord. Nos. 21861; 22565; 24743; 26134; 27353; 29879, eff. 10/1/15)

SEC. 15D-5.1. MOBILE COMMUNITY HEALTHCARE PROGRAM PROVIDED BY FIRE DEPARTMENT.

(a) Findings and purpose.

(1) The city incurs significant expense related to the health emergencies of its citizens. Fire department paramedics are especially skilled at providing certain emergency medical services. Many of the emergency medical services provided by fire department paramedics are beneficial in the transport of sick or injured persons, as well as in responding to a person's perceived need for immediate medical care.

ARTICLE IV.

PRIVATE SOLID WASTE COLLECTION SERVICE.

Division 1. In General.

Sec. 18-29. Definitions.
Sec. 18-30. Authority of director.
Sec. 18-31. Defenses.

Division 2. Solid Waste Collection Franchises.

Sec. 18-32. Franchise and decal required.
Sec. 18-33. Franchise application.
Sec. 18-34. Franchise grant.
Sec. 18-35. Franchise fees.
Sec. 18-36. Issuance and display of vehicle decal; proof of franchise to be shown upon request.
Sec. 18-37. Suspension or revocation of franchise; assessment of civil penalties.
Sec. 18-38. Amendments to and transfer of a franchise.
Sec. 18-39. Expiration and renewal of franchise; voidance of authority to operate vehicles.
Sec. 18-40. Franchisee's records and reports.
Sec. 18-41. Annual report.
Sec. 18-42. Failure to pay ad valorem taxes.
Sec. 18-43. Notification of change of address or ownership.
Sec. 18-44. Vehicle inspection.

Division 3. Miscellaneous Requirements relating to Solid Waste Collection, Disposal, and Vehicles.

Sec. 18-45. Requirements for solid waste collection vehicles.
Sec. 18-46. Responsibility of producer of dry or wet solid waste.
Sec. 18-47. Hazardous waste material.
Sec. 18-48. Restrictions on removal of solid waste.
Sec. 18-49. Restrictions on disposal of waste.
Sec. 18-50. Accumulations and deposit of waste prohibited.

Division 4. Violations and Penalties.

Sec. 18-51. Penalties for violations.
Secs. 18-52 thru 18-54. Reserved.

ARTICLE V.

TIRES.

Sec. 18-55. Definitions.
Sec. 18-56. Tire business license and mobile tire repair unit permit required; application; transferability.
Sec. 18-57. License and permit fees.
Sec. 18-58. Issuance, denial, and display of a license or permit.
Sec. 18-59. Revocation of a license.
Sec. 18-60. Appeals.
Sec. 18-61. Expiration and renewal of license; voidance of authority to operate a mobile tire repair unit.
Sec. 18-62. Transporting scrap tires.
Sec. 18-63. Impoundment of vehicles.
Sec. 18-64. Unauthorized disposal of tires.
Sec. 18-65. Exemptions.
Sec. 18-66. Penalty.

ARTICLE I.

COLLECTION AND DISPOSAL.

SEC. 18-1. SCOPE OF CHAPTER.

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

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

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

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

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

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

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

~~(A) has two wheels and a lid;~~

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

~~(C) is too large for handling by manual means.~~

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

(A) has two wheels and a lid;

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

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

(D) is from 48 to 96 gallons.

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

(43) SANITARY LANDFILL. A method of disposing of municipal solid waste on land without

creating a nuisance or hazard to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at appropriate periodic intervals.

~~(44) SANITATION SERVICES. The department of the city that is responsible for the collection and removal of municipal solid waste, including recyclable materials.~~

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

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

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

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

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

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

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

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

(48) VEGETATION. Any plant growth.

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

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

(51) WET SOLID WASTE. Any putrescible animal or vegetable waste materials, other than waterborne waste material, resulting from the handling, preparation, cooking, or consumption of food, including waste material from markets, storage facilities, or the handling or sale of produce or other food products. (Ord. Nos. 16367; 19409; 21058; 21186; 22026; 23694; 24743; 26960; 27697; 29879, eff. 10/1/15; 29881, eff. 10/1/15)

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

~~(a) Containers for residences and duplexes. Every occupant of a residence or duplex shall provide the premises with a sufficient number of solid waste containers to provide for the peak output of municipal solid wastes from those premises without overloading the containers. The containers must be rollcarts (except that bags may be used as containers for recyclable materials or as containers for grass cuttings collected under Section 18-8(b)(3)) and must meet the requirements of this subsection.~~

~~(1) At a residence or duplex, a bag used as a container for recyclable materials must be blue or clear, must have at least a 1.3 mil thickness, and must not exceed 33 gallons in capacity. The combined weight of the recyclable materials and the bag must not exceed 50 pounds.~~

~~(2) At a residence or duplex, a person shall use only city owned and provided rollcarts as solid waste containers, except that blue rollcarts, clear or blue bags, or any combination of each may be used as solid waste containers for recyclable materials.~~

~~(3) A person shall comply with the following requirements when using a rollcart or a blue or clear recycling bag as a solid waste container:~~

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

~~(B) A container must be closed or secured at the top to prevent spillage.~~

~~(C) Glass and other wastes that are dangerous to handle must be securely wrapped, and the container must be labeled to warn of the need for careful handling.~~

~~(D) Ashes must be cold before being placed in a container.~~

~~(E) Non-recyclable materials must not be placed in a container (rollcart or blue or clear recycling bag) designated for recyclable materials. A recycling rollcart that is used for non-recyclable materials may be removed from the premises at the direction of the director of sanitation.~~

~~(4) Unless otherwise specified by the director of sanitation, and in addition to the requirements of Subsection (a)(3), a person shall comply with the following requirements when using a rollcart as a solid waste container:~~

~~(A) A rollcart must be placed for collection so that there is a minimum clearance of three feet to each side of the rollcart and one and one-half feet to the rear of the rollcart from any fence, gas meter, telephone pole, utility box, tree, shrub, additional collection container, or other potential obstruction. A rollcart must be placed so that its handle faces the dwelling unit.~~

~~(B) No person shall block or cause to be blocked access to or hinder collection of a rollcart that has been placed for curbside collection.~~

~~(C) Solid waste, including recyclable materials, must be placed in a rollcart in a manner that~~

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

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

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

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

(B) A container must be closed or secured at the top to prevent spillage.

(C) Glass and other wastes that are dangerous to handle must be securely wrapped, and the container must be labeled to warn of the need for careful handling.

(D) Ashes must be cold before being placed in a container.

(E) Non-recyclable materials must not be placed in a container (rollcart) designated for recyclable materials. A recycling rollcart that is used for non-recyclable materials may be removed from the premises at the direction of the director of sanitation.

(3) Unless otherwise specified by the director of sanitation, and in addition to the requirements of Subsection (a)(3), a person shall comply with the following requirements when using a rollcart as a solid waste container:

(A) A rollcart must be placed for collection so that there is a minimum clearance of three feet to each side of the rollcart and one and one-half feet to the rear of the rollcart from any fence, gas meter, telephone pole, utility box, tree, shrub, additional collection container, or other potential obstruction. A rollcart must be placed so that its handle faces the dwelling unit.

(B) No person shall block or cause to be blocked access to or hinder collection of a rollcart that has been placed for curbside collection.

(C) Solid waste, including recyclable materials, must be placed in a rollcart in a manner that prevents the contents from blowing out of the rollcart when being emptied.

~~prevents the contents from blowing out of the rollcart when being emptied.~~

~~(D) The director of sanitation must be promptly notified of any need for repair or replacement of a rollcart. Cleanliness of a rollcart is the responsibility of the occupant or owner of the premises to which the rollcart is provided.~~

~~(E) A 60 to 65 gallon rollcart may not weigh more than 200 pounds when loaded, and a 90 to 96 gallon rollcart may not weigh more than 250 pounds when loaded.~~

~~(F) Additional rollcarts for garbage may be obtained from the director of sanitation for an additional fee set forth in Section 18-9(c)(1) of this article. Additional rollcarts for recyclable materials may be obtained from the director of sanitation for no additional fee.~~

~~(G) A rollcart that is lost or damaged due to a customer's negligence may be replaced for a fee as set forth in Section 18-9(c)(8) of this article.~~

(D) The director of sanitation must be promptly notified of any need for repair or replacement of a rollcart. Cleanliness of a rollcart is the responsibility of the occupant or owner of the premises to which the rollcart is provided.

(E) A 60 to 65 gallon rollcart may not weigh more than 200 pounds when loaded, and a 90 to 96 gallon rollcart may not weigh more than 250 pounds when loaded.

(F) Additional rollcarts for garbage may be obtained from the director of sanitation for an additional fee set forth in Section 18-9(c)(1) of this article. Additional rollcarts for recyclable materials may be obtained from the director of sanitation for no additional fee.

(G) A rollcart that is lost or damaged due to a customer's negligence may be replaced for a fee as set forth in Section 18-9(c)(8) of this article.

~~(b) Containers for apartments, mobile home parks, institutions, and commercial establishments. Every owner of an apartment, mobile home park, institution, or commercial establishment shall provide the premises with a sufficient number of solid waste containers to provide for the peak output of municipal solid wastes from those premises without overloading the containers.~~

~~(1) A container must be watertight and constructed of a solid and durable grade of metal or plastic material. Any container that is manually collected by city sanitation services employees must not exceed 50 gallons in capacity, and the combined weight of the waste and the container must not exceed 50 pounds. A container must not be overloaded to a point where spillage occurs from overflow, wind, or handling.~~

~~(2) All containers (except blue or clear recycling bags) must meet the following requirements:~~

~~(A) A container must be provided with suitable lifting handles on the outside and a close-fitting or other approved cover equipped with a handle.~~

~~(B) A container must not contain any inside structure, such as a band or reinforcing angle, or anything within the container to prevent the free discharge of the contents. A container that has deteriorated or become damaged to the extent that the cover will not fit securely or that has a jagged or sharp edge capable of causing injury to a sanitation services employee or other person whose duty it is to handle the container will be condemned by the city. If such a container is not replaced after notice to the owner or user, the container will be removed along with its contents.~~

~~(C) The lid of a container must be close-fitting and must remain in place covering the container at all times when there is any material in the container. The lid may be attached by an appropriate means to the rack upon which the container is placed or to an adjacent fence or other appropriate fixed object in order to prevent the lid from getting into the pathway of a vehicle. Except on a mechanically emptied container, the lid must not be directly attached to the container. A container that has the lid directly attached to it is a hazard to any sanitation services employee engaged in the collection of solid waste and will be condemned by the city. If such an attachment is not removed after notice to the owner or user, the container will be removed along with its contents.~~

(b) Containers for apartments, mobile home parks, institutions, and commercial establishments. Every owner of an apartment, mobile home park, institution, or commercial establishment shall provide the premises with a sufficient number of solid waste containers to provide for the peak output of municipal solid wastes from those premises without overloading the containers.

(1) A container must be watertight and constructed of a solid and durable grade of metal or plastic material. Any container that is manually collected by city sanitation services employees must not exceed 96 gallons in capacity, and the combined weight of the waste and the container must not exceed 250 pounds. A container must not be overloaded to a point where spillage occurs from overflow, wind, or handling.

(2) All containers must meet the following requirements:

(A) A container must be provided with suitable lifting handles on the outside and a close-fitting or other approved cover equipped with a handle.

(B) A container must not contain any inside structure, such as a band or reinforcing angle, or anything within the container to prevent the free discharge of the contents. A container that has deteriorated or become damaged to the extent that the cover will not fit securely or that has a jagged or sharp edge capable of causing injury to a sanitation services employee or other person whose duty it is to handle the container will be condemned by the city. If such a container is not replaced after notice to the owner or user, the container will be removed along with its contents.

(c) Underground solid waste containers. Underground solid waste containers are prohibited for use in the city unless the installation is specifically approved by the director of sanitation. (Ord. Nos. 16367; 19409; 19991; 21058; 24743; 26960; 28019; 29879, eff. 10/1/15)

of the bodies of large dead animals, including but not limited to horses, cattle, and other animals of similar size. (Ord. Nos. 16367; 26960)

SEC. 18-8. SOLID WASTE MATERIALS NOT HANDLED BY CITY SANITATION SERVICES.

(a) General. The scope of the service rendered by the city sanitation services in the collection and removal of solid waste materials is intended, in general, to serve the normal needs of dwelling units and their directly related activities, operating businesses, and commercial establishments except as exempted from the provisions of this chapter. It is considered to be beyond the scope of such service to collect or remove solid waste materials generated by clearing, construction, or demolition or any other solid waste materials resulting from an activity beyond the scope described in this subsection.

(b) Materials not collected by city. Solid waste materials that will not be collected and removed by the city sanitation services as a regular service include:

(1) Trash or debris resulting from construction, demolition, destruction by fire, or clearance of vacant or improved property in preparation for construction or occupancy, or similar materials as designated by the director of sanitation, will not be collected and removed by the city as a regular service, but these materials must be removed at the expense of the owner or developer.

(2) Industrial wastes resulting from manufacturing or processing operations, including waste from food and vegetable produce houses, poultry dressing establishments, and meat processing and meat packing plants, must be disposed of by the owner or occupant of the building, business, or premises where the wastes originate in the manner prescribed by state law and any other applicable ordinance. The director of sanitation shall determine what wastes fall within the industrial classification described in this subsection.

(3) Grass cuttings will not be collected or removed by the city, except that, from March 15 through April 15 of each calendar year, grass cuttings that are placed in disposable bags and separated from all other solid waste materials will be collected and removed by the city, for an additional service charge that provides the city with full cost recovery, either by using city sanitation services or by contracting through the competitive bid process with a private solid waste hauler franchised under Article IV of this chapter. Each bag used for grass cuttings must be of watertight, leakproof plastic, must have at least a 1.3 mil thickness, must not exceed 50 gallons in capacity, and must be secured at the top to prevent spillage. The combined weight of the grass cuttings and bag must not exceed 50 pounds. Grass cuttings collected will be composted by the city of Dallas and in no case will any of the cuttings collected be placed in the McCommas Bluff landfill. City sanitation services will continue to collect and remove brush and yard trash, other than grass cuttings, from premises within the city. Nothing in this paragraph prohibits the city from collecting and removing grass cuttings as part of a code enforcement action against any premises in the city. (Ord. Nos. 16367; 16697; 21632; 22306; 28019)

SEC. 18-9. SPECIFYING CHARGES FOR SANITATION SERVICE.

~~(a) Method of charging and billing for sanitation services.~~

~~(1) A sanitation service charge will be made for the following:~~

~~(A) All dwelling units in the city that are served with water delivered under an active water account of the water utilities department of the city.~~

(a) Method of charging and billing for sanitation services.

(1) A sanitation service charge for garbage and recycling will be made for the following:

(A) All dwelling units in the city that are served with water delivered under an active water

account of the water utilities department of the city.

~~(B) All dwelling units in the city that are served with wastewater service only under an active account of the water utilities department of the city.~~

~~(C) All property that is served with sanitation services by the city and that is not specified by Subparagraphs (A) or (B) of this paragraph. The water utilities department shall bill for sanitation services in a manner that distinguishes the charges from water or wastewater charges.~~

~~(2) The water utilities department shall bill the person in whose name the water service or wastewater service account appears. If a sanitation services customer is not served with water or wastewater service by the city, the water utilities department shall bill the person in control of the premises or, if that person is unknown, the owner of the premises. Payment of the fee for sanitation services is due on or before the date stated on the face of the customer's bill and is delinquent after that date. A bill is delinquent if not paid within 15 days from the date it is rendered by the water utilities department.~~

~~(3) In addition to all other legal remedies available for the collection of a debt, the following actions and remedies are authorized for delinquent payment of the charges authorized in this article:~~

~~(A) The sanitation services may refuse to pick up and dispose of the garbage and trash (or rubbish) at the delinquent location;~~

~~(B) The water and/or wastewater service, if any, serving the delinquent premises in question may be shut off and terminated.~~

~~(C) A five percent late payment fee will be added to the total net bill.~~

~~(4) All collections by the water utilities department will be applied first to the water utilities charges, and the customer will be deemed to have paid such water utilities charges first if any question arises as to how outstanding balances should be composed and applied.~~

~~(A) All present water utilities department customers to be billed under this article will be automatically placed on the billing for sanitation services charges, regardless of whether or not a written contract exists between the city and such customers.~~

~~(B) All present water utilities guaranty deposits upon termination of wastewater service and/or water service may be applied to any amounts due either for sanitation services charges or fees of water utilities bills.~~

~~(C) All water utilities services contracts entered into between the water utilities department and the customer must contain an agreement that any guaranty deposit upon termination of wastewater service and/or water service may be applied to sanitation services fees and charges and to water utilities charges that have become due.~~

~~(b) General regulations.~~

~~(1) Establishment of service charges will be based upon the current use of the property rather than being based upon the zoning.~~

~~(2) There will be no proration of service charges for a portion of a billing period. The initial billing will be made concurrent with the initial water billing. The final billing for sanitation charges will be for a full billing period.~~

~~(3) Except as otherwise set forth in this article, collection service must be provided by the sanitation services of the city for all residences and duplexes and for all manual collection from apartments and mobile home parks, and such service may not be contracted or performed by other than the city's sanitation services.~~

(B) All dwelling units in the city that are served with wastewater service only under an active account of the water utilities department of the city.

(C) All commercial properties in the city that can be adequately serviced with no more than

10 garbage rollcarts and 10 recycling rollcarts and that are served with water delivered under an active water account of the water utilities department of the city or that are served with wastewater service only under an active account of the water utilities department of the city.

(D) All commercial properties that are serviced with a single garbage rollcart. These properties have the option to receive one recycling rollcart of the same size or greater than the garbage rollcart, at no additional cost.

(E) All property that is served with sanitation services by the city and that is not specified by Subparagraphs (A), (B), (C), or (D) of this paragraph. The water utilities department shall bill for sanitation services in a manner that distinguishes the sanitation charges from water or wastewater charges.

(2) The water utilities department shall bill the person in whose name the water service or wastewater service account appears. If a sanitation services customer is not served with water or wastewater service by the city, the water utilities department shall bill the person in control of the premises or, if that person is unknown, the owner of the premises. Payment of the fee for sanitation services is due on or before the date stated on the face of the customer's bill and is delinquent after that date. A bill is delinquent if not paid within 15 days from the date it is rendered by the water utilities department.

(3) In addition to all other legal remedies available for the collection of a debt, the following actions and remedies are authorized for delinquent payment of the charges authorized in this article:

(A) The sanitation services may refuse to pick up and dispose of the garbage and trash (or rubbish) at the delinquent location;

(B) The water and/or wastewater service, if any, serving the delinquent premises in question may be shut off and terminated.

(C) A five percent late payment fee will be added to the total net bill.

(4) All collections by the water utilities department will be applied first to the water utilities charges, and the customer will be deemed to have paid such water utilities charges first if any question arises as to how outstanding balances should be composed and applied.

(A) All present water utilities department customers to be billed under this article will be automatically placed on the billing for sanitation services charges, regardless of whether or not a written contract exists between the city and such customers.

(B) All present water utilities guaranty deposits upon termination of wastewater service and/or water service may be applied to any amounts due either for sanitation services charges or fees of water utilities bills.

(C) All water utilities services contracts entered into between the water utilities department and the customer must contain an agreement that any guaranty deposit upon termination of wastewater service and/or water service may be applied to sanitation services fees and charges and to water utilities charges that have become due.

(b) General regulations.

(1) Establishment of service charges will be based upon the current use of the property rather than being based upon the zoning.

(2) There will be no proration of service charges for a portion of a billing period. The initial billing will be made concurrent with the initial water billing. The final billing for sanitation charges will be for a full billing period.

(3) Except as otherwise set forth in this article, collection service must be provided by the sanitation services of the city for all residences and duplexes and for all manual collection from apartments and mobile home parks, and such service may not be contracted or performed by other than the city's sanitation services.

~~(4) The director may provide for alternative solid waste collection service to a customer, if the director determines that the customer cannot be adequately serviced with the standard collection service.~~

~~(c) Schedule of service charges.~~

~~(1) The collection service charge for a residence or duplex is as follows:~~

~~(A) Alley or curb collection service for municipal solid waste - $21.31 per dwelling unit per month for one rollcart, plus $10.56 per month for each additional garbage rollcart requested by the owner or occupant of the premises.~~

~~(B) Packout or drive-in collection service for municipal solid waste - $71.17 per dwelling unit per month.~~

~~(2) The collection service charge for an apartment or a mobile home park that receives manual collection service from the sanitation services of the city is as follows:~~

~~(A) Alley, curb, or drive-in collection service for municipal solid waste - $21.31 per apartment unit or mobile home space per month.~~

~~(B) Packout collection service for municipal solid waste - $71.17 per apartment unit or mobile home space per month.~~

~~(3) A monthly collection service charge will be made for all commercial establishments for collection service provided by the sanitation services of the city as follows:~~

(4) A commercial property in the city cannot receive service for more than 10 recycling rollcarts.

(A) A commercial property has the option to apply for an exemption to receive more than 10 recycling rollcarts upon written approval from the director of sanitation. Approval of the exemption will be at the discretion of the director of sanitation.

(B) The director of sanitation has the discretion to limit a commercial property to fewer than 10 recycling rollcarts if the property does not have adequate space or if the property cannot reasonably be provided with recycling service.

(5) A commercial property in the city cannot receive service for more than 10 garbage rollcarts.

(A) A commercial property has the option to apply for an exemption to receive more than 10 garbage rollcarts upon written approval from the director of sanitation. Approval of the exemption will be at the discretion of the director of sanitation.

(B) The director of sanitation has the discretion to limit a property to fewer than 10 garbage rollcarts if the property does not have adequate space or if the property cannot reasonably be provided with garbage service.

(6) Commercial establishments that are located within a 1.5-mile radius of Dallas City Hall may receive more than one garbage and recycling collection per week by sanitation services. Commercial establishments that are located outside of a 1.5-mile radius of Dallas City Hall may receive more than one garbage and recycling collection per week by the sanitation services of the city only if the director of sanitation agrees in writing.

(7) A commercial property shall comply with the following requirements when using a recycling rollcart:

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

(B) The rollcart must be closed or secured at the top to prevent spillage.

(C) Only recyclable materials may be placed in a recycling rollcart. A recycling rollcart that is used for non-recyclable materials or that contains a significant amount of non-recyclable materials may be removed from the premises at the direction of the director of sanitation.

(D) A recycling rollcart must be placed on the curb in accordance with Section 18-3(a)(4) and Section 18-4(c). A recycling rollcart that is not kept clean or that causes a nuisance may be removed from the premises at the direction of the director of

sanitation.

(8) The director may provide for alternative solid waste collection service to a customer, if the director determines that the customer cannot be adequately serviced with the standard collection service.

(c) Schedule of service charges.

(1) The collection service charge for a residence or duplex is as follows:

(A) Alley or curb collection service for municipal solid waste - $22.79 per dwelling unit per month for one rollcart, plus $10.56 per month for each additional garbage rollcart requested by the owner or occupant of the premises.

(B) Packout or drive-in collection service for municipal solid waste - $79.35 per dwelling unit per month.

(2) The collection service charge for an apartment or a mobile home park that receives manual collection service from the sanitation services of the city is as follows:

(A) Alley, curb, or drive-in collection service for municipal solid waste - $22.79 per apartment unit or mobile home space per month.

(B) Packout collection service for municipal solid waste - $79.35 per apartment unit or mobile home space per month.

(3) A monthly collection service charge will be made for all commercial establishments for collection service provided by the sanitation services of the city as follows:

TABLE OF MONTHLY CHARGES

~~(Rear-end Loaders)~~

~~QUANTITY OF SOLID WASTE~~	~~NUMBER OF COLLECTIONS PER WEEK~~					
~~Gallons~~	~~2~~	~~3~~	~~4~~	~~5~~	~~6~~	~~7~~
~~60~~	~~$37.79~~	~~$68.76~~	~~$93.53~~	~~$113.77~~	~~$138.95~~	~~$169.70~~
~~100~~	~~$50.18~~	~~$93.53~~	~~$116.24~~	~~$147.20~~	~~$246.31~~	~~$412.13~~
~~200~~	~~$85.27~~	~~$182.31~~	~~$235.98~~	~~$297.92~~	~~$351.61~~	~~$414.96~~
~~300~~	~~$134.83~~	~~$246.31~~	~~$326.83~~	~~$407.36~~	~~$492.00~~	~~$594.25~~

(Garbage & Recycling, per Section 18-9(b)(6), more than once a week)

	NUMBER OF COLLECTIONS PER WEEK*					
96-gallon RollCarts	**2**	**3**	**4**	**5**	**6**	**7**
1	$59.59	$88.85	$118.11	$147.37	$176.63	$205.89
2	$119.18	$177.70	$236.22	$294.73	$353.25	$411.77
3	$178.77	$266.54	$354.32	$442.10	$529.88	$617.66
4	$238.36	$355.39	$472.43	$589.47	$706.51	$823.54
5	$297.95	$444.24	$590.54	$736.84	$883.13	$1,029.43
6	$357.54	$533.09	$708.65	$884.20	$1,059.76	$1,235.32
7	$417.13	$621.94	$826.75	$1,031.57	$1,236.39	$1,441.20
8	$476.72	$710.78	$944.86	$1,178.94	$1,413.01	$1,647.09
9	$536.31	$799.63	$1,062.97	$1,326.30	$1,589.64	$1,852.98
10	$595.90	$888.48	$1,181.08	$1,473.67	$1,766.27	$2,058.86

TABLE OF MONTHLY CHARGES
(Garbage & Recycling, per Section 18-9(b)(6), once a week only, eff. 1/1/16)

	NUMBER OF COLLECTIONS PER WEEK
96-gallon RollCarts	1
1	$30.33
2	$60.66
3	$90.99
4	$121.32
5	$151.65
6	$181.98
7	$212.31
8	$242.64

9	$272.97
10	$303.30

(4) A monthly recycling-only collection service charge will be made for all commercial properties for weekly collection service provided by the sanitation services of the city as follows:

TABLE OF MONTHLY CHARGES
(Recycling-Only Service, Outside of the Central Business District, eff. 1/1/16)

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

~~(4) Extraordinary collection and removal service: A cost plus rate determined by the director of sanitation for materials not included in the regular collection service as described in Section 18-8.~~

~~(5) Miscellaneous collection service charges will be as follows:~~

~~(A) Public housing may be charged as apartments.~~

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

~~(6) The service charge for the collection and removal of grass cuttings from any premises is:~~

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

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

~~(7) Packout or drive-in service for certain handicapped persons meeting uniform requirements specified by the director of sanitation will be provided at the rate for alley or curb collection service. Any applicant for a reduced rate under this subparagraph~~

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

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

(A) Public housing may be charged as apartments.

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

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

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

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

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

~~who intentionally makes any misrepresentation in any written statement required by such uniform requirements is guilty of an offense and, upon conviction, is punishable by a fine not to exceed $500.~~

~~(8) The fee for replacement of a rollcart that is lost or damaged due to a customer's negligence is $49.59 for a garbage rollcart or $52.94 for a recycling rollcart.~~

~~(9) Large dead animals, including but not limited to horses, cattle, and other animals of similar size, will be picked up by the city for a fee of $100 per animal.~~

~~(d) A person claiming entitlement to a refund of sanitation services paid to the city must notify the director of sanitation of the claim within 180 days from the date the disputed payment was received by the city.~~

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

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

(d) A person claiming entitlement to a refund of sanitation services paid to the city must notify the director of sanitation of the claim within 180 days from the date the disputed payment was received by the city. (Ord. Nos. 16367; 16435; 16697; 17133; 17545; 17987; 19300; 19409; 19963; 19991; 20736; 21058; 21431; 21632; 21819; 22206; 22306; 22565; 22906; 24743; 25048; 25384; 25754; 26134; 26478; 26960; 27353; 27695; 28019; 29149; 29477~~, eff. 10/1/14~~; 29879, eff. 10/1/15)

SEC. 18-10. REGULATING THE PROCESSING AND DISPOSAL OF SOLID WASTE MATERIALS.

(a) General regulations.

(1) A person commits an offense if he disposes of dry or wet solid waste or other waste materials inside the city, other than at a location and in a manner approved by the director of sanitation as complying with federal, state, and local law regulating solid waste processing and disposal. The owner, occupant, or person in control of premises to which illegally-deposited solid waste is traced is presumed to have illegally disposed of or caused the illegal disposal of the solid waste. If a vehicle is used to illegally dispose of solid waste, the owner of the vehicle is presumed to have illegally disposed of or authorized

SEC. 18-57. LICENSE AND PERMIT FEES.

~~(a) The annual fee for a tire business license is $315.~~

~~(b) The annual fee for each mobile tire repair unit permit is $30.~~

~~(c) The fee for issuing a duplicate tire business license or mobile tire repair unit permit for one that is lost, stolen, or mutilated is $10.~~

~~(d) The applicant shall pay all fees required by this section to the director before a license or permit will be issued. No refund of a fee will be made.~~

(a) The annual fee for a tire business license is $75.

(b) The annual fee for each mobile tire repair unit permit is $75.

(c) The fee for issuing a duplicate tire business license or mobile tire repair unit permit for one that is lost, stolen, or mutilated is $32.

(d) The applicant shall pay all fees required by this section to the director before a license or permit will be issued. No refund of a fee will be made. (Ord. Nos. 25635; 26598; 29879, eff. 10/1/15)

SEC. 18-58. ISSUANCE, DENIAL, AND DISPLAY OF A LICENSE OR PERMIT.

(a) The director shall issue a tire business license to the applicant, unless the director determines that the applicant:

(1) failed to completely fill out an application;

(2) provided false information on an application;

(3) failed to pay a license or permit fee required under this article: or

(4) has had a tire business license revoked within the preceding 12 months.

(b) Upon issuance of a license to an applicant, the director shall issue a permit to each vehicle to be operated by the applicant as a mobile tire repair unit.

(c) If the director determines that an applicant should be denied a tire business license, the director

(c) It is a defense to prosecution under Subsection (b)(2) that the person is the resident of the dwelling unit from which notice was removed.

(d) A utility company shall notify the city attorney of any utility interruption to a master metered apartment dwelling unit resulting from a violation of Section 27-28 of this article. Notice must be given, in writing, not more than three days after utility service is interrupted. (Ord. Nos. 16232; 18591; 19234; 25522)

SEC. 27-28. NONPAYMENT OF UTILITY BILLS - ESSENTIAL UTILITY SERVICE.

(a) The owner or property manager of a master metered apartment building commits an offense if he fails to pay a utility bill and the nonpayment results in the interruption to any dwelling unit of a utility service essential to the habitability of the dwelling unit and to the health of the occupants. Essential utility services are gas, electric, and water and wastewater services.

(b) The owner or property manager of a master metered apartment building who violates Subsection (a) is guilty of a separate offense for each dwelling unit to which utility service is interrupted.

(c) It is a defense to prosecution under this section that the tenant occupying a dwelling unit to which utility service is interrupted is in arrears in rent to the owner or property manager of the master metered apartment building. (Ord. Nos. 18591; 19234; 25522)

ARTICLE VII.

REGISTRATION AND INSPECTION OF MULTI-TENANT PROPERTIES.

SEC. 27-29. AUTHORITY OF DIRECTOR.

The director shall implement and enforce this article and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the director determines are necessary to discharge any duty under or to effect the policy of this article. (Ord. Nos. 22205; 22695; 24481; 25522)

SEC. 27-30. REGISTRATION REQUIRED; DEFENSES.

(a) A person commits an offense if he owns or operates a multi-tenant property in the city without a valid certificate of registration issued under this article.

(b) It is a defense to prosecution under this section that an annual exemption affidavit, signed and sworn to by the owner of a multifamily property or the owner's authorized agent and stating that no dwelling units in the multifamily property are leased or offered for lease, is filed with the director on a form provided by the department. (Ord. Nos. 22205; 22695; 24481; 25522)

SEC. 27-31. REGISTRATION APPLICATION.

~~To obtain a certificate of registration for a multi-tenant property, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the multi-tenant property. The application must contain the following information:~~

To obtain a certificate of registration for a multi-tenant property, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the multi-tenant property. The application must contain the following information:

~~(1) the name, address, and telephone number of the applicant or the applicant's authorized agent;~~

~~(2) the name, all legal addresses, and the main telephone number, if any, of the multi-tenant property;~~

~~(3) the name, address, and telephone number of a person or persons to contact in an emergency as required by Section 27-39 of this article;~~

~~(4) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business;~~

~~(5) the number of units, buildings, and swimming pools located on the multi-tenant property and the total number of bedrooms located on the property (a unit with no separate bedroom will be counted as one bedroom);~~

~~(6) documentary evidence of payment of ad valorem taxes owed in connection with the multi-tenant property;~~

~~(7) the names, addresses, and telephone numbers of any lien holders and insurance carriers for the multi-tenant property;~~

~~(8) the names, addresses, and telephone numbers of all owners, operators, property managers, and other persons in control of the multi-tenant property and of any other persons designated to attend meetings as required by Section 27-44 of this article;~~

~~(9) the current occupancy rate of the multi-tenant property (expressed as a percentage); and~~

~~(10) such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested certificate of registration should be granted.~~

(1) the name, address, and telephone number of the applicant or the applicant's authorized agent;

(2) the name, all legal addresses, and the main telephone number, if any, of the multi-tenant property.

(3) the name, address, and telephone number of a person or persons to contact in an emergency as required by Section 27-39 of this article;

(4) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business;

(5) the number of units, buildings, and swimming pools located on the multi-tenant property and the total number of bedrooms located on the property (a unit with no separate bedroom will be counted as one bedroom);

(6) documentary evidence of payment of ad valorem taxes owed in connection with the multi-tenant property;

(7) the names, addresses, and telephone numbers of any lien holders and insurance carriers for the multi-tenant property;

(8) the names, addresses, and telephone numbers of all owners, operators, property managers, and other persons in control of the multi-tenant property and of any other persons designated to attend meetings as required by Section 27-44 of this article;

(9) the current occupancy rate of the multi-tenant property (expressed as a percentage);

(10) the names, addresses, and telephone numbers of any person or entity leasing one or more units and providing services such as community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with the self-administration of medication to residents of those units; the number and location of such units; the number of residents in each unit; and a description of the on-site services provided to residents by the person

or entity leasing the units; and

(11) such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested certificate of registration should be granted. (Ord. Nos. 22205; 22695; 24481; 25522; 26455; 27458; 29306; 29753)

SEC. 27-32. REGISTRATION FEES.

~~(a) The fee for a certificate of registration for a multi-tenant property is an amount equal to $10.00 times the total number of units in the multi-tenant property, whether occupied or unoccupied.~~

(a) The fee for a certificate of registration for a multi-tenant property is an amount equal to $6.00 times the total number of units in the multi-tenant property, whether occupied or unoccupied.

(b) No refund of a registration fee will be made. (Ord. Nos. 22205; 22695; 22906; 24481; 25522; 27695; 28019; 28423; 29879, eff. 10/1/15)

SEC. 27-33. ISSUANCE, DENIAL, AND DISPLAY OF CERTIFICATE OF REGISTRATION.

(a) Upon payment of all required fees, the director shall issue a certificate of registration for a multi-tenant property to the applicant if the director determines that:

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

(2) the applicant has not made a false statement as to a material matter in an application for a certificate of registration;

(3) the applicant has no outstanding fees assessed under this article or Article VIII of this chapter; and

(4) operation of the multi-tenant property would not violate the city's zoning ordinances.

(b) If the director determines that the requirements of Subsection (a) have not been met, the

registration for a multi-tenant property, including any changes in ownership of the property. (Ord. Nos. 22205; 22695; 24481; 25522)

SEC. 27-42. PROPERTY INSPECTIONS; INSPECTION AND REINSPECTION FEES.

(a) The director may inspect any multi-tenant property in the city for code violations in accordance with Section 27-5 of this chapter. At least once every three years, the director shall conduct a graded inspection of each multi-tenant property, except for one that was constructed and issued a certificate of occupancy within the preceding five years. Graded inspections may be conducted more frequently by the director, but not more than once during a property's annual registration period, when determined to be in the interest of the public health, safety, and welfare. The director, in accordance with Subsection (b) of this section, shall also conduct a supplemental graded inspection of any property failing the graded inspection. After completing a graded inspection or a supplemental graded inspection, the director shall enter the inspection score on the property's certificate of registration. The director may conduct nongraded inspections on a multi-tenant property at any time the director determines necessary.

(b) Supplemental graded inspections.

(1) If a multi-tenant property scores lower than 85 on a graded inspection, the director shall give the owner or operator of the property 45 days from the date of the inspection to correct all substandard conditions and other premises violations specifically listed in the inspection report.

(2) After the 45-day correction period, the director shall conduct:

(A) a first reinspection of the property to determine whether the owner or operator has corrected the specific substandard conditions and other premises violations listed in the inspection report; and

(B) a supplemental graded inspection of the property.

(3) If the multi-tenant property scores 85 or higher on the supplemental graded inspection and the director determines that all substandard conditions and other premises violations specifically listed in the report for the original graded inspection have been corrected, then no inspection fee will be charged under Subsection (c) to the owner or operator of the property.

(4) If the multi-tenant property scores lower than 85 on the supplemental graded inspection or the director determines that all substandard conditions and other premises violations specifically listed in the report for the original graded inspection have not been corrected, then inspection fees for the original graded inspection will be charged to the owner or operator of the property in accordance with Subsection (c)(2) or (c)(3), whichever applies.

~~(c) The owner or operator of a multi-tenant property shall pay to the director the following fees for a graded inspection of the property:~~

~~(1) For a graded inspection in which the property scores 85 or higher or where Subsection (b)(3) applies to the property, no inspection fee will be charged.~~

~~(2) For a graded inspection in which the property scores lower than 85 because of substandard conditions or other premises violations existing on the property and where Subsection (b)(4) applies to the property, the inspection fee is $30 times the total number of units in the multi-tenant property.~~

~~(3) For a graded inspection in which the property scores lower than 85 only because of failure to have or display required documentation, including but not limited to permits, notices, licenses, records, or~~

(c) The owner or operator of a multi-tenant property shall pay to the director the following fees for a graded inspection of the property:

(1) For a graded inspection in which the property scores 85 or higher or where Subsection (b)(3)

applies to the property, no inspection fee will be charged.

(2) For a graded inspection in which the property scores lower than 85 because of substandard conditions or other premises violations existing on the property and where Subsection (b)(4) applies to the property, the inspection fee is $46 times the total number of units in the multi-tenant property.

(3) For a graded inspection in which the property scores lower than 85 only because of failure to have or display required documentation, including but not limited to permits, notices, licenses, records, or certificates of occupancy, and where Subsection (b)(4) applies to the property, the inspection fee is $87 times the total number of units in the multi-tenant property.

~~certificates of occupancy, and where Subsection (b)(4) applies to the property, the inspection fee is $20 times the total number of units in the multi-tenant property.~~

(d) Whenever a multi-tenant property is inspected by the director and a violation of this code is found, the building or premises will, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, be reinspected by the director to determine that the violation has been eliminated.

~~(e) The owner, occupant, operator, or other person responsible for the violation shall pay to the director the following fees for each reinspection after the first reinspection that must be conducted before the violation is determined to be eliminated:~~

~~(1) For a reinspection conducted inside units of a multi-tenant property, the fee is $50 times the number of units actually reinspected.~~

~~(2) For a reinspection of the exterior and common areas of a multi-tenant property, the fee is $50 for each separate violation site reinspected.~~

(e) The owner, occupant, operator, or other person responsible for the violation shall pay to the director the following fees for each reinspection after the first reinspection that must be conducted before the violation is determined to be eliminated:

(1) For a reinspection conducted inside units of a multi-tenant property, the fee is $50 times the number of units actually reinspected.

(2) For a reinspection of the exterior and common areas of a multi-tenant property, the fee is $20 for each separate violation site reinspected.

(f) The owner or operator of a multi-tenant property shall disclose, on a form provided by the director, the current inspection score for the property in accordance with the following requirements:

(1) A copy of the form containing the current score must be posted on the premises in a manner and location approved by the director.

(2) A copy of the form containing the current score must be given to every new and prospective tenant of the property. (Ord. Nos. 22205; 22695; 24481; 25522; 26598; 27185; 27695; 29879, eff. 10/1/15)

not an individual, an authorized officer or agent of the owner must file the form. The application must contain the following information:

(1) The name, street address, mailing address, and telephone number of the applicant (owner of the property).

(2) The name, street address, mailing address, telephone number, and position of the authorized officer or agent filing the form on behalf of the applicant, if the applicant for the non-owner occupied rental property is not an individual.

(3) The form of business of the applicant; the name, street address, mailing address, and telephone number of a high managerial agent of the business; and, if the business is a corporation or association, a copy of the documents establishing the business.

(4) The street address of the non-owner occupied rental property.

(5) The name, street address, mailing address, and telephone number of a person or persons to contact in an emergency as required by Section 27-69 of this article.

(6) Documentary evidence of payment of ad valorem taxes owed in connection with the non-owner occupied rental property.

(7) The names, street addresses, mailing addresses, and telephone numbers of any owners of the non-owner occupied rental property other than the applicant.

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

(9) Such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested certificate of registration should be granted. (Ord. 27751)

SEC. 27-62. REGISTRATION FEES.

~~(a) The annual fee for a certificate of registration for a non-owner occupied rental property is $25.~~

(a) The annual fee for a certificate of registration for a non-owner occupied rental property is $17.

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

(c) The registration fee established in Subsection (a) will not be charged upon renewal of a certificate of registration for a non-owner occupied rental property if no violations of Section 27-11(b), (c), or (d) of this chapter were found on the property by the director within the preceding registration year. (Ord. Nos. 27751; 29879, eff. 10/1/15)

SEC. 27-63. ISSUANCE, DENIAL, AND DISPLAY OF CERTIFICATE OF REGISTRATION.

(a) Upon payment of all required fees, the director shall issue a certificate of registration for a non-owner occupied rental property to the applicant if the director determines that:

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

(2) the applicant has not made a false statement as to a material matter in an application for a certificate of registration; and

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

(b) If the director determines that the requirements of Subsection (a) have not been met, the

SEC. 27-68. REGISTRANT'S RECORDS.

(a) Each registrant shall maintain at a single location business records of the non-owner occupied rental property. A registrant shall make those records available for inspection by the director or a peace officer at reasonable times upon request.

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

(1) records of ownership for the property; and

(2) any other records deemed necessary by the director for the administration and enforcement of this article. (Ord. 27751)

SEC. 27-69. EMERGENCY RESPONSE INFORMATION.

(a) The registrant of a non-owner occupied rental property shall provide the director with the name, street address, mailing address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week in the event of an emergency condition on the property. An emergency condition includes any fire, natural disaster, collapse hazard, burst pipe, lack of working utilities, serious police incident, or other condition that requires an immediate response to prevent harm to the property, the occupants of the property, or the public.

(b) The registrant of the non-owner occupied rental property shall notify the director within 10 days of any change in the emergency response information.

(c) The registrant of a non-owner occupied rental property, or an authorized agent, must arrive at the property within one hour after a contact person named under this section is notified by the city or emergency response personnel that an emergency condition has occurred on the property. (Ord. 27751)

SEC. 27-70. FAILURE TO PAY AD VALOREM TAXES.

A registrant or an applicant for a certificate of registration for a non-owner occupied rental property shall not allow the payment of ad valorem taxes owed in connection with the non-owner occupied rental property to become delinquent. (Ord. 27751)

SEC. 27-71. NOTIFICATION OF CHANGE OF INFORMATION.

A registrant shall notify the director within 10 days of any material change in the information contained in the application for a certificate of registration for a non-owner occupied rental property, including any changes in ownership of the property. (Ord. 27751)

SEC. 27-72. PROPERTY INSPECTIONS; REINSPECTION FEES.

(a) The director may inspect any non-owner occupied rental property in the city for code violations in accordance with Section 27-5 of this chapter.

(b) Whenever a non-owner occupied rental property is inspected by the director and a violation of this code is found, the building or premises will, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, be reinspected by the director to determine that the violation has been eliminated.

~~(c) The owner, occupant, or other person responsible for the violation shall pay to the director $50 for each reinspection after the first reinspection that must be conducted before the violation is determined to be eliminated.~~

(c) The owner, occupant, or other person responsible for the violation shall pay to the director $19 for each reinspection after the first reinspection that must be conducted before the violation is determined to be eliminated. (Ord. Nos. 27751; 29879, eff. 10/1/15)

alcoholic beverage permits and licenses, and all other permits and licenses required by ordinance or other law for specific activities to be conducted in conjunction with or as part of the neighborhood farmers market must be applied for separately, in accordance with the applicable ordinance or law. The director shall receive and coordinate applications for any city-issued permit or license required in addition to the neighborhood farmers market permit.

(b) Application for a neighborhood farmers market permit authorizes appropriate city departments to issue permits for the activities described in Section 29A-2(6)(A)(iv) in locations where the activity would otherwise be prohibited by ordinance. (Ord. Nos. 28046; 29016)

ARTICLE II.

NEIGHBORHOOD FARMERS MARKET PERMITS.

SEC. 29A-5. APPLICATION; ISSUANCE.

~~(a) A person desiring to hold a neighborhood farmers market shall apply for a neighborhood farmers market permit by filing with the director a written application upon a form provided for that purpose. Only one permit for a neighborhood farmers market will be issued to the same applicant within a calendar year, and that permit will only allow the market to be operated at the single location designated in the permit application. Each application must be accompanied by the required application fee. An application must be filed not less than 30 days before the neighborhood farmers market is to begin. The director may waive the 30-day filing requirement if the application can be processed in less than 30 days, taking into consideration the number and types of permits required to be issued in conjunction with the neighborhood farmers market.~~

(a) A person desiring to hold a neighborhood farmers market shall apply for a neighborhood farmers market permit by filing with the director a written application upon a form provided for that purpose. Each application must be accompanied by the required application fee. An application must be filed not less than 30 days before the neighborhood farmers market is to begin. The director may waive the 30-day filing requirement if the application can be processed in less than 30 days, taking into consideration the number and types of permits required to be issued in conjunction with the neighborhood farmers market.

(b) An application must contain the following information:

(10) If the applicant is a corporation, copies of a current certificate of account status issued by the Texas Comptroller's Office and a current certificate of existence issued by the Texas Secretary of State's Office, or, if the corporation is not incorporated in or holding a certificate of authorization in the State of Texas, copies of similar current certificates from the state in which the corporation is incorporated.

(11) A description (including but not limited to the name, date, location, and size) of each neighborhood farmers market that the applicant conducted or sponsored, or participated in conducting or sponsoring, within the preceding two years.

(12) Any other information the director determines necessary for the administration and enforcement of this chapter.

(c) Upon receipt of the completed application, the director shall forward a copy of the application to the building official and the departments of police, fire-rescue, risk management, code compliance, street services, and public works. The building official and each department shall review the application and return it, with any comments, to the director within 10 working days after receipt.

(d) The building official, departments, and the director may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of a neighborhood farmers market, to be incorporated into the permit before issuance.

~~(e) After reviewing the application and comments, the director shall issue the neighborhood farmers market permit unless denial is required by Section 29A-8. A neighborhood farmers market permit expires January 1 of each year and may be renewed by applying in accordance with this section.~~

(e) After reviewing the application and comments, the director shall issue the neighborhood farmers market permit unless denial is required by Section 29A-8. A neighborhood farmers market permit expires one year after issuance and may be renewed by applying in accordance with this section. (Ord. Nos. 28046; 28424; 29016; 29691)

SEC. 29A-6. FEES.

An applicant for a neighborhood farmers market permit shall pay the following fees to conduct the market:

(1) A nonrefundable application fee of:

~~(A) $200 for a neighborhood farmers market in which the estimated number of vendors does not exceed 25;~~

~~(B) $300 for a neighborhood farmers market in which the estimated number of vendors is more than 25 but does not exceed 50; or~~

(A) $250 for a neighborhood farmers market in which the estimated number of vendors does not exceed 35;

(B) $350 for a neighborhood farmers market in which the estimated number of vendors is more than 35 but does not exceed 70; or

(C) $400 for the Dallas Farmers Market.

(2) All fees for permits and licenses required by other city ordinances to conduct specific activities in conjunction with or as part of the neighborhood farmers market. (Ord. Nos. 28046; 29016; 29691)

SEC. 29A-7. INDEMNIFICATION.

An applicant for a neighborhood farmers market permit must execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the conduct of the market. (Ord. Nos. 28046; 29016)

SEC. 29A-8. DENIAL OR REVOCATION.

(a) The director shall deny a neighborhood farmers market permit if:

(1) a neighborhood farmers market permit has been previously granted in the calendar year to another neighborhood farmers market that is located

same or overlapping operating dates and times as the proposed market, except that this restriction does not apply when the proposed market is the Dallas Farmers Market;

(2) the proposed neighborhood farmers market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

(3) the applicant fails to adequately provide for:

(A) the protection of the vendors and attendees at the neighborhood farmers market;

(B) maintenance of public order in and around the neighborhood farmers market location;

(C) crowd security, taking into consideration the size of the market; or

(D) emergency vehicle access.

(4) the applicant fails to comply with or the proposed neighborhood farmers market will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this chapter;

(5) the applicant makes a false statement of material fact on an application for a neighborhood farmers market permit or fails to properly complete an application for a neighborhood farmers market permit;

(6) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the neighborhood farmers market;

(7) the applicant has had a neighborhood farmers market permit revoked within the preceding 14 months;

(8) the applicant or a vendor at the applicant's market has committed, within the preceding 14 months, two or more violations of a provision of a neighborhood farmers market permit or this chapter;

(9) the applicant fails to pay any outstanding fees assessed under Section 29A-6 of this chapter for the proposed neighborhood farmers market or for a past neighborhood farmers market;

(10) ~~the applicant has conducted or sponsored another neighborhood farmers market during the same calendar year in which the proposed neighborhood farmers market is to be held, except that this restriction does not apply to the Dallas Farmers Market;~~

~~(11)~~ a neighborhood farmers market has been conducted at the location of the proposed neighborhood farmers market on at least ~~28~~ 40 days during the same calendar year in which the proposed market is to be conducted, except that this restriction does not apply to the Dallas Farmers Market;

~~(12) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood farmers market would pose a serious threat to the public health, safety, or welfare;~~

~~(13) the applicant or any other person responsible for the conduct or sponsorship of the neighborhood farmers market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;~~

~~(14) the applicant has a history of conducting or sponsoring a neighborhood farmers market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner; or~~

~~(15) the applicant, if it is a corporation, fails to provide copies of a current certificate of account status and current certificate of existence as required by Section 29A-5(b)(10).~~

(11) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood farmers market would pose a serious threat to the public health, safety, or welfare;

(12) the applicant or any other person responsible for the conduct or sponsorship of the

neighborhood farmers market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(13) the applicant has a history of conducting or sponsoring a neighborhood farmers market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner; or

(14) the applicant, if it is a corporation, fails to provide copies of a current certificate of account status and current certificate of existence as required by Section 29A-5(b)(10).

(b) The director shall revoke a neighborhood farmers market permit if:

(1) the permit holder failed to comply with or the neighborhood farmers market is in violation of any provision of the neighborhood farmers market permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement of material fact on an application for a neighborhood farmers market permit or failed to properly complete an application for a neighborhood farmers market permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood farmers market poses a serious threat to the public health, safety, or welfare;

(4) the permit holder failed to pay any outstanding fees assessed under Section 29A-6 of this chapter for the proposed neighborhood farmers market or for a past neighborhood farmers market;

(5) the permit holder or any other person responsible for the conduct or sponsorship of the neighborhood farmers market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or

(6) the permit holder, if it is a corporation, failed to provide copies of a current certificate of account status and current certificate of existence as required by Section 29A-5(b)(10). (Ord. Nos. 28046; 29016; 29691)

SEC. 29A-9. APPEAL FROM DENIAL OR REVOCATION OF A NEIGHBORHOOD FARMERS MARKET PERMIT.

If the director denies the issuance or renewal of a permit or revokes a permit, the director shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right to an appeal. The applicant or permit holder may appeal the decision of the director to a permit and license appeal board in accordance with Section 2-96 of this code. (Ord. Nos. 28046; 29016)

ARTICLE III.

MISCELLANEOUS PROVISIONS.

SEC. 29A-10. LOCATION OF A NEIGHBORHOOD FARMERS MARKET.

(a) A neighborhood farmers market may not be conducted:

(1) in the central business district;

(2) in a single family, duplex, or townhouse zoning district as defined in the Dallas Development Code;

(3) within one mile of another neighborhood farmers market permitted under this chapter that has the same or overlapping operating dates and times;

(4) at any location other than the one listed in the permit application; or

(5) at any location where one or more neighborhood farmers markets have already been conducted a total of 28 days during the particular calendar year.

(b) The restrictions of Subsections (a)(1), (2), (3), and (5) of this section do not apply to the Dallas Farmers Market.

(c) If the permit holder does not own the property on which the neighborhood farmers market will be conducted, the permit holder shall obtain the

written consent of the property owner to conduct the market on the property. The permit holder shall present the written consent to the director or any peace officer upon request. (Ord. Nos. 28046; 29016)

SEC. 29A-11. OPERATION OF A NEIGHBORHOOD FARMERS MARKET.

(a) A neighborhood farmers market may not be operated more than ~~28~~ 40 days at the same location in a calendar year and may not be operated on consecutive days.

(b) A neighborhood farmers market may only be operated between the hours of 8 a.m. and 7 p.m. on any day of the week.

(c) The neighborhood farmers market may only be operated in accordance with the schedule filed with the director at the time of permit application. Amendment to the schedule may be approved by the director during the calendar year if the changes do not conflict with the schedule of another neighborhood farmers market. An amendment request must be received by the director at least 10 days before implementing any changes.

~~(d) No more than 50 vendors may participate in a neighborhood farmers market. Each stall area used by a vendor may not exceed 10 feet by 10 feet.~~

(d) No more than 70 vendors may participate in a neighborhood farmers market. Each stall area used by a vendor may not exceed 10 feet by 15 feet.

(e) When the main use of the property is open for business, not more than 25 percent of the total area of the parking lot for the property may be used for a neighborhood farmers market.

(f) All litter, tents, stalls, food, merchandise, and other evidence of the neighborhood farmers market must be removed from the premises at the end of each market day.

(g) Subsections (a) through (f) of this section do not apply to the Dallas Farmers Market, which shall operate in compliance with its agreements and covenants with the city. (Ord. Nos. 28046; 29016; 29691)

SEC. 29A-12. PRODUCTS AT A NEIGHBORHOOD FARMERS MARKET.

(a) Products that may be sold at a neighborhood farmers market include, but are not limited to, the following:

(1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.

(2) Meats.

(3) Dairy products.

(4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.

(5) Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.

(6) Garden items, including but not limited to plants, flowers, and soil.

(b) At least one half of the vendors participating in a neighborhood farmers market must sell produce or other food items.

(c) All products distributed, offered for sale, or sold at a neighborhood farmers market must have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area. No products may be offered for resale. This subsection does not apply to the Dallas Farmers Market.

(d) Live animals may not be distributed, offered for sale, or sold at a neighborhood farmers market. (Ord. Nos. 28046; 29016)

CHAPTER 34

PERSONNEL RULES

ARTICLE I.

GENERAL PROVISIONS.

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

ARTICLE II.

COMPENSATION.

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

ARTICLE III.

LEAVE POLICIES.

Sec. 34-21.1. General.
Sec. 34-22. Sick leave.
Sec. 34-22.1. Medical testing.
Sec. 34-23. Vacation leave.
Sec. 34-24. Compensatory leave.
Sec. 34-24.1. Family leave.
Sec. 34-25. Holidays.
Sec. 34-26. Court leave.
Sec. 34-27. Death-in-family leave.
Sec. 34-28. Leave without pay.
Sec. 34-29. Leave with pay (excused absence).
Sec. 34-30. Military service/military leave.
Sec. 34-31. Injury leave.
Sec. 34-31.1. Mandatory city leave.

ARTICLE IV.

BENEFITS.

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

ARTICLE V.

RULES OF CONDUCT.

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

ARTICLE VI.

DISCIPLINE, GRIEVANCE, AND APPEAL PROCEDURES.

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

ARTICLE VII.

WAGE SUPPLEMENTATION.

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

(G) a position scheduled to work less than 20 hours per week.

(2) Release. A temporary employee does not serve probation and may be released at any time without right of internal appeal.

(b) Permanent employees. An employee is designated as permanent when appointed in any situation not defined as temporary under Subsection (a). Exceptions to this subsection must be approved by the director of human resources.

(c) Full-time and part-time status. An employee is designated as:

(1) full-time when appointed on a work schedule that is at least 40 hours per week or averages 40 hours per week;

(2) part-time when appointed on a work schedule that:

(A) is less than the usual work schedule of the unit to which the employee is assigned; or

(B) averages less than 40 hours per work week.

(d) Special appointments. An employee is designated as a special appointment when the appointment is:

(1) to a special body or commission not fully under the jurisdiction of the city, but where the employee is carried on the city payroll for administrative purposes;

(2) a mobility appointment under the federal Intergovernmental Personnel Act; or

(3) a cooperative appointment with another agency or organization. (Ord. Nos. 19340; 19473; 22026; 24873)

SEC. 34-9. ELIGIBILITY FOR BENEFITS.

~~(a) Permanent employees.~~

~~(1) A permanent full-time employee is eligible for employee benefits, including, but not limited to, paid leave as provided in this chapter, health plan membership, life insurance, and retirement benefits. Benefits may be changed at any time subject to applicable law.~~

~~(2) A permanent part-time employee is eligible for the same benefits as a permanent full-time employee, but on a prorated basis.~~

~~(b) Temporaryemployees. A temporary employee is not eligible for any benefits.~~

~~(c) Special appointments. Benefits of an employee in a special appointment are determined on an individual basis by the director of human resources.~~

~~(d) City council members. City council members are not employees and are not eligible for benefits, but they may participate in the employee health plan.~~

(a) Permanent employees.

(1) A permanent full-time employee is eligible for employee benefits, including, but not limited to, paid leave as provided in this chapter, health benefit plan participation, life insurance, and retirement benefits. Benefits may be changed at any time subject to applicable law.

(2) An employee hired in a classification other than permanent full-time is eligible for benefits in accordance with federal law and as described in the applicable plan documents.

(b) City council members. City council members are not employees. City council members are eligible for certain tax-favored benefits in accordance with federal law and as described in the applicable plan documents. (Ord. Nos. 19340; 22026; 22195; 22296; 22318; 24873; 25051; 29883)

SEC. 34-10. REAPPOINTMENTS.

(a) Retrieving continuous full-time service.

discrepancy in a pay check resulting in overpayment or otherwise should be brought to the attention of the employee's supervisor and/or the human resources representative for the employee's department. The employee shall also report the discrepancy to the city controller payroll section.

(b) Payday. Friday is the official payday of the city.

(c) Pay information for the appropriate payroll will be made available electronically to employees immediately after payroll processing is completed. This electronic information is provided in lieu of paper pay stubs and may be accessed from any computer with internet access. If necessary, signature pay checks will be released on or about 2:00 p.m. Friday by the city controller to authorized departmental personnel or directly to payee employees. (Ord. Nos. 19340; 22296; 22318; 24873; 28024)

ARTICLE III.

LEAVE POLICIES.

SEC. 34-21.1. GENERAL.

The provisions of this article may be modified by a city council ordinance or resolution adopting a meet and confer or collective bargaining agreement. If any provision of this article conflicts with a provision of a meet and confer or collective bargaining agreement adopted by the city council, the provision of the meet and confer or collective bargaining agreement will prevail. (Ord. 28024)

SEC. 34-22. SICK LEAVE.

~~(a) Eligibility. Every permanent employee accrues and may use sick leave upon initial appointment.~~

~~(b) Reappointments. A person reappointed as a city employee under conditions described in Section 34-10(a)(1) or (a)(2) retrieves sick leave credit accumulated before the person's previous termination from city employment and is entitled to both accrue and use sick leave after reappointment.~~

~~(c) Sworn employee's sick leave eligibility.~~

~~(1) A sworn employee of the police or fire department may take 30 sick leave days each calendar year. This amount shall not exceed 360 hours for a sworn employee in the emergency response bureau of the fire department and 240 hours for every other sworn employee of the police or fire department.~~

~~(2) Any sick leave days taken in excess of the number that, under Subsection (d), can be accrued during a year will be subtracted from the employee's accrued sick leave balance.~~

~~(d) Accrual. Every permanent employee accrues sick leave each year as follows:~~

~~(1) A sworn employee in the emergency response bureau of the fire department accrues six hours each bi-weekly pay period, to a maximum of 144 hours annually.~~

~~(2) A sworn employee in the communications bureau of the fire department accrues four hours each bi-weekly pay period, to a maximum of 96 hours annually.~~

~~(3) Every other bi-weekly paid employee accrues five percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 96 hours annually.~~

~~(4) Every weekly paid employee accrues five percent of hours paid up to 40 in each weekly pay period, to a maximum of 96 hours annually.~~

(a) Eligibility. Every permanent employee accrues and may use sick leave upon initial appointment.

(b) Reappointments. A person reappointed as a city employee under conditions described in Section 34-10(a)(1) or (a)(2) retrieves sick leave credit accumulated before the person's previous termination from city employment and is entitled to both accrue and use sick leave after reappointment.

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(1) A sworn employee in the emergency response bureau of the fire department accrues six hours each bi-weekly pay period, to a maximum of 144 hours annually.

(2) A sworn employee in the communications bureau of the fire department accrues four hours each bi-weekly pay period, to a maximum of 96 hours annually.

(3) Every other bi-weekly paid employee accrues five percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 96 hours annually.

(4) Every weekly paid employee accrues five percent of hours paid up to 40 in each weekly pay period, to a maximum of 96 hours annually.

~~(e) Maximum accrual. The maximum sick leave that may be accrued is 2,160 hours for a sworn employee in the emergency response bureau of the fire department and 1,440 hours for any other employee. When an employee's accrued sick leave reaches the~~

~~maximum number of hours, the accrual ceases until the employee takes sick leave hours.~~

~~(f) Computation of sick leave taken. An absence charged to sick leave will be for the number of hours in the standard work day and will not include overtime whether scheduled or not. An absence charged to sick leave for a sworn employee of the emergency response bureau of the fire department will be made on the basis of 24 hours for each scheduled work shift.~~

~~(g) Increments. Sick leave may be taken in increments of six hours by a nonexempt sworn employee of the emergency response bureau of the fire department, or in lesser increments subject to departmental approval, and in increments of one-tenth hour for every other nonexempt city employee. An exempt employee must take sick leave in one-hour increments.~~

~~(h) Sick leave usage. Sick leave may only be granted or taken when:~~

~~(1) an employee is incapacitated for the performance of duties due to an illness, surgical procedure, or off-job injury;~~

~~(2) a medical, dental, or optical examination or treatment is necessary, provided that prior approval of the supervisor is obtained;~~

~~(3) an employee is incapacitated by or recovering from pregnancy, miscarriage, abortion, or childbirth;~~

~~(4) it is necessary to care for an immediate family member who is ill or incapacitated;~~

~~(5) an employee has been exposed to a contagious disease, meaning one that would warrant quarantine by a health officer, and the employee's presence on the job would jeopardize the health of others;~~

~~(6) it is allowed under the city's wage supplementation plan; or~~

~~(7) it is allowed under the city's administrative directives governing the administration of the Family and Medical Leave Act.~~

~~(i) Notice of unexpected absence.~~

~~(1) Notice of absence due to an illness, injury, or any other unexpected reason must be given in the following manner:~~

~~(A) Every employee, except one covered by Paragraph (1)(B) of this subsection, must give notice to the employee's supervisor from within two hours before to within 30 minutes after starting time, depending upon departmental procedures. The supervisor may require the employee to report on each succeeding day of absence.~~

~~(B) An employee in a department with a 24-hour, seven-day work schedule must give notice to the employee's supervisor at least one hour before reporting time on the first day of the absence and, if required by the supervisor, on each succeeding day of absence.~~

~~(2) Failure to give the notice required in this subsection may result in the employee being declared absent without leave and subject to disciplinary action.~~

~~(j) Physician's statement. Upon request by a supervisor, a department director, or the director of human resources, an employee may be required to:~~

~~(1) furnish a statement from an attending physician demonstrating the existence of circumstances described in Subsection (h)(1), (2), (3), (4), or (5) of this section; or~~

~~(2) submit to a physical or mental examination by a health care provider (including but not limited to a physician or psychologist) selected by the city.~~

(e) Maximum accrual. The maximum sick leave that may be accrued is 2,160 hours for a sworn employee in the emergency response bureau of the fire department and 1,440 hours for any other employee. When an employee's accrued sick leave reaches the maximum number of hours, the accrual ceases until the employee takes sick leave hours.

(f) Computation of sick leave taken. An absence charged to sick leave will be for the number of hours in the standard work day and will not include overtime whether scheduled or not. An absence charged to sick leave for a sworn employee of the emergency response bureau of the fire department will be made on the basis of 24 hours for each scheduled work shift.

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(2) a medical, dental, or optical examination or treatment is necessary, provided that prior approval of the supervisor is obtained;

(3) an employee is incapacitated by or recovering from pregnancy, miscarriage, abortion, or childbirth;

(4) it is necessary to care for an immediate family member who is ill or incapacitated;

(5) an employee has been exposed to a contagious disease, meaning one that would warrant quarantine by a health officer, and the employee's presence on the job would jeopardize the health of others;

(6) it is allowed under the city's wage supplementation plan; or

(7) it is allowed under the city's administrative directives governing the administration of the Family and Medical Leave Act.

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(B) An employee in a department with a 24-hour, seven-day work schedule must give notice to the employee's supervisor at least one hour before reporting time on the first day of the absence and, if required by the supervisor, on each succeeding day of absence.

(2) Failure to give the notice required in this subsection may result in the employee being declared absent without leave and subject to disciplinary action.

(i) Physician's statement. Upon request by a supervisor, a department director, or the director of human resources, an employee may be required to:

(1) furnish a statement from an attending physician demonstrating the existence of circumstances described in Subsection (h)(1), (2), (3), (4), or (5) of this section; or

(2) submit to a physical or mental examination by a health care provider (including but not limited to a physician or psychologist) selected by the city.

(j) Refusal to return from sick leave. An employee who is released by the treating physician to return to regular or limited duty and who refuses to report for work or perform assigned duties is subject to disciplinary action.

~~(k) Refusal to return from sick leave. An employee who is released by the treating physician to~~

~~return to regular or limited duty and who refuses to report for work or perform assigned duties is subject to disciplinary action.~~

~~(l) Holidays. If an official holiday occurs during a period of illness, an employee will be charged for the holiday instead of for sick leave.~~

~~(m) Illness during vacation. If an employee becomes ill while taking vacation leave, the period of illness may be charged as sick leave and the charge against vacation leave will be reduced accordingly. A request for this substitution must be made within two days after the employee's return to work and must be supported by a medical statement.~~

~~(n) Sick leave during suspension. An employee on suspension forfeits use and accrual of sick leave for the duration of the suspension. Upon completion of the suspension, the employee must either physically return to work or, if ill, submit an approved doctor's statement justifying inability to return to work before sick leave credit and accrual may be restored.~~

~~(o) Sick leave during leave without pay. An employee on leave without pay forfeits use and accrual of sick leave for the duration of the leave without pay, except to the extent that the leave without pay is authorized by the City's Family and Medical Leave provisions. Upon completion of the leave without pay, the employee must either physically return to work or, if ill, submit an approved doctor's statement justifying inability to return to work before sick leave credit and accrual may be restored.~~

~~(p) Military service. Sick leave for an employee performing duties in the military service is governed by Section 34-30 of this chapter and administrative directives established pursuant to that section.~~

~~(q) Sick leave adjustment for changes in work schedules. A sworn employee of the fire department will have any sick leave balance adjusted proportionately to reflect differences in work schedules when:~~

~~(1) the employee transfers to or from the emergency response bureau of the fire department; or~~

~~(2) the employee's full-time regular work schedule is increased or decreased.~~

~~(r) Use of vacation leave when sick leave is exhausted. If an employee's sick leave balance is exhausted, the employee may use available vacation leave in cases of illness or injury.~~

~~(s) Advance sick leave. The director of a department may approve a request for advance sick leave for an employee who has completed three consecutive years of city employment and accumulated a minimum of 96 hours of sick leave prior to the occurrence of the condition for which the advance sick leave is needed. The employee shall provide an anticipated return to work date when making the request. The maximum advance of sick leave that may be granted may not exceed 120 hours for a sworn employee in the emergency response bureau of the fire department or 80 hours for any other employee. A request for advance sick leave will not be approved until all expendable paid leave is exhausted and the employee has no outstanding balance of previously-granted advance sick leave. If an employee who is indebted for unearned sick leave terminates, the employee shall refund the amount paid for the period of the advanced sick leave. No refund is required in cases of death or retirement for disability.~~

~~(t) Lump sum payment of sick leave.~~

~~(1) Retirement or 20 years' service. An employee shall be granted lump sum payment of sick leave remaining to the employee's credit in any amount that does not exceed 1,080 hours for a sworn employee in the emergency response bureau of the fire department or 720 hours for any other employee when the employee:~~

~~(A) retires from city employment and is immediately eligible to receive retirement payments; or~~

(k) Holidays. If an official holiday occurs during a period of illness, an employee will be charged for the holiday instead of for sick leave.

(l) Illness during vacation. If an employee

becomes ill while taking vacation leave, the period of illness may be charged as sick leave and the charge against vacation leave will be reduced accordingly. A request for this substitution must be made within two days after the employee's return to work and must be supported by a medical statement.

(m) Sick leave during suspension. An employee on suspension forfeits use and accrual of sick leave for the duration of the suspension. Upon completion of the suspension, the employee must either physically return to work or, if ill, submit an approved doctor's statement justifying inability to return to work before sick leave credit and accrual may be restored.

(n) Sick leave during leave without pay. An employee on leave without pay forfeits use and accrual of sick leave for the duration of the leave without pay, except to the extent that the leave without pay is authorized by the City's Family and Medical Leave provisions. Upon completion of the leave without pay, the employee must either physically return to work or, if ill, submit an approved doctor's statement justifying inability to return to work before sick leave credit and accrual may be restored.

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(1) the employee transfers to or from the emergency response bureau of the fire department; or

(2) the employee's full-time regular work schedule is increased or decreased.

(q) Use of vacation leave when sick leave is exhausted. If an employee's sick leave balance is exhausted, the employee may use available vacation leave in cases of illness or injury.

(r) Advance sick leave. The director of a department may approve a request for advance sick leave for an employee who has completed three consecutive years of city employment and accumulated a minimum of 96 hours of sick leave prior to the occurrence of the condition for which the advance sick leave is needed. The employee shall provide an anticipated return to work date when making the request. The maximum advance of sick leave that may be granted may not exceed 120 hours for a sworn employee in the emergency response bureau of the fire department or 80 hours for any other employee. A request for advance sick leave will not be approved until all expendable paid leave is exhausted and the employee has no outstanding balance of previously-granted advance sick leave. If an employee who is indebted for unearned sick leave terminates, the employee shall refund the amount paid for the period of the advanced sick leave. No refund is required in cases of death or retirement for disability.

(s) Lump sum payment of sick leave.

(1) Retirement or 20 years' service. An employee shall be granted lump sum payment of sick leave remaining to the employee's credit in any amount that does not exceed 1,080 hours for a sworn employee in the emergency response bureau of the fire department or 720 hours for any other employee when the employee:

(A) retires from city employment and is immediately eligible to receive retirement payments; or

~~(B) terminates for any reason with 20 or more years of continuous full-time service, including:~~

~~(i) any continuous full-time service retrieved under Section 34-10(a) of this chapter; and~~

~~(ii) any credited service purchased for retirement purposes under Section 40A-14 of this code after a termination resulting from a reduction in force.~~

~~(2) Disability. Any employee who is placed on a disability pension shall be granted lump sum payment of any sick leave remaining to the employee's credit in any amount that does not exceed 1,080 hours for a sworn employee in the emergency response bureau of the fire department and 720 hours for any other employee. The appropriate pension board will determine the date of permanent disability. Use of sick leave will be discontinued and lump sum payment made effective on that date.~~

~~(3) Death. If an employee dies, the total accumulated sick leave in any amount that does not exceed 1,080 hours for a sworn employee in the emergency response bureau of the fire department and 720 hours for any other employee shall be computed with the final settlement of the employee's wages and paid in a lump sum to the employee's beneficiary or estate.~~

~~(4) Computation. Lump sum payment of sick leave is computed by multiplying the number of hours of sick leave to which an employee is entitled by the employee's regular rate of pay on the date of termination. An employee who elects to receive lump sum payment of sick leave upon termination and who is later reemployed with the city may not receive another lump sum payment of sick leave.~~

~~(5) Eligibility. An employee hired or rehired by the city on or after October 1, 2003 is not eligible for any lump sum payment of sick leave under this subsection.~~

~~(u) Family leave. An employee who is eligible for family leave under Section 34-24.1(b) may be required to deduct hours from the employee's sick leave balance to cover all or part of any absence from work for a family leave purpose described in Section 34-24.1(c).~~

(B) terminates for any reason with 20 or more years of continuous full-time service, including:

(i) any continuous full-time service retrieved under Section 34-10(a) of this chapter; and

(ii) any credited service purchased for retirement purposes under Section 40A-14 of this code after a termination resulting from a reduction in force.

(2) Disability. Any employee who is placed on a disability pension shall be granted lump sum payment of any sick leave remaining to the employee's credit in any amount that does not exceed 1,080 hours for a sworn employee in the emergency response bureau of the fire department and 720 hours for any other employee. The appropriate pension board will determine the date of permanent disability. Use of sick leave will be discontinued and lump sum payment made effective on that date.

(3) Death. If an employee dies, the total accumulated sick leave in any amount that does not exceed 1,080 hours for a sworn employee in the emergency response bureau of the fire department and 720 hours for any other employee shall be computed with the final settlement of the employee's wages and paid in a lump sum to the employee's beneficiary or estate.

(4) Computation. Lump sum payment of sick leave is computed by multiplying the number of hours of sick leave to which an employee is entitled by the employee's regular rate of pay on the date of termination. An employee who elects to receive lump sum payment of sick leave upon termination and who is later reemployed with the city may not receive another lump sum payment of sick leave.

(5) Eligibility. An employee hired or rehired by the city on or after October 1, 2003 is not eligible for any lump sum payment of sick leave under

this subsection.

(t) Family leave. An employee who is eligible for family leave under Section 34-24.1(b) may be required to deduct hours from the employee's sick leave balance to cover all or part of any absence from work for a family leave purpose described in Section 34-24.1(c). (Ord. Nos. 19340; 19932; 22026; 22195; 22296; 22318; 24873; 24930; 25386; 28024; 28425; 29480; 29883)

SEC. 34-22.1. MEDICAL TESTING.

(a) An employee may be required to submit to drug and/or alcohol testing. Specific procedures regarding drug and/or alcohol testing are outlined in the administrative directives of the city.

(b) An employee may be required to submit to a physical and/or mental examination by a city-selected health care provider, including, but not limited to, a physician or psychologist, in order to evaluate the employee's current mental or physical status as it relates to the ability to perform the employee's job duties. (Ord. 24873)

SEC. 34-23. VACATION LEAVE.

~~(a) Eligibility. Every permanent employee accrues vacation leave during the initial six months of city employment, but vacation leave may not be used until the initial six months of employment are completed. All vacation leave is forfeited if the employee terminates employment before completing the initial six months of employment.~~

~~(b) Reappointments. A person reappointed under conditions described in Section 34-10(a)(1) or (a)(2) accrues vacation leave at a rate determined by the number of years of continuous full-time service retrieved and may both accrue and use vacation leave during the initial six months of employment after reappointment.~~

~~(c) Accrual. Vacation leave accrues as follows:~~

(a) Eligibility. Every permanent employee accrues vacation leave during the initial six months of city employment, but vacation leave may not be used until the initial six months of employment are completed. All vacation leave is forfeited if the employee terminates employment before completing the initial six months of employment.

(b) Reappointments. A person reappointed under conditions described in Section 34-10(a)(1) or (a)(2) accrues vacation leave at a rate determined by the number of years of continuous full-time service retrieved and may both accrue and use vacation leave during the initial six months of employment after reappointment.

(c) Accrual. Vacation leave accrues as follows:

~~(1) Every permanent employee with less than five years of service accumulates vacation leave as follows:~~

~~(A) A sworn employee in the emergency response bureau of the fire department accrues nine hours each bi-weekly pay period, to a maximum of 180 hours annually.~~

~~(B) A sworn employee in the communications bureau of the fire department accrues six hours each bi-weekly pay period, to a maximum of 120 hours annually.~~

~~(C) A sworn employee of the police department accrues 7.5 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 120 hours annually.~~

~~(D) Every other bi-weekly paid employee accrues 6.5 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 104 hours annually.~~

~~(E) A weekly paid employee accrues 6.5 percent of hours paid up to 40 in each weekly pay period, to a maximum of 104 hours annually.~~

~~(2) Every permanent employee with five years of service but less than nine years of service accumulates vacation leave as follows:~~

~~(A) A sworn employee in the emergency response bureau of the fire department accrues 10.2 hours each bi-weekly pay period, to a maximum of 204 hours annually.~~

~~(B) A sworn employee in the communications bureau of the fire department accrues 6.8 hours each bi-weekly pay period, to a maximum of 136 hours annually.~~

~~(C) A sworn employee of the police department accrues 8.5 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 136 hours annually.~~

~~(D) Every other bi-weekly paid employee accrues 7.5 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 120 hours annually.~~

~~(E) A weekly paid employee accrues 7.5 percent of hours paid up to 40 in each weekly pay period, to a maximum of 120 hours annually.~~

~~(3) Every permanent employee with nine years of service but less than 15 years of service accumulates vacation leave as follows:~~

~~(A) A sworn employee in the emergency response bureau of the fire department accrues 10.8 hours each bi-weekly pay period, to a maximum of 216 hours annually.~~

~~(B) A sworn employee in the communications bureau of the fire department accrues 7.2 hours each bi-weekly pay period, to a maximum of 144 hours annually.~~

~~(C) Every other bi-weekly paid employee accrues nine percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 144 hours annually.~~

~~(D) A weekly paid employee accrues nine percent of hours paid up to 40 in each weekly pay period, to a maximum of 144 hours annually.~~

~~(4) Every permanent employee with 15 years of service but less than 19 years of service accumulates vacation leave as follows:~~

~~(A) A sworn employee in the emergency response bureau of the fire department accrues 12 hours each bi-weekly pay period, to a maximum of 240 hours annually.~~

~~(B) A sworn employee in the communications bureau of the fire department accrues eight hours each bi-weekly pay period, to a maximum of 160 hours annually.~~

(1) Every permanent employee with less than five years of service accumulates vacation leave as follows:

(A) A sworn employee in the

emergency response bureau of the fire department accrues nine hours each bi-weekly pay period, to a maximum of 180 hours annually.

(B) A sworn employee in the communications bureau of the fire department accrues six hours each bi-weekly pay period, to a maximum of 120 hours annually.

(C) A sworn employee of the police department accrues 7.5 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 120 hours annually.

(D) Every other bi-weekly paid employee accrues 6.5 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 104 hours annually.

(E) A weekly paid employee accrues 6.5 percent of hours paid up to 40 in each weekly pay period, to a maximum of 104 hours annually.

(2) Every permanent employee with five years of service but less than nine years of service accumulates vacation leave as follows:

(A) A sworn employee in the emergency response bureau of the fire department accrues 10.2 hours each bi-weekly pay period, to a maximum of 204 hours annually.

(B) A sworn employee in the communications bureau of the fire department accrues 6.8 hours each bi-weekly pay period, to a maximum of 136 hours annually.

(C) A sworn employee of the police department accrues 8.5 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 136 hours annually.

(D) Every other bi-weekly paid employee accrues 7.5 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 120 hours annually.

(E) A weekly paid employee accrues 7.5 percent of hours paid up to 40 in each weekly pay period, to a maximum of 120 hours annually.

(3) Every permanent employee with nine years of service but less than 15 years of service accumulates vacation leave as follows:

(A) A sworn employee in the emergency response bureau of the fire department accrues 10.8 hours each bi-weekly pay period, to a maximum of 216 hours annually.

(B) A sworn employee in the communications bureau of the fire department accrues 7.2 hours each bi-weekly pay period, to a maximum of 144 hours annually.

(C) Every other bi-weekly paid employee accrues nine percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 144 hours annually.

(D) A weekly paid employee accrues nine percent of hours paid up to 40 in each weekly pay period, to a maximum of 144 hours annually.

(4) Every permanent employee with 15 years of service but less than 19 years of service accumulates vacation leave as follows:

(A) A sworn employee in the emergency response bureau of the fire department accrues 12 hours each bi-weekly pay period, to a maximum of 240 hours annually.

(B) A sworn employee in the communications bureau of the fire department accrues eight hours each bi-weekly pay period, to a maximum of 160 hours annually.

~~(C) Every other bi-weekly paid employee accrues 10 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 160 hours annually.~~

~~(D) A weekly paid employee accrues 10 percent of hours paid up to 40 in each weekly pay period, to a maximum of 160 hours annually.~~

~~(5) Every permanent employee with 19 or more years of service accumulates vacation leave as follows:~~

~~(A) A sworn employee in the emergency response bureau of the fire department accrues 13.8 hours each bi-weekly pay period, to a maximum of 276 hours annually.~~

~~(B) A sworn employee in communication bureau of the fire department accrues 9.2 hours each bi-weekly pay period, to a maximum of 184 hours annually.~~

~~(C) Every other bi-weekly paid employee accrues 11.5 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 184 hours annually.~~

~~(D) A weekly paid employee accrues 11.5 percent of hours paid up to 40 in each weekly pay period, to a maximum of 184 hours annually.~~

~~(d) Maximum accumulation. An employee may accumulate vacation leave up to an amount equal to the employee's vacation leave entitlement for a two-year period. When accumulated vacation leave reaches the maximum allowed, the accrual ceases until vacation leave is taken.~~

~~(e) Acceleration and increased accrual limits. Upon the date of an employee's 5th, 9th, 15th and 19th service anniversary:~~

~~(1) accrual of vacation leave will be accelerated; and~~

~~(2) annual accrual limits of vacation leave will be increased.~~

~~(f) Incentive programs. In addition to vacation leave earned under this section, an employee may earn vacation leave under incentive programs approved by the city manager and adopted by the city council.~~

~~(g) Vacation usage. Vacation use is based on the employee's regular work day and the number of hours the employee would have worked that day. If the employee is assigned to a standard work week, no more than 40 hours paid leave may be charged in one work week. If the employee is assigned to an approved alternate work schedule, the hours charged in one work week as paid leave may not exceed the maximum hours contained in the alternate work week during which the leave was taken. This subsection does not apply to sworn fire department shift personnel.~~

~~(h) Increments. With departmental approval, vacation leave may be taken in increments of six hours by a sworn employee in the emergency response bureau of the fire department and in increments of one-tenth hour by any nonexempt city employee. An exempt employee must take vacation leave in one-hour increments.~~

~~(i) Selection of vacation time. A supervisor may grant vacation leave at a time during the year that will best serve the public interest. Preference may be given to an employee on the basis of length of service.~~

~~(j) Holidays. If an official holiday occurs during vacation leave, an employee will be charged for holiday leave instead of vacation leave. This subsection does not apply to a sworn employee of the emergency response bureau or communications bureau of the fire department who is assigned to a 12-hour or 24-hour work shift.~~

~~(k) Death in family. An appropriate extension of death-in-family leave may be given for a death in an employee's family occurring while the employee is taking vacation leave.~~

(C) Every other bi-weekly paid employee accrues 10 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 160 hours annually.

(D) A weekly paid employee accrues 10 percent of hours paid up to 40 in each weekly pay period, to a maximum of 160 hours annually.

(5) Every permanent employee with 19 or more years of service accumulates vacation leave as follows:

(A) A sworn employee in the emergency response bureau of the fire department accrues 13.8 hours each bi-weekly pay period, to a maximum of 276 hours annually.

(B) A sworn employee in communication bureau of the fire department accrues 9.2 hours each bi-weekly pay period, to a maximum of 184 hours annually.

(C) Every other bi-weekly paid employee accrues 11.5 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 184 hours annually.

(D) A weekly paid employee accrues 11.5 percent of hours paid up to 40 in each weekly pay period, to a maximum of 184 hours annually.

(d) Maximum accumulation. An employee may accumulate vacation leave up to an amount equal to the employee's vacation leave entitlement for a two-year period. When accumulated vacation leave reaches the maximum allowed, the accrual ceases until vacation leave is taken.

(e) Acceleration and increased accrual limits. Upon the date of an employee's 5th, 9th, 15th and 19th service anniversary:

(1) accrual of vacation leave will be accelerated; and

(2) annual accrual limits of vacation leave will be increased.

(f) Incentive programs. In addition to vacation leave earned under this section, an employee may earn vacation leave under incentive programs approved by the city manager and adopted by the city council.

(g) Vacation usage. Vacation use is based on the employee's regular work day and the number of hours the employee would have worked that day. If the employee is assigned to a standard work week, no more than 40 hours paid leave may be charged in one work week. If the employee is assigned to an approved alternate work schedule, the hours charged in one work week as paid leave may not exceed the maximum hours contained in the alternate work week during which the leave was taken. This subsection does not apply to sworn fire department shift personnel.

(h) Selection of vacation time. A supervisor may grant vacation leave at a time during the year that will best serve the public interest. Preference may be given to an employee on the basis of length of service.

(i) Holidays. If an official holiday occurs during vacation leave, an employee will be charged for holiday leave instead of vacation leave. This subsection does not apply to a sworn employee of the emergency response bureau or communications bureau of the fire department who is assigned to a 12-hour or 24-hour work shift.

(j) Death in family. An appropriate extension of death-in-family leave may be given for a death in an employee's family occurring while the employee is taking vacation leave.

~~(l) Vacation leave during suspension. An employee on suspension forfeits use and accrual of vacation leave for the duration of the suspension. Upon completion of the suspension, the employee must either physically return to work or, if ill, submit an approved doctor's statement justifying inability to return to work before vacation leave credit and accrual may be restored.~~

~~(m) Vacation leave during leave without pay. An employee on leave without pay forfeits use and accrual of vacation leave for the duration of the leave without pay, except to the extent that the leave without pay is authorized by the City's Family and Medical Leave provisions. Upon completion of the leave without pay, the employee must either physically return to work or, if ill, submit an approved doctor's statement justifying inability to return to work before vacation leave credit and accrual may be restored.~~

~~(n) Vacation leave in conjunction with leave without pay. Prior departmental approval must be obtained for any period of leave without pay taken in conjunction with a normal vacation. Favorable consideration will be given only to exceptional reasons.~~

~~(o) Pay in lieu of vacation leave. Vacation leave is provided for the specific purpose of allowing an employee a period of rest and recreation, and the practice of "selling" vacation leave is contrary to this purpose. Pay in lieu of vacation leave may only be granted in cases of extreme emergency and must be approved by the city council or city manager.~~

~~(p) Lump sum payment of vacation leave.~~

~~(1) Payment upon termination. An employee who terminates employment after the initial six months of employment shall be paid for vacation leave accrued but not taken.~~

~~(2) Retirement. An employee who retires will be paid in a lump sum for the period of vacation leave due the employee.~~

~~(3) Discharge. A discharged employee who has completed the initial six months of city employment will be paid for all accrued vacation leave in a lump sum at the end of the next complete pay period following the date of discharge. No credit will be given for a holiday that may have fallen within the vacation period had the vacation period been extended on the payroll.~~

~~(4) Death. Vacation leave accrued to the credit of an employee who dies will automatically be paid in a lump sum. Holidays occurring after the date of death will not be paid. Upon instructions from the city attorney's office, monies due the deceased employee will be delivered to the employee's beneficiary or estate.~~

~~(5) Computation. Lump sum payment of vacation leave is computed by multiplying the number of hours of vacation leave to which an employee is entitled by the employee's regular rate of pay on the date of termination from city employment.~~

~~(q) Vacation leave adjustment for changes in work schedules. A sworn employee of the fire department will have any vacation leave balance adjusted proportionately to reflect differences in work schedules when:~~

~~(1) the employee transfers to or from the emergency response bureau of the fire department; or~~

~~(2) the employee's full-time regular work schedule is increased or decreased.~~

~~(r) Family leave. An employee who is eligible for family leave under Section 34-24.1(b) may be required to deduct hours from the employee's vacation leave balance to cover all or part of any absence from work for a family leave purpose described in Section 34-24.1(c).~~

(k) Vacation leave during suspension. An employee on suspension forfeits use and accrual of vacation leave for the duration of the suspension. Upon completion of the suspension, the employee must either physically return to work or, if ill, submit an approved doctor's statement justifying inability to return to work before vacation leave credit and accrual may be restored.

(l) Vacation leave during leave without pay. An employee on leave without pay forfeits use and accrual

of vacation leave for the duration of the leave without pay, except to the extent that the leave without pay is authorized by the City's Family and Medical Leave provisions. Upon completion of the leave without pay, the employee must either physically return to work or, if ill, submit an approved doctor's statement justifying inability to return to work before vacation leave credit and accrual may be restored.

(m) Vacation leave in conjunction with leave without pay. Prior departmental approval must be obtained for any period of leave without pay taken in conjunction with a normal vacation. Favorable consideration will be given only to exceptional reasons.

(n) Pay in lieu of vacation leave. Vacation leave is provided for the specific purpose of allowing an employee a period of rest and recreation, and the practice of "selling" vacation leave is contrary to this purpose. Pay in lieu of vacation leave may only be granted in cases of extreme emergency and must be approved by the city council or city manager.

(o) Lump sum payment of vacation leave.

(1) Payment upon termination. An employee who terminates employment after the initial six months of employment shall be paid for vacation leave accrued but not taken.

(2) Retirement. An employee who retires will be paid in a lump sum for the period of vacation leave due the employee.

(3) Discharge. A discharged employee who has completed the initial six months of city employment will be paid for all accrued vacation leave in a lump sum at the end of the next complete pay period following the date of discharge. No credit will be given for a holiday that may have fallen within the vacation period had the vacation period been extended on the payroll.

(4) Death. Vacation leave accrued to the credit of an employee who dies will automatically be paid in a lump sum. Holidays occurring after the date of death will not be paid. Upon instructions from the city attorney's office, monies due the deceased employee will be delivered to the employee's beneficiary or estate.

(5) Computation. Lump sum payment of vacation leave is computed by multiplying the number of hours of vacation leave to which an employee is entitled by the employee's regular rate of pay on the date of termination from city employment.

(p) Vacation leave adjustment for changes in work schedules. A sworn employee of the fire department will have any vacation leave balance adjusted proportionately to reflect differences in work schedules when:

(1) the employee transfers to or from the emergency response bureau of the fire department; or

(2) the employee's full-time regular work schedule is increased or decreased.

(q) Family leave. An employee who is eligible for family leave under Section 34-24.1(b) may be required to deduct hours from the employee's vacation leave balance to cover all or part of any absence from work for a family leave purpose described in Section 34-24.1(c). (Ord. Nos. 19340; 19473; 19932; 22195; 22296; 22318; 24873; 24930; 28024; 29480; 29883)

SEC. 34-24. COMPENSATORY LEAVE.

(a) Eligibility. An exempt employee (other than the city manager, the first assistant city manager, an

(h) Mandatory city leave adjustment for changes in work schedules. A sworn employee of the fire department will have any mandatory city leave balance adjusted proportionately to reflect differences in work schedules when:

(1) the employee transfers to or from the emergency response bureau of the fire department; or

(2) the employee's full-time regular work schedule is increased or decreased.

(i) Family leave. An employee who is eligible for family leave under Section 34-24.1(b) may be required to deduct hours from the employee's mandatory city leave balance to cover all or part of any absence from work for a family leave purpose described in Section 34-24.1(c). (Ord. 28024)

ARTICLE IV.

BENEFITS.

SEC. 34-32. HEALTH BENEFITS.

~~(a) The city extends participation in a health benefit program to every permanent full-time and permanent part-time employee and to every city council member. A temporary employee is not eligible to participate in the health benefit program.~~

~~(b) Eligibility, premium rates, and procedures for participation in the health benefit program for active and retired employees are defined in master plans adopted by the city council and on file with the department of human resources. The city may change the health benefit program at any time, subject to applicable law.~~

~~(c) Notice of retirees' rights to purchase continued health benefits.~~

~~(1) Under Chapter 175 of the Texas Local Government Code, as amended, a person who retires from the city and is entitled to receive city retirement benefits is entitled to purchase continued health benefits coverage from the city for the person and any eligible dependents, unless the person is eligible for group health benefits coverage through another employer.~~

~~(2) To receive continued health benefits coverage, the person must inform the city, not later than the day on which the person retires, of the election to continue coverage.~~

~~(3) If the person elects to continue health benefits coverage for the person and/or any dependents and on any subsequent date elects to discontinue that coverage, then the person is no longer eligible for coverage from the city.~~

~~(4) If a person is not participating in the city's health benefit program at the time the person retires from the city, the person is not eligible for continued health benefits coverage.~~

~~(5) A person hired as a city employee on or after January 1, 2010 who retires from the city may participate in the retiree health benefit program but the cost of the continued health benefits coverage must be paid entirely by the person.~~

SEC. 34-32. HEALTH BENEFIT PLANS.

(a) The city extends participation in health benefit plans to every permanent full-time employee and to every city council member. Other classifications of employees are eligible to participate in the city's health benefit plans in accordance with federal law and as described in the applicable plan documents.

(b) Eligibility, premium rates, and procedures for participation in the health benefit plans for active employees, retired employees, and city council members are defined in plan documents adopted by the city council and on file with the department of human resources. The city may change the health benefit plans at any time, subject to applicable law.

(c) Notice of retirees' rights to purchase continued health benefits.

(1) Under Chapter 175 of the Texas Local Government Code, as amended, a person who retires from the city and is entitled to receive city retirement

benefits is entitled to purchase retiree health benefits coverage from the city for the person and any eligible dependents.

(2) To receive continued health benefits coverage, the person must inform the city, within thirty days of the day on which the person retires, of the election to continue coverage.

(3) If the person elects to continue health benefits coverage for the person and/or any dependents and on any subsequent date elects to discontinue that coverage, then the person is no longer eligible for coverage from the city.

(4) If a person is not participating in the city's active employee health benefit plans at the time the person retires from the city, the person is not eligible for continued health benefits coverage under the city's retiree health benefit plans.

(5) A person hired as a city employee on or after January 1, 2010 who retires from the city may participate in the retiree health benefit plans but the cost of the continued health benefits coverage must be paid entirely by the person. (Ord. Nos. 19340; 20088; 22026; 22296; 22318; 24873; 28024; 29883)

SEC. 34-33. LIFE INSURANCE.

(a) Every permanent employee is a participant in the group life insurance program. The city will pay the full cost of the basic term life insurance coverage for a permanent full-time employee and one-half the cost for a permanent part-time employee.

(b) An employee has the option to elect additional life insurance coverage. The employee shall pay the full cost of additional life insurance coverage. (Ord. Nos. 19340; 24873)

SEC. 34-34. RESERVED.

(Repealed by Ord. 24873)

and administer this division, or the director's designated representative. (Ord. Nos. 18838; 22026)

SEC. 43-121. LICENSE REQUIRED; APPLICATION; ISSUANCE.

(a) A person commits an offense if he installs or operates a bicycle parking device on a public right-of-way within the city without a license issued by the director.

(b) A person who desires to install or operate a bicycle parking device on a public right-of-way abutting his property shall apply in writing to the director for a bicycle parking device license. The application must contain the following information:

(1) the names, addresses, and telephone numbers of:

(A) the applicant;

(B) if the applicant is a lessee, the property owner; and

(C) the manufacturer of each bicycle parking device to be installed or operated;

(2) the number of bicycle parking devices to be installed or operated;

(3) the proposed location of each bicycle parking device;

(4) the dimensions of each bicycle parking device, measured with and without bicycles parked in the device;

(5) the proposed method of securing each bicycle parking device to the public right-of-way; and

(6) if the applicant is a lessee, written consent from the property owner to install or operate any bicycle parking device on public right-of-way abutting his property.

(c) The director shall forward a copy of any completed application to the departments of street services, sanitation services, code compliance, public works, planning and ~~neighborhood vitality~~ urban design, and sustainable development and construction, and to any utility company that might be affected by the proposed installation and operation of a bicycle parking device. Each department, and any utility company notified, shall review the application and return it, with any comments, to the director within 30 days of receipt.

(d) After reviewing the application and departmental comments, the director may issue a bicycle parking device license unless denial is required by Section 43-122. (Ord. Nos. 18838; 22026; 23694; 25047; 27697; 28424; 29478~~, eff. 10/1/14~~; 29882, eff. 10/1/15)

SEC. 43-122. DENIAL OR REVOCATION OF LICENSE.

(a) The director shall deny a bicycle parking device license if:

(1) the applicant fails to comply with the requirements of this division or other applicable law;

(2) the applicant makes a false statement of material fact on an application for a bicycle parking device license; or

(3) the director determines that the bicycle parking device, with or without bicycles parked in it, would:

(A) endanger the safety of persons or property or otherwise not be in the public interest;

(B) unreasonably interfere with pedestrian or vehicular traffic;

(A) the applicant;

(B) if the applicant is a lessee, the property owner; and

(C) any independent contractor the applicant will use to provide valet parking service;

(2) the proposed location of the valet parking service and any valet parking service stands;

(3) the number of spaces requested to be reserved for the valet parking service, each space being 22 feet long, if parallel to the curb, or nine feet wide, if head in to the curb; as a rule, three spaces must be reserved unless the director determines that, because of special traffic conditions, a greater or lesser number of spaces is needed to efficiently operate the valet parking service;

(4) the proposed hours and days of operation of the valet parking service;

(5) the location of off-street parking to be used in connection with the valet parking service and a signed agreement or other documentation showing that the applicant has a legal right to park vehicles at that location;

(6) proof of insurance required by Section 43-126.12; and

(7) a list of names and addresses of all property owners, or their representatives, located within 50 feet of, on the same side of the street as, and within the same block as the valet parking service location, either:

(A) with signatures showing consent to the operation of a valet parking service by the applicant; or

(B) without signatures, in which case the director shall notify the listed persons of the valet parking service application and obtain comments.

(d) The director shall forward a copy of any completed application to any person required to be notified under Subsection (c)(7) and to the departments of street services, sanitation services, code compliance, sustainable development and construction, public works, planning and ~~neighborhood vitality~~ urban design, and risk management, and to any other department that might be affected by the proposed operation of a valet parking service. Each department, and any other notified persons, shall review the application and return it, with any comments, to the director within 30 days of receipt.

(e) After reviewing the application and comments of the departments and of any person notified in accordance with Subsection (c)(7), and upon receiving payment of all fees required by this division, the director may issue a valet parking service license unless denial is required by Section 43-126.7.

(f) A licensee desiring to change the location or hours of operation of a valet parking service must submit a new application to the director in accordance with this section. (Ord. Nos. 19190; 22026; 23694; 25047; 27697; 28424; 29478~~, eff. 10/1/14~~ ; 29882, eff. 10/1/15)

SEC. 43-126.6. FEES.

(a) A nonrefundable application fee of $25 must accompany each application for a valet parking service license.

(b) The annual fee for a valet parking service license is:

(1) if the valet parking service is being conducted inside the central business district, $250 per space for the first six spaces reserved by the valet parking service, plus $1,000 for each space over six reserved by the valet parking service; or

(2) if the valet parking service is being conducted outside the central business district, $350 per space for the first two spaces reserved by the valet

CHAPTER 43A

SWIMMING POOLS

ARTICLE I.

GENERAL PROVISIONS.

Sec. 43A-1. Definitions.
Sec. 43A-2. Permit required; application; issuance.
Sec. 43A-3. Inspections and reinspections.

ARTICLE II.

POOL DESIGN AND CONSTRUCTION.

Sec. 43A-4. Materials.
Sec. 43A-5. Shape.
Sec. 43A-6. Depth and slope; depth markings.
Sec. 43A-7. Projections.
Sec. 43A-8. Diving area.
Sec. 43A-9. Steps, ladders and towers.
Sec. 43A-10. Overflow gutters and skimming devices.
Sec. 43A-11. Deck area; pool enclosure; spectator separation.
Sec. 43A-12. Recirculation system.
Sec. 43A-13. Inlets and outlets; water disposal.
Sec. 43A-14. Heating units.
Sec. 43A-15. Lighting.
Sec. 43A-16. Toilet facilities.

ARTICLE III.

MAINTENANCE AND OPERATION OF SWIMMING POOLS.

Sec. 43A-17. Permit and manager of operations required.
Sec. 43A-18. Certification of manager of operations.
Sec. 43A-19. Operation of a pool.
Sec. 43A-20. Quality of water; public and semi-public pools.
Sec. 43A-20.1. Pools not maintained.
Sec. 43A-21. Safety equipment.
Sec. 43A-22. Regulations in pool area.
Sec. 43A-23. Pool drainage.
Sec. 43A-24. Suspension.
Sec. 43A-25. Appeal.

ARTICLE I.

GENERAL PROVISIONS.

SEC. 43A-1. DEFINITIONS.

In this chapter:

(1) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter or the director's designated representative.

(2) PERSON means an individual, partnership, company, corporation, association, firm, organization, institution, or similar entity.

(3) PRIVATE POOL means a swimming pool appurtenant to a single-family or duplex residence (including condominiums and townhouses) and used only by the occupants of the residence and their guests.

(4) PUBLIC POOL means a swimming pool to which the general public has access.

(5) SEMI-PUBLIC POOL means a swimming pool that is privately owned and open only to an identifiable class of persons, including, but not limited to, motel guests, apartment residents, and club members.

(6) SWIMMING POOL or POOL means a structure that is used for swimming, bathing, or water play, including all equipment and appurtenant facilities. (Ord. 15256)

SEC. 43A-2. PERMIT REQUIRED; APPLICATION; ISSUANCE.

No person may construct, modify, or repair a swimming pool in the city without obtaining a permit. The application for a permit must be on a form provided by the building official and must be accompanied by the required fee and a specified number of copies of the plans of which the applicant seeks approval. If the building official and the director are satisfied that the proposed swimming pool will conform in all respects to the requirements of the law, a permit shall be issued by the building official to the applicant. (Ord. 15256)

~~**SEC. 43A-3. INSPECTIONS.**~~

~~The director may inspect a swimming pool at any reasonable time and has authority to enter upon the premises where a pool is located to the extent necessary to make a full examination. Water samples from a pool may be taken.~~

SEC. 43A-3. INSPECTIONS AND REINSPECTIONS.

The director may inspect a swimming pool at any reasonable time and has authority to enter upon the premises where a pool is located to the extent necessary to make a full examination. Water samples from a pool may be taken. If a reinspection is required, the fee for the reinspection is $43. (Ord. Nos. 15256; 29879, eff. 10/1/15)

ARTICLE II.

POOL DESIGN AND CONSTRUCTION.

SEC. 43A-4. MATERIALS.

A swimming pool must be constructed of materials that are sanitary, enduring, and non-toxic to humans. Materials used on walls and bottom surfaces must provide a watertight structure with a smooth and easily cleaned finish, free from cracks or open joints other than structural expansion joints. (Ord. 15256)

SEC. 43A-5. SHAPE.

The shape of a pool must be designed so that the water is uniformly circulated and so that all interior areas of a pool are visible from the edge of the pool. (Ord. 15256)

~~designated and the fee has been paid. The amount of the fee is $175 for the first pool owned by an applicant at one location, plus $100 for each additional pool owned by the applicant at the same location. The fee is due on or before the first day of March of each calendar year. If a permit is initially issued after the first day of March of a calendar year, the fee for that year will be prorated according to the number of whole months remaining in the year. No refunds will be made.~~

(c) The director shall issue a permit to an applicant if a qualified manager of operations has been designated and the fee has been paid. The amount of the fee is $47 for each pool owned by an applicant. The fee is due on or before the first day of March of each calendar year. If a permit is initially issued after the first day of March of a calendar year, the fee for that year will be prorated according to the number of whole months remaining in the year. No refunds will be made.

(d) This section does not apply to pools owned by the city. (Ord. Nos. 15256; 16271; 17989; 18411; 19300; 25048; 29879, eff. 10/1/15)

SEC. 43A-18. CERTIFICATION OF MANAGER OF OPERATIONS.

(a) A manager of operations of a public or semi-public pool shall obtain certification from the director by successfully completing a training course conducted by the director. If a person designated by an owner as manager of operations of a pool is not certified, he shall attend and successfully complete the next training course conducted after his designation.

~~(b) The certification of a manager of operations expires two years from the date of certification and a manager must repeat the training course to maintain certification. The fee for attending a training course for the purpose of managing a pool in the city is $40; the fee for others is $60.~~

(b) The certification of a manager of operations expires two years from the date of certification and a manager must repeat the training course to maintain certification. The fee for the training course and certificate is $47. (Ord. Nos. 15256; 18411; 20612; 25048; 29879, eff. 10/1/15)

SEC. 43A-19. OPERATION OF A POOL.

A manager of operations, a manager of premises on which a public or semi-public pool is located, or the owner of a public or semi-public pool shall not:

(1) knowingly permit a condition to exist that endangers the life, health, or safety of a swimmer or that violates a provision of this article;

(2) CONVENTION CENTER COMPLEX means civic centers, civic center buildings, auditoriums, exhibition halls, and coliseums that are owned by the city or other governmental entity or that are managed in whole or part by the city. The term includes parking areas or facilities that are for the parking or storage of conveyances and that are located at or in the vicinity of other convention center facilities.

(3) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article, or the director's designated representative.

(4) HOTEL means any building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include:

(A) a hospital, sanitarium, or nursing home; or

(B) a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003 of the Texas Education Code, as amended, that is used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution.

(5) OCCUPANCY means the use or possession, or the right to the use or possession, of any room in a hotel.

(6) OCCUPANT means any person who, for a consideration, uses, possesses, or has a right to use or possess any room in a hotel under any lease, concession, permit, right of access, license, contract, or agreement.

(7) TAX means the hotel occupancy tax levied in this article pursuant to Chapter 351 of the Texas Tax Code , as amended.

(8) TOURIST means an individual who travels from the individual's residence to a different municipality, county, state, or country for pleasure, recreation, education, or culture.

(9) VISITOR INFORMATION CENTER means a building or a portion of a building used to distribute or disseminate information to tourists. (Ord. Nos. 12470; 17955; 20073; 22026; 23555)

SEC. 44-35. LEVY; AMOUNT; DISPOSITION OF REVENUE.

~~(a) There is hereby levied a tax upon the occupant of any room that:~~

~~(1) is in a hotel;~~

~~(2) is ordinarily used for sleeping; and~~

~~(3) the cost of occupancy of which is $2 or more each day.~~

~~(b) The tax is equal to seven percent of the consideration paid by the occupant of the room to the hotel.~~

~~(c) Disposition of revenues collected from the seven percent tax must be as follows:~~

~~(1) 32.60 percent to advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the city; and~~

~~(2) 43.83 percent to:~~

~~(A) the acquisition of sites for and the constructing, improving, enlarging, equipping, repairing, operating, and maintaining of the convention center complex or visitor centers, or both; or~~

~~(B) pledging payment of bonds issued under Article 1269j-4.1, Vernon's Texas Civil Statutes, as amended, for the purposes stated in Paragraph (2)(A) of this subsection; and~~

~~(3) 23.57 percent to:~~

~~(A) constructing,improving, enlarging, equipping, and repairing the convention center complex; or~~

~~(B) pledging payment of revenue bonds and revenue refunding bonds issued for the convention center complex under Article 1269j-4.1, Vernon's Texas Civil Statutes, as amended.~~

(a) There is hereby levied a tax upon the occupant of any room that:

(1) is in a hotel;

(2) is ordinarily used for sleeping; and

(3) the cost of occupancy of which is $2 or more each day.

(b) The tax is equal to seven percent of the consideration paid by the occupant of the room to the hotel.

(c) Disposition of revenues collected from the seven percent tax must be as follows:

(1) 2.100 percent to advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the city;

(2) 0.182 percent to the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms; and

(3) 4.718 percent to:

(A) the acquisition of sites for and the constructing, improving, enlarging, equipping, repairing, operating, and maintaining of the convention center complex or visitor centers, or both; or

(B) pledging payment of bonds as authorized by Chapter 1504 of the Texas Government Code, as amended; or

(C) items listed in Subparagraphs (3)(A) and (B) above. (Ord. Nos. 12470; 12572; 15555; 15684; 17955; 19631; 19997; 23555; 23915; 29880)

SEC. 44-35.1. EXEMPTIONS AND REFUNDS.

(a) A person described in Section 156.101 or Section 156.103(d) of the Texas Tax Code, as amended, is exempt from the payment of the tax imposed under this article.

(b) A governmental entity excepted from the tax imposed by Chapter 156 of the Texas Tax Code, as amended, under Section 156.103(a)(1) or (a)(3) of that chapter shall pay the tax imposed by this article, but is entitled to a refund of the tax paid.

(c) A person described in Section 156.103(c) of the Texas Tax Code, as amended, shall pay the tax imposed by this article, but the state governmental entity with whom the person is associated is entitled to a refund of the tax paid.

(d) To receive a refund of tax paid under this article, the governmental entity entitled to the refund must file a refund claim with the director on a form prescribed by the state comptroller and provided by the director. A governmental entity may file a refund claim with the director only for each calendar quarter for all reimbursements accrued during that quarter. (Ord. 23555)

(26) TRANSPORTATION-FOR-HIRE VEHICLE means any vehicle used to offer or provide transportation-for-hire services.

(27) VEHICLE PERMIT means the permit required by this chapter for a vehicle to operate as a transportation-for-hire vehicle.

(28) WHEELCHAIR ACCESSIBLE VEHICLE means a vehicle designed or modified to transport passengers in wheelchairs or other mobility devices and conforming to the requirements of the Americans with Disabilities Act (ADA), as amended. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-1.6. PERMIT FEES.

~~(a) The fee for an operating authority permit is $430 per year for transportation-for-hire service provided by non-motorized passenger transport vehicles, and $1,000 per year for transportation-for-hire service provided by all other transport vehicles.~~

~~(b) The fee for a transportation-for-hire vehicle permit is $40 per vehicle per year for non-motorized passenger transport vehicles, and $25 per vehicle per year for all other transportation-for-hire vehicles.~~

~~(c) The fee for a driver permit is $65 per two years.~~

~~(d) The fee to reinstate a suspended operating authority permit or driver permit is $25.~~

(a) The fee for an operating authority permit is $278 per year for transportation-for-hire service provided by non-motorized passenger transport vehicles, and $282 per year for transportation-for-hire service provided by all other transport vehicles.

(b) The fee for a transportation-for-hire vehicle permit is $77 per vehicle per year for non-motorized passenger transport vehicles, and $3 per vehicle per year for all other transportation-for-hire vehicles. If a vehicle permit is issued for a period of time of less than one year, the fee will be prorated.

(c) The fee for a driver permit is $30 per two years. If a driver permit is issued for a period of time of less than two years, the fee will be prorated. (Ord. 29596~~, eff. 4/30/15~~; 29706)

ARTICLE II.

REGULATIONS APPLICABLE TO ALL TRANSPORTATION-FOR-HIRE SERVICES.

DIVISION 1.

OPERATING AUTHORITY PERMIT.

SEC. 47A-2.1.1. OPERATING AUTHORITY PERMIT REQUIRED.

(a) A person may not operate a transportation-for-hire service inside the city without operating authority granted under this chapter.

(b) A person may not transport a passenger for hire inside the city unless the person driving the transportation-for-hire vehicle or another who employs or contracts with the driver has been granted operating authority under this chapter. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.1.2. APPLICATION FOR OPERATING AUTHORITY PERMIT.

~~To obtain an operating authority permit, a person shall make application in the manner prescribed by this section. The applicant must be the person who will own, control, or operate the proposed transportation-for-hire company. An applicant shall file with the director a verified application statement, to be accompanied by a nonrefundable application fee of $410, containing the following:~~

(a) To obtain an operating authority permit, a person shall make application in the manner prescribed by this section. The applicant must be the person who will own, control, or operate the proposed transportation-for-hire company.

(b) An applicant shall file with the director a verified application statement, to be accompanied by a nonrefundable application fee of $133, containing the following:

~~(1) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a 20% or greater ownership interest in the business;~~

~~(2) the verified signature of the applicant;~~

~~(3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;~~

~~(4) the name of the person designated by the applicant to receive on behalf of the operating authority any future notices sent by the City to the operating authority, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;~~

~~(5) a method for the director to immediately verify whether a driver or vehicle are currently operating under that operating authority or were operating under that operating authority within the past 90 days;~~

~~(6) documentary evidence from an insurance company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies, indicating a willingness to provide liability insurance required by this chapter;~~

~~(7) documentary evidence of payment of ad valorem taxes on the local property, if any, to be used in connection with the operation of the proposed transportation-for-hire company; and~~

~~(8) a copy of the company's zero-tolerance policy for intoxicating substances.~~

(1) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a 20% or greater ownership interest in the business;

(2) the verified signature of the applicant;

(3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;

(4) the name of the person designated by the applicant to receive on behalf of the operating authority any future notices sent by the City to the operating authority, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;

(5) a method for the director to immediately verify whether a driver or vehicle are currently operating under that operating authority or were operating under that operating authority within the past 90 days;

(6) documentary evidence from an insurance company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies, indicating a willingness to provide liability insurance required by this chapter;

(7) documentary evidence of payment of ad valorem taxes on the local property, if any, to be used in connection with the operation of the proposed transportation-for-hire company; and

(8) a copy of the company's zero-tolerance policy for intoxicating substances. (Ord. Nos. 29596~~,~~ ~~eff. 4/30/15~~ ; 29706)

SEC. 47A-2.1.3. CHANGES TO INFORMATION IN OPERATING AUTHORITY APPLICATION.

Any changes to the information provided in the operating authority permit application must be reported to the director, in the manner prescribed by the director, within 10 days of the change. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.1.4. EXPIRATION OF OPERATING AUTHORITY PERMIT.

An operating authority permit expires one year from the date it is issued. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.1.5. SUSPENSION OR REVOCATION OF OPERATING AUTHORITY.

(a) Suspension. The following regulations apply to the suspension of a temporary or annual operating authority permit:

(1) The director may suspend an operating authority permit if the director determines that the operating authority permit holder failed to comply with a correction order issued to the holder by the director within the time specified in the order.

(2) Suspension of an operating authority permit does not affect the expiration date of the permit.

(b) Revocation. The following regulations apply to the revocation of a temporary or annual operating authority permit:

(1) The director shall revoke operating authority if the director determines that the operating authority permit holder has:

(B) more than one time within the preceding five years; and

(6) not be subject to an outstanding warrant of arrest in the State of Texas.

(b) If an applicant is denied a driver permit on the basis that they have been convicted of an offense listed in Subsection (a)(4) or (5), for which the required time period has not elapsed since the date of conviction or the date of release from confinement imposed for the conviction, the Applicant may appeal the denial to the Permit and License Appeal Board in the manner set out in Dallas City Code 2-96. The Permit and License Appeal Board may determine that the driver is presently fit to engage in the occupation of a transportation-for-hire driver by considering the following:

(1) the extent and nature of the applicant's past criminal activity;

(2) the age of the applicant at the time of the commission of the crime;

(3) the amount of time that has elapsed since the applicant's last criminal activity;

(4) the conduct and work activity of the applicant prior to and following the criminal activity;

(5) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.2.3. APPLICATION FOR DRIVER PERMIT.

To obtain a driver permit or renewal of a driver permit, the applicant must complete a written application on a form provided for the purpose. The application must include the applicant's contact information, including the applicant's mailing address and telephone number, and a method for privately contacting the applicant electronically (such as an email address). (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.2.4. INVESTIGATION OF APPLICATION FOR DRIVER PERMIT.

~~An applicant seeking an initial driver permit or renewal of an existing driver permit must provide to the director or to a third-party approved by the director for certification:~~

~~(a) an official copy of the applicant's criminal history from the state of Texas and all other states in which the applicant resided in the preceding five (5) years, or the applicant's Identity History Summary Check from the Federal Bureau of Investigation; and~~

~~(b) an official copy of the applicant's driving record from the state of Texas and all other states in which the applicant resided in the preceding three (3) years.~~

(a) An applicant seeking an initial driver permit or renewal of an existing driver permit must provide to the director or to a third-party approved by the director for certification:

(1) an official copy of the applicant's criminal history from the state of Texas and all other states in which the applicant resided in the preceding five years, or the applicant's Identity History Summary Check from the Federal Bureau of Investigation; and

(2) an official copy of the applicant's driving record from the state of Texas and all other states in which the applicant resided in the preceding three years.

(b) If the director performs the review of the driver's criminal history and driving record, the fee for that review is $23. (Ord. Nos. 29596~~, eff. 4/30/15~~;

29706)

SEC. 47A-2.2.5. APPROVAL OR DENIAL OF DRIVER PERMIT.

(a) Applicants who are not seeking renewal of an existing driver permit must complete a training class approved by the director on city regulations, familiarity with the city, and customer service before the applicant may receive a driver permit.

(b) The director shall issue a driver permit to the applicant if:

(1) the director determines that the applicant is qualified to receive a permit under Section 47A-2.2.2; and

(2) the applicant has completed the training class required by Subsection (a) of this section.

(c) The director shall deny the application for a driver permit if the applicant:

(1) is not qualified under Section 47A-2.2.2, or

(2) makes a false statement of a material fact in his application for a driver permit.

(d) If the director determines that a driver permit should be denied, the director shall notify the applicant in writing that his application is denied and include in the notice the reason for denial and a statement informing the applicant of his right of appeal. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.2.6. CHANGES TO INFORMATION IN DRIVER PERMIT APPLICATION.

Any changes in the driver's contact information must be reported to the director prior to or contemporaneously with those changes. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.2.7. DURATION OF DRIVER PERMIT.

(a) A driver permit expires two years from the date it is issued.

(b) If a driver's state driver's license is suspended or revoked by the state, his transportation-for-hire driver permit automatically becomes void. A driver shall immediately notify the director and each operating authority for which he drives of a suspension or revocation of his driver's license by the state and shall immediately surrender his driver permit to the director. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.2.8. DUPLICATE DRIVER PERMIT.

~~If a driver permit is lost or destroyed, the director shall issue the driver a duplicate driver permit upon payment to the city of a fee of $10.~~

If a driver permit is lost or destroyed, the director shall issue the driver a duplicate driver permit. (Ord. Nos. 29596~~, eff. 4/30/15~~ ; 29706)

SEC. 47A-2.2.9. DISPLAY OF DRIVER PERMIT.

(a) A driver shall have the driver permit in his possession at all times that the driver is providing transportation-for-hire services.

(b) A driver shall allow the director or a peace officer to examine the driver permit upon request. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.2.10. SUSPENSION OR REVOCATION OF DRIVER PERMIT.

(a) Suspension.

(1) If the director determines that a driver has failed to comply with this chapter or a rule or regulation established under this chapter, the director may suspend the driver permit for a definite period of time not to exceed 60 days.

(2) If at any time the director determines that a driver is not qualified under Section 47A-2.2.2, or is under indictment or has charges pending for any offense involving driving while intoxicated or a felony offense involving a crime described in Section 47A-2.2.2 or criminal attempt to commit any of those offenses, the director shall suspend the driver permit until such time as the director determines that the driver is qualified or that the charges against the driver have been finally adjudicated.

(3) A driver whose driver permit is suspended shall not drive a transportation-for-hire vehicle inside the city during the period of suspension.

(4) The director shall notify in writing the driver and all operating authorities of a suspension under this section and include in the notice the reason for the suspension, the date the director orders the suspension to begin, the duration of suspension, and a statement informing the driver of a right of appeal. The period of suspension begins on the date specified by the director or, in the case of an appeal, on the date ordered by the permit and license appeal board.

(5) A driver whose driver permit has been suspended may not resume providing transportation-for-hire driver services after the suspension period has ended until the driver repeats the training class required by Section 47A-2.2.5(a) of this chapter. A driver may attend the training class at any available time during or after the suspension period.

(b) Revocation.

(1) The director shall revoke a driver permit if the director determines that the driver:

(A) drove a transportation-for-hire vehicle for hire inside the city during a period in which the driver's permit was suspended;

(B) made a false statement of a material fact in the application for a driver permit;

(C) engaged in conduct that constitutes a ground for suspension under Subsection (a), and received either a suspension in excess of three days or a conviction for violation of this chapter, two times within the 12-month period preceding the occurrence of the conduct or three times within the 24-month period preceding the occurrence of the conduct;

(D) engaged in conduct that could reasonably be determined to be detrimental to the public safety; or

(E) was convicted of any felony offense involving a crime described in Section 47A-2.2.2 while holding a driver permit.

(2) A person whose driver permit is revoked shall not:

(A) apply for another driver permit before the expiration of two years from the date the director revokes the permit or, in the case of an appeal, the date the permit and license appeal board affirms the revocation; or

(B) drive a transportation-for-hire vehicle inside the city.

(3) The director shall notify the driver in writing of a revocation and include in the notice the reason for the revocation, the date the director orders the revocation, and a statement informing the driver of the right of appeal.

(4) After receipt of notice of revocation, the driver shall, on the date specified in the notice, surrender the driver permit to the director and discontinue driving a transportation-for-hire vehicle inside the city.

(5) If the driver appeals the revocation under this section, the driver may continue to drive a transportation-for-hire vehicle pending the appeal unless:

(A) the driver permit is revoked pursuant to Subsection (b)(1)(E) of this section; or

(B) the director determines that continued operation of a transportation-for-hire vehicle by the driver would impose an immediate threat to public safety. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.2.11. NONTRANSFERABILITY.

A driver permit issued to one person is not transferable to another. (Ord. 29596~~, eff. 4/30/15~~)

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~~, eff. 4/30/15~~)

DIVISION 3.

VEHICLE PERMIT.

SEC. 47A-2.3.1. VEHICLE PERMIT REQUIRED.

No vehicle may be used to provide transportation-for-hire services without a valid permit for that vehicle issued under this article. (Ord. 29596~~, eff. 4/30/15~~)

SEC. 47A-2.3.2. REQUIREMENTS FOR VEHICLE PERMIT.

~~To obtain a vehicle permit or renewal of a vehicle permit, a person must provide the director or an approved company with the following information and documents:~~

~~(1) current state issued registration and safety inspection;~~

~~(2) proof that, within the preceding thirty (30) days, the vehicle has been inspected and certified as meeting the requirements in Section 47A-2.3.3.~~

To obtain a vehicle permit or renewal of a vehicle permit, a person must provide the director or an approved company with the following information and documents:

(1) current state issued registration and safety inspection;

(2) proof that, within the preceding 90 days, the vehicle has been inspected and certified as meeting the requirements in Section 47A-2.3.3. (Ord. Nos. 29596~~, eff. 4/30/15~~ ; 29706)

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-

necessary to aid in the determination of whether the requested certificate of registration should be granted.

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

(c) A registrant shall notify the director within 10 days after any material change in the information contained in the application for a certificate of registration for a vacant building, including any changes in ownership of the property. (Ord. 27248~~, eff. 9-1-08~~)

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

~~(a) The fee for a certificate of registration for a vacant building is $75, plus an inspection charge in an amount equal to $185.64 + ($0.009282 x total square feet of building area, excluding stairwells, elevator shafts, and mechanical rooms).~~

(a) The fee for a certificate of registration for a vacant building is $73, plus an inspection charge in an amount equal to $185.64 + ($0.009282 x total square feet of building area, excluding stairwells, elevator shafts, and mechanical rooms).

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

(c) If a certificate of registration expires under Section 48B-12 and the registration term was less than six months, then the registration fee (minus the inspection charge) may be prorated on the basis of whole months and partially refunded to the registrant, if the director receives a written request for the refund from the registrant within 90 days after expiration of the certificate of registration. If a certificate of registration expires under Section 48B-12 and no inspection was conducted by the city during the registration term, then the full inspection charge may be refunded, if the director receives a written request for the refund from the registrant within 90 days after expiration of the certificate of registration. Otherwise, no refund of a registration fee or inspection charge will be made. (Ord. Nos. 27248~~, eff. 9-1-08~~; 29879, eff. 10/1/15)

SEC. 48B-9. ISSUANCE, DENIAL, AND DISPLAY OF CERTIFICATE OF REGISTRATION.

(a) Upon payment of all required fees, the director shall issue a certificate of registration for a vacant building to the applicant if the director determines that:

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

(2) the applicant has not made a false statement as to a material matter in an application for a certificate of registration; and

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

(b) If the director determines that the requirements of Subsection (a) have not been met, the director shall deny a certificate of registration to the applicant.

(c) If the director determines that an applicant should be denied a certificate of registration, the director shall deliver written notice to the applicant that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.

(d) A certificate of registration issued under this section must be displayed to the public in a manner and location approved by the director. The certificate of registration must be presented upon request to the director or to a peace officer for examination. (Ord. 27248~~, eff. 9-1-08~~)

(2) a wholesale service contract involving a governmental entity;

(3) a contract by which the city receives water or wastewater service; and

(4) any service contract otherwise required by state law, city charter, or other provisions of this chapter, to be approved by city council.

(b) Consideration. The consideration received by the city for a service contract must be based on the rates prescribed in this chapter. However, the city council may approve a special-rate contract for wholesale water or wastewater service where it determines rates in this chapter to be discriminatory or unreasonable under the circumstances. (Ord. 19201)

SEC. 49-18.1. RATES FOR TREATED WATER SERVICE.

(a) Form of rate. The monthly rate for treated water service to a customer consists of:

(1) a customer charge; and

(2) a usage charge.

(b) Billing cycle. In this section, water used per month is based upon the billing cycle of the department.

~~(c) Rate tables. The director shall charge customers for treated water service in accordance with the following tables:~~

(c) Rate tables. The director shall charge customers for treated water service in accordance with the following tables:

(1) Water Service Customer Charges.

METER SIZE	RATE PER METER
~~5/8-inch meter~~	~~$4.85~~
~~3/4-inch meter~~	~~6.70~~
~~1-inch meter~~	~~9.74~~
~~1-1/2-inch meter~~	~~18.13~~
~~2-inch meter~~	~~29.50~~
~~3-inch meter~~	~~69.09~~
~~4-inch meter~~	~~114.79~~
~~6-inch meter~~	~~227.94~~
~~8-inch meter~~	~~378.85~~
~~10-inch meter or larger~~	~~582.59~~
5/8-inch meter	$5.12
3/4-inch meter	7.07
1-inch meter	10.28
1-1/2-inch meter	19.14
2-inch meter	31.14
3-inch meter	72.93
4-inch meter	121.17
6-inch meter	240.61
8-inch meter	400.50
10-inch meter or larger	614.98

(2) Usage Charge—Rate Per 1,000 Gallons.

TYPE OF USAGE		
~~(A)~~	~~Residential:~~	
~~(i)~~	~~Up to 4,000 gallons~~	~~$1.80~~
~~(ii)~~	~~4,001 to 10,000 gallons~~	~~3.91~~
~~(iii)~~	~~10,001 to 15,000 gallons~~	~~5.50~~
~~(iv)~~	~~Above 15,000 gallons~~	~~7.63~~
~~(B)~~	~~General service:~~	
~~(i)~~	~~Up to 10,000 gallons~~	~~3.05~~
~~(ii)~~	~~Above 10,000 gallons~~	~~3.45~~
~~(iii)~~	~~Above 10,000 gallons and 1.4 times annual average monthly usage~~	~~5.00~~
(A)	Residential:	

(i)	Up to 4,000 gallons	$1.87
(ii)	4,001 to 10,000 gallons	4.13
(iii)	10,001 to 15,000 gallons	5.81
(iv)	Above 15,000 gallons	8.20

(B) General service:

(i)	Up to 10,000 gallons	3.47
(ii)	Above 10,000 gallons	3.71
(iii)	Above 10,000 gallons and 1.4 times annual average monthly usage	5.63

(d) Applicability of rates to meters. The charges for water service in Subsection (c) of this section apply to each meter that exists at a customer's premises. A customer may request removal of inactive meters to combine services through a single meter. If, within one year, a customer requests removal and restoration of a meter that is used for lawn sprinkling, air conditioning, or other seasonal purposes, the customer shall pay a reconnection charge that is equal to the monthly customer charge in Subsection (c) of this section multiplied by the number of months the service was discontinued.

(e) Rates where no meter exists. If a customer is without a meter, the minimum usage charge per month is based upon the average monthly usage for a customer in the same service class at the rate specified in Subsection (c) of this section. The customer charge is based upon the size of the service line at the property.

(f) Election for certain general water service customers. A general water service customer inside the city who uses at least 1,000,000 gallons of water per month may elect, in writing, to be assessed the special charges under this subsection instead of the regular general service rate, according to the following conditions:

~~(1) The customer must agree to pay each year:~~

~~(A) the monthly customer charge provided in Subsection (c);~~

~~(B) $2,025.00 per month as a usage charge on the first 1,000,000 gallons used in a billing period; and~~

~~(C) $2.75 per 1,000 gallons used in excess of 1,000,000 gallons per month.~~

(1) The customer must agree to pay each year:

(A) the monthly customer charge provided in Subsection (c);

(B) $2,135.27 per month as a usage charge on the first 1,000,000 gallons used in a billing period; and

(C) $2.95 per 1,000 gallons used in excess of 1,000,000 gallons per month.

(2) The customer must agree that consumption billed during any billing period ending in May, June, July, August, September, and October will not exceed 1.5 times the average monthly consumption billed in the previous winter months of December through March.

(3) To be eligible for the special rate, a customer's maximum hourly water usage during a seven-day period must not be greater than seven times the average hourly usage rate for the same seven-day period.

(4) If a customer's usage of water exceeds the amounts allowed under Subsection (f)(2) or (f)(3), the customer will be notified that the customer will be billed at the regular usage charge stated in Subsection (c) for a minimum of 12 months, and such additional time until the customer can demonstrate to the satisfaction of the director that the requirements of Subsection (f)(2) and (f)(3) can be maintained.

(5) The director may grant a variance to Subsection (f)(4) where special circumstances warrant.

~~(g) Adjusted rates for hidden water leaks. When a customer experiences a substantial increase in water or wastewater usage from a hidden water leak and the customer meets the requirements of Section 49-9(e), the director will adjust the account and bill the customer:~~

~~(1) an estimated amount of normal water usage for the period at the regular rate;~~

~~(2) the excess water usage caused by the hidden leak at the following applicable rate:~~

(g) Adjusted rates for hidden water leaks. When a customer experiences a substantial increase in water or wastewater usage from a hidden water leak and the customer meets the requirements of Section 49-9(e), the director will adjust the account and bill the customer:

(1) an estimated amount of normal water usage for the period at the regular rate;

(2) the excess water usage caused by the hidden leak at the following applicable rate:

TYPE OF USAGE		RATE PER 1,000 GALLONS
~~(A)~~	~~Residential~~	~~$1.80~~
~~(B)~~	~~General service~~	~~3.05~~
~~(C)~~	~~Optional general service~~	~~2.75~~
~~(D)~~	~~Municipal service~~	~~2.35~~
(A)	Residential	$1.87
(B)	General service	3.47
(C)	Optional general service	2.95
(D)	Municipal service	2.38

~~and~~

~~(3) the applicable wastewater rate prescribed in Section 49-18.2(c), based on an adjustment of wastewater volume to estimated normal volume, where adjustment is appropriate.~~
and

(3) the applicable wastewater rate prescribed in Section 49-18.2(c), based on an adjustment of wastewater volume to estimated normal volume, where adjustment is appropriate.

(h) Billing based on full month. If a customer requests discontinuance of service at an address where uninterrupted service was provided for a period of time so short that the only bill for services rendered would be the final bill, such billing will be computed as though service had been furnished for a full billing month.

~~(i) Rates for municipal purpose water service. Water service to property owned by the city of Dallas that is used solely for municipal purposes may be charged $2.35 per 1,000 gallons of water used.~~

(i) Rates for municipal purpose water service. Water service to property owned by the city of Dallas that is used solely for municipal purposes may be charged $2.38 per 1,000 gallons of water used. (Ord. Nos. 19201; 19300; 19682; 20077; 20449; 20737; 21061; 21430; 21824; 22208; 22564; 23289; 23670; 24050; 24744; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479~~, eff. 10/1/14~~ ; 29879, eff. 10/1/15)

SEC. 49-18.2. RATES FOR WASTEWATER SERVICE.

~~(a) Form of rate. The monthly rate for wastewater service to a customer consists of:~~

~~(1) a customer charge;~~

~~(2) a usage charge; and~~

~~(3) a surcharge for excessive concentration of wastes, if applicable.~~

~~(b) Billing cycle. In this section, water used per month is based upon the billing cycle of the department.~~

~~(c) Rate tables. The director shall charge a customer for wastewater service in accordance with the following tables:~~

(a) Form of rate. The monthly rate for wastewater service to a customer consists of:

(1) a customer charge;

(2) a usage charge; and

(3) a surcharge for excessive concentration of wastes, if applicable.

(b) Billing cycle. In this section, water used per month is based upon the billing cycle of the department.

(c) Rate tables. The director shall charge a customer for wastewater service in accordance with the following tables:

Wastewater Service Charges.

(1) Monthly customer charges

METER SIZE	RATE PER METER
~~5/8-inch meter~~	~~$4.45~~
~~3/4-inch meter~~	~~6.00~~
~~1-inch meter~~	~~8.75~~
~~1-1/2-inch meter~~	~~16.60~~
~~2-inch meter~~	~~26.15~~
~~3-inch meter~~	~~63.79~~
~~4-inch meter~~	~~103.90~~
~~6-inch meter~~	~~206.50~~
~~8-inch meter~~	~~340.15~~
~~10-inch meter or larger~~	~~525.50~~
5/8-inch meter	$4.58
3/4-inch meter	6.27
1-inch meter	9.10
1-1/2-inch meter	17.52
2-inch meter	27.60
3-inch meter	66.72
4-inch meter	106.68
6-inch meter	209.97
8-inch meter	350.51
10-inch meter or larger	550.72

~~(2) Monthly residential usage charge: $4.95 per 1,000 gallons of the average water consumption billed in the months of December, January, February, and March, or of the actual Month's water consumption, whichever is less, up to a maximum charge of 40,000 gallons per month~~

~~(3) Monthly general service usage charge: $3.70 per 1,000 gallons of water used~~

~~(4) Monthly usage charge for Section 49-18.1(f) customer: $3.38 per 1,000 gallons of water used~~

~~(5) Monthly general service usage charge for wastewater separately metered: $3.50 per 1,000 gallons of wastewater discharged~~

(2) Monthly residential usage charge: $5.20 per 1,000 gallons of the average water consumption billed in the months of December, January, February, and March, or of the actual Month's water consumption, whichever is less, up to a maximum charge of 40,000 gallons per month

(3) Monthly general service usage charge: $3.95 per 1,000 gallons of water used

(4) Monthly usage charge for Section 49-18.1(f) customer: $3.56 per 1,000 gallons of water used

(5) Monthly general service usage charge for wastewater separately metered: $3.65 per 1,000 gallons of wastewater discharged

(6) Monthly surcharge for excessive concentrations of waste: An amount calculated in accordance with Sections 49-18.12, 49-48 and 49-49 of this chapter

(7) Monthly surcharge for excessive concentrations of waste for wastewater separately metered: An amount calculated in accordance with Sections 49-18.12, 49-48 and 49-49 of this chapter

~~(d) Where residential water service is not used. If a residential customer does not receive water service solely from the city, the director shall estimate water used per month to determine the usage charge in Subsection (c).~~

~~(e) Where general water service is not used. If a general service customer does not receive water service solely from the city, the customer must install and maintain, at the customer's expense, adequate meters that measure total water usage from other sources and that meet American Water Works Association standards. The customer must pay an additional customer charge of $10.00 per month for each meter, regardless of size, installed under this subsection. When a meter is inaccurate, the director may estimate water usage.~~

~~(f) Rates for municipal purpose wastewater service. Wastewater service to property owned by the city of Dallas that is used solely for municipal purposes may be charged $2.55 per 1,000 gallons of water used.~~

(d) Where residential water service is not used. If a residential customer does not receive water service solely from the city, the director shall estimate water used per month to determine the usage charge in Subsection (c).

(e) Where general water service is not used. If a general service customer does not receive water service solely from the city, the customer must install and maintain, at the customer's expense, adequate meters that measure total water usage from other sources and that meet American Water Works Association standards. The customer must pay an additional customer charge of $10.00 per month for each meter, regardless of size, installed under this subsection. When a meter is inaccurate, the director may estimate water usage.

(f) Rates for municipal purpose wastewater service. Wastewater service to property owned by the city of Dallas that is used solely for municipal purposes may be charged $2.58 per 1,000 gallons of water used. (Ord. Nos. 19201; 19300; 19682; 20077; 20737; 21061; 21430; 21824; 22208; 22564; 23289; 23670; 24050; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479~~, eff. 10/1/14~~; 29879, eff. 10/1/15)

SEC. 49-18.3. GENERAL SERVICE: SEPARATE BILLING.

(a) Conditions of separate billing. A general service customer inside the city may receive separate bills for water service and wastewater service if he installs and maintains, at his expense, meters or other liquid measuring devices that are accurate and approved by the director to measure:

(1) total wastewater discharged directly into the wastewater system from the premises; or

(2) water losses from activities involving evaporation, irrigation or water consumed in products, as illustrated by, but not limited to, cooling towers, boilers, lawn watering systems, or food products.

(b) Customer charge. A customer who chooses to be billed under this section must pay an additional customer charge of $40.00 per month for each meter installed pursuant to this section, regardless of the size of the meter.

(c) Where meter is inaccurate. When a meter installed pursuant to this subsection is inaccurate, the director may estimate usage or discharge. If a customer fails to repair or replace an inaccurate meter, the director shall bill the customer for the usage charge in Section 49-18.2(c)(3) or (4), whichever is applicable. (Ord. Nos. 19201; 21430; 25385; 26961; 28795)

SEC. 49-18.4. RATES FOR WHOLESALE WATER AND WASTEWATER SERVICE TO GOVERNMENTAL ENTITIES.

(a) Form of rate. The director may provide wholesale water service to governmental entities. The service will be furnished in accordance with a written contract at the rates prescribed in this section and under such other terms and conditions as the city council deems reasonable. The rate for wholesale water service to a governmental entity will consist of:

(1) a volume charge and a demand charge; or

(2) a flat rate charge.

~~(b) Rate table. The director shall charge a governmental entity for wholesale water service in accordance with the following:~~

~~(1) The volume charge for treated water is $0.3382 per 1,000 gallons of water used, and the annual water year demand charge is $223,308 per each mgd,~~

(b) Rate table. The director shall charge a governmental entity for wholesale water service in accordance with the following:

(1) The volume charge for treated water is $0.4305 per 1,000 gallons of water used, and the annual water year demand charge is $243,453 per each mgd, as established by the highest rate of flow controller setting.

~~as established by the highest rate of flow controller setting.~~

~~(2) If a flat rate charge for treated water is provided by contract, or in the absence of a rate of flow controller, the charge is $1.7339 per 1,000 gallons of treated water used.~~

~~(3) A monthly readiness-to-serve charge will be assessed for any standby service point. The monthly fee, based on size of connection, is as follows:~~

(2) If a flat rate charge for treated water is provided by contract, or in the absence of a rate of flow controller, the charge is $1.9521 per 1,000 gallons of treated water used.

(3) A monthly readiness-to-serve charge will be assessed for any standby service point. The monthly fee, based on size of connection, is as follows:

Size of Connection	Monthly Standby Fee
~~3 inch~~	~~$69.09~~
~~4 inch~~	~~114.79~~
~~6 inch~~	~~227.94~~
~~8 inch~~	~~378.85~~
~~10 inch or larger~~	~~582.59~~
3-inch	$72.93
4-inch	121.17
6-inch	240.61
8-inch	400.50
10-inch or larger	614.98

~~(4) The rate for regular untreated water service to a governmental entity is $0.5613 per 1,000 gallons of untreated water used. The rate for interruptible untreated water service to a governmental entity is $0.2451 per 1,000 gallons of untreated water used.~~

(4) The rate for regular untreated water service to a governmental entity is $0.8335 per 1,000 gallons of untreated water used. The rate for interruptible untreated water service to a governmental entity is $0.4044 per 1,000 gallons of untreated water used.

(c) Revisions. Unless otherwise provided in this chapter, if the written contract for wholesale service between the city and a governmental entity provides for revision of rates, the charges under the written contract must comply with the charges provided in this section.

(d) Emergency exchanges. The director may, in the interest of the city and its customers, make connection agreements with other governmental entities for emergency exchange of water.

~~(e) Wholesale wastewater rates. The director may provide wholesale wastewater service to other governmental entities by contract, in accordance with the following rules:~~

~~(1) The monthly rate for wholesale wastewater service is $2.3031 per 1,000 gallons of~~

~~wastewater discharged. The director is authorized to compensate those governmental entities located within the boundaries of the city for the city's use of integrated facilities owned by those governmental entities.~~

~~(2) An infiltration and inflow adjustment factor of 13.2 percent will be added to the average water consumption for the months of December, January, February, and March to determine billable volume for a governmental entity with unmetered wholesale wastewater service.~~

~~(3) If the BOD or suspended solids concentration of waste discharged exceeds 250 mg/L, the governmental entity must pay a surcharge calculated in accordance with Section 49-18.12(1)(A) or (B), whichever applies.~~

(e) Wholesale wastewater rates. The director may provide wholesale wastewater service to other governmental entities by contract, in accordance with the following rules:

(1) The monthly rate for wholesale wastewater service is $2.2688 per 1,000 gallons of wastewater discharged. The director is authorized to compensate those governmental entities located within the boundaries of the city for the city's use of integrated facilities owned by those governmental entities.

(2) An infiltration and inflow adjustment factor of 11.3 percent will be added to the average water consumption for the months of December, January, February, and March to determine billable volume for a governmental entity with unmetered wholesale wastewater service.

(3) If the BOD or suspended solids concentration of waste discharged exceeds 250 mg/L, the governmental entity must pay a surcharge calculated in accordance with Section 49-18.12(1)(A) or (B), whichever applies.

~~(f) Treatment of water owned by another governmental entity. The director may provide treatment services at the Elm Fork water treatment plant to water owned by another governmental entity in accordance with a written contract. The volume charge for treating water owned by another governmental entity is $0.2982 per 1,000 gallons of water treated, and the annual water year demand charge is $38,177 per each mgd, as established by the maximum demand capacity set forth in the contract.~~

(f) Treatment of water owned by another governmental entity. The director may provide treatment services at the Elm Fork water treatment plant to water owned by another governmental entity in accordance with a written contract. The volume charge for treating water owned by another governmental entity is $0.2994 per 1,000 gallons of water treated, and the annual water year demand charge is $43,640 per each mgd, as established by the maximum demand capacity set forth in the contract. (Ord. Nos. 19201; 19300; 19682; 20077; 20449; 20636; 20737; 21061; 21430; 21824; 22208; 22564; 22907; 23289; 23670; 24050; 24414; 24744; 25049; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479~~, eff. 10/1/14~~; 29879, eff. 10/1/15)

SEC. 49-18.5. RATE FOR UNTREATED WATER.

~~(a) Regular rate. The charge for untreated water is $0.5613 per 1,000 gallons of water used.~~

(a) Regular rate. The charge for untreated water is $0.8335 per 1,000 gallons of water used.

~~(b) Interruptible rate. The charge for interruptible service is $0.2451 per 1,000 gallons of water used.~~

(b) Interruptible rate. The charge for interruptible service is $0.4044 per 1,000 gallons of water used.

(c) Reservoir supply permits. The director may authorize contracts with owners of property abutting

water supply lakes or streams for the domestic use of untreated water. A contract under this subsection may not allow withdrawal of untreated water in excess of 10 acre-feet per year. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may not exceed three years, but the contracts are renewable at the option of the city. An application for a contract or contract renewal under this subsection must be accompanied by a nonrefundable processing fee of $95.

(d) Commercial contracts for untreated water.

(1) Short-term contracts. The director may authorize short-term contracts, without the necessity of council approval, with owners of property abutting water supply lakes or streams for the commercial use of untreated water. A contract under this paragraph may not allow withdrawal of untreated water in excess of 10 acre-feet per year. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may not exceed three years, but the contracts are renewable at the option of the city. An application for a short-term contract or contract renewal must be accompanied by a nonrefundable processing fee of $225.

(2) Long-term contracts. The director may authorize long-term contracts, with council approval, with owners of property abutting water supply lakes or streams for the commercial use of untreated water. A contract under this paragraph may allow withdrawal of untreated water in excess of 10 acre-feet per year. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may exceed three years, and are renewable at the option of the city. An application for a long-term contract or contract renewal must be accompanied by a nonrefundable processing fee of $385.

(e) Treatment plant effluent. Wastewater treatment plant effluent may be purchased for one-half of the regular rate for untreated water. No distribution facilities will be provided by the city. (Ord. Nos. 19201; 19682; 20077; 20449; 20737; 21061; 21430; 21824; 22208; 22564; 22907; 23289; 23670; 24050; 24414; 24744; 25049; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479~~, eff. 10/1/14~~; 29879, eff. 10/1/15)

SEC. 49-18.6. FEES FOR INSPECTION AND TESTING OF METERS AND BACKFLOW PREVENTION DEVICES.

(a) Meter inspection fees. No charge will be made for the first meter change or meter test requested by a customer at a single service connection within any 12-month period. For each additional meter change or meter test requested by a customer within a 12 month period that does not result in a finding that the meter over-registered in excess of 1-1/2 percent, the director shall charge the customer a fee according to the following schedule:

Meter-Size	Fee
5/8 to 1-inch	$50.00
1-1/2 to 2-inch	$35.00
Larger than 2-inch	Actual cost of change and test

(b) Meter replacement fees. A customer with an existing one-inch service and a 5/8-inch or 3/4-inch meter, who requests that the meter be increased to one inch, shall pay a fee of $185. Any other customer requesting an increase in meter size up to but not greater than the size of the existing service shall pay a connection charge for the requested size meter in accordance with Section 49-18.7(a) and (b).

(c) Inspection fee for meter verification. An inspection under Section 49-9(d) is free if the director verifies a gross discrepancy or a customer requests not more than one inspection during any six-month period, otherwise the charge is $15 for an inspection.

(d) Backflow prevention device inspection fees. The owner or person in control of premises on which a backflow prevention device is located must pay a fee to the city for the periodic inspection and testing as follows:

(1)	For any backflow prevention device	$50.00 each
(2)	For each additional backflow prevention device inspected at the same site, same time	$45.00 each

(e) Exception. This section does not apply to a governmental entity that receives wholesale water or wastewater service. (Ord. Nos. 19201; 19300; 23289; 25049; 25385; 26135; 26479; 27355)

SEC. 49-18.7. SERVICE CONNECTION CHARGES.

~~(a) Water service installation and connection charge. The director shall charge for the installation of all water service connections at the following rates:~~

(a) Water service installation and connection charge. The director shall charge for the installation of all water service connections at the following rates:

(1) Water Service Installation Charges.

Connection Size	Fee
~~3/4 inch~~	~~$2,650.00~~
~~1 inch~~	~~$2,750.00~~
~~1 1/2 inch~~	~~$3,603.00~~
3/4-inch	$2,972.00
1-inch	$3,103.00
1 1/2-inch	$4,625.00
~~Connection Size~~	~~Fee~~
~~2 inch~~	~~$3,605.00~~
2-inch	$4,462.00

(2) Connecting Existing Water Service.

Connection Size	Fee
~~3/4 inch~~	~~$925.00~~
~~1 inch~~	~~$975.00~~
~~1 1/2 inch~~	~~$1,325.00~~
~~2 inch~~	~~$1,575.00~~
~~Up to 2-inch bullhead~~	~~$2,575.00~~
3/4-inch	$718.00
1-inch	$762.00
1 1/2-inch	$1,704.00
2-inch	$1,885.00
Up to 2-inch bullhead	$3,947.00

~~(b) Wastewater service installation and connection fees. Except as provided in Subsection (d), the city shall charge the following rates for the installation or connection of residential wastewater service lines:~~

(b) Wastewater service installation and connection fees. Except as provided in Subsection (d), the city shall charge the following rates for the installation or connection of residential wastewater service lines:

~~(1)~~	~~First wastewater service line installation and connection charge~~	~~$2,674.00~~
~~(2)~~	~~For connecting existing wastewater service lines constructed by other persons~~	~~$475.00~~
(1)	First wastewater service line installation and connection charge	$2,778.00
(2)	For connecting existing wastewater service lines constructed by other persons	$475.00

(c) Installation of large or commercial connections. In cases where the service connection involved is a water service connection larger than two inches or a wastewater service connection to a commercial, industrial or other non-residential service establishment, the following rules apply:

(1) If the director does not require the applicant to construct and install the service connection pursuant to Section 49-24(c)(4), the applicant shall pay the city an amount equal to the department's cost of constructing and installing the

costs of construction and installation and the cost of any materials or appurtenances supplied by the department for construction or installation purposes. The connection inspection fee and amounts payable to the city for the cost of materials and appurtenances must be paid at the time of permit issuance.

(3) Unpaid charges due and owed to the city and other unpaid costs of construction incurred by the applicant under this subsection must be paid before the department will activate water or wastewater service to the property connected.

(d) Special residential wastewater connections. The connection charge procedures described in Subsections (e) and (f) of this section will apply to a residential wastewater service application when:

(1) wastewater service to the premises requires a deep cut connection;

(2) the service will be connected to a wastewater main located in a specific purpose easement obtained by the city; or

(3) a customer requests an additional wastewater service line or relocation of an existing wastewater service line.

(e) Fees for special residential wastewater connections. The director will furnish an estimate of cost to an applicant for a special residential wastewater service connection as described in Subsection (d) of this section. The applicant must deposit the estimated amount before the director will issue a permit for the connection. The final cost will be adjusted upon completion of the work, but in no event will the final cost be less than the flat charge stated in Subsection (b). Should the final cost of the work exceed the amount deposited, the director will furnish the party or parties making the deposit a statement showing the amount of the excess. The statement will constitute notice that the excess amount is due. The director may refuse or discontinue service to the property until full payment has been made for the work performed. Upon completion of the work, if final cost is less than the amount of estimate or deposit, a refund of the amount of overpayment will be immediately made to the party or parties from whom the deposit was received.

(f) Alternatives to Subsection (e). As an alternative to the procedure of Subsection (e), an applicant for a special residential wastewater service connection may request, and the director may furnish, a price at which the city will install a connection at the premises where service is desired, without regard to the actual cost of the installation. The price will never be less than the flat charge stated in Subsection (b). If the applicant agrees to pay this price, then he shall make full payment of this price to the director before work is begun on the installation and no further adjustments will be made.

(g) What constitutes cost in Subsections (e) and (f). The flat rate charge and the estimate of cost of any special residential wastewater service connection shall include all costs incidental to making the installation of the service connection required, including the necessary repairs to pavement of any kind or character involved in making the service connection. The department shall make the necessary pavement repairs.

(h) Standard affordable housing refund. Whenever affordable housing units are provided as a part of a project in accordance with Division 51A-4.900 of the Dallas Development Code, as amended, the director shall authorize a refund of a percentage of the total service connection fees paid by the permittee for the project equal to the percentage of standard affordable housing units provided in the project. (Ord. Nos. 19201; 19300; 20215; 21663; 23289; 25049; 25385; 25755; 26479; 27698; 28795; 29150; 29879, eff. 10/1/15)

SEC. 49-18.8. SECURITY DEPOSIT AMOUNTS.

The amount of a security deposit is governed by the following:

(1) Standard deposit for residential service accounts.

5/8-inch and 3/4-inch meter	$ 80.00
1-inch meter	$100.00
1 1/2-inch meter	$120.00
2-inch meter and larger	$160.00

(2) Standard deposit for other than residential service accounts. An amount is required sufficient to cover two times the average bill in the past 12 months for the location served. In the case of a new account, the deposit is two times the average estimated bill.

(3) A residential service customer who has service discontinued twice within a 12-month period for nonpayment of charges shall make an additional deposit equal to one-sixth of his total standard bill for the prior 12 months or $80, whichever is greater. This increase in deposit is in addition to other charges required for reinstatement of service. If information to determine the total standard bill for the prior 12 months is unavailable or inapplicable, the director may determine the amount of the required deposit based on bills to similar property for those months for which the information is unavailable or inapplicable.

(4) The director may require a higher security deposit, not to exceed three times the average bill at the location served or to be served, for any class of service, when the director determines that there is a substantial risk of financial loss to the department. (Ord. Nos. 19201; 25385)

SEC. 49-18.9. CHARGES FOR USE OF FIRE HYDRANTS.

~~A person requesting use of water from a fire hydrant pursuant to Section 49-27 shall pay the following application charges:~~

~~(1) a deposit of $1,500 to be refunded when the service is discontinued and the meter is returned to the city by the person or the person's authorized representative, less any unpaid fees for services and any costs to repair damage in excess of normal wear;~~

~~(2) a monthly fire hydrant service charge of $69.09; and~~

~~(3) a usage charge for water that will be billed at the general service rate prescribed in Section 49-18.1(c)(2)(B).~~

A person requesting use of water from a fire hydrant pursuant to Section 49-27 shall pay the following application charges:

(1) a deposit of $1,500 to be refunded when the service is discontinued and the meter is returned to the city by the person or the person's authorized representative, less any unpaid fees for services and any costs to repair damage in excess of normal wear;

(2) a monthly fire hydrant service charge of $72.93; and

(3) a usage charge for water that will be billed at the general service rate prescribed in Section 49-18.1(c)(2)(B). (Ord. Nos. 19201; 19300; 21430; 25385; 26135; 26961; 27698; 28025; 28426; 28795; 29150; 29479~~, eff. 10/1/14~~ ; 29879, eff. 10/1/15)

SEC. 49-18.10. SPECIAL ASSESSMENT RATES; LOT AND ACREAGE FEES.

(a) Special assessment rate. When a person owning benefited property is charged in accordance with Section 49-56(b), the following front foot rates will be applied:

(1) $6.00 per front foot of the lot or tract of land to which water service connections are made available, where the lot or tract benefits by the enhanced value due to an extension; and

(2) $6.00 per front foot of the lot or tract of land to which wastewater service connections are made available, where the lot or tract benefits by the enhanced value due to an extension.

(5) RETAIL DEALER means any person who both sells and delivers fuel wood to the ultimate consumer. (Ord. Nos. 13795; 21172)

SEC. 50-80. LICENSE REQUIRED.

No retail dealer shall sell fuel wood in the city without first obtaining a wood vendor's license, nor shall a retail dealer sell fuel wood in the city after his license has been revoked. (Ord. 13795)

SEC. 50-81. APPLICATION; ISSUANCE, NON-TRANSFERABILITY.

(a) Application for a wood vendor's license shall be made to the director upon a form prescribed and supplied by him, which shall include the following information: The retail dealer's name, the address and telephone number of his business establishment(s), the address and telephone number of the retail dealer's residence if he does not have a business establishment with an address, the license numbers of all vehicles used in delivering fuel wood, and the method of distribution.

(b) When an application for a license, or renewal thereof, has been filed with the director in proper form, the director shall within a period of 10 days from the date of filing approve or deny said application. If the application is denied, the director shall send to the applicant by certified mail, return receipt requested, a written statement setting forth the reasons for the denial.

(c) Each license issued pursuant to this article shall be numbered and shall expire on August 31st of each year.

(d) No license issued pursuant to this article shall be transferable. (Ord. 13795)

SEC. 50-82. FEE.

~~The applicant shall pay an annual permit fee of $75 to the director at the time the license is issued. No refund of license fees shall be made.~~

The applicant shall pay an annual permit fee of $64 to the director at the time the license is issued. No refund of license fees shall be made. (Ord. Nos. 13795; 16700; 29879, eff. 10/1/15)

SEC. 50-83. SIGNS; DISPLAY; ISSUANCE.

(a) All vehicles used by a retail dealer in the business of selling fuel wood, shall have posted on the door to the driver's side, in a form and size prescribed by the director, the retail dealer's wood vendor's license number.

(b) Upon issuance of a license, the director shall furnish one magnetic sign each retail dealer. (Ord. 13795)

SEC. 50-84. SALE OF FUEL WOOD - INVOICES.

Upon each sale of fuel wood, the retail dealer shall provide the purchaser with an invoice showing the following information: The name and address of the retail dealer; his wood vendor's license number; the amount of fuel wood sold; and the selling price of the fuel wood. (Ord. 13795)

SEC. 50-84.1. SALE OF FUEL WOOD - UNIT REQUIREMENT.

A person commits an offense if he sells, offers for sale, or exposes for sale any wood intended for fuel purposes other than by the cord or fraction of a cord. (Ord. 21172)

SEC. 50-85. REFUSAL TO ISSUE OR RENEW LICENSE; REVOCATION.

The director shall refuse to approve issuance or renewal of a wood vendor's license to any applicant,

individuals for entertainment purposes, including, but not limited to, televisions, radios, tape players, recorders or decks, phonograph equipment, and antenna receiving systems.

(c) ELECTRONIC REPAIR means the repairing, servicing, or maintaining of electronic equipment, including the pick-up and delivery of electronic equipment from locations within the city for the purpose of repairing, servicing or maintenance.

(d) LICENSE means an electronic repair license.

(e) LICENSEE means a person licensed to engage in the electronic repair business under the provisions of this article.

(f) PERSON means any individual, assumed name entity, partnership, joint-venture, association or corporation.

(g) PICK-UP AND DELIVERY CHARGE means the fee charged by a licensee for the removal of electronic equipment from the home of a customer for the purposes of repair, transportation to the service dealer's place of business and return to the home of the customer.

(h) SERVICE CHARGE means the total of fees charged by a service dealer for his transportation to and from the premises of a customer and the first 30 minutes of examination and repair of one piece of electronic equipment which he performs on the premises of the customer. Any other term used to describe a service charge shall include these items. (Ord. Nos. 13966; 16476; 17226)

SEC. 50-100. LICENSE - REQUIRED; TRADE NAME REGISTRATION.

(a) No person shall own, maintain, conduct, operate, or engage in an electronic repair business, or hold himself out as being able to do so within the city, without first obtaining an electronic repair license from the director. Should such person maintain more than one electronic repair establishment, a duplicate license shall be required for each additional establishment operating under the same trade name. A separate license shall be required for establishments operating under different trade names. The license issued to an electronic repair establishment shall authorize the establishment and all its bona fide employees to engage in the business of electronic repair.

(b) A licensee shall register with the director the trade name of his electronic repair establishment. (Ord. Nos. 13966; 17393)

SEC. 50-101. FEES.

~~The annual fee for an electronic repair license is $175. The fee for issuing a duplicate license for additional establishments or for a lost, destroyed or mutilated license is $4. The fee is payable to the director upon issuance of a license. No refund of license fees shall be made.~~

The annual fee for an electronic repair license is $72. The fee for issuing a duplicate license for additional establishments or for a lost, destroyed or mutilated license is $4. The fee is payable to the director upon issuance of a license. No refund of license fees shall be made. (Ord. Nos. 13966; 15970; 16476; 18411; 18876; 19300; 29879, eff. 10/1/15)

SEC. 50-102. LICENSE - APPLICATION, ISSUANCE, AND RENEWAL.

(a) An applicant for a license shall file with the director, a written application upon a form provided for that purpose, which shall be signed by the applicant or his local authorized agent, who shall be an individual responsible for the operation of applicant's local electronic repair business. The following information shall be required in the application:

(1) name, address, and telephone number of the applicant, including the trade name by which applicant does business and the street address of all repair establishments, and if incorporated, the name registered with the secretary of state;

(2) type of electronic equipment repaired by applicant;

~~mutilated is $2. The fee is payable to the director upon issuance of a license. No refund of license fees will be made.~~

The annual fee for a motor vehicle repair license is $75 for the first location and $75 for a duplicate license for each additional location. The fee for issuing a replacement license for one lost, destroyed, or mutilated is $2. The fee is payable to the director upon issuance of a license. No refund of license fees will be made. (Ord. Nos. 14487; 16476; 16700; 18411; 18876; 20076; 26598; 29879, eff. 10/1/15)

SEC. 50-117. LICENSE DISPLAY, REPLACEMENT, AND TRANSFERABILITY.

(a) Each license issued pursuant to this article must be posted and kept in a conspicuous place in the motor vehicle repair establishment.

(b) A replacement license may be issued for one lost, destroyed, or mutilated upon application on a form provided by the director. A replacement license shall have the word "replacement" stamped across its face and shall bear the same number as the one it replaces.

(c) A motor vehicle repair license is not assignable or transferable.

(d) A licensee shall notify the director within 10 days of a change or partial change in local ownership or management of the motor vehicle repair business, or if there is no local ownership, then a change in the authorized agent referred to in Section 50-115(a), or a change of address or trade name. (Ord. 14487)

SEC. 50-118. REFUSAL TO ISSUE OR RENEW LICENSE.

The director shall refuse to approve issuance or renewal of a motor vehicle repair license for one or more of the following reasons:

(1) a false statement as to a material matter intentionally made in an application for a license;

(2) conviction twice within a two year period of the applicant or a current employee of the applicant while he was in applicant's employment for a violation of a provision of this article;

the renewal request by the director, or in the case of an appeal of a denial of a renewal request, pending the decision of the permit and license appeal board. (Ord. Nos. 14990; 16476; 18200)

SEC. 50-137. LICENSE FEES.

~~(a) The fee for a home repair license is $100 a year.~~

(a) The fee for a home repair license is $68 a year.

(b) The fee for issuance of a duplicate home repair license for a license that is destroyed or lost is $2.

(c) License fees required under this section are not refundable and are payable to the director upon issuance or renewal of the license. The director may not issue or renew a home repair license before the fee is paid. (Ord. Nos. 14990; 16476; 18411; 18876; 19300; 20076; 26478; 29879, eff. 10/1/15)

SEC. 50-138. REVOCATION OF LICENSE.

(a) The director shall revoke a home repair license if he determines that:

(1) the licensee knowingly made a false representation as to a material matter in a license application, license renewal request, or hearing concerning the license; or

(2) the licensee identified himself with a business or trade name other than that filed with the director; or

(3) the licensee, an individual who is a business associate of the licensee, an individual who is a corporate officer of the licensee, or a current employee of the licensee, while he was in licensee's employment, has been convicted in municipal court within a two-year period of two or more offenses prescribed by Section 50-143. (The director shall give notice to a licensee on the date formal charges are filed against an employee of the licensee. If a licensee discharges a convicted employee within one week after his second final conviction, the licensee is not subject to revocation under this subparagraph.) The time period between conviction in municipal court and final disposition on appeal of the conviction is not included in calculating the two-year period if the conviction is affirmed; or

(4) the licensee has knowingly subcontracted with or employed, for the performance of work which requires state or city professional licensing or registration, a person who does not have the requisite license or registration, or in the alternative has negligently failed to ascertain the person's qualifications prior to subcontracting with or employing the person;

(5) the licensee knowingly misrepresented the quality or quantity of a material or service:

(A) used or rendered in connection with a home repair performed or agreed to be performed by the licensee; or

(B) offered or advertised in connection with the licensee's home repair business; or

(6) the licensee knowingly misrepresented the price of a material or service:

(A) used or rendered in connection with a home repair performed or agreed to be performed by the licensee; or

(B) offered or advertised in connection with the licensee's home repair business.

(b) The director shall notify the licensee in writing of a revocation and include in the notice the reasons for the revocation, the date the director orders the revocation and the date the order is to take effect, and a statement informing the licensee of his right of appeal.

(c) A home repair license becomes void on the effective date of notification issued under Subsection (b) of this section, and the licensee shall surrender the revoked license at the demand of the director.

operators of the credit access business identified in the registration application filed under this article.

(10) STATE LICENSE means a license to operate a credit access business issued by the Texas Consumer Credit Commissioner under Chapter 393, Subchapter G of the Texas Finance Code, as amended. (Ord. 28287~~, eff. 1-1-12~~)

SEC. 50-146. 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 fine of not more than $500.

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

(d) The penalties provided for in Subsection (b) are in addition to any other enforcement remedies that the city may have under city ordinances and state law. (Ord. 28287~~, eff. 1-1-12~~)

SEC. 50-147. DEFENSE.

It is a defense to prosecution under this article that at the time of the alleged offense the person was not required to be licensed by the state as a credit access business under Chapter 393, Subchapter G of the Texas Finance Code, as amended. (Ord. 28287~~, eff. 1-1-12~~)

Division 2. Registration of Credit Access Businesses.

SEC. 50-148. REGISTRATION REQUIRED.

A person commits an offense if the person acts, operates, or conducts business as a credit access business without a valid certificate of registration. A certificate of registration is required for each physically separate credit access business. (Ord. 28287~~, eff. 1-1-12~~)

SEC. 50-149. REGISTRATION APPLICATION.

~~(a) To obtain a certificate of registration for a credit access business, a person must submit an application on a form provided for that purpose to the director. The application must contain the following:~~

~~(1) The name, street address, mailing address, facsimile number, and telephone number of the applicant.~~

~~(2) The business or trade name, street address, mailing address, facsimile number, and telephone number of the credit access business.~~

~~(3) The names, street addresses, mailing addresses, and telephone numbers of all owners of the credit access business and other persons with a financial interest in the credit access business, and the nature and extent of each person's interest in the credit access business.~~

~~(4) A copy of a current, valid state license held by the credit access business.~~

(a) To obtain a certificate of registration for a credit access business, a person must submit an application on a form provided for that purpose to the director. The application must contain the following:

(1) The name, street address, mailing address, facsimile number, and telephone number of the applicant.

(2) The business or trade name, street address, mailing address, facsimile number, and telephone number of the credit access business.

(3) The names, street addresses, mailing addresses, and telephone numbers of all owners of the credit access business and other persons with a financial interest in the credit access business, and the nature and extent of each person's interest in the credit access business.

(4) A copy of a current, valid state license held by the credit access business.

~~(5) A copy of a current, valid certificate of occupancy showing that the credit access business is in compliance with the Dallas Development Code.~~

~~(6) A non-refundable application fee of $50.~~

(5) A copy of a current, valid certificate of occupancy showing that the credit access business is in compliance with the Dallas Development Code.

(6) A non-refundable application fee of $76.

(b) An applicant or registrant shall notify the director within 45 days after any material change in the information contained in the application for a certificate of registration, including, but not limited to, any change of address and any change in the status of the state license held by the applicant or registrant. (Ord. Nos. 28287~~, eff. 1-1-12~~ ; 29879, eff. 10/1/15)

SEC. 50-150. ISSUANCE AND DISPLAY OF CERTIFICATE OF REGISTRATION; PRESENTMENT UPON REQUEST.

(a) The director shall issue to the applicant a certificate of registration upon receiving a completed application under Section 50-149.

(b) A certificate of registration issued under this section must be conspicuously displayed to the public in the credit access business. The certificate of registration must be presented upon request to the director or any peace officer for examination. (Ord. 28287~~, eff. 1-1-12~~)

SEC. 50-151. EXPIRATION AND RENEWAL OF CERTIFICATE OF REGISTRATION.

(a) A certificate of registration expires on the earlier of:

(1) one year after the date of issuance; or

(2) the date of expiration, revocation, or other termination of the registrant's state license.

(b) A certificate of registration may be renewed by making application in accordance with Section 50-149. A registrant shall apply for renewal at least 30 days before the expiration of the registration. (Ord. 28287~~, eff. 1-1-12~~)

Code Comparative Table

Ordinance Number	Specified Passage Date	Effective Date	Ordinance Section	City Code Section
29663	2-25-15	3-1-15	1	Adds Ch. 15A, Art. I-a, 15A-7.1 thru 15A-7.2
			2	Amends 15A-8
			3	Amends 15A-9
			4	Adds 15A-9.1
			5	Amends 15A-10(a)
			6	Amends 15A-11(a)
29691	3-25-15		1	Amends 29A-5(a)
			2	Amends 29A-5(e)
			3	Amends 29A-6(1)
			4	Amends 29A-8(a)
			5	Amends 29A-11(a)
			6	Amends 29A-11(d)
29706	4-8-15	4-30-15	1	Amends 47A-1.6
			2	Amends 47A-2.1.2
			3	Amends 47A-2.2.4
			4	Amends 47A-2.2.8
			5	Amends 47A-2.3.2
29721	4-22-15	4-30-15	1	Amends 5-58(2)
			2	Amends 5-58(3)
			3	Amends 5-58(7)
			4	Amends 5-61
			5	Amends 5-62(a)
			6	Amends 5-63
29753	5-27-15		1	Amends 8A-2(4)
			2	Amends 8A-2(6)
			3	Amends 8A-2(8)
			4	Amends 8A-2(12)
			5	Amends 8A-2(13)
			6	Amends 8A-2(15)
			7	Amends 8A-2(16)
			8	Adds 8A-2(17.1)
			9	Amends 8A-2(18)
			10	Adds 8A-2(18.1)
			11	Amends 8A-2(19)
			12	Adds 8A-2(22)
			13	Amends 8A-4(b)
			14	Amends 8A-5
			15	Amends 8A-6
			16	Amends 8A-7
			17	Amends 8A-8
			18	Amends 8A-9
			19	Amends 8A-10(a)
			20	Amends 8A-10(b)
			21	Amends 8A-10(c)
			22	Amends 8A-11
			23	Amends 8A-12

			24	Amends 8A-13
			25	Amends 8A-15(b)
			26	Amends 8A-16
			27	Amends 8A-19(b)(3)
			28	Amends 8A-19(c)
			29	Amends 8A-19(d)(2)
			30	Amends 8A-19(d)(6)
			31	Amends 8A-19(d)(7)
			32	Amends 8A-19(d)(8)
			33	Adds 8A-21.1
			34	Amends 8A-22(b)
			35	Adds 8A-22(e)(5)
			36	Amends 8A-23(b)
			37	Amends 8A-23(e)(1)
			38	Amends 8A-23(e)(4)
			39	Amends 8A-24(a)
			40	Amends 8A-33(a)
			41	Amends 8A-33(c)(1)
			42	Amends 8A-34(b)
			43	Amends 8A-34(c)
			44	Amends 8A-34(d)
			45	Amends 8A-34(f)
			46	Amends 8A-34(g)(2)
			47	Amends 8A-34(i)
			48	Amends 8A-34(j)
			49	Adds 8A-34(n)
			50	Amends 8A-35(f)
			51	Amends 8A-36
			52	Amends 8A-37
			53	Amends 8A-38
			54	Amends 8A-39(a)
			55	Amends 8A-39(b)
			56	Amends 8A-40
			57	Amends 27-31
29754	6-3-15		1	Repeals Ch. 9C
29770	6-10-15		1	Amends 12A-26(a)(8)
			2	Amends 12A-26(g)
29879	9-22-15	10-1-15	1	Amends 5A-3
			2	Repeals 5A-5.1
			3	Amends 5A-8(b)
			4	Amends 5A-14(a)
			5	Amends 7-2.6(a)
			6	Amends 7-4.11(c)
			7	Amends 7-6.2(e)
			8	Amends 15D-5(b)
		sec. 12: 4-1-16	9-14	Amends Ch. 16
			15	Amends 18-2(41)
			16	Amends 18-3(a)
			17	Amends 18-3(b)
			18	Amends 18-9
			19	Amends 18-57
			20	Amends 27-32(a)
			21	Amends 27-42(c)
			22	Amends 27-42(e)

			23	Amends 27-62(a)
			24	Amends 27-72(c)
			25	Amends 43A-3
			26	Amends 43A-17(c)
			27	Amends 43A-18(b)
			28	Amends 48B-8(a)
			29	Amends 49-18.1(c)
			30	Amends 49-18.1(f)(1)
			31	Amends 49-18.1(g)
			32	Amends 49-18.1(i)
			33	Amends 49-18.2
			34	Amends 49-18.4(b)
			35	Amends 49-18.4(e)
			36	Amends 49-18.4(f)
			37	Amends 49-18.5(a)
			38	Amends 49-18.5(b)
			39	Amends 49-18.7(a)
			40	Amends 49-18.7(b)
			41	Amends 49-18.9
			42	Amends 50-82
			43	Amends 50-101
			44	Amends 50-116
			45	Amends 50-137(a)
			46	Amends 50-149(a)
29880	9-22-15		1	Amends 44-35
29881	9-22-15	10-1-15	1	Amends 2-139
			2	Amends 18-1
			3	Amends 18-2(44)
29882	9-22-15	10-1-15	1	Amends Ch. 2, Art. V-e
			2	Amends 43-121(c)
			3	Amends 43-126.5(d)
29883	9-22-15		1	Amends 34-9
			2	Amends 34-22
			3	Amends 34-23
			4	Amends 34-32

Registration fees. . . . . Sec. 5A-8
Short title . . . . . Sec. 5A-1
Texas Natural Resource Conservation Commission rules. . . . . Sec. 5A-6
~~Used car lots; registration required; fees.~~ . . . . . ~~Sec. 5A-5.1~~

AIRCRAFT AND AIRPORTS
Aircraft permitted to operate at Dallas Executive Airport. . . . . Sec. 5-55
"Airport" defined.. . . . . Sec. 5-1
Aviation fuel sales; license fees and rates. . . . . Sec. 5-33
Aviation schools. . . . . Sec. 5-32
Balloons, kites near airports prohibited. . . . . Sec. 31-9
Bringing pets into terminals prohibited, exceptions. . . . . Sec. 5-53
Installation of signs. . . . . Sec. 5-54
Compliance with air commerce regulations.. . . . . Sec. 5-30
Condition of aircraft. . . . . Sec. 5-38
Department of aviation created. . . . . Sec. 5-2
Direction of aerial traffic around airport. . . . . Sec. 5-14
Director of aviation
Accounting for funds received.. . . . . Sec. 5-10
Authority over public at airports.. . . . . Sec. 5-5
Authority to remove violators from premises. . . . . Sec. 5-7
Authority to suspend operations.. . . . . Sec. 5-6
Duties.. . . . . Sec. 5-3
Interest in sales, etc.. . . . . Sec. 5-9
Promulgation of rules and regulations. . . . . Sec. 5-4
Regulation of internal management of municipal airports. . . . . Sec. 5-8
Exemption of aircraft owned by federal or state government. . . . . Sec. 5-45
Exhibitions, authorization for.. . . . . Sec. 5-37
Experimental or uncertificated aircraft. . . . . Sec. 5-26
Fees charged for commercial aircraft. . . . . Sec. 5-31
Fire prevention regulations (See "Airports, heliports, helistops" under FIRE PROTECTION)
Fleet-mix requirements for commercial air carriers at Dallas Love Field. . . . . Sec. 5-56
Flight training
Instruction. . . . . Sec. 5-27
Student pilots flying solo. . . . . Sec. 5-28
Flying at low altitude; permits for landing places.. . . . . Sec. 5-36
Ground transportation services at Love Field airport
Defenses. . . . . Sec. 5-60
Definitions.. . . . . Sec. 5-58
Fees . . . . . Sec. 5-63
General authority for enforcement. . . . . Sec. 5-59
Ground transportation service requirements.. . . . . Sec. 5-61
Registration of ground transportation service at the airport. . . . . Sec. 5-62
Statement of policy. . . . . Sec. 5-57
Hydroplanes, use on city property. . . . . Sec. 5-11

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
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

~~CARRYOUT BAGS~~
~~Definitions . . . . . Sec. 9C-2~~
~~Purpose . . . . . Sec. 9C-1~~
~~Registration; environmental fee . . . . . Sec. 9C-4~~
~~Reusable carryout bag standards . . . . . Sec. 9C-5~~
~~Signage and other requirements . . . . . Sec. 9C-6~~
~~Single-use carryout bags . . . . . Sec. 9C-3~~
~~Violations; penalty . . . . . Sec. 9C-7~~

CEMETERIES AND BURIALS
Burial generally
On private property; director of public health authorized to disinter; exception. . . . . Sec. 11-11
Outside authorized cemetery. . . . . Sec. 11-10
Burial of paupers
City contract for interment. . . . . Sec. 11-9
Use of public pauper cemetery generally. . . . . Sec. 11-8
Burial-transit permit. . . . . Sec. 11-12
Depth of grave; exception for burial vaults. . . . . Sec. 11-6
Establishment of new cemeteries prohibited; exception. . . . . Sec. 11-1
Extension of cemetery limits. . . . . Sec. 11-3
Official visiting hours. . . . . Sec. 11-19
Orders for immediate interment. . . . . Sec. 11-7
Recognition and authorization of existing cemeteries. . . . . Sec. 11-2
Regulations. . . . . Sec. 11-18
Report of death required. . . . . Sec. 11-13
Sexton
Report of state law violators. . . . . Sec. 11-5
Required; approval by council. . . . . Sec. 11-4
Unlawful delivery and receipt of body. . . . . Sec. 11-14

CENTRAL BUSINESS DISTRICT
Parking meters. . . . . Secs. 28-114.1, 28-114.11
Pedestrians. . . . . Sec. 28-63.1
Trucks . . . . . Sec. 28-69
Turning of motor vehicles. . . . . Secs. 28-56, 28-57

CHARITABLE SOLICITATION (See SOLICITORS)

CHIEF FINANCIAL OFFICER
Duties . . . . . Sec. 2-134
Position created. . . . . Sec. 2-133

CITIZENS POLICE REVIEW BOARD (See POLICE)

DEPARTMENT OF HUMAN RESOURCES
Created . . . . . Sec. 2-61
Director of human resources
Appointment. . . . . Sec. 2-61
Duties.. . . . . Sec. 2-62

DEPARTMENT OF PLANNING AND ~~NEIGHBORHOOD VITALITY~~ URBAN DESIGN
Created; chief planning officer. . . . . Sec. 2-52
Duties of the chief planning officer. . . . . Sec. 2-53

DEPARTMENT OF PUBLIC AFFAIRS
Contracts for radio station air time required. . . . . Sec. 2-79
Other radio station contracts. . . . . Sec. 2-79
Station manager; office created, appointment. . . . . Sec. 2-78

DEPARTMENT OF PUBLIC WORKS
Created; director of public works. . . . . Sec. 2-48
Duties of director of public works. . . . . Sec. 2-49

DEPARTMENT OF SANITATION SERVICES
Created . . . . . Sec. 2-138
Director of sanitation services
Appointment. . . . . Sec. 2-138
Duties.. . . . . Sec. 2-139

DEPARTMENT OF STREET SERVICES
Created . . . . . Sec. 2-139.1
Director of street services
Appointment. . . . . Sec. 2-139.1
Duties.. . . . . Sec. 2-139.2

DEPARTMENT OF SUSTAINABLE DEVELOPMENT AND CONSTRUCTION
Created; director of sustainable development and construction . . . . . Sec. 2-41
Duties of the director of sustainable development and construction . . . . . Sec. 2-42

DEPARTMENT OF TRINITY WATERSHED MANAGEMENT
Created; director of Trinity watershed management . . . . . Sec. 2-75
Duties of the director of Trinity watershed management . . . . . Sec. 2-75.1

DIRECTOR OF AVIATION (See AIRCRAFT AND AIRPORTS)

DIRECTOR OF CODE COMPLIANCE (See DEPARTMENT OF CODE COMPLIANCE)

DIRECTOR OF COMMUNICATION AND INFORMATION SERVICES
(See DEPARTMENT OF COMMUNICATION AND INFORMATION SERVICES)

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
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 ~~benefits~~ 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.. . . . . Sec. 34-17
Pay for vacation leave. . . . . Sec. 34-18
Work hours. . . . . Sec. 34-16
Work hours 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

Litter, sidewalks to be kept free of. . . . . Sec. 7A-5
Marking sidewalks with stencils, etc.. . . . . Sec. 43-22
Mixing concrete on paved streets.. . . . . Sec. 43-19
Moving horses and vehicles at request of street cleaner.. . . . . Sec. 43-3
Open cellar or trap doors; permitting sidewalk to remain in disrepair. . . . . Sec. 43-7
Each day an offense continues deemed separate offense. . . . . Sec. 43-8
Permits required for alterations, obstructions, etc., of sewers, gutters, etc.. . . . . Sec. 43-21
Playing ball, throwing stones, etc., in streets. . . . . Sec. 43-17
Sale of merchandise and produce on streets and sidewalks
Causing crowd to congregate on sidewalk. . . . . Sec. 43-129
Unlawful solicitation at the convention center and reunion arena. . . . . Sec. 43-127
Use of sidewalk for display of merchandise. . . . . Sec. 43-133
Use of sidewalk to forward or receive merchandise.. . . . . Sec. 43-134
Skating on streets and sidewalks. . . . . Sec. 43-18
Snow and ice
Causing ice to form on streets and alleys. . . . . Sec. 43-98.1
Covering snow and ice with sand, ashes, etc.. . . . . Sec. 43-97
Enforcement. . . . . Sec. 43-98.2
Removal of snow and ice from sidewalks required. . . . . Sec. 43-96
Where removed snow and ice to be placed. . . . . Sec. 43-98
Throwing fruit peelings on sidewalks.. . . . . Sec. 43-16
Trash, etc., not to accumulate or remain on sidewalks. . . . . Sec. 43-13
Property owner to keep sidewalk free of litter. . . . . Sec. 7A-5
Unsafe scaffolds. . . . . Sec. 43-6

SWIMMING POOLS
Definitions.. . . . . Sec. 43A-1
Inspections and reinspections.. . . . . Sec. 43A-3
Maintenance and operation of swimming pools
Appeal. . . . . Sec. 43A-25
Certification of manager of operations. . . . . Sec. 43A-18
Operation of a pool. . . . . Sec. 43A-19
Permit and manager of operations required. . . . . Sec. 43A-17
Pool drainage. . . . . Sec. 43A-23
Pools not maintained.. . . . . Sec. 43A-20.1
Quality of water; public and semi-public pools. . . . . Sec. 43A-20
Regulations in pool area. . . . . Sec. 43A-22
Safety equipment. . . . . Sec. 43A-21
Suspension. . . . . Sec. 43A-24
Permit required; application; issuance. . . . . Sec. 43A-2
Pool design and construction
Deck area; pool enclosure; spectator separation. . . . . Sec. 43A-11
Depth and slope; depth markings. . . . . Sec. 43A-6
Diving area. . . . . Sec. 43A-8
Heating units. . . . . Sec. 43A-14

CITY OF DALLAS, TEXAS

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Sec. 51A-5.210. Platting in the escarpment zone and in the geologically similar area.

ARTICLE VI.

ENVIRONMENTAL PERFORMANCE STANDARDS.

Sec. 51A-6.101. Definitions applicable to the environmental performance standards.
Sec. 51A-6.102. Noise regulations.
Sec. 51A-6.103. Toxic and noxious matter.
Sec. 51A-6.104. Glare.
Sec. 51A-6.105. Vibration.
Sec. 51A-6.106. Odors, smoke, particulate matter and other air contaminants.
Sec. 51A-6.107. Nonconformance with the environmental performance standards.
Sec. 51A-6.108. Municipal setting designation ordinance.

ARTICLE VII.

SIGN REGULATIONS.

Division 51A-7.100. Purposes and Definitions.

Sec. 51A-7.101. Purpose.
Sec. 51A-7.102. Definitions.

Division 51A-7.200. Provisions For All Zoning Districts.

Sec. 51A-7.201. Application of division.
Sec. 51A-7.202. Imitation of traffic and emergency signs prohibited.
Sec. 51A-7.203. Roof and right-of-way signs.
Sec. 51A-7.204. Other codes not in conflict, applicable.
Sec. 51A-7.205. Athletic field signs, portable signs, special purpose signs, movement control signs, and protective signs.
Sec. 51A-7.206. Vehicular signs.
Sec. 51A-7.207. Government signs.
Sec. 51A-7.208. Creation of site.
Sec. 51A-7.209. Signs displaying noncommercial messages.
Sec. 51A-7.210. General maintenance.
Sec. 51A-7.211. Signs attached to structures located on buildings.
Sec. 51A-7.212. Street construction alleviation signs.
Sec. 51A-7.213. Detached sign unity agreements.
Sec. 51A-7.214. City kiosks.
Sec. 51A-7.215. Animal shelter sign.
Sec. 51A-7.216. Digital display on certain premise signs.

Division 51A-7.300. Provisions For Business Zoning Districts.

Sec. 51A-7.301. Application of division.
Sec. 51A-7.302. Reserved.
Sec. 51A-7.303. General provisions applicable to signs in business zoning districts.
Sec. 51A-7.304. Detached signs.
Sec. 51A-7.305. Attached signs.
Sec. 51A-7.306. Detached non-premise signs prohibited generally.
Sec. 51A-7.307. Relocation of certain detached non-premise signs.
Sec. 51A-7.308. Digital display on certain detached non-premise signs.

Division 51A-7.400. Provisions for Non-Business Zoning Districts.

Sec. 51A-7.401. Application of division.
Sec. 51A-7.402. General provisions applicable to signs in non-business zoning districts.
Sec. 51A-7.403. Detached signs.
Sec. 51A-7.404. Attached signs.

Division 51A-7.500. Special Provision Sign Districts.

Sec. 51A-7.501. Purpose of special provision sign districts.
Sec. 51A-7.502. Creation of a special provision sign district.

(2) The city council shall solicit for consideration nominees for appointment to the landmark commission from, but not limited to: the Dallas County Historical Commission; the Dallas County Heritage Society; the Dallas chapter of the American Institute of Architects; the Dallas Historical Society; the Dallas chapter of the American Planning Association; the Dallas chapter of the American Society of Landscape Architects; the Dallas Bar Association; the North Texas Chapter of the Appraisal Institute; the city plan commission; Preservation Dallas; Black Dallas Remembered; the African-American Museum; ACAL de Mexico; the Dallas Black Chamber of Commerce; the Dallas Hispanic Chamber of Commerce; the Greater Dallas Asian American Chamber of Commerce; the local Urban Land Institute Section; the Dallas Real Estate Council; the CCIM Commercial Real Estate Network; the Board of Realtors; and such other individuals and organizations experienced in historic preservation. The membership of the landmark commission must, as nearly as may be practicable, reflect the racial and ethnic makeup of the city's population.

(3) Each member of the landmark 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. A vacancy for the unexpired term of any member shall be filled in the same manner as the original appointment was made. Alternate members serve for the same period and are subject to removal the same as regular members. The city council shall fill vacancies occurring in the alternate membership in the same manner as full city council appointments to other boards. The members shall serve without compensation. The mayor shall appoint the chair and the full council shall appoint the vice-chair.

~~(4) In addition to the 15 regular members, representatives from the city plan commission, department of sustainable development and construction, the building inspection division of the department of sustainable development and construction, code compliance department, the department of planning and neighborhood vitality, and the park and recreation department shall sit on the landmark commission as ex officio members. The ex officio members are not entitled to vote but assist the landmark commission in various functions. The department shall provide adequate staff support to the landmark commission and shall assign a member of the staff to act as the historic preservation officer.~~

(4) In addition to the 15 regular members, representatives from the city plan commission, department of sustainable development and construction, the building inspection division of the department of sustainable development and construction, code compliance department, the department of planning and urban design, and the park and recreation department shall sit on the landmark commission as ex officio members. The ex officio members are not entitled to vote but assist the landmark commission in various functions. The department shall provide adequate staff support to the landmark commission and shall assign a member of the staff to act as the historic preservation officer.

(b) Quorum and voting. A quorum exists when there are physically present a simple majority of the number of members officially appointed to the landmark commission, regardless of the total number of members actually provided for the landmark 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) Powers and duties. The landmark commission has the following powers and duties:

(1) To thoroughly familiarize itself with the structures, land, areas, and districts within the city that may be eligible for designation as historic overlay districts.

(2) To create, examine and update the historic preservation plan and present any modifications to the city plan commission for inclusion in the comprehensive plan of the city. The historic preservation plan must:

(A) identify and catalog places and areas of historical, cultural, architectural, or archeological value along with factual verification of their importance and significance;

demolition or removal are final. Actions taken or recommendations made by the landmark commission that are subject to review by the city plan commission or the city council are not binding on those bodies, and the reviewing body may decide a matter contrary to recommendations or actions of the landmark commission. (Ord. Nos. 19455; 19499; 20487; 20585; 21153; 21512; 23694; 24163; 25047; 26596; 27892; 28073; 29478; 29645; 29882, eff. 10/1/15)

SEC. 51A-3.104. RESERVED.
(Ord. 25047)

SEC. 51A-3.105. BUILDING OFFICIAL.

(a) Powers and duties.

(1) The building official shall issue permits in accordance with this chapter.

(2) The building official shall issue certificates of occupancy in accordance with this chapter.

(3) The building official has the authority to enforce the provisions of this chapter. (Ord. 19455)

Division 51A-4.200. Use Regulations.

SEC. 51A-4.201. AGRICULTURAL USES.

(1) Animal production.

(A) Definition: An area which is used for the raising of animals (including fish) and the development of animal products on a commercial basis. Typical uses include beef or sheep ranching, dairy farming, piggeries, poultry farming, and fish farming.

~~(B) Districts permitted: A(A) district.~~

(B) Districts permitted: By right in the A(A) district. By SUP only in non-residential districts.

(C) Required off-street parking: Two spaces. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions:

~~(i) A person shall not operate this use upon an area less than three acres.~~

(i) In an A(A) district, a person shall not operate this use upon an area less than three acres. In non-residential districts, no minimum acreage is required.

(ii) Animals include but are not limited to pigs, chickens, turkeys, cows, sheep, goats, and horses.

(iii) Structures may be erected for a private stable, pen, barn, shed, or silo for raising, treating, and storing products raised on the premises. A dwelling unit is permitted either as part of this structure or as a separate structure.

(iv) Standings under roofed stables must be made of a material that provides for proper drainage so as not to create offensive odors, fly breeding, or other nuisances.

(v) The keeping of horses is subject to the requirements under the private stable accessory use.

(vi) Fences for pens, corrals, or similar enclosures for livestock must be of sufficient

height and strength to retain the animals. No pen, corral, fence or similar enclosure may be closer than 20 feet to an adjacent property line. The widths of alleys, street rights-of-way, or other public rights-of-way may be used to calculate the 20 foot requirement.

(vii) The regulations under this use do not apply to government agencies, governmentally supported organizations, or educational agencies that keep and maintain animals for health research or similar purposes, nor do these regulations apply to special events such as circuses and livestock exhibitions which are otherwise regulated by the city.

(2) Commercial stable.

(A) Definition: A facility for the business of boarding horses or renting horses to the public.

(B) Districts permitted: A(A) district.

(C) Required off-street parking: One space for each two stalls. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use does not include sales, auction, or similar trading activity.

(3) Crop production.

(A) Definitions. In this paragraph:

~~(i) COMMUNITY GARDEN means an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or ornamental crops for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by~~

~~members of the group and may include common areas maintained and used by group members.~~

~~(ii) FARM means an area used for the raising or harvesting of agricultural crops such as vegetables, fruit, trees, grain, field forage, and other plant crops intended to provide food or fiber.~~

(i) AQUACULTURE means the cultivation, maintenance, and harvesting of aquatic species.

(ii) AQUAPONICS means the combination of aquaculture (fish) and hydroponics (plants) to grow food crops or ornamental crops and aquatic species together in a recirculating system without discharge or exchange of water.

(iii) BED COVER means a hoop-house, shade structure, or similar structure located above a planting bed to assist with the growing or shading of food crops or ornamental crops.

(iv) COMMUNITY GARDEN means an URBAN GARDEN as that use is defined in this subparagraph. Except in those Chapter 51P articles where community garden is specifically defined, any reference to community garden in Chapter 51P is a reference to an urban garden in this subparagraph.

(v) FARM OR RANCH means an area which is used for growing farm products or keeping farm poultry and farm livestock.

(vi) URBAN GARDEN means an area managed and maintained to grow and harvest food crops and/or ornamental crops for personal or group use, consumption, sale, or donation. Urban gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

(B) Districts permitted: By right in all districts.

~~(C) Required off-street parking: None.~~

(C) Required off-street parking: Except as otherwise provided in this subparagraph, off-street parking is not required. For an urban garden in non-residential districts that allows on-site sales, one off-street parking space is required for every 200 square feet of sales area with a minimum two off-street parking spaces provided.

(D) Required off-street loading: None.

~~(E) Additional provisions for community gardens:~~

~~(i) A community garden must comply with the regulations for the zoning district in which the community garden is located.~~

~~(ii) Animal grazing and animal production are prohibited.~~

~~(iii) For a community garden in a residential district, the combined floor area of structures may not exceed 200 square feet and must be erected in the rear 30 percent of the lot.~~

~~(iv) For a community garden in a residential district, signage is limited to a single, non-illuminated, flat sign of no more than six square feet.~~

(E) Additional provisions for urban gardens:

(i) An urban garden must comply with the regulations for the zoning district in which the urban garden is located.

(ii) Aquaponics, aquaculture, and the raising of chickens are permitted. All other animal grazing and animal production are prohibited.

(iii) For an urban garden in a residential district, the combined floor area of structures may not exceed 10 percent of the lot, with no single structure exceeding 200 square feet in floor area. Structures that assist in the growing of vegetation, such as bed covers and raised planting beds, are not included in floor area calculations. Structures must comply with yard, lot, and space regulations for the district.

(iv) For an urban garden in a residential district, one single, non-illuminated, flat sign of no more than six square feet must be provided. The sign must contain the phone number of an

emergency contact person for the urban garden. If animals are present in the urban garden, the sign must also contain the contact information for Dallas 311 city services. In residential districts, no other signage is permitted.

(v) Each bed cover may only cover one planting bed.

(vi) Except as provided in this subparagraph, maximum height of a bed cover is four feet from the growing surface or eight feet, measured from grade, whichever is less. Within the required front yard, maximum height of a bed cover is four feet, measured from grade.

(vii) The on-site sale of food crops, ornamental crops, and eggs produced at the urban garden is allowed only in non-residential districts. No other items may be sold.

(F) Additional provisions for farms:

(i) A person shall not operate a farm upon an area less than three acres.

(ii) Structures may be erected for a private pen, barn, shed, or silo for the treating, and storing of products raised on the premises. A dwelling unit is permitted either as part of this structure or as a separate structure.

(iii) Animal grazing is allowed as part of this use; however, animal production, as defined in Section 51A-4.201(1), is not permitted.

(4) Private stable.

(A) Definition: An area for the keeping of a horse or horses for the private use of the property owner or the owner of the horse(s).

(B) Districts permitted: By right in all residential districts when located on a lot that is at least one acre in size, otherwise by SUP in all residential districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A private stable is permitted only on a lot that has at least 15,000 square feet of land and a person may keep only the number of horses permitted for the lot area as described in the following chart:

LOT AREA	NUMBER OF HORSES
At least 15,000 square feet but less than one-half acre	1
At least one-half acre but less than one acre	2
At least one acre but less than two acres	3
At least one-half acre per horse	4 or more

(ii) A private stable must include a pen, corral, fence, or similar enclosure containing at least 800 square feet of land for each animal with a stable under a roof containing at least 100 square feet for each animal.

(iii) A stable must have proper drainage so as not to create offensive odors, fly breeding, or other nuisances.

(iv) A pen, corral, fence, or similar enclosure may not be closer than 20 feet to an adjacent property line. The widths of alleys, street rights-of-way, or other public rights-of-way may be used in establishing the 20 foot distance to the adjacent property line.

(v) A pen, corral, fence, or similar enclosure must be of a sufficient height and strength to retain the horse(s). (Ord. Nos. 19455; 19786; 20493; 21001; 23302; 24718; 28125; 29687)

SEC. 51A-4.202. COMMERCIAL AND BUSINESS SERVICE USES.

(1) Building repair and maintenance shop.

(A) Definition: A facility providing for general building repair and maintenance, including the installation of plumbing, electrical, air conditioning, and heating equipment.

(B) Districts permitted: By right in CR, RR, CS, industrial, and central area districts. RAR required in CR, RR, CS, and industrial districts.

(C) Required off-street parking: One space per 300 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Retail sales of supplies is permitted as an accessory use.

(2) Bus or rail transit vehicle maintenance or storage facility.

(A) Definition: A facility for the maintenance, repair, or storage of bus, rail, or other transit vehicles.

(B) Districts permitted: By right in industrial and central area districts. When located at least 500 feet from a residential district, by right in the CS district with RAR required; otherwise, by SUP only in the CS district. RAR required in industrial districts.

(C) Required off-street parking: One space per 500 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(2) In a "D" liquor control overlay district, a person shall not sell or serve alcoholic beverages or setups for alcoholic beverages for consumption on or off the premises.

(3) In a "D-1" liquor control overlay district, a person shall not sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises, unless the sale or service is part of the operation of a use for which a specific use permit has been granted by the city council.

(4) It is a defense to prosecution under Paragraphs (2) and (3) of this section that the alcoholic beverage or setup for alcoholic beverage is served, but not sold, at a private residence for consumption at the residence. For purposes of this subsection, a private residence must be a permitted residential or lodging use listed in the use regulations of this article. If the use is a lodging use, the term "private residence" means the guest room only. (Ord. Nos. 19455; 21735)

SEC. 51A-4.504. RESERVED. (Ord. 28072)

SEC. 51A-4.505. CONSERVATION DISTRICTS.

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

~~(1) ARCHITECTURAL ATTRIBUTES means those physical features of buildings and structures that are generally identified and described as being important products of human thought and action characteristic of a population or community.~~

~~(2) BLOCK means an area bounded by streets on all sides.~~

~~(3) BLOCKFACE means all of the lots on one side of a block.~~

~~(4) CD means conservation district.~~

~~(5) CD FEASIBILITY STUDY means a study conducted by the director to determine whether or not a particular area of the city is eligible for conservation district classification.~~

~~(6) CD ORDINANCE means the ordinance establishing a particular conservation district.~~

~~(7) CULTURAL ATTRIBUTES means all of those physical features of an area that, either independently or by virtue of their interrelationship, are generally identified and described as being important products of human thought and action characteristic of a population or community. Accordingly, the term "cultural attributes" necessarily includes "architectural attributes" as that term is defined in this section. The term "cultural attributes" does not refer to the characteristics or beliefs of people who may reside in or frequent a particular area.~~

~~(8) STABLE means that the area is expected to remain substantially the same over the next 20 years with continued maintenance of the property. While some changes in structures, land uses, and densities may occur, all such changes are expected to be compatible with surrounding development.~~

~~(9) STABILIZING means that the area is expected to become stable over the next 20-year period through continued reinvestment, maintenance, or remodeling.~~

(a) Definitions. In this section:

(1) AREA means the land within the boundaries of a proposed CD that may include subdistricts, land within the boundaries proposed to be added to an established CD that may include subdistricts, or land within the boundaries of a proposed subdistrict.

(2) BLOCKFACE means the linear distance of lots along one side of a street between the two nearest intersecting streets. If a street dead ends, the terminus of the dead end will be treated as an intersecting street.

(3) CD means conservation district.

(4) CD ORDINANCE means the ordinance establishing or amending a particular conservation district.

(5) DEMOLITION means the intentional destruction of an entire building.

(6) NEIGHBORHOOD COMMITTEE means the property owners of at least 10 properties within a proposed CD, proposed area to be added to an established CD, or an established CD; or, if less than

10 properties, 50 percent of the property owners within the proposed CD, proposed area to be added to an established CD, or an established CD.

(7) PHYSICAL ATTRIBUTES means the physical features of buildings and structures, including the architectural style; characteristics of a period; and method of construction, and may also include those physical characteristics of an area that help define or make an area unique, including scale; massing; spatial relationship between buildings; lot layouts; setbacks; street layouts; streetscape characteristics or other natural features; or land-use patterns.

(8) STABLE means that the area is expected to remain substantially the same over the next 20 years with continued maintenance of the property. While some changes in structures, land uses, and densities may occur, all such changes are expected to be compatible with surrounding development.

(9) STABILIZING means that the area is expected to become stable over the next 20-year period through continued reinvestment, maintenance, or remodeling.

~~(b) Purpose. State law authorizes the city of Dallas to regulate the construction, alteration, reconstruction, or razing of buildings and other structures in "designated places and areas of historic, cultural, or architectural importance and significance." Whereas the city has historic districts containing such regulations and restrictions for historic places and areas, the conservation district is established to provide a means of conserving an area's distinctive atmosphere or character by protecting or enhancing its significant architectural or cultural attributes.~~

(b) Findings and purpose.

(1) State law authorizes the city of Dallas to regulate the construction, alteration, reconstruction, or razing of buildings and other structures in "designated places and areas of historic, cultural, or architectural importance and significance."

(2) Conservation districts are intended to provide a means of conserving an area's distinctive character by protecting or enhancing its physical attributes.

(3) Conservation districts are distinguished from historic overlay districts, which preserve historic residential or commercial places; neighborhood stabilization overlay districts, which preserve single family neighborhoods by imposing neighborhood-specific yard, lot, and space regulations that reflect the existing character of the neighborhood; and planned development districts, which provide flexibility in planning and construction while protecting contiguous land uses and significant features.

(4) The purpose of a CD is to:

(A) protect the physical attributes of an area or neighborhood;

(B) promote development or redevelopment that is compatible with an existing area or neighborhood;

(C) promote economic revitalization;

(D) enhance the livability of the city; and

(E) ensure harmonious, orderly, and efficient growth.

(c) General provisions.

~~(1) Each conservation district must be established by a separate CD ordinance. Before adopting a CD ordinance, the city council shall approve a conceptual plan for the district in accordance with this section. Each CD ordinance must be consistent with the conceptual plan approved for the district by the city council.~~

~~(2) If the director determines that, due to the sensitivity of the area, or due to the nature of the~~

~~proposed regulations for the area, a special administrative procedure should be established for the review of proposed work in a conservation district, he may recommend that such a procedure be incorporated into the conceptual plan for the district. Unless such a procedure is considered by the commission and approved by the city council as part of the conceptual plan for the district, there shall be no administrative review of proposed work in a conservation district other than the customary review for compliance with all applicable city codes, ordinances, rules, and regulations which occurs at the time a person makes application for a building permit.~~

~~(3) For purposes of determining the applicability of regulations in this chapter triggered by adjacency or proximity to another zoning district, an identifiable portion of a conservation (CD) district governed by a distinct set of use regulations is treated as though it were a separate zoning district. If the CD district or a portion of the district is limited to those uses permitted in an expressly stated zoning district, the CD district or portion of the districtis treated as though it were that expressly stated zoning district; otherwise it is treated as though it were:~~

~~(A) a TH-3(A) zoning district if it is restricted to single family and/or duplex uses;~~

~~(B) an MF-2(A) zoning district if it is restricted to residential uses not exceeding 36 feet in height and allows multifamily uses;~~

~~(C) an MF-3(A) zoning district if it is restricted to residential uses and allows multifamily uses exceeding 36 feet in height; or~~

~~(D) a nonresidential zoning district if it allows a nonresidential use.~~

(1) Each CD must be established by a separate CD ordinance.

(2) A CD may replace a planned development district or a neighborhood stabilization overlay. A CD may include an historic district overlay. A CD may not be placed on a planned development district or a neighborhood stabilization overlay.

(3) For purposes of determining the applicability of regulations in this chapter triggered by adjacency or proximity to another zoning district, an identifiable portion of a CD governed by a distinct set of use regulations is treated as though it were a separate zoning district. If the CD district or a portion of the district is limited to those uses permitted in an expressly stated zoning district, the CD district or portion of the district is treated as though it were that expressly stated zoning district; otherwise it is treated as though it were:

(A) a TH-3(A) zoning district if it is restricted to single family and/or duplex uses;

(B) an MF-2(A) zoning district if it is restricted to residential uses not exceeding 36 feet in height and allows multifamily uses;

(C) an MF-3(A) zoning district if it is restricted to residential uses and allows multifamily uses exceeding 36 feet in height; or

(D) a nonresidential zoning district if it allows a nonresidential use.

~~(d) Initiation.~~

~~(1) A CD feasibility study may be initiated by a group of persons who collectively own:~~

~~(A) more than 50 percent of the land, excluding streets and alleys, within the area of request; and~~

~~(B) more than 50 percent of the building sites within the area of request.~~

~~(2) An agent of a group that satisfies the requirements of Subsection (d)(1) may file an application for a CD feasibility study with the director on a form furnished by the department. Each person in the group must sign the application.~~

~~(3) An application for a CD feasibility study must include the following:~~

~~(A) The application fee.~~

~~(B) Map(s) showing the existing zoning and land uses on all of the land in the area of request, and on all of the land within 200 feet, including streets and alleys, measured from the boundary of the area of request.~~

~~(C) A list of the names and addresses of all property owners and residents in the area of request.~~

~~(D) A list of all neighborhood associations or other organizations representing the interests of property owners in the area of request. This list should include information as to the number of members and the officers' names, mailing addresses, and phone numbers.~~

~~(E) A statement of justification. This statement should:~~

~~(i) point out the factors which render the area of request eligible for CD classification; and~~

~~(ii) explain in detail how and why such a classification would be in the best interest of the city as a whole.~~

~~(F) A description of the prevalent architectural and cultural attributes of the area.~~

~~(G) Any additional information that the director determines to be necessary for the study.~~

~~(4) A CD feasibility study may also be initiated by the commission or the city council.~~

(d) Establishing a conservation district.

(1) Determination of eligibility.

(A) Before a neighborhood committee may request pre-application meetings or apply for a CD, a neighborhood committee must request a determination of eligibility and the director must determine that an area is eligible. A request for determination of eligibility is not an application for a CD.

(B) A neighborhood committee must submit a request for determination of eligibility on a form furnished by the department. The request for a determination of eligibility must include:

(i) The names and addresses of the neighborhood committee members.

(ii) The name and address of the neighborhood committee member designated to receive notice and information from the department.

(iii) A map of the request area.

(iv) A written statement explaining how the neighborhood committee selected the request area. For example, the request area is the original subdivision.

(v) A list of the architectural styles of each main building in the area of request and the year that each main building was constructed.

(vi) A written statement describing the physical attributes of the area, including the architectural styles, period of significance, and method of construction.

(vii) A written statement describing how the area of request meets all of the eligibility criteria in Section 51A-4.505(d)(1)(C).

(viii) Any other information that the director deems necessary.

(C) Within 65 days after a complete request for determination of eligibility is submitted, the director shall make a determination of eligibility. An area is not eligible for a CD unless it satisfies all of the following criteria:

(i) The area contains at least one blockface.

(ii) The area must be either "stable" or "stabilizing" as defined in this section.

(iii) The area is compact and contiguous with boundary lines drawn to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary.

(iv) At least 75 percent of the lots are developed with main buildings that are at least 25 years old.

(v) The area has physical attributes that include recognizable architectural style(s).

(D) If the director determines that the area is eligible for a CD, the director shall notify the designated neighborhood committee member in writing. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail. The director's determination that an area is eligible for a CD may not be appealed.

(E) After the director determines an area is eligible for a CD, the boundaries may only be changed by city council at a public hearing to consider a proposed CD or by a request for a new determination of eligibility after the original determination of eligibility expires. A request for a new determination of eligibility with different boundaries must be made before a neighborhood committee may request pre-application meetings or apply for a CD.

(F) If the director determines that the area is not eligible for a CD, the director shall notify the designated neighborhood committee member in writing why the proposed area is not eligible. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail. The director's determination that an area is not eligible for a CD classification may be appealed to the city plan commission by the neighborhood committee.

(G) An appeal of a determination that an area is not eligible for a CD is made by filing a written notice of appeal with the director. The notice of appeal must be filed within 30 days after the director provides written notice to the designated neighborhood committee member. The sole issue on appeal is whether the director erred in the determination of eligibility. The city plan commission shall consider the same criteria that the director is required to consider.

(H) The city plan commission's determination of eligibility on appeal is final. If the city plan commission determines that the area is not eligible for a CD, no further requests for determination of eligibility may be considered for the area of request for two years from the date of its decision. A property owner within the area of request may apply for a waiver of the two-year limitation period pursuant to Section 51A-4.701(d)(3).

(2) Pre-application meetings.

(A) After an area is determined eligible for a CD and before a neighborhood committee may apply for a CD, a neighborhood committee must request pre-application meetings. A request for pre-application meetings is not an application for a CD.

(B) Pre-application meetings are held by the department. Pre-application meetings are intended to inform the neighborhood committee and property owners within the eligible area about the determination of eligibility process, purpose of a CD, and the CD ordinance process. Pre-application meetings are also held to discuss and establish a list of development and architectural standards the neighborhood is interested in regulating.

(C) Within 65 days after the director has determined that an area is eligible for a CD, the neighborhood committee must submit a request for pre-application meetings on a form furnished by the department or the determination of eligibility for that area expires. If the determination of eligibility expires, a neighborhood committee must submit a new request for determination of eligibility and the director must determine that the area is eligible before a request for pre-application meetings may be submitted.

(D) Within 60 days after a complete request for pre-application meetings is submitted, the director shall schedule the first of at least two pre-application meetings. Notice of each pre-application meeting shall be given at least 10 days before the pre-application meeting to all property owners within the area eligible for a CD as evidenced by the last certified municipal tax roll.

(E) Within 14 days after the last pre-application meeting, the department shall provide the designated neighborhood committee member with the original petition forms.

(F) The original petition forms must include a map showing the boundaries of the area determined eligible for a CD; a list of the development and architectural standards a CD may regulate; the development and architectural standards established at the pre-application meetings that neighborhood is interested in regulating; the name and address of all property owners within the proposed CD; the deadline for the required signatures; and a statement that by signing the petition, the property owner is indicating support for initiating a process that may result in a change of zoning.

(G) Once the original petition forms are

provided to the designated neighborhood committee member, additions to the development and architectural standards established by the neighborhood and listed on the original petition forms may only be recommended by city plan commission and approved by the city council.

(3) Application for a CD.

(A) After an area is determined eligible for a CD and the pre-application meetings have been held by the department, a neighborhood committee may submit an application for a CD.

(B) The application must be on a form provided by the department and must include:

(i) The original petition forms submitted with the dated signatures of property owners within the area determined eligible for a CD in support of the proposed CD that represent at least 58 percent of the land, excluding streets and alleys, within the proposed CD or 58 percent of the lots within the proposed CD.

(aa) For a proposed CD with 200 or fewer lots, the signatures on the original petition forms must be dated within 12 months following the date the original petition forms are provided to the designated neighborhood committee member.

(bb) For a proposed CD with 201 to 500 lots, the signatures on the original petition forms must be dated within 15 months following the date the original petition forms are provided to the designated neighborhood committee member.

(cc) For a proposed CD with more than 500 lots, the signatures on the original petition forms must be dated within 18 months following the date the original petition forms are provided to the designated neighborhood committee member.

(ii) The application fee, if applicable.

(aa) If the original petition forms are signed by 75 percent or more of the lots within the proposed CD boundaries, the application fee is waived.

(bb) If the proposed CD is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

(iii) Any other information that the director deems necessary.

(C) Within 30 days after an application for a CD is submitted, the director shall verify the original petition forms and determine if the application is complete. The time the director takes to review an application for completeness is not counted toward the date requirements in Section 51A-4.505(d)(3)(B)(i) for signatures in support of the proposed CD.

(D) If the application is deemed complete or the CD is authorized pursuant to Section 51A-4.701(a)(1), a public hearing to create a CD is initiated.

(E) If the director deems the application incomplete, the director shall notify the designated neighborhood committee member in writing of the application deficiencies and return the incomplete application. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail.

(F) For purposes of Section 51A-4.701, "Zoning Amendments," once a CD application has been deemed complete, the CD shall be treated as a city plan commission authorized public hearing and may not be appealed to city council if the city plan commission recommends denial. If the proposed CD is initiated by application, the notice of authorization in Section 51A-4.701(a)(1) is not required.

(4) Preparing a CD ordinance.

(A) Within 30 days after a CD application is deemed complete, the director shall begin scheduling neighborhood meetings. Neighborhood meetings shall be held as necessary to receive input from property owners regarding the content of the CD ordinance.

(B) The city shall prepare a CD ordinance that includes:

(i) a map showing the boundaries of the area, including any subdistricts, that the director determined eligible for a CD;

(ii) maps and other graphic and written materials describing the physical attributes of the proposed CD; and

(iii) regulations for development and architectural standards.

(C) The CD ordinance must include the following:

(i) Development standards.

(aa) accessory structures.

(bb) building and structure height;

(cc) density;

(dd) fences and walls;

(ee) floor area ratio;

(ff) lot coverage;

(gg) lot size;

(hh) off-street parking and loading requirements;

(ii) permitted uses;

(jj) setbacks; and

(kk) stories.

(ii) Architectural standards.

(aa) architectural styles;

(bb) building elevations;

(cc) building materials;

(dd) chimneys;

(ee) porch styles;

(ff) roof form or pitch;

(gg) roofing materials; and

(hh) windows.

(D) The CD ordinance may also include, but is not limited to, the following development and architectural standards:

(i) building relocation;

(ii) building width;

(iii) demolition;

(iv) driveways, curbs, and sidewalks;

(v) foundations;

(vi) garage location and entrance;

(vii) impervious surfaces;

(viii) landscaping or other natural features;

(ix) massing;

(x) paint colors;

(xi) solar energy systems and the components;

(xii) steps; or

(xiii) window and dormer size and location.

(E) At least 30 days before the city plan commission public hearing to consider the proposed CD ordinance, the director shall conduct a neighborhood meeting to review the proposed CD ordinance.

(F) Notice of the neighborhood meeting shall be given at least 10 days before the neighborhood meeting to all property owners within the boundaries of the proposed CD as evidenced by the last certified municipal tax roll. The notice must include a web address where an electronic copy of the draft CD ordinance may be found.

(G) After the neighborhood meeting and at least 10 days before consideration by the city plan commission, the director shall send written notice of the city plan commission public hearing and a reply form to all property owners within the area of notification as evidenced by the last certified municipal tax roll. The reply form allows the recipient to indicate support or opposition to the proposed CD and give written comments. The director shall report to the city plan commission the percentage of replies in favor and in opposition, and summarize any comments.

(H) If city plan commission recommends approval of the proposed CD, at least 10 days before consideration by the city council, the director shall send written notice of the city council public hearing and a reply form to all property owners within the area of notification as evidenced by the last certified municipal tax roll. The reply form allows the recipient to indicate support or opposition to the proposed CD and give written comments. The director shall report to the city council the percentage

of replies in favor and in opposition, and summarize any comments.

~~(e) Determination of eligibility.~~

~~(1) When a CD feasibility study is initiated under Subsection (d), the director shall determine the eligibility of the area for CD classification in accordance with this subsection.~~

~~(2) The director's determination of eligibility must be based on a consideration of the standards in this subsection. An area is not eligible for CD classification unless it satisfies all of the following criteria:~~

~~(A) The area must contain at least one blockface.~~

~~(B) The area must be either "stable" or "stabilizing" as those terms are defined in this section.~~

~~(C) The area must contain significant architectural or cultural attributes as those terms are defined in this section.~~

~~(D) The area must have a distinctive atmosphere or character which can be conserved by protecting or enhancing its architectural or cultural attributes.~~

~~(3) If the director determines that the area is not eligible for CD classification, he shall notify the applicant of this fact in writing. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. The notice must be sent to the address shown on the application. The decision of the director that an area is not eligible for CD classification may be appealed to the commission by the applicant.~~

~~(4) An appeal under Subsection (e)(3) is made by filing a written request with the director. The request must be filed within 30 days of the date written notice is given to the applicant of the director's decision. In considering the appeal, the sole issue shall be whether or not the director erred in his determination of eligibility, and, in this connection, the commission shall consider the same standards that were required to be considered by the director in making his determination.~~

~~(5) The commission's determination of eligibility on appeal is final. If the commission determines that the area is not eligible for CD classification, no further applications for CD classification may be considered for the area of request for two years from the date of its decision. A property owner in the area of request may apply for a waiver of the two-year limitation pursuant to Section 51A-4.701(d)(3).~~

~~(6) If the director determines that the area is eligible for CD classification, he shall proceed to formulate a conceptual plan for the area in accordance with Subsection (f). The decision of the director that an area is eligible for CD classification may not be appealed.~~

(e) Expanding an established CD.

(1) In general. Before a neighborhood committee or, if the area proposed to be added is one lot, an applicant may request petitions or apply to expand an established CD, a neighborhood committee or applicant must request a determination of eligibility for the proposed area to be added and the director must determine that the area is eligible. A request for determination of eligibility is not an application to amend an established CD.

(2) Determination of eligibility.

(A) A neighborhood committee or, if the area proposed to be added is one lot, an applicant must submit a request for determination of eligibility on a form furnished by the department. The request for determination of eligibility must include:

(i) The names and addresses of the neighborhood committee members or applicant.

(ii) If applicable, the name and address of the neighborhood committee member designated to receive notice and information from the director.

(iii) A map of the request area to be added that is compact and contiguous with the established CD.

(iv) A written statement explaining how the neighborhood committee or the applicant selected the request area. For example, the proposed area is part of the original subdivision but was not included when the CD was established.

(v) A list of the architectural styles of each main building in the area of request and the year that each main building was constructed.

(vi) A written statement describing the physical attributes of the area, including the architectural styles, period of significance, and method of construction and how these physical attributes, including the architectural styles, are similar to and compatible with the established CD.

(vii) A written statement describing how the proposed area meets all of the eligibility requirements in Section 51A-4.505(d)(1)(C) except that the area proposed is not required to be at least one blockface.

(viii) Any other information that the director deems necessary.

(B) Within 65 days after a complete request for determination of eligibility is submitted, the director shall make a determination of eligibility. An area is not eligible to be added to an established CD unless:

(i) the area satisfies all of the criteria in Section 51A-4.505(d)(1)(C), except that the area to be added is not required to be at least one blockface, and

(ii) the area to be added is similar to and compatible with the physical attributes of the established CD.

(C) If the director determines that the proposed area is eligible to be added to an established CD, the director shall notify the designated neighborhood committee member or applicant in writing. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail. The director's determination that an area is eligible for a CD may not be appealed.

(D) After the director determines an area is eligible to be added to an established CD, the boundaries may only be changed by city council at a public hearing to consider expanding an established CD or by a request for a new determination of eligibility after the original determination of eligibility expires. A request for a new determination of eligibility with different boundaries must be made before a neighborhood committee or applicant may request petitions or apply to expand an established CD.

(E) If the director determines that the area is not eligible to be added to an established CD, the director shall notify the designated neighborhood committee member or applicant in writing why the area is not eligible. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail.

(F) The director's determination that an area is not eligible to be added to a CD may be appealed to the city plan commission by the neighborhood committee or applicant.

(G) An appeal of a determination that an area is not eligible for a CD is made by filing a written notice of appeal with the director. The notice of appeal must be filed within 30 days after the director provides written notice to the designated neighborhood committee member or applicant. The sole issue on appeal is whether the director erred in the determination of eligibility. The city plan commission shall consider the same criteria that the director is required to consider.

(H) The city plan commission's determination of eligibility on appeal is final. If the city plan commission determines that the area is not eligible for a CD, no further requests for determination of eligibility may be considered for the area of request for two years from the date of its decision. A property owner within the area of request may apply for a waiver of the two-year limitation period pursuant to Section 51A-4.701(d)(3).

(3) Request for petitions.

(A) After an area is determined eligible to be added into an established CD and before a neighborhood committee or applicant may apply to expand an established CD, a neighborhood committee or applicant must request petitions. A request for petitions is not an application to amend an established CD.

(B) A neighborhood committee or applicant must submit a request for petitions within 65 days after the director determines that the area is eligible to be added to an established CD or the determination of eligibility for that proposed area to be added expires. If the determination of eligibility expires, a neighborhood committee or applicant must submit a new request for determination of eligibility and the director must determine that the area is eligible before a request for petitions may be submitted.

(C) The request for petitions must be on a form furnished by the department and must include

the names and addresses of the neighborhood committee members or the applicant and a list of the development and architectural standards listed in Sections 51A-4.505(d)(4)(C) and (D) that a neighborhood committee or applicant is interested in regulating.

(D) Within 14 days after a complete request for petitions is submitted, the director shall provide the designated neighborhood committee member or applicant with the original petition forms.

(E) The original petition forms must include a map showing the boundaries of the established CD and the area eligible to be added to the established CD; a list of the development and architectural standards a CD may regulate; the development and architectural standards the neighborhood or applicant is interested in regulating; the name and address of all property owners within the area proposed to be added to an established CD; the deadline for the required signatures; and a statement that by signing the petition, the property owner is indicating support for initiating a process that may result in a change of zoning.

(F) Once the original petition forms are provided to the designated neighborhood committee member or applicant, additions to the development and architectural standards established by the neighborhood and listed on the original petition forms may only be recommended by city plan commission and approved by the city council.

(G) Within 60 days after the department provides the designated neighborhood committee member or applicant with the original petition forms, the department shall schedule a neighborhood meeting. Notice of the neighborhood meeting shall be given at least 10 days before the neighborhood meeting to all property owners within the proposed area to be added and the established CD as evidenced by the last certified municipal tax roll.

(H) The neighborhood meeting is held by the department. The purpose of the neighborhood meeting is to inform the property owners within the established CD, and the proposed area to be added, that petitions have been requested to expand the established CD.

(4) Application to expand an established CD.

(A) After an area is determined eligible to be added to an established CD and the neighborhood committee or applicant has requested and received the original petition forms, the neighborhood committee or applicant may submit an application to expand an established CD.

(B) The application must be on a form provided by the department and must include:

(i) The original petition forms with dated signatures of property owners within the proposed area to be added into the established CD that are in support of being added to the established CD.

(ii) The signatures on the original petition forms must be dated within 60 days after the date the director provides the original petition forms to the neighborhood committee or applicant and must represent at least 58 percent of the land, excluding streets and alleys, within the proposed area to be added to the CD; or 58 percent of the lots within the area proposed to be added to the CD.

(iii) The application fee, if applicable. If the proposed expansion of the established CD is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

(iv) Any other information that the director deems necessary.

(C) Within 30 days after an application to expand an established CD is submitted, the director shall verify the original petition forms and determine if the application is complete. The 30 day application review period is not counted toward the signature date requirement in Section 51A-4.505(e)(4)(B)(ii).

(D) If the director deems the application complete or the request to expand the established CD is authorized pursuant to Section 51A-4.701(a)(1), a public hearing to expand an established CD is initiated.

(E) If the director deems the application incomplete, the director shall notify the designated neighborhood committee member in writing of the deficiencies and return the incomplete application. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail.

(5) Preparing an ordinance to expand an established CD.

(A) The city shall prepare amendments to the established CD in accordance with Sections 51A-4.505(d)(4)(B) through (D) to establish development and architectural standards for the area

to be added.

(B) At least 10 days before consideration by the city plan commission, the director shall send written notice of the city plan commission public hearing and a reply form to all property owners within the area of notification as evidenced by recent tax rolls. The reply form allows the recipient to indicate support or opposition to the proposed expansion of the established CD and give written comments. The director shall report to the city plan commission the percentage of replies in favor and in opposition, and summarize any comments.

(C) At least 10 days before consideration by the city council, the director shall send written notice of the city council public hearing and a reply form to all property owners within the area of notification as evidenced by recent tax rolls. The reply form allows the recipient to indicate support or opposition to the proposed expansion of the established CD and give written comments. The director shall report to the city council the percentage of replies in favor and in opposition, and summarize any comments.

~~(f) Conceptual plan formulation and review.~~

~~(1) If the area is determined to be eligible for CD classification pursuant to Subsection (e), the director shall schedule a public meeting for the purpose of informing property owners in the proposed district of the nature of the pending request. The director shall send notice of the time and place of the meeting by mail to all addresses of property owners and residents shown on the application, and to any additional addresses of properties in the proposed district shown on the last approved city tax roll.~~

~~(2) The director shall prepare a conceptual plan for the proposed district and schedule a public hearing before the commission to receive public comment regarding the plan. The director shall send written notice of the public hearing to all owners of real property in the proposed district and within 200 feet of its boundaries. The measurement of the 200 feet includes streets and alleys. The notice must be given not less than 10 days before the date set for the hearing. Notice is given by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll.~~

~~(3) After the public hearing, the commission shall make a recommendation regarding the plan and forward it to the city council for further action.~~

~~(4) The city council shall hold a public hearing before it makes a decision regarding the plan. The city secretary shall give notice of the public hearing in the official newspaper of the city at least 15 days before the hearing.~~

~~(5) After the city council holds the public hearing, it shall make a decision regarding the plan. The council may make minor changes in the plan without sending it back to the commission; however, if the changes are substantial, the council shall send the plan back to the commission for another public hearing.~~

~~(6) No conservation district may be established in the city unless the city council first approves a conceptual plan for the district in accordance with this subsection.~~

(f) Amending regulations in an established CD.

(1) Pre-application meetings.

(A) To amend regulations that affect an entire established CD, a neighborhood committee must first request pre-application meetings. A request for pre-application meetings is not an application for a CD.

(B) Pre-application meetings are held by the department. Pre-application meetings are intended to inform the property owners within the established CD that a neighborhood committee is interested in amending regulations in the established CD and to discuss and establish a list of development and architectural standards the neighborhood is interested in amending or adding to the established CD.

(C) Within 60 days after a complete request for pre-application meetings is submitted, the director shall schedule the first of at least two pre-application meetings. Notice of each pre-application meeting shall be given at least 10 days before the pre-application meeting to all property owners within the established CD as evidenced by the last certified municipal tax roll.

(D) Within 14 days after the last pre-application meeting, the department shall provide the designated neighborhood committee member with the original petition forms.

(E) The original petition forms must include a map showing the boundaries of the established CD; a list of the development and architectural standards a CD may regulate; the development and architectural standards established at the pre-application meetings that the neighborhood is interested in amending or adding; the name and address of all property owners within the established CD; the deadline for the required signatures; and a statement that by signing the petition, the property owner is indicating support for initiating a process that may result in a change of zoning.

(F) Once the original petition forms are provided to the designated neighborhood committee member, additions to the development and architectural standards established by the neighborhood and listed on the original petition forms may only be recommended by the city plan commission and approved by the city council.

(2) Application to amend an established CD.

(A) After the pre-application meetings have been held by the department, a neighborhood committee may submit an application to amend an established CD that affects the entire CD.

(B) The application must be on a form provided by the department and must include:

(i) The original petition forms submitted with the dated signatures of property owners within the established CD in support of amending the established CD that represent at least 58 percent of the land, excluding streets and alleys, within the established CD or 58 percent of the lots within the established CD.

(aa) For an established CD with 200 or fewer lots, the signatures on the original petition forms must be dated within 12 months following the date the original petition forms are provided to the designated neighborhood committee member.

(bb) For an established CD with 201 to 500 lots, the signatures on the original petition forms must be dated within 15 months following the date the original petition forms are provided to the designated neighborhood committee member.

(cc) For an established CD with more than 500 lots, the signatures on the original petition forms must be dated within 18 months following the date the original petition forms are

provided to the designated neighborhood committee member.

(ii) The application fee, if applicable.

(aa) If the original petition forms are signed by 75 percent or more of the lots within the established CD boundaries, the application fee is waived.

(bb) If the established CD is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

(iii) Any other information that the director deems necessary.

(C) Within 30 days after an application to amend an established CD is submitted, the director shall verify the original petition forms and determine if the application is complete. The time the director takes to review an application for completeness is not counted toward the date requirements in Section 51A-4.505(d)(3)(B)(i) for signatures in support of the proposed CD.

(D) If the application is deemed complete or an amendment to the established CD is authorized pursuant to Section 51A-4.701(a)(1), a public hearing to create a CD is initiated.

(E) If the director deems the application incomplete, the director shall notify the designated neighborhood committee member in writing of the application deficiencies and return the incomplete application. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail.

(F) For purposes of Section 51A-4.701, "Zoning Amendments," once an application to amend regulations in an established CD has been deemed complete, the application shall be treated as a city plan commission authorized public hearing and may not be appealed to city council if the city plan commission recommends denial. If the application to amend regulations in an established CD is initiated by application, the notice of authorization in Section 51A-4.701(a)(1) is not required.

(3) Preparing an ordinance to amend an established CD.

(A) Within 30 days after an application to amend an established CD is deemed complete, the director shall begin scheduling neighborhood meetings. Neighborhood meetings shall be held as necessary to receive input from property owners regarding the amendments to the established CD. Notice of neighborhood meetings shall be given at least 10 days before the neighborhood meeting to all property owners within the boundaries of the established CD as evidenced by the last certified municipal tax roll.

(B) The city shall prepare an ordinance amending an established CD in accordance with Sections 51A-4.505(d)(4) (B) through (D).

(C) At least 30 days before the city plan commission public hearing to consider proposed amendments to an established CD, the director shall conduct a neighborhood meeting to review the proposed ordinance amending the established CD.

(D) Notice of the neighborhood meeting shall be given at least 10 days before the neighborhood meeting to all property owners within the boundaries of the established CD as evidenced by the last certified municipal tax roll. The notice must include a web address where an electronic copy of the draft proposed ordinance amending the established CD may be found.

(E) After the neighborhood meeting and at least 10 days before consideration by the city plan commission, the director shall send written notice of the city plan commission public hearing and a reply form to all property owners within the area of notification as evidenced by the last certified municipal tax roll. The reply form allows the recipient to indicate support or opposition to the proposed CD and give written comments. The director shall report to the city plan commission the percentage of replies in favor and in opposition, and summarize any comments.

(F) If city plan commission recommends approval of the proposed CD, at least 10 days before consideration by the city council, the director shall send written notice of the city council public hearing and a reply form to all property owners within the area of notification. The reply form allows the recipient to indicate support or opposition to the proposed CD and give written comments. The director shall report to the city council the percentage of replies in favor and in opposition, and summarize any comments.

~~(g) CD ordinance preparation and review.~~

~~(1) The director shall hold public meetings as necessary for the purpose of receiving input from property owners regarding the content of the CD ordinance.~~

~~(2) The city attorney shall prepare a CD ordinance based on the approved or proposed conceptual plan, the reports and recommendations of the city staff, and input received from property owners at the public meetings held by the director. The ordinance must contain regulations governing permitted uses, heights of buildings and structures, lot size, floor area ratio, density, setbacks, off-street parking and loading, environmental performance, signs, landscaping, and nonconforming uses and structures, and may further contain any additional regulations, special exceptions, or procedures that the city council considers necessary to conserve the distinctive atmosphere or character of the area, or to minimize potential adverse impacts which could result from creation of the district.~~

~~(3) After preparation of the ordinance by the city attorney, the commission shall hold a public hearing to allow all citizens to present their views regarding the proposed ordinance. If the commission so desires, it may hold this public hearing on the same day that it holds the public hearing on the conceptual plan. Notice of this public hearing must be given as required by law for a change in zoning district classification.~~

~~(4) After the public hearing, the commission shall make a recommendation regarding the proposed ordinance. The commission shall not recommend approval of the ordinance unless it determines that the ordinance is consistent with the conceptual plan.~~

~~(5) After the commission makes its recommendation on the proposed ordinance, the director shall forward the recommendation and ordinance to the city council for further action. The city council shall hold a public hearing before taking any action on the ordinance. If the city council so desires, it may hold this public hearing on the same day that it holds the public hearing on the conceptual plan. Notice of this public hearing must be given as required by law for a change in zoning district classification.~~

~~(6) Each CD ordinance 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 commission recommends against adoption of the ordinance; or~~

~~(B) a written protest against adoption of the ordinance 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.~~

(g) Creating or amending a subdistrict within an established CD.

(1) An application to create or amend a subdistrict within an established CD must comply with Section 51A-4.701(a)(2).

(2) At least 30 days before a city plan commission public hearing to consider creating or amending a subdistrict within an established CD, the director shall hold a neighborhood meeting.

(3) Notice of the neighborhood meeting shall be given at least 10 days before the neighborhood meeting to all property owners within the established CD as evidenced by the last certified municipal tax roll.

(4) The purpose of the neighborhood meeting is to inform the property owners within the established CD of the application to create or amend a

subdistrict within an established CD.

(5) The city shall prepare an ordinance creating or amending a subdistrict within an established CD in accordance with Sections 51A-4.505(d)(4)(B) through (D).

(6) The city council shall not grant a request to create or amend a subdistrict within an established CD except upon a finding that the creating or amending a subdistrict within the established CD will not:

(A) alter the essential character of the established CD, or

(B) be detrimental to the overall purpose of the established CD.

(h) Removing property from an established CD.

(1) An application to remove property from an established CD must comply with Section 51A-4.701(a)(2).

(2) At least 30 days before a city plan commission public hearing to consider removing property from an established CD, the director shall hold a neighborhood meeting.

(3) Notice of the neighborhood meeting shall be given at least 10 days before the neighborhood meeting to all property owners within the established CD as evidenced by the last certified municipal tax roll.

(4) The purpose of the neighborhood meeting is to inform the property owners within the established CD of the application to remove a property from an established CD.

(5) The city council shall not grant a request to remove property from an established CD except upon a finding that removing property from the established CD will not:

(A) alter the essential character of the established CD, or

(B) be detrimental to the overall purpose of the established CD.

~~(h) Board of adjustment fee waiver. The board of adjustment may waive any filing fee for an appeal from a decision of the building official interpreting a CD ordinance, or for a variance or special exception to a CD ordinance requirement when the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement as part of his appeal or request that the matter be placed on the board's miscellaneous docket for predetermination. If the matter is placed on the miscellaneous docket, the applicant may not file his appeal until the merits of the request for waiver have been determined by the board.~~

(i) Work review procedures.

(1) Review form applications. A review form application must be submitted for any work covered by the standards in a CD ordinance.

(2) Work requiring a building permit.

(A) Upon receipt of a review form application for work requiring a building permit, the building official shall refer the review form application to the director to determine whether the work complies with the standards of the applicable CD ordinance. Within 30 days after submission of a complete review form application, the director shall review and determine whether the work complies with the standards of the applicable CD ordinance.

(B) If the director determines that the work complies with the standards of the applicable CD ordinance, the director shall approve the review form application and send it back to the building official, who shall issue the building permit if all requirements of the construction codes and other applicable ordinances have been met.

(C) If the director determines that the work does not comply with the standards of the applicable CD ordinance, the director shall state in writing the specific CD ordinance requirements that must be met before a building permit may be issued and send it back to the building official, who shall deny the building permit. The director shall give written notice to the applicant stating the reasons the building permit is denied.

(3) Work not requiring a building permit.

(A) Upon receipt of a review form application for work not requiring a building permit, the director shall review and determine whether the work complies with the standards of the applicable CD ordinance within 10 days after submission of a complete review form application.

(B) If the director determines that the work complies with the standards of the applicable CD ordinance, the director shall approve the review form application and give written notice to the applicant.

(C) If the director determines that the

work does not comply with the standards of the applicable CD ordinance, the director shall state in writing the specific CD ordinance requirements to be met before the work review application may be approved. The director shall give written notice to the applicant stating the reasons for denial.

(j) Appeals.

(1) An applicant may appeal any decision regarding a review form application made by the director or any aggrieved person may appeal a final decision of an administrative official, to the board of adjustment by filing a written appeal within 15 days after notice of the decision is given by the director or the official in accordance with Section 51A-4.703(a).

(2) The regulations and procedures in Section 51A-4.703 apply to an appeal to the board of adjustment under this section, including staying proceedings, notice of hearing, and board action.

(3) In considering the appeal, the sole issue before the board of adjustment shall be whether the director or the administrative official erred in the decision. The board shall consider the same standards required to be considered by the director or the administrative official.

(4) Appeals to the board of adjustment are the final administrative remedy.

(k) Conflicts. If there is a conflict between the text of this section and the text of a CD ordinance, the text of the CD ordinance controls.

(l) Board of adjustment fee waiver. The board of adjustment may waive any filing fee for an appeal from a decision of the building official interpreting a CD ordinance, or for a variance or special exception to a CD ordinance requirement when the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement as part of his appeal or request that the matter be placed on the board's miscellaneous docket for predetermination. If the matter is placed on the miscellaneous docket, the applicant may not file his appeal until the merits of the request for waiver have been determined by the board.
(Ord. Nos. 19455; 19930; 20037; 20308; 24843; 29702)

development so that a minimal amount of vegetation is removed or replaced. If vegetation is removed, it must be replaced with new vegetation of the same variety unless the director of parks and recreation approves an alternative variety as being less susceptible to disease or better suited for urban development.

(2) Shrub borders must be maintained around woodlands where practicable.

(3) Landscaping must consist of ecologically suitable plant species. (Ord. Nos. 19455; 26000)

SEC. 51A-5.209. ESCARPMENT AREA REVIEW COMMITTEE.

(a) In order to assist the director and the board of adjustment in the administration and interpretation of these escarpment regulations, and to establish an efficient forum for city input and review of proposed developments in geologically similar areas, an escarpment area review committee ("the committee") shall be established. The committee shall be advisory in nature and be comprised of at least one representative from the departments of sustainable development and construction, parks and recreation, planning and ~~neighborhood vitality~~ urban design, and public works. Members of the committee shall be appointed by the heads of the departments they represent. At least two representatives must be present to constitute a quorum.

(b) The committee shall have the following powers and duties:

(1) To thoroughly familiarize itself with the structures, land, areas, geology, hydrology, and indigenous plant life in the escarpment zone and in geologically similar areas.

(2) To thoroughly familiarize itself with the escarpment regulations.

(3) To identify criteria to be used in evaluating proposed development in the escarpment zone and in geologically similar areas.

(4) To identify guidelines to be used in determining whether a proposed development complies with the spirit and intent of the escarpment regulations.

(5) To meet with each prospective developer of a project for which an escarpment permit is required and make recommendations to the director as to what information may be waived or what additional information is required to allow a complete evaluation of the proposed project.

(6) To review applications for escarpment permits for compliance with the escarpment regulations, and to make recommendations to the director as to whether the applications should be approved or denied.

(7) To give advice and provide staff assistance to the board of adjustment and the city plan commission in the exercise of their responsibilities.

(8) To initiate amendments to the escarpment regulations when, in the opinion of the committee, the amendments are necessary to further the spirit and intent of the escarpment regulations.

(c) The committee shall meet at least once each month, with additional meetings to be held upon the call of the director, or upon petition of a simple majority of the members of the committee.

(d) The provisions of Chapter 8, "Boards and Commissions," of the Dallas City Code, as amended, do not apply to the committee.

(e) Actions taken or recommendations made by the committee are not binding upon the director, the board of adjustment, the city plan commission, and the city council, and these persons and public bodies may decide a matter contrary to the recommendations of the committee. (Ord. Nos. 19455; 25047; 26000; 28073; 28424; 29478~~, eff. 10/1/14~~; 29882, eff. 10/1/15)

(2) may not exceed 50 feet in height measured from grade;

(3) must be located at least 1,500 feet from a residential district;

(4) may not have an effective area in excess of 936 square feet;

(5) must have at least one static panel with a minimum effective area of 128 square feet that identifies the animal shelter; and

(6) must have a changeable message portion of the sign that uses LED/LCD technology with a maximum effective area of 672 square feet. The message or picture on the changeable message portion of the sign may not change more than once every eight seconds. At least 15 percent of the advertising time during each advertising cycle on the changeable message portion of the sign must display photos of animals available for adoption at the animal shelter or provide information about events being held or services being offered at the animal shelter.

(d) An animal shelter sign may not be relocated to another premise. (Ord. 27097)

SEC. 51A-7.216. DIGITAL DISPLAY ON CERTAIN PREMISE SIGNS.

(a) Effective area. The effective area of digital display may not exceed 50 square feet or 50 percent of the total effective area of the sign as allowed in the provisions for the respective zoning district, whichever is greater.

(b) Display.

(1) All digital displays signs must automatically adjust the sign brightness so that the brightness level of the sign is no more than 0.3 footcandles over ambient light conditions at a distance that is equal to the square root of the effective area multiplied by 100 from the sign. A digital display sign must be equipped with both a dimmer control and a photocell that automatically adjusts the display's intensity according to natural ambient light conditions.

(2) A digital display may not increase the light level on a lot in a residential district over ambient conditions without the digital display, measured in footcandles at the point closest to the sign that is five feet inside the residential lot and five feet above the ground.

(3) Before the issuance of a digital display sign permit, the applicant shall provide written certification from the sign manufacturer that:

(A) the light intensity has been factory programmed to comply with the maximum brightness and dimming standards in this subsection; and

(B) the light intensity is protected from end-user manipulation.

(c) Change of message. Changes of message must comply with the following:

(1) Each message must be displayed for a minimum of 20 seconds in business zoning districts and 20 minutes in non-business zoning districts.

(2) Changes of message must be accomplished within two seconds.

(3) Changes of message must occur simultaneously on the entire sign face.

(4) No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.

(d) Compliance. All nonconforming digital display premise signs must come into compliance with Paragraphs (b)(1)-(2) and Subsection (c) by August 26, 2016. The owner of a digital display premise sign may appeal to the board of adjustment for a later compliance date at any time up to the compliance date in this subsection if the owner will not be able to recover his investment in the sign (up to the date of nonconformance) by the compliance date in this subsection. The fee for the appeal of the compliance date is the same as the fee for a nonresidential special exception before the board of adjustment as set forth in Chapter 51A. (Ord. 29839)

Ordinance Number	Passage Date	Specified Effective Date	Ordinance Section	51 Section
			6	Amends 51-4.207(3)(C)
			7	Amends 51-4.207(4)(C)
			8	Amends 51-4.207(8)(C)
			9	Amends 51-4.208(6)(C)
			10	Amends 51-4.210(16)(C)
			11	Amends 51-4.211(14)(C)
			12	Amends 51-4.211(18)(C)
			13	Amends 51-4.212(11)(C)
			14	Amends 51-4.214(4)(C)
			15	Amends 51-4.214(5)(C)
			16	Amends 51-4.214(11)(C)
			17	Amends 51-4.214(12)(C)
			18	Amends 51-4.217(b)(6)(C)
29024	6-12-13	10-1-13	1	Amends 51-4.217(b)(5)(E)
29128	9-11-13		1	Adds 51-2.102(8.1)
			2	Adds 51-2.102(23.1)
			3	Adds 51-2.102(23.2)
			4	Adds 51-2.102(86.1)
			5	Adds Ch. 51, Art. IV, Div. 51-4.330
			6	Adds Ch. 51, Art. IV, Div. 51-4.340
29228	12-11-13		1	Amends 51-4.213(19)
			2	Adds 51-4.213(28)
29424	8-13-14		1	Adds 51-6.101(7.1)
			2	Amends 51-6.102(a)(5)
29589	12-10-14		1	Amends 51-4.210(3)(A)
			2	Amends 51-4.210(25)(A)(i)
			3	Amends 51-4.210(25)(A)(iii)
			4	Deletes 51-4.210(25)(A)(iv)
			5	Amends 51-4.210(25)(E)(iii)
			6	Deletes 51-4.210(25)(E)(iv)
29687	3-25-15		1	Amends 51-4.215(1)(A)
			2	Amends 51-4.215(1)(C)(i)
			3	Amends 51-4.215(1)(E)

Ordinance Number	Passage Date	Specified Effective Date	Ordinance Section	51A Section
29589	12-10-14		7	Amends 51A-4.207(1)(A)(i)
			8	Amends 51A-4.207(1)(A)(iii)
			9	Amends 51A-4.207(1)(A)(iv)
			10	Amends 51A-4.207(1)(E)(iii)
			11	Deletes 51A-4.207(1)(E)(iv)
			12	Amends 51A-4.207(2)(A)
			13	Amends 51A-4.207(3)(A)
			14	Amends 51A-13.201(6)
			15	Amends 51A-13.306(d)(5)(C)(iii)
29611	1-14-15		2	Amends 51A-7.404(a)(5)
29626	1-28-15		1	Amends 51A-1.106
29645	2-25-15		22	Amends 51A-3.103(a)(3)
29687	3-25-15		4	Amends 51A-4.201(1)(B)
			5	Amends 51A-4.201(1)(E)(i)
			6	Amends 51A-4.201(3)(A)
			7	Amends 51A-4.201(3)(C)
			8	Amends 51A-4.201(3)(E)
29702	4-8-15		1	Amends 51A-4.505
29827	8-12-15		1	Amends 51A-13.102
			2	Amends 51A-13.201
			3	Adds 51A-13.303(d)
			4	Amends 51A-13.501(a)(4)
			5	Amends 51A-13.502(a)
			6	Amends 51A-13.502(b)(7)
			7	Replaces 51A-13.502(b)(7) graphic
29839	8-26-15		1	Adds 51A-7.216
29882	9-22-15	10-1-15	4	Amends 51A-3.103(a)(4)
			5	Amends 51A-5.209(a)
			6	Amends 51A-9.102(a)(2)

Provisions for all zoning districts
Animal shelter sign. 51A-7.215
Application. 51A-7.201
Athletic field signs, portable signs, special purpose signs, movement control signs, and protective signs. 51A-7.205
City kiosks. 51A-7.214
Creation of site. 51A-7.208
Detached sign unity agreements. 51A-7.213
Digital display on certain premise signs. 51A-7.216
General maintenance. 51A-7.210
Government signs. 51A-7.207
Imitation of traffic and emergency signs prohibited. 51A-7.202
Other codes not in conflict, applicable. 51A-7.204
Roof and right-of-way signs. 51A-7.203
Signs attached to structures located on buildings. 51A-7.211
Signs displaying noncommercial messages. 51A-7.209
Street construction alleviation signs. 51A-7.212
Vehicular signs. 51A-7.206
Purpose 51A-7.101
Southside Entertainment Sign District
Applicability of Highway Beautification Acts 51A-7.1812
Attached signs 51A-7.1805
Construction barricade signs 51A-7.1809
Definitions 51A-7.1803
Designation of Southside Entertainment Sign District 51A-7.1801
Detached signs 51A-7.1808
Event signs 51A-7.1806
General provisions 51A-7.1804
Movement control signs 51A-7.1810
Protective signs 51A-7.1811
Purpose 51A-7.1802
Window display signs 51A-7.1807
Special provision sign districts
Creation. 51A-7.502
Expiration. 51A-7.506
Modifications allowed. 51A-7.503
Non-premise signs in special provision sign districts. 51A-7.502.1
Permit procedures. 51A-7.505
Purpose. 51A-7.501
Special sign district advisory committee created. 51A-7.504
Temporary signs in special provision sign districts. 51A-7.507
Uptown Sign District
All signs. 51A-7.1104
Attached signs. 51A-7.1105
Definitions. 51A-7.1103