

# CITY OF DALLAS, TEXAS

## CODE OF ORDINANCES

### VOLUME I

Contains 7/17-10/17 Supplement, current through  
Ordinance 30489, passed 6-14-17

---

Ordinance 30555 30620, passed 8-9-17 8-23-17

---

Ordinance 30650, passed 9-13-17

Ordinance 30657, passed 9-27-17

AMERICAN LEGAL PUBLISHING CORPORATION

**ARTICLE XVII.****DEPARTMENT OF  
SANITATION SERVICES.**

- Sec. 2-138. Created; director of sanitation services.  
 Sec. 2-139. Duties of the director of sanitation services.

**ARTICLE XVII-a.****DEPARTMENT OF STREET SERVICES.**

- Sec. 2-139.1 Created; director of mobility and street services.  
 Sec. 2-139.2 Duties of the director of mobility and street services.

**ARTICLE XVIII.****SENIOR AFFAIRS COMMISSION.**

- Sec. 2-140. Senior affairs commission - Created; terms; membership; meetings.  
 Sec. 2-141. Senior affairs commission - Functions.

**ARTICLE XIX.****DEPARTMENT OF HOUSING/COMMUNITY  
SERVICES.**

- Sec. 2-142. Created; director of housing/community services.  
 Sec. 2-143. Duties of the director of housing/community services.  
 Secs. 2-144 thru 2-146. Reserved.

**ARTICLE XX.**~~**RESERVED.**~~

~~Secs. 2-147  
thru 2-149. Reserved.~~

**CITIZEN HOMELESSNESS COMMISSION**

- Sec. 2-147. Purpose.  
 Sec. 2-148. Created; membership; terms; meetings.  
 Sec. 2-149. Duties and functions.

**ARTICLE XXI.****COMMUNITY DEVELOPMENT  
COMMISSION.**

- Sec. 2-150. Community development commission created.  
 Sec. 2-151. Duties and functions.  
 Sec. 2-152. Standards of conduct.

**ARTICLE XXI-a.****RESERVED.**

- Secs. 2-152.1 thru 2-152.2. Reserved.

**ARTICLE XXII.****RESERVED.**

- Secs. 2-153 thru 2-154. Reserved.

**ARTICLE XXIII.****DEPARTMENT OF DALLAS ANIMAL SERVICES.**

- Sec. 2-155. Created; director of Dallas animal services.  
 Sec. 2-156. Duties of the director of Dallas animal services.

**ARTICLE XXIV.****ANIMAL ADVISORY COMMISSION.**

- Sec. 2-157. Created; membership; meetings.  
 Sec. 2-158. Duties and responsibilities.

**ARTICLE XXV.****YOUTH COMMISSION**

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

**SEC. 2-141. SENIOR AFFAIRS COMMISSION - FUNCTIONS.**

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

(1) recommend the role of the city and the commission in ensuring the provision of services to the elderly;

(2) advise the city council as requested on elderly issues;

(3) provide access for citizen comment on elderly issues;

(4) assist the city in the identification of programs for the elderly that are needed in the community; and

(5) perform other duties assigned by the city council.

(b) Staff liaison responsibilities to the commission shall be designated by the city manager. (Ord. 20216)

**ARTICLE XIX.****DEPARTMENT OF HOUSING/COMMUNITY SERVICES.****SEC. 2-142. CREATED; DIRECTOR OF HOUSING/COMMUNITY SERVICES.**

There is hereby created the department of housing/community services of the city, the head of which shall be the director of housing/community services who shall be appointed by the city manager. The department will be composed of the director of housing/community services and such other assistants

and employees as the city council may provide upon recommendation of the city manager. (Ord. Nos. 17226; 22026; 27697)

**SEC. 2-143. DUTIES OF THE DIRECTOR OF HOUSING/COMMUNITY SERVICES.**

The director of housing/community services shall perform the following duties:

(1) Supervise and administer the department of housing/community services.

(2) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 17226; 22026; 27697)

**SECS. 2-144 THRU 2-146. RESERVED.**

(Repealed by Ord. Nos. 15562; 27697)

**ARTICLE XX.****RESERVED.****SECS. 2-147 THRU 2-149. (Repealed by Ord. 28020) CITIZEN HOMELESSNESS COMMISSION.****SEC. 2-147. PURPOSE.**

The purpose of this commission is to assure participation from, and inclusion of, all stakeholders, including those with past or present experience with homelessness, in order to develop policy recommendations to ensure alignment of city services with regional services to enhance efficiency, quality, and effectiveness of the community-wide response to homelessness. (Ord. 30431)

**SEC. 2-148. CREATED; MEMBERSHIP; TERMS; MEETINGS.**

(a) There is hereby created the citizen

homelessness commission, which shall be an advisory body of 15 members. Each city council member shall appoint one member to the commission. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair.

(b) Members of the commission must meet the following qualifications:

(1) two members must have past or present experience as a homeless person, and the city council may, after a review of the specific circumstances, waive disqualification under Section 8-1.4 of this code for these members;

(2) one member must be a representative from a faith-based organization; and

(3) the remaining members must be chosen from the general public.

(c) All members shall be appointed for an initial term to expire on September 30, 2019. Subsequent appointments will be made in September of each odd-numbered year for a two-year term beginning on October 1.

(d) The commission must meet at least once each month and may hold additional meetings at the call of the chair. (Ord. 30431)

#### **SEC. 2-149. DUTIES AND FUNCTIONS.**

(a) The commission, in carrying out its purpose, shall act as an advisory body to the city manager and the city council and shall:

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

(2) assist the city in evaluating new and existing programs;

(3) coordinate with other local and regional bodies addressing homelessness; and

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

(b) The city manager shall provide information and assistance to the commission in the performance of its duties and functions. (Ord. 30431)

#### **ARTICLE XXI.**

#### **COMMUNITY DEVELOPMENT COMMISSION.**

#### **SEC. 2-150. COMMUNITY DEVELOPMENT COMMISSION CREATED.**

(a) There is hereby created the community development commission of the city, which shall be

(4) DIRECTOR means the director of the department designated by the city manager to manage the stormwater drainage utility or the director's designee.

(5) DRAINAGE SYSTEM has the meaning assigned in Subchapter C, Chapter 552 of the Texas Local Government Code, as amended.

(6) IMPERVIOUS AREA means any surface that prevents or substantially impedes the natural infiltration of stormwater into the ground, and includes, but is not limited to, roads, parking areas, buildings, patios, sheds, driveways, sidewalks, and surfaces made of asphalt, concrete, and roofing materials.

(7) RESIDENTIAL - BENEFITTED PROPERTY means a benefitted property that contains one of the following structures: single family (including townhouse), duplex, or multifamily with four or fewer dwelling units, as those terms are defined in the Dallas Development Code, as amended.

(8) STORMWATER means rainfall runoff, snow or ice melt runoff, or surface runoff and drainage.

(b) Stormwater drainage utility rates.

~~———— (1) The stormwater drainage charge for residential-benefitted property per month is as follows:~~

(1) The stormwater drainage charge for residential-benefitted property per month is as follows:

IMPERVIOUS AREA (in square feet)	MONTHLY RATE
up to 2,000	<del>\$3.25</del> 3.57
2,000 - 3,500	<del>\$5.17</del> 5.68
3,501 - 5,500	<del>\$7.75</del> 8.51
more than 5,500	<del>\$12.67</del> 13.91

~~———— (2) The stormwater drainage charge for all other benefitted properties not defined as residential-benefitted property is an amount equal to \$1.75 per month for each 1,000 square feet, or parts thereof, of impervious area of the benefitted property, with a minimum charge of \$5.00 per month for non-residential-benefitted property.~~

~~———— (3) If information regarding the impervious area square footage of a particular lot or tract of benefitted property is unavailable or inadequate, the director may make a reasonable estimate of impervious area square footage and levy the drainage charge on that basis.~~

(2) The stormwater drainage charge for all other benefitted properties not defined as residential-benefitted property is an amount equal to \$1.92 per month for each 1,000 square feet, or parts thereof, of impervious area of the benefitted property, with a minimum charge of \$5.49 per month for non-residential-benefitted property.

(3) If information regarding the impervious area square footage of a particular lot or tract of benefitted property is unavailable or inadequate, the director may make a reasonable estimate of impervious area square footage and levy the drainage charge on that basis.

(c) Exemptions. All of the real property that requires an exemption under Subchapter C, Chapter 552 of the Texas Local Government Code, as amended, as well as the real property owned by the following are exempt from the charges prescribed in this section:

- (1) the city if used for municipal purposes;
- (2) the State of Texas; and
- (3) a public or private institution of higher education.

(d) Residential-benefitted property incentives.

(1) A customer of record may be eligible for an incentive in the form of a reduction to the customer of record's monthly rate as follows:

(A) the monthly rate for the customer of record's impervious area shall be charged at the next lower monthly rate; or

(B) if the customer of record's monthly rate is the lowest monthly rate, the customer of record shall be charged 60 percent of the lowest monthly rate.

(2) To be eligible, the:

(A) customer of record must use a

(C) stormwater storage method must store more than 134 cubic feet or 1,000 gallons of stormwater.

(3) To apply for an incentive under this subsection, a customer of record must make application to the director, on a form approved by the director, and include the following: stormwater storage method used, amount of stormwater stored, zoning district in which the customer of record's residential-benefitted property is located, and any other information the director deems necessary.

(4) The director shall approve the incentive if the customer of record meets all of the eligibility criteria in Paragraph (2) of this subsection. If approved by the director, an incentive in the form of a reduction to the customer of record's monthly stormwater drainage charge will be effective on the next full billing cycle after approval.

(5) The director may periodically inspect and review approved incentives, and may invalidate an incentive if the customer of record no longer meets the eligibility criteria in Paragraph (2) of this subsection. If the incentive is invalidated, the director will send the customer of record a letter stating the basis of invalidation, and the monthly rate adjustment shall apply to the next full billing cycle after invalidation.

(e) Billing and collection procedures. Stormwater drainage charges will be billed and collected in accordance with the following procedures:

(1) The water utilities department shall bill the customer of record in the regular water and wastewater service bill or, if no water or wastewater service account exists, the true owner of record as shown in the current city tax rolls.

(2) In cases involving occupancy of a lot or tract by two or more tenants who are customers of record, the water utilities department may either prorate the charges on an equitable basis between all the customers of record or may instead bill the property owner for stormwater drainage service under a separate account. In addition, if a lot or tract of land

receives water or wastewater service under two or more service accounts and the service accounts are all in the name of the same customer of record, the water utilities department may bill the entire drainage charge due through one service account.

(3) If more than one person is named in the current city tax rolls as the true owner of record of benefitted property, each person is jointly and severally liable for stormwater drainage charges on the property. The water utilities department may bill any or all of the joint owners through one service account.

(f) The water utilities department shall administer collection procedures and service accounts under this section.

(g) Except as otherwise provided in this section, the provisions of Sections 49-3, 49-7, 49-8, 49-12, 49-15, and 49-16 of this code, as amended, will govern in all matters regarding the application for stormwater drainage service, payment and collection of stormwater drainage charges, the liability of persons for charges, and the remedies of the city in the event of nonpayment. (Ord. Nos. 21060; 21429; 21823; 22207; 22563; 22665; 24411; 25384; 25754; 27353; 27695; 30215; 30653, eff. 10-1-17)

## SEC. 2-169. SERVICE AREA.

The service area of the stormwater drainage utility shall be defined by the corporate boundaries of the city, as those boundaries are altered from time to time in accordance with state law and the charter and ordinances of the city. (Ord. Nos. 21060; 30215)

## CHAPTER 6

## ALCOHOLIC BEVERAGES

- Sec. 6-1. Definitions.
- Sec. 6-2. Enforcement.
- Sec. 6-3. Zoning laws to be complied with.
- Sec. 6-4. Dealers located near churches, schools, day-care centers, child-care facilities, and hospitals; variances.
- Sec. 6-5. Public school activities.
- Sec. 6-6. Reserved.
- Sec. 6-6.1. Open containers and consumption of alcoholic beverages prohibited in certain public places.
- Sec. 6-7. Reserved.
- Sec. 6-8. Reserved.
- Sec. 6-9. State law to control.
- Sec. 6-10. ~~Reserved.~~ Local fees.
- Sec. 6-11. Sale of beer prohibited in residential zoning districts.
- Sec. 6-12. Reserved.
- Sec. 6-13. Seizure of alcoholic beverages.
- Sec. 6-14. Late hours sales of alcoholic beverages in counties having a population of less than 500,000.

## SEC. 6-1. DEFINITIONS.

In this chapter:

(1) ALCOHOLIC BEVERAGE means an alcoholic beverage as defined in the Texas Alcoholic Beverage Code.

(2) DALLAS CENTRAL AREA means the area contained within the following boundaries:

Beginning at the intersection of the Trinity River and I-35;

Northerly along the Trinity River to Inwood Road;

Northeasterly on Inwood Road to Maple Avenue;

Southeasterly on Maple Avenue to Motor Street;

Southwesterly on Motor Street to Harry Hines Boulevard;

Southerly on Harry Hines Boulevard to intersect the Union Pacific/DART Rail Line;

Northerly and easterly along the Union Pacific/DART Rail Line to intersect Lemmon Avenue;

Southeasterly on Lemmon Avenue to intersect North Central Expressway;

Northerly on North Central Expressway to intersect Haskell Avenue;

Southeasterly on Haskell Avenue to intersect the Santa Fe/DART Rail Line;

Southwesterly along the Santa Fe/DART Rail Line to intersect the Union Pacific/DART Rail Line;

Southeasterly along the Union Pacific/DART Rail Line to intersect I-30;

Southwesterly on I-30 to intersect the Santa Fe/DART Rail Line;

Southwesterly along the Santa Fe/DART Rail Line to intersect the Trinity River;

Northwesterly along the Trinity River to intersect I-35 at the point of beginning.

(3) OPEN CONTAINER means a container that is no longer sealed.

(4) PRIVATE SCHOOL means a private school, including a parochial school, that:

(A) offers a course of instruction for students in one or more grades from kindergarten through grade 12; and

(B) has more than 100 students enrolled and attending courses at a single location. (Code 1941, Art. 69-6; Ord. Nos. 21735; 21828; 25174)

## SEC. 6-2. ENFORCEMENT.

A person violating a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed,



**SEC. 6-6.1. OPEN CONTAINERS AND CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED IN CERTAIN PUBLIC PLACES.**

(a) A person commits an offense if he consumes an alcoholic beverage outside the Dallas central area on:

(1) any property owned or leased by the city; or

(2) a public street or any public place within 18 feet of a public street.

(b) A person commits an offense if he possesses an open container of or consumes an alcoholic beverage on a public street, public alley, or public sidewalk within 1,000 feet of the property line of a facility that is a public or private school, including a parochial school, that provides all or any part of prekindergarten through twelfth grade.

(c) A person commits an offense if he possesses an open container of or consumes an alcoholic beverage within the Dallas central area.

(d) It is a defense to prosecution under Subsection (a), (b), or (c) of this section that the person:

(1) was attending a special event:

(A) that was authorized by the city; and

(B) for which a valid permit or license to sell or serve alcoholic beverages was issued by the Texas Alcoholic Beverage Commission;

(2) was within the area of an establishment licensed by the Texas Alcoholic Beverage Commission for alcohol consumption on the premises.

(3) is able to prove a defense to prosecution under Section 32-11.3(b) of this code;

(4) was in a motor vehicle;

(5) was inside a building not owned or controlled by the city; or

(6) was inside a residential structure.

(e) Nothing in this section is intended to prohibit or otherwise control the manufacture, sale, distribution, transportation, or possession of alcoholic beverages, except to the extent allowed by state law. (Ord. Nos. 15635; 15816; 15849; 16600; 19963; 21021; 21352; 21385; 21735; 21828; 25174)

**SEC. 6-7. RESERVED.**

(Repealed by Ord. 16870)

**SEC. 6-8. RESERVED.**

(Repealed by Ord. 16870)

**SEC. 6-9. STATE LAW TO CONTROL.**

The penalties provided for by this chapter are subject to the limitations of the Texas Alcoholic Beverage Code, and if there is any conflict between the penalties of this chapter and the state law, then to that extent the state law controls, and the municipal court of the city will have jurisdiction of any offense under this chapter and under the state law only where the Constitution and the general law of this state confer such jurisdiction. (Code 1941, Art. 69-14; Ord. 21735)

**SEC. 6-10. — RESERVED. (Ord. 21735)**

**SEC. 6-10. LOCAL FEES.**

The city hereby levies, and shall collect, a fee from every person who is issued a permit or license for a premise located within the city, as allowed under the Texas Alcoholic Beverage Code, as amended. The amount of the fee shall be the maximum permitted under state law. (Ord. 30653, eff. 10-1-17)



amusement center, and if incorporated, the name registered with the Secretary of State;

(2) name, address, and telephone number of the operator of the amusement center and proof that the operator is at least 18 years of age;

(3) whether the applicant, operator, and, if applicable, any corporate officer of the applicant has been convicted of a felony or within the preceding five years of an offense involving drugs, gambling, prostitution, obscenity, or unlawfully carrying a weapon;

(4) the previous occupation of the applicant, operator, and, if applicable, all corporate officers of the applicant within the preceding five years;

(5) whether a previous license of applicant, or, if applicable, corporate officer of applicant has been revoked within two years of filing of the application;

(6) number of coin-operated amusement devices in the center; and

(7) a statement that all the facts contained in the application are true.

(b) The chief of police may require additional information of an applicant or licensee to clarify items on the application.

(c) No applicant may maintain an amusement center in violation of the comprehensive zoning ordinance of the city. (Ord. Nos. 14736; 14932)

#### SEC. 6A-5. FEE.

~~—The annual fee for an amusement center license is \$22 for each coin-operated amusement device located in the center. Amusement center licenses expire one year from the date of issuance. The fee for issuing a replacement license for one lost, destroyed, or~~

~~mutilated is \$2. The fee is payable to the city upon approval of the license by the chief of police. No refund of license fees will be made.~~

The annual fee for an amusement center license is \$48 for each coin-operated amusement device located in the center. Amusement center licenses expire one year from the date of issuance. The fee for issuing a replacement license for one lost, destroyed, or mutilated is \$2. The fee is payable to the city upon approval of the license by the chief of police. No refund of license fees will be made. (Ord. Nos. 14736; 18411; 29477; 29645; 30653, eff. 10-1-17)

#### SEC. 6A-6. LICENSE DISPLAY, REPLACEMENT, AND TRANSFERABILITY.

(a) Each license issued pursuant to this article must be posted and kept in a conspicuous place in the amusement center and must state the number of coin-operated amusement devices for which the license was issued.

(b) A replacement license may be issued for one lost, destroyed, or mutilated, upon application on a form provided by the chief of police. A replacement license shall have the word "REPLACEMENT" stamped across its face and shall bear the same number as the one it replaces.

(c) An amusement center license is not assignable or transferable.

(d) A licensee shall notify the chief of police within 10 days of a change or partial change in the ownership or management of the amusement center, or a change of address or trade name. (Ord. 14736)

#### SEC. 6A-7. REFUSAL TO ISSUE OR RENEW LICENSE.

The chief of police shall refuse to approve issuance or renewal of an amusement center license for one or more of the following reasons:

(1) a false statement as to a material matter made in an application for a license;

(2) conviction of the applicant or an operator or

**CHAPTER 8****BOARDS AND COMMISSIONS****ARTICLE I.****IN GENERAL.**

- Sec. 8-1. Definitions.
- Sec. 8-1.1. Reports to the city council.
- Sec. 8-1.2. Notice of appointment; acceptance.
- Sec. 8-1.3. Eligibility of employee of franchise holder.
- Sec. 8-1.4. Qualification considerations in appointments to boards.
- Sec. 8-1.5. Limitation of terms.

**ARTICLE II.****MEETINGS.**

- Sec. 8-2. Regular meetings.
- Sec. 8-3. Special meetings.
- Sec. 8-4. Quorum.
- Sec. 8-5. Rules of order.
- Sec. 8-6. Public character of meetings and actions; executive sessions.
- Sec. 8-7. Notice of meetings.
- Sec. 8-8. Report of minutes.

**ARTICLE III.****OFFICERS AND THEIR DUTIES.**

- Sec. 8-9. Chair and vice-chair.
- Sec. 8-10. Preservation of order.
- Sec. 8-11. Questions to be stated.
- Sec. 8-12. Reserved.

**ARTICLE IV.****DUTIES AND PRIVILEGES OF MEMBERS.**

- Sec. 8-13. Right to floor.
- Sec. 8-14. Financial interest.

- Sec. 8-14.1. Confidentiality.
- Sec. 8-15. Right of appeal.
- Sec. 8-16. Limitation of debate.
- Sec. 8-17. Voting.
- Sec. 8-18. Demand for roll card.
- Sec. 8-19. Personal privilege.
- Sec. 8-20. Attendance.
- Sec. 8-20.1. Special attendance requirements.
- Sec. 8-21. Excusal during meeting.

**ARTICLE V.****CODE OF CONDUCT.**

- Sec. 8-22. Board members.
- Sec. 8-23. Administrative staff.
- Sec. 8-24. News media members.
- Sec. 8-25. Members of the public.

**ARTICLE VI.****ADMINISTRATIVE PROCEDURES.**

- Sec. 8-26. Board recommendations.
- Sec. 8-27. Dealings with city employees.
- Sec. 8-28. Legal opinions.

**ARTICLE I.****IN GENERAL.****SEC. 8-1. DEFINITIONS.**

~~— In this chapter:~~

~~———— (1) BOARD means a board or commission of the city that is established by ordinance or the Charter of the City of Dallas.~~

~~———— (2) CHAIR means the presiding officer of a board whether appointed by the city council or elected by the other members of the board. In debate the chair~~

shall be referred to by this official title and shall be addressed by prefixing Mr. or Madam, as the case may be, to that title.

— (3) ~~CONFIDENTIAL INFORMATION~~ means any information that could not be obtained by the public under the Texas Open Records Act.

— (4) ~~MEMBER~~ means a duly appointed member of a board.

In this chapter:

(1) **BOARD** means a board or commission of the city that is established by ordinance or the Charter of the City of Dallas.

(2) **CHAIR** means the presiding officer of a board whether appointed by the city council or elected by the other members of the board. In debate the chair shall be referred to by this official title and shall be addressed by prefixing Mr. or Madam, as the case may be, to that title.

(3) **CONFIDENTIAL INFORMATION** means any information that could not be obtained by the public under the Texas Open Records Act.

(4) **CRIMINAL RECORD** means a record of a person's criminal history, which may include, without limitation, arrests, convictions, dismissals, and acquittals.

(5) **FORFEIT or FORFEITURE** means automatic loss of membership on a board, without the need for council action.

(6) **MEMBER** means a duly appointed or elected member of a board. (Ord. Nos. 14180; 19924; 20488; 30555)

#### SEC. 8-1.1. REPORTS TO THE CITY COUNCIL.

— (a) ~~By February 1 of each year, each board shall submit to the city council an annual report of its activities containing the following:~~

— (1) ~~a cover letter transmitting the report, signed by the board chair, addressed to the mayor and city council;~~

— (2) ~~a table of contents;~~

— (3) ~~a mission statement and the guiding principles of the reporting body;~~

— (4) ~~a list of objectives, programs, and success indicators for period covered in the report;~~

— (5) ~~a summary of the year just completed including highlights of accomplishments;~~

— (6) ~~a work program for the coming year including revised goals and a revised matrix;~~

— (7) ~~a summary of the board's recommendations, including a summary of the recommendations of the minority if there is a minority report;~~

— (8) ~~other information determined to be necessary by the board.~~

(a) By February 1 of each year, each board shall submit to the city manager for distribution to the city council an annual report that has been approved by the board of its activities containing the following:

(1) a cover letter transmitting the report, signed by the board chair, addressed to the mayor and city council;

(2) a table of contents;

(3) a mission statement or the guiding principles of the reporting body;

(4) a summary of the year just completed including highlights of objectives and accomplishments;

(5) a list of objectives and programs for the coming year including revised goals;

(6) a summary of the board's recommendations, including a summary of the recommendations of the minority if there is a minority report;

(7) other information determined to be necessary by the board.

(b) Copies of the report should be furnished to the city manager, city secretary, and each member of the board.

~~—(c) The public information representative of the office of the city manager shall coordinate the preparation of the reports within the applicable city departments and generally give assistance in the development of the reports.~~

(c) The office of the city manager shall coordinate the preparation of the reports within the applicable city departments and generally give assistance in the development of the reports.

~~—(d) The following standards for format shall apply:~~

~~—(1) The report should be 8-1/2 inches by 11 inches in size. Each larger sheet should be folded to this size.~~

~~—(2) The text should be black and white with no color.~~

~~—(3) The text should be typed and reproduced directly, without typesetting.~~

~~—(4) Use of photographs should be kept at a minimum.~~

~~—(5) Covers should be of color stock paper with black print and the city of Dallas logo.~~

~~—(6) The report may be bound if over 200 pages in length.~~

~~—(7) The city print shop should do the printing.~~

(d) The following formatting standards shall apply:

(1) The report should be 8-1/2 inches by 11 inches in size. Each larger sheet should be folded to this size.

(2) Covers should include the city of Dallas logo.

(e) Minority or dissenting viewpoints should be given full disclosure in the report so that the opinions of each board member are fairly conveyed. The minority or dissenting report should be prepared by those holding such viewpoints and it should be

incorporated in the report without editing, except in order to achieve compliance with this section. If the majority report, including attachments, appendices, and index pages, numbers less than 100 pages, the

minority report will be placed after the last page of the majority report. If the majority report numbers 100 pages or more, the minority report will be placed after the summary of recommendations and before the body of the full majority report.

(f) If a board finds it necessary or important to publish a report other than an annual report, the provisions of this section shall apply to the special report.

(g) On behalf of the city council, the city manager shall analyze and evaluate each report submitted pursuant to this section by March 15 of each year. (Ord. Nos. 14180; 15126; 15378; 20488; 21118; 21155; 30555)

#### SEC. 8-1.2. NOTICE OF APPOINTMENT; ACCEPTANCE.

~~—(a) After the city council appoints a person to serve as a member of a board, the city secretary shall notify the person in writing of the appointment. The notification shall contain a copy of the city's code of ethics and a form of acceptance of appointment to be returned to the city secretary by the appointee. The form of acceptance shall contain a statement that the appointee has read the entire code of ethics and agrees to comply with it.~~

(a) After the city council appoints a person to serve as a member of a board, the city secretary shall notify the person in writing of the appointment. The notification shall contain the city's code of ethics and a form of acceptance of appointment to be returned to the city secretary by the appointee. The form of acceptance shall contain a statement that the appointee has read the entire code of ethics and agrees to comply with it.

(b) The appointee must return the signed acceptance of appointment to the city secretary within 15 calendar days from the date of receiving notice of the appointment. If the city secretary does not receive the signed acceptance of appointment within the required 15 days, that board position shall be considered vacant and a new appointment made. (Ord. Nos. 15848; 18560; 20488; 30555)

(a) A person who is an employee of a public utility providing service under a franchise with the city

#### SEC. 8-1.3. ELIGIBILITY OF EMPLOYEE OF FRANCHISE HOLDER.

is not disqualified from serving as a member of a board if the responsibilities of the board are not directly related to regulation of the rates and service of the public utility.

(b) A board member who is an employee of a public utility providing service under a franchise with the city shall abstain from voting and comply with Section 8-14 on any matter before the board directly or indirectly related to the business of the public utility. (Ord. Nos. 16467; 17489; 20488)

**SEC. 8-1.4. QUALIFICATION  
CONSIDERATIONS IN  
APPOINTMENTS TO BOARDS.**

~~—— (a) In addition to the qualifications for service on a board that are mandated by the city charter or other ordinances, an appointee to a board must:~~

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

~~—— (2) be a qualified voter in the city at the time of appointment;~~

~~—— (3) have no criminal record that is considered by the city council to be so serious that it should serve as a disqualification;~~

~~—— (4) not be an adversary party to pending litigation or a claim against the city or a city employee, except for eminent domain proceedings; disqualification of an appointee under this subparagraph may be waived by the city council after review of the specific circumstances unless the subject of the litigation or claim involves the board on which the appointee will serve or the department providing support services to that board;~~

~~—— (5) not be an employee or a business associate of either an adversary party or a representative of an adversary party, nor have a pecuniary interest, in any pending litigation or claim;~~

other than an eminent domain proceeding, against the city relating to the board on which the appointee will serve or the department providing support services to that board or against any individual officer or employee of the support department (unless unrelated to such individual's office or employment); disqualification of an appointee under this subparagraph may not be waived;

—— (6) not be in arrears on any city taxes, water service charges, or other obligations owed the city;

—— (7) have a creditable record of attendance and performance in any previous board service; and

—— (8) not have been finally convicted of two or more felony offenses for which the person has not been pardoned or otherwise released from the resulting disabilities.

—— (b) A person may serve on only one board at a time, except that this restriction does not apply to ex officio board positions. It is the city council's intent that a board member is not required to resign one board position before being appointed to another board, but must resign the first position before accepting appointment to the new board position.

—— (c) Notwithstanding Subsection (b), a person may serve on up to two boards of directors of reinvestment zones established under the Tax Increment Financing Act, as amended.

—— (d) A person appointed to a board must meet, at the time of appointment and during the entire period of service on the board, all qualifications for appointment to that board that are required by this section and any other applicable provision of a city ordinance or the city charter. This subsection does not apply to a qualification waived by the city council pursuant to specific authority granted in a provision of a city ordinance or the city charter applicable to the board to which the person is appointed.

—— (e) The city secretary shall inform the city council if any person nominated for appointment to a board has been convicted of a misdemeanor offense, other than a traffic violation, in the last five years or of any felony offense. *[NOTE: Subsection (e) as adopted by Ord. No. 26007.]*

—— (e) A person is not disqualified from board service under Subsection (a)(6) if the person has entered into an agreement (authorized by the city, state law, or court order) to pay the obligation on a scheduled payment plan and is current on payments under the plan and in compliance with all terms and conditions of the plan. Before the person is appointed or reappointed to any board, the city secretary shall inform the city council if the person is on such a payment plan. The city secretary shall monitor compliance with the payment plan and notify the city council and the city attorney whenever the person is not in compliance with the plan. The city secretary shall also send a notice of any noncompliance to the person, and, if the person is a current or holdover board member, the city secretary shall place an item on a council agenda to consider removal of the person from the board. *[NOTE: Subsection (e) as adopted by Ord. No. 26246.]*

(a) In addition to the qualifications for service on a board that are mandated by the city charter or other ordinances, an appointee to a board must:

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

(2) be a qualified voter in the city at the time of appointment;

(3) have no criminal record that is considered by the city council to be so serious that it should serve as a disqualification;

(4) not be an adversary party to pending litigation or a claim against the city or a city employee, except for eminent domain proceedings; disqualification of an appointee under this subparagraph may be waived by the city council after review of the specific circumstances unless the subject of the litigation or claim involves the board on which the appointee will serve or the department providing support services to that board;

(5) not be an employee or a business



associate of either an adversary party or a representative of an adversary party, nor have a pecuniary interest, in any pending litigation or claim, other than an eminent domain proceeding, against the city relating to the board on which the appointee will serve or the department providing support services to that board or against any individual officer or employee of the support department (unless unrelated to such individual's office or employment); disqualification of an appointee under this subparagraph may not be waived;

(6) not be in arrears on any city taxes, water service charges, or other obligations owed the city;

(7) have a creditable record of attendance pursuant to Section 8-20 in any previous board service; and

(8) not have been finally convicted of two or more felony offenses for which the person has not been pardoned or otherwise released from the resulting disabilities.

(b) Notwithstanding Subsection (a), an appointee to a board is not required to live in the district for which he or she is appointed, unless district residency for a board is expressly required by this code.

(c) A person may serve on only one board at a time, except that this restriction does not apply to ex officio board positions. It is the city council's intent that a board member is not required to resign one board position before being appointed to another board, but must resign the first position before accepting appointment to the new board position.

(d) Notwithstanding Subsection (c), a person may serve on up to two boards of directors of reinvestment zones established under the Tax Increment Financing Act, as amended.

(e) A person appointed to a board must meet, at the time of appointment and during the entire period of service on the board, all qualifications for appointment to that board that are required by this section and any other applicable provision of a city ordinance or the city charter. This subsection does not apply to a qualification waived by the city council pursuant to specific authority granted in a provision of a city ordinance or the city charter applicable to the board to which the person is appointed.

(f) The city secretary shall inform the city council

if any person nominated for appointment to a board has been convicted of a misdemeanor offense, other than a traffic violation, in the last five years or of any felony offense.

(g) A person is not disqualified from board service under Subsection (a)(6) if the person has entered into an agreement (authorized by the city, state law, or court order) to pay the obligation on a scheduled payment plan and is current on payments under the plan and in compliance with all terms and conditions of the plan. Before the person is appointed or reappointed to any board, the city secretary shall inform the city council if the person is on such a payment plan. The city secretary shall monitor compliance with the payment plan and notify the city council and the city attorney whenever the person is not in compliance with the plan.

(h) Except as provided in this subsection, if a person does not meet or continue to meet the qualifications set forth under this section, the city secretary shall send the following:

(1) a notice that the person forfeits their membership on the board for no longer qualifying under Paragraph (1), (2), (5), (6), (7), or (8) of Subsection (a) of this section.

(2) a notice that the city secretary shall place an item on a council agenda to consider removal of the person from the board for no longer qualifying under Paragraph (3) or (4) of Subsection (a) of this section. (Ord. Nos. 16525; 17087; 19983; 20016; 20488; 21933; 22495; 26007; 26246; 30555)

#### SEC. 8-1.5. LIMITATION OF TERMS.

~~—(a) A person who has served as a member of a particular board for four consecutive two-year terms will not again be eligible to serve on that same board until at least one term has elapsed, regardless of whether service was as a member or chair. Disqualification of a board appointee under this subsection may be waived by the city council after a review of the specific circumstances.~~

~~—(b) Notwithstanding Subsection (a), a person may serve as a member of a particular board for the maximum number of terms that may be fixed for the particular board by the city charter or state or federal~~

law and will not again be eligible to serve on that same board until at least one term has elapsed.

~~—(c) In determining whether a full term has been served by a board member, the same definition of “term” that applies to a city council member, as set forth in Chapter III, Section 3A(c) of the city charter, will also apply to a board member.~~

(a) A person who has served as a member of a particular board for four consecutive two-year terms will not again be eligible to serve on that same board until at least one term has elapsed, regardless of whether service was as a member or chair.

(a-1) A person who has served on the board of the employees' retirement fund pursuant to Section 40A-3(a)(1) of this code, as amended, for three consecutive terms, of whatever length of time, will not again be eligible to serve on that same board until at least one term has elapsed, whether service was as a member, chair, or other position on the board.

(b) Notwithstanding Subsection (a), a person may serve as a member of a particular board for the maximum number of terms that may be fixed for the particular board by the city charter or federal law and will not again be eligible to serve on that same board until at least one term has elapsed.

(c) In determining whether a full term has been served by a board member, the same definition of “term” that applies to a city council member, as set forth in Chapter III, Section 3A(c) of the city charter, will also apply to a board member. (Ord. Nos. 22259; 22570; 24141; 30555)

## ARTICLE II.

### MEETINGS.

#### SEC. 8-2. REGULAR MEETINGS.

~~—Each board shall determine the time and place of its meetings. Regular meetings shall be scheduled weekly, monthly, semi-monthly, or quarterly, as the responsibilities of the board necessitate, at a location within a public building.~~

(a) Each board shall determine the time and place of its meetings. Regular meetings shall be

scheduled weekly, monthly, semi-monthly, or quarterly, as the responsibilities of the board necessitate, at a location within a public building.

(b) Department directors will biennially inform the city secretary's office of the board's regular meeting schedule, or at any other such time as that schedule changes. (Ord. Nos. 14180; 20488; 30555)

#### SEC. 8-3. SPECIAL MEETINGS.

Special meetings may be called by the chair at any time and shall be called by the chair upon written request of members comprising at least one-third of the board. (Ord. Nos. 14180; 20488)

#### SEC. 8-4. QUORUM.

~~—At the beginning of each regular or special meeting, the chair shall determine whether or not a quorum exists in order to properly transact business of the board. Unless otherwise provided by another city ordinance, the city charter, or state law, a quorum exists when there are physically present a simple majority of the number of members officially appointed to the board, regardless of the total number of members actually provided for the board, except that no board~~

~~required to be composed of 15 or more members may have a quorum of fewer than six members. If a quorum does not exist 30 minutes after the time for which the meeting was called, the chair shall adjourn the meeting and either re-schedule the meeting at its next regular time or call a special meeting, depending on the circumstances.~~

(a) At the beginning of each regular or special meeting, the chair shall determine whether or not a quorum exists in order to properly transact business of the board. Unless otherwise provided by another city ordinance, the city charter, or state law, a quorum exists when there are physically present a simple majority of the number of members officially appointed to the board, regardless of the total number of members actually provided for the board, except that no board required to be composed of 15 or more members may have a quorum of fewer than six members. If a quorum does not exist 30 minutes after the time for which the meeting was called, the chair shall adjourn the meeting and may call a special meeting in accordance with the Texas Open Meetings Act, as amended.

(b) For purposes of calculating attendance, special meetings will not be counted. (Ord. Nos. 14180; 20488; 23123; 30555)

## **SEC. 8-5. RULES OF ORDER.**

Unless otherwise stipulated by the board or this chapter, proceedings of a board shall in all cases be governed by rules of order as set forth in "Robert's Rules of Order." (Ord. Nos. 14180; 20488)

## **SEC. 8-6. PUBLIC CHARACTER OF MEETINGS AND ACTIONS; EXECUTIVE SESSIONS.**

~~—(a) All meetings of a board shall be open to the public unless pertaining to matters authorized under the Texas Open Meetings Act to be discussed in executive session. All actions of the board shall be public and sufficient copies of the minutes shall be made available by the city secretary to staff members, the news media, and other interested persons upon request.~~

(a) All meetings of a board shall be open to the public unless pertaining to matters authorized under the Texas Open Meetings Act, as amended, to be discussed in executive session. All actions of the board shall be public and sufficient copies of the minutes shall be made available by the coordinating city staff

member to the news media and other interested persons upon request.

(b) When meeting in executive session, a board shall publicly announce the category under the Texas Open Meetings Act that permits the executive session, tape record the executive session, and comply with all other requirements of the Texas Open Meetings Act applicable to executive sessions.

(c) A printed agenda of items to be considered at each regular meeting shall be posted for public inspection at least three days prior to the meeting.

(d) Compliance with this section shall be the responsibility of the city department designated to provide staff support to the board. The city secretary

shall be responsible for establishing guidelines for the security of all tapes on which board executive sessions are recorded pursuant to Subsection (b). (Ord. Nos. 14180; 20302; 20488; 30555)

#### SEC. 8-7. NOTICE OF MEETINGS.

Notice of all special and regular meetings of the board shall be published in accordance with the Texas Open Meetings Act. (Ord. Nos. 14180; 20488)

#### SEC. 8-8. REPORT OF MINUTES.

~~Each board shall submit to the city secretary of the city, within five days following each regular and special meeting, a list of members absent from the meeting and a copy of the minutes of the meeting.~~

Each board shall submit to the city secretary, within five days following each regular and special meeting the following:

(a) a list of members absent from the meeting; and

(b) the approved minutes of each meeting, signed by the presiding officer. (Ord. Nos. 14180; 20488; 30555)

### ARTICLE III.

#### OFFICERS AND THEIR DUTIES.

#### SEC. 8-9. CHAIR AND VICE-CHAIR.

~~(a) The chair shall, when present, preside at all meetings of the board. In the absence of the chair, the vice-chair shall exercise the powers of the chair. The seniority of the vice-chairs, if more than one, must be stipulated at the time of their selections. If the chair ceases to preside during a meeting and no vice-chair is available, the chair may, subject to the approval of the board, appoint a temporary chair. The first adjournment puts an end to this appointment.~~

(a) The chair shall preside at all meetings of the board. In the absence of the chair, the vice-chair shall exercise the powers of the chair. The seniority of the vice-chairs, if more than one, must be stipulated at the

time of their selections. If no chair or vice-chair is available, the board may appoint a temporary chair. The first adjournment puts an end to this appointment.

(b) The presiding officer shall rule on points of order and procedures that are brought up in board meetings.

(c) If the chair and all vice-chairs are absent at the beginning of a meeting, the board shall elect a temporary chair.

(d) In debate the chair must be referred to by official title and be addressed by prefixing Mr. or Madam, as the case may be, to that title.

~~—(e) Unless specifically provided otherwise in the ordinance or city charter provision creating a particular board:~~

~~—(1) the vice-chair of every board of the city must be appointed by the full city council; and~~

~~—(2) no city board may have more than one vice-chair appointed to serve on it at any given time.~~

(e) Unless specifically provided otherwise in the ordinance or city charter provision creating a particular board:

(1) The mayor shall appoint the chair of each board from among the members appointed, subject to confirmation by the city council, and the vice-chair of every board of the city must be appointed by the full city council, unless otherwise provided in state law, city charter, or city code;

(2) no city board may have more than one vice-chair appointed to serve on it at any given time, unless otherwise provided in state law, city charter, or city code;

(3) the term of appointment for a chair or vice-chair must run concurrently with his or her term of appointment to the board; and

(4) Notwithstanding paragraph (3) of this section, the chair or vice-chair may be removed from the position of chair or vice-chair for any cause the city council deems sufficient for removal in the interest of the public, but only after a public hearing before the city council on charges publicly made, if demanded by such member within 10 days. Removal of the position of chair or vice chair does not affect the member's term of appointment to the board. (Ord. Nos. 14180; 18997; 20488; 22259; 30555)

chapter. The chair shall require members of the board engaged in debate to limit discussion to the question under consideration. (Ord. Nos. 14180; 20488)

#### **SEC. 8-11. QUESTIONS TO BE STATED.**

The chair shall state all questions submitted for a vote, call for an affirmative and negative vote, and announce the result. A roll call vote shall be taken upon the request of any member. (Ord. Nos. 14180; 20488)

#### **SEC. 8-12. RESERVED.**

(Repealed by Ord. Nos. 18997; 20488)

#### **SEC. 8-10. PRESERVATION OF ORDER.**

The chair shall preserve order and decorum and shall appoint a sergeant-at-arms and a deputy to enforce compliance with the rules contained in this

**SEC. 8-16. LIMITATION OF DEBATE.**

No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak on the subject has spoken, and no member shall speak more than twice upon any one subject, nor for a longer time than five minutes, without a two-thirds affirmative vote of the board. (Ord. Nos. 14180; 20488)

**SEC. 8-17. VOTING.**

Every member present when a question is put shall vote either "yes" or "no," unless the member is prevented from voting because of conflict of interests. A member who is absent from the meeting during a vote and returns to or arrives at the meeting before adjournment shall, upon returning or arriving, vote on the question for the record unless prevented from voting by a conflict of interests. A member recorded present during a meeting who does not vote and who is not prevented from voting by a conflict of interests shall be recorded as having voted in the affirmative, unless the member has obtained the consent of the chair to leave the meeting and is absent for the remainder of the meeting. (Ord. Nos. 14180; 14326; 20488)

**SEC. 8-18. DEMAND FOR ROLL CALL.**

Upon demand from any member, made before the negative has been put, the roll shall be called for "Yeas" and "Nays" upon any question before the board. It shall not be in order for members to explain their votes during the roll call. (Ord. Nos. 14180; 20488)

**SEC. 8-19. PERSONAL PRIVILEGE.**

The right of a member to address the board on a question of personal privilege shall be limited to cases

in which the member's integrity, character, or motives are assailed, questioned, or impugned. (Ord. Nos. 14180; 20488)

**SEC. 8-20. ATTENDANCE.**

~~—(a) No member shall be excused from attendance at a board meeting, unless for medical reasons certified to by a physician or unless excused by the board and the city council. A member having three unexcused absences in succession shall forfeit membership on the board.~~

~~—(b) A member of a board that meets weekly or biweekly, who is absent from more than 25 percent of the regular meetings in any six month period, whether excused or not, shall forfeit membership on the board.~~

~~—(c) A member of a board that meets monthly, who is absent from more than 25 percent of the regular meetings during any 12 month period, whether excused or not, shall forfeit membership on the board.~~

~~—(d) An office that has been forfeited under the provisions of this section shall be filled for the remainder of the term by appointment of the city council.~~

~~—(e) For purposes of this section, the record of a member's absences will begin with the first regular meeting after the 15th day from the date the member received notice of appointment.~~

(a) No member shall be excused from attendance at a board meeting, unless for medical reasons certified to by a physician or unless excused by the board and the city council. More than three unexcused absences in succession shall result in a forfeiture.

(b) A member of the board that meets weekly or semi-monthly, who is absent from more than 25 percent of the regular meetings in any six-month period, whether excused or not, shall result in a forfeiture.

(c) A member of a board that meets monthly, who is absent from more than 25 percent of the regular meetings during any 12-month period, whether excused or not, shall result in a forfeiture.



(d) An office that has been forfeited under the provisions of this section shall be filled for the remainder of the term by appointment of the city council.

(e) For purposes of this section, the record of a member's absences will begin with the first regular meeting after the 15th day from the date the member received notice of appointment. (Ord. Nos. 14180; 15848; 20488; 30555)

#### **SEC. 8-20.1. SPECIAL ATTENDANCE REQUIREMENTS.**

~~—If a board or commission, as part of its decision-making process, schedules an inspection trip to the location of a matter that is to be considered by the board or commission at that day's meeting, a member will be counted absent unless:~~



~~—— (1) the member attends both the inspection trip and the meeting; or~~

~~—— (2) the member represents that a personal inspection has been made of each location visited by the inspection trip and attends the meeting.~~

If a board or commission, as part of its decision-making process, schedules an inspection trip to the location of a matter that is to be considered by the board or commission at that day's meeting, a member will be counted absent unless:

(1) the member attends both the inspection trip and the meeting;

(2) the member represents that a personal inspection has been made of each location visited by the inspection trip and attends the meeting; or

(3) the board or commission, by rule, provides otherwise. (Ord. Nos. 17948; 20488; 30555)

#### SEC. 8-21. EXCUSAL DURING MEETING.

~~—— A member may not leave a board meeting in regular session without acknowledgement by the chair. A member who leaves a board meeting after the board has been duly called to order and is absent for the remainder of the meeting, without first obtaining the consent of the chair, shall be charged with an unexcused absence for that meeting. The consent of the chair may be given only in an emergency beyond the control of the member that requires the member to leave the meeting.~~

(a) A member who leaves a board meeting after the board has been duly called to order and is absent for the remainder of the meeting, without first obtaining the consent of the chair, shall be charged with an unexcused absence for that meeting. The consent of the chair may be given only in an emergency beyond the control of the member that requires the member to leave the meeting.

(b) If a member is absent from more than 50 percent of a regular meeting, the member will be deemed absent and the absence will count against the member, unless the board, by rule, provides otherwise. (Ord. Nos. 14180; 14326; 20488; 30555)

#### ARTICLE V.

#### CODE OF CONDUCT.

#### SEC. 8-22. BOARD MEMBERS.

(a) During board meetings, board members shall preserve order and decorum and shall neither, by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the orders of the chair or the rules of the board.

(b) Every board member desiring to speak shall address the chair and, upon recognition by the chair, shall limit remarks to the question under debate and shall avoid discussion of personalities and indecorous language.

(c) A board member, once recognized, shall not be interrupted while speaking unless called to order by

(4) Reserved.

(5) An applicant is physically or mentally incapacitated to an extent that the applicant cannot operate a billiard hall.

(6) An applicant has failed to answer or has falsely answered a question or request for information on the application form provided.

(7) An applicant or an applicant's spouse has been convicted of a violation of a provision of this chapter within two years immediately preceding the application. The fact that a conviction is being appealed has no effect.

(8) An applicant is residing with a person who has been denied a license by the city to operate a billiard hall within the preceding 12 months, or residing with a person whose license to operate a billiard hall has been revoked within the preceding 12 months.

(9) An applicant's premises have not been approved by the department of code compliance, the fire department, and the building official.

(10) The license fee required by this chapter has not been paid.

(11) An applicant or an applicant's spouse has been convicted of:

(A) a felony; or

(B) a misdemeanor involving an offense

of:

(i) prostitution;

(ii) promotion of prostitution;

(iii) public lewdness;

(iv) gambling;

(v) violation of the Texas Controlled Substances and Dangerous Drugs Act; or

(vi) unlawfully carrying a weapon;

and five years have not elapsed since the termination of any sentence, parole, or probation. The fact that a conviction is being appealed has no effect.

(12) An applicant has been employed in a billiard hall in a managerial capacity within the preceding 12 months and has demonstrated that he is unable to operate or manage a billiard hall premises in a peaceful and law-abiding manner.

(13) An applicant has been operating the proposed business as a billiard hall without a valid license issued under this chapter.

(b) The license, if granted, must state on its face the name of the person to whom it is granted, the expiration date, and the address of the billiard hall. The license must be posted in a conspicuous place at or near the entrance to the billiard hall so that it may be easily read at any time. (Ord. Nos. 15222; 16066; 22026; 25424; 27697)

#### SEC. 9A-4. FEES.

~~A nonrefundable fee of \$40 per billiard table will be charged annually.~~

A nonrefundable fee of \$75 per billiard table will be charged annually. (Ord. Nos. 15552; 22206; 29477; eff. 10/1/14; 30653, eff. 10-1-17)

#### SEC. 9A-5. HOURS OF OPERATION.

(a) A person commits an offense if he operates a billiard hall between the hours of 2:00 a.m. and 7:00 a.m., Monday through Saturday, and between the hours of 2:00 a.m. and 12 noon on Sunday, unless

**CHAPTER 12****CITY YOUTH PROGRAM  
STANDARDS OF CARE****ARTICLE I.****GENERAL.**

- Sec. 12-1. Purpose.
- Sec. 12-2. Expiration date.
- Sec. 12-3. Definitions.
- Sec. 12-4. Administration.
- Sec. 12-5. Inspection; monitoring; enforcement.
- Sec. 12-6. Enrollment.
- Sec. 12-7. Suspected abuse.

**ARTICLE II.****STAFFING: RESPONSIBILITIES AND  
TRAINING.**

- Sec. 12-8. Youth program coordinator: qualifications and responsibilities.
- Sec. 12-9. Youth program leaders: qualifications and responsibilities.
- Sec. 12-10. Training and orientation.

**ARTICLE III.****OPERATIONS.**

- Sec. 12-11. Staff-participant ratio.
- Sec. 12-12. Discipline.
- Sec. 12-13. Programming.
- Sec. 12-14. Communication.
- Sec. 12-15. Transportation.
- Sec. 12-16. Release of participants.

**ARTICLE IV.****FACILITY STANDARDS.**

- Sec. 12-17. Safety.
- Sec. 12-18. Fire.
- Sec. 12-19. Health.

**ARTICLE I.****GENERAL.****SEC. 12-1. PURPOSE.**

This chapter and the standards of care established by this chapter are adopted by the city council of the city of Dallas, Texas in compliance with Section 42.041(b)(14) of the Texas Human Resources Code, as amended, in order to exempt city youth programs from state child-care licensing requirements. These standards of care are intended to be minimum standards by which the city will operate its youth programs. The programs operated by the city are recreational in nature and are not child-care facilities. Although this chapter establishes standards of care for city youth programs for children of ages five through 13 years, nothing in this chapter requires the city to provide any youth programs, or prevents the city from limiting youth programs to specific age groups within the five- through 13-year-old range. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

**SEC. 12-2. EXPIRATION DATE.**

This chapter and the youth program standards of care established in this chapter expire on ~~June 16, 2017~~ **September 16, 2018**, unless sooner terminated or extended by ordinance of the city council. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 29358; 30106; 30650)

free to come and go at will without regard to the presence of a parent or other responsible adult to care for them. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

#### SEC. 12-4. ADMINISTRATION.

(a) The director shall implement, administer, and enforce the youth program standards of care. The director may by written order establish such rules, regulations, and policies, not inconsistent with this chapter, as the director determines are necessary to discharge any duty under or to effect the policy of this chapter.

(b) No city youth program may be advertised as a child-care facility.

(c) The standards of care apply to all youth programs sponsored by the city, whether offered after school, during the summer, during holidays, or during inter-session.

(d) When registering for a youth program, each participant's parent will be provided a current copy of the standards of care and will be informed that the youth program is not licensed by the State of Texas. A current copy of the standards of care will also be maintained at each youth program site for inspection and review by the public and by program employees.

(e) The director shall cause a criminal background check to be conducted on each prospective youth program employee. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, the applicant will not be considered for employment:

(1) a felony or a misdemeanor classified as an offense against a person or family;

(2) a felony or misdemeanor classified as public indecency;

(3) a felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;

(4) any offense involving moral turpitude; or

(5) any offense that would potentially put youth participants or the city of Dallas at risk.

(f) The provisions of this chapter are administrative in nature and are not subject to criminal penalties. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

#### SEC. 12-5. INSPECTION; MONITORING; ENFORCEMENT.

(a) A coordinator shall initiate an inspection report for each youth program to confirm that standards of care are being met. Each inspection report will be sent to the director for review and kept on record for at least two years. The director shall review each report and establish deadlines and criteria for program compliance with the standards of care.

(b) The director shall make visual inspections of each youth program site based on the following schedule:

(1) Each after school program site will be inspected bimonthly.

(2) Each summer program site will be inspected twice during its summer schedule.

(3) Each holiday program site will be inspected once during the winter break and once during the spring break.

(4) Each inter-session program site will be inspected once during each inter-session.

(c) Any complaint regarding enforcement of the standards of care at a youth program must be directed to the program site coordinator. The coordinator shall take necessary steps to resolve each problem. The complaint and its resolution must be recorded by the coordinator. The director shall address any serious complaint regarding enforcement of the standards of care and record the complaint and its resolution.

(d) The director shall make an annual report to the city council on the overall status of the youth programs and their operation relative to compliance with the standards of care. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

#### SEC. 12-6. ENROLLMENT.

Before a youth may be enrolled in a youth program, a parent must sign registration forms that contain the following information:

- (1) the child's name, age, address, and home telephone number;
- (2) the name and address of each parent and a telephone number for each parent during program hours;
- (3) the name and telephone number of each person to whom the child may be released;
- (4) a statement of the child's special problems or needs;
- (5) an emergency medical authorization;
- (6) proof of residency, when appropriate;

(7) a liability waiver; and

(8) an acknowledgement that the parent has been informed and understands that the program is not licensed by the State of Texas. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

#### SEC. 12-7. SUSPECTED ABUSE.

Every program employee shall report suspected child abuse or neglect in accordance with the Texas Family Code. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

### ARTICLE II.

#### STAFFING: RESPONSIBILITIES AND TRAINING.

#### SEC. 12-8. YOUTH PROGRAM COORDINATOR: QUALIFICATIONS AND RESPONSIBILITIES.

(a) Each coordinator must meet all of the following qualifications:

- (1) Be at least 21 years of age.
- (2) Have two years of experience planning and implementing recreational activities.
- (3) Pass a background investigation, including, but not limited to, testing for illegal substances.
- (4) Have successfully completed a course in first aid and cardio pulmonary resuscitation (CPR)

based on either American Heart Association or American Red Cross standards.

(5) Be able to furnish proof of a clear tuberculosis test within 12 months prior to employment.

(b) A coordinator is responsible for:

(1) administering the daily operations of a youth program in compliance with the standards of care;

(2) recommending for hire, supervising, and evaluating leaders for a youth program; and

(3) planning, implementing, and evaluating a youth program. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

#### **SEC. 12-9. YOUTH PROGRAM LEADERS: QUALIFICATIONS AND RESPONSIBILITIES.**

(a) Each leader must meet all of the following qualifications:

(1) Be age 18 years of age or older, if working with children.

(2) Be able to consistently exhibit competency, good judgment, and self-control when working with children.

(3) Relate to children with courtesy, respect, tolerance, and patience.

(4) Have successfully completed a course in first aid and cardio pulmonary resuscitation (CPR) based on either American Heart Association or American Red Cross standards.

(5) Be able to furnish proof of a clear tuberculosis test within the 12 months prior to employment.

(6) Pass a background investigation, including, but not limited to, testing for illegal substances.

(b) A leader is responsible for:

(1) providing participants with an environment in which they can feel safe, enjoy wholesome recreation activities, and participate in appropriate social opportunities with their peers;

(2) knowing and following all city, departmental, and program standards, policies, and procedures that apply to the youth programs; and

(3) ensuring that participants are released only to a parent or a person designated by a parent and complying with the department- approved plan for verifying the identity of a person authorized to pick up a participant when that person is not known to the leader. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

#### **SEC. 12-10. TRAINING AND ORIENTATION.**

(a) The department shall provide training and orientation to program employees relating to working with children in general and relating to the specific job responsibilities of each employee. A coordinator shall provide each leader with a program manual specific to each youth program.

(b) Each program employee will be trained in appropriate procedures for handling emergencies and in other areas, including, but not limited to, city, departmental, and program policies and procedures, provision of recreational activities, safety issues, child psychology, and organization.



(c) Each program employee shall be familiar with the standards of care for the youth programs and with all program policies, including the discipline, guidance, and release of participants, as outlined in the program manual.

(d) Each program employee will be required to sign an acknowledgement that the employee received the training required under this chapter. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

### ARTICLE III.

### OPERATIONS.

#### SEC. 12-11. STAFF-PARTICIPANT RATIO.

(a) In each city youth program, the standard ratio of participants to leaders will be 20 to 1.

(b) Each participant will be assigned a program employee who is responsible for the participant and who is aware of the participant's habits, interests, and special needs and problems, as identified by the participant's parent during registration for a youth program.

(c) At all times, at least one employee who is 18 years of age or older must be present at each program site. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

#### SEC. 12-12. DISCIPLINE.

(a) A program employee shall implement discipline and guidance in a consistent manner based on the best interests of program participants.

(b) No corporal punishment or treatment may be used. A program employee may use brief, supervised separation of a participant from the group, if necessary.

(c) As necessary, program employees shall provide discipline reports to the parents of participants. A parent will be asked to sign a participant's discipline report to indicate that the parent has been advised about a specific problem or incident.

(d) An excessive number of discipline reports or discipline reports of a severe nature, as described in the program manual, may result in a participant being suspended from a program.

(e) Any participant who poses a danger to other participants or staff will be removed from the program site as soon as possible. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

#### SEC. 12-13. PROGRAMMING.

(a) A program employee shall attempt to provide activities for each group according to the participants' ages, interests, and abilities. The activities must be appropriate to each participant's health, safety, and well-being. The activities also must be flexible and promote each participant's emotional, social, and mental growth.

(b) A program employee shall attempt to provide that indoor and outdoor time periods include:

- (1) alternating active and passive activities;
- (2) opportunity for individual and group activities; and
- (3) outdoor time each day, as the weather permits.



(c) A program employee shall be attentive and considerate of the participants' safety on field trips and during any transportation provided by the program. A program employee must have a written list of all participants in each group and shall check the roll frequently.

(d) During trips, each program employee who supervises participants shall maintain immediate access to the emergency medical forms and emergency contact information for each participant. First aid supplies and a guide to first aid and emergency care must be readily available to each program employee on every field trip. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

#### SEC. 12-14. COMMUNICATION.

(a) Each site must have access to a telephone for use in contacting the administration center and making emergency calls.

(b) A coordinator shall post the following telephone numbers adjacent to a telephone that is accessible to all program employees at each site:

- (1) Dallas ambulance or emergency medical services.
- (2) Dallas police department.
- (3) Dallas fire department.
- (4) The administration center.
- (5) Telephone numbers at which each participant's parents may be reached.

(6) The telephone number for the program site. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

#### SEC. 12-15. TRANSPORTATION.

(a) Before a participant may be transported to or from a city-sponsored activity, a transportation form, completed by a parent of the participant, must be filed with a coordinator.

(b) Every program vehicle used for transporting youth participants must be equipped with:

(1) first aid supplies and a first aid and emergency care guide that are easily accessible to program employees in the vehicle; and

(2) an operable 6-BC portable fire extinguisher that is installed in the passenger compartment of the vehicle and that is easily accessible to program employees in the vehicle. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

#### SEC. 12-16. RELEASE OF PARTICIPANTS.

(a) A participant will be released from a youth program only to a parent or to a person designated by the parent in the registration forms.

(b) Each program site must have a copy of a department-approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to a program leader. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

## ARTICLE IV.

## FACILITY STANDARDS.

## SEC. 12-17. SAFETY.

(a) Program employees shall inspect each program site daily to detect sanitation and safety concerns that might affect the health and safety of the participants. A daily inspection report must be completed by program employees and kept on file by the coordinator.

(b) All buildings, grounds, and equipment at each program site must be inspected, cleaned, repaired, and maintained to protect the health of the participants.

(c) All equipment and supplies used in a program must be safe for use by the participants.

(d) First aid supplies must be readily available to all program employees at each site, during transportation to an off-site activity, and for the duration of any off-site activity. A program employee shall maintain first aid supplies in a designated location, readily available to staff. Each program employee must at all times have immediate access to a guide to first aid and emergency care.

(e) Air conditioners, electric fans, and heaters at each program site must be mounted out of the participants' reach or have safeguards that keep participants from being injured.

(f) Porches and platforms at each program site that are more than 30 inches above the ground must be equipped with railings that participants can reach.

(g) All swing seats at each program site must be constructed of durable, lightweight, relatively pliable material. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

## SEC. 12-18. FIRE.

(a) In case of fire, danger of fire, explosion, or any other emergency, a program employee's first priority is to evacuate the participants to a designated safe area.

(b) Each program site must have at least one fire extinguisher approved by the fire marshal that is readily available to all program employees. Annually, a coordinator shall inspect the fire extinguisher and send an inspection report to the director, who shall keep the report on file for a minimum of two years. Every program employee must be trained in the proper use of a fire extinguisher.

~~—(c) Fire drills will be initiated at each program site according to the following schedule:~~

(c) Fire drills will be initiated at program sites according to the following schedule:

(1) After school programs. A fire drill will be conducted once every three months. Program employees will confer with school staff to ensure that city and school procedures do not conflict.

(2) Summer programs: A fire drill will be conducted twice during the session.

(3) Holiday programs: A fire drill will be conducted once during the fall and spring sessions.

(4) Inter-session programs: A fire drill will be conducted once during each inter-session. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

## SEC. 12-19. HEALTH.

(a) Illness or injury.

(1) A participant who is considered to be a health or safety concern to other participants or employees will not be admitted to a program.

(2) Illnesses and injuries will be handled in a manner that protects the health of all participants and employees.

(3) A program employee shall follow plans to provide emergency care for injured participants with symptoms of an acute illness as specified in the program manual.

(4) Each program employee shall follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.

(b) Medication. A program employee shall administer medication only in accordance with the following conditions:

(1) A parent must complete and sign a medication form that provides a current list of medications that a participant must take while in the program, with details as to times and dosages. The form must include authorization for a program employee to dispense the medication and an indemnification clause to protect the city.

(2) Every prescription medication must be in the original container and labeled with the child's name, a date, directions, and the physician's name. A program employee shall administer the medication only as stated on the label. A program employee may not administer medication after the expiration date.

(3) Every nonprescription medication must be labeled with the child's name and the date the medication was brought to the program. A nonprescription medication must be in the original container and shall be administered by a program employee only according to label direction.

(4) Any medication dispensed will be limited to routine oral ingestion that requires no special knowledge or skill. No injection may be administered by a program employee.

(5) A program employee shall ensure that all medications are inaccessible to program participants and, if it is necessary to keep medications in a refrigerator, that the medications are kept separate from food.

(c) Toilet facilities.

(1) Each program site must have inside toilets located and equipped so that children can use them independently and program employees can supervise as needed.

(2) One flush toilet must be provided for every 30 children. Urinals may be counted in the ratio of toilets to children, but may not exceed 50 percent of the total number of toilets.

(3) An appropriate and adequate number of lavatories must be provided.

(d) Sanitation.

(1) Each program facility must have adequate light, ventilation, and heat.

(2) Each program must be provided with an adequate supply of water meeting the standards of the Texas Department of Health for drinking water. A program employee shall ensure that water is supplied to participants in a safe and sanitary manner.

(3) Program employees shall ensure that garbage is removed daily from each building at a program site. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

appeal board, except that no late-hours permit may be issued if the chief finds that:

(A) the exemption has expired;

(B) the applicant has had a dance hall license suspended, revoked, or denied within the 24 months preceding the application for the late-hours permit; or

(C) the applicant, or any employee of a dance hall of the applicant, has committed a violation of this chapter within the 24 months preceding the application for the late-hours permit.

(2) If the chief of police denies a late-hours permit under Paragraph (1) of this subsection, the dance hall's two-year exemption from the locational restrictions of this section becomes void, and the applicant must obtain another exemption from the permit and license appeal board in accordance with Section 14-2.3 before a late-hours permit may be issued for the dance hall.

(d) Once issued, a late-hours permit is considered a part of the license for a Class A, Class B, or Class C dance hall and is valid only when the dance hall license it accompanies is valid. (Ord. Nos. 18725; 21184; 21837; 23137; 24440; 25002)

#### SEC. 14-4. FEES.

~~— (a) The following nonrefundable fees will be charged for each license issued under the terms of this chapter:~~

~~— (1) For a Class A dance hall, the annual license fee is \$634.~~

~~— (2) For a Class B dance hall, the annual license fee is \$634.~~

~~— (3) For a Class C dance hall, the daily license fee is \$634.~~

~~— (4) For a Class E dance hall, the annual license fee is \$688.~~

~~— (5) For a late-hours permit, the annual fee is \$673 in addition to the license fee for a Class A, B, or C dance hall, whichever is applicable.~~

(a) The following nonrefundable fees will be charged for each license issued under the terms of this chapter:

(1) For a Class A dance hall, the annual license fee is \$851.

(2) For a Class B dance hall, the annual license fee is \$851.

(3) For a Class C dance hall, the daily license fee is \$852.

(4) For a Class E dance hall, the annual license fee is \$926.

(5) For a late-hours permit, the annual fee is \$926 in addition to the license fee for a Class A, B, or C dance hall, whichever is applicable.

(b) In addition to the fees required by Subsections (a) and (c), an applicant for an initial Class E dance hall license or an initial late-hours permit shall, at the time of making application, pay a nonrefundable fee of \$2,375 for the city to conduct a survey to ensure that the proposed dance hall is in compliance with the locational restrictions set forth in Section 14-2.1 or 14-3.1, whichever is applicable.

(c) In addition to the fees required by Subsections (a) and (b), an applicant for an initial dance hall license shall, at the time of making application, pay a nonrefundable fee of \$90 for the chief of police to obtain a letter of zoning verification to ensure that the proposed dance hall is permitted in the zoning district in which it will be located. The chief of police shall request and obtain the letter of zoning verification from the department of sustainable development and construction within 30 days after receipt of the license application. For any dance hall holding a valid license on October 25, 2000, this subsection will apply to the first renewal of that license

issued after October 25, 2000. (Ord. Nos. 15721; 18411; 18725; 18803; 20612; 21184; 21837; 22206; 23137; 24440; 25047; 25048; 27697; 29477, ~~eff. 10/1/14~~; 30653, eff. 10-1-17)

#### **SEC. 14-5. HOURS OF OPERATION.**

(a) A person without a late-hours permit commits an offense if he operates a Class A, Class B, or Class C dance hall between the hours of 2:00 a.m. and 7:00 a.m., Monday through Saturday, or between 2:00 a.m. and 12:00 noon on Sunday.

(B) pays to the city the fee required by Section 17-2.2(c)(6);

(C) provides proof of holding a current, valid registered food manager certification issued by the Texas Department of State Health Services or by a provider approved by that state department; and

(D) provides evidence that within the six months prior to submitting the application for renewal the applicant has:

(i) attended a food service manager refresher training course approved by the director; or

(ii) received a passing score on a national examination for certification of food service managers that meets requirements of the United States Food and Drug Administration.

(5) Denial or revocation of food service manager registration.

(A) The director may refuse to issue or renew a food service manager registration or may revoke a food service manager registration if the applicant or holder:

(i) has been convicted of interfering with the lawful inspection of a food establishment;

(ii) makes a false statement of material fact in the application for registration or renewal of registration; or

(iii) fails to show proof of holding a current, valid registered food manager certification issued by the Texas Department of State Health Services or by a provider approved by that state department.

(B) An applicant for or a holder of a food service manager registration may, in accordance

with Section 17-10.2(q), appeal the director's decision to deny issuance or renewal of a registration or to revoke a registration.

(6) Food service manager registration fees. ~~An applicant shall pay a nonrefundable fee of \$20 per year for a food service manager registration. The fee for replacing a lost, stolen, or damaged certificate of registration is \$11.~~ An applicant shall pay a nonrefundable fee of \$30 per year for a food service manager registration.

(7) Display of certificate of registered food service manager. A food service establishment shall display the original certificate of each primary registered food service manager employed by the establishment. Each certificate must be displayed in a glass-covered frame at a location where it is easily visible to the public. (Ord. Nos. 26023; 26598; 27353; 27695; 28488; 29177; 30134, eff. 7-1-16; 30653, eff. 10-1-17)

### ARTICLE III.

#### FOOD.

#### SEC. 17-3.1. ADOPTION OF SUBCHAPTER C, TEXAS FOOD ESTABLISHMENT RULES.

Subchapter C [including Figure 1: 25 TAC § 228.71(a)(1)(B), Figure 2: 25 TAC § 228.71(a)(2)(A), and Figure 3: 25 TAC § 228.71(a)(2)(B)] of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Section 228.65(a) is not adopted. (Ord. Nos. 26023; 30134, eff. 7-1-16)

#### SEC. 17-3.2. ADDITIONAL REQUIREMENTS.

(a) In addition to the requirements adopted in Section 17-3.1 of this chapter, the requirements contained in this section govern food at food establishments.

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

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

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

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

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

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

(c) Vehicles.

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

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

(i) the name of the food establishment;



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

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

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

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

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

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

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

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

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

(B) Servicing methods and equipment.

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

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

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

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

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

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

(2) A food establishment may not serve, sell, or distribute any food or beverage from a mobile food preparation vehicle or a general service mobile food establishment if the food establishment does not supply, clean, or service the mobile food preparation vehicle or general service mobile food establishment in accordance with Section 17-8.2(j). (Ord. Nos. 26023; 28220; 28488; 30134, ~~eff. 7-1-16~~; 30653, eff. 10-1-17)

## ARTICLE IX.

TEMPORARY FOOD ESTABLISHMENTS AND  
CATERING SERVICES.SEC. 17-9.1. ELECTION NOT TO ADOPT  
SECTION 228.222, TEXAS FOOD  
ESTABLISHMENT RULES.

Section 228.222 of the Texas Food Establishment Rules is not adopted. (Ord. Nos. 26023; 30134, eff. 7-1-16)

SEC. 17-9.2. REQUIREMENTS FOR  
TEMPORARY FOOD  
ESTABLISHMENTS.

~~— (a) Authority. The director shall issue a permit, in accordance with applicable food establishment permit and fee requirements set forth in Article X, to a temporary food service establishment if the:~~

~~— (1) director finds that the operation will not result in a health or safety hazard or a nuisance;~~

~~— (2) operation is limited to a single, fixed location, which may include one or more facilities at the location;~~

~~— (3) establishment submits proof to the director that it has obtained all city, state, and federal permits and authorizations necessary to conduct a temporary food service operation, including, but not limited to the following:~~

~~— (A) an out-of-town vendor must submit a copy of its current local health permit and a copy of its last health inspection from the local health department where the vendor is located; and~~

~~— (B) a food manufacturer must submit a copy of its state manufacturer's license;~~

~~— (4) establishment and its location comply with all requirements of this chapter, the Dallas Development Code, and any other applicable city ordinance or state or federal law; and~~

~~— (5) completed application for the permit to operate a temporary food service establishment is received by the director at least 48 hours before the scheduled commencement of the activity or event for which the permit is issued.~~

~~— (b) Exception. A permit is not required for a temporary food service establishment that does not serve time/temperature control for safety food and the weekly gross income of which does not exceed \$100.~~

~~— (c) Limit on permits issued for same premises or address. No more than one temporary food service establishment permit may be issued within any calendar quarter for the same premises or street address, even if the permits are issued to different temporary food service establishments. This subsection does not apply if the permit is issued in conjunction with an activity or event described in Section 17-1.5(b)(16)(A)(i), (ii), (iii), (iv), (v), or (vii) of this chapter.~~

~~— (d) Expiration. A temporary food service establishment permit expires:~~

~~— (1) upon expiration of a special event permit, plaza event permit, neighborhood farmers market permit, or other written authorization of the city issued in conjunction with the temporary food service establishment permit for an activity or event described in Section 17-1.5(b)(16)(A)(i), (ii), (iii), (iv), or (vii) of this chapter;~~

~~— (2) upon expiration of a concession agreement executed by the city in conjunction with the temporary food service establishment permit for an activity or event on property owned or operated by the city; or~~

~~— (3) 14 days after the issuance of a temporary food service establishment permit for an~~

(a) Authority. The director shall issue a permit, in accordance with applicable food establishment permit and fee requirements set forth in Article X, to a temporary food service establishment if the:

(1) director finds that the operation will not result in a health or safety hazard or a nuisance;

(2) operation is limited to a single, fixed location, which may include one or more facilities at the location;

(3) establishment submits proof to the director that it has obtained all city, state, and federal permits and authorizations necessary to conduct a temporary food service operation, including, but not limited to the following:

(A) A vendor must submit a copy of:

(i) its current local health permit and a copy of its last health inspection from the local health department where the vendor is located or, if the vendor does not have its own licensed kitchen, then the vendor shall provide a permission letter from the owner of the kitchen where the food items will be prepared; and

(ii) an invitation or similar document from the event organizer granting the vendor permission to participate in the event; and

(B) a food manufacturer must submit a copy of its state manufacturer's license;

(4) establishment and its location comply with all requirements of this chapter, the Dallas Development Code, and any other applicable city ordinance or state or federal law; and

(5) completed application for the permit to operate a temporary food service establishment is received by the director at least five business days before the scheduled commencement of the activity or event for which the permit is issued.

activity or event described in Section 17-1.5(b)(16)(A)(v) or (vi) of this chapter or upon termination of the activity or event, whichever occurs first:

~~\_\_\_\_\_ (e) Food and ice preparation and service. A temporary food establishment required to be permitted under this chapter shall not:~~

~~\_\_\_\_\_ (1) prepare, serve, sell, or distribute more than four time/temperature control for safety menu items within a permitted booth, unless otherwise approved by the director;~~

~~\_\_\_\_\_ (2) prepare, serve, sell, or distribute any food not approved in advance by the director;~~

~~\_\_\_\_\_ (3) prepare time/temperature control for safety food, except that an establishment may prepare time/temperature control for safety food that is approved in advance by the director and does not require substantial preparation prior to consumption (including, but not limited to, pre-formed hamburgers, beef fajitas, sausages, hotdogs, and frankfurters) or may provide time/temperature control for safety food that is:~~

~~\_\_\_\_\_ (A) obtained by the establishment in precooked, individual servings;~~

~~\_\_\_\_\_ (B) stored at a temperature of:~~

~~\_\_\_\_\_ (i) 41° F. (5° C.) or below using mechanical refrigeration (ice chests are not allowed for maintaining cold temperatures); or~~

~~\_\_\_\_\_ (ii) 135° F. (57° C.) or above using mechanical holding units in each booth to ensure the proper temperature is maintained (canned heat or Sterno is not allowed for maintaining hot temperatures outdoors); and~~

~~\_\_\_\_\_ (C) served to a consumer in the container in which it was originally packaged;~~

~~\_\_\_\_\_ (4) prepare, serve, sell, or distribute raw seafood or poultry, except when the product is:~~

~~\_\_\_\_\_ (A) pre-cut, breaded, and frozen and ready to be directly placed from the freezer into a fryer; or~~

~~\_\_\_\_\_ (B) precooked;~~

~~\_\_\_\_\_ (5) allow open and unprotected displays of food (when using chafing dishes, only hinged lid dishes are allowed so that at least half of the food remains covered at all times);~~

~~\_\_\_\_\_ (6) permit consumption of ice or contact of ice with food unless the ice is:~~

~~\_\_\_\_\_ (A) obtained from a source that is approved as safe by the director;~~

~~\_\_\_\_\_ (B) in chipped, crushed, or cubed form;~~

~~\_\_\_\_\_ (C) obtained in single-use plastic or wet-strength paper bags that are sealed by the manufacturer and unopened until used by the establishment; and~~

~~\_\_\_\_\_ (D) dispensed from a container that is continuously drained into a waste receptacle approved by the director;~~

~~\_\_\_\_\_ (7) store food in contact with water or undrained ice, except that wet storage of a beverage in a pressurized container is permitted if the water used:~~

~~\_\_\_\_\_ (A) contains not less than 50 mg/l of available chlorine; and~~

~~\_\_\_\_\_ (B) is maintained in a clean condition; or~~

~~\_\_\_\_\_ (8) use water from a source that is not approved as safe by the director.~~

~~\_\_\_\_\_ (f) Operational requirements. An establishment operating under authority of this article shall comply with all of the following requirements:~~

**(a-1) Food booths.** A permit issued under this section is valid for up to five food booths. This permit is in addition to any other requirement in this chapter, including Section 17-10.2, "Temporary Food Service Fee," of this chapter, as amended.

(b) Exception. A permit is not required for a temporary food service establishment that does not serve time/temperature control for safety food and the weekly gross income of which does not exceed \$100.

(c) Limit on permits issued for same premises or address. No more than one temporary food service establishment permit may be issued within any calendar quarter for the same premises or street address, even if the permits are issued to different temporary food service establishments. This subsection does not apply if the permit is issued in conjunction with an activity or event described in Section 17-1.5(b)(16)(A)(i), (ii), (iii), (iv), (v), or (vii) of this chapter.

(d) Expiration. A temporary food service establishment permit expires:

(1) upon expiration of a special event permit, plaza event permit, neighborhood farmers market permit, or other written authorization of the city issued in conjunction with the temporary food service establishment permit for an activity or event described in Section 17-1.5(b)(16)(A)(i), (ii), (iii), (iv), or (vii) of this chapter;

(2) upon expiration of a concession agreement executed by the city in conjunction with the temporary food service establishment permit for an activity or event on property owned or operated by the city; or

(3) 14 days after the issuance of a temporary food service establishment permit for an activity or event described in Section 17-1.5(b)(16)(A)(v) or (vi) of this chapter or upon termination of the activity or event, whichever occurs first.

(e) Food and ice preparation and service. A temporary food establishment required to be permitted under this chapter shall not:

(1) prepare, serve, sell, or distribute more than six time/temperature control for safety menu items within a permitted booth, unless otherwise approved by the director;

(2) prepare, serve, sell, or distribute any food not approved in advance by the director;

(3) prepare time/temperature control for safety food, except that an establishment may prepare time/temperature control for safety food that is approved in advance by the director and does not

require substantial preparation prior to consumption (including, but not limited to, pre-formed hamburgers, beef fajitas, sausages, hotdogs, and frankfurters) or may provide time/temperature control for safety food that is:

(A) obtained by the establishment in precooked, individual servings;

(B) stored at a temperature of:

(i) 41° F. (5° C.) or below using mechanical refrigeration (ice chests are not allowed for maintaining cold temperatures); or

(ii) 135° F. (57° C.) or above using mechanical holding units in each booth to ensure the proper temperature is maintained (canned heat or Sterno is not allowed for maintaining hot temperatures outdoors); and

(C) served to a consumer in the container in which it was originally packaged;

(4) prepare, serve, sell, or distribute raw seafood or poultry, except when the product is:

(A) pre-cut, breaded, and frozen and ready to be directly placed from the freezer into a fryer; or

(B) precooked;

(5) allow open and unprotected displays of food (when using chafing dishes, only hinged lid dishes are allowed so that at least half of the food remains covered at all times);

(6) permit consumption of ice or contact of ice with food unless the ice is:

(A) obtained from a source that is approved as safe by the director;

(B) in chipped, crushed, or cubed form;

(C) obtained in single-use plastic or wet-strength paper bags that are sealed by the manufacturer and unopened until used by the establishment; and

(D) dispensed from a container that is continuously drained into a waste receptacle approved

by the director;

(7) store food in contact with water or undrained ice, except that wet storage of a beverage in a pressurized container is permitted if the water used:

(A) contains not less than 50 mg/l of available chlorine; and

(B) is maintained in a clean condition;  
or

(8) use water from a source that is not approved as safe by the director.

~~————— (1) Limit the booth size to a maximum 15 x 15 square foot space, unless the event planner provides fixed structures as temporary booths, or as otherwise approved by the director.~~

~~————— (2) Protect each food and food-contact surface from contamination, including, but not limited to, complying with the following requirements:~~

~~————— (A) All condiments, including, but not limited to, onions, relish, peppers, catsup, and mustard, that are available for customer self-service must be available in individual packets or from an approved dispenser.~~

~~————— (B) All foods, food containers, utensils, napkins, straws, and other single service articles must be stored at least six inches off the floor and adequately protected from splash, dust, insects, weather, and other contamination.~~

~~————— (C) When self-service ice dispensers are not used, ice scoops are required.~~

~~————— (D) Effective hair restraints (such as nets and caps) are required in food preparation and service areas. Food, beverage, and tobacco consumption is prohibited inside food booths, food preparation areas, and food service areas. Gum chewing is prohibited in food preparation and food service areas.~~

~~————— (E) Food handling personnel must wash their hands as frequently as necessary to maintain clean hands, even if disposable gloves are used. Nails must be closely trimmed and maintained. Long fingernails (natural, sculptured, etc.) or chipped nail polish is prohibited.~~

~~————— (F) Animals may not be located within 50 feet of a temporary food establishment or food service area.~~

~~————— (3) Install equipment in a way that permits cleaning and sanitizing and that is not likely to cause adulteration of food, including, but not limited to, complying with the following requirements:~~

~~————— (A) A container of soapy water solution must be provided for washing dirty utensils. This is for emergency use only.~~

~~————— (B) A sanitizer solution must be provided to sanitize clean utensils and equipment. The required residual of 50-100 ppm chlorine may be obtained by placing one tablespoon of bleach in one gallon of water for the sanitizer. Other approved sanitizers may be used. Test papers must be provided to ensure that proper sanitizer concentration is achieved. All utensils must be taken to a commissary location daily to be properly washed, rinsed, and sanitized.~~

~~————— (C) Wastewater (including but not limited to wastewater from handwashing, utensil washing, sinks, and steam tables) must be placed in an approved container until properly disposed. All wastewater must then be disposed of into a sanitary sewer system or in a manner that is consistent with federal, state, and local regulations and requirements relating to liquid waste disposal.~~

~~————— (4) Provide hot and cold running water, under pressure, in a quantity sufficient to maintain personal hygiene of employees and the cleanliness and sanitation of the establishment, except that cold running water that is not under pressure may be used when the establishment will be in operation for fewer than four consecutive calendar days.~~

~~————— (5) Provide a convenient handwashing facility with soap and individual paper towels for persons preparing and serving food, including, but not limited to, complying with the following requirements:~~

~~————— (A) The handwashing facility must have at least a 5-gallon container with a spigot that provides free flowing water.~~

~~————— (B) The handwashing facility must have a catch bucket to collect wastewater from hand washing.~~

~~(f) Operational requirements. An establishment operating under authority of this article shall comply with all of the following requirements:~~

~~(1) Limit the booth size to a maximum 15 x 15 square foot space, unless the event planner provides fixed structures as temporary booths, or as otherwise~~



approved by the director.

(2) Protect each food and food-contact surface from contamination, including, but not limited to, complying with the following requirements:

(A) All condiments, including, but not limited to, onions, relish, peppers, catsup, and mustard, that are available for customer self-service must be available in individual packets or from an approved dispenser.

(B) All foods, food containers, utensils, napkins, straws, and other single service articles must be stored at least six inches off the floor and adequately protected from splash, dust, insects, weather, and other contamination.

(C) When self-service ice dispensers are not used, ice scoops are required.

(D) Effective hair restraints (such as nets and caps) are required in food preparation and service areas. Food, beverage, and tobacco consumption is prohibited inside food booths, food preparation areas, and food service areas. Gum chewing is prohibited in food preparation and food service areas.

(E) Food handling personnel must wash their hands as frequently as necessary to maintain clean hands, even if disposable gloves are used. Nails must be closely trimmed and maintained. Long fingernails (natural, sculptured, etc.) or chipped nail polish is prohibited.

(F) Animals may not be located within 50 feet of a temporary food establishment or food service area.

(3) Install equipment in a way that permits cleaning and sanitizing and that is not likely to cause adulteration of food, including, but not limited to, complying with the following requirements:

(A) A container of soapy water solution must be provided for washing dirty utensils. This is for emergency use only.

(B) A sanitizer solution must be provided to sanitize clean utensils and equipment. The required residual of 50-100 ppm chlorine may be obtained by placing one tablespoon of bleach in one gallon of water for the sanitizer. Other approved sanitizers may be used. Test papers must be provided

to ensure that proper sanitizer concentration is achieved. All utensils must be taken to a commissary location daily to be properly washed, rinsed, and sanitized.

(C) Wastewater (including but not limited to wastewater from handwashing, utensil washing, sinks, and steam tables) must be placed in an approved container until properly disposed. All wastewater must then be disposed of into a sanitary sewer system or in a manner that is consistent with federal, state, and local regulations and requirements relating to liquid waste disposal.

(4) Provide hot and cold running water, under pressure, in a quantity sufficient to maintain personal hygiene of employees and the cleanliness and sanitation of the establishment, except that cold running water that is not under pressure may be used when the establishment will be in operation for fewer than four consecutive calendar days.

(5) Provide a convenient handwashing facility with soap and individual paper towels for persons preparing and serving food, including, but not limited to, complying with the following requirements:

(A) The handwashing facility must have at least a 5-gallon container with a spigot that provides free flowing water.

(B) The handwashing facility must have a catch bucket to collect wastewater from hand washing.

~~———— (6) Comply with federal, state, and local regulations and requirements relating to liquid waste disposal.~~

~~———— (7) Use only equipment and utensils that meet the standards set forth in Article IV of this chapter, if the establishment will be in operation for four or more consecutive calendar days.~~

~~———— (8) Use only equipment approved by the director if time/temperature control for safety foods will be served by the establishment.~~

~~———— (9) Maintain a full-time, on-site food service manager who is currently registered under Article II of this chapter if the establishment will be in operation for four or more consecutive calendar days, except that multiple establishments under the same ownership and management that are operating at the same activity or event may use the same full-time, on-site food service manager.~~

~~———— (g) Design and structural requirements. The design and structural material of a facility that houses a temporary food service establishment must be approved by the director. Each facility must:~~

~~———— (1) be enclosed by barriers at least 32 inches high that prevent customers from entering food preparation areas;~~

~~———— (2) have a serving counter with a depth of at least 12 inches;~~

~~———— (3) have floors constructed of concrete, asphalt, tight-fitting wood, or other similar, easily cleanable material kept in good repair;~~

~~———— (4) if the temporary food service establishment is outdoors, have over every food preparation and serving area a fire resistant overhead covering that protects the interior of the facility from the weather; and~~

———— (5) comply with all design and structural standards that may be established by the director for temporary food service establishments.

(6) Comply with federal, state, and local regulations and requirements relating to liquid waste disposal.

(7) Use only equipment and utensils that meet the standards set forth in Article IV of this chapter, if the establishment will be in operation for four or more consecutive calendar days.

(8) Use only equipment approved by the director if time/temperature control for safety foods will be served by the establishment.

(9) Maintain a full-time, on-site food service manager who is currently registered under Article II of this chapter if the establishment will be in operation for four or more consecutive calendar days, except that multiple establishments under the same ownership and management that are operating at the same activity or event may use the same full-time, on-site food service manager.

(10) A state approved food handler training class shall be required for all food handlers that take part in a temporary event that exceeds 14 consecutive calendar days in length. Proof of course completion must be provided to the director upon request.

(11) A temporary event that exceeds four hours, is granted a variance under this chapter, or where special food handling and preparation processes are requested, will be required to have one or more food inspector(s) on site, for a maximum of eight hours each day, at the expense of the event planner. There is no fee for the first four hours and a non-refundable fee of \$57 per hour will be assessed to the event planner for every hour over four hours that the event is operational including set-up time.

(g) Design and structural requirements. The design and structural material of a facility that houses a temporary food service establishment must be approved by the director. Each facility must:

(1) be enclosed by barriers at least 32 inches high that prevent customers from entering food preparation areas;

(2) have a serving counter with a depth of at least 12 inches;

(3) have floors constructed of concrete, asphalt, tight-fitting wood, or other similar, easily cleanable material kept in good repair;

(4) if the temporary food service establishment is outdoors, have over every food preparation and serving area a fire resistant overhead covering that protects the interior of the facility from the weather; and

(5) comply with all design and structural standards that may be established by the director for temporary food service establishments. (Ord. Nos. 26023; 26556; 28046; 30134, ~~eff. 7-1-16~~; 30653, ~~eff. 10-1-17~~)

(5) not prepare or serve food in an area that exposes any person present to a health or safety hazard.

### SEC. 17-9.3. REQUIREMENTS FOR CATERING SERVICES.

(a) Affiliation with permitted food establishment required. A person shall not engage in a catering service unless the service is affiliated with a food establishment operating from a fixed facility that is permitted under Article X of this chapter.

(b) Food preparation. A catering service may prepare food at the service site. If food requires substantial preparation in addition to cooking at the service site, a catering service shall not serve the food requiring additional preparation unless approved as safe by the director.

(c) Operational requirements. A catering service shall:

(1) notify the director in writing four days in advance of serving to a group of 500 or more people, stating the location, time, and menu of the service;

(2) take necessary steps to provide facilities and supplies for maintenance of personal hygiene (including, but not limited to, potable water, soap, and towels) for employees at the service site;

(3) provide refuse containers at the service site that permit disposal of refuse in a way that does not result in a health or safety hazard;

(4) leave a service site in a clean, waste-free condition; and

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

(d) Permit application fee.

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

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

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

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

	Fixed Facility	Mobile Food Preparation Vehicle
Application Fee	\$121	\$286
Cessation of operation of existing facility or vehicle for 12 or more months	\$70	\$86
Change of ownership of existing facility or vehicle	\$131	\$86
Change of ownership of newly constructed facility or vehicle or extensively remodeled facility	\$131	\$86
Newly constructed facility or vehicle or extensively remodeled facility under same ownership	\$120	\$86

Reinstatement fee after lapse of permit for failure to pay annual inspection fee by due date: existing facility or vehicle under same ownership

\$236-111      \$236-111

~~———— (3) Section 17-10.2(d) does not apply to:~~

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

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

~~———— (4) The permit application and reinstatement fees required to be paid under this section are in addition to the annual inspection fees required to be paid under Section 17-10.2(g) or (h), whichever applies.~~

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

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

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

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

(e) Plans and specifications.

~~———— (1) A person shall not begin constructing a fixed facility or constructing a mobile food preparation vehicle (whether by manufacturing, retrofitting, or converting), or extensively remodeling a fixed facility, intended for use in the operation of a food establishment (other than a temporary food service establishment) before a copy of plans and specifications of the construction or remodeling are approved, in writing, by the director. A request for approval of plans and specifications must be accompanied by a nonrefundable plans review fee of \$66 for a fixed facility or \$66 for a mobile food preparation vehicle.~~

(1) A person shall not begin constructing a

fixed facility or constructing a mobile food preparation vehicle (whether by manufacturing, retrofitting, or converting), or extensively remodeling a fixed facility, intended for use in the operation of a food establishment (other than a temporary food service establishment) before a copy of plans and specifications of the construction or remodeling are approved, in writing, by the director. A request for approval of plans and specifications must be accompanied by a nonrefundable plans review fee of \$205 for a mobile food preparation vehicle.

(2) The director's written approval of plans and specifications is valid until whichever of the following dates or events occurs first:

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

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

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

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

(A) a new permit application must be made, and an application fee paid, in accordance with Section 17-10.2(d); and

(B) the plans and specifications must be resubmitted to and approved by the director and a new plans review fee must be paid.

(4) Approval of the plans and specifications by the director does not prevent the director from enforcing an ordinance or other law applicable to the construction or remodeling.

(5) Plans and specifications submitted under this section for a fixed facility must conform to the requirements for plans and specifications in the Dallas Building Code.

(6) If plans and specifications are approved by all affected departments of the city and construction has been in accordance with the plans and specifications, before an inspecting officer from any department may require a change, written notice must be served to the food establishment in accordance with Section 17-10.2(n). The notice must state:

(A) the required change in the plans and specifications;

(B) the reason for the change; and

(C) the establishment's right to appeal the order of change.

(7) A food establishment may appeal a change ordered under this section following the procedures of Section 17-10.2(q).

(f) Inspections.

(1) Consent to inspection. Application for and operation of a food establishment inside the city

constitutes consent for the director to inspect the food establishment to determine whether the establishment complies with all conditions of the permit and applicable requirements of this chapter and other city ordinances and state and federal law.

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

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

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

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

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

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

~~———— (4) Periodic inspections. The director shall periodically inspect each separate and distinct facility and vehicle from which a food establishment operates to determine whether the establishment complies with this chapter and other applicable city ordinances and state and federal law. The director shall conduct the periodic inspection as often as the director considers necessary to enforce this chapter or other applicable law, but at least once each six-month period. Whenever~~

a food establishment is inspected by the director and a violation of this chapter or other applicable law is found, the director shall, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, reinspect the food establishment to determine that the violation has been eliminated. A \$110 fee will be charged for each reinspection that must be conducted before the violation is determined to be eliminated.

(4) Periodic inspections. The director shall periodically inspect each separate and distinct facility and vehicle from which a food establishment operates to determine whether the establishment complies with this chapter and other applicable city ordinances and state and federal law. The director shall conduct the periodic inspection as often as the director considers necessary to enforce this chapter or other applicable law, but at least once each six-month period. Whenever a food establishment is inspected by the director and a violation of this chapter or other applicable law is found, the director shall, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, reinspect the food establishment to determine that the violation has been eliminated. A \$71 fee will be charged for each reinspection that must be conducted before the violation is determined to be eliminated.

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

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

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

————— (1) Catering service. A catering service shall pay the city a nonrefundable annual inspection fee of \$120 for each vehicle used to operate the service inside the city.

————— (2) Mobile food establishment.

————— (A) A food establishment that operates a mobile food establishment inside the city shall pay the city a nonrefundable annual inspection fee in

accordance with the following schedule:

(1) Catering service. A catering service shall pay the city a nonrefundable annual inspection fee of \$125 for each vehicle used to operate the service inside the city.

(2) Mobile food establishment.

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

Type of Operation	Each Vehicle
General service	\$236-240
Limited service (produce trucks, ice cream carts, grocery trucks)	\$137-238
Vegetable or fruit vendor	\$109
Mobile food preparation vehicle	\$218-185



~~\_\_\_\_\_ (B) An additional nonrefundable \$138 fee will be charged for each vehicle requested by a food establishment to be inspected at a location other than a location designated by the director.~~

(h) Annual inspection fee: fixed facilities.

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

~~\_\_\_\_\_ (2) Amount. The amount of the fee for each facility is determined by the floor area of the facility. In determining the floor area, the director shall include each interior part of the facility used to manufacture or process, store, package, prepare, distribute, sell, or serve food. The fees are as prescribed in the following schedule:~~

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

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

~~(2) Amount. The amount of the fee for each facility is determined by the floor area of the facility. In determining the floor area, the director shall include each interior part of the facility used to manufacture or process, store, package, prepare, distribute, sell, or serve food. The fees are as prescribed in the following schedule:~~

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

<u>Area in square feet</u>	<u>Annual fee</u>
1 to 2,000	<del>\$284</del> 280
2,001 or more	<del>\$313</del> 318

~~\_\_\_\_\_ (B) If a food establishment is being operated from more than one separate and distinct facility in the same building, for each facility in excess of one:~~

(B) If a food establishment is being operated from more than one separate and distinct facility in the same building, for each facility in excess of one:

<u>Area in square feet</u>	<u>Annual fee</u>
1 to 2,000	<del>\$284</del> 280
2,001 or more	<del>\$313</del> 318

~~\_\_\_\_\_ (3) No later than December 31 of each year, a food establishment shall pay the annual inspection fee for the following calendar year.~~

(3) No later than December 31 of each year, a food establishment shall pay the annual inspection fee for the following calendar year. Failure to pay all fees by December 31 of the year can result in the establishment being subject to the preclosure process. Food establishments subject to the preclosure process shall pay the city a nonrefundable fee of \$87 and may receive citations for operating without a valid permit.

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

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

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

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

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

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

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

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

(i) Temporary food service fee.

~~————— (1) Before the director issues a permit to a temporary food service establishment, the applicant for the permit shall pay the city a nonrefundable permit fee of \$156, plus \$7 for each day of operation for each facility from which the establishment is operated. A maximum nonrefundable annual fee of \$124 for each facility will be collected from concessionaires operating under contract with the city park and recreation department. A maximum nonrefundable annual fee of \$132 for each facility will be collected from concessionaires operating at a school stadium. A maximum nonrefundable annual fee of \$123 for each booth or stall at the first market location and \$120 for each booth or stall at each additional market location will be collected from a vendor operating at a neighborhood farmers market permitted under Chapter 29A of this code.~~

~~————— (2) Section 17-10.2(i)(1) does not apply to a temporary food service establishment that:~~

~~————— (A) does not serve time/temperature~~

~~control for safety food; and~~

~~————— (B) the weekly gross income of which does not exceed \$100.~~

(1) Before the director issues a permit to a temporary food service establishment, the applicant for the permit shall pay the city a nonrefundable permit fee of \$121, plus \$13 for each day of operation for each facility from which the establishment is operated.

(2) A temporary food service establishment that offers only prepackaged foods from the manufacturer that are non-time and temperature controlled and with minimum handling and preparation may request a limited service food permit. The applicant for the food permit shall pay the city a nonrefundable permit fee of \$74, plus \$13 for each day of operation for each facility from which the establishment is operated.

(3) A maximum nonrefundable annual fee of \$187 for each facility will be collected from concessionaires operating under contract with the city park and recreation department. A maximum nonrefundable annual fee of \$75 for each facility will be collected from concessionaires operating at a school stadium. A maximum nonrefundable annual fee of \$123 for each booth or stall valid at a single market location and \$228 for each booth or stall valid at more than one market location will be collected from a vendor operating at a neighborhood farmers market permitted under Chapter 29A of this code, as amended.

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

(A) does not serve time/temperature control for safety food; and

(B) the weekly gross income of which does not exceed \$100.

~~—(j) Registration of food establishments outside the city; fee:~~

~~—(1) A food establishment operating from a facility located outside the city that sells, distributes, or transports food inside the city may not conduct operations inside the city unless the establishment annually:~~

~~—(A) registers with the director on a form provided for the purpose; and~~

~~—(B) pays to the city a nonrefundable registration fee of \$10 and other applicable fees; and~~

~~—(C) furnishes the department with:~~

~~—(i) a certificate from a health authority with jurisdiction over the establishment indicating that the establishment complies with applicable public health laws; and~~

~~—(ii) other information that the director determines is necessary to enable the director to implement or enforce this chapter or otherwise protect the public health or safety.~~

~~—(2) The director may inspect the operations of a food establishment specified in Section 17-10.2(j)(1) that are conducted inside the city to determine if the operations comply with applicable requirements of this chapter or other law.~~

~~—(3) This subsection does not affect the liability of a food establishment specified in Section 17-10.2(j)(1) for payment of any other fee imposed under this article.~~

(j) Registration of food establishments outside the city.

(1) A food establishment operating from a facility located outside the city that sells, distributes, or transports food inside the city may not conduct operations inside the city unless the establishment annually:

(A) registers with the director on a form provided for the purpose; and

(B) furnishes the department with:

(i) a certificate from a health authority with jurisdiction over the establishment indicating that the establishment complies with

applicable public health laws; and

(ii) other information that the director determines is necessary to enable the director to implement or enforce this chapter or otherwise protect the public health or safety.

(2) The director may inspect the operations of a food establishment specified in Section 17-10.2(j)(1) that are conducted inside the city to determine if the operations comply with applicable requirements of this chapter or other law.

(3) This subsection does not affect the liability of a food establishment specified in Section 17-10.2(j)(1) for payment of any other fee imposed under this article.

(k) Payment of fee. Except as expressly provided by this article, a fee prescribed by this article is payable on the date and in the manner prescribed by the director. If in a particular year a food establishment fails to pay the annual inspection fee required on or before the due date, the permit of that establishment lapses and the establishment must pay the reinstatement fee required by Section 17-10.2(d)(2),

and all other outstanding fees owed to the city under this chapter, before the permit will be renewed. Fee payments will be applied to oldest outstanding balance first, if any.

(l) Service fees.

~~———— (1) If a food establishment changes its name, continuing under the same ownership, the establishment shall inform the director in writing of the change and pay the city a service fee of \$48, not more than seven days after the change.~~

~~———— (2) To obtain from the director a detailed, written survey of an existing food establishment, a prospective operator must:~~

~~———— (A) present to the director written permission for the survey from the owner of the food establishment; and~~

~~———— (B) pay to the city a nonrefundable service fee of \$200.~~

(1) If a food establishment changes its name, continuing under the same ownership, the establishment shall inform the director in writing of the change and pay the city a service fee of \$127, not more than seven days after the change.

(2) To obtain from the director a detailed, written survey of an existing food establishment, a prospective operator must:

(A) present to the director written permission for the survey from the owner of the food establishment; and

(B) pay to the city a nonrefundable service fee of \$106.

(m) Violations; notification and order to correct.

(1) Authority to order correction. If the director determines that a food establishment is in violation of this chapter or other law, the director may notify the establishment in writing of the violation and by written order direct the establishment to correct the violation within a definite period of time. In setting the time for correction the director shall consider the degree of danger to the public health or safety and the period of time reasonably necessary to make the

correction.

(2) Immediate corrections. Upon determining that a violation constitutes an imminent and serious threat to the public health or safety, the director may order the establishment to correct the violation immediately or cease food operations to the extent the director determines is necessary to abate the threat until the violation is corrected.

(s) Variances.

~~————— (1) A food establishment may apply to the director for a variance modifying or waiving the requirements of the Texas Food Establishment Rules or the requirements of this chapter. The food establishment shall apply for the variance on a form provided by the director and shall include in the application all of the information required by Subsection 229.171(c)(2) of the Texas Food Establishment Rules. The application must be accompanied by a nonrefundable application fee of:~~

~~————— (A) \$127 for a variance to allow dogs to be present in the outdoor patio area of a food establishment under Subsection (s)(7);~~

~~————— (B) \$95 for a variance to allow the preparation, cooking, and service of raw poultry, raw seafood, and non-fast-cooked food items on a mobile food preparation vehicle under Subsection (s)(8); and~~

~~————— (C) \$100 for all other variances applied for under this subsection.~~

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

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

~~————— (4) A variance granted under this section is nontransferable. The variance expires two years after the date it is granted by the director, unless it is sooner revoked by the director or terminated by the food~~

~~establishment. A variance may be renewed through the application process set forth in Paragraph (1) of this subsection.~~

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

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

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

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

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

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

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

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

(1) A food establishment may apply to the director for a variance modifying or waiving the requirements of the Texas Food Establishment Rules or the requirements of this chapter. The food establishment shall apply for the variance on a form provided by the director and shall include in the

application all of the information required by Subsection 229.171(c)(2) of the Texas Food Establishment Rules. The application must be accompanied by a nonrefundable application fee of \$264.

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

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

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

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

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

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

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

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

(E) the food establishment is in violation of any term or condition of the variance as

established by the director, this chapter, or state law.

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

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



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

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

~~\_\_\_\_\_ (C) [eff. 9-1-16] A sign must be posted at the front entrance of the food establishment and on the outdoor patio so that it is easily visible to the public. The sign must state: "DOG FRIENDLY PATIO - DOG ACCESS ONLY THROUGH OUTDOOR PATIO. FOR COMPLAINTS RELATED TO THE DOG FRIENDLY PATIO, CALL 311." Signs must be:~~

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

~~\_\_\_\_\_ (ii) printed in English and Spanish with bolded lettering at least 36 inches high in contrasting colors; and~~

~~\_\_\_\_\_ (iii) displayed in a landscape orientation.~~

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

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

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

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

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

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

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

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

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

(B) A separate entrance must be



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

(C) A sign must be posted at the front entrance of the food establishment and on the outdoor patio so that it is easily visible to the public. The sign must state: "DOG FRIENDLY PATIO - DOG ACCESS ONLY THROUGH OUTDOOR PATIO. FOR COMPLAINTS RELATED TO THE DOG FRIENDLY PATIO, CALL 311." Signs must be:

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

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

(iii) displayed in a landscape orientation.

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

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

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

waste must be disposed of outside of the food establishment in an appropriate waste receptacle. Equipment used to clean the outdoor patio must be kept outside of the food establishment. A food establishment must maintain a log of the cleaning schedule of the dog friendly patio and make the log available to the director for inspection upon request.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~————— (9) An owner, officer, manager, or other person in charge of a food establishment commits an offense if he, either personally or through an employee or agent, violates, allows a violation of, or fails to comply with a term or condition of a variance granted under this section.~~

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

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

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

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

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

(B) The food establishment must not have committed more than a total of three violations of this chapter or the Texas Food Establishment Rules

within the preceding 12-month period that involved any mobile food preparation vehicle or fixed food facility operated by the food establishment, regardless of whether such violations were committed by an owner, officer, operator, manager, other person in charge, or employee of the food establishment.

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

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

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

(9) An owner, officer, manager, or other person in charge of a food establishment commits an offense if he, either personally or through an employee or agent, violates, allows a violation of, or fails to comply with a term or condition of a variance granted under this section. (Ord. Nos. 26023; 26134; 26556; 26598; 27190; 27353; 27695; 28046; 28488; 29177; 30134; ~~eff. 7-1-16~~; 30653, eff. 10-1-17)

## ARTICLE XI.

### HEIMLICH MANEUVER POSTER.

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

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

#### SEC. 17-11.2. ADDITIONAL REQUIREMENTS.

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

(b) Specifications: The sign shall:

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

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

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

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

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

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

(7) provide a body copy in bold 14 point font. (Ord. 30134, ~~eff. 7-1-16~~)

## ARTICLE XII.

### BED AND BREAKFAST EXTENDED ESTABLISHMENTS.

#### SEC. 17-12.1. ADOPTION OF SECTION 228.223, TEXAS FOOD ESTABLISHMENT RULES.

Section 228.223 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference. (Ord. Nos. 26023; 30134, ~~eff. 7-1-16~~)

#### SEC. 17-12.2. ADDITIONAL REQUIREMENTS.

Reserved. (Ord. 26023)

## ARTICLE XIII.

### OUTFITTER OPERATIONS.

#### SEC. 17-13.1. ADOPTION OF SECTION 228.224, TEXAS FOOD ESTABLISHMENT RULES.

Section 228.224 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference. (Ord. Nos. 26023; 30134, ~~eff. 7-1-16~~)

#### SEC. 17-13.2. ADDITIONAL REQUIREMENTS.

Reserved. (Ord. 26023)

## ARTICLE XIV.

### SELF SERVICE FOOD MARKET.

#### SEC. 17-14.1. ADOPTION OF CHAPTER 228, SUBCHAPTER H, SECTION 225.

Section 228.225 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference. (Ord. 30134, ~~eff. 7-1-16~~)

#### SEC. 17-14.2. ADDITIONAL REQUIREMENTS.

Reserved. (Ord. 30134, ~~eff. 7-1-16~~)

(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 - \$24.32 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 - \$84.69 per dwelling unit per month.~~

(A) Alley or curb collection service for municipal solid waste - \$25.18 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 - \$87.69 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 - \$24.32 per apartment unit or mobile home space per month.~~

~~————— (B) Packout collection service for municipal solid waste - \$84.69 per apartment unit or mobile home space 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 - \$25.18 per apartment unit or mobile home space per month.

(B) Packout collection service for municipal solid waste - \$87.69 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:

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

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

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

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

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

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

(d) A person claiming entitlement to a refund of sanitation services paid to the city must notify the director of sanitation of the claim within 180 days from the date the disputed payment was received by the city. (Ord. Nos. 16367; 16435; 16697; 17133; 17545; 17987; 19300; 19409; 19963; 19991; 20736; 21058; 21431; 21632; 21819; 22206; 22306; 22565; 22906; 24743; 25048; 25384; 25754; 26134; 26478; 26960; 27353; 27695; 28019; 29149; 29477; 29879; 30215; 30653, eff. 10-1-17)

## **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 the illegal disposal of the solid waste. Proof of ownership of a vehicle may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Public Safety showing the name of the person to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued.

(2) The director of sanitation shall be responsible for determining disposal procedures, authorized users, and methods of operation at municipal transfer stations and landfill sites inside the city.

(3) The director of sanitation shall have authority to approve the establishment and make inspections of non-municipal landfill sites inside the city to ensure compliance with federal, state, and local law regulating the establishment and operation of landfill sites.

(4) The director of sanitation shall have authority to regulate traffic at the city's transfer stations and landfill sites. Designated employees of the department of sanitation services shall direct traffic by voice, hand, or signal at the transfer stations and landfill sites. A person commits an offense if he fails or



**ARTICLE I.****GENERAL PROVISIONS.****SEC. 34-1. POLICY.**

~~The provisions of this chapter are subject to modification, rescission, and amendment by the Dallas city council at any time. Nothing in this chapter conveys a contract of employment with the city of Dallas. Nothing in this chapter conveys a private cause of action to any employee.~~ The provisions of this chapter are subject to modification, rescission, and amendment by the Dallas city council at any time. Nothing in this chapter conveys a contract of employment with the city of Dallas and nothing in this chapter is intended to be a term of a contract when combined with any other document, instrument, or writing. Nothing in this chapter conveys a private cause of action to any employee. (Ord. Nos. 24873; 26182; 30657)

**SEC. 34-2. ADMINISTRATION.****(a) City manager.**

(1) The city manager is designated by the charter as the chief administrative and executive officer with appointing authority for all positions of employment with the city, except as otherwise provided by the city charter.

(2) The city manager is responsible for employee efficiency, morale, and welfare. The city manager, a department director, or a designated representative of either may discharge, demote, suspend, or reprimand any employee, subject to provisions of the charter.

**(b) Director of human resources.** The director of human resources is appointed by the city manager to administer the personnel system as established by the city charter, this chapter, and other applicable city ordinances and state and federal laws. Responsibilities include, but are not limited to, the following:

(1) Establishing processing and orientation procedures for all new city employees.

(2) Reviewing and approving all appointments, reappointments, and reinstatements to city employment.

(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).

(u) Discretionary sick leave for new third-tier executive and above. In addition to sick leave accrual authorized in Subsection (d) of this section, the city manager may, beginning on the person's employment start date, approve up to 80 hours of sick leave for a person hired into a third-tier executive position and above. This subsection does not apply to a city employee who is promoted into a third-tier executive position and above. (Ord. Nos. 19340; 19932; 22026; 22195; 22296; 22318; 24873; 24930; 25386; 28024; 28425; 29480; 29883; 30657)

#### 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.~~

(a) Eligibility. Every permanent employee accrues vacation leave during the initial six months of city employment. Except for a newly hired third-tier executive and above who has been granted discretionary vacation leave pursuant to Subsection (r)

of this section, vacation leave may not be used until the initial six months of employment are completed. All vacation leave is forfeited if the employee terminates employment before completing the initial six months of employment.

(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:

(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).

(r) Discretionary vacation leave for new third-tier executive and above. In addition to vacation leave accrual authorized in Subsection (c) of this section, the city manager may, beginning on the person's employment start date, approve up to 80 hours of vacation leave for a person hired into a third-tier executive position and above. An employee forfeits any leave granted under this subsection if his or her employment terminates within the first six months. This subsection does not apply to a city employee who is promoted into a third-tier executive position and above. (Ord. Nos. 19340; 19473; 19932; 22195; 22296; 22318; 24873; 24930; 28024; 29480; 29883; 30657)

(1) A holiday that falls on a Saturday will be taken the Friday before the holiday.

(2) A holiday that falls on a Sunday will be taken the Monday after the holiday.

(e) Worked holidays. In a department in which employees regularly work on holidays, the department shall arrange schedules to allow each employee who works on the holiday a substitute holiday either before or after the holiday, but within a reasonable period of time. If the department cannot arrange a substitute holiday, the employee will be paid for hours equal to the employee's standard workday. This subsection does not apply to sworn fire department shift personnel.

(f) Loss of holiday pay. An employee will not receive pay for a holiday if the employee is:

(1) on unapproved leave without pay either the day before or the day following an official holiday;

(2) on unapproved leave without pay on a holiday on which the employee is normally scheduled to work; or

(3) on approved leave without pay the day before and the day following an official holiday, except to the extent the leave is authorized by the City's Family and Medical Leave provisions.

(g) Holiday during vacation or sick leave. When an official holiday occurs during an employee's vacation leave or sick leave, the employee will be charged for the holiday and no deduction from the employee's vacation or sick leave balance will be made for the holiday.

(h) Holiday during injury leave. Any employee who is on injury leave when a holiday occurs will be paid workers' compensation and will be charged for the holiday up to the number of hours needed to supplement the employee's pay. If the employee is on wage supplementation, no wage supplementation payments will be received for the holiday. No compensation will be provided for unused holiday time.

(i) Holiday during other leave. An employee on military leave, court leave, or death-in-family leave when a holiday occurs may take the holiday at a subsequent date convenient to the department.

(j) Death or discharge. Since final settlement of monies due an employee separated from the payroll because of death or discharge is paid in a lump sum, no holiday occurring after the date of death or discharge will be included in the determination of the settlement. (Ord. Nos. 19340; 24622; 24873; 28024; 28794; 29480)

#### SEC. 34-26. COURT LEAVE.

(a) Eligibility. Court leave is a privilege extended to every permanent employee.

(b) ~~When granted.~~ When granted. An employee shall be granted court leave when:

(1) summoned for jury duty; or

(2) subpoenaed to appear as a witness.

(c) Personal litigation. An employee may not be granted court leave when the employee is involved in personal litigation, except as permitted under Subsection (b) of this section.

(d) Notice to supervisor. The employee must notify the employee's supervisor upon receipt of a summons or subpoena for which court leave is requested.

(e) Fees. All fees paid and expenses reimbursed by the court may be retained by the employee, provided that the city did not furnish travel, meals, lodging, or miscellaneous expenses.

(f) Standard work day credit. An employee on court leave is credited with a standard work day on the payroll. No allowance will be made for overtime the employee might have earned if the employee had worked.

If any provision of this section or of any other provision of the city's military service/military leave policy conflicts with a provision of the federal or state law governing military service and military leave, the federal or state law prevails.

(b) Nondiscrimination. The city does not discriminate with regard to hiring, reemployment, retention, promotion, or any benefit of employment because of an applicant's or employee's membership, application for membership, or performance of duty in the military service.

~~—(c) Military leave. The city will grant military leave to city employees in compliance with the Uniformed Services Employment and Reemployment Rights Act, Chapter 431 of the Texas Government Code, as amended, and Chapter 613 of the Texas Government Code, as amended. Specific procedures and requirements for the administration of military service/military leave policies are outlined in the administrative directives of the city. No procedure or requirement adopted by administrative directive may conflict with the Uniformed Services Employment and Reemployment Rights Act, Chapter 431 of the Texas Government Code, as amended, or Chapter 613 of the Texas Government Code, as amended.~~

(c) Military leave. The city will grant military leave to city employees in compliance with the Uniformed Services Employment and Reemployment Rights Act, as amended, and Chapters 437 and 613 of the Texas Government Code, as amended. Specific procedures and requirements for the administration of military service/military leave policies are outlined in the administrative directives of the city. No procedure or requirement adopted by administrative directive may conflict with the Uniformed Services Employment and Reemployment Rights Act, as amended, or with Chapters 437 or 613 of the Texas Government Code, as amended.

(d) Responsibility. Responsibility for administering the city's military service/military leave policy rests with:

(1) the department director and the civil service board for an employee in a classified position;

(2) the department director and the director of human resources for an employee in an unclassified

position; and

(3) the department director for an employee in a non-civil service position. (Ord. Nos. 19340; 22195; 22296; 22318; 24873; 30657)

(5) A witness served with a subpoena who fails to appear at the hearing or fails to produce requested evidence may be punished for contempt.

(6) The disposition of a suspension appeal by the assistant city manager, the employees' retirement fund board, or the police and fire pension board, whichever is applicable, is nonappealable.

(i) Final decision.

(1) The disposition of a grievance or an appeal by the assistant city manager, city manager, employees' retirement fund board, secretary of the civil service board, city auditor, or city secretary is nonappealable, except when the grievance or appeal involved a:

(A) claim of discrimination because of an employee's race, color, age, religion, sex, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, or military or veteran status as it affects the employee's training, promotion, advancement, or transfer, which may be appealed to the civil service board;

(B) civil service rule challenge, which may be appealed to the civil service board; or

(C) demotion or discharge, which may be appealed to the trial board, unless provided otherwise in the city charter.

(2) The disposition of a grievance or an appeal by the police and fire pension board is nonappealable, except when the grievance or appeal involved:

(A) a claim of discrimination because of an employee's race, color, age, religion, sex, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, or military or veteran status as it affects the employee's training, promotion, advancement, or transfer, which may be appealed to the civil service board; or

(B) a civil service rule challenge, which may be appealed to the civil service board.

(j) Nothing in this section conveys upon, implies, or intends to imply that an employee has a property interest in continued employment or a contract of employment with the city based on any right to grieve or appeal provided by this section or on the nondiscrimination policy stated in Section 34-35 of this chapter. Nothing in this section or in the nondiscrimination policy creates any right or remedy under any law or limits any existing right or remedy provided under any law.

(k) For purposes of this section only, a reference to an assistant city manager also refers to a non-sworn managerial chief designated by the city manager, including, without limitation, chief of economic development and housing, chief of community services, and chief of staff to the city manager. (Ord. Nos. 19340; 19562; 21674; 22026; 22195; 22296; 22318; 24873; 24930; 25389; 26182; 26693; 28024; 29480; 30657)

## SEC. 34-39. APPEALS TO THE CIVIL SERVICE BOARD.

(a) General provisions, applicability, jurisdiction, and quorum.

(1) To the extent that a rule adopted by the civil service board and approved by the city council conflicts with a provision of this chapter, this chapter prevails.

(2) In this section:

(A) BOARD means the civil service board of the city.

(B) SECRETARY means the secretary of the civil service board.

(3) This section does not apply to:

(A) a department director, an assistant department director, or other managerial personnel designated by the city council in accordance with Section 11, Chapter XVI of the city charter;



the applicant must pay the license fee and obtain the license. The chief of police's approval of the issuance of a license does not authorize the applicant to operate a sexually oriented business until the applicant has paid all fees required by this chapter and obtained possession of the license.

(e) The license, if granted, must state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license must be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time. (Ord. Nos. 19196; 19377; 20552; 21629; 21838; 24206; 24440; 24699; 27139; 27697)

#### SEC. 41A-6. FEES.

(a) ~~The annual fee for a sexually oriented business license is \$808.~~ The annual fee for a sexually oriented business license is \$1,097.

(b) In addition to the fees required by Subsection (a) and (c), an applicant for an initial sexually oriented business license shall, at the time of making application, pay a nonrefundable fee of \$3,175 for the city to conduct a survey to ensure that the proposed sexually oriented business is in compliance with the locational restrictions set forth in Section 41A-13.

(c) In addition to the fees required by Subsections (a) and (b), an applicant for an initial sexually oriented business license shall, at the time of making application, pay a nonrefundable fee of \$90 for the chief of police to obtain a letter of zoning verification to ensure that the proposed sexually oriented business is permitted in the zoning district in which it will be located. The chief of police shall request and obtain the letter of zoning verification from the department of sustainable development and construction within 30 days after receipt of the license application. For any sexually oriented business holding a valid license on October 25, 2000, this subsection will apply to the first renewal of that license issued after October 25, 2000. (Ord. Nos. 19196; 20612; 21838; 22206; 24051; 24440; 24699; 25047; 25048; 25909; 27697; 29477; ~~eff. 10/1/14~~; 30653, eff. 10-1-17)

#### SEC. 41A-7. INSPECTION.

(a) An applicant, licensee, operator, or employee shall permit representatives of the police department, the fire department, the department of code compliance, and the building official to inspect the premises of a sexually oriented business, for the purpose of ensuring compliance with the law, at any time it is occupied or open for business and at other reasonable times upon request.

(b) A person who operates a sexually oriented business or the person's agent or employee commits an offense if he refuses to permit a lawful inspection of the premises by a representative of the police department, the fire department, the department of code compliance, or the building official at any time the sexually oriented business is occupied or open for business and at other reasonable times upon request.

(c) The provisions of this section do not apply to areas of an adult motel that are currently being rented by a customer for use as a permanent or temporary habitation. (Ord. Nos. 19196; 19377; 22026; 23694; 24440; 24699; 27139; 27697)

#### SEC. 41A-7.1. IDENTIFICATION RECORDS.

(a) A person commits an offense if he operates a sexually oriented business without maintaining on the premises a current registration card or file that clearly and completely identifies all employees of the sexually oriented business as required by this section.

(b) The registration card or file must contain the following information for each employee:

- (1) Full legal name.
- (2) All aliases or stage names.
- (3) Date of birth.
- (4) Race and gender.

- Sec. 43-126.5. License required; application; issuance.
- Sec. 43-126.6. Fees.
- Sec. 43-126.7. Denial or revocation of license; temporary suspension.
- Sec. 43-126.8. Expiration of license.
- Sec. 43-126.9. Standards for operation of a valet parking service.
- Sec. 43-126.10. Valet parking service stands.
- Sec. 43-126.11. Location of a valet parking service.
- Sec. 43-126.12. Insurance.
- Sec. 43-126.13. Indemnification.
- Sec. 43-126.14. Signs.

#### **Division 4. Newsracks.**

- Sec. 43-126.15. Purpose and intent.
- Sec. 43-126.16. Definitions.
- Sec. 43-126.17. License and decal required.
- Sec. 43-126.18. License application; issuance of license; and display of decals.
- Sec. 43-126.19. Conditions of a license and annual fees.
- Sec. 43-126.20. Denial or revocation of a license.
- Sec. 43-126.21. Appeal from license denial or revocation.
- Sec. 43-126.22. Expiration and renewal of a license.
- Sec. 43-126.23. Allocation of freestanding newsrack locations.
- Sec. 43-126.24. Standards for installation, operation, and maintenance of newsracks.
- Sec. 43-126.25. Locational requirements for newsracks.
- Sec. 43-126.26. Display and distribution of harmful materials through newsracks.
- Sec. 43-126.27. Restoration of the right-of-way.
- Sec. 43-126.28. Removal of newsracks and publications.
- Sec. 43-126.29. Multiple newsrack unit zones.
- Sec. 43-126.30. Split-door newsracks.
- Sec. 43-126.31. Violations; penalty.

#### **ARTICLE VII.**

##### **SALE OF MERCHANDISE AND PRODUCE ON STREETS AND SIDEWALKS.**

- Sec. 43-127. Unlawful solicitation at the convention center and reunion arena.
- Sec. 43-128. Reserved.
- Sec. 43-129. Causing crowd to congregate on sidewalk.
- Secs. 43-130 thru 43-132. Reserved.
- Sec. 43-133. Use of sidewalk for display of merchandise.
- Sec. 43-134. Use of sidewalk to forward or receive merchandise.

#### **ARTICLE VIII.**

##### **CERTAIN USES OF PUBLIC RIGHT-OF-WAY.**

- Sec. 43-135. Definitions.
- Sec. 43-136. Director's authority; enforcement; offenses.
- Sec. 43-137. Registration; other requirements.
- Sec. 43-138. Plans of record.
- Sec. 43-139. Permit required; exceptions; conditions; denial and revocation.
- Sec. 43-139.1. Network nodes and related infrastructure.
- Sec. 43-140. Insurance and indemnity requirements; exceptions.
- Sec. 43-140.1. Performance bond; letter of credit; cash deposit.
- Sec. 43-140.2. Waiver of bonding requirements.
- Sec. 43-141. Miscellaneous requirements for street excavation and installations, trench safety, and above ground utility structures.
- Sec. 43-142. Restoration requirements.
- Sec. 43-143. Clearance for street paving and storm drainage projects.
- Sec. 43-144. Conformance with public improvements.
- Sec. 43-145. Improperly constructed facilities.

any sidewalk for the display of goods, wares or merchandise. (Code 1941, Art. 143-12; Ord. 3707)

#### SEC. 43-134. USE OF SIDEWALK TO FORWARD OR RECEIVE MERCHANDISE.

Nothing in this article shall be so construed as to prevent any merchant from occupying not more than one-half of any sidewalk in receiving and forwarding goods, wares and merchandise; provided, that such goods, wares and merchandise shall not remain on such sidewalk for a longer period than one and one-half hours. (Code 1941, Art. 143-12; Ord. 3707)

### ARTICLE VIII.

#### CERTAIN USES OF PUBLIC RIGHT-OF-WAY.

#### SEC. 43-135. DEFINITIONS.

In this article:

————— (1) ~~ABOVE GROUND UTILITY STRUCTURE~~ or AGUS means any utility structure that extends higher than the surrounding grade.

————— (2) ~~AGUS PLACEMENT GUIDELINES~~ means a manual published by the city of Dallas that contains engineering, technical, and other special criteria and standards established by the director for the placement of above ground utility structures.

————— (3) ~~BACKFILL~~ means:

————— (A) the placement of new dirt, fill, or other material to refill an excavation; or

————— (B) the return of excavated dirt, fill, or other material to an excavation.

————— (4) ~~CITY~~ means the city of Dallas and the city's officers and employees.

————— (5) ~~CLOSURE~~ means a complete or partial closing of one or more lanes of traffic of a thoroughfare for any period of time.

————— (6) ~~CONSTRUCTION~~ means any of the following activities performed by any person within a public right-of-way:

————— (A) ~~Installation, excavation, laying, placement, repair, upgrade, maintenance, or relocation of facilities or other improvements, whether temporary or permanent.~~

————— (B) ~~Modification or alteration to any surface, subsurface, or aerial space within the public right-of-way.~~

————— (C) ~~Performance, restoration, or repair of pavement cuts or excavations.~~

————— (D) ~~Reconstruction of any of the work described in Paragraphs (6)(A) through (6)(C) of this subsection.~~

————— (E) ~~Other similar construction work.~~

————— (7) ~~DIRECTOR~~ means the director of mobility and street services or any designated representative.

————— (8) ~~EMERGENCY ACTIVITY~~ means circumstances requiring immediate construction or operations by a public service provider to:

————— (A) ~~prevent imminent damage or injury to the health or safety of any person or to the public right-of-way;~~

————— (B) ~~restore service; or~~

————— (C) ~~prevent the loss of service.~~

————— (9) ~~EXCAVATION~~ means the removal of dirt, fill, or other material in the public right-of-way, including but not limited to the methods of open trenching, boring, tunneling, or jacking.

(1) ABOVE GROUND UTILITY STRUCTURE or AGUS means any utility structure that extends higher than the surrounding grade.

(2) **AGUS PLACEMENT GUIDELINES** means a manual published by the city of Dallas that contains engineering, technical, and other special criteria and standards established by the director for the placement of above ground utility structures.

(3) **BACKFILL** means:

(A) the placement of new dirt, fill, or other material to refill an excavation; or

(B) the return of excavated dirt, fill, or other material to an excavation.

(4) **CITY** means the city of Dallas and the city's officers and employees.

(5) **CLOSURE** means a complete or partial closing of a sidewalk or one or more lanes of traffic of a thoroughfare for any period of time.

(6) **CONSTRUCTION** means any of the following activities performed by any person within a public right-of-way:

(A) Installation, excavation, laying, placement, repair, upgrade, maintenance, or relocation of facilities or other improvements, whether temporary or permanent.

(B) Modification or alteration to any surface, subsurface, or aerial space within the public right-of-way.

(C) Performance, restoration, or repair of pavement cuts or excavations.

(D) Reconstruction of any of the work described in Paragraphs (6)(A) through (6)(C) of this subsection.

(E) Other similar construction work.

(7) **DESIGN DISTRICT** means an area the city council has designated as a:

(A) public improvement district pursuant to Chapter 372 of the Texas Local Government Code, as amended;

(B) reinvestment zone pursuant to Chapter 311 of the Texas Tax Code, as amended;

(C) planned development zoning

district;

(D) form zoning district subject to Chapter 51A of this code, as amended; or

(E) conservation district.

(8) **DESIGN MANUAL** means a manual published by the city that contains engineering, technical, and other special criteria and standards established by the director for the placement, installation, collocation, replacement, and repair of network nodes, as that term is defined in Chapter 284 of the Texas Local Government Code, as amended, and any related infrastructure, including poles, in the public right-of-way.

(9) **DIRECTOR** means the director of the department designated by the city manager to enforce and administer this chapter or the director's designee.

~~————— (10) FACILITIES means the plant, equipment, buildings, structures, poles, wires, cables, lines, conduit, mains, pipes, vaults, above ground utility structures, and appurtenances of a public service provider and includes property owned, operated, leased, licensed, used, controlled, or supplied for, by, or in connection with the business of the public service provider.~~

~~————— (11) MAJOR PROJECT means any construction that requires a pavement cut of a length of 300 linear feet or greater within any single street or alley.~~

~~————— (12) PAVEMENT CUT means a cut made into the paved surface of the public right-of-way.~~

~~————— (13) PAVEMENT CUT AND REPAIR STANDARDS MANUAL means a manual published by the city of Dallas that contains engineering, technical, and other special criteria and standards established by the director for pavement cut, excavation, backfill, restoration, and repair activities in the public right-of-way.~~

~~————— (14) PERMITTEE means the person applying for or receiving a permit to perform construction within the city's right-of-way under the terms and conditions of this article. The term includes:~~

~~————— (A) any officer, director, partner, manager, superintendent, or other authorized person exercising control over or on behalf of the permittee; and~~

~~————— (B) any contractor or subcontractor of the permittee, for purposes of compliance with the *City of Dallas Pavement Cut and Repair Standards Manual* and the traffic control, construction, and maintenance requirements of this article.~~

~~————— (15) PERSON means a natural person, a corporation, a public service provider, a governmental entity or agency (including the city), a limited liability company, a joint venture, a business trust, an estate, a trust, a partnership, an association, or any other legal entity.~~

~~————— (16) PUBLIC RIGHT-OF-WAY means any area of land within the city that is acquired by, dedicated to, or claimed by the city in fee simple, by easement, or by prescriptive right and that is expressly or impliedly accepted or used in fact or by operation of law as a public roadway, highway, street, sidewalk, alley, or utility access easement. The term includes the area on, below, and above the surface of the public right-of-way. The term applies regardless of whether the public right-of-way is paved or unpaved. The term does not include airwaves above the public right-of-way that fall under the exclusive jurisdiction of the United States government.~~

~~————— (17) PUBLIC SERVICE PROVIDER means any wholesale or retail electric utility, gas utility, telecommunications company, cable company, water utility, storm water utility, or wastewater utility, regardless of whether the public service provider is publicly or privately owned or required to operate within the city pursuant to a franchise.~~

~~————— (18) SPOILS or EXCAVATED MATERIAL means construction waste, construction supplies, or excavated dirt, fill, or other similar material that is stored or placed upon the surface of a public right-of-way.~~

~~————— (19) SUBDIVISION means "subdivision" as defined in Article VIII, "Plat Regulations," of the Dallas Development Code, as amended.~~

~~————— (20) THOROUGHFARE means:~~

~~————— (A) a public traffic arterial, as designated in the city's thoroughfare plan;~~

~~————— (B) a nonresidential collector street, as defined in the *City of Dallas Paving Design Manual*; and~~

~~————— (C) all streets within the central business district.~~

~~————— (21) UTILITY STRUCTURE:~~

~~————— (A) means any structure, cabinet, or other appurtenance (other than a pole or a device~~

**(10) EMERGENCY ACTIVITY means circumstances requiring immediate construction or operations by a public service provider to:**

(A) prevent imminent damage or injury to the health or safety of any person or to the public right-of-way;

(B) restore service; or

(C) prevent the loss of service.

(11) EXCAVATION means the removal of dirt, fill, or other material in the public right-of-way, including but not limited to the methods of open trenching, boring, tunneling, or jacking.

(12) FACILITIES means the plant, equipment, buildings, structures, poles, wires, cables, lines, conduit, mains, pipes, vaults, above ground utility structures, and appurtenances of a public service provider and includes property owned, operated, leased, licensed, used, controlled, or supplied for, by, or in connection with the business of the public service provider.

(13) MAJOR PROJECT means any construction that requires a pavement cut of a length of 300 linear feet or greater within any single street or alley or any construction in an area that the director determines occurs in an area of high vehicular traffic.

(14) PAVEMENT CUT means a cut made into the paved surface of the public right-of-way.

(15) PAVEMENT CUT AND REPAIR STANDARDS MANUAL means a manual published by the city of Dallas that contains engineering, technical, and other special criteria and standards established by the director for pavement cut, excavation, backfill, restoration, and repair activities in the public right-of-way.

(16) PERMITTEE means the person applying for or receiving a permit to perform construction within the city's right-of-way under the terms and conditions of this article. The term includes:

(A) any officer, director, partner, manager, superintendent, or other authorized person exercising control over or on behalf of the permittee; and

(B) any contractor or subcontractor of the permittee, for purposes of compliance with the *City of Dallas Pavement Cut and Repair Standards Manual* and the traffic control, construction, and maintenance requirements of this article.

(17) PERSON means a natural person, a corporation, a public service provider, a governmental entity or agency (including the city), a limited liability company, a joint venture, a business trust, an estate, a trust, a partnership, an association, or any other legal entity.

(18) PUBLIC RIGHT-OF-WAY means any area of land within the city that is acquired by, dedicated to, or claimed by the city in fee simple, by easement, or by prescriptive right and that is expressly or impliedly accepted or used in fact or by operation of law as a public roadway, highway, street, sidewalk, alley, or utility access easement. The term includes the area on, below, and above the surface of the public right-of-way. The term applies regardless of whether the public right-of-way is paved or unpaved. The term does not include airwaves above the public right-of-way that fall under the exclusive jurisdiction of the United States government.

(19) PUBLIC SERVICE PROVIDER means any wholesale or retail electric utility, gas utility, telecommunications company, cable company, water utility, storm water utility, or wastewater utility, regardless of whether the public service provider is publicly or privately owned or required to operate within the city pursuant to a franchise, including a network provider as that term is defined in Chapter 284 of the Texas Local Government Code, as amended.

(20) SPOILS or EXCAVATED MATERIAL means construction waste, construction supplies, or excavated dirt, fill, or other similar material that is stored or placed upon the surface of a public right-of-way.



attached to a pole) that is owned or used by a public service provider to provide service; and

\_\_\_\_\_ (B) does not include:

\_\_\_\_\_ (i) a device or structure used to control or direct pedestrian or vehicular traffic on an adjacent roadway; or

\_\_\_\_\_ (ii) any infrastructure that provides water used for fire suppression.

(21) SUBDIVISION means "subdivision" as defined in Article VIII, "Plat Regulations," of the Dallas Development Code, as amended.

(22) THOROUGHFARE means:

(A) a public traffic arterial, as designated in the city's thoroughfare plan;

(B) a nonresidential collector street, as defined in the *City of Dallas Paving Design Manual*; and

(C) all streets within the central business district.

(23) UTILITY STRUCTURE:

(A) means any structure, cabinet, or other appurtenance (other than a pole or a device attached to a pole) that is owned or used by a public service provider to provide service; and

(B) does not include:

(i) a device or structure used to control or direct pedestrian or vehicular traffic on an adjacent roadway; or

(ii) any infrastructure that provides water used for fire suppression. (Ord. Nos. 24495; 26263; 28424; 30239; 30620)

#### SEC. 43-136. DIRECTOR'S AUTHORITY; ENFORCEMENT; OFFENSES.

(a) The director is authorized to administer and enforce the provisions of this article, and to promulgate regulations, including but not limited to engineering, technical, and other special criteria and standards, to

aid in the administration and enforcement of this article that are not in conflict with this article, this code, or state or federal law. To further aid in the administration and enforcement of this article, the director is also authorized to promulgate regulations and operational standards governing the shared use of the public right-of-way by transportation uses (including but not limited to streetcars) and public service providers, so long as those regulations and standards are not in conflict with this article, this code, or state or federal law.

(b) The director is authorized to enter upon a construction site for which a permit is granted under this article or, where necessary, upon private property adjacent to the construction site, for purposes of inspection to determine compliance with the permit or this article.

(c) A person commits an offense if he:

(1) performs, authorizes, directs, or supervises construction without a valid permit issued under this article;



plans must clearly show the proposed locations of all above ground utility structures and include a detail view showing the height, width, and depth dimensions of each type of above ground utility structure (including any supporting pad) to be installed. If the project is a major project that is located within the central business district, crosses street intersections, or involves crossing proposed facilities over or under existing facilities, the plans must also include a representation of the vertical alignment of the facilities in profile view. Each sheet of the plans must have a note instructing the contractor to verify the location of underground utilities at least 100 feet in advance of all proposed utility crossings, and also at locations where the proposed facilities are shown to be running parallel to existing facilities within five feet. The plans must be half size (11" X 17") at a scale no smaller than 1" = 40' in plan view and 1" = 6' in profile view. Each project must be assigned a project number, which must appear on each sheet. Plans must be readable with a minimum lettering size of 1/8".

(7) A permit is required even if other authority has been granted by the director to make a pavement cut or excavation in a public right-of-way as part of a city construction project.

(8) The director shall state on the permit the activity for which the permit is issued and include any additional restrictions or requirements determined necessary by the director.

(9) The permittee has the exclusive responsibility to coordinate with other public service providers to protect all existing facilities in the public right-of-way in which the construction occurs.

~~———— (10) The permittee shall, as an express condition of the permit, comply in all respects with the requirements prescribed for the permitted activity in the Pavement Cut and Repair Standards Manual and with all other city ordinances and state or federal laws or regulations affecting the permitted activity.~~

(10) The permittee shall, as an express condition of the permit, comply in all respects with the requirements prescribed for the permitted activity in the Pavement Cut and Repair Standards Manual, the AGUS Placement Guidelines, and the Design Manual, as applicable; and with all other city ordinances and state or federal laws or regulations affecting the permitted activity.

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

(i) cross other existing facilities; or

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

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

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

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

(18) The director may require the permittee to share trench space to minimize the disruption of vehicular and pedestrian traffic or to provide space for needed city facility installations if such sharing is:

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

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

(19) A traffic control plan must be submitted with the permit application and must include detailed drawings showing the proposed traffic controls for

vehicular and pedestrian traffic for each phase of the proposed work in the public right-of-way. Traffic control plans must be approved by the City of Dallas before commencing work.

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

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

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

(1) For any closure of a traffic lane or blocking of a sidewalk or alley lasting one day or less, the permittee shall conspicuously mark its vehicles with the permittee's name and telephone number.

(2) Any closure of a traffic lane or blocking of a sidewalk or alley lasting longer than one day must be identified by a sign that is clearly legible to the traveling public. The sign must be posted at or in close proximity to the worksite and must contain:

(A) the name of the permittee;

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

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

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

(4) When permitted construction will last

(B) knowingly or intentionally furnished materially false or incorrect information to the director;

(C) failed, except for good cause shown, to file the application on the approved form within the time limits prescribed by this section;

(D) failed or refused to submit plans of record as required under Section 43-138;

(E) was convicted of violating a provision of this article twice within the two-year period immediately preceding the date of application;

(F) failed to furnish or have on file with the director the insurance required under this article;

(G) is not in compliance with applicable requirements of an existing permit issued under this article;

(H) has not obtained a current copy of the *Pavement Cut and Repair Standards Manual* from the director; or

(I) failed to comply with the *AGUS Placement Guidelines* without having received a waiver by the director under Section 43-141.

(i) The director may suspend construction or revoke an issued permit on the same grounds on which a permit may be denied under Subsection (h), or if the permittee:

(1) commences or performs construction in violation of an applicable requirement of this article or the permit;

(2) creates or is likely to create a public health or safety hazard by performance of the construction in question;

(3) fails to comply with an order or regulation of the director;

(4) fails to comply with restrictions or requirements of other city ordinances or state or federal laws or regulations applicable to the construction; or

(5) commences or performs work without having prior knowledge and understanding of the applicable repair standards or without having obtained a current copy of the *Pavement Cut and Repair Standards Manual* from the director.

(j) The director shall provide written notice of a suspension or revocation to the permittee or the person hired by the permittee to perform the construction. Construction that is suspended may not resume until the director determines that the permittee has corrected the violation, noncompliance, or hazard that caused the suspension. A permit that has been revoked may be reinstated by the director if the director determines that:

(1) the permittee has corrected the violation, noncompliance, or hazard that caused the revocation; and

(2) the health or safety of the public is not jeopardized by reinstating the permit.

(k) Any variance from the requirements of this article must be approved in advance by the director. The director may grant a variance only if an extreme hardship exists and the public health, safety, welfare, and convenience is not adversely affected by granting the variance. The director may not approve any variance that would give a competitive advantage to one person over another person providing the same or similar service. The director may not grant a variance from the indemnity requirements of Section 43-140(d). (Ord. Nos. 24495; 26263; 29993; 30620)

#### **SEC. 43-139.1. NETWORK NODES AND RELATED INFRASTRUCTURE.**

(a) The terms used in this section have the meanings ascribed to them in Chapter 284 of the Texas Local Government Code, as amended.

(b) A person shall not construct, place, install, replace, upgrade, repair, or collocate a network node or related infrastructure, including poles, within a

public right-of-way without first obtaining a permit from the director.

(c) Permit applications must be accepted and processed as provided in the Design Manual and in accordance with Chapter 284 of the Texas Local Government Code, as amended. A permit application for a network node must be accompanied by a fully executed pole attachment agreement for the proposed location or an approved permit for a node support pole at the proposed location in order for the application to be deemed complete. The director shall deny applications that do not include required materials and information in accordance with state law and the Design Manual.

(d) A person shall not file, or have pending, more than 30 permit applications for the installation or collocation of network nodes at any time.

(e) Permit fees and compensation for use of the right-of-way and any city infrastructure pursuant to Chapter 284 of the Texas Local Government Code, as amended, shall be as provided by state law and the Design Manual.

(f) The placement, installation, or collocation of a network node or related infrastructure, including poles, in a design district with decorative poles or in a district the city has designated as historic, is subject to additional design, concealment, and aesthetic standards, as set out in the Design Manual.

(g) A network provider shall not install a new node support pole in a public right-of-way if the public right-of-way is:

(1) adjacent to property under the control and jurisdiction of the park board; or

(2) adjacent to a street or thoroughfare that is not more than 50 feet wide and adjacent to property zoned for residential uses, as that term is defined by the Dallas Development Code, or deed restriction.

(h) Designations.

(1) Any area that meets the definition of a design district under this article is hereby designated a design district for purposes of Chapter 284 of the Texas Local Government Code, as amended.

(2) Any area within the city without utility poles is hereby designated as an underground district

pursuant to Chapter 284 of the Local Government Code, as amended, and is subject to additional design, concealment, and aesthetic standards as set out in the Design Manual.

(i) A person acting under this section shall do so in accordance with the terms of the permit, the Design Manual, and all applicable city ordinances, state, and federal laws. (Ord. 30620)

#### **SEC. 43-140. INSURANCE AND INDEMNITY REQUIREMENTS; EXCEPTIONS.**

(a) As an express precondition to being granted a permit to perform construction within a public right-

~~———— (1) A permittee who is a certificated telecommunications provider as defined in Chapter 283, Texas Local Government Code, as amended, agrees to give to the city the indemnity provided in Section 283.057, Texas Local Government Code, as amended.~~

(1) A permittee who is a certificated telecommunications provider as defined in Chapter 283, Texas Local Government Code, as amended, or a network provider as defined by Chapter 284 of the Texas Local Government Code, as amended, agrees to give to the city the indemnity provided in Section 283.057, Texas Local Government Code, as amended.

(2) A permittee, other than a certificated telecommunications provider described in Paragraph (1) of this subsection, expressly agrees to fully and completely defend, indemnify, and hold harmless the city and its officers, agents, and employees, against any and all claims, lawsuits, judgments, costs, and expenses for personal injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by any negligent, grossly negligent, wrongful, or strictly liable act or omission of the permittee or its agents, employees, or contractors, in the performance of work or activity pursuant to the permit issued under this article, regardless of whether or not the negligence, gross negligence, wrongful act, or fault of the city or its officers, agents, or employees, contributes in any way to the damage, injury, or other harm. The requirement of the permittee to defend the city also unconditionally applies regardless of whether or not the negligence, gross negligence, or fault of the city or its officers, agents, or employees contributes in any way to the damage, injury, or other harm. Nothing in this paragraph may be construed as waiving any governmental immunity available to the city under state law. This provision is solely for the benefit of the permittee and the city and is not intended to create or grant any rights, contractual or otherwise, in or to any other person.

(e) This section does not apply to:

(1) construction or other activity performed by the city's own forces or by contractors hired by the city and working on city-owned facilities within the public right-of-way;

(2) a person operating facilities or performing construction pursuant to a valid existing

franchise or license approved by the city council; or

(3) construction or repair of a sidewalk or driveway approach for an abutting single-family or duplex residential property owner. (Ord. Nos. 24495; 26263; 30620)

**SEC. 43-140.1.     PERFORMANCE BOND;  
LETTER OF CREDIT; CASH  
DEPOSIT.**

(a) General. As an express precondition to being granted a permit to perform construction within a public right-of-way, the permittee shall furnish the director a performance bond, letter of credit, or cash deposit, complying with this section, for any project that involves pavement excavation or boring for the installation of a new facility or for a significant facility relocation other than an excavation or boring for a localized new service line installation or facility repair. Without exception, the city's forms must be used, and exclusive venue for any lawsuit is specified as Dallas County. A performance bond will automatically be increased by the amount of any change order, which increases the contract price with or without notice to the surety, but in no event may a change, which reduced the contract amount, reduce the penal sum of the bond.

(b) Amount. A good and sufficient bond, letter of credit, or cash deposit must be in an amount not less than 100 percent of the total cost, as determined by the director, of those items of work associated with the temporary and permanent repair of the city's infrastructure, including, but not limited to backfill, pavement base, street pavement, curb and gutter, drive approaches, sidewalk, sod, irrigation, landscape, traffic control devices, signs, and pavement markings, thereby guaranteeing the full and faithful execution of the work and performance of the contract in accordance with the plans, specifications, and contract documents, including any extensions thereof, for the protection of the city. The bond, letter of credit, or cash deposit agreement must provide for the repair and/or replacement of all defects due to faulty materials and workmanship that appear within a period of one year

(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:

#### (1) Water Service Customer Charges.

<u>METER SIZE</u>	<u>RATE PER METER</u>
5/8-inch meter	\$5.25
3/4-inch meter	7.26
1-inch meter	10.56
1-1/2-inch meter	19.66
2-inch meter	31.98
3-inch meter	74.90
4-inch meter	124.44
6-inch meter	247.11
8-inch meter	411.31
10-inch meter or larger	631.58

<u>METER SIZE</u>	<u>RATE PER METER</u>
5/8-inch meter	\$5.33
3/4-inch meter	7.40
1-inch meter	10.78
1-1/2-inch meter	20.00
2-inch meter	32.54
3-inch meter	77.00
4-inch meter	126.62
6-inch meter	251.45
8-inch meter	418.53
10-inch meter or larger	642.66

#### (2) Usage Charge—Rate Per 1,000 Gallons.

<u>TYPE OF USAGE</u>		
(A)	<u>Residential:</u>	
(i)	Up to 4,000 gallons	\$1.90
(ii)	4,001 to 10,000 gallons	4.25
(iii)	10,001 to 15,000 gallons	6.03
(iv)	Above 15,000 gallons	8.55
(B)	<u>General service:</u>	
(i)	Up to 10,000 gallons	3.65
(ii)	Above 10,000 gallons	3.91
(iii)	Above 10,000 gallons and 1.4 times annual average monthly usage	5.94



TYPE OF USAGE

(A) Residential:

(i)	Up to 4,000 gallons	\$1.92
(ii)	4,001 to 10,000 gallons	4.34
(iii)	10,001 to 15,000 gallons	6.20
(iv)	Above 15,000 gallons	8.75

(B) General service:

(i)	Up to 10,000 gallons	3.76
(ii)	Above 10,000 gallons	4.08
(iii)	Above 10,000 gallons and 1.4 times annual average monthly usage	6.20

(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) \$2,192.92 per month as a usage charge on the first 1,000,000 gallons used in a billing period; and~~

~~\_\_\_\_\_ (C) \$3.03 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) \$2,231.50 per month as a usage charge on the first 1,000,000 gallons used in a billing period; and

(C) \$3.15 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:

(C)	Optional general service	3.15
(D)	Municipal service	2.47

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.~~

(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.

<del>TYPE OF USAGE</del>	<del>RATE PER 1,000 GALLONS</del>
<del>(A) Residential</del>	<del>\$1.90</del>
<del>(B) General service</del>	<del>3.65</del>
<del>(C) Optional general service</del>	<del>3.03</del>
<del>(D) Municipal service</del>	<del>2.42</del>

TYPE OF USAGE	RATE PER 1,000 GALLONS
(A) Residential	\$1.92
(B) General service	3.76

(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 \$2.42 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 \$2.47 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; 29879; 30215 ; 30653, eff. 10-1-17)

## 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

<u>METER SIZE</u>	<u>RATE PER METER</u>
5/8-inch meter	\$4.70
3/4-inch meter	6.44
1-inch meter	9.35
1-1/2-inch meter	17.99
2-inch meter	28.35
3-inch meter	68.52
4-inch meter	109.56
6-inch meter	215.64
8-inch meter	359.97
10-inch meter or larger	565.59

<u>METER SIZE</u>	<u>RATE PER METER</u>
5/8-inch meter	\$4.78
3/4-inch meter	6.55
1-inch meter	9.45
1-1/2-inch meter	18.30
2-inch meter	28.50
3-inch meter	69.50
4-inch meter	111.42
6-inch meter	219.31
8-inch meter	366.09
10-inch meter or larger	575.21

~~(2) Monthly residential usage charge: \$5.31 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: \$4.08 per 1,000 gallons of water used.~~

~~(4) Monthly usage charge for Section 49-18.1(f) customer: \$3.65 per 1,000 gallons of water used.~~

~~(5) Monthly general service usage charge for wastewater separately metered: \$3.73 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.~~

(2) Monthly residential usage charge: \$5.38 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: \$4.17 per 1,000 gallons of water used.

(4) Monthly usage charge for Section 49-18.1(f) customer: \$3.75 per 1,000 gallons of water used.

(5) Monthly general service usage charge for wastewater separately metered: \$3.80 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 \$2.58 per 1,000 gallons of water used.~~

(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 \$2.65 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; 29879; 30215; 30653, eff. 10-1-17)

### 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 setting. 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 \$0.4416 per 1,000 gallons of water used, and the annual water year demand charge is \$262,058 per each mgd, as established by the highest rate of flow controller setting.~~

(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 \$0.4565 per 1,000 gallons of water used, and the annual water year demand charge is \$280,458 per each mgd, as established by the highest rate of flow controller



~~————— (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 \$2.0795 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 \$2.2094 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:

<u>Size of Connection</u>	<u>Monthly Standby Fee</u>
3-inch	\$74.90
4-inch	124.44
6-inch	247.11
8-inch	411.31
10-inch or larger	621.58
<u>Size of Connection</u>	<u>Monthly Standby Fee</u>
3-inch	\$77.00
4-inch	126.62
6-inch	251.45
8-inch	418.53
10-inch or larger	642.66

~~————— (4) The rate for regular untreated water service to a governmental entity is \$0.9120 per 1,000 gallons of untreated water used. The rate for interruptible untreated water service to a governmental entity is \$0.4265 per 1,000 gallons of untreated water used.~~

(4) The rate for regular untreated water service to a governmental entity is \$1.0225 per 1,000 gallons of untreated water used. The rate for interruptible untreated water service to a governmental entity is \$0.4761 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 \$2.4647 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 11.4 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 \$2.7451 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 5.3 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 \$0.3128 per 1,000 gallons of water treated, and the annual water year demand charge is \$49,207 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 \$0.3005 per 1,000 gallons of water treated, and the annual water year demand charge is \$36,062 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; 29879; 30215; 30653, eff. 10-1-17)

#### SEC. 49-18.5. RATE FOR UNTREATED WATER.

~~— (a) Regular rate. The charge for untreated water is \$0.9120 per 1,000 gallons of water used.~~

(a) Regular rate. The charge for untreated water is \$1.0225 per 1,000 gallons of water used.

~~— (b) Interruptible rate. — The charge for interruptible service is \$0.4265 per 1,000 gallons of water used.~~

(b) Interruptible rate. The charge for interruptible service is \$0.4761 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; 29879; 30215; 30653, eff. 10-1-17)

**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:

<u>Meter-Size</u>	<u>Fee</u>
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).

(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 \$74.90; 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 \$77.00; 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; 29879; 30215; 30653, eff. 10-1-17)

**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.

# Code Comparative Table

<u>Ordinance Number</u>	<u>Specified Passage Date</u>	<u>Effective Date</u>	<u>Ordinance Section</u>	<u>City Code Section</u>
30391 (Cont'd)			25	Adds 12A-12(d)
			26	Adds 12A-12.1
			27	Amends 12A-13
			28	Amends 12A-15.1
			29	Amends 12A-15.3
			30	Amends 12A-15.4
			31	Amends 12A-15.8(g)
			32	Adds 12A-15.8(h)
			33	Amends 12A-15.9(b)
			34	Amends 12A-18
			35	Amends 12A-19(a)(1)
			36	Amends 12A-21(d)
			37	Repeals 12A-22
			38	Amends 12A-25(a)
			39	Amends 12A-25(c)(6)
			40	Adds 12A-25(d)
			41	Amends 12A-26
			42	Amends 12A-27(a)
			43	Amends 12A-28(a)
			44	Adds 12A-30(a)(5)
			45	Amends 12A-30(b)
			46	Adds 12A-35.1
			47	Amends 12A-37
			48	Adds 12A-37.1
			49	Adds 12A-38.1
			50	Adds 12A-41(c)
			51	Amends 12A-42(a)
			52	Adds 12A-42.1
			53	Adds 12A-44
			54	Adds 12A-45
			55	Amends 15A-1
			56	Retitles Ch. 15A, Art. I-a
			57	Amends 15A-7.1
			58	Amends 15A-7.2
			59	Adds Ch. 15A, Art. I-b, 15A-7.3 thru 15A-7.5
30431	4-12-17		1	Amends Ch. 2, Art. XX, 2-147 thru 2-149
30472	5-24-17		1	Amends 12B-2
			2	Amends 12B-3
			3	Amends 12B-4
			4	Adds 12B-5(e)
			5	Amends 12B-6(b)
			6	Amends 12B-7(a)
			7	Retitles Ch. 12B, Art. III
			8	Amends 12B-20

## Code Comparative Table

<u>Ordinance Number</u>	<u>Specified Passage Date</u>	<u>Effective Date</u>	<u>Ordinance Section</u>	<u>City Code Section</u>
30483	6-14-17		1	Amends Ch. 2, Art. XXIII, 2-155 thru 2-156
			2	Amends 2-157(e)
			3	Amends 7-1.1
			4	Amends 7-2.4
			5	Amends 7-2.5
			6	Retitles 7-3.1
			7	Amends 7-3.1(a)
			8	Amends 7-4.1(b)
			9	Amends 7-4.2
			10	Amends 7-4.10(b)
			11	Amends 7-4.11
			12	Amends 7-4.12
			13	Adds 7-4.13
			14	Amends 7-5.4
			15	Amends 7-8.2
			16	Amends 7-8.3
30489	6-14-17		1	Amends 12A-15.2
			2	Amends 12A-15.7
			3	Amends 15A-4.1
			4	Amends 20A-3(13)
			5	Amends 20A-3(22)
30555	8-9-17		1	Amends 8-1
			2	Amends 8-1.1(a)
			3	Amends 8-1.1(c)
			4	Amends 8-1.1(d)
			5	Amends 8-1.2(a)
			6	Amends 8-1.4
			7	Amends 8-1.5
			8	Amends 8-2
			9	Amends 8-4
			10	Amends 8-6(a)
			11	Amends 8-8
			12	Amends 8-9(a)
			13	Amends 8-9(e)
			14	Amends 8-20
			15	Amends 8-20.1
			16	Amends 8-21
30620	8-23-17		1	Amends 43-135
			2	Amends 43-139(c)(10)
			3	Adds 43-139(c)(21)
			4	Adds 43-139.1
			5	Amends 43-140(d)(1)
30650	9-13-17		1	Readopts Ch. 12, with amendment to 12-2

30653	9-20-17	10-1-17	1	Amends 2-168(b)
			2	Amends 6-10
			3	Amends 6A-5
			4	Amends 9A-4
			5	Amends 14-4(a)
			6	Amends 17-2.2(6)
			7	Amends 17-8.2(3)
			8	Amends 17-9.2
			9	Amends 17-10.2(d)
			10	Amends 17-10.2(e)(1)
			11	Amends 17-10.2(f)(4)
			12	Amends 17-10.2(g)
			13	Amends 17-10.2(h)
			14	Amends 17-10.2(i)
			15	Amends 17-10.2(j)
			16	Amends 17-10.2(l)
			17	Amends 17-10.2(s)
			18	Amends 18-9(c)(1)
			19	Amends 18-9(c)(2)
			20	Amends 41A-6(a)
			21	Amends 49-18.1(c)
			22	Amends 49-18.1(f)(1)
			23	Amends 49-18.1(g)
			24	Amends 49-18.1(i)
			25	Amends 49-18.2
			26	Amends 49-18.4(b)
			27	Amends 49-18.4(e)
			28	Amends 49-18.4(f)
			29	Amends 49-18.5(a)
			30	Amends 49-18.5(b)
			31	Amends 49-18.9
30657	9-27-17	10-1-17	1	Amends 34-1
			2	Adds 34-22(u)
			3	Amends 34-23(a)
			4	Adds 34-23(r)
			5	Amends 34-30(c)
			6	Adds 34-38(k)



## Index

### ALCOHOLIC BEVERAGES

Aircraft, operation by intoxicated persons.....	Sec. 5-38
Churches, schools, day-care centers, child-care facilities, and hospitals, dealers located near.....	Sec. 6-4
Variances.....	Sec. 6-4
Definitions.....	Sec. 6-1
Enforcement.....	Sec. 6-2
Late hours sales of alcoholic beverages in counties having a population of less than 500,000.....	Sec. 6-14
Local fees.....	Sec. 6-10
Open containers and consumption prohibited in certain public places.....	Sec. 6-6.1
Possession in parks.....	Sec. 32-11.3
Public school activities.....	Sec. 6-5
Sale of beer prohibited in residential zoning districts.....	Sec. 6-11
Seizure of alcoholic beverages.....	Sec. 6-13
State law to control.....	Sec. 6-9
Zoning laws to be complied with.....	Sec. 6-3

### AMBULANCES (See EMERGENCY VEHICLES)

### AMUSEMENT CENTERS

Coin-operated devices (See CONSUMER AFFAIRS)	
Definitions.....	Sec. 6A-1
Hours of operation.....	Sec. 6A-10
Licenses	
Appeal from refusal to issue or renew license; from decision to revoke license.....	Sec. 6A-9
Application.....	Sec. 6A-4
Display.....	Sec. 6A-6
Fee.....	Sec. 6A-5
Refusal to issue or renew license.....	Sec. 6A-7
Replacement.....	Sec. 6A-6
Required.....	Sec. 6A-2
Responsibility of licensee.....	Sec. 6A-11
Revocation.....	Sec. 6A-8
Transferability.....	Sec. 6A-6

### ANIMAL ADVISORY COMMISSION

Created.....	Sec. 2-157
Duties and responsibilities.....	Sec. 2-158
Meetings.....	Sec. 2-157
Membership.....	Sec. 2-157

### ANIMAL SERVICES

Department of Dallas animal services	
Created.....	Sec. 2-155
Duties.....	Sec. 2-156
Membership.....	Sec. 2-155

## Index

### 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

### CITIZEN HOMELESSNESS COMMISSION

#### Created; membership; terms; meetings. . . . . Sec. 2-148

#### Duties and functions. . . . . Sec. 2-149

#### Purpose. . . . . Sec. 2-147

### CITIZENS POLICE REVIEW BOARD (See POLICE)

### CITY AUDITOR (See ADMINISTRATION)

## Index

Awnings	
Awning posts. . . . .	Sec. 43-29
Coverings to be fireproof; exceptions. . . . .	Sec. 43-28
Extending over public property. . . . .	Sec. 43-30
Fastening to buildings; supports. . . . .	Sec. 43-27
Height above sidewalk. . . . .	Sec. 43-26
Building numbering	
Basic units of space for numbering. . . . .	Sec. 43-103
Diagram of mall areas. . . . .	Sec. 43-106
Directional signs within building complexes. . . . .	Sec. 43-105
Numbering within building complexes. . . . .	Sec. 43-104
Odd and even numbers. . . . .	Sec. 43-102
Official numbering plan must be followed. . . . .	Sec. 43-100
Owner or occupant to number buildings. . . . .	Sec. 43-99
Specifications for numbers. . . . .	Sec. 43-101
Certain uses of public right-of-way	
Clearance for street paving and storm drainage projects . . . . .	Sec. 43-143
Conformance with public improvements . . . . .	Sec. 43-144
Definitions . . . . .	Sec. 43-135
Director's authority; enforcement; offenses . . . . .	Sec. 43-136
Effect of article on persons engaged in construction . . . . .	Sec. 43-147
Emergency repairs . . . . .	Sec. 43-146
Improperly constructed facilities . . . . .	Sec. 43-145
Insurance and indemnity requirements; exceptions . . . . .	Sec. 43-140
Marking existing underground utilities . . . . .	Sec. 43-148
Miscellaneous requirements for street excavation and installations, trench safety, and above ground utility structures . . . . .	Sec. 43-141
Network nodes and related infrastructure. . . . .	Sec. 43-139.1
Performance bond; letter of credit; cash deposit . . . . .	Sec. 43-140.1
Permit required; exceptions; conditions; denial and revocation . . . . .	Sec. 43-139
Plans of record . . . . .	Sec. 43-138
Registration; other requirements . . . . .	Sec. 43-137
Restoration requirements . . . . .	Sec. 43-142
Waiver of bonding requirements . . . . .	Sec. 43-140.2
Construction and repair of sidewalks, curbs and driveway approaches	
Administration and enforcement of article	
Authority of director generally. . . . .	Sec. 43-37
Director not personally liable for good faith actions. . . . .	Sec. 43-36
Police power of director. . . . .	Sec. 43-35
All work to comply with established lines and grades. . . . .	Sec. 43-55
Alternative materials and construction methods. . . . .	Sec. 43-66
Concrete	
Ingredients and consistency required. . . . .	Sec. 43-51
Placement. . . . .	Sec. 43-52
Protecting against extreme temperatures, etc. . . . .	Sec. 43-53
Construction of retaining walls on public property. . . . .	Sec. 43-59

# **CITY OF DALLAS, TEXAS**

## **CODE OF ORDINANCES**

### **VOLUME III**

Contains ~~7/17~~ 10/17 Supplement current through  
Ordinance 30481, passed 5-24-17

**AMERICAN LEGAL PUBLISHING CORPORATION**

One West Fourth Street, 3rd Floor Cincinnati, Ohio 45202 (513) 421-4248

- Sec. 51A-7.502. Creation of a special provision sign district.
- Sec. 51A-7.502.1. Non-premise signs in special provision sign districts.
- Sec. 51A-7.503. Modifications allowed in special provision sign districts.
- Sec. 51A-7.504. Special sign district advisory committee created.
- Sec. 51A-7.505. Permit procedures for special provision sign districts.
- Sec. 51A-7.506. Expiration of special provision sign districts.
- Sec. 51A-7.507. Temporary signs in special provision sign districts.

#### **Division 51A-7.600. Permit Procedures.**

- Sec. 51A-7.601. Administration of article by division of building inspection.
- Sec. 51A-7.602. Permits.
- Sec. 51A-7.603. Applications.
- Sec. 51A-7.604. Reserved.
- Sec. 51A-7.605. Extraordinarily significant signs.

#### **Division 51A-7.700. Non-Conformance and Enforcement Procedures.**

- Sec. 51A-7.701. Purpose of division.
- Sec. 51A-7.702. Removal and maintenance of certain non-conforming signs.
- Sec. 51A-7.703. Board of adjustment.
- Sec. 51A-7.704. Reserved.
- Sec. 51A-7.705. Determination of noncommercial and primarily political messages.
- Sec. 51A-7.706. Reserved.

#### **Division 51A-7.800. Procedure For Changes and Amendments.**

- Sec. 51A-7.801. Authority to amend; submission of proposed amendments to city plan commission.
- Sec. 51A-7.802. Public hearings provided.
- Sec. 51A-7.803. Three-fourths vote of city council in certain cases.

#### **Division 51A-7.900. Downtown Special Provision Sign District.**

- Sec. 51A-7.901. Designation of Downtown Special Provision Sign District.
- Sec. 51A-7.901.1. Designation of subdistricts.
- Sec. 51A-7.902. Purpose.
- Sec. 51A-7.903. Definitions.
- Sec. 51A-7.904. Detached non-premise signs.
- Sec. 51A-7.905. Sign permit requirement.
- Sec. 51A-7.906. General provisions for all signs in the downtown sign district.

#### **SPECIAL PROVISIONS FOR SIGNS WITHIN THE GENERAL CBD, MAIN STREET, CONVENTION CENTER, AND RETAIL SUBDISTRICTS**

- Sec. 51A-7.907. General provisions.
- Sec. 51A-7.908. Videoboard sign.
- Sec. 51A-7.909. Attached non-premise district activity videoboard signs.
- Sec. 51A-7.910. Operational requirements for attached videoboard signs.
- Sec. 51A-7.911. Attached premise signs.
- Sec. 51A-7.912. Detached premise signs.
- Sec. 51A-7.913. Construction barricade signs.
- Sec. 51A-7.914. Banners on streetlight poles.
- Sec. 51A-7.915. Window art displays in vacant buildings.
- Sec. 51A-7.916. Noncommercial message nondiscrimination.
- Sec. 51A-7.917. Activity district changeable message signs.
- Sec. 51A-7.918. Kiosks.
- Sec. 51A-7.919. Movement control signs.
- Sec. 51A-7.920. District identification signs.
- Sec. 51A-7.921. Protective signs.
- Sec. 51A-7.922. Special purpose signs.
- Sec. 51A-7.923. Other temporary signs.
- Secs. 51A-7.924 thru 51A-7.929. Reserved.
- Sec. 51A-7.930. Supergraphic signs.
- Sec. 51A-7.931. Convention center complex accent lighting.
- Sec. 51A-7.932. Akard Station subdistrict.

**Division 51A-7.1000.  
West End Historic Sign District.**

- Sec. 51A-7.1001. Designation of West End Historic Sign District.
- Sec. 51A-7.1002. Purpose.
- Sec. 51A-7.1003. Definitions.
- Sec. 51A-7.1004. General requirements for all signs.
- Sec. 51A-7.1005. Attached signs.
- Sec. 51A-7.1006. Detached signs.
- Sec. 51A-7.1007. Special purpose signs.
- Sec. 51A-7.1007.1. **Purse Building subdistrict.**
- Sec. 51A-7.1008. Banners on streetlight poles.
- Sec. 51A-7.1009. Window art displays in vacant buildings.
- Sec. 51A-7.1010. Sign permit requirement.
- Sec. 51A-7.1011. Nondiscrimination between noncommercial messages.

**Division 51A-7.1100. Provisions For  
Uptown Sign District.**

- Sec. 51A-7.1101. Designation of Uptown Sign District.
- Sec. 51A-7.1102. Purpose.
- Sec. 51A-7.1103. Definitions.
- Sec. 51A-7.1104. Special provisions for all signs.
- Sec. 51A-7.1105. Special provisions for attached signs.
- Sec. 51A-7.1106. Special provisions for detached signs.
- Sec. 51A-7.1107. Special provisions for non-premise detached signs in the public right-of-way.
- Sec. 51A-7.1108. Special provisions for special purpose signs.
- Sec. 51A-7.1109. Sign permit requirement.

**Division 51A-7.1200. Provisions for  
Arts District Sign District.**

- Sec. 51A-7.1201. Designation of Arts District Sign District.
- Sec. 51A-7.1202. Purpose.
- Sec. 51A-7.1203. Definitions.
- Sec. 51A-7.1204. Arts District sign permit requirement.
- Sec. 51A-7.1205. Special provisions for all signs.

- Sec. 51A-7.1205.1. Operational requirements for signs with digital displays.
- Sec. 51A-7.1206. Public signs.
- Sec. 51A-7.1207. Attached private signs.
- Sec. 51A-7.1208. Detached private signs.
- Sec. 51A-7.1209. Building identification signs.
- Sec. 51A-7.1210. Cultural institution identification sign.
- Sec. 51A-7.1211. Canopy fascia signs.
- Sec. 51A-7.1212. Cultural institution digital signs.
- Sec. 51A-7.1213. Freestanding identification signs.
- Sec. 51A-7.1214. Construction barricade signs.
- Sec. 51A-7.1214.1. Subdistrict A.
- Sec. 51A-7.1215. Application of Highway Beautification Acts.

**Division 51A-7.1300. Provisions for Deep  
Ellum/Near East Side Sign District.**

- Sec. 51A-7.1301. Designation of sign district.
- Sec. 51A-7.1302. Purpose.
- Sec. 51A-7.1303. Definitions.
- Sec. 51A-7.1304. Sign permit requirements.
- Sec. 51A-7.1305. Special provisions for all signs.
- Sec. 51A-7.1306. Special provisions for attached signs.
- Sec. 51A-7.1307. Special provisions for detached signs.
- Sec. 51A-7.1308. Parking ad signs.

**Division 51A-7.1400. Jefferson Boulevard  
Sign District.**

- Sec. 51A-7.1401. Designation of sign district.
- Sec. 51A-7.1402. Purpose.
- Sec. 51A-7.1403. Definitions.
- Sec. 51A-7.1404. Sign permit requirements.
- Sec. 51A-7.1405. General requirements for all signs.
- Sec. 51A-7.1406. Attached signs.
- Sec. 51A-7.1407. Detached signs.

**Division 51A-7.1500. Provisions for  
Mckinney Avenue Sign District.**

- Sec. 51A-7.1501. Designation of sign district.
- Sec. 51A-7.1502. Designation of subdistricts.
- Sec. 51A-7.1503. Purpose.

J/384 and a closed portion of Griffin and Ashland Streets, with the shortest line connecting to a point on the southeast line of Ashland Street and the northeast line of an alley in Block G/385;

THENCE northeasterly with said southeast lines of Ashland Street, crossing Summer Street and extending to a point for a corner on the NE line of Wesley Alley;

THENCE southeasterly along said NE line of Wesley Alley to the SE line of Block I/354, a point for a corner;

THENCE northeasterly along the southeast line of Block I/354 and along the northwest line of Cedar Springs Road to a point for a corner on the southwest line of 24 feet wide Yates Alley;

THENCE northeasterly with the northwest lines of Cedar Springs Road, crossing Yates Alley, old Field Street, Alamo Street, right of way for new extension of Field Street, and Caroline Street and extending said northwest line of Cedar Springs Road across Akard Street to a point for a corner on the east line of Cedar Springs Road;

THENCE with the east line of Cedar Springs Road northerly to the south line of Harwood Street, a point for a corner;

THENCE easterly with said south line of Harwood Street and extending same to a point for a corner on the easterly line of McKinney Avenue extended;

THENCE northeasterly along said extension line and the easterly line of McKinney Avenue to a point for a corner on the southwest line of Olive Street;

THENCE crossing Olive Street to a point for a corner on the southeast line of Thomas Street;

THENCE northeasterly along the southeast lines of Thomas Street, crossing Pearl Street, Crockett Court, Leonard Street, Fairmount Street, Routh Street, Boll Street, Worthington Street, Clay Alley, Allen Street, Clyde Alley, Clark Street, Ellis Street and Hugo Street

and continuing to the southwest line of Hall Street and the point of beginning.

(b) Other special provision sign districts created in accordance with this article are not controlled by this division even though such districts may be wholly or partially located within the boundaries described in Subsection (a). (Ord. Nos. 19455; 20167; 21404; 24606)

#### SEC 51A-7.901.1. DESIGNATION OF SUBDISTRICTS.

~~—(a) This district is divided into six subdistricts: Retail Subdistrict A, Retail Subdistrict B, the General CBD Subdistrict, the Downtown Perimeter Subdistrict, the Main Street Subdistrict, and the Convention Center Subdistrict.~~

~~—(b) Retail Subdistrict A is that central area of downtown within the following described boundaries:~~

(a) This district is divided into seven subdistricts: Retail Subdistrict A, Retail Subdistrict B, the General CBD Subdistrict, the Downtown Perimeter Subdistrict, the Main Street Subdistrict, the Convention Center Subdistrict, and the Akard Station Subdistrict.

(b) Retail Subdistrict A is that central area of downtown within the following described boundaries:

~~BEGINNING at a point being the intersection of the centerlines of Pacific Avenue and Lamar Street;~~

~~THENCE with said centerline of Pacific Avenue proceeding easterly to the intersection of Pacific Avenue and Bryan Street;~~

~~THENCE with said centerline of Bryan Street proceeding northeasterly to the intersection of IH 45;~~

~~THENCE with said centerline of IH 45 proceeding southerly to the intersection of Commerce Street and IH 45;~~

~~THENCE with said centerline of Commerce Street proceeding westerly to the intersection of Harwood Street;~~

~~THENCE with said centerline of Harwood Street proceeding southerly to the intersection of Wood~~



Street;

~~THENCE with said centerline of Wood Street  
proceeding westerly to the intersection of Griffin Street;~~

BEGINNING at a point being the intersection of the  
centerlines of Pacific Avenue and Lamar Street;

THENCE with said centerline of Pacific Avenue  
proceeding easterly to the intersection of South Field  
Street;

THENCE with said centerline of South Field Street  
proceeding southeasterly to the intersection of Elm  
Street;

THENCE with said centerline of Elm Street proceeding  
northeasterly to the intersection of Akard Street;

THENCE with said centerline of Akard Street  
proceeding northwesterly to the intersection of Pacific  
Avenue;

THENCE with said centerline of Pacific Avenue  
proceeding easterly to the intersection of Pacific  
Avenue and Bryan Street;

THENCE with said centerline of Bryan Street  
proceeding northeasterly to the intersection of IH-45;

~~THENCE with the said centerline of Griffin Street proceeding northerly to the intersection of Jackson Street;~~

~~THENCE with the said centerline of Jackson Street proceeding westerly to the intersection of Austin Street;~~

~~THENCE with the said centerline of Austin Street proceeding northerly to the intersection of Main Street;~~

~~THENCE with the said centerline of Main Street proceeding easterly to the intersection of Griffin Street;~~

~~THENCE with the said centerline of Griffin Street proceeding northerly to the intersection of Elm Street;~~

~~THENCE with the said centerline of Elm Street proceeding westerly to the intersection of Lamar Street;~~

~~THENCE with the said centerline of Lamar Street proceeding northerly to the intersection, and point of origin, of Pacific Avenue, save and except that area that is in the Main Street subdistrict.~~

~~— (c) Retail Subdistrict B is that central area of downtown within the following described boundaries:~~

~~BEGINNING at a point being the intersection of the centerlines of Elm Street and Lamar Street;~~

~~THENCE with said centerline of Elm Street proceeding easterly to the intersection of Griffin Street;~~

~~THENCE with said centerline of Griffin Street proceeding southerly to the intersection of Main Street;~~

~~THENCE with said centerline of Main Street proceeding westerly to the intersection of Lamar Street;~~

~~THENCE with said centerline of Lamar Street proceeding northerly to the POINT OF BEGINNING.~~

~~— (d) The General CBD Subdistrict is that area of the district within the Freeway Loop, more particularly described in metes and bounds as follows:~~

~~BEGINNING at a point being the intersection of the centerlines of Woodall Rodgers Freeway and IH-45;~~

~~THENCE with said centerline of IH-45 proceeding southerly to the intersection of IH-30;~~

~~THENCE with said centerline of IH-30 proceeding westerly to the intersection of IH-35E;~~

~~THENCE with said centerline of IH-35E proceeding northerly to the intersection of the Woodall Rodgers Freeway;~~

~~THENCE with said centerline of Woodall Rodgers Freeway easterly to the intersection, and point of origin, of IH-45, except that area that is in the Convention Center Subdistrict, the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B or any other special provision sign district created under this article.—~~

~~— (e) The Downtown Perimeter Subdistrict is that area outside of the freeway loop within the downtown sign district.~~

~~— (f) The Main Street Subdistrict is that area of downtown near Main Street described in Exhibit A attached to Ordinance No. 24925.~~

~~— (g) The Convention Center Subdistrict is that area of downtown near the convention center, more particularly described in metes and bounds as follows:~~

~~BEGINNING at a point being the intersection of the centerline of R.L. Thornton Freeway with the centerline of Hotel Street;~~

~~THENCE, in a northwesterly direction along the centerline of Hotel Street to its intersection with the centerline of the Jefferson Boulevard Viaduct/Market Street;~~

~~THENCE, in a northeasterly and northwesterly direction along the centerline of the Jefferson Boulevard Viaduct/Market Street to its intersection with the centerline of Jackson Street;~~

~~THENCE with said centerline of IH-45 proceeding southerly to the intersection of Commerce Street and IH-45;~~

~~THENCE with said centerline of Commerce Street~~

proceeding westerly to the intersection of Harwood Street;

THENCE with said centerline of Harwood Street proceeding southerly to the intersection of Wood Street;

THENCE with said centerline of Wood Street proceeding westerly to the intersection of Griffin Street;

THENCE with the said centerline of Griffin Street proceeding northerly to the intersection of Jackson Street;

THENCE with the said centerline of Jackson Street proceeding westerly to the intersection of Austin Street;

THENCE with the said centerline of Austin Street proceeding northerly to the intersection of Main Street;

THENCE with the said centerline of Main Street proceeding easterly to the intersection of Griffin Street;

THENCE with the said centerline of Griffin Street proceeding northerly to the intersection of Elm Street;

THENCE with the said centerline of Elm Street proceeding westerly to the intersection of Lamar Street;

THENCE with the said centerline of Lamar Street proceeding northerly to the intersection, and point of origin, of Pacific Avenue, save and except that area that is in the Main Street Subdistrict.

(c) Retail Subdistrict B is that central area of downtown within the following described boundaries:

BEGINNING at a point being the intersection of the centerlines of Elm Street and Lamar Street;

THENCE with said centerline of Elm Street proceeding easterly to the intersection of Griffin Street;

THENCE with said centerline of Griffin Street proceeding southerly to the intersection of Main Street;

THENCE with said centerline of Main Street proceeding westerly to the intersection of Lamar Street;

THENCE with said centerline of Lamar Street proceeding northerly, to the POINT OF BEGINNING.

(d) The General CBD Subdistrict is that area of the district within the Freeway Loop, more particularly

described in metes and bounds as follows:

BEGINNING at a point being the intersection of the centerlines of Woodall Rodgers Freeway and IH-45;

THENCE with said centerline of IH-45 proceeding southerly to the intersection of IH-30;

THENCE with said centerline of IH-30 proceeding westerly to the intersection of IH-35E;

THENCE with said centerline of IH-35E proceeding northerly to the intersection of the Woodall Rodgers Freeway;

THENCE with said centerline of Woodall Rodgers Freeway easterly to the intersection, and point of origin, of IH-45, except that area that is in the Convention Center Subdistrict, the Main Street Subdistrict, Retail Subdistrict A, Retail Subdistrict B, and the Akard Station Subdistrict or any other special provision sign district created under this article.

(e) The Downtown Perimeter Subdistrict is that area outside of the freeway loop within the downtown sign district.

(f) The Main Street Subdistrict is that area of downtown near Main Street described in Exhibit A attached to Ordinance No. 24925.

(g) The Convention Center Subdistrict is that area of downtown near the convention center, more particularly described in metes and bounds as follows:

BEGINNING at a point being the intersection of the centerline of R.L. Thornton Freeway with the centerline of Hotel Street;

THENCE, in a northwesterly direction along the centerline of Hotel Street to its intersection with the centerline of the Jefferson Boulevard Viaduct/Market Street;

THENCE, in a northeasterly and northwesterly direction along the centerline of the Jefferson Boulevard Viaduct/Market Street to its intersection with the centerline of Jackson Street;

THENCE, in a northeasterly direction along the centerline of Jackson Street to its intersection with the centerline of South Griffin Street;

THENCE, in a southeasterly direction along the centerline of South Griffin Street to its intersection with the centerline of Wood Street;

THENCE, in a northeasterly direction along the centerline of Wood Street to its intersection with the centerline of Akard Street;

THENCE, in a southeasterly direction along the centerline of Akard Street to its intersection with the centerline of R.L. Thornton Freeway;

THENCE, in a southwesterly direction along the centerline of R.L. Thornton Freeway, to the POINT OF BEGINNING.

~~THENCE, in a northeasterly direction along the centerline of Jackson Street to its intersection with the centerline of South Griffin Street;~~

~~THENCE, in a southeasterly direction along the centerline of South Griffin Street to its intersection with the centerline of Wood Street;~~

~~THENCE, in a northeasterly direction along the centerline of Wood Street to its intersection with the centerline of Akard Street;~~

~~THENCE, in a southeasterly direction along the centerline of Akard Street to its intersection with the centerline of R.L. Thornton Freeway;~~

~~THENCE, in a southwesterly direction along the centerline of R.L. Thornton Freeway, to the POINT OF BEGINNING.~~

(h) The Akard Station Subdistrict is that area of downtown that is more particularly described in metes and bounds as follows:

BEGINNING at a point being the intersection of the centerline of Elm Street with the centerline of Field Street;

THENCE, in a northwesterly direction along the centerline of Field Street to its intersection with the centerline of the Pacific Avenue;

THENCE, in a northeasterly direction along the centerline of Pacific Avenue to its intersection with the centerline of Akard Street;

THENCE, in a southeasterly direction along the centerline of Akard Street to its intersection with the centerline of Elm Street;

THENCE, in a southwesterly direction along the centerline of Elm Street to its intersection with the centerline of the Field Street, the POINT OF BEGINNING. (Ord. Nos. 24606; 24925; 28346; 29227; 29751)

#### SEC. 51A-7.902.

#### PURPOSE.

The purpose of this division is to regulate both the construction of new signs and the alterations of existing

signs with a view towards enhancing, preserving, and developing the unique character of the downtown area while addressing the diversity of businesses and promoting the economy of downtown. The general objectives of this division include those listed in Section 51A-7.101 as well as aesthetic considerations to ensure that signs are appropriate to the architecture of the district, do not obscure significant architectural features of its buildings, and lend themselves to the developing retail and residential uses and the pedestrian character of the area. The district regulations are in large part inspired by the high level of pedestrian activity and the need to maximize effective orientation of signage toward the walking public. (Ord. Nos. 19455; 20167; 21404; 24606)

#### SEC. 51A-7.903.

#### DEFINITIONS.

In this division:

July 31, 2019, and all permits authorizing supergraphic signs shall automatically expire on that date.

(m) Sunset. This section expires on July 31, 2019, unless re-enacted with amendment before that date. The city plan commission and city council shall review this section before its expiration date. (Ord. Nos. 24717; 24925; 24926; 25291; 25995; 27300; 27587; 28346; 28347; 28553; 29227)

**SEC. 51A-7.931. CONVENTION CENTER COMPLEX ACCENT LIGHTING.**

(a) The convention center complex may have building accent lighting consisting of LED or similar technology that changes colors and brightness.

(b) Convention center complex accent lighting may display images, symbols, logos, or words that are associated with

(1) a convention or event taking place within the convention center complex or;

(2) an event or activities taking place within the Downtown Special Provision Sign District. (Ord. 28346)

**SEC. 51A-7.932. AKARD STATION SUBDISTRICT.**

(a) Purpose. It is the intent of this subdistrict to:

(1) create an aesthetically pleasing environment that promotes an atmosphere of vitality appropriate for a place where thousands of citizens gather for living, working, commuting, entertainment, and celebration;

(2) encourage the use of innovative, colorful, and entertaining signs, and signs that bring a distinctive character and attract people to downtown;

(3) identify and promote Akard Station as a vibrant centerpiece of ingress and egress in the heart of the Central Business District;

(4) encourage signs with a style, orientation, and location that take into consideration the high number of pedestrians and commuters expected within this district;

(5) communicate clear directions to and through the subdistrict; and

(6) promote the economic success of businesses within the subdistrict.

(b) In general. Except as provided in this section, signs must comply with the Downtown Special Provision Sign District in Division 51A-7.900. If there is a conflict between the text of this section and this division, the text of this section controls.

(c) Definitions. In this section:

(1) BUILDING IDENTIFICATION SIGN means a sign identifying a building within the subdistrict.

(2) FACADE-INTEGRATED SIGN means a sign that is part of a skin system for a portion of a building facade, has no fenestration, projects no more than 12 inches from the building facade, and the sign hardware is visually concealed from public rights-of-way.

(3) MIDDLE-LEVEL SIGN AREA means that portion of a building facade that is between the lower-level sign area and the upper-level sign area not to exceed 100 feet above grade.

(4) UPPER-LEVEL SIGN AREA means that portion of a building facade 36 feet or less from the top of a building.

(d) Special provisions for all signs.

(1) The maximum effective area of all signs combined is 10 percent of the total area of all building facades within this subdistrict.

(2) Permits for all signs in the Akard Station Subdistrict are subject to the director procedure in Section 51A-7.505(4).

(3) Except as otherwise limited by

maximum effective areas allowed in this subdistrict, there is no maximum size or number of individual signs.

(e) Non-premise signs.

(1) Non-premise signs are only allowed on a building constructed before 1970 that contains at least 1,000,000 square feet of floor area.

(2) Non-premise signs may only be located in the middle-level sign area.

(3) Maximum total effective area of non-premise signs is 19,100 square feet. Minimum effective area of a single non-premise sign is 3,000 square feet. A message that wraps a building corner is considered one sign.

(4) Not more than 50 percent of all non-premise signage may be digital.

(5) The portion of a non-premise facade-integrated sign not devoted to building identification must be one large visual display with a minimum of 80 percent non-textual graphic content (no more than 20 percent text).

(6) A maximum of six signs may display non-premise messages at one time.

(7) No more than two non-premise signs may be displayed on a facade at one time.

(8) The same non-premise sign message may not be displayed for a period longer than 12 consecutive months.

(f) Digital signs.

(1) Digital signs must be facade-integrated signs and may only be located in the middle-level sign area.

(2) Digital signs must comply with the operational requirements for attached videoboard signs in Section 51A-7.910.

(g) HBA signs. No sign may be a Highway Beautification Act (HBA) sign as defined in Section 51A-7.102.

(h) Lower-level sign area.

(1) The total effective area for all signs in the lower-level sign area is 7,500 square feet.

(2) Premise signs located behind a window with at least 75 percent non-textual graphic content are not included in the calculation of effective area of signage within the lower-level sign area.

(3) Signs may be attached to a window or glass door and may exceed 15 percent of the area of that window or glass door or be located within the upper two-thirds of that window or glass door if the building official determines that the proposed signs do not eliminate visibility into or out of the premise. A sign authorized by this paragraph:

(A) must be made of translucent vinyl or a similar material with at least a 65/35 perforation pattern (a maximum of 65 percent of the area is closed, a minimum of 35 percent of the area is open); and

(B) may only have images; any text or characters on the sign are limited to 15 percent of the window area and are only permitted in the lower one-third of the window.

(4) Facade-integrated signs are not allowed in the lower-level sign area.

(i) Middle-level sign area.

(1) The total effective area for all signs in the middle-level sign area is 30,000 square feet.

(2) Middle-level signs must be facade-integrated signs. Facade-integrated signs may be digital signs or static signs with a light source that is not directly visible.

(3) To effectively balance the desire for significant signage and vibrancy within this subdistrict, a minimum of 1,400 square feet of effective area must display promotional messages in the Central Business District. An additional minimum of 1,500 square feet of effective area must display:

(A) promotional messages in the Central Business District, or

(B) images of artwork, historically significant buildings, or events within the city.

(4) A minimum of 1,800 square feet of the



effective area of facade-integrated signs must be a building identification signage. Building identification signage may be included within or as a portion of any other sign.

(5) Digital signs are prohibited on a building facade facing Akard Street.

(6) Each new non-premise sign permit application for signs in the middle-level sign area must be submitted with a form provided by the department of sustainable development and construction detailing compliance with this section.

(j) Upper-level sign area.

(1) The total effective area for all signs in the upper-level sign area is 6,500 square feet.

(2) Facade-integrated signs are not allowed in the upper-level sign area.

(k) Signage study.

(1) Property owner or operator shall submit a signage study evaluating the types and ratio of signs in this subdistrict. The signage study must be in writing, must be submitted to the director between 60 and 90 days before December 31, 2021, and must include:

(A) a summary of all middle-level sign permit applications, including the forms submitted detailing compliance with this section; and

(B) the total number of notices of violation and citations issued by the City of Dallas for violating this section since May 27, 2015.

(2) Within 30 days after submission of the signage study, the director shall forward to the city council. If no signage study is submitted by the deadline, the director shall notify city council.

(j) Nonconforming or vested rights. This section does not confer a nonconforming or vested right to maintain a non-premise sign after the maximum period allowed for a non-premise message has expired. (Ord. 29751)

## Division 51A-7.1000. West End Historic Sign District.

### SEC. 51A-7.1001. DESIGNATION OF WEST END HISTORIC SIGN DISTRICT.

~~—The West End Historic Sign District is hereby recognized as that area of the city within the following described boundaries:~~

~~Beginning at the center of the intersection of Main Street and Lamar Street; then north along the center line of Lamar Street to the southern boundary of the Woodall Rodgers Freeway right-of-way; then southwest along the southern boundary of the Woodall Rodgers Freeway right-of-way to its intersection with Railroad Track ICC-158; then south along Track ICC-158 to its merger with Track ICC-15; then south along Track ICC-15 to its merger with Main Line 2; then south along Main Line 2 to its intersection with the center line of Commerce Street; then east along the center line of Commerce Street to its intersection with the center line of Austin Street; then north along the center line of Austin Street to its intersection with the center line of Main Street; then east along the center line of Main Street to the point of beginning.~~

(a) The West End Historic Sign District is hereby recognized as that area of the city within the boundaries described in the Exhibit A attached to Ordinance No. 30139, passed by the Dallas City Council on June 22, 2016.

(b) The Purse Building subdistrict is hereby created within the West End Historic Sign District. The boundaries of the Purse Building subdistrict are described in Exhibit B attached to Ordinance No. 30139, passed by the Dallas City Council on June 22, 2016. (Ord. Nos. 19455; 21404; 22112; 26027; 30139)

### SEC. 51A-7.1002. PURPOSE.

The purpose of this division is to regulate the construction of new signage and alterations made to existing signage with a view towards preserving the historic nature of this district. The general objectives of this division include those listed in Section 51A-7.101 as well as aesthetic considerations to insure that new signage is of appropriate historical design and does not visually obscure significant architectural features of a

(2) No detached sign may:

(A) have an effective area greater than 12 square feet;

(B) have a total height greater than 15 feet; or

(C) be located less than five feet from a public right-of-way. (Ord. Nos. 19455; 21404; 22112; 26027)

#### SEC. 51A-7.1007. SPECIAL PURPOSE SIGNS.

Pursuant to the authority of Section 51A-7.503 of this article, the rules relating to the erection of special purpose signs in the West End Historic Sign District are as follows:

(a) Attached special purpose signs.

(1) Attached special purpose signs may be displayed on a premise a maximum of ten time periods in each calendar year for a maximum of 15 days per time period. No more than one attached special purpose sign may be displayed on a premise at any given time.

(2) Special purpose signs attached to a window may not cover more than 25 percent of the window surface area.

(3) No more than one banner may be displayed on a premise in each calendar year. The maximum permitted period of display is 30 consecutive days.

(b) Detached special purpose signs.

(1) No detached special purpose sign is permitted on a sidewalk less than seven feet wide. All detached special purpose signs must be placed so that a minimum seven-foot wide clear passageway is maintained for pedestrian traffic.

(2) No detached special purpose sign may:

(A) be displayed at night;

(B) be more than 30 inches from a building; or

(C) exceed a height of four feet.

(3) No more than one detached special purpose sign may be displayed on a premise at any given time. (Ord. Nos. 19455; 21404; 22112; 26027)

#### SEC. 51A-7.1007.1. PURSE BUILDING SUBDISTRICT.

(a) In general. Except as provided in this division, the provisions of the West End Historic Sign District apply in this subdistrict.

(b) Definitions. In this subdistrict:

(1) SUPERGRAPHIC SIGN means a large attached premise or non-premise sign on a mesh or fabric surface, or a projection of a light image onto a wall face without the use of lasers.

(2) WALL FACE means an uninterrupted blank plane of a wall, from vertical edge to vertical edge, from its highest edge to its lowest edge. Edges can be established by a distinct change in materials or off-set which runs across (transects) the entire wall in a straight line.

(c) Supergraphic sign.

(1) Number. A maximum of one supergraphic sign is permitted.

(2) Visual display and coverage.

(A) The supergraphic sign must have one large visual display with a minimum of 80 percent non-textual graphic content (no more than 20 percent text).

(i) Multiple displays giving an appearance of multiple signs are prohibited.

(ii) The effective area of text is the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word.

(B) The supergraphic sign is intended to be creative and artful and not strictly a representation of an advertised product. It is the intent of this provision to:

(i) encourage the use of illustrative images or other non-repetitive design elements;

(ii) encourage visually interesting, vibrant, and colorful designs;

(iii) discourage use of solid colors or repetitive design elements; and

(iv) discourage an image of a single product or product logo without other graphic elements.

(C) The supergraphic sign may be internally or externally illuminated. If internally illuminated, the supergraphic sign may consist of translucent materials, but not transparent materials.

(D) The supergraphic sign may not extend beyond the edge of the face of the building to which it is attached.

(3) Effective area. Minimum permitted effective area is 2,500 square feet. Maximum permitted effective area is 6,500 square feet.

(4) Height. The supergraphic sign may not be lower than 10 feet above grade level.

(5) Location. The supergraphic sign may only be located on the east facade of the building.

(6) Additional provisions.

(A) The supergraphic sign is intended to be compatible with the West End Historic District as determined by the Landmark Commission.

(B) All hardware fasteners for the supergraphic sign must comply with the Dallas Building Code and all other ordinances, rules, and regulations of the City of Dallas.

(C) The supergraphic sign may not be a Highway Beautification Act (HBA) sign as defined in Section 51A-7.102.

(D) The existing painted sign on the east facade must remain uncovered and visible. (Ord. 30139)

## **SEC. 51A-7.1008. BANNERS ON STREETLIGHT POLES.**

Banners may be mounted on streetlight poles subject to the following regulations:

(a) A banner must display a promotional message, a welcome message, or generic graphics. No sponsorship identification is permitted on a banner.

(b) No more than 10 percent of the effective area of a banner may contain a welcome message that identifies and greets a group using city property in accordance with a contract, license, or permit.

(c) Up to 10 percent of the effective area of a banner may contain the words or logos that identify a sponsor of a cultural event or activity if the sponsor's name is part of the name of the activity or event.

(d) A banner having either a promotional message or a welcome message may not be erected more than 90 days prior to the beginning of the advertised activity or event, and must be removed no later than 15 days after that activity or event has ended. The sign hardware for a banner may be left in place between displays of a banner.

(e) A banner and its sign hardware must:

(1) be mounted on a streetlight pole;

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

<u>Ordinance Number</u>	<u>Passage Date</u>	<u>Specified Effective Date</u>	<u>Ordinance Section</u>	<u>51A Section</u>
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
<a href="#">29751</a>	<a href="#">5-27-15</a>		<a href="#">1</a>	<a href="#">Amends 51A-7.901.1</a>
			<a href="#">2</a>	<a href="#">Adds 51A-7.932</a>
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)
29893	9-22-15		2	Retitles and amends 51A-4.504
29917	10-28-15		4	Amends 51A-4.123(a)(2)(M)
			5	Amends 51A-4.123(b)(2)(M)
			6	Amends 51A-4.123(c)(2)(M)
			7	Amends 51A-4.123(d)(2)(M)
			8	Amends 51A-4.124(a)(2)(M)
			9	Amends 51A-4.124(b)(2)(M)
			10	Adds 51A-4.203(b)(4.1)(E)
			11	Amends 51A-4.213(9)
			12	Adds 51A-4.213(10)(E)
			13	Adds 51A-4.213(12)(E)(ii)
			14	Amends 51A-4.602(b)

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

<u>Ordinance Number</u>	<u>Passage Date</u>	<u>Specified Effective Date</u>	<u>Ordinance Section</u>	<u>51A Section</u>
29953	12-9-15		1	Amends 51A-11.102
			2	Amends 51A-11.205
			3	Amends 51A-11.206 (title)
			4	Amends 51A-11.206(b)(1)
			5	Amends 51A-11.206(c)(1)
			6	Adds 51A-11.208
			7	Amends 51A-11.401
29984	1-13-16		2	Amends 51A-4.212(10.1)
			3	Amends 51A-4.408(a)(1)(D)
			4	Amends 51A-4.704(b)(2)
			5	Adds 51A-4.704(b)(5)(D)
			6	Adds 51A-4.704(c)(4)
			7	Amends 51A-13.304(k)(5)(A)
			8	Adds 51A-13.304(k)(5)(L)
30043	3-23-16		1	Amends 51A-7.1701(c)
			2	Amends 51A-7.1702
			3	Amends 51A-7.1704(a)(17)
			4	Adds 51A-7.1704(a)(17.1)
			5	Amends 51A-7.1704(a)(23)
			6	Adds 51A-7.1704(a)(23.1)
			7	Adds 51A-7.1704(a)(31.1)
			8	Adds 51A-7.1704(a)(38.1)
			9	Adds 51A-7.1704(a)(60.1)
			10	Amends 51A-7.1716
			11	Amends 51A-7.1717
			12	Amends 51A-7.1722
			13	Adds 51A-7.1725(9)
			14	Amends 51A-7.1727(b)(1)
			15	Amends 51A-7.1727(c)(2)(B)
			16	Amends 51A-7.1727(c)(3)
			17	Amends 51A-7.1727(c)(4)(G)
			18	Amends 51A-7.1727(c)(6)
			19	Adds 51A-7.1727(c)(7)
			20	Retitles and amends 51A-7.1727(d)
			21	Amends 51A-7.1727(e)(4)(B)
			22	Amends 51A-7.1727(e)(5)
			23	Amends 51A-7.1729(a)
			24	Amends 51A-7.1729(b)(3)(B)
			25	Adds 51A-7.1729(f)
30139	6-22-16		1	Amends 51A-7.1001
			2	Adds 51A-7.1007.1
30184	9-14-16		1	Corrects 51A-4.209(b)(6)(E)(vii)
30198	9-14-16		1	Amends 51A-4.602(a)

## Dallas Development Code Index

Detached non-premise signs.....	51A-7.904
General provisions for all signs in the downtown sign district.....	51A-7.906
Purpose. ....	51A-7.902
Sign permit requirement. ....	51A-7.905
Signs within the general CBD, main street, convention center, and retail subdistricts	
Activity district changeable message signs. ....	51A-7.917
Akard Station subdistrict. ....	51A-7.932
Attached premise signs.....	51A-7.911
Banners on streetlight poles.....	51A-7.914
Construction barricade signs.....	51A-7.913
Convention center complex accent lighting.....	51A-7.931
Detached premise signs. ....	51A-7.912
District identification signs. ....	51A-7.920
General provisions.....	51A-7.907
Kiosks. ....	51A-7.918
Movement control signs. ....	51A-7.919
Noncommercial message nondiscrimination. ....	51A-7.916
Operational requirements for attached videoboard signs . ....	51A-7.910
Other temporary signs. ....	51A-7.923
Protective signs. ....	51A-7.921
Special purpose signs. ....	51A-7.922
Supergraphic signs. ....	51A-7.930
Videoboard sign . ....	51A-7.908
Window art displays in vacant buildings.. ....	51A-7.915
Farmers Market Sign District	
Definitions.....	51A-7.1603
Designation of sign district.....	51A-7.1601
Designation of sign subdistricts. ....	51A-7.1601.1
Purpose. ....	51A-7.1602
Sign permit requirements. ....	51A-7.1604
Special provisions for all signs.....	51A-7.1605
Special provisions for attached signs.....	51A-7.1606
Special provisions for detached signs. ....	51A-7.1607
Special provisions for the Market Center sign subdistrict. ....	51A-7.1608
Jefferson Boulevard Sign District	
Attached signs.....	51A-7.1406
Definitions.....	51A-7.1403
Designation of sign district.....	51A-7.1401
Detached signs. ....	51A-7.1407
General requirements for all signs.....	51A-7.1405
Purpose. ....	51A-7.1402
Sign permit requirements. ....	51A-7.1404
McKinney Avenue Sign District	
Definitions.....	51A-7.1504
Designation of sign district.....	51A-7.1501

## Dallas Development Code Index

Provisions applicable to all signs. ....	51A-7.2006
Purpose .....	51A-7.2003
Sign permit requirements. ....	51A-7.2005
West End Historic Sign District	
All signs, general requirements. ....	51A-7.1004
Attached signs. ....	51A-7.1005
Banners on streetlight poles. ....	51A-7.1008
Definitions. ....	51A-7.1003
Designation of West End Historic Sign District. ....	51A-7.1001
Detached signs. ....	51A-7.1006
Nondiscrimination between noncommercial messages. ....	51A-7.1011
Purpose. ....	51A-7.1002
Purse Building subdistrict. ....	51A-7.1007.1
Sign permit requirement. ....	51A-7.1010
Special purpose signs. ....	51A-7.1007
Window art displays in vacant buildings. ....	51A-7.1009
West Village Sign District	
Attached signs .....	51A-7.1907
Definitions .....	51A-7.1904
Designation of subdistricts .....	51A-7.1902
Designation of West Village Sign District .....	51A-7.1901
Detached signs .....	51A-7.1906
General provisions for all signs .....	51A-7.1905
Purpose .....	51A-7.1903
Special provisions for:	
Construction barricade signs .....	51A-7.1914
District identification signs .....	51A-7.1917
District signs .....	51A-7.1916
Facade-mounted banner signs .....	51A-7.1909
Kiosk signs .....	51A-7.1910
Movement control signs .....	51A-7.1913
Newsstand signs .....	51A-7.1911
Other temporary signs .....	51A-7.1915
Signs attached to machinery or equipment .....	51A-7.1912
Special purpose signs .....	51A-7.1908

## THOROUGHFARES

Approval of alignment of thoroughfares	
Approval of state or county thoroughfare improvements, procedure for. ....	51A-9.202
Establishment of thoroughfare alignment, procedures for. ....	51A-9.201
Four-way/all-way stop controls at residential intersections	
Appeals. ....	51A-9.403
Application. ....	51A-9.401
Standards of review. ....	51A-9.402
Plan amendment process. ....	51A-9.102
Plan defined. ....	51A-9.101