CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME I

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CITY HEALTH AUTHORITY, CITY HEALTH OFFICER, AND DIRECTOR OF PUBLIC HEALTH. The words "city health authority," "city health officer," and "director of public health" shall be construed to mean the director of the Dallas County Health Authority.

CITY SECRETARY, CHIEF OF POLICE or OTHER CITY OFFICERS OR DEPARTMENTS. The words "city secretary", "chief of police" or words designating any "other city officers or departments" shall be construed to mean the city secretary, chief of police or such other municipal officers or departments, respectively, of the city of Dallas, Texas.

CODE. The words "the code" or "this code" shall mean "The Revised Code of Civil and Criminal Ordinances of the City of Dallas."

COMPUTATION OF TIME. In construing this code, whenever a notice is required to be given or an act to be done a certain length of time before any proceeding or step in a proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding or step in a proceeding is to be had shall not be counted.

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

COUNCIL. The words "the council" or "the city council" shall mean the mayor and councilmen acting as the city council of Dallas, Texas.

~~COUNTY. The word "county" shall mean Dallas County, Texas.~~

DALLAS DEVELOPMENT CODE. The words "Dallas Development Code" mean Chapters 51, 51A, and 51P.

GENDER. A word importing the masculine gender only shall extend and be applied to include females and to firms, partnerships and corporations as well as to males.

HIGHWAY. The term "highway", when used in this code, shall include any street, alley, highway, avenue or public place or square, bridges, viaducts, tunnels, underpasses, overpasses and causeways in the city, dedicated or devoted to public use.

JOINT AUTHORITY. Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

MONTH. The word "month" shall mean a calendar month.

NUMBER. Any word importing the singular number shall include the plural, and any word importing the plural number shall include the singular.

OATH. The word "oath" shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

OFFICIAL TIME STANDARD. Whenever certain hours are named in this code, they shall mean Standard Time or Daylight Saving Time, as may be in current use in the city.

~~OR, AND. "Or" may be read "and", and "and" may be read "or", if the sense requires it.~~

OR, AND. "Or" may be read "and," and "and" may be read "or," if the sense requires it.

OWNER. The word "owner", applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

PERSON. The word "person" shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to individuals.

PERSONAL PROPERTY. The words "personal property" include every species of property, except real property, as defined in this section.

PRECEDING, FOLLOWING. The words "preceding" and "following" mean next before and next after, respectively.

PROPERTY. The word "property" includes real and personal property.

REAL PROPERTY. The words "real property" include land, tenements and hereditaments.

ROADWAY. The word "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic and that portion of a street used for drainage.

SIDEWALK. The word "sidewalk" shall mean any portion of the street between the curb or the lateral line of the roadway and the adjacent property line, all or a part of which is intended for the use of pedestrians.

SIDEWALK AREA. The space between the lateral line of the roadway and the boundary separating the public right-of-way and the adjacent private property.

SIGNATURE or SUBSCRIPTION. The words "signature" or "subscription" shall include a mark when a person cannot write.

STATE. The words "the state" or "this state" shall be construed to mean the State of Texas.

STREET. The term "street" shall include any highway, boulevard, alley, street, avenue or public place or square, bridges, viaducts, culverts, underpasses, overpasses, tunnels and causeways in the city, dedicated or devoted to public use.

WRITTEN or IN WRITING. The words "written" or "in writing" shall be construed to include any representation other than oral of words, letters or figures, whether by printing or otherwise.

YEAR. The word "year" shall mean a calendar year. (Ord. Nos. 18828; 19455; 24637; 25371; 33224)

SEC. 1-5.1. CULPABLE MENTAL STATE.

(a) A culpable mental state is not required for the commission of an offense under this code or another city ordinance that is punishable by a fine not exceeding $500, unless the provision defining the conduct expressly requires a culpable mental state.

(b) In accordance with Section 6.02 of the Texas Penal Code and notwithstanding any code or ordinance provision to the contrary, a culpable mental state is required for the commission of an offense under this code or another city ordinance that is punishable by a fine exceeding $500.

(c) When a culpable mental state is required for the commission of an offense under this code or another city ordinance, a person must have acted knowingly or with knowledge, unless the provision defining the conduct expressly requires a different degree of culpability.

(d) A person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result. (Ord. Nos. 15105; 19455; 26274)

SEC. 1-6. AMENDMENTS OR ADDITIONS TO CODE; PRINTING.

(a) All ordinances of a general and permanent nature, and amendments to such ordinances, hereinafter enacted or presented to the city council for enactment shall be drafted, so far as possible, as specific amendments of, or additions to, the "Dallas City Code," and when done shall be part of the code. Amendments to this code shall be made by reference to the chapter and section of the code which is to be amended, and additions shall bear an appropriate

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~~(a) A nonprofit organization wanting to purchase land under this division must submit a complete proposal to the director and the director of development services. The proposal must include all of the following information:~~

(a) A nonprofit organization wanting to purchase land under this division must submit a complete proposal to the director. The proposal must include all of the following information:

(1) Evidence that the requestor is a qualified nonprofit organization.

(2) A plan to develop the land as either single-family or multi-family affordable housing for low-income individuals or families in compliance with this code and all other applicable city ordinances and state and federal laws.

(3) A timetable showing the commencement of construction, completion of construction, and occupancy of affordable housing on the land by low-income individuals or families.

(4) Evidence of a citizen participation plan or the approval of area residents of the use of the land by the nonprofit organization.

(5) Identification and sources of the necessary project financing.

(6) Evidence that the requestor is not delinquent in payment to the city of any fees, charges, taxes, or liens, or, if delinquent, has paid at least one-third of the total amount owed and is currently on an approved payout arrangement with the city.

(7) Evidence that the requestor is current on payment of taxes and liens owed to any other affected taxing unit under the Texas Property Tax Code.

(b) At the time of submitting its proposal, the nonprofit organization must also demonstrate to the director's satisfaction its compliance with approved development plans and timetables for all other property that the nonprofit organization has acquired under this division or under the city's land assembly program. The city may not consider the proposal of any nonprofit organization that the director finds is not in compliance with the development plans, timetables, this code, or other applicable city ordinances or state or federal laws on other properties acquired under this division or the land assembly program.

~~(c) If, after investigating the facts set forth in the proposal, the director determines that the nonprofit organization does not meet all requirements for receiving a quitclaim of land under this division, the director shall reject the proposal. The director shall notify the nonprofit organization and the director of development services in writing of the director's decision. The notice must state the reason the proposal was rejected and that the nonprofit organization may appeal the director's decision under Section 2-26.14 of this division.~~

(c) If, after investigating the facts set forth in the proposal, the director determines that the nonprofit organization does not meet all requirements for receiving a quitclaim of land under this division, the director shall reject the proposal. The director shall notify the nonprofit organization in writing of the director's decision. The notice must state the reason the proposal was rejected and that the nonprofit organization may appeal the director's decision under Section 2-26.14 of this division.

(d) If the director determines that the nonprofit organization meets all requirements for receiving a quitclaim of land under this division, the director shall route the proposal to the affected city departments and taxing units for review. After receiving responses from all affected departments and taxing units, the city manager shall recommend to the city council whether to approve or reject the proposal.

(e) Not less than 10 calendar days before the city council takes action on a proposal submitted under this section or holds a public hearing on a proposal under Subsection (f) of this section, the director shall conspicuously post notice of the proposal on each property that is subject to the proposal. The notice must state that the property will be considered for purchase by a nonprofit organization for the development of affordable housing and provide a telephone number by which the public can obtain

2-26.5(7)(A). The director shall send written notice of the public hearing to all owners of real property lying within 200 feet of the boundary of the area subject to the proposal. The measurement of the 200 feet includes streets and alleys. The notice must be given not less than 10 calendar days before the date set for the hearing by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll. This notice must be written in English and Spanish if the area subject to the proposal is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census. The director shall also give notice of the public hearing in the official newspaper of the city not less than 10 calendar days before the hearing date. After notice of a public hearing has been given, a nonprofit organization may not amend its proposal without city council approval.

(g) A proposal must be adopted by resolution of the city council and by an appropriate act of the governing body of each of the other affected taxing units before any land may be quitclaimed to a nonprofit organization under this division. (Ord. Nos. 23713; 25047; 27697; 32002; 33224)

SEC. 2-26.8. MULTIPLE PROPOSALS FOR THE SAME LAND.

If two or more nonprofit organizations request the same land, their proposals will be considered as follows:

(1) A nonprofit organization that needs the land as an outparcel to complete development of an affordable housing project will be given first preference to acquire the land.

(2) A nonprofit organization that is certified by the city as a community housing development organization, as that term is defined in Part 92.02, Title 24 of the Code of Federal Regulations, as amended, will be given second preference to acquire the land if the land is located in its neighborhood area of emphasis for the development of affordable housing, as that area is defined in its certification by the city.

(3) If none of the nonprofit organizations is entitled to preference under Subsection (1) or (2) of this section, or if more than one of the nonprofit organizations is entitled to preference under Subsection (1) or (2) of this section, the city council will evaluate the competing proposals for the land and accept the one determined to be in the best interest of the city. (Ord. 23713)

SEC. 2-26.9. PURCHASE PRICE OF LAND.

(a) A nonprofit organization that purchases land under this division shall pay the following amounts to the city for the land:

(1) a fixed price of $1,000 for up to 7,500 square feet of land purchased under a single proposal, plus $0.133 for each additional square foot of land purchased under the proposal, which amounts will be distributed by the city in accordance with Section 34.06 of the Texas Property Tax Code, as amended; and

(2) a sum equal to the actual fees charged by the county clerk for recording in the real property records the sheriff's deed and the quitclaim deed for the land.

(b) No amount paid under this section may be refunded by the city, even if the land reverts to the city under Section 2-26.12. (Ord. Nos. 23713; 24046)

SEC. 2-26.10. QUITCLAIM DEED.

(a) Upon approval of a proposal under this division by the city council and the governing bodies of all other affected taxing units, the city manager is authorized to execute a quitclaim deed, approved as to form by the city attorney, quitclaiming the land to the nonprofit organization, subject to the possibility of reverter with right of reentry, deed restrictions, and

(12) Administer, implement, and enforce city regulations relating to the construction of public water and wastewater infrastructure improvements by private developers.

(13) Provide for the administration, implementation, and enforcement of the city's construction codes.

(14) Perform plan reviews and inspections for new construction and renovation of fixed facilities for food products establishments.

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

(b) Whenever the directors of property management, planning and development, and sustainable development are referred to in any city ordinance or resolution or in any contract, license, permit, franchise, or other agreement granted or executed by the city, those terms mean the director of development services. (Ord. Nos. 25047; 25834; 27697; 29478; 32002)

ARTICLE V-a.

DEPARTMENT OF FACILITIES AND REAL ESTATE MANAGEMENT.

SEC. 2-43. CREATED; DIRECTOR OF FACILITIES AND REAL ESTATE MANAGEMENT.

There is hereby created the department of facilities and real estate management of the city of Dallas, at the head of which shall be the director of facilities and real estate management who shall be appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department. The department will be composed of the director of facilities and real estate management and other assistants and employees the city council may provide by ordinance upon recommendation by the city manager. (Ord. Nos. 23694; 30994; 32789)

SEC. 2-44. DUTIES OF THE DIRECTOR OF FACILITIES AND REAL ESTATE MANAGEMENT.

The director of the department of facilities and real estate management shall perform the following duties:

(1) Supervise and administer the department of facilities and real estate management.

(2) Have responsibility for the design, construction, operation, maintenance, repair, renovation, and expansion of all public buildings belonging to or used by the city, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.

(3) Provide for the maintenance and upkeep of the grounds around all public buildings, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.

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

~~(5) Supervise the purchase and sale of all real property of the city.~~

(5) Supervise the purchase and sale of all real property of the city, not to include property operated by the Housing Department or Dallas Water Utilities.

(6) Manage real property under the director's supervision including approval of short term month-to-month leases.

(7) Determine pursuant to the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970 the public necessity for the acquisition of real property, when the property is purchased in whole or in part with community development grant funds.

(8) Solicit proposals from independent appraisers for the furnishing of appraisals of real property when appropriate. (Ord. Nos. 23694; 30239; 30994; 32789; 33224)

SEC. 2-45. RESERVED.

(Repealed by Ord. 19312)

ARTICLE V-b.

DEPARTMENT OF CONVENTION AND EVENT SERVICES.

SEC. 2-46. CREATED; DIRECTOR OF CONVENTION AND EVENT SERVICES.

There is hereby created the department of convention and event services of the city, the head of which shall be the director of convention and event services who shall be appointed by the city manager. The department shall be composed of the director of convention and event services and such other assistants and employees as the city council may provide upon recommendation of the city manager. (Ord. Nos. 14216; 17226; 22026; 23694; 24053)

SEC. 2-47. DUTIES OF THE DIRECTOR OF CONVENTION AND EVENT SERVICES.

(a) The director of convention and event services shall perform the following duties:

(1) Supervise and administer the department of convention and event services.

(2) Supervise and manage the facilities of the convention center, reunion arena, the municipal produce market, Union Station, and other facilities of the city as designated by the city manager or by ordinance or resolution of the city council.

(3) Supervise and administer the special events program of the city, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.

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

(b) The director of convention and event services and any designated representatives may represent the city in negotiating and contracting with persons planning to use the facilities of the convention center, reunion arena, the municipal produce market, Union Station, or any other facility under the management of the director of convention and event services. (Ord. Nos. 14216; 17226; 22026; 23694; 24053; 31049)

ARTICLE V-c.

DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS.

SEC. 2-48. CREATED; DIRECTOR OF TRANSPORTATION AND PUBLIC WORKS.

(a) There is hereby created the department of transportation and public works of the city of Dallas, at the head of which shall be the director of transportation and public works who shall be appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department, and be an engineer registered to practice in the State of Texas or registered in another state with reciprocal rights, a planner, or possess an equivalent combination of education and experience. The department will be composed of the director of transportation and public works and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.

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

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

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

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

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

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

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

(g) This article expires on June 14, 2027, unless reenacted with an amendment prior to that date. The city council shall review this section and hold a public hearing on the matter prior to that date. (Ord. Nos. 31847; 32466; 33115)

SEC. 2-121. TECHNICAL RESOURCE PANEL.

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

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

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

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

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

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

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

ARTICLE XIX.

~~DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT~~ OFFICE OF HOUSING AND COMMUNITY EMPOWERMENT.

SEC. 2-142. CREATED; DIRECTOR OF HOUSING AND COMMUNITY ~~DEVELOPMENT~~ EMPOWERMENT.

~~There is hereby created the department of housing and community development of the city, the head of which shall be the director of housing and community development who shall be appointed by the city manager. The department will be composed of the director of housing and community development and such other assistants and employees as the city council may provide upon recommendation of the city manager.~~

There is hereby created the office of housing and community empowerment of the city, the head of which shall be the director of housing and community empowerment who shall be appointed by the city manager. The office will be composed of the director of housing and community empowerment and such other assistants and employees as the city council may provide upon recommendation of the city manager. (Ord. Nos. 17226; 22026; 27697; 30654; 32864; 33233)

SEC. 2-143. DUTIES OF THE DIRECTOR OF HOUSING AND COMMUNITY ~~DEVELOPMENT~~ EMPOWERMENT.

~~The director of housing and community development shall perform the following duties:~~

~~(1) Supervise and administer the department of housing and community development.~~

The director of housing and community empowerment shall perform the following duties:

(1) Supervise and administer the office of housing and community empowerment.

(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; 30654; 32864; 33233)

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

(Repealed by Ord. Nos. 15562; 27697)

ARTICLE XX.

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)

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

~~(2) The city manager may nominate members of the first technical resource panel, as recommended by the Office of Equity and Inclusion for approval by the full council.~~

~~(3) Following the initial appointments, future technical resource panel members may be nominated by the city manager, as recommended by the Office of Equity and Inclusion, through consultation with the commission on disabilities, for approval by the full council.~~

(2) The city manager may nominate members of the first technical resource panel, as recommended by the Office of Housing and Community Empowerment for approval by the full council.

(3) Following the initial appointments, future technical resource panel members may be nominated by the city manager, as recommended by the Office of Housing and Community Empowerment, through consultation with the commission on disabilities, for approval by the full council.

(b) Each member of the technical resource panel shall be an individual with at least four years of experience in disability matters and shall share a commitment to the goals of the commission on disabilities. Additionally, appointments to the panel must, to the extent possible, be representative of the ethnic diversity of the city.

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

(d) Members of the technical resource panel shall serve two-year terms and are subject to the same conflict of interest and confidentiality restrictions that are applicable to members of the commission on disabilities. Members of the technical resource panel are subject to forfeiture of membership on the same basis as members of the commission on disabilities.

(e) Members of the technical resource panel shall attend and fully participate in all meetings and deliberations of the commission on disabilities, including closed sessions, but shall not be entitled to vote as members of the commission on disabilities.

(f) The technical resource panel shall use its expertise and experience in disability matters to assist the commission on disabilities to the fullest extent possible in the review of all issues coming before the commission on disabilities.

(g) The technical resource panel does not have any oversight responsibility or oversight authority with respect to the commission on disabilities.

(h) Nothing in this section prohibits the commission on disabilities from seeking additional outside technical expertise and advice as necessary. (Ord. Nos. 32070; 33233)

SEC. 2-168. DEFINITIONS; STORMWATER DRAINAGE UTILITY RATES; EXEMPTIONS; INCENTIVES FOR RESIDENTIAL-BENEFITTED PROPERTIES; BILLING AND COLLECTION PROCEDURES.

(a) Definitions.

(1) BENEFITTED PROPERTY has the meaning assigned in Section 552.044, Chapter 552, Texas Local Government Code, as amended.

(2) CITY TAX ROLLS means the current tax records of the appraisal district in which a particular property is located.

(3) CUSTOMER OF RECORD has the meaning assigned in Section 49-1 of this code, as amended, and also includes the term customer, as assigned in Section 49-1 of this code, as amended.

(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:

IMPERVIOUS AREA (in square feet)	MONTHLY RATE
up to 2,000	~~$5.11~~ $5.39
2,001 - 3,500	~~$8.14~~ $8.59
3,501 - 5,500	~~$12.17~~ $12.84
more than 5,500	~~$19.91~~ $21.01

~~(2) The stormwater drainage charge for all other benefitted properties not defined as residential-benefitted property is an amount equal to $2.75 per month for each 1,000 square feet, or parts thereof, of impervious area of the benefitted property, with a minimum charge of $7.86 per month for non-residential-benefitted property.~~

(2) The stormwater drainage charge for all other benefitted properties not defined as residential-benefitted property is an amount equal to $2.90 per month for each 1,000 square feet, or parts thereof, of impervious area of the benefitted property, with a minimum charge of $8.29 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.~~

(2) the State of Texas;

(3) a public or private institution of higher education; and

(4) property used for cemetery purposes if the cemetery is closed to new interments and does not accept new burials.

~~(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 pond, bioswale, cistern, gravel paving, or other stormwater storage method, as approved by the director;~~

~~(B) stormwater storage method must comply with federal, state, and local laws and regulations; and~~

~~(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.~~

(d) 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.

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

(f) 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; 30993; 31332; 31657; 32003; 32310; 32556; 32863; 33232)

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)

ARTICLE XXIX.

VETERAN AFFAIRS COMMISSION.

SEC. 2-170. VETERAN AFFAIRS COMMISSION - CREATED; TERMS; MEMBERSHIP; MEETINGS.

(a) There is hereby created the veteran affairs commission of the city, which shall be an advisory body of 15 members. Each city council member shall have one appointment to the veteran affairs commission. The mayor shall appoint the chair from among the members, subject to confirmation by the city council, and the full city council shall appoint the vice-chair.

(b) All members shall be appointed for an initial term to expire on September 30, 2021. Thereafter, nominations shall begin in August 2021 and each subsequent odd-numbered year, and members appointed shall serve a two-year term beginning on October 1.

(c) The veteran affairs commission will represent the city's military veteran community. The veteran affairs commission must have a balanced membership reflecting an outstanding interest in or knowledge of veterans' affairs, including having knowledge about veterans' concerns, or being affiliated with a service provider to veterans, and at least four members must be currently serving or have previously served in the United States military (including the Reserves or National Guard).

(d) The veteran affairs commission shall hold monthly meetings or as often as may be necessary. The chair, with assistance of staff, shall schedule and determine the agenda for such meetings. (Ord. 31746)

SEC. 2-171. VETERAN AFFAIRS COMMISSION - FUNCTIONS.

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

(1) evaluate and recommend programs, policies, and practices designed to alleviate veterans' difficulties in meeting basic needs, obtaining housing, employment, and comprehensive mental health assistance;

(2) act as a central clearinghouse for information relating to the status of veterans in the Dallas community;

(3) accumulate information about the needs of veterans in the Dallas community, including available services, and make recommendations to the city council regarding these needs;

(4) recommend ways to:

(A) educate the community on:

(i) the status of veterans' rights and needs; and

(ii) veterans' contributions to our community; and

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

(c) Each member of the commission must:

(1) Be enrolled as a full-time student in a four-year university or college within Dallas County.

(2) Be at least 18 years of age and no older than 24 years of age at the time of appointment.

(d) A member is not required to fulfill the qualifications for board service in Chapter 8 of the Dallas City Code except that the member must:

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

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

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

SEC. 2-174. DUTIES AND RESPONSIBILITIES.

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

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

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

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

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

ARTICLE XXXI.

~~OFFICE OF THE CITY MARSHAL~~ RESERVED.

~~SEC. 2-175. CREATED.~~

~~There is hereby created a division of the city manager's office to be known as the office of the city marshal, to be filled by a qualified person appointed by the city manager. The city marshal shall appoint such deputies as are authorized from time to time. The city marshal and his or her deputies shall meet all qualifications necessary to be certified as peace officers by the Texas Commission on Law Enforcement. (Ord. 32557)~~

~~SEC. 2-176. DUTIES OF THE CITY MARSHAL.~~

~~The city marshal and his or her deputies, acting under the direction of the city manager, shall perform the following duties:~~

~~(1) execute warrants of arrest, subpoenas, and other legal process issuing out of the municipal court of record;~~

~~(2) execute other warrants of arrest, subpoenas, and legal process as determined by the municipal clerk;~~

~~(3) enforce state laws and the Dallas City Code;~~

~~(4) manage and operate the city detention center and sobering center;~~

~~(5) manage Dallas Security Services Division, security technology and security badging unit for protection of employees, citizens, and property at facilities that are owned, occupied, or managed by the city to ensure safety, orderly, and lawful conduct on those premises, except as otherwise provided by the city manager, city charter, or ordinance of the city council; and~~

~~(6) perform such other duties as may be required by the city manager or ordinance of city council. (Ord. 32557)~~

~~**SEC. 2-177. CITY MARSHAL'S AUTHORITY; ELIGIBILITY FOR PENSION.**~~

~~(a) The city marshal and his or her deputies shall serve as peace officers and have full police authority in the exercise of their assigned duties.~~

~~(b) The city marshal and his or her deputies are not members of the police department of the city and are not eligible for membership in the Firemen, Policemen and Fire Alarm Operators Pension Fund; however, they are eligible for membership in the employee's retirement fund of the city. The city marshal and his or her deputies are paid law enforcement officers for the purpose of qualifying for survivors' assistance benefits under the provisions of Article 6228f, Vernon's Texas Civil Statutes. (Ord. 32557)~~

SECS. 2-175 THRU 2-177. RESERVED.

(Repealed by Ord. No. 33233)

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 $39 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 $25 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; 32003; 33232)

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

(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 $52 per billiard table will be charged annually.~~

A nonrefundable fee of $46 per billiard table will be charged annually. (Ord. Nos. 15552; 22206; 29477; 30653; 32003; 33232)

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 11

CEMETERIES AND BURIALS

Sec. 11-1. Establishment of new cemeteries prohibited; exception.
Sec. 11-2. Recognition and authorization of existing cemeteries.
Sec. 11-3. Extension of cemetery limits.
Sec. 11-4. Sexton - Required; approval by council.
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Sec. 11-12. Burial-transit permit.
Sec. 11-13. Report of death required.
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Sec. 11-15. Reserved.
Sec. 11-16. Reserved.
Sec. 11-17. Reserved.
Sec. 11-18. ~~Regulations~~ Reserved.
Sec. 11-19. Official visiting hours; regulations generally.

SEC. 11-1. ESTABLISHMENT OF NEW CEMETERIES PROHIBITED; EXCEPTION.

~~(a) It shall be unlawful for any person to lay out or establish a public or private burying ground within the city.~~

(a) Except as provided in this section, it shall be unlawful for any person to lay out or establish a public or private burying ground within the city.

(b) Subsection (a) does not apply to the establishment of a national cemetery for veterans pursuant to Chapter 24, Title 38 of the United States Code Annotated, as amended.

(c) Subsection (a) does not apply to a cemetery established through a specific use permit or planned development district granted in compliance with Chapter 51 or Chapter 51A of this code. (Code 1941, Art. 15-3; Ord. Nos. 22368; 33224)

SEC. 11-2. RECOGNITION AND AUTHORIZATION OF EXISTING CEMETERIES.

(a) The following named cemeteries now established within the city or subject to the jurisdiction of the city are hereby recognized and authorized as legal and proper places for the interment of persons who may die in the city or who may be brought to the city for burial:

Calvary Hill Cemetery, 3235 Lombardy Lane.

Calvary Cemetery, Campbell N.E.

Corner Hall Street.

Crown Hill Memorial Park and Mausoleum, 9718 Webb Chapel Road.

Emanuel Cemetery, Lemmon Avenue Corner Campbell Street.

Forest Lawn Cemetery, 10977 Harry Hines Boulevard.

Grove Hill Cemetery, 4118 Samuell Boulevard.

Greenwood Cemetery, Campbell Street and Lemmon Avenue.

Hillcrest Memorial Park, 7403 Northwest Highway.

Hillcrest Mausoleum, 7407 Northwest Highway.

Laurel Land Memorial Park, 6000 South Beckley.

Lincoln Memorial Park, 1621 North Haskell Lisbon Cemetery, 4315 Denley Drive.

Oak Cliff Cemetery, 1300 East Eighth Street.

Oakland Cemetery, 3808 Oakland Avenue.

Pleasant Mound Cemetery, Scyene Road and Buckner Boulevard.

Restland Memorial Park, Greenville Avenue and Valley View Lane.

Shearith Israel Cemetery, 4600 Block Dolphin Road.

(b) A cemetery established through a specific use permit or planned development district granted under Chapter 51 or Chapter 51A of this code is recognized and authorized as a legal and proper place for the interment of persons who may die in the city or who may be brought to the city for burial. (Code 1941, Art. 15-1; Ord. Nos. 4974; 7799; 33224)

this chapter; provided, however, that the provisions of this section shall not apply to the remains of deceased persons which have been interred prior to the passage of this chapter. (Code 1941, Art. 15-7)

SEC. 11-12. BURIAL - TRANSIT PERMIT.

If a dead body or fetus is to be removed from this state, transported by common carrier within this state, or cremated, or if a disinterred body is to be removed from the cemetery where it was interred, the funeral director, or person acting as funeral director, shall obtain a burial-transit permit from the director of public health. (Code 1941, Art. 15-11; Ord. 14351)

SEC. 11-13. REPORT OF DEATH REQUIRED.

Before the sexton of a cemetery permits the body of a deceased person who has died within this state to be interred in the cemetery, he shall require to be delivered to him from the person seeking to bury the body, a copy of the state department of health report of death form which has been filed by the funeral director with the local registrar within whose jurisdiction the death occurred. If the body is transported from outside the state, before the sexton permits the body of the deceased person to be interred in the cemetery, he shall require to be delivered to him from the person seeking to bury the body, a copy of the burial-transit permit issued in accordance with the law and regulations of the jurisdiction where the death occurred. (Code 1941, Art. 15-14; Ord. 7799, Ord. 14351)

SEC. 11-14. UNLAWFUL DELIVERY AND RECEIPT OF BODY.

It shall be unlawful for a person to convey or deliver the body of a deceased person to a cemetery in the city or for a sexton of a cemetery to receive the body of a deceased person, unless the body is accompanied by either a valid state department of health report of death form which has been filed by the funeral director with the local registrar within whose jurisdiction the death occurred or a valid burial-transit permit. (Code 1941, Art. 15-13; Ord. 14351)

SECS. 11-15 THRU 11-17. RESERVED.

(Repealed by Ord. 14351)

~~**SEC. 11-18. REGULATIONS.**~~

~~All cemeteries and burying grounds without the city and within 3,000 feet of the city limits are hereby made subject to the provisions of this section.~~

~~(a) The person controlling or operating such cemeteries shall file with the director of public health a written application to operate such cemetery or burying ground. It shall be unlawful for such cemetery or burying ground to thereafter operate, and it shall be unlawful for anyone to be buried in such cemetery, unless such application shall be made.~~

~~(b) Such application shall state,~~

~~(1) a description of the cemetery by metes and bounds and, if part is without the city and within 3,000 feet of the city, such part shall be described as above,~~

~~(2) the name of the person controlling or operating the cemetery,~~

~~(3) the sexton in immediate charge of same.~~

~~(c) The director of public health shall forthwith examine such cemetery and, if same is conducted in a sanitary manner and is not injurious to the health and comfort of the inhabitants of the city, a permit to continue the operation of such cemetery shall be issued by the director of public health. If the operation of such cemetery is unsanitary and if it is likely to injure~~

~~the public health or inconvenience the public comfort of the inhabitants of the city, such permit shall be refused. If same is refused, the applicants may renew their application to the city council whose action thereon shall be final.~~

~~(d) No new cemetery or part thereof shall be opened in such territory, or the limits of any cemetery extended, unless application is made direct to the city council, and their authority obtained.~~

~~(e) Any cemetery in such territory shall, at all times, be in the charge of a competent sexton who shall be present at such cemetery during all reasonable hours of the day. The sexton shall keep an accounting of all burials, the location of the graves by record book and plat map, the names of the persons buried and the names of the persons arranging for the burial.~~

~~(f) No person shall ever bury a deceased person in any cemetery in such territory, or any part of a cemetery if the part of a cemetery is in such territory, unless the cemetery or part thereof in such territory shall be operated in full compliance with this chapter. No person shall bury any deceased person in any grave that is not excavated to a depth of at least five feet below the surface of the ground, except that persons may be buried in burial vaults or tombs erected in such territory.~~

~~(g) The limits of any cemetery lawfully operating in such territory shall never be extended unless authority is obtained from the authorities of the city. (Code 1941, Art. 16-1; Ord. 7800)~~

SEC. 11-18. RESERVED.

(Repealed by Ord. No. 33224)

SEC. 11-19. OFFICIAL VISITING HOURS; REGULATIONS GENERALLY.

~~(a) All cemeteries and burying grounds within the city, including those that are no longer used for interment purposes, regardless of whether they are listed or not under Section 11-2, and those regulated under Section 11-18, whether public or private, shall be officially open for any authorized use, such as visiting, care of graves, services for the burial of the dead and other appropriate uses from one-half hour before official sunrise, Central Standard Time, until one-half hour after official sundown, Central Standard Time, daily. It shall be unlawful for anyperson to loiter in, enter into, make use of, attempt to gain access to or otherwise be present in any such cemetery before or after such official visiting hours, except as provided in Subsection (c).~~

(a) All cemeteries and burying grounds within the city, including those that are no longer used for interment purposes, regardless of whether they are listed or not under Section 11-2, whether public or private, shall be officially open for any authorized use, such as visiting, care of graves, services for the burial of the dead and other appropriate uses from one-half hour before official sunrise, Central Standard Time, until one-half hour after official sundown, Central Standard Time, daily. It shall be unlawful for anyperson to loiter in, enter into, make use of, attempt to gain access to or otherwise be present in any such cemetery before or after such official visiting hours, except as provided in Subsection (c).

(b) It shall be unlawful for any person to loiter outside any cemetery after the official closing hour or prior to the official opening hour; provided, that the area outside the cemetery within which such loitering is prohibited shall be deemed to be the same side of the street as the cemetery where such cemetery or a part thereof fronts upon a street or within 100 feet of the boundary of all or a portion of such cemetery where the same does not front upon or border upon a street.

(c) If any person wishes to gain access to any cemetery after the official closing hour, as designated in Subsection (a), for the purpose of conducting burial or religious ceremonies, then the funeral director or the head of the religious order, as the case may be, shall obtain permission from the sexton of the cemetery in question. (Ord. Nos. 9623; 33224)

CHAPTER 12

CITY YOUTH PROGRAM STANDARDS OF CARE

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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; 33229)

SEC. 12-2. EXPIRATION DATE.

~~This chapter and the youth program standards of care established in this chapter expire on September 9, 2022, unless sooner terminated or extended by ordinance of the city council.~~

This chapter and the youth program standards of care established in this chapter expire on September 17, 2026, 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; 30976; 31647; 31994; 33229)

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; 33229)

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; 33229)

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; 33229)

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; 33229)

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; 33229)

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; 33229)

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; 33229)

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; 33229)

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, 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; 31994; 33229)

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; 33229)

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; 33229)

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-Rescue 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; 31994; 33229)

SEC. 12-15. TRANSPORTATION.

(a) Before a participant may be transported to or from a city-sponsored activity, a program registration 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-BD portable fire extinguisher that is installed in 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; 31994; 33229)

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; 33229)

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; 33229)

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 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; 33229)

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; 33229)

CHAPTER 13

COURTS, FINES AND IMPRISONMENTS

ARTICLE I.

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ARTICLE III.

RESERVED.

Sec. 13-29. Reserved.

SEC. 13-1.2. COMPLIANCE NOT A DEFENSE TO PROSECUTION.

Unless specifically provided otherwise in this code, it is not a defense to prosecution under any provision of this code that the violation with which a person is charged no longer exists, and no judge of the municipal court may dismiss a complaint or enter a finding of not guilty on the grounds that the violation no longer exists. (Ord. 21973)

SEC. 13-2. LIABILITY OF CORPORATE OFFICERS FOR PENALTY.

Whenever a corporation or association violates any provision of this code or other ordinance of the city, the president, vice-president, secretary, treasurer, manager or any agent or employee of such corporation or association shall be severally liable for the penalty prescribed for such violation.

SEC. 13-2.1. AGRICULTURAL OPERATIONS.

(a) Purpose. It is the express intent of the city council to comply with Texas Agriculture Code Chapter 251. This section allows a person to seek relief from the enforcement of any provision in this code that would result in imposing a governmental requirement on an agricultural operation in violation of Texas Agriculture Code Chapter 251.

(b) Defense to prosecution. Except as provided in this section, it is a defense to prosecution to any provision in this code if the complained of offense pertains to an agricultural operation as defined in Texas Agriculture Code Section 251.002.

(c) Exception to defense to prosecution. The defense to prosecution provided in this section does not apply if the city council has, in accordance with Texas Agriculture Code Section 251.005, made a finding by resolution that the governmental requirement is necessary to protect public health, or if the governmental requirement is otherwise expressly permitted under state law. (Ord. No. 33224)

ARTICLE II.

MUNICIPAL COURT OF RECORD.

SEC. 13-3. MUNICIPAL COURT OF RECORD; CREATED AND DESIGNATED; JURISDICTION; SESSION.

(a) In accordance with Section 1, Chapter VIII of the Dallas city charter and Chapter 30 of the Texas Government Code, there is hereby created a municipal court of record, which is divided into 16 divisions to be designated as Municipal Court of Record No. 1, Municipal Court of Record No. 2, Municipal Court of Record No. 3, Municipal Court of Record No. 4, Municipal Court of Record No. 5, Municipal Court of Record No. 6, Municipal Court of Record No. 7, Municipal Court of Record No. 8, Municipal Court of Record No. 9, Municipal Court of Record No. 10, Municipal Court of Record No. 11, Community Court No. 12, Community Court No. 13, Community Court No. 14, Community Court No. 15, and Community Court No. 16.

(b) Each municipal court of record division shall have and exercise concurrent jurisdiction with the other municipal court of record divisions, the jurisdiction being that which is conferred upon all municipal courts and municipal courts of record by Chapter 30 of the Texas Government Code and other state law.

(c) Jurisdiction under Subchapter B, Chapter 54, Texas Local Government Code.

(1) In addition to the jurisdiction granted in Subsection (b) of this section and in accordance with Section 30.00005 of the Texas Government Code, each municipal court of record division has concurrent jurisdiction with a district court or a county court at law under Subchapter B, Chapter 54, Texas Local Government Code, within the city's territorial limits and property owned by the city located in the city's extraterritorial jurisdiction for the purpose of enforcing health and safety and nuisance abatement ordinances.

(2) The municipal clerk is authorized to charge and collect fees and costs of court for litigation filed in municipal court pursuant to Subchapter B,

preference, with Number 1 being the highest ranking. The city council shall interview the nominees and select one as the administrative municipal judge, or, if not satisfied with any of the nominees, the city council may reject all and request that the judicial nominating commission repeat the nominating process.

(h) The city manager shall provide staff to assist the judicial nominating commission in performing its duties and responsibilities.

(i) Nothing in this section affects the holdover status of an incumbent municipal judge under applicable city, state, and federal laws. (Ord. Nos. 21011; 21515; 21804; 22321; 22612; 23124; 24946; 25518; 25655; 26093; 29394)

SEC. 13-6. BAILIFFS OF THE MUNICIPAL COURT OF RECORD.

(a) The bailiffs of the municipal court of record, under the direction and supervision of the administrative municipal judge, shall serve the municipal court of record.

(b) The bailiffs shall:

(1) be selected by the administrative municipal judge;

(2) meet all qualifications necessary to be certified as peace officers by the Texas Commission on Law Enforcement Officer Standards and Education; and

(3) be appointed and commissioned by the city marshal as deputy city marshals.

(c) The administrative municipal judge or his designee shall supervise the activities of bailiffs and shall have the authority to impose disciplinary action in accordance with city personnel rules. If the administrative municipal judge terminates the employment of a bailiff, the city marshal shall remove the appointment and commission of the bailiff as a deputy city marshal.

(d) Appeals from disciplinary actions taken by the administrative judge shall be to the city manager or his designee and then to the trial board in cases where that body has jurisdiction. If a bailiff whose employment has been terminated is reinstated during the appeal process, then the bailiff shall be reappointed as a bailiff by the administrative municipal judge and reappointed and recommissioned by the city marshal as a deputy city marshal. (Ord. Nos. 18477; 18837; 19802)

SEC. 13-7. ~~DEPARTMENT OF DALLAS MUNICIPAL COURT CREATED; DIRECTOR~~ DEPARTMENT OF MUNICIPAL COURT AND DETENTION SERVICES CREATED; DIRECTOR.

~~There is hereby created the department of Dallas municipal court, the director of which shall be the clerk of the municipal court of record who shall be known as the municipal clerk.~~

There is hereby created the department of municipal court and detention services, the director of which shall be the clerk of the municipal court of record who shall be known as the municipal clerk. (Ord. Nos. 18477; 19802; 22669; 32557; 33233)

SEC. 13-8. DUTIES OF THE MUNICIPAL CLERK; COURT ADMINISTRATOR AND DIRECTOR; DEPUTY CLERKS.

(a) The municipal clerk, who also holds the position of court administrator and director of the department of Dallas municipal court, shall:

(1) prepare and maintain accurate dockets and minutes for each municipal court of record division created under this article;

(2) have custody of all documents and papers relating to the business of the municipal court of record divisions;

(3) supervise the collection of fines imposed by the municipal court of record;

(4) maintain complaints for all cases in the

(5) supervise the administration of arrest warrants; and

(6) have all other powers and duties assigned to the municipal clerk by the city charter, other city ordinances, Chapter 30 of the Texas Government Code, or other state law.

(b) The municipal clerk may appoint deputy clerks who, when acting under the municipal clerk's direction, shall have the authority to perform all acts required of the municipal clerk by the city charter, city ordinances, or state law. (Code 1941, Art. 28-1; Ord. Nos. 8215; 15603; 17029; 18477; 19802; 22669; 24946; 30994; 32557)

~~**SEC. 13-9. RESERVED.**~~

~~(Repealed by Ord. 32557)~~

~~**SEC. 13-10. RESERVED.**~~

~~(Repealed by Ord. 32557)~~

~~**SEC. 13-11. RESERVED.**~~

~~(Repealed by Ord. 32557)~~

SEC. 13-9. OFFICE OF THE CITY MARSHAL.

There is hereby created the office of the city marshal, to be filled by a qualified person appointed by the municipal clerk. The city marshal shall appoint such deputies as are authorized from time to time. The city marshal and his or her deputies shall meet all qualifications necessary to be certified as peace officers by the Texas Commission on Law Enforcement. (Ord. No. 33233)

SEC. 13.10. DUTIES OF THE CITY MARSHAL.

The city marshal and his or her deputies, acting under the direction of the municipal court, shall perform the following duties:

(1) execute warrants of arrest, subpoenas, and other legal process issuing out of the municipal court of record;

(2) execute other warrants of arrest, subpoenas, and legal process as determined by the municipal clerk;

(3) enforce state laws and the Dallas City Code;

(4) manage and operate the city detention center and sobering center;

(5) manage the Dallas Security Services Division, security technology and security badging unit for protection of employees, citizens, and property at facilities that are owned, occupied, or managed by the city to ensure safety, orderly, and lawful conduct on those premises, except as otherwise provided by the city manager, city charter, or ordinance of the city council; and

(6) perform such other duties as may be required by the city manager or ordinance of city council. (Ord. No. 33233)

SEC. 13-11. CITY MARSHAL'S AUTHORITY; ELIGIBILITY FOR PENSION.

(a) The city marshal and his or her deputies shall serve as peace officers and have full police authority in the exercise of their assigned duties.

(b) The city marshal and his or her deputies are not members of the police department of the city and are not eligible for membership in the Firemen, Policemen and Fire Alarm Operators Pension Fund; however, they are eligible for membership in the employee's retirement fund of the city. The city marshal and his or her deputies are paid law enforcement officers for the purpose of qualifying for survivors' assistance benefits under the provisions of Article 6228f, Vernon's Texas Civil Statutes. (Ord. No. 33233)

SEC. 13-12. FIDELITY BONDS.

The municipal clerk and all of his assistants having responsibilities for collection of fines shall execute fidelity bonds in favor of the city in an amount prescribed by the city council. The premium of the bond shall be paid by the city. (Ord. Nos. 15603;

CHAPTER 13A

DALLAS TRANSIT SYSTEM

Sec. 13A-1. Created; purpose.
Sec. 13A-2. Personnel rules and social security.
Sec. 13A-3. Assurances to department of labor.
Sec. 13A-4. Dallas area rapid transit authority.
Sec. 13A-5. Irregular route transit services.
Sec. 13A-6. Purchases and sales.
Sec. 13A-7. Claims for damage or injury.
Sec. 13A-8. Smoking.
Sec. 13A-9. Refusing to pay fare.
Sec. 13A-10. Penalty.
Sec. 13A-11. Free transportation.

SEC. 13A-1. CREATED; PURPOSE.

There is hereby created a city department to be known as the Dallas transit system for the purpose of providing public mass transportation for the general public of the city, contiguous unincorporated areas and adjoining municipalities, the head of which shall be the general manager who shall be appointed by the city manager. In addition to the general manager, the Dallas transit system shall be comprised of such assistants and employees as the city council may authorize upon recommendation of the city manager. (Ord. 18515)

SEC. 13A-2. PERSONNEL RULES AND SOCIAL SECURITY.

(a) Employees of the Dallas transit system shall be governed by the personnel rules of the city except as otherwise provided in the personnel policies and employees benefit manual of the Dallas transit system adopted by the Dallas Transit Board and effective October 1, 1984. In the event of conflict, the provisions of the transit system personnel policies and employee benefit manual shall prevail. The general manager may hereafter modify these departmental rules provided he has notified employees and/or their representatives in advance and given them an opportunity to present their views. Any proposed change of the departmental rules is subject to hearing and review by the city manager or his designee before implementation upon request by employees or their representatives. Further, employees and/or their representatives may propose modifications of the departmental rules to the general manager, and obtain hearing and review by the city manager or his designee.

(b) Employees of the Dallas transit system shall participate in the federal social security system, as required by federal law. The director of finance shall make provisions for the necessary social security payments to the proper department of the United States government. (Ord. 18515)

SEC. 13A-3. ASSURANCES TO DEPARTMENT OF LABOR.

It shall be the duty of the city manager to make such assurances to the United States Department of Labor as may be required by federal law regarding the protection of Dallas transit system employee benefits in connection with the provisions of federal grants. (Ord. 18515)

SEC. 13A-4. DALLAS AREA RAPID TRANSIT AUTHORITY.

The Dallas transit system, under the direction of the general manager, shall provide public mass transportation service for the Dallas area rapid transit authority as required by the terms and conditions of any interlocal service agreement between the city and the Dallas area rapid transit authority. (Ord. 18515)

SEC. 13A-5. IRREGULAR ROUTE TRANSIT SERVICES.

The general manager shall prescribe rules and regulations for charter service, contract service or any other special service which is not ordinarily a regular route transit service of the system. The general manager shall operate such services in coordination with the Dallas area rapid transit authority when required by any interlocal service agreement. (Ord. 18515)

SEC. 13A-6. PURCHASES AND SALES.

(a) Purchases of supplies, services, and equipment for the transit system shall be made according to applicable provisions of the city charter, this code, and state law.

(b) The sale of surplus or obsolete transit system buses may be made by negotiation, rather than by auction, when authorized by resolution of the city council. No negotiated sale may be completed until the price is approved by the city council. (Ord. 18515)

SEC. 13A-7. CLAIMS FOR DAMAGE OR INJURY.

(a) The general manager and the city attorney are authorized to investigate, settle, and recommend disposition of claims for damage or injury which are alleged to have resulted from the negligent act or omission of an employee of the transit system. For the payment of these claims, the city controller shall establish a Dallas transit system claim fund. This fund shall be used only for the payment of settled claims.

(b) Checks drawn on this fund with preprinted signatures of the city manager and the city controller, but requiring additional signatures for payment, shall be issued to the general manager. These checks may be used to pay settled claims without further city approvals as follows:

(1) Claims investigators designated by the general manager are authorized to sign checks for the payment of claims that are settled for an amount that does not exceed $1,000.

(2) The general manager and the director of claims are authorized to sign checks for the payment of claims that are settled for an amount that is more than $1,000 but does not exceed $5,000, both signatures being required on each check.

(c) The city controller shall periodically audit the fund to determine whether it is in balance and may establish procedures for use of the fund.

(d) The general manager shall prepare a monthly report giving a complete analysis of all claim activities. (Ord. 18515)

SEC. 13A-8. SMOKING.

(a) A person commits an offense if he smokes a cigar, cigarette, pipe, or any substance in a transit system bus.

(b) The operator of a transit system bus commits an offense if he knowingly permits a person to smoke a cigar, cigarette, pipe, or any substance in a transit system bus. (Ord. 18515)

SEC. 13A-9. REFUSING TO PAY FARE.

A person commits an offense if he refuses to pay the established fare, without delay, for transportation on a transit system bus when demanded by the operator or person in charge of the bus. (Ord. 18515)

SEC. 13A-10. PENALTY.

(a) An offense committed under Section 13A-8 is punishable by a fine not to exceed $2,000.

(b) An offense committed under Section 13A-9 is punishable by a fine not to exceed $500. (Ord. Nos. 18515; 19963)

SEC. 13A-11. FREE TRANSPORTATION.

The Dallas transit system will not furnish free transportation or other free service to any person without council approval. All service furnished by the system will be charged for at the established rate to all persons, including employees from departments and agencies of the city, of the transit system or of any other public body; except that this restriction shall not apply to policemen, firemen and transit employees in uniform and in performance of their duties, or to any other group to which it shall be made inapplicable by action of the city council. (Ord. 18515)

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CHAPTER 13A

RESERVED

(Repealed by Ord. No. 33224)

Reserved

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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 $526.~~

~~(2) For a Class B dance hall, the annual license fee is $526.~~

~~(3) For a Class C dance hall, the daily license fee is $526.~~

~~(4) For a Class E dance hall, the annual license fee is $526.~~

~~(5) For a late-hours permit, the annual fee is $526 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.~~

(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 $817.

(2) For a Class B dance hall, the annual license fee is $801.

(3) For a Class C dance hall, the daily license fee is $801.

(4) For a Class E dance hall, the annual license fee is $801.

(5) For a late-hours permit, the annual fee is $817 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 $1,908 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 development services 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; 30653; 32002; 32003; 33232)

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.

CHAPTER 14B

EMERGENCY MANAGEMENT

Sec. 14B-1. Title.
Sec. 14B-2. Intent and purpose.
Sec. 14B-3. Definitions.
Sec. 14B-4. Reserved.
Sec. 14B-5. Director of the office of management services - powers and duties.
Sec. 14B-6. Declaration of state of disaster.
Sec. 14B-7. ~~City manager~~ Mayor - powers and duties.
Sec. 14B-7.1. Limitation on disaster declaration.
Sec. 14B-8. State-designated emergency management director and state-designated emergency management coordinator - powers and duties.
Sec. 14B-9. Powers and duties of city attorney during disaster.
Sec. 14B-10. Appointment of special municipal court judges.
Sec. 14B-11. Emergency management volunteers.
Sec. 14B-12. Governmental function.
Sec. 14B-13. Offenses; penalties.

SEC. 14B-1. TITLE.

This chapter shall be known and may be cited and referred to as the Emergency Management Ordinance of the City of Dallas. (Ord. Nos. 15983; 17226; 25834)

SEC. 14B-2. INTENT AND PURPOSE.

(a) The intent and purpose of this chapter is to establish an emergency management program that will ensure the complete and efficient utilization of all of the city's personnel, facilities, and equipment to combat a disaster as defined in this chapter.

(b) This chapter will not relieve any city department or office of the legal responsibilities or authority delegated to it by statute, ordinance, or the city charter.

~~(c) Nothing in this chapter may be construed to interfere with the dissemination of news or comment on public affairs, but any communications facility or organization, including radio and television stations, wire services, and newspapers, may be required to transmit or print public service messages furnishing information or instructions in connection with a disaster or potential disaster.~~

(c) Nothing in this chapter may be construed to interfere with the dissemination of news or comment on public affairs, but any communications facility or organization, including radio and television stations, wire services, internet websites, and newspapers, may be required to transmit or print public service messages furnishing information or instructions in connection with a disaster or potential disaster. (Ord. Nos. 15983; 17226; 25834; 27697; 33224)

SEC. 14B-3. DEFINITIONS.

~~In this chapter:~~

~~(1) ATTACK or ACT OF TERRORISM means an assault against the city, its government, or its environs, or an assault against the United States, by domestic or foreign forces of a hostile nation or its agents including, but not limited to, assault by bombing, radiological, chemical, or biological warfare or sabotage.~~

~~(2) CONTRABAND means any article, substance, or property, the possession or transportation of which is prohibited, that is subject to summary destruction upon seizure by officers of the law.~~

~~(3) CURFEW means a regulation requiring withdrawal of persons from streets, highways, alleys, sidewalks, vacant lots, parks, public buildings, or any other public places in all or a delineated part of the city during the stated hours when the regulation is in effect.~~

~~(4) DIRECTOR means the director of the office of management services.~~

~~(5) DISASTER means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or man-made cause.~~

~~(6) EMERGENCY MANAGEMENT means the mitigation of, preparation for, response to, and~~

recovery from a disaster, and the maintaining of the public peace, health, and safety during a disaster. The term includes plans and preparations for protection from, and relief, recovery, and rehabilitation from, the effects of a disaster. The term does not include any activity that is the primary responsibility of the military forces of the United States or the State of Texas.

(7) EMERGENCY MANAGEMENT FORCES means:

(A) the employees, equipment, and facilities of all city departments, offices, boards, institutions, and commissions; and

(B) all volunteer personnel, equipment, and facilities contributed by or obtained from volunteer persons or agencies.

(8) EMERGENCY MANAGEMENT VOLUNTEER means any person duly registered, identified, and appointed by the director of the office of management services, the city manager, or the mayor and assigned to participate in the emergency management activity.

(9) MAN-MADE CAUSE means, but is not limited to:

(A) a nuclear, radiological, or hazardous material accident;

(B) an airplane/aviation, ship/maritime, or train/railroad accident;

(C) an oil spill or other water contamination;

(D) a hostile military or paramilitary action, act of terrorism, or enemy attack;

(E) a riot or civil unrest;

(F) an explosion;

(G) a power outage or energy emergency;

(H) air contamination;

(I) a home or building fire;

(J) a bridge collapse or dam break;

(K) an epidemic or other health emergency; or

(L) any other similar impending or actual calamity requiring emergency action.

(10) NATURAL CAUSE means, but is not limited to:

(A) severe weather, a thunderstorm, or lightning;

(B) a hurricane or tornado;

(C) snow, ice, or a winter storm;

(D) a flood or flash flood;

(E) an earthquake, landslide, or mudflow;

(F) a heat wave, drought, blight, or infestation;

(G) a wildfire;

(H) a tsunami or other wave or tidal action;

(I) volcanic activity; or

(J) any other similar impending or actual calamity requiring emergency action.

~~(11) PERSON means an individual, corporation, association, or other legal entity.~~

~~(12) REGULATIONS mean plans, programs, and other emergency procedures deemed essential to emergency management.~~

~~(13) RIOT means a state of violent civil disorder that causes or threatens to cause loss of life or property in the city.~~

~~(14) STATE-DESIGNATED EMERGENCY MANAGEMENT DIRECTOR means the mayor of the city as specified by executive order RP32 of the governor of the State of Texas.~~

~~(15) STATE-DESIGNATED EMERGENCY MANAGEMENT COORDINATOR means the city manager as specified in executive order RP32 of the governor of the State of Texas.~~

~~(16) VOLUNTEER means any person contributing service, equipment, or facilities to the emergency management organization without compensation.~~

(1) CONTRABAND means any article, substance, or property, the possession or transportation of which is prohibited, that is subject to summary destruction upon seizure by officers of the law.

(2) CURFEW means a regulation requiring withdrawal of persons from streets, highways, alleys, sidewalks, vacant lots, parks, public buildings, or any other public places in all or a delineated part of the city during the stated hours when the regulation is in effect.

(3) DIRECTOR means the director of the office of management services.

(4) DISASTER has the meaning assigned to it by Texas Government Code Chapter 418, as amended.

(5) EMERGENCY MANAGEMENT means the mitigation of, preparation for, response to, and recovery from a disaster, and the maintaining of the public peace, health, and safety during a disaster. The term includes plans and preparations for protection from, and relief, recovery, and rehabilitation from, the effects of a disaster. The term does not include any activity that is the primary responsibility of the military forces of the United States or the State of Texas.

(6) EMERGENCY MANAGEMENT FORCES means:

(A) the employees, equipment, and facilities of all city departments, offices, boards, institutions, and commissions; and

(B) all volunteer personnel, equipment, and facilities contributed by or obtained from volunteer persons or agencies.

(7) EMERGENCY MANAGEMENT VOLUNTEER means any person duly registered, identified, and appointed by the director of the office of management services, the city manager, or the mayor and assigned to participate in the emergency management activity.

(8) MEDICAL SUPPLY DISTRIBUTOR has the meaning assigned to it by Subchapter C of Chapter 546 of the Texas Transportation Code, as amended.

(9) PERSON means an individual, corporation, association, or other legal entity.

(10) PLACE OF WORSHIP has the meaning assigned to it by Texas Civil Practice and Remedies Code Chapter 110, as amended.

(11) REGULATIONS mean plans, programs, and other emergency procedures deemed essential to emergency management.

(12) STATE-DESIGNATED EMERGENCY MANAGEMENT DIRECTOR means the mayor of the city as specified by executive order RP32 of the governor of the State of Texas.

(13) VOLUNTEER means any person contributing service, equipment, or facilities to the emergency management organization without compensation. (Ord. Nos. 15983; 17226; 25834; 27697; 33224)

SEC. 14B-4. RESERVED.

(Repealed by Ord. 27697)

SEC. 14B-5. DIRECTOR OF THE OFFICE OF

SEC. 14B-6. DECLARATION OF STATE OF DISASTER.

~~(a) If the mayor determines that a local disaster exists, the mayor shall declare a local state of disaster and invoke emergency powers. Emergency powers may not be continued or renewed for a period in excess of seven days except by or with the consent of the city council.~~

(a) If the mayor determines that a local disaster exists, the mayor shall declare a local state of disaster and invoke emergency powers. Emergency powers may not be continued or renewed for a period in excess of seven days except with the consent of the city council.

(b) During any period in which a state of disaster has been declared by either the mayor or the governor, the city council may convene to perform its duties as the situation demands, and shall receive reports relative to emergency management activities. If it becomes necessary for the mayor and city council to vacate or leave the city limits, the city council shall have full power and authority to act in matters affecting property or people remaining in the city limits in the same manner as though the city council were conducting its business within the city limits. As soon as the city council finds that emergency powers need not be used to deal with a situation, it shall immediately proclaim that the state of disaster has terminated.

~~(c) Any order or proclamation declaring, continuing, or terminating a state of disaster must be filed promptly with the city secretary and given prompt and general publicity, such as through newspapers, radio, and television.~~

(c) Any order or proclamation declaring, continuing, or terminating a state of disaster must be filed promptly with the city secretary and given prompt and general publicity, such as through newspapers, radio, television, and internet websites. (Ord. Nos. 15983; 17226; 25834; 33224)

SEC. 14B-7. ~~CITY MANAGER~~ MAYOR - POWERS AND DUTIES.

~~(a) During any period that a disaster order or proclamation, issued by either the mayor or governor, is in effect, the city manager may promulgate such regulations as he or she deems necessary to protect life and property and preserve critical resources. Such regulations and powers may include, but are not limited to, the power to:~~

(a) Except as provided in Section 14B-7.1, during any period that a disaster order or proclamation, issued by either the mayor or governor, is in effect, the mayor may promulgate such regulations as he or she deems necessary to protect life and property and preserve critical resources. Such regulations and powers may include, but are not limited to, the power to:

(1) prohibit or restrict the movement of vehicles in order to facilitate the work of emergency management forces or to facilitate the mass movement of persons from critical areas within or without the city;

(2) recommend the movement of persons from areas deemed to be hazardous or vulnerable to disaster;

(3) order a curfew into effect in all or any delineated part of the city and to exempt from the curfew any person whose movement is essential to the health, safety, and welfare of the public;

(4) order the closing of any place where arms, ammunition, dynamite, or other explosives are sold, and forbid the sale, barter, loan, or gift of those items;

(5) order the closing of bars, lounges, private clubs, package liquor stores or any business establishment having a liquor, beer, or wine permit; gasoline stations; theaters; ball rooms; and public rooms or buildings;

(6) prohibit the sale of beer, wine, and intoxicating liquor and prohibit the sale, distribution, or gift of gasoline or other flammable liquid or combustible product in any container other than a gasoline tank properly affixed to a motor vehicle;

(7) declare certain items that may be potentially injurious to the public health or welfare to be contraband and authorize a search for those items;

(8) exclude sightseers from any area where a disaster or emergency is imminent or has occurred;

~~(b) Regulations promulgated in accordance with the authority granted by this chapter will be given widespread circulation by proclamations published in newspapers and aired on radio and television. These regulations will have the effect of ordinances when duly filed with the city secretary.~~

(b) Regulations promulgated in accordance with the authority granted by this chapter will be given widespread circulation by proclamations published on the internet and in newspapers and aired on radio and television. These regulations will have the effect of ordinances when duly filed with the city secretary. (Ord. Nos. 15983; 17226; 25834; 33224)

SEC. 14B-7.1. LIMITATION ON DISASTER DECLARATION.

The mayor, director, state-designated emergency management director, the state-designated emergency management coordinator, or any other city official or employee may not issue:

(1) Place of worship. An order that closes or has the effect of closing a place of worship.

(2) Construction and related services. An order to address a pandemic disaster that limits or prohibits:

(A) housing and commercial construction activities, including related activities involving the sale, transportation, and installation of manufactured homes;

(B) the provision of governmental services for title searches, notary services, and recording services in support of mortgages and real estate services and transactions;

(C) residential and commercial real estate services, including settlement services; or

(D) essential maintenance, manufacturing, design, operation, inspection, security, and construction services for essential products, services, and supply chain relief efforts.

(3) Medical supply distributor. An order that limits or prohibits access to highways, streets, and bridges for a vehicle used by a medical supply distributor to transport prescription drugs and other medical supplies to an emergency care facility, pharmacy, or nursing home if the transport vehicle will not negatively impact evacuation activities or any response or recovery activities in the disaster area. (Ord. No. 33224)

SEC. 14B-8. STATE-DESIGNATED EMERGENCY MANAGEMENT DIRECTOR AND STATE-DESIGNATED EMERGENCY MANAGEMENT COORDINATOR - POWERS AND DUTIES.

~~The mayor as the state-designated emergency management director and the city manager as the state-designated emergency management coordinator shall have the following duties and responsibilities:~~

(a) The mayor as the state-designated emergency management director may designate a person to serve as the state-designated emergency management coordinator.

(b) The state-designated emergency management director and the state-designated emergency management coordinator shall have the following duties and responsibilities:

(1) To obtain vital supplies, equipment, and other properties, including, but not limited to, sites required for installation of temporary housing units and the housing units themselves, found lacking and needed for the protection of health, life, and property.

(2) To require emergency services of any city officer or employee. If regular city forces are determined inadequate, then to require the services of such other personnel as he or she can obtain that are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by state law to other registered and identified emergency management and disaster workers.

(3) To cause to be prepared the city of Dallas emergency operations plan. (Ord. Nos. 15983; 17226; 25834; 33224)

SEC. 15D-9. APPLICATION FOR LICENSE.

(a) To obtain a private ambulance service license, a person must make written application to the director upon a form provided for that purpose. The application must be signed and sworn to by an applicant who is the owner of the private ambulance service. The application must include the following:

(1) the name, address, and telephone number of the applicant, the trade name under which the applicant does business, and the street address and telephone number of the business establishment from which the private ambulance service will be operated;

(2) the form of business of the applicant and, if the business is a sole proprietorship, partnership, corporation, or association, a copy of the documents establishing the business and the name and address of each person with a direct interest in the business;

(3) a statement of the nature and character of the service that the applicant proposes to provide, the facts showing the demand for the service, the experience that the applicant has had in providing such service, and the time period, if any, that the applicant provided such service within the city;

(4) an identification and description of any revocation or suspension of a private ambulance service license held by the applicant or business before the date of filing the application;

(5) the number and description of vehicles to be operated in the proposed service, including the year, make, model, vehicle identification number, and state license plate number and the class, size, design, and color scheme of each ambulance;

(6) documentary evidence from an insurance company indicating a willingness to provide insurance as required by this article;

(7) documentary evidence of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed service if the business establishment is located in the city;

(8) a list, to be current at all times, of the owners and management personnel of the private ambulance service and of all employees who will participate in private ambulance service, including names, addresses, dates of birth, state driver's license numbers, and social security numbers;

(9) a list of any claims or judgments against the applicant, other owners or management personnel, or employees for damages resulting from the negligent operation of an ambulance or any other vehicle;

(10) proof of financial ability and responsibility of the applicant;

(11) proof of a license from the Texas Department of Health to operate as an emergency medical services provider;

(12) any other information determined by the director to be necessary to the implementation and enforcement of this article or to the protection of the public safety; and

~~(13) a nonrefundable application processing fee of $120.~~

(13) a nonrefundable application processing fee of $123.

(b) Reserved.

(c) A person desiring to engage in private ambulance service shall register with the director a trade name that clearly differentiates that person's company from all other companies engaging in private ambulance service and shall use no other trade name for the private ambulance service. (Ord. Nos. 21861; 27695; 30215; 33232)

SEC. 15D-9.1. PUBLIC HEARING; BURDEN OF PROOF.

(a) Upon receipt of an application for a private ambulance service license, the director shall promptly call a public hearing to consider the application. The director shall publish notice of the hearing once in the official newspaper of the city, and post notice of the hearing on the official bulletin board in the city hall, not less than five nor more than 15 days before the date of the hearing and shall give at least five days' written notice of the hearing to:

(1) the applicant;

(2) the fire department; and

(3) the city secretary's office.

(b) At the public hearing, the director shall hear evidence from interested persons on relevant issues.

(c) The applicant for a license has the burden of proving that:

(1) the public convenience and necessity require the proposed private ambulance service;

(2) the applicant is qualified and financially able to provide the service proposed in the application;

(3) the proposed fares and rates to be charged by the applicant are reasonable; and

(4) the proposed operating procedures and type of service to be offered will not interfere with, or adversely affect, existing ambulance systems. (Ord. 21861)

SEC. 15D-9.2. LICENSE ISSUANCE; FEE; DISPLAY; TRANSFERABILITY.

(a) The director shall, within a reasonable time after the date of application, issue a private ambulance service license to an applicant who complies with the provisions of this article.

(b) A license issued to a private ambulance service authorizes the licensee and the licensee's bona fide employees to engage in private ambulance service.

~~(c) The annual fee for a private ambulance service license is $445. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is $5. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.~~

(c) The annual fee for a private ambulance service license is $289. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is $53. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.

(d) A private ambulance service license issued under this article must be conspicuously displayed in the private ambulance service's business establishment.

(e) A private ambulance service license, or any accompanying permit, badge, sticker, ticket, or emblem, is not assignable or transferable. (Ord. Nos. 21861; 30215; 33232)

SEC. 15D-9.3. EXPIRATION AND RENEWAL OF LICENSE.

(a) A private ambulance service license expires one year from the date of issuance. A licensee shall apply for a renewal at least 30 days before the expiration of the license. The director shall renew a license without a public hearing if, after investigation, the director determines that:

(1) the licensee has performed satisfactorily under the terms of the license;

(2) the service provided continues to be necessary and desirable; and

(3) the licensee continues to comply with all requirements of this article.

(b) If, after investigation of a renewal application, the director determines that a statement in Subsection (a)(1), (2), or (3) is not true, the director

(13) have successfully completed within the preceding 36 months a defensive driving course approved by the Texas Education Agency and be able to present proof of completion; and

(14) meet all standards and requirements for emergency medical services personnel set forth in the Emergency Medical Services Act (Chapter 773, Texas Health and Safety Code), as amended, and be currently certified by and registered with the Texas Department of Health as either a basic emergency medical technician, a specially skilled emergency medical technician, or a paramedic emergency medical technician.

(b) An applicant who has been convicted of an offense listed in Subsection (a)(7) or (8), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for an ambulance personnel permit only if the director determines that the applicant is presently fit to engage in the occupation of ambulance personnel for a private ambulance service. In determining present fitness under this section, the director shall consider the following:

(1) the extent and nature of the applicant's past criminal activity;

(2) the age of the applicant at the time of the commission of the crime;

(3) the amount of time that has elapsed since the applicant's last criminal activity;

(4) the conduct and work activity of the applicant prior to and following the criminal activity;

(5) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.

(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section and under Section 15D-9.15 of this article.

(d) As an additional qualification for an ambulance personnel permit, the director may require the applicant to pass an examination testing general knowledge of traffic laws and the geography of the city. (Ord. 21861)

SEC. 15D-9.10. APPLICATION FOR AMBULANCE PERSONNEL PERMIT.

~~To obtain an ambulance personnel permit or renewal of an ambulance personnel permit, a person must file with the director a completed written application on a form provided for that purpose and a nonrefundable application fee of $64. The director shall require each application to state any information the director considers necessary to determine whether an applicant is qualified.~~

To obtain an ambulance personnel permit or renewal of an ambulance personnel permit, a person must file with the director a completed written application on a form provided for that purpose and a nonrefundable application fee of $116. The director shall require each application to state any information the director considers necessary to determine whether an applicant is qualified. (Ord. Nos. 21861; 25048; 27695; 30215; 33232)

SEC. 15D-9.11. INVESTIGATION OF APPLICATION.

(a) For the purpose of determining qualification under Section 15D-9.9(a)(5) for a permit or permit renewal, the director may require an applicant to submit to a physical examination conducted by a

shall immediately surrender the ambulance personnel permit to the director and cease to drive or act as an attendant on a private ambulance. (Ord. 21861)

SEC. 15D-9.14. PROVISIONAL PERMIT.

(a) The director may issue a provisional ambulance personnel permit if the director determines that:

(1) the number of ambulance personnel is inadequate to meet the city's need for private ambulance service, in which case he may issue the number necessary to meet the need; or

(2) it is necessary to allow the director to complete investigation of an applicant for an ambulance personnel permit.

(b) A provisional ambulance personnel permit expires on the date shown on the permit, which date shall not exceed 45 days after the date of issuance, or upon the applicant's being denied an ambulance personnel permit, whichever occurs first.

(c) The director shall not issue a provisional permit to a person who has been previously denied an ambulance personnel permit. (Ord. 21861)

SEC. 15D-9.15. PROBATIONARY PERMIT.

(a) The director may issue a probationary ambulance personnel permit to an applicant who is not qualified for an ambulance personnel permit under Section 15D-9.9 if the applicant:

(1) could qualify under Section 15D-9.9 for an ambulance personnel permit within one year from the date of application;

(2) holds a valid state driver's license or occupation driver's license; and

(3) is determined by the director, using the criteria listed in Section 15D-9.9(b) of this article, to be presently fit to engage in the occupation of ambulance personnel.

(b) A probationary permit may be issued for a period not to exceed one year.

(c) The director may prescribe appropriate terms and conditions for a probationary permit as the director determines are necessary. (Ord. 21861)

SEC. 15D-9.16. DUPLICATE PERMIT.

~~If an ambulance personnel permit is lost, destroyed, or mutilated, the director may issue the permittee a duplicate permit upon receiving payment of a duplicate permit fee of $40.~~

If an ambulance personnel permit is lost, destroyed, or mutilated, the director may issue the permittee a duplicate permit upon receiving payment of a duplicate permit fee of $53. (Ord. Nos. 21861; 25048; 27695; 30215; 33232)

SEC. 15D-9.17. DISPLAY OF PERMIT.

A permittee shall keep an ambulance personnel permit in the permittee's possession at all times while on duty. The permittee shall allow the director, the fire chief, or a peace officer to examine the ambulance personnel permit upon request. (Ord. 21861)

SEC. 15D-9.18. SUSPENSION BY A DESIGNATED REPRESENTATIVE.

(a) If a representative designated by the director to enforce this article determines that a permittee has failed to comply with this article (except Section 15D-9.9) or a regulation established under this article, the representative may suspend the ambulance personnel permit for a period of time not to exceed three days by personally serving the permittee with a written notice of the suspension. The notice must include:

(b) The automobile liability insurance must provide combined single limits of liability for bodily injury and property damage of not less than $300,000 for each occurrence, or the equivalent, for each ambulance used by the licensee, with a maximum deductible not to exceed the amount allowed by the Texas Safety Responsibility Act (6701h, Vernon's Texas Civil Statutes), as amended. The insurance must include uninsured and underinsured motorist coverage in amounts of not less than $20,000 per person and $40,000 per accident for bodily injury and $15,000 per accident for property damage, or the equivalent. Aggregate limits of liability are prohibited.

(c) The malpractice insurance must provide limits of liability of not less than $300,000 for each claim, or the equivalent.

(d) The commercial general liability insurance must be broad form and provide limits of liability for bodily injury and property damage of not less than $300,000 combined single limit, or the equivalent.

(e) If a vehicle is removed from service, the licensee shall maintain the insurance coverage required by this section for the vehicle until the director receives satisfactory proof that all evidence of operation as an ambulance has been removed from the vehicle.

(f) Insurance required under this section must include:

(1) a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 10 days before canceling, failing to renew, or making a material change to the insurance policy; and

(2) a provision to cover all vehicles, whether owned or not owned by the licensee, operated under the private ambulance service license.

(g) A license will not be granted or renewed unless the applicant or licensee furnishes the director with such proof of insurance as the director considers necessary to determine whether the applicant or licensee is adequately insured under this section.

~~(h) If the insurance of a licensee lapses or is canceled and new insurance is not obtained, the director shall suspend the license until the licensee provides evidence that insurance coverage required by this section has been obtained. A person shall not operate a private ambulance service while a license is suspended under this section whether or not the action is appealed. A $100 fee must be paid before a license suspended under this section will be reinstated.~~

(h) If the insurance of a licensee lapses or is canceled and new insurance is not obtained, the director shall suspend the license until the licensee provides evidence that insurance coverage required by this section has been obtained. A person shall not operate a private ambulance service while a license is suspended under this section whether or not the action is appealed. A $47 fee must be paid before a license suspended under this section will be reinstated. (Ord. Nos. 21861; 33232)

Division 6. Service Rules and Regulations.

SEC. 15D-9.27. PRIVATE AMBULANCE SERVICE.

(a) Each private ambulance service licensee shall:

(1) be available to provide private ambulance service at least Monday through Friday from 8:30 a.m. to 5:00 p.m., except on legal holidays; and

(2) have a working, publicly-listed telephone that must be physically answered by the licensee or an employee 24 hours a day.

(b) A licensee shall provide the director with not less than 10 days' written notice prior to any change in the business address or telephone number of the private ambulance service.

(c) A licensee who experiences interruption of telephone service to the place of business shall notify the director immediately. (Ord. 21861)

(b) A licensee or applicant for a license shall have each vehicle to be used in private ambulance service inspected in a manner approved by the director before issuance of a license and at such other times as may be ordered by the director. Inspection must determine safety of the vehicle, condition of maintenance, and compliance with state and federal laws.

~~(c) The fee for each inspection of each vehicle to be operated under a private ambulance service license is $131.~~

(c) The fee for each inspection of each vehicle to be operated under a private ambulance service license is $344.

(d) If a vehicle is involved in an accident or collision during the term of the license, the licensee shall notify the director within five days after the accident or collision. Before operating the vehicle again under the license, a licensee shall have the vehicle reinspected for safety and shall send to the director a sworn affidavit that the vehicle has been restored to its previous condition.

(e) The director shall designate the time and place for annual inspection of vehicles operated under a license. If the director designates someone other than a city employee to perform the inspection, the applicant or licensee shall bear the reasonable cost of inspection.

(f) A licensee may contract for maintenance but shall be responsible for maintaining all vehicles operated under the license in safe operating condition. (Ord. Nos. 21861; 25048; 30215; 33232)

SEC. 15D-9.32. VEHICLES AND EQUIPMENT.

(a) The licensee, owner, or permittee of a private ambulance shall provide and maintain in the vehicle all equipment required by the director, which shall be specified in the private ambulance service license.

(b) Each vehicle must have:

(1) a paint scheme that has been approved by the director;

(2) the trade name of the company and the equipment number permanently affixed in a manner and location approved by the director; and

(3) a decal complying with Section 15D-9.33.

(c) Each private ambulance must be licensed as an emergency medical services vehicle with the Texas Department of Health. Each private ambulance and all private ambulance equipment must comply with all applicable federal and state motor vehicle safety standards and with the standards for emergency medical services vehicles set forth in the Emergency Medical Services Act (Chapter 773, Texas Health and Safety Code), as amended. All safety mechanisms on each vehicle must be operative and in good repair, including, but not limited to, headlights, taillights, turn signals, brakes, brakelights, emergency lights, windshield wipers, wiper blades, handles opening doors and windows, tires, and spare tires.

(d) Each private ambulance, while on an ambulance call, must be accompanied by at least two ambulance personnel permitted under this article. One of the ambulance personnel shall serve as the driver while the other remains in attendance on the sick or injured patient.

(e) Clean and sanitary bed linens must be provided on each private ambulance for each patient carried. Bed linens must be changed as soon as practical after the discharge of a patient, but before picking up another patient. (Ord. 21861)

SEC. 15D-9.33. DECALS.

(a) A licensee shall obtain from the director a decal indicating a private ambulance's authority to

SEC. 15D-19. RESPONSE TO PRIVATE CALLS PROHIBITED.

A wrecker company shall not respond within the city to a private request for wrecker service at a police scene, unless specifically authorized by the chief of police. (Ord. Nos. 13977; 14685; 24661)

Division 2. Emergency Wrecker Service License.

SEC. 15D-20. LICENSE REQUIRED; TRADE NAME REGISTRATION; BUSINESS LOCATION.

(a) A person commits an offense if he, or his agent or employee, engages in emergency wrecker service in the city without a valid emergency wrecker service license issued by the director under this article. Only one license may be issued to each emergency wrecker company.

(b) The owner of an emergency wrecker company shall register with the director a trade name that clearly differentiates that emergency wrecker company from all other companies engaging in emergency wrecker service and shall use no other trade name for the emergency wrecker company.

(c) A licensee shall maintain a permanent and established place of business at a location in the city where an emergency wrecker service is not prohibited by the Dallas Development Code. This location must be either within the zone in which the licensee is licensed to operate an emergency wrecker service or within one-half mile outside the established boundaries of that zone.

(d) A licensee shall operate the licensed emergency wrecker service from a location inside the city. (Ord. Nos. 13977; 14685; 15612; 16554; 24661; 27487)

SEC. 15D-21. LICENSE APPLICATION; CHANGE OF ZONE.

~~(a) A person desiring to engage in emergency wrecker service in the city shall file with the director an application upon a form provided for that purpose, accompanied by a nonrefundable application processing fee of $250. The application must be signed by an individual who will own, control, or operate the proposed emergency wrecker service. The application must be verified and include the following information:~~

(a) A person desiring to engage in emergency wrecker service in the city shall file with the director an application upon a form provided for that purpose, accompanied by a nonrefundable application processing fee of $152. The application must be signed by an individual who will own, control, or operate the proposed emergency wrecker service. The application must be verified and include the following information:

(1) The trade name under which the applicant does business and the street address and telephone number of the emergency wrecker service's business location.

(2) The number and types of wreckers to be operated, including the year, make, model, vehicle identification number, and state license plate number of, and the type of winch or lifting device to be operated on, each wrecker.

(3) The name, address, and telephone number of the applicant.

(4) An agreement that the applicant will participate in the wrecker list.

(5) A list, to be kept current, of the owners (including each owner's percentage of ownership) and management personnel of the emergency wrecker service, and of all employees who will participate in emergency wrecker service, including names, state driver's license numbers, wrecker driver's permit numbers, and whether the person holds an incident management towing operator's license.

(6) A statement attesting that all property, both real and personal, used in connection with the emergency wrecker service has been rendered for ad

(7) Documentary evidence from an insurance company indicating a willingness to provide liability insurance as required by this article.

(8) Proof of an ability to provide emergency wrecker service with at least four wreckers, including a minimum of one conventional light duty wrecker and one tilt bed/roll back carrier (the other two wreckers may be either conventional light duty or tilt bed/roll back), that meet the requirements of this article and any rules and regulations promulgated by the director or the chief of police pursuant to this article.

(9) Detailed financial reports for the previous three years that include income statements and balance sheets covering all wrecker activities or, if the applicant does not prepare an annual financial report, copies of the applicant's federal income tax statements for the previous three calendar years relating to the business.

(10) Proof of a valid certificate of occupancy issued by the city in the name of the company and for the location of the emergency wrecker service business.

(b) If a licensee requests a change of zone, the requirements of an initial applicant must be met.

(c) The director may, at any time, require additional information of an applicant or licensee to clarify items on the application. (Ord. Nos. 13977; 14685; 15612; 16554; 16578; 17208; 21175; 24661; 27487; 27695; 30215; 32265; 33232)

SEC. 15D-22. LICENSE QUALIFICATIONS.

(a) To qualify for an emergency wrecker service license, an applicant must:

(1) be at least 19 years of age;

(2) be currently authorized to work full-time in the United States;

(3) be able to provide all associated drivers with a GPS-enabled device;

(4) be able to communicate in the English Language; and

(5) not have been convicted of a crime:

(A) involving:

(i) criminal homicide as described in Chapter 19 of the Texas Penal Code;

(ii) kidnapping as described in Chapter 20 of the Texas Penal Code;

(iii) a sexual offense as described in Chapter 21 of the Texas Penal Code;

(iv) an assaultive offense as described in Chapter 22 of the Texas Penal Code;

(v) robbery as described in Chapter 29 of the Texas Penal Code;

(vi) burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a towing or wrecker service;

(vii) theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a towing or wrecker service;

(viii) fraud as described in Chapter 32 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a towing or wrecker service;

imposed for the conviction, may qualify for an emergency wrecker service license only if the director determines that the applicant, or the employee, is presently fit to engage in the business of an emergency wrecker service. In determining present fitness under this section, the director shall consider the following:

(1) the extent and nature of the applicant's, or employee's, past criminal activity;

(2) the age of the applicant, or employee, at the time of the commission of the crime;

(3) the amount of time that has elapsed since the applicant's, or employee's, last criminal activity;

(4) the conduct and work activity of the applicant, or employee, prior to and following the criminal activity;

(5) evidence of the applicant's, or employee's, rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant's, or employee's, present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant, or employee; the sheriff and chief of police in the community where the applicant, or employee, resides; and any other persons in contact with the applicant, or employee.

(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section.

(d) An applicant for an emergency wrecker service license has the burden of proving that the applicant is qualified to operate an emergency wrecker service under this article.

(e) In determining whether the applicant is qualified to operate an emergency wrecker service in the city, the director shall consider, but not be limited to considering, the fitness of the applicant to perform an emergency wrecker service as may be indicated by the experience in wrecker operation, the safety record of the applicant, and the applicant's compliance with other city, state, and federal laws. (Ord. Nos. 24661; 27487; 32265)

SEC. 15D-23. LICENSE ISSUANCE; FEE; DISPLAY; TRANSFERABILITY; EXPIRATION.

(a) The director shall, within 30 days after the date of application, issue an emergency wrecker service license to an applicant who complies with this article.

(b) A license issued to an emergency wrecker service authorizes the licensee and any bona fide employee to engage in emergency wrecker service.

~~(c) The annual fee for an emergency wrecker service license is $520, prorated on the basis of whole months. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is $20. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.~~

(c) The annual fee for an emergency wrecker service license is $695, prorated on the basis of whole months. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is $27. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.

(d) An emergency wrecker service license issued pursuant to this article must be conspicuously displayed in the emergency wrecker service's business location.

(e) An emergency wrecker service license, or any accompanying permit, badge, sticker, ticket, or emblem, is not assignable or transferable.

(f) An emergency wrecker service license expires June 30 of each year and may be renewed by applying in accordance with Section 15D-21. Application for renewal must be made not less than 30

days or more than 60 days before expiration of the license and must be accompanied by the annual license fee.

(g) A licensee shall, not less than 10 days before any change of address or trade name, notify the director of such changes. (Ord. Nos. 13977; 14685; 15612; 16554; 21175; 24661; 27487; 27695; 30215; 33232)

SEC. 15D-24. REFUSAL TO ISSUE OR RENEW LICENSE.

(a) The director shall refuse to issue or renew an emergency wrecker service license if the applicant or licensee:

(1) intentionally or knowingly makes a false statement as to a material matter in an application for a license or license renewal, or in a hearing concerning the license;

(2) has been convicted twice within a 12-month period or three times within a 24-month period for violation of this article or has had an emergency wrecker service license revoked within two years prior to the date of application;

(3) uses a trade name for the emergency wrecker company other than the one registered with the director;

(4) has had an emergency wrecker service license suspended on three occasions within 12 months for more than three days on each occasion;

(5) has been finally convicted for violation of another city, state, or federal law that indicates a lack of fitness of the applicant to perform emergency wrecker service;

(6) fails to meet the service standards in the rules and regulations established by the director or the chief of police;

(7) is not qualified under Section 15D-22 of this article; or

(8) uses a subcontractor to provide emergency wrecker service.

(b) If the director determines that a license should be denied the applicant or licensee, the director shall notify the applicant or licensee in writing that the application is denied and include in the notice the specific reason or reasons for denial and a statement informing the applicant or licensee of the right to, and process for, appeal of the decision. (Ord. Nos. 13977; 14685; 14996; 15612; 16554; 24661; 27487)

SEC. 15D-25. SUSPENSION OF LICENSE.

(a) A representative of the director or chief of police may suspend an emergency wrecker service license for a definite period of time not to exceed three days, and the director or the chief of police may suspend an emergency wrecker service license for a definite period of time not to exceed 10 days or, if the deficiency is detrimental to public safety, then for a period of time until the deficiency is corrected, for one or more of the following reasons:

(1) Failure of the licensee to maintain any wrecker or equipment in a good and safe working condition.

(2) Violation by the licensee or an employee of the licensee of a provision of this article or of the rules and regulations established by the chief of police or the director under this article.

(3) Failure of the licensee's wrecker to arrive at a police scene location or a rapid response location within the prescribed time after having been notified to do so by the chief of police.

(4) Conviction of an emergency wrecker driver of a provision of the motor vehicle or traffic

(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;

(8) not have been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated:

(A) within the preceding 12 months; or

(B) more than one time within the preceding five years;

(9) not be addicted to the use of alcohol or narcotics;

(10) be subject to no outstanding warrants of arrest;

(11) be sanitary and well-groomed in dress and person;

(12) be employed by a licensee; and

(13) have successfully completed within the preceding 12 months a defensive driving course approved by the Texas Education Agency and be able to present proof of completion.

(b) An applicant who has been convicted of an offense listed in Subsection (a)(7) or (8), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for a wrecker driver's permit only if the director determines that the applicant is presently fit to engage in the occupation of a wrecker driver. In determining present fitness under this section, the director shall consider the following:

(1) the extent and nature of the applicant's past criminal activity;

(2) the age of the applicant at the time of the commission of the crime;

(3) the amount of time that has elapsed since the applicant's last criminal activity;

(4) the conduct and work activity of the applicant prior to and following the criminal activity;

(5) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.

(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section and under Section 15D-35 of this article. (Ord. Nos. 24661; 27487)

SEC. 15D-30. APPLICATION FOR WRECKER DRIVER'S PERMIT; FEE.

~~To obtain a wrecker driver's permit, or renewal of a wrecker driver's permit, a person must file with the director a completed written application on a form provided for the purpose and a nonrefundable application fee of $29. The director shall require each application to state such information as the director reasonably considers necessary to determine whether an applicant is qualified.~~

To obtain a wrecker driver's permit, or renewal of a wrecker driver's permit, a person must file with the director a completed written application on a form provided for the purpose and a nonrefundable application fee of $75. The director shall require each application to state such information as the director reasonably considers necessary to determine whether an applicant is qualified. (Ord. Nos. 24661; 27695;

30215; 33232)

suspended or revoked by the state, the wrecker driver's permit automatically becomes void. A permittee shall notify the director and the licensee for whom the permittee drives within three days after a suspension or revocation of either state license and shall immediately surrender the wrecker driver's permit to the director. (Ord. Nos. 24661; 27487)

SEC. 15D-34. PROVISIONAL PERMIT.

(a) The director may issue a provisional wrecker driver's permit if the director determines that it is necessary pending completion of investigation of an applicant for a wrecker driver's permit.

(b) A provisional wrecker driver's permit expires on the date shown on the permit, which date shall not exceed 45 days after the date of issuance, or on the date the applicant is denied a wrecker driver's permit, whichever occurs first.

(c) The director shall not issue a provisional permit to a person who has been previously denied a wrecker driver's permit. (Ord. 24661)

SEC. 15D-35. PROBATIONARY PERMIT.

(a) The director may issue a probationary wrecker driver's permit to an applicant who is not qualified for a wrecker driver's permit under Section 15D-29 if the applicant:

(1) could qualify under Section 15D-29 for a wrecker driver's permit within one year from the date of application;

(2) holds a valid state driver's license or occupational driver's license;

(3) holds a valid state incident management towing operator's license; and

(4) is determined by the director, using the criteria listed in Section 15D-29(b) of this article, to be presently fit to engage in the occupation of a wrecker driver.

(b) A probationary wrecker driver's permit may be issued for a period not to exceed one year.

(c) The director may prescribe appropriate terms and conditions for a probationary wrecker driver's permit as the director determines are necessary. (Ord. Nos. 24661; 27487)

SEC. 15D-36. DUPLICATE PERMIT.

~~If a wrecker driver's permit is lost or destroyed, the director shall issue the permittee a duplicate permit upon payment to the city of a duplicate permit fee of $24.~~

If a wrecker driver's permit is lost or destroyed, the director shall issue the permittee a duplicate permit upon payment to the city of a duplicate permit fee of $20. (Ord. Nos. 24661; 27695; 30215; 33232)

SEC. 15D-37. DISPLAY OF PERMIT.

A wrecker driver shall at all times keep a valid wrecker driver's permit in the driver's possession and shall allow the director, the chief of police, or a peace officer to examine the permit upon request. (Ord. Nos. 24661; 27487)

SEC. 15D-38. SUSPENSION BY A DESIGNATED REPRESENTATIVE.

(a) If a duly authorized representative designated by the director to enforce this article determines that a permittee has failed to comply with this article (except Section 15D-29) or a regulation established under this article, the representative may suspend the wrecker driver's permit for a period of time not to exceed three days by personally serving the permittee with a written notice of the suspension. The written notice must include the reason for suspension,

(3) tank tops; or

(4) sandals.

(d) While on duty, a driver shall wear a traffic safety vest that is certified by the American National Standards Institute (ANSI) for visibility. (Ord. Nos. 24661; 27487)

SEC. 15D-46. INSURANCE.

(a) A licensee shall procure and keep in full force and effect automobile liability insurance written by an insurance company that:

(1) is approved, licensed, or authorized by the State of Texas;

(2) is acceptable to the city; and

(3) does not violate the ownership/ operational control prohibition described in Subsection (j) of this section.

(b) The insurance must be issued in the standard form approved by the Texas Department of Insurance, and all provisions of the policy must be acceptable to the city. The insured provisions of the policy must name the city and its officers and employees as additional insureds. The coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of an emergency wrecker service by the licensee, including but not limited to damage to a towed vehicle caused directly or indirectly by improper hookup or improper towing.

(c) The automobile liability insurance must provide combined single limits of liability for bodily injury and property damage of not less than $500,000 for each occurrence, or the equivalent, for each wrecker used by the licensee. Aggregate limits of liability are prohibited.

(d) The cargo/on hook insurance for vehicles while being loaded, unloaded, or transported must provide limits of liability of not less than $25,000 for each light duty wrecker or tilt bed/roll back carrier and $50,000 for each medium duty wrecker, heavy duty wrecker, or lowboy unit.

(e) If a vehicle is removed from service, the licensee shall maintain the insurance coverage required by this section for the vehicle until the director receives satisfactory proof that all evidence of operation as an emergency wrecker has been removed from the vehicle.

(f) Insurance required under this section must include:

(1) a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before canceling, failing to renew, or making a material change to the insurance policy;

(2) a provision to cover all vehicles, whether owned or not owned by the licensee, that are operated under the license; and

(3) a provision requiring the insurance company to pay every claim on a first-dollar basis.

(g) Insurance required by this section may be obtained from an assigned risk pool if all of the policies and coverages are managed by one agent, and one certificate of insurance is issued to the city.

(h) A license will not be granted or renewed unless the applicant or licensee furnishes the director with such proof of insurance as the director considers necessary to determine whether the applicant or licensee is adequately insured under this section.

~~(i) If the insurance of a licensee lapses or is canceled and new insurance is not obtained, the director shall suspend the license until the licensee provides evidence that insurance coverage required by~~

~~this section has been obtained. A person shall not operate an emergency wrecker service while a license is suspended under this section whether or not the action is appealed. A $100 fee must be paid before a license suspended under this section will be reinstated.~~

(i) If the insurance of a licensee lapses or is canceled and new insurance is not obtained, the director shall suspend the license until the licensee provides evidence that insurance coverage required by this section has been obtained. A person shall not operate an emergency wrecker service while a license is suspended under this section whether or not the action is appealed. A $47 fee must be paid before a license suspended under this section will be reinstated.

(j) No person with any direct or indirect ownership interest in the licensee's emergency wrecker service may have any operational control, direct or indirect, in any insurance company that provides insurance required by this section to the emergency wrecker service. For purposes of this subsection, "operational control" means holding any management position with the insurance company (including, but not limited to, the chief executive officer, the president, any vice-president, or any person in a decision-making position with respect to insurance claims) or having the right to control the actions or decisions of any person in such a management position in the insurance company. (Ord. Nos. 21175; 21238; 24661; 25215; 27487; 33232)

SEC. 15D-47. INFORMATION TO BE SUPPLIED UPON REQUEST OF DIRECTOR.

Upon request of the director, a licensee shall submit to the director the following information:

(1) A current consolidated list of vehicles.

(2) A current financial statement that includes a balance sheet and income statement.

(3) Names of current officers, owners, and managers.

(4) A list of current drivers employed by the licensee, with their wrecker driver's permit numbers indicated, and a copy of the incident management towing operator's license issued by the state to each driver.

(5) A copy of the licensee's drug testing policy established under Chapter 2308 of the Texas Occupations Code, as amended.

(6) Any additional information deemed necessary by the director relating to the operations and activities of the emergency wrecker service. (Ord. Nos. 24661; 27487)

SEC. 15D-48. EMERGENCY WRECKER SERVICE RECORDS.

A licensee shall maintain the business records of the emergency wrecker service, including but not limited to records relating to the activities, operations, service, and safety record of the emergency wrecker service, at its business location required by Section 15D-20(c). The licensee shall make the emergency wrecker service records available for inspection by the director or the chief of police upon reasonable notice and request. (Ord. 24661)

SEC. 15D-49. FAILURE TO PAY AD VALOREM TAXES.

A licensee or an applicant for an emergency wrecker service license shall not allow the payment of ad valorem taxes upon any vehicle, equipment, or other property used directly or indirectly in connection with the emergency wrecker service to become delinquent. (Ord. 24661)

Division 5. Service Rules and Regulations.

SEC. 15D-50. EMERGENCY WRECKER SERVICE ZONES; WRECKER LIST PROCEDURE.

(a) The chief of police shall partition the city into zones for emergency wrecker service and shall place

(c) If a licensee or wrecker driver refuses to leave a towed vehicle at the vehicle owner or operator's designated delivery location for failure of the vehicle owner or operator to pay all fees allowed under Section 15D-57, the licensee or wrecker driver shall tow the vehicle to a location designated by the chief of police under Subsection (a) and report the change in the delivery location to the police department in accordance with Section 15D-55. (Ord. Nos. 21175; 24661; 27487)

SEC. 15D-55. NOTIFICATION OF POLICE DEPARTMENT; IMPOUNDED VEHICLE RECEIPTS.

(a) A licensee or wrecker driver commits an offense if he fails to notify and provide all of the following information to the police department or an approved vehicle storage facility within two hours after removing a vehicle from a police scene with an emergency wrecker:

(1) The location from which the vehicle was removed and the date and time of removal.

(2) The reason for removal of the vehicle.

(3) A physical description of the removed vehicle, including the year, make, model, color, state license plate number, and vehicle identification number of the vehicle.

(4) The trade name of the emergency wrecker service.

(5) The name, address, and telephone number of the vehicle storage facility or other location to which the vehicle was taken.

(6) The fee paid to the licensee or wrecker driver for removal of the vehicle and a copy of the receipt given to the owner or operator of the towed vehicle, which receipt must be signed by, and list the telephone number of, the vehicle's owner or operator.

(7) The dispatch number assigned by the chief of police to authorize the removal of the vehicle.

(b) A licensee or wrecker driver shall obtain from the chief of police impounded vehicle receipt forms on which to record the information required in Subsection (a) and any other information determined necessary by the director or the chief of police. A licensee or wrecker driver shall complete a separate impounded vehicle receipt for each vehicle removed by the licensee or wrecker driver under this article. The licensee or wrecker driver shall return copies of all completed impounded vehicle receipts to the police department in a manner and on a schedule required by the chief of police. This subsection does not apply if a licensee or wrecker driver has provided the required information to the police department or an approved vehicle storage facility through an electronic database. (Ord. Nos. 24661; 27487; 32265)

SEC. 15D-56. CITY-OWNED WRECKERS.

Nothing in this article prevents the chief of police from dispatching a city-owned wrecker to a police scene to render emergency wrecker service in lieu of dispatching an emergency wrecker from the wrecker list or the rapid response list. (Ord. Nos. 13977; 14685; 24661; 27487; 32265)

Division 6. Fee Schedule.

SEC. 15D-57. MAXIMUM FEE SCHEDULE FOR EMERGENCY WRECKER SERVICE.

(a) The following fees are authorized for providing emergency wrecker service to vehicles (except for vehicles owned by the city):

~~(1) $150 for towage of a vehicle with a manufacturer's gross vehicle weight rating of not more than 10,000 pounds, plus a fee of $73 for each hour~~

~~over two hours that is required to complete the tow, with partial hours paid in quarter hour increments.~~

~~(2) $300 for towage of a vehicle with a manufacturer's gross vehicle weight rating of more than 10,000 pounds but not more than 26,000 pounds, plus a fee of $109 for each hour over two hours that is required to complete the tow, with partial hours paid in quarter hour increments.~~

~~(3) $550 for towage of a vehicle with a manufacturer's gross vehicle weight rating of more than 26,000 pounds, plus a fee of $182 for each hour over two hours that is required to complete the tow, with partial hours paid in quarter hour increments.~~

(1) $165 for towage of a vehicle with a manufacturer's gross vehicle weight rating of not more than 10,000 pounds, plus a fee of $73 for each hour over two hours that is required to complete the tow, with partial hours paid in quarter hour increments.

(2) $300 for towage of a vehicle with a manufacturer's gross vehicle weight rating of more than 10,000 pounds but not more than 24,999 pounds, plus a fee of $109 for each hour over two hours that is required to complete the tow, with partial hours paid in quarter hour increments.

(3) $489 per unit for towage of a vehicle with a manufacturer's gross vehicle weight rating of more than 25,000 pounds, plus a fee of $182 for each hour over two hours that is required to complete the tow, with partial hours paid in quarter hour increments. Maximum tow amount is $978.

(4) $73 for any service a wrecker operator or driver performs that renders a vehicle operable, including, but not limited to, removing or straightening a bumper or fender, or another similar service.

(5) When dispatched by the chief of police to a location more than 100 yards outside the corporate limits of the city to tow a vehicle from the dispatched location to a location inside the corporate limits of the city, $4 for each loaded one-way mile that the wrecker travels, measured from the dispatched location to the nearest point of the corporate limits of the city using the most direct and expeditious route.

(6) When dispatched by the chief of police to a location inside the corporate limits of the city to tow a vehicle to a location more than 100 yards outside the corporate limits of the city, $4 for each loaded one-way mile that the wrecker travels, measured from the nearest point of the corporate limits of the city to the vehicle delivery location using the most direct and expeditious route.

(7) No additional fee may be charged for linkage of a vehicle prior to a tow or for the use of towing dollies, go-jacks, winching, or air bags.

(b) The charges allowed in Subsections (a)(1), (2), and (3) are calculated from the time a wrecker is dispatched by the chief of police to the time the vehicle to be towed is delivered to a location designated by the chief of police.

(c) A licensee or permittee commits an offense if he, either personally or through an employee or agent:

(1) charges more than the maximum towage fee allowed by this section for the particular vehicle towed;

(2) charges any fee in addition to those lawfully charged under this section; or

(3) requests payment of a fee for emergency wrecker service from a person or in a manner not authorized by this article or rules and regulations established by the director or the chief of police pursuant to this article. (Ord. Nos. 13977; 14685; 15612; 16403; 17673; 18566; 21175; 21311; 24661; 27487; 30993; 32362; 33232)

Division 7. Vehicles and Equipment.

SEC. 15D-58. VEHICLES AND EQUIPMENT.

(a) An applicant or licensee shall submit each wrecker to be used in the emergency wrecker service for inspection in a manner determined by the director. Each wrecker must:

(1) if used for towing a vehicle with a manufacturer's gross vehicle weight rating of not more than 10,000 pounds, meet the requirements for a light duty wrecker or a tilt bed/roll back carrier;

(3) if used for towing a vehicle with a manufacturer's gross vehicle weight rating of more than 26,000 pounds, meet the requirements for a heavy duty wrecker or a lowboy unit;

(4) carry, as standard equipment, a tow bar, towing dollies, safety chains, a fire extinguisher, a wrecking bar, a broom, a shovel, at least six flares or three reflective triangles, absorbent material for oil or fuel leakages, and a container to carry debris, except that:

(A) towing dollies are not required on medium duty or heavy duty wreckers; and

(B) towing dollies and tow bars are not required on tilt bed/roll back carriers or lowboy units;

(5) be maintained in a safe and good working condition, contain equipment that is maintained in a safe and good working condition, and comply with all minimum safety and equipment standards required for a wrecker by city ordinance or state or federal law;

(6) have permanently affixed to each side of the front doors of the wrecker legible letters and numbers, at least two inches high, in a color that contrasts with the front doors, stating the trade name and telephone number (including area code) of the emergency wrecker service and the motor carrier registration number of the wrecker; and

(7) be capable of providing two-way communication with the licensee's base station at all times.

~~(b) An inspection fee of $226 must be paid for each wrecker that is used in the emergency wrecker service. Upon inspection and approval of each vehicle, the director shall issue a decal to the applicant or licensee. The decal must be affixed securely to the lower left corner of the front windshield of the inspected wrecker.~~

(b) An inspection fee of $425 must be paid for each wrecker that is used in the emergency wrecker service. Upon inspection and approval of each vehicle, the director shall issue a decal to the applicant or licensee. The decal must be affixed securely to the lower left corner of the front windshield of the inspected wrecker.

(c) The director, the chief of police, or a peace officer may, at any time, inspect a wrecker used by a licensee for emergency wrecker service to determine whether the vehicle complies with this section.

(d) A licensee or permittee commits an offense if he, either personally or through an employee or agent:

(1) uses a light duty wrecker, a tilt bed/roll back carrier, a medium duty wrecker, a heavy duty wrecker, or a lowboy unit to tow a vehicle that exceeds the manufacturer's gross vehicle weight rating allowed to be towed by the particular type of wrecker under Subsection (a)(1), (2), or (3), whichever is applicable; or

(2) tows a vehicle using a wrecker that does not have a valid city of Dallas emergency wrecker decal affixed to the windshield as required by Subsection (b) of this section. (Ord. Nos. 24661; 25048; 27487; 27695; 30215; 33232)

Division 8. Enforcement.

SEC. 15D-59. AUTHORITY TO INSPECT.

(a) The director, the chief of police, or a peace officer may inspect any emergency wrecker service to determine whether a licensee or permittee complies with this article, rules and regulations established under this article, or other applicable law.

(b) A licensee or permittee, either personally or through an employee or agent, shall not attempt to interfere or refuse to cooperate with the director, the chief of police, or a peace officer in the conduct of any investigation or discharge of any duty pursuant to this article. (Ord. 24661)

(c) Registered food service managers.

(1) Registered food service manager required.

(A) A food establishment shall employ at least one person who:

(i) is a full-time, on-site supervisory employee of that food establishment responsible for food preparation and service; and

(ii) has a valid and current food manager certificate issued by the Texas Department of State Health Services.

(B) A food establishment must comply with the requirements of Section 17-2.2(c) before being issued an operating permit.

(C) One registered food service manager in a supervisory capacity may serve up to four food establishments contained within the same building and under the same ownership and same management.

(D) A food establishment shall have one registered food service manager employed and present in the establishment during all hours of operation, except that a registered food service manager serving multiple food establishments as authorized by Section 17-2.2(c)(1)(C) must only be present in the building in which the food establishment is located during all hours of operation.

(E) A food establishment that serves, sells, or distributes only prepackaged foods and non-time/temperature control for safety beverages, and a temporary food service establishment that is in operation fewer than four consecutive calendar days, are exempt from Section 17-2.2(c)(1).

(2) Registered food service manager replacement. If a food establishment cannot meet the requirements of Section 17-2.2(c)(1) because of the termination or permanent transfer of a registered food service manager, the food establishment shall:

(A) notify the director, in writing, within 10 days after the effective date of the termination or permanent transfer of the registered food service manager; and

(B) employ another registered food service manager within 45 days after the effective date of the termination or permanent transfer of the previous registered food service manager.

(3) 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.

(d) Food allergen awareness poster requirement.

(1) All retail and food establishments shall display a food allergen awareness poster in an area that is regularly accessible to food service employees.

(2) The poster must be identical or substantially similar to the sample food allergen awareness poster provided by the Texas Department of State Health Services (DSHS) and must include, at a minimum, the following information:

(A) A list of the eight major food allergens recognized by the Food and Drug Administration (FDA): milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, and soy.

(B) A description of the health risks associated with food allergens.

(C) Instructions for proper handling of food to prevent cross-contact with allergens.

(3) The food allergen awareness poster must be:

(A) clearly visible and legible to all food service employees;

(B) located in a designated area such as

the kitchen, employee break room, or food preparation area; and

(C) maintained in good condition, with legible text and graphics.

(4) The responsibility to ensure the proper display and maintenance of the food allergen awareness poster lies with the person in charge of the food establishment.

(5) Failure to comply with this subsection constitutes a violation of the code. (Ord. Nos. 26023; 26598; 27353; 27695; 28488; 29177; 30134; 30653; 32003; 32673; 33224)

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)

SEC. 17-3.2. ADDITIONAL REQUIREMENTS.

(a) In addition to the requirements adopted in Section 17-3.1 of this chapter, the requirements

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

	Fixed Facility	Class I and Class II Mobile Food Unit	Class III and Class IV Mobile Food Unit
Application Fee	~~$197~~ $198	$121	~~$481~~ $482
Reinstatement fee after lapse of permit for failure to pay annual inspection fee by due date: existing facility or vehicle under same ownership	~~$199~~ $221		

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

~~(B) Class II mobile food unit limited to a coffee cart. An application for approval of plans and specifications for a Class II mobile food unit limited to a coffee cart must be accompanied by a nonrefundable plan review fee of $205.~~

(A) In general. Except as provided in this paragraph, a request for approval of plans and specifications must be accompanied by a nonrefundable plans review fee of $564 for a mobile food unit.

(B) Class II mobile food unit limited to a coffee cart. An application for approval of plans and specifications for a Class II mobile food unit limited to a coffee cart must be accompanied by a nonrefundable plan review fee of $407.

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

~~(4) Periodic inspections. The director shall periodically inspect each separate and distinct facility and vehicle from which a food establishment operates to determine whether the establishment complies with this chapter and other applicable city ordinances and state and federal law. The director shall conduct the periodic inspection as often as the director considers necessary to enforce this chapter or other applicable law, but at least once each six-month period for risk level three establishments, once a year for risk level two establishments, and every other year for risk level one establishments. Whenever a food establishment is inspected by the director and a violation of this chapter or other applicable law is found, the director shall, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, reinspect the food establishment to determine that the violation has been eliminated. A $191 fee will be charged for each reinspection that must be conducted before the violation is determined to be eliminated.~~

(4) Periodic inspections. The director shall periodically inspect each separate and distinct facility and vehicle from which a food establishment operates to determine whether the establishment complies with this chapter and other applicable city ordinances and state and federal law. The director shall conduct the periodic inspection as often as the director considers necessary to enforce this chapter or other applicable law, but at least once each six-month period for risk level three establishments, once a year for risk level two establishments, and every other year for risk level one establishments. Whenever a food establishment is inspected by the director and a violation of this chapter or other applicable law is found, the director shall, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, reinspect the food establishment to determine that the violation has been eliminated. A $192 fee will be charged for each reinspection that must be conducted before the violation is determined to be eliminated.

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

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

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

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

~~(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.~~

(1) Catering service. A catering service shall pay the city a nonrefundable annual inspection fee of $312 for each vehicle used to operate the service inside the city.

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

Type of Operation	Each Vehicle
Class I mobile food unit (produce trucks, ice cream carts, grocery trucks)	~~$300~~ $409
Class II mobile food unit	~~$240~~ $383
Class III and IV mobile food unit	~~$185~~ $331

(h) Annual inspection fee: fixed facilities.

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

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

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

Risk Level One Establishment:

Area in square feet	Annual fee
1 to 2,000	~~$141~~ $284
2,001 or more	~~$155~~ $311

Risk Level Two Establishment:

Area in square feet	Annual fee
1 to 2,000	~~$283~~ $284
2,001 or more	~~$308~~ $309

Risk Level Three Establishment:

Area in square feet	Annual fee
1 to 2,000	~~$468~~ $469
2,001 or more	~~$513~~ $514

(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:

Risk Level One Establishment:

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

Risk Level Two Establishment:

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

Risk Level Three Establishment:

Area in square feet	Annual fee
1 to 2,000	$468
2,001 or more	$513

(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 $158 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.

(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 $217, plus $28 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 $204, plus $28 for each day of operation for each facility from which the establishment is operated.~~

~~(3) A maximum nonrefundable annual fee of $356 for each facility will be collected from concessionaires operating under contract with the city park and recreation department. A maximum nonrefundable annual fee of $388 for each facility will be collected from concessionaires operating at a school stadium. A maximum nonrefundable annual fee of $100 for each booth or stall valid at a single market location or at more than one market location will be collected from a vendor operating at a neighborhood market permitted under Chapter 42A of this code, as amended.~~

(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 $218, plus $29 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 $205, plus $28 for each day of operation for each facility from which the establishment is operated.

(3) A maximum nonrefundable annual fee of $357 for each facility will be collected from concessionaires operating under contract with the city park and recreation department. A maximum nonrefundable annual fee of $389 for each facility will be collected from concessionaires operating at a school stadium. A maximum nonrefundable annual fee of $101 for each booth or stall valid at a single market location or at more than one market location will be collected from a vendor operating at a neighborhood market permitted under Chapter 42A 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.

(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

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

(r) Criminal offenses; presumption.

(1) A person commits an offense if he:

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

(B) violates any other provision of this chapter.

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

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

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

(A) the section of the code violated;

(B) the name and location of the establishment;

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

(D) the date of the citation; and

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

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

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

(s) Variances.

~~(1) A food establishment may apply to the director for a variance modifying or waiving the requirements of the Texas Food Establishment Rules or the requirements of this chapter. The food establishment shall apply for the variance on a form provided by the director and shall include in the application all of the information required by Subsection 228.2431(2) of the Texas Food Establishment Rules. The application must be~~

~~accompanied by a nonrefundable application fee of $591. The fee does not apply to mobile food units applying for a commissary variance pursuant to Section 17-8.2(g)(B)(i).~~

(1) A food establishment may apply to the director for a variance modifying or waiving the requirements of the Texas Food Establishment Rules or the requirements of this chapter. The food establishment shall apply for the variance on a form provided by the director and shall include in the application all of the information required by Subsection 228.2431(2) of the Texas Food Establishment Rules. The application must be accompanied by a nonrefundable application fee of $592. The fee does not apply to mobile food units applying for a commissary variance pursuant to Section 17-8.2(g)(B)(i).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(iii) displayed in a landscape orientation.~~

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

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

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

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

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

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

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

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

(7) Reserved.

(8) Reserved.

(9) An owner, officer, manager, or other person in charge of a food establishment commits an offense if he, either personally or through an employee or agent, violates, allows a violation of, or fails to comply with a term or condition of a variance granted under this section. (Ord. Nos. 26023; 26134; 26556; 26598; 27190; 27353; 27695; 28046; 28488; 29177; 30134; 30653; 30938; 31376; 32003; 32148; 32181; 32232; 32310; 33224; 33232)

ARTICLE I.

COLLECTION AND DISPOSAL.

SEC. 18-1. SCOPE OF CHAPTER.

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

SEC. 18-2. DEFINITIONS.

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

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

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

(2) APARTMENT. A development with three or more dwelling units on a lot.

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

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

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

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

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

(5) CITY. The city of Dallas, Texas.

(6) CODE. The Dallas City Code, as amended.

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

(8) CONSTRUCTION DEBRIS. Those materials resulting from the alteration, construction, destruction, rehabilitation, remodeling, or significant repair of any manmade physical structure including houses, buildings, industrial or commercial facilities, and roadways. This includes but is not limited to brick, concrete, other masonry materials, stone, glass, drywall, framing and finishing lumber, roofing materials, plumbing fixtures, HVAC equipment such as heating and air conditioning equipment and ductwork, insulation, and wall-to-wall carpeting. This definition does not include incidental waste from small home repairs (e.g. replacing a toilet, sink, small amounts of carpet or lumber, fence panels, or doors).

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

(10) DESIGNATED ALLEY. An alley that is not paved to city standard with concrete or asphalt, that has a right-of-way less than 12 feet in width, that deadends, that serves a dual use as a lined drainage

channel, or that involves other unusual conditions and which has been designated by the director of sanitation.

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

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

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

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

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

(15) DUPLEX. A structure on a lot intended for the use and occupancy as two family dwelling units.

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

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

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

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

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

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

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

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

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

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

(B) only accessible by a private road.

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

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

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

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

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

(30) OWNER. A person or the person's agent, including a condominium or homeowner's association,

jointly or severally, with an ownership interest in a commercial establishment, multifamily site, residence, or duplex.

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

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

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

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

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

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

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

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

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

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

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

(41) RESIDENCE. An attached or detached structure on a lot intended for use and occupancy as a one family dwelling unit, including a mobile type dwelling unit that is not part of a mobile home park.

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

(A) has two wheels and a lid;

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

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

(D) is from 48 to 96 gallons.

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

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

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

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

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

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

(B) YARD TRIMMINGS. Consisting of bagged organic yard waste such as leaves, grass, twigs, and other small organic waste. Yard trimmings placed in paper lawn bags or compostable bags is considered brush and yard trimmings placed in plastic bags is considered bulky trash.

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

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

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

(49) VEGETATION. Any plant growth.

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

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

(52) WET SOLID WASTE. Any putrescible animal or vegetable waste materials, other than waterborne waste material, resulting from the handling, preparation, cooking, or consumption of food, including waste material from markets, storage facilities, or the handling or sale of produce or other food products. (Ord. Nos. 16367; 19409; 21058; 21186; 22026; 23694; 24743; 26960; 27697; 29879; 29881; 30879; 31231; 33224)

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

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

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

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

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

(B) A container must be closed or secured at the top to prevent spillage.

(C) Glass and other wastes that are dangerous to handle must be securely wrapped, and the container must be labeled to warn of the need for careful handling.

(D) Ashes must be cold before being placed in a container.

(E) Non-recyclable materials must not be placed in a container (rollcart) designated for recyclable materials. A recycling rollcart that is used for non-recyclable materials may be removed from the premises at the direction of the director of sanitation.

(3) Unless otherwise specified by the director of sanitation, and in addition to the requirements of Subsection (a)(3), a person shall comply with the following requirements when using a rollcart as a solid waste container:

SEC. 18-4. REGULATING THE COLLECTION OF SOLID WASTE MATERIALS FROM RESIDENCES AND DUPLEXES.

(a) General. It shall be the duty of every occupant of any residence or duplex to provide a sufficient number of solid waste containers at the place designated by the director of sanitation for collection of municipal solid waste from the particular premises and to provide adequate capacity for the solid waste placed out for collection without overloading the capacity of the containers or wedging the contents in the container by compaction.

(1) All containers must conform to the requirements of Section 18-3(a).

(2) A person commits an offense if he collects dry or wet solid waste, including salvageable newspaper or any other recyclable material, from a residence or duplex. It is a defense to prosecution under this paragraph that the person was:

(A) the owner or occupant of the residence or duplex;

(B) employed or under contract with the city to provide solid waste collection services to the residence or duplex and was in the performance of official duties;

(C) a charitable organization that gathers clothes, salvageable newspapers, or other recyclable material;

(D) hauling away brush, bulky trash, or yard trash from the residence or duplex as a service that was incidental to a maintenance, delivery, lawn, or home improvement service being provided by the person to the residence or duplex; or

(E) providing recycling services to the premises pursuant to a written agreement with the owner or occupant of the residence or duplex and was collecting only recyclable materials that were composed solely of one or more of the following:

(i) newspapers, magazines, catalogs, telephone books, corrugated cardboard, scrap paper, office paper, or junk mail; or

(ii) empty and rinsed aluminum, steel, glass, or recyclable plastic containers that were only used for the storage or processing of consumable food or beverage products, medications, or ordinary household detergents or soaps and that were never used to store or process any hazardous material or hazardous waste.

(3) The city may, through the competitive bid process, contract with a private solid waste collection service, which is franchised in accordance with Article IV of this chapter, to provide solid waste collection, including the collection of recyclable materials, for specific areas designated by the director of sanitation.

(b) Placement of containers for alley collection service. Except as may be otherwise authorized by the director of sanitation, it shall be unlawful for any person to place any container within any alley within the city. If a fence separates the alley from the lot where the container is located, the container must be placed outside the fence in a manner that protects the container from overturn or spillage and does not interfere with solid waste collection service in the alley. A container may not be placed in a rack, and any rack on the premises may not extend into the alley or interfere with solid waste collection service in the alley.

~~(c) Placement of garbage or recycling containers for curb collection service. Where a residence or duplex is designated by the director of sanitation to be provided with curb collection service, each container must be placed just behind the curbline of the street abutting such property, but may not be placed in the street, on the sidewalk, or in any manner where the container will interfere with vehicular or pedestrian traffic or with solid waste collection service.~~

(c) Placement of garbage or recycling containers for curb collection service. Where a residence or duplex is designated by the director of sanitation to be provided with curb collection service, except as may be authorized by the director of sanitation, each container must be placed just behind the curbline of the street

abutting such property, but may not be placed in any manner where the container will interfere with vehicular or pedestrian traffic or with solid waste collection service.

(1) Where garbage or recyclable materials are collected from the street curbline adjacent to the property, a container must be placed there no earlier than 6:00 p.m. of the afternoon preceding the collection day and must be removed to a point at the side or rear of the structure not later than 8:00 a.m. of the day following collection.

(2) A container must be placed in a manner that protects it from overturn and spillage.

(3) A container may not be placed in a rack, and any rack on the premises may not extend into the street or sidewalk or interfere with solid waste collection service.

(d) Placement of garbage and recycling containers for packout or drive-in collection service. Garbage containers and recycling containers must be placed at locations and under such conditions approved by the director of sanitation for packout or drive-in collection service by the sanitation services of the city.

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

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

(1) in any manner that will interfere with vehicular or pedestrian traffic or with solid waste collection service;

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

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

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

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

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

(f) Allowable quantity of brush and bulky trash.

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

(2) Limits may be temporarily lifted at the discretion of the director of sanitation for matters concerning public health and safety.

(g) Oversized brush and bulky trash collection.

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

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

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

(4) Fee. Where the quantity of the oversized brush and bulky trash set out for collection exceeds 20 cubic yards, the set out may be collected and a fee will be assessed on the dwelling unit's water bill pursuant to a fee set forth in Section 18-4(h).

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

(1) Excessive brush and bulky trash service fees. Where the quantity of brush and bulky trash set out for collection exceeds 10 cubic yards and a request for an oversized brush and bulky trash collection was not submitted, the set out may be collected and a fee will be assessed on the dwelling unit's water bill. The fee will be assessed at a rate of $60 per five cubic yards, billed in five cubic yard increments.

(2) Non-compliant brush and bulky trash service fees. A dwelling unit is subject to a service charge for a collection of a non-compliant brush and bulky trash set out which contains excluded items as defined in Section 18-2(3), that are with or on top of the set out, or if such items are placed so close to the set out pile that the items cannot reasonably be removed from the pile to be collected. A service charge will be placed on the dwelling unit's water bill. The fee will be assessed at a rate of $60 per five cubic yards, billed in five cubic yard increments.

(3) Violations. Nothing in this subsection prevents the city from issuing a citation for a violation described in this section. (Ord. Nos. 16367; 19172; 19991; 21058; 21632; 22295; 24000; 24142; 24299; 26960; 28019; 31231; 31332; 32310; 33224)

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

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

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

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

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

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

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

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

(f) If not regulated by this chapter, the placement of any container for collection from an apartment, institution, commercial establishment, or mobile home park must be approved by the director of sanitation. (Ord. Nos. 16367; 19409; 19991; 21058; 33224)

SEC. 18-5.1. COLLECTION AND REMOVAL OF RECYCLABLE MATERIALS FROM MULTIFAMILY SITES.

(a) General regulations. The owner of a multifamily site shall:

(1) provide single stream, dual stream, or valet recycling through persons holding a multifamily site recycling collection service permit pursuant to Article IV-a of this chapter.

(2) provide recycling container(s) through persons holding a multifamily site recycling collection service permit pursuant to Article IV-a of this chapter.

(3) provide and place recycling containers in locations within visibility of waste containers. If valet trash service is provided, the recycling service should be of a similar nature. If trash chute rooms or trash rooms are utilized, then the recycling service should be of a similar nature or should be as convenient for the tenant, such as placing a recycling container adjacent to the trash chute, if there is adequate space.

(4) provide information (e.g. posters, signs) in suitable common areas, such as mail rooms and laundry facilities, that discusses how to recycle at the property, including information on the types of recyclable materials that are acceptable using photos or images, the chasing arrows recycling symbol, locations of recycling containers, and onsite contact information to report overflowing recycling containers and contamination. If the property utilizes valet recycling collection services, then only information regarding how to recycle and materials accepted is required.

(5) educate each tenant on recycling program implementation upon lease commencement and biannually thereafter of the following:

(A) the multifamily site provides access to recycling in accordance with Chapter 18 of the Dallas City Code;

(B) location of recycling containers;

(C) types of recycling materials accepted;

(D) information related to proper recycling practices, including that cardboard boxes should be broken down before placed in recycling containers;

(E) onsite contact information to report overflowing recycling containers and contamination; and

(F) information on how to report waste or recycling problems to the City of Dallas, utilizing 3-1-1, the 311 app or submitting an online service request.

(6) inform each tenant within 30 days of any significant change in recycling services to the multifamily site.

(7) for multifamily sites offering back-of-house and valet recycling, provide biannual training (or within 30 days of new employee start date) to those collecting recyclable materials of the following:

(A) types of clean and empty materials accepted in recycling containers;

(B) instruction to break down cardboard boxes before depositing into recycling

the following: multifamily site recycling collection service business utilized or method of collection, if applicable; and

(F) any other information that the director of sanitation deems necessary, and is reasonable, to verify compliance with this ordinance or to enhance program reporting capabilities and other information.

(2) The owner of a multifamily site shall maintain records and examples of materials relevant to meeting the requirements of Section 18-5.1(a)(5) and make records available if requested by the city manager's designee, or that designee's authorized representative during an on-site inspection.

(3) The director of sanitation may reject a recycling plan if it does not contain the information specified in this section or meet the minimum requirements as defined in this section. The owner of a multifamily site shall submit a revised plan no later than 30 days from notification of the director of sanitation's determination to reject the plan.

(h) Inspection. For any multifamily site, the city manager's designee, or that designee's authorized representative, may conduct an inspection for compliance with this section and verify the site's provision of access to recycling services at any time or when an inspection under Section 27-42, of Chapter 27 of the Dallas City Code, as amended, is conducted, even if the multifamily site is not a rental property, as defined in Chapter 27 of the Dallas City Code, as amended.

(i) Exemptions and Implementation Extension.

(1) Section 18-5.1(a)(8) does not apply to multifamily sites that have a current contract with the City of Dallas to receive recycling collection services from the city.

(2) The owner of a multifamily site may submit to the director of sanitation, within 90 days of required recycling program implementation, a written request for an implementation extension and/or exemption from all or specifics provisions of the regulations of this section because of the owner's inability to comply. The director of sanitation will conduct a thorough evaluation on whether the owner demonstrated an inability to comply with the ordinance. The owner will receive a determination by the director of sanitation in writing within 60 days. The director of sanitation's decision will be final. (Ord. 30879)

SEC. 18-6. REGULATING THE COLLECTION AND REMOVAL OF SOLID WASTE FROM THE DOWNTOWN AREA.

(a) The collection of solid waste materials from the downtown area, as described herein, shall be governed by all the rules and regulations pertaining to apartments, institutions and commercial establishments, except that no solid waste materials or containers of any kind shall be placed for collection on the public streets, sidewalks, alleys or easements of the city prior to 6:00 p.m. and all containers must be removed to a location inside the building situated on the premises by not later than 10:00 p.m.

~~(b) At any of the establishments in the downtown area where there is sufficient space between any structure and the alley property line, the easement property line, or street property line to permit the placing of waste containers as required by the provisions of this chapter relating to residences and duplexes, the containers may be placed in such public way at the very boundary thereof so as to permit the passage of pedestrian and vehicular traffic, subject to the approval of the director of sanitation. In these special locations, the owner or occupant of the premises shall remove all containers immediately after the solid waste material has been collected to a place within the structure situated on the premises until the next regularly scheduled time for collection.~~

(b) At any of the establishments in the downtown area where there is sufficient space between any structure and the alley property line, the easement property line, or street property line to permit the placing of waste containers as required by the provisions of this chapter relating to residences and duplexes, the containers may be placed in such public way at the very boundary thereof so as to permit the passage of pedestrian and vehicular traffic, subject to

the approval of the director of sanitation. (Ord. Nos. 16367; 33224)

SEC. 18-7. REGULATING THE COLLECTION AND REMOVAL OF DEAD ANIMALS.

The bodies of dead animals may not be placed in solid waste containers or in any street, alley, easement, or public way. The collection and removal of dead animal bodies is a service of the city and will be furnished upon request or notification by any interested party without charge except that:

(1) a fee based on a cost plus rate determined by the director of sanitation will be charged for the collection and removal of dead animal bodies from animal clinics; and

(2) a fee set forth in Section 18-9(c)(9) of this article will be charged for the collection and removal of the bodies of large dead animals, including but not limited to horses, cattle, and other animals of similar size. (Ord. Nos. 16367; 26960)

SEC. 18-8. SOLID WASTE MATERIALS NOT HANDLED BY CITY SANITATION SERVICES.

(a) General. The scope of the service rendered by the city sanitation services in the collection and removal of solid waste materials is intended, in general, to serve the normal needs of dwelling units and their directly related activities, operating businesses, and commercial establishments except as exempted from the provisions of this chapter. It is considered to be beyond the scope of such service to collect or remove solid waste materials generated by clearing, construction, or demolition or any other solid waste materials resulting from an activity beyond the scope described in this subsection.

(b) Materials not collected by city. Solid waste materials that will not be collected and removed by the city sanitation services as a regular service include:

(1) Trash or debris resulting from construction, demolition, destruction by fire, or clearance of vacant or improved property in preparation for construction or occupancy, or similar materials as designated by the director of sanitation, will not be collected and removed by the city as a regular service, but these materials must be removed at the expense of the owner or developer.

(2) Industrial wastes resulting from manufacturing or processing operations, including waste from food and vegetable produce houses, poultry dressing establishments, and meat processing and meat packing plants, must be disposed of by the owner or occupant of the building, business, or premises where the wastes originate in the manner prescribed by state law and any other applicable ordinance. The director of sanitation shall determine what wastes fall within the industrial classification described in this subsection.

~~(3) Grass cuttings will not be collected or removed by the city, except that, from March 15 through April 15 of each calendar year, grass cuttings that are placed in disposable bags and separated from all other solid waste materials will be collected and removed by the city, for an additional service charge that provides the city with full cost recovery, either by using city sanitation services or by contracting through the competitive bid process with a private solid waste hauler franchised under Article IV of this chapter. Each bag used for grass cuttings must be of watertight, leakproof plastic, must have at least a 1.3 mil thickness, must not exceed 50 gallons in capacity, and must be secured at the top to prevent spillage. The combined weight of the grass cuttings and bag must not exceed 50 pounds. Grass cuttings collected will be composted by the city of Dallas and in no case will any of the cuttings collected be placed in the McCommas Bluff landfill. City sanitation services will continue to collect and remove brush and yard trash, other than grass cuttings, from premises within the city. Nothing in this paragraph prohibits the city from collecting and removing grass cuttings as part of a code enforcement action against any premises in the city.~~ (Ord. Nos. 16367; 16697; 21632; 22306; 28019; 33224)

SEC. 18-9. SPECIFYING CHARGES FOR SANITATION SERVICE.

(a) Method of charging and billing for sanitation services.

(1) A sanitation service charge for garbage and recycling will be made for the following:

(A) All dwelling units in the city that are served with water delivered under an active water account of the water utilities department of the city.

(B) All dwelling units in the city that are served with wastewater service only under an active account of the water utilities department of the city.

~~(C) All commercial properties in the city that can be adequately serviced with no more than 10 garbage rollcarts and 10 recycling rollcarts and that are served with water delivered under an active water account of the water utilities department of the city or that are served with wastewater service only under an active account of the water utilities department of the city.~~

~~(D) All commercial properties that are serviced with a single garbage rollcart. These properties have the option to receive one recycling rollcart of the same size or greater than the garbage rollcart, at no additional cost.~~

(C) All commercial properties in the city receiving city sanitation service that can be adequately serviced with no more than 10 garbage rollcarts and 10 recycling rollcarts and that are served with water delivered under an active water account of the water utilities department of the city or that are served with wastewater service only under an active account of the water utilities department of the city.

(D) All commercial properties receiving city sanitation service that are serviced with a single garbage rollcart. These properties have the option to receive one recycling rollcart of the same size or greater than the garbage rollcart, at no additional cost.

(E) All property that is served with sanitation services by the city and that is not specified by Subparagraphs (A), (B), (C), or (D) of this paragraph. The water utilities department shall bill for sanitation services in a manner that distinguishes the sanitation charges from water or wastewater charges.

(2) The water utilities department shall bill the person in whose name the water service or wastewater service account appears. If a sanitation services customer is not served with water or wastewater service by the city, the water utilities department shall bill the person in control of the premises or, if that person is unknown, the owner of the premises. Payment of the fee for sanitation services is due on or before the date stated on the face of the customer's bill and is delinquent after that date. A bill is delinquent if not paid within 15 days from the date it is rendered by the water utilities department.

(3) In addition to all other legal remedies available for the collection of a debt, the following actions and remedies are authorized for delinquent payment of the charges authorized in this article:

(A) The sanitation services may refuse to pick up and dispose of the garbage and trash (or rubbish) at the delinquent location;

(B) The water and/or wastewater service, if any, serving the delinquent premises in question may be shut off and terminated.

(C) A five percent late payment fee will be added to the total net bill.

(4) All collections by the water utilities department will be applied first to the water utilities charges, and the customer will be deemed to have paid such water utilities charges first if any question arises as to how outstanding balances should be composed and applied.

(A) All present water utilities department customers to be billed under this article will be automatically placed on the billing for sanitation services charges, regardless of whether or not a written contract exists between the city and such customers.

(B) All present water utilities guaranty deposits upon termination of wastewater service and/or water service may be applied to any amounts due either for sanitation services charges or fees of water utilities bills.

(c) 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 - $39.73 per dwelling unit per month for one roll-cart, plus $15.36 per month for each additional garbage roll-cart requested by the owner or occupant of the premises.~~

(A) Alley or curb collection service for municipal solid waste - $40.09 per dwelling unit per month for one roll-cart, plus $15.51 per month for each additional garbage roll-cart requested by the owner or occupant of the premises.

(B) Packout or drive-in collection service for municipal solid waste - $138.38 per dwelling unit per month for one roll-cart, plus $15.36 for each additional garbage roll-cart requested by the owner or occupant of the premises.

(C) Effective October 1, 2022, the owner or occupant of a dwelling unit with one rollcart for recyclable materials may request one additional rollcart for recyclable materials from the director of sanitation for no additional fee. Dwelling units with two or more rollcarts for recyclable materials may request additional rollcarts for recyclable materials for a one-time processing and handling fee for $50.00 per rollcart, which will be applied to the dwelling unit's water account.

(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 - $39.73 per apartment unit or mobile home space per month.~~

(A) Alley, curb, or drive-in collection service for municipal solid waste - $40.09 per apartment unit or mobile home space per month.

(B) Packout collection service for municipal solid waste - $138.38 per apartment unit or mobile home space per month.

(3) A monthly collection service charge will be made for all commercial establishments for collection service provided by the sanitation services of the city as follows:

TABLE OF MONTHLY CHARGES

(Garbage & Recycling, per Section 18-9(b)(6), more than once a week)
A multiplier will be used for multiple carts.

	NUMBER OF COLLECTIONS PER WEEK*						
	1	2	3	4	5	6	7
96-gallon RollCarts	~~$41.90~~ $42.28	~~$83.81~~ $84.57	~~$125.71~~ $126.85	~~$167.61~~ $169.14	~~$209.52~~ $211.42	~~$251.42~~ $253.71	~~$293.32~~ $295.99

(4) A monthly recycling-only collection service charge will be made for all commercial properties for weekly collection service provided by the sanitation services of the city as follows:

TABLE OF MONTHLY CHARGES

(Recycling-Only Service, Outside of the Central Business District)
A multiplier will be used for multiple carts.

NUMBER OF COLLECTIONS PER WEEK							
	1	2	3	4	5	6	7
96-gallon RollCarts	~~$27.24~~ $27.49	~~$54.48~~ $54.97	~~$81.72~~ $82.46	~~$108.95~~ $109.94	~~$136.19~~ $137.43	~~$163.43~~ $164.92	~~$190.67~~ $192.40

(5) Extraordinary collection and removal service is as follows:

(A) A cost plus rate of $60 per five cubic yards, billed in five cubic yard increments for materials set out for collection in advance or after the period designed by the director of sanitation, as described in Section 18-4(e), as amended, and for materials not included in the regular collection service as described in Section 18-8, as amended.

(B) The director of sanitation may provide an out-of-cycle collection of garbage and recyclable materials from rollcarts owned and provided by the city, upon a customer's request through the city's 311 system, for a fee of $25 for garbage and $25 for recyclable materials. In the event a customer submits a service request through the city's 311 system claiming regular collection services were missed, and the director of sanitation later determines through vehicle on-board camera systems that the rollcart(s) in question were not set out at the prescribed time of collection, or did not comply with the requirements of Sections 18-3 or 18-4 of this article, the director of sanitation may assess a collection fee of $25 for garbage and $25 for recyclable materials to the dwelling unit's water account.

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

(A) Public housing may be charged as apartments.

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

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

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

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

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

(8) The fee for replacement of a rollcart that is lost or damaged due to a customer's negligence is $67.90 for a garbage rollcart or $70.81 for a recycling rollcart.

(9) Large dead animals, including but not limited to horses, cattle, and other animals of similar size, will be picked up by the city for a fee of $125 per animal.

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

(d) A person claiming entitlement to a refund of sanitation services paid to the city must notify the director of sanitation of the claim within 180 days from the date the disputed payment was received by the city. (Ord. Nos. 16367; 16435; 16697; 17133; 17545; 17987; 19300; 19409; 19963; 19991; 20736; 21058; 21431; 21632; 21819; 22206; 22306; 22565; 22906; 24743; 25048; 25384; 25754; 26134; 26478; 26960; 27353; 27695; 28019; 29149; 29477; 29879; 30215; 30653; 30993; 31231; 31332; 31657; 32003; 32310; 32556; 32863; 33224; 33232)

SEC. 18-9.1. ENVIRONMENTAL CLEANUP FEE.

A $3.00 per month environmental cleanup fee will be applied to each residential and non-residential utility customer's water account to address litter and nuisance abatement from public right-of-way, homeless encampment cleanup on public right-of-way, street cleaning, and related services. This fee will include funding for solid waste related services such as public litter basket collection, bulky waste and brush drop-off sites, household hazardous waste, zero waste initiatives, and extra collections of brush due to severe storms. (Ord. No. 32863)

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

(2) The director of sanitation shall have authority to cause to be rejected for processing or disposal any material that, in the director's judgment, would create a nuisance by reason of emission or disagreeable odors or would operate to make the processing or disposal facilities unwholesome or adversely affect the public health, safety, and welfare.

(c) Processing and disposal of solid waste materials by the city.

(1) A person commits an offense if he takes, removes, or carries away from any processing or disposal facility operated by the city any garbage, trash, or other solid waste material, article, thing, or object situated on the facility, whether or not the thing has monetary value, without prior written permission and approval of the director of sanitation. In prosecutions for this offense, it is not necessary to describe the thing taken, removed, or carried away other than as generally described in this subsection or as "article," "thing," or "item," and it is not necessary to allege that the thing had "value."

(2) The director of sanitation shall have authority to designate those processing or disposal sites operated by the city that will be open to public access and those that will not be open to public access. (Ord. Nos. 16367; 20599; 24743)

SEC. 18-11. SPECIFYING CHARGES FOR DISPOSAL OF SOLID WASTE MATERIALS.

(a) The following disposal service charges are established for disposing of municipal solid waste at the Northwest (Bachman) Transfer Station:

(1) Earth, rocks, and inert material will not be accepted at the station.

(2) Passenger cars, station wagons, pickups, and trailers less than 15 feet long that are used by Dallas city residents to haul their own waste from their residences to the station - no charge. (A current, valid Texas driver's license showing a Dallas address or a current Dallas water utilities bill is required as proof of residency.)

(3) Trucks or trailers with a cargo bed length of 25 feet or greater or truck-tractors with semi-trailers are prohibited from using the Northwest (Bachman) transfer station, unless specifically permitted in writing by the director of sanitation.

(4) Roll-off containers, whether open top or compactor, and compactor trucks or other trucks carrying compacted or baled refuse are prohibited from using the Northwest (Bachman) transfer station, unless specifically permitted in writing by the director of sanitation.

~~(5) The charge for all materials accepted at the transfer station is $69.20 per ton based on the transfer station weighing system, with a minimum charge of $69.20 for any load that is less than one ton. Each ton shall be assessed an additional $2.00 per ton customer processing fee for each individual load paid and processed by a cashier upon entering the transfer station.~~

(5) The charge for all materials accepted at the transfer station is $71.28 per ton based on the transfer station weighing system, with a minimum charge of $71.28 for any load that is less than one ton. Each ton shall be assessed an additional $2.00 per ton customer processing fee for each individual load paid and processed by a cashier upon entering the transfer station.

(6) Whenever the transfer station weighing system is inoperable during a delivery of solid waste the tonnage will be estimated by the city on the basis of the full capacity of the vehicle delivering the solid waste.

(7) Effective January 1, 2023, an environmental fee will be applied to all commercial disposal customers at $2.00 per ton with a minimum charge of $2.00 for any load that is less than one ton.

(b) The following disposal service charges are established for disposing of municipal solid waste at city landfill sites:

(1) Passenger cars, station wagons, pickups,

residences to a city landfill site - no charge. (A current, valid Texas driver's license showing a Dallas address or a current Dallas water utilities bill is required as proof of residency.)

~~(2) Except as provided in Subsection (b)(3), the charge for all materials accepted at a city landfill site is $42.33 per ton based on the landfill weighing system, with a minimum charge of $42.33 for any load that is less than one ton. Each ton shall be assessed an additional $2.00 per ton customer processing fee for each individual load paid and processed by a cashier upon entering the landfill.~~

(2) Except as provided in Subsection (b)(3), the charge for all materials accepted at a city landfill site is $43.60 per ton based on the landfill weighing system, with a minimum charge of $43.60 for any load that is less than one ton. Each ton shall be assessed an additional $2.00 per ton customer processing fee for each individual load paid and processed by a cashier upon entering the landfill.

(3) Soils accepted at the city landfill that can be reused for landfill cover or other beneficial reuse projects will be charged $3.00 per ton based on the landfill weighing system, with a minimum charge of $3.00 for any load that is less than one ton. Each ton of soil shall be assessed an additional $2.00 per ton customer processing fee for each individual load paid and processed by a cashier upon entering the landfill. Prior to arrival at the landfill, soil must be pre-approved through the special waste application process.

(4) Whenever the landfill weighing system is inoperable during a delivery of solid waste or soil the tonnage will be estimated by the city on the basis of the full capacity of the vehicle delivering the solid waste or soil.

(5) A fee of $54.00 per load will be charged for the use of city equipment, when available, to off-load bundled waste by pulling it with cables, chains, or other devices. City equipment will be used at the customer's own risk, with the city assuming no liability for any resulting damage. Non-city vehicles are prohibited from pulling loads off of other vehicles at a city landfill site.

(6) The fee for use of the city's mechanical tipper to off-load tractor trailer loads is $100.00 per use.

(7) Collection vehicles not constructed with an enclosed transport body must use nets, tarpaulins, or other devices to prevent accidental spillage. A cover fee of $40 will be charged for any collection vehicle (other than a pickup truck) that enters the landfill without being so equipped.

(8) Tires exceeding 25 inches in diameter will not be accepted at a city landfill site.

(9) Effective January 1, 2023, an environmental fee will be applied to all commercial disposal customers at $2.00 per ton with a minimum charge of $2.00 for any load that is less than one ton.

(10) Customers entering the landfill without a high-visibility safety vest will be required to purchase one onsite for $3.00.

(c) The director of sanitation may enter into a disposal service contract with a solid waste collection service (as defined in Section 18-29 of this chapter) to provide for volume delivery of solid waste to the landfill on an annual basis for a discounted disposal service charge, subject to the following rules and conditions:

(1) The disposal service contract must be in writing, on a form approved by the director of sanitation and the city attorney's office. The term of the contract may not be longer than five years. The contract must be authorized by administrative action and must be signed by the city manager and approved as to form by the city attorney.

(2) The disposal service contract must provide for a guaranteed annual tonnage of solid waste of not less than 5,000 tons to be disposed of at the landfill. If the landfill weighing system is inoperable during a delivery of solid waste under the contract, the tonnage will be estimated by the city on the basis of the full capacity of the vehicle delivering the solid waste in accordance with Subsection (b)(4).

(3) The director of sanitation is not required to enter into a disposal service contract under this subsection if the director determines that:

waste at a city transfer station or landfill site. (Ord. Nos. 16367; 16697; 17133; 18876; 19300; 20448; 20838; 21058; 21431; 21819; 22206; 22565; 24743; 25754; 26960; 27092; 27203; 27353; 27934; 28019; 29039; 29477; 30215; 30993; 31332; 31396; 31657; 32003; 32310; 32556; 32863; 33232)

SEC. 18-12. REGULATING THE COLLECTION AND REMOVAL OF ILLEGALLY DUMPED SOLID WASTE MATERIALS ON PRIVATE PREMISES.

(a) In this section:

(1) DIRECTOR means the director of the department designated by the city manager to enforce and administer this section or the director's authorized representative.

(2) PREMISES means the lot, plot, or parcel of land, plus the front or side parkway between the property line or sidewalk and the curb or traveled way, and the rear or side parkway between the property line and the center line of an adjacent alley.

(b) An owner, occupant, or person in control of private premises commits an offense if he places, deposits, or throws; permits to accumulate; or permits or causes to be placed, deposited, or thrown, solid waste material on those premises in a manner or location that is in violation of this article.

(c) City authorized to collect and remove solid waste materials. Upon the failure of the owner, occupant, or person in control of private premises to comply with Subsection (b) of this section, or upon the written request and authorization of the owner after notification under Subsection (d) of this section, or upon a determination by the city health officer that the conditions constitute an immediate health hazard, the director shall have the solid waste materials collected and removed from the premises.

(d) Notice to remove.

(1) Before removing illegally-deposited solid waste material from private premises, the director must notify the owner of the premises to remove the solid waste material within seven days. This notice must be in writing and may be served by handing it to the owner in person or by sending it United States regular mail, addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the premises are located.

(2) If personal service to the owner cannot be obtained, then the owner may be notified by:

(A) publication at least once in the official newspaper adopted by the city council;

(B) posting the notice on or near the front door of each building on the premises to which the violation relates; or

(C) posting the notice on a placard attached to a stake driven into the ground on the premises to which the violation relates.

(3) If the director mails a notice to a property owner in accordance with Subsection (d)(1) and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

(4) In a notice provided under this section, the director may, by regular mail and by a posting on the property, inform the owner of the property on which the violation exists that, if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city may, without further notice, correct the violation at the owner's expense and then assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city has not been informed in writing by the owner

(c) A vehicle, dumpster, or roll-off container impounded under Subsection (b) may not be moved without the consent of the director and may not be returned to service until the contents are disposed of and the vehicle, dumpster, or roll-off container is cleaned and brought into compliance with this article.

(d) An impoundment fee of $509.00 will be assessed for the removal and transportation of a collection bin to a storage facility.

(e) A fee of $20.00 per day will be assessed for storage of an impounded collection bin.
(Ord. Nos. 14219; 17226; 21058; 26480; 26608; 33031)

SEC. 18-31. DEFENSES.

It is a defense to prosecution under this article, except for Sections 18-30(b) and (c), 18-45, 18-47, 18-49, 18-50, and 18-51, that the solid waste collection service:

(1) was operated by, or on behalf of, a governmental entity;

(2) did not operate a vehicle, or cause or permit the operation of a vehicle, more than twice during any calendar year to:

(A) remove municipal solid waste from any premises within the city; or

(B) transport, process, or dispose of municipal solid waste within the city; or

(3) was operating without an established route and without collection bins or containers to remove, transport, process, or dispose of waste generated solely and incidental to its own operations, using vehicles owned, rented, or borrowed for self-hauling. Examples may include, but are not limited to, residential junk removal services, lawn and tree maintenance services, roofing and other minor construction and demolition services. (Ord. Nos. 21058; 21163; 26480; 26608; 33031)

Division 2. Solid Waste Collection Franchises.

SEC. 18-32. FRANCHISE REQUIRED.

~~A person commits an offense if, within the city, he:~~

~~(1) operates, or causes or permits the operation of, a solid waste collection service without a valid solid waste collection franchise granted under this article and Chapter XIV of the city charter; or~~

A person commits an offense if, without a valid solid waste collection franchise granted under this article and Chapter XIV of the city charter, he:

(1) operates, or causes or permits the operation of, a solid waste collection service; or

(2) operates, or causes or permits the operation of, a vehicle for the purpose of providing solid waste collection service in the city. (Ord. Nos. 14219; 16367; 17226; 21058; 21163; 24743; 26480; 26608; 33031; 33224)

SEC. 18-33. FRANCHISE APPLICATION.

(a) To obtain a solid waste collection franchise, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the proposed solid waste collection service. The application must contain the following information:

(1) the applicant's name, address, and signature;

(2) the form of business of the applicant, and, if the business is a corporation, partnership, limited liability company, joint venture, or unincorporated association, a copy of the documents establishing the business;

(3) a description of any past business experience of the applicant, particularly in providing solid waste collection service, and an identification and description of any revocation or suspension by the city, or by any other governmental entity, of a solid waste collection license, franchise, or similar authorization

Division 2. Liquid Waste Transportation.

SEC. 19-120. PERMIT REQUIRED.

(a) A person commits an offense if he operates or causes to be operated a vehicle for the purpose of transporting liquid waste without a valid liquid waste transport permit issued under this article. A separate permit is required for each vehicle operated. It is a defense to prosecution under this subsection that the vehicle was operated within the city solely for the purpose of transporting liquid waste through the city, and no waste was received, unloaded, stored, or parked within the city.

(b) A person who desires to obtain a permit must make application on a form provided by the director. The applicant must be the person who will own, control, or operate the liquid waste transport business.

(c) The director shall not issue a permit unless:

(1) the applicant submits proof of current registration as a transporter with the TCEQ or submits written documentation from the TCEQ that registration is not required for the type of liquid waste the applicant will be transporting;

(2) the applicant submits to the director for inspection each vehicle to be used to transport liquid waste; and

(3) each vehicle is found by the director to be constructed, equipped, and identified in accordance with this article and all other applicable city ordinances and state and federal laws.

(d) A permit is not transferable.

(e) A permit prohibits the commingling of hazardous and nonhazardous materials.

(f) Any person transporting hazardous or nonhazardous liquid wastes within the city must comply with all applicable city ordinances and state and federal laws.

(g) Each applicant must specify which disposal site or sites are proposed to be used. (Ord. Nos. 13387; 14218; 15456; 18416; 22927; 26925; 28084)

SEC. 19-121. FEE AND DISPLAY OF PERMIT.

~~(a) The director may not issue a liquid waste transport permit to an applicant until the appropriate fee is paid. The permit fee is $220 for each vehicle operated by the applicant. Each permit must be renewed annually.~~

(a) The director may not issue a liquid waste transport permit to an applicant until the appropriate fee is paid. The permit fee is $385.53 for each vehicle operated by the applicant. Each permit must be renewed annually.

(b) The director shall number permits consecutively. Before operating any vehicle to transport liquid waste, a permit holder shall cause to be displayed on each side of the vehicle, in a color contrasting with the background and in letters at least three inches high, the company name and the following:

DAL _____.

The blank space must contain the permit number. Whenever a liquid waste transport permit for a vehicle is revoked or otherwise becomes invalid, the permit holder shall immediately remove the permit number from the vehicle.

(c) The permit holder shall keep the permit receipt, or a copy, in the vehicle at all times and shall allow the director to inspect it upon request. (Ord. Nos. 13387; 14218; 15456; 18411; 18416; 18876; 19300; 22927; 27698; 28084; 33232)

CHAPTER 20

EARNED PAID SICK TIME

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ARTICLE I.

GENERAL PROVISIONS.

SEC. 20-1. PURPOSE.

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

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

SEC. 20-2. DEFINITIONS.

In this chapter:

(1) CITY means the City of Dallas, Texas.

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

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

(4) EARNED PAID SICK TIME means a period of paid leave from work accrued by an employee in accord with this chapter.

(5) EMPLOYEE means an individual who performs at least 80 hours of work for pay within the City of Dallas, Texas in a year for an employer, including work performed through the services of a temporary or employment agency. Employee does not mean an individual who is an independent contractor according to Title 40, Section 821.5 of the Texas Administrative Code. Employee does not mean an unpaid intern.

(6) EMPLOYER means any person, company, corporation, firm, partnership, labor organization, non-profit organization, or association

that pays an employee to perform work for an employer and exercise control over the employee's wages, hours, and working conditions. The term does not include:

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

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

(C) the City of Dallas, Texas; or

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

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

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

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

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

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

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

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

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

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

ARTICLE II.

EARNED PAID SICK TIME REQUIREMENTS.

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

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

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

(c) This chapter does not require an employer to provide an employee with more earned paid sick time

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

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

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

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

(e) A written contract made pursuant to Title 29, Section 158(d) of the United States Code between an employer and a labor organization representing employees may modify the yearly cap requirement established in this section for employees covered by the contract if the modification is expressly stated in the contract.

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

SEC. 20-5. USAGE REQUIREMENTS.

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

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

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

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

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

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

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

condition, or other health need when making a request for earned paid sick time under this section.

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

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

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

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

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

SEC. 20-6. NO CHANGE TO MORE GENEROUS LEAVE POLICIES.

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

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

SEC. 20-7. NOTICE AND OTHER REQUIREMENTS.

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

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

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

employees at any time in the preceding 12 months, whichever is later.

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

(e) An employer shall display a sign describing the requirements of this chapter in a conspicuous place or places where notices to employees are customarily posted. The director shall prescribe the size, content, and posting location of signs required under this section. The signs displayed under this section shall be in English and other languages, as determined by the director. An employer is not required to post such signage until the director makes such signage publicly available on the city's website. (Ord. 31181)

SEC. 20-8. RETALIATION PROHIBITED.

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

ARTICLE III.

ENFORCEMENT.

SEC. 20-9. PROCEDURES FOR FILING COMPLAINTS.

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

SEC. 20-10. INVESTIGATION.

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

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

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

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

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

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

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

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

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

SEC. 20-12. ANNUAL REPORT.

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

CHAPTER 20

RESERVED

(Repealed by Ord. No. 33224)

Reserved

[Intentionally left blank]

SEC. 20A-24. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions. In this article:

(1) AFFIRMATIVE FAIR HOUSING MARKETING PLAN means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, religion, sex, disability, familial status, national origin, or source of income.

~~(2) AFFORDABLE RENT means: (i) a monthly rental housing payment, in compliance with a rent and income schedule produced annually by the department, or (ii) the voucher payment standard for voucher holders.~~

(2) AFFORDABLE RENT means: (i) a monthly rental housing payment, in compliance with a rent and income schedule produced annually by the office, or (ii) the voucher payment standard for voucher holders.

(3) ANNUAL INCOME has the definition assigned to that term in 24 CFR §5.609, "Annual Income," as amended.

(4) APPLICANT means a household applying to lease a reserved dwelling unit.

(5) AREA MEDIAN FAMILY INCOME ("AMFI") means the median income for the Dallas, TX HUD Metro Fair Market Rent Area, adjusted for family size, as determined annually by the Department of Housing and Urban Development.

~~(6) DEPARTMENT means the department of housing and community development.~~

(6) DEVELOPMENT means the structure or structures located on the Property receiving a development bonus.

(7) DEVELOPMENT BONUS means yard, lot, and space bonuses that can be obtained by meeting the requirements in this division and Chapter 51A.

(8) DEVELOPMENT BONUS RESTRICTIVE COVENANT means a covenant running with the land that meets the requirements of this chapter.

~~(10) DIRECTOR means the director of the department of housing and community development and includes representatives, agents, or department employees designated by the director.~~

(9) DIRECTOR means the director of the office of housing and community empowerment and includes representatives, agents, or office employees designated by the director.

(10) ELIGIBLE HOUSEHOLDS means households with an income within the required income band or voucher holders regardless of income.

(11) FAMILY means family as defined in 24 CFR §5.403, "Definitions," as amended.

(12) HANDBOOK means the HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, as periodically revised and published by HUD.

(13) HUD means the United States Department of Housing and Urban Development.

(14) INCOME means income as defined by 24 CFR §5.609, "Annual Income."

(15) INCOME BAND means the range of household adjusted incomes between a pre-determined upper limit and a pre-determined lower limit generally stated in terms of a percentage of area median family income adjusted for family size.

(A) INCOME BAND 1 means an income between 81 and 100 percent of AMFI.

(B) INCOME BAND 2 means an income between 61 and 80 percent of AMFI.

(C) INCOME BAND 3 means an income between 51 and 60 percent of AMFI.

(16) MARKET VALUE ANALYSIS ("MVA") means the most recent official study that was commissioned by and prepared for the city to assist residents and policy-makers to understand the elements of their local residential real estate markets.

~~(18) MIXED-INCOME HOUSING PROGRAM means a program administered by the department in which each owner using a development bonus participates.~~

(17) MIXED-INCOME HOUSING PROGRAM means a program administered by the office in which each owner using a development bonus participates.

(18) MIXED-INCOME HOUSING RESTRICTIVE COVENANT means the instrument securing the terms and enforcement of this division.

(19) [RESERVED.]

(20) OFFICE means the office of housing and community empowerment.

(21) OPTIONAL AMENITIES means services or features that are not included in the monthly rent, including access to premium parking and concierge services, among other services.

(22) OWNER means the entity or person who owns the development or Property during the rental affordability period, including the owner's employees, agents, or contractors.

~~(22) PROGRAM MANUAL means the guidebook published, maintained, and updated by the department that includes specific guidance for program implementation.~~

(23) PROGRAM MANUAL means the guidebook published, maintained, and updated by the office that includes specific guidance for program implementation.

(24) PROPERTY means the land and all improvements as more particularly described in the mixed-income restrictive covenant.

(25) RENTAL AFFORDABILITY PERIOD means the period that the reserved dwelling units may only be leased to and occupied by eligible households.

(26) RESERVED DWELLING UNIT means the rental units in a development available to be leased to and occupied by eligible households, or which are currently leased to and occupied by eligible households and are leased at affordable rental rates.

(27) UNIT TYPE means the kind of unit broken out by number of bedrooms in the unit, or, if the unit is a specialty unit, a description of the type of specialty unit, such as efficiency, one bedroom, two bedroom, loft, penthouse, etc.

(28) VOUCHER HOLDER means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal, state, or local government.

(29) VOUCHER PAYMENT STANDARD means the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).

(b) Interpretations. For uses or terms found in Chapter 51, the regulations in Section 51A-4.702 (a)(6)(C) apply in this division. (Ord. Nos. 31142; 32195; 32864; 33233)

SEC. 20A-25. MARKET VALUE ANALYSIS CATEGORY AND RESERVED DWELLING UNIT VERIFICATIONS.

(a) In general. An owner shall comply with this section before applying for a construction permit. An owner shall:

~~(1) submit an application to the department detailing the proposed project, which includes the following information:~~

(1) submit an application to the office detailing the proposed project, which includes the following information:

(A) the legal description and address of the property;

(B) any restrictive covenants or contracts that will require the owner to lease dwelling units at a specific rent for a specific term of years, along with the number of units; and

(C) any other information determined by the director to be necessary to aid in the determination of whether the owner is eligible to participate in the mixed-income housing program;

~~(3) sign a reserved dwelling unit verification form provided by the department where the owner acknowledges receipt of information regarding the minimum and maximum percentage of reserved dwelling units for that category, states the intended pro-rata distribution of the reserved dwelling units, if applicable, and provides any other pertinent information requested by the director;~~

(3) sign a reserved dwelling unit verification form provided by the office where the owner acknowledges receipt of information regarding the minimum and maximum percentage of reserved dwelling units for that category, states the intended pro-rata distribution of the reserved dwelling units, if applicable, and provides any other pertinent information requested by the director;

(4) acknowledge its intent to participate in the mixed income housing development bonus program.

~~(b) Reserved dwelling unit verification. A development using a mixed-income development bonus in Division 51A-4.1100 may reserve no more than 50 percent of the dwelling units in each development for households at or below 80 percent of Area Median Family Income. This maximum percentage of reserved dwelling units may be waived for developments that are enrolled in a program administered by the department and authorized by the city council that furthers the public purposes and goals of the city's housing policy.~~

(b) Reserved dwelling unit verification. A development using a mixed-income development bonus in Division 51A-4.1100 may reserve no more than 50 percent of the dwelling units in each development for households at or below 80 percent of Area Median Family Income. This maximum percentage of reserved dwelling units may be waived for developments that are enrolled in a program administered by the office and authorized by the city council that furthers the public purposes and goals of the city's housing policy.

(c) Conflicts. In case of a conflict between the documents required in this section and the requirements of:

(1) the base zoning district, the base zoning district controls; and

(2) the restrictive covenant, the restrictive covenant controls.

(d) Expiration of market value analysis category, reserved dwelling unit, and participation verifications. Verifications expire one year after the date of issuance if the owner has not filed a mixed-income restrictive covenant in the real property records related to the property for which the verifications were issued and made reasonable progress, as defined in Section 311.3 of Chapter 52 of the Dallas City Code, on the Property that will be subject to the mixed-income restrictive covenant. (Ord. Nos. 31142; 32195; 33233)

SEC. 20A-26. MIXED-INCOME RESTRICTIVE COVENANT.

(a) In general. A mixed-income restrictive covenant must be executed and recorded in accordance with this section on a form provided by the city. The instrument must:

(1) be signed by all owners of the Property;

(2) be signed by all lienholders, other than taxing entities, having an interest in the Property;

(3) contain a legal description of the Property;

(4) specify the number of any required reserved dwelling units and the income band applicable to each unit;

(5) be a covenant running with the land;

(6) be for a term of 20 years with one-year automatic renewals (to allow for periods of noncompliance until the full 20-year term is met) and it is terminated by a subsequent written instrument;

(7) state that all signatories agree to defend, indemnify, and hold harmless the City of Dallas from and against all claims or liabilities arising out of or in connection with the instrument;

(8) state that it may only be amended or terminated by a subsequent written instrument that is:

(A) signed by all owners of the Property and all lienholders, other than taxing entities;

~~(9) state that the owner agrees to comply with all the requirements of this article, including the submission of quarterly unit status reports, maintaining the development in compliance with the city's health and safety ordinances, full cooperation with any audits and inspections conducted pursuant to the mixed-income housing program including providing access to all records required to be maintained in accordance with this article and allowing the physical inspection of the property, compliance with the city's Program Manual maintained by the department, and continued compliance with maintenance of the physical attributes of the property in accordance with this article;~~

(9) state that the owner agrees to comply with all the requirements of this article, including the submission of quarterly unit status reports, maintaining the development in compliance with the city's health and safety ordinances, full cooperation with any audits and inspections conducted pursuant to the mixed-income housing program including providing access to all records required to be maintained in accordance with this article and allowing the physical inspection of the property, compliance with the city's Program Manual maintained by the office, and continued compliance with maintenance of the physical attributes of the property in accordance with this article;

(10) state that the owner agrees to maintain the property in compliance with all federal, state, and local health and safety regulations;

(11) state that the owner agrees to notify the city within 30 days of any change in ownership, default, foreclosure, or bankruptcy;

(12) state that it may be enforced by the City of Dallas;

(13) state that it shall be governed by the laws of the State of Texas; and

(14) be approved by the director and be approved as to form by city attorney.

(b) Commencement and termination of rental affordability period. The rental affordability period begins on the date the first reserved dwelling unit is occupied by an eligible household and continues until the expiration of the term of years stated in the mixed-income restrictive covenant, unless the term has been tolled and extended due to the owner's substantial noncompliance with the mixed-income housing program.

(c) Instrument to be recorded. A true and correct copy of the fully executed mixed-income restrictive covenant must be recorded in the deed records of the county or counties in which the property is located. The instrument will not be considered effective until it is recorded in the deed records in accordance with this article and a recorded copy of the instrument is filed with the director.

(d) Amendment of instrument. A recorded mixed-income restrictive covenant may be amended to adjust the number of reserved dwelling units in a development if the total number of dwelling units has changed. (Ord. Nos. 31142; 32195; 33233)

SEC. 20A-27. ADMINISTRATION OF THE MIXED-INCOME HOUSING PROGRAM.

~~(a) Compliance. Except as provided in this article, the owner shall provide reserved units and conduct eligibility determinations in accordance with the handbook, 24 CFR Part 5, "General HUD Program Requirements; Waivers," and the department's program manual. Where the program manual provides specific exceptions to the handbook or to 24 CFR Part 5, the program manual controls with respect to the mixed income housing development bonus program.~~

(a) Compliance. Except as provided in this article, the owner shall provide reserved units and conduct eligibility determinations in accordance with the handbook, 24 CFR Part 5, "General HUD Program Requirements; Waivers," and the office's program manual. Where the program manual provides specific exceptions to the handbook or to 24 CFR Part 5, the program manual controls with respect to the mixed income housing development bonus program.

(b) Exceptions. The following mandatory items in the handbook do not apply to the mixed-income housing program:

(1) inquiries regarding or documentation of the immigration status of an applicant or eligible household;

(2) use of HUD forms, unless specifically

discriminatory housing practices as defined in Section 20A-4 of this chapter.

~~(d) Rent and income limits. The department will annually publish rent and income limits to be used in determining an applicant's eligibility to lease a reserved dwelling unit or a household's eligibility to renew the lease on a reserved dwelling unit. The department shall use the income limits published annually by HUD for the Dallas, TX HUD Metro Fair Market Rent Area, adjusted for family size, as the basis for the department's income limits and use the nine percent housing tax credit limits published annually by the Texas Department of Housing and Community Affairs as the rent limits.~~

(d) Rent and income limits. The office will annually publish rent and income limits to be used in determining an applicant's eligibility to lease a reserved dwelling unit or a household's eligibility to renew the lease on a reserved dwelling unit. The office shall use the income limits published annually by HUD for the Dallas, TX HUD Metro Fair Market Rent Area, adjusted for family size, as the basis for the office's income limits and use the nine percent housing tax credit limits published annually by the Texas Department of Housing and Community Affairs as the rent limits.

(e) Income bands.

(1) An owner shall ensure that reserved dwelling units are only leased to and occupied by eligible households in accordance with the development bonus restrictive covenant.

(2) Eligible households making less than the minimum AMFI for a particular income band, including voucher holders, may be counted for that income band provided that they are charged an affordable rent.

(f) Affordable rents.

(1) An owner shall ensure that an affordable rent is charged to eligible households occupying reserved dwelling units and shall re-certify eligibility and rent annually.

(2) An owner shall provide a minimum of 30 days written notice to the eligible household before a rent change. The notice must include a summary of how the change was calculated.

(3) The affordable rent must include all monthly charges or fees that are mandatory for all tenants but does not need to include charges or fees for optional amenities. The owner may not impose expenses or fees that are applicable only to reserved dwelling units.

(g) Annual certification of eligibility. An owner shall conduct an annual certification of household income and composition for each eligible household in accordance with the program manual.

(1) An owner shall not conduct a certification on less than an annual basis unless requested to do so by an eligible household. An owner shall conduct the interim certification in the same manner as conducting an annual certification. An owner may charge a reasonable fee to cover the administrative costs associated with conducting an interim certification.

(2) If an owner fails to complete the annual certification within 120 days of the lease anniversary date, the reserved dwelling unit will be considered out of compliance and the mixed-income restrictive covenant term will be extended for the period of non-compliance. The non-compliance can be cured by completing the annual certification or designating another unit as a reserved dwelling unit and leasing it to an eligible household.

(h) Additional requirements and prohibitions.

(1) The reserved dwelling unit for which an applicant is applying to lease, or for which an eligible household leases, must be the applicant's or eligible household's only residence.

(2) An owner may not allow an eligible household to sublease or otherwise accept compensation for allowing a person or persons who are not documented members of the eligible household, pursuant to the owner's lease agreement with the eligible household, to occupy a reserved dwelling unit, regardless of the terms or length of the occupancy.

(3) Any financial assistance that a student receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education that is in excess of the amounts received for

~~(4) The department shall conduct regular inspections and monitoring in accordance with the published program manual.~~

(4) The office shall conduct regular inspections and monitoring in accordance with the published program manual. (Ord. Nos. 31142; 32195; 33233)

SEC. 20A-28. TENANT SELECTION AND OTHER WRITTEN POLICIES.

(a) Tenant selection and other policies must comply with the program manual and:

(1) be reasonably related to the mixed-income housing program eligibility criteria and the applicant's ability to perform the obligations of the lease;

(2) prioritize holders of housing vouchers, including vouchers directly or indirectly funded by the federal government, for lease and occupancy of reserved units;

(3) provide for the selection of tenants from a written waiting list in the chronological order of their application, insofar as is practicable;

(4) give prompt written notification to any rejected applicant stating the grounds for the rejection; and

(5) be consistent with this article.

(b) Owners shall create the following written policies and retain written records related to the following policies:

(1) reasonable accommodations;

(2) affirmative marketing;

(3) applicant screening criteria;

(4) tenant selection criteria;

(5) policies for opening and closing the waiting list;

(6) waiting list preferences, if any;

(7) procedures for rejecting ineligible tenants;

(8) occupancy standards;

(9) non-renewal and termination notices; and

(10) unit transfers. (Ord. Nos. 31142; 32195)

SEC. 20A-29. [RESERVED.]

SEC. 20A-30. NON-DISCRIMINATION.

(a) In general. Except as provided in this section, an owner receiving a mixed income development bonus under Division 51A-4.1100 shall not discriminate against holders of housing vouchers, including vouchers directly or indirectly funded by the federal government.

(b) Exception. It is a defense to criminal prosecution or civil action under this section that at least the minimum required percentage of reserved units are leased to eligible households and that all applicable requirements of this article have been met. (Ord. Nos. 31142; 32195)

SEC. 20A-31. COMPLIANCE, REPORTING, AND RECORDKEEPING.

(a) In general. An owner must comply with the city's mixed-income housing program during the term of the mixed-income restrictive covenant.

(b) Use of forms. If the director publishes mandatory forms to be used in the mixed-income housing program, which may be amended from time to time, the owner shall use those forms. The director may also publish non-mandatory forms that an owner may use.

(c) Management policies. An owner is responsible for ensuring that his or her employees and

requirements of this division. If all requirements are completed, the director shall sign the submitted final quarterly status report before it is filed with the building official.

(g) Affirmative fair housing marketing plan.

~~(1) In this subsection ADMINISTRATOR means the administrator of the fair housing division of the office of equity and inclusion or its successor.~~

(1) In this subsection ADMINISTRATOR means the administrator of the fair housing division of the office of housing and community empowerment or its successor.

(2) Before an eligible household leases and occupies a reserved dwelling unit, an owner shall create an affirmative fair housing marketing plan and shall follow the affirmative fair housing marketing plan at all times during the rental affordability period.

(3) The affirmative fair housing marketing plan shall be in writing and shall be submitted to and receive written approval from the director at least 30 days before an owner starts marketing a unit in the property for initial occupancy.

(4) The affirmative fair housing marketing plan must describe the advertising, outreach, community contacts, and other marketing activities that inform potential renters of the existence of the reserved dwelling units.

(5) The administrator shall approve or deny the affirmative fair housing marketing plan within 60 days after a complete plan is submitted to the director.

(A) Approval. The administrator shall approve the affirmative fair housing marketing plan if it complies with the requirements of this division.

(B) Denial. The administrator shall deny the affirmative fair housing marketing plan if it does not comply with this division. If the administrator denies the affirmative fair housing marketing plan, he or she shall state in writing the specific reasons for denial. If denied, the owner shall immediately submit a new affirmative fair housing marketing plan.

(h) Audit and inspection.

(1) Any report, policy, or procedure that is required to be created and maintained by this article may be reviewed and audited by the director. An owner shall provide the director with all documentation necessary for the director to verify the accuracy of the information included in the report, policy, or procedure.

(2) The director may also randomly, regularly, and periodically select a sample of tenants occupying reserved dwelling units for the purpose of income verification. Any information received pursuant to this subsection is confidential and may only be used for the purpose of verifying income to determine eligibility for occupancy of the reserved dwelling units.

(i) Consent to substitute.

(1) For properties with three-bedroom or larger dwelling units, if an owner cannot locate eligible households to lease three-bedroom or larger dwelling units, and if the director is satisfied that the owner has made best efforts to lease the three bedroom or larger dwelling units, if applicable, including full compliance with the affirmative fair housing marketing plan, with written consent from the director, an owner may from time to time substitute on a two-for-one basis additional two bedroom dwelling units and/or on a three-to-one basis additional one bedroom dwelling units to meet the pro rata distribution requirements described in Section 51A-4.1106(f).

(2) Before granting written consent, the director shall review and approve an amended affirmative fair housing marketing plan detailing how the owner will target marketing to larger households who could qualify to lease the three-bedroom dwelling units (and larger dwelling units, if applicable). The director's written consent must include a time period during which the agreed-upon substitutions satisfy the pro rata distribution requirements. (Ord. Nos. 31142; 32195; 33233)

SEC. 20A-32. VIOLATIONS, CORRECTIVE ACTION PERIOD, AND PENALTY.

(a) In general. An owner who fails to take an action required by this article or who takes an action prohibited by this division commits an offense.

(b) Form of notice. The director shall give an owner written notice any time the director determines that an owner is not in compliance with the mixed-income housing program or the mixed-income restrictive covenants.

(c) Corrective action period and extensions of mixed-income restrictive covenants.

(1) For a violation other than a violation that poses an imminent hazard or threat to health and safety, the director shall provide written notice of a reasonable corrective action period for failure to file a quarterly unit status report and a reasonable corrective action period for other violations.

(2) During the corrective action period, an owner will have the opportunity to show that either the owner or the property was never in noncompliance or that the event of noncompliance has been corrected. Sufficient documentation of correction must be received by the director during the corrective action period for an event to be considered corrected during the corrective action period.

(3) If an owner fails to resolve all violations of this article during the corrective action period, the director may issue citations, seek relief provided in the deed restrictions, extend the mixed-income restrictive covenants term for the period equal to a term of non-compliance, and take any other actions allowed by law. (Ord. Nos. 31142; 32195)

SEC. 20A-33. MIXED INCOME HOUSING DEVELOPMENT BONUS FUND.

(a) Use. The mixed income housing development bonus fund may only be used for the following purposes:

(1) Funding programs authorized by the comprehensive housing policy that affirmatively further fair housing.

(2) Funding for data and analysis in support of housing programs authorized by the comprehensive housing policy that affirmatively further fair housing.

(3) Funding staff and expenses for management and administration of mixed income housing development bonus program and the mixed income housing development bonus fund.

~~(b) Administration. The mixed income housing development bonus fund will be administered by the department.~~

(b) Administration. The mixed income housing development bonus fund will be administered by the office. (Ord. Nos. 32195; 33233)

SEC. 20A-34. FEES.

(a) Program participation fees.

(1) Effective until December 31. 2022. the following fees apply:

Program Participation Fees	Fee
Pre-application meeting	$92.00
Initial first year activities (including receiving a development bonus, filing the mixed-income restrictive covenant, and initial leasing.)	$625.00
Compliance monitoring during affordability period	$3,736.00

(2) Effective January 1, 2023, the following fees apply:

Program Participation Fees	Fee
Pre-application meeting	$1,390
Initial first year activities (including receiving a development bonus, filing the mixed-income restrictive covenant, and initial leasing.)	$485
Compliance monitoring during affordability period	$11,082

CHAPTER 25

LOAN BROKERS

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IN GENERAL.

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Sec. 25-2. Records to be kept; statements to borrower.
Sec. 25-3. Communications with employer of borrower.

ARTICLE II.

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Sec. 25-4. Applicability of article.
Sec. 25-5. Required.
Sec. 25-6. Application.
Sec. 25-7. Separate application and license for each establishment.
Sec. 25-8. Renewal of license.
Sec. 25-9. Duty of licensee to pay taxes.
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Sec. 25-11. Transfer and assignment.
Sec. 25-12. Change of location.
Sec. 25-13. Fee.
Sec. 25-14. Revocation.

ARTICLE I.

IN GENERAL.

SEC. 25-1. APPLICABILITY OF CHAPTER.

This chapter shall not apply to any person doing business under and as permitted by the laws of this state or the United States relating to banks, savings banks, trust companies, building and loan companies, Morris Plan Banks, licensed credit unions, licensed rural credit unions, agricultural and livestock pools and farmers' societies, nor shall it apply to pawnbrokers as defined in this code. (Code 1941, Art. 73-8; Ord. 3484)

SEC. 25-2. RECORDS TO BE KEPT; STATEMENTS TO BORROWER.

Each holder of a license to lend money shall keep a complete set of records showing a list of loans made, giving the name and address of the borrower, the amount of cash actually loaned and the amount of principal and interest the borrower agreed to pay, whether such transaction was an original lending or a renewal of an existing loan, the amount of money paid to the licensee by the borrower and how much payment was credited. Such books and records shall at all reasonable times during business hours be subject to inspection by the city manager and his duly authorized agents, but the city manager shall not be required to divulge such information to members of the public. Any licensee, upon request by any borrower from such licensee, shall be required to furnish such borrower a true and correct copy of such borrower's account with the licensee, signed by the licensee or his duly authorized agent, setting forth the following information:

(a) The name and address of the borrower.

(b) The amount of cash actually loaned.

(c) The amount of principal and interest the borrower agreed to pay.

(d) Whether such transaction was an original lending or a renewal of an existing loan.

(e) The amount of money paid to the licensee by the borrower.

(f) How such payment was credited. (Code 1941, Art. 73-5; Ord. 5123)

SEC. 25-3. COMMUNICATIONS WITH EMPLOYER OF BORROWER.

No holder of a license to lend money, his agents, servants or employees, shall communicate with the employer of any borrower relating to any loan made by the licensee to the borrower with intent to harass or annoy the employer of the borrower. (Code 1941, Art. 73-6)

ARTICLE II.

LICENSES.

SEC. 25-4. APPLICABILITY OF ARTICLE.

The provisions of this article shall apply to all persons engaged in the business of lending money, whether with or without security, in amounts of $75 or less unless such persons are expressly excluded by the terms of this article. Any person attempting to evade the provisions of this article by any subterfuge, artifice or device shall be deemed guilty of a misdemeanor. (Ord. 3484)

SEC. 25-5. REQUIRED.

No person, either as principal or agent, representative, broker or trustee of another, shall engage in the business of lending money in amounts of $75 or less to any person within the city without first having obtained a license therefor from the city and displaying such license as provided in this article. The terms of this article shall also apply to any person who makes a loan in excess of $75 and requires the loan to be repaid in less than three days from the time of the actual making thereof. (Code 1941, Art. 73-1; Ord. 3484)

SEC. 25-6. APPLICATION.

Every person, before opening, maintaining or operating a business for the lending of money, as described in Section 25-4, in the city, shall make application to the city manager for a license for each such business maintained or operated by him, upon a blank to be furnished by the city manager on a form prescribed by such officer, which shall include, among other things, the full name and address of the applicant, both residence and place of business, including the street and number, and if the applicant is a partnership or association, the full name and address of every member thereof, if a corporation, the name and address of each officer or director of such corporation, if a trustee, the name and address of the cestui que trust, and if an agent, representative or broker, the name and address of the client or principal; also the name under which the business is to be conducted.

Every such application for license shall be sworn to by the applicant. (Code 1941, Art. 73-2; Ord. 3484)

SEC. 25-7. SEPARATE APPLICATION AND LICENSE FOR EACH ESTABLISHMENT.

A separate license and application shall be required for each establishment, office or place of business conducting a business of lending money as provided in this article regardless of the ownership of such business. (Code 1941, Art. 73-2; Ord. 3484)

SEC. 25-8. RENEWAL OF LICENSE.

The application and the information required in the application for a license required by this article as set out in Section 25-6 shall be furnished annually on each renewal of any such license. (Code 1941, Art. 73-2; Ord. 3484)

SEC. 25-9. DUTY OF LICENSEE TO PAY TAXES.

It shall be the duty of every licensee to pay all ad valorem taxes levied and assessed by the city against such licensee, and the sufferance by any such licensees of such ad valorem taxes to become delinquent shall constitute just cause for the refusal to renew the license or for the revocation of the same. (Ord. 3484)

SEC. 25-10. LICENSE TO BE POSTED IN PLACE OF BUSINESS.

Each license for a business of lending money shall state the address at which the business is to be conducted and the name under which the business is to be conducted. Such license shall be kept conspicuously posted in the place of business of the licensee where it may be readily available for inspection by the public. (Code 1941, Art. 73-3)

SEC. 25-11. TRANSFER AND ASSIGNMENT.

No license issued under the provisions of this article shall be transferable or assignable but shall be valid only for the use of the licensee named therein, nor shall any licensee maintain more than one place of business under the same license; provided, however, that the city manager may issue more than one license to the same licensee upon compliance with all the provisions of this article governing an original issuance of a license. (Code 1941, Art. 73-3)

SEC. 25-12. CHANGE OF LOCATION.

A license issued under the provisions of this article shall be valid only at the address stated in such license; provided, however, that should a licensee desire to change his place of business to another location, he shall give written notice thereof to the city manager who shall attach to the license, in writing, a record of the change and the date thereof, which record shall be authority for the operation of such business under such license at such new location. (Code 1941, Art. 73-3)

SEC. 25-13. FEE.

In order to defray part of the expense necessary to provide the surveillance, supervision and inspection required under the terms of this article, there is hereby levied a license fee of $50.00 per annum for each business so operated, which fee shall be collected by the assessor and collector of taxes from each applicant for each such license. Such license fee shall be payable on an annual basis and shall be due and payable for any year not later than the 10th day of January of each year, such fee to cover the calendar year. If a license to operate any such business is granted during a current year, the fee shall be made pro rata for the balance of the calendar year on a basis of the number of months and fraction thereof remaining in said calendar year, such pro rata rates to be figured from the first day of each month. The license fee shall be paid to the assessor and collector of taxes of the city after the applicant has filed the application provided for in Section 25-6 with the city manager and secured such license as provided for in Section 25-5. (Code 1941, Art. 73-4)

SEC. 25-14. REVOCATION.

Any license granted under the provisions of this article shall be subject to revocation by the city council after due notice to the holder of such license and hearing thereon upon proof of the violation of any of the provisions of this article. (Code 1941, Art. 73-4)

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CHAPTER 25

RESERVED

(Repealed by Ord. No. 33224)

Reserved

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CHAPTER 25A

MASSAGE ESTABLISHMENTS

Sec. 25A-1. Definitions.
~~Sec. 25A-2. License - Required.~~
~~Sec. 25A-3. Same - Display.~~
~~Sec. 25A-4. Same - Investigation of applicant.~~
~~Sec. 25A-5. Same - Applicant to furnish names of employees and other information.~~
~~Sec. 25A-6. Same - Fee; refund.~~
~~Sec. 25A-7. Same - Refusal to issue or renew.~~
~~Sec. 25A-8. Same - Revocation, suspension.~~
~~Sec. 25A-9. Same - Appeal from refusal to grant or renew; from decision to revoke or suspend.~~
Secs. 25A-2 thru 25A-9. Reserved.
Sec. 25A-10. Hours of operation; living, etc., quarters therein prohibited.
~~Sec. 25A-11. Inspection of massage establishments; examination of employees.~~
~~Sec. 25A-12. List of employees.~~
Secs. 25A-11 thru 25A-12. Reserved.
Sec. 25A-13. Operation in residential area prohibited.
~~Sec. 25A-14. Sanitary requirements.~~
~~Sec. 25A-15. Administering massage to person of opposite sex.~~
Secs. 25A-14 thru 25A-15. Reserved.

SEC. 25A-1. DEFINITIONS.

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

~~(a) CHIEF OF POLICE means the chief of police of the city of Dallas, or his duly authorized representative.~~

~~(b) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter or the director's authorized representative.~~

~~(c) MASSAGE means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but shall not include massage by duly licensed physicians and chiropractors, and registered physical therapists who treat only patients recommended by a licensed physician and who operate only under such physician's direction, nor massage of the face practiced by beauty parlors or barbershops duly licensed under the penal code of the state.~~

~~(d) MASSAGE ESTABLISHMENT means any building, room, place or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bathhouses. This term shall not include, however, duly licensed beauty parlors or barbershops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operate only under such physician's direction.~~

In this chapter:

(1) MASSAGE means a massage as defined by Texas Occupations Code Chapter 455, as amended.

(2) MASSAGE ESTABLISHMENT means a massage establishment as defined by Texas Occupations Code Chapter 455, as amended. (Ord. Nos. 13752; 15526; 17226; 32224)

SEC. 25A-2. LICENSE - REQUIRED.

It shall be unlawful for any person to operate a massage establishment without first having obtained a license therefor from the assessor and collector of taxes in accordance with the provisions of this chapter, or to operate a massage establishment after such license has been revoked, or during a period for which such license has been suspended. Such license shall be issued only upon the payment of the fee specified in Section 25A-6 and upon the approval in writing of the director and the chief of police upon the issuance of a certificate of occupancy from the building official. Such license shall expire on the 31st day of December of each year. (Ord. Nos. 13752; 15526)

SEC. 25A-3. SAME - DISPLAY.

The license required by this chapter shall be posted and kept in some conspicuous place in the massage establishment. (Ord. 13752)

SEC. 25A-4. SAME - INVESTIGATION OF APPLICANT.

After an application has been made for issuance of an original license or a renewal of an existing license to operate a massage establishment as defined herein, the chief of police, as the principal enforcement officer of this chapter, shall determine whether the applicant has been finally convicted in any court of theft, fornication, sodomy, procuring, pandering, keeping a bawdy house, keeping an assignation house, engaging in prostitution or engaging in assignation, or whether such establishment employs any person who has been finally convicted in any court of theft, fornication, sodomy, procuring, pandering, keeping a bawdy house, keeping an assignation house, engaging in prostitution or engaging in assignation. (Ord. 13752)

SEC. 25A-5. SAME - APPLICANT TO FURNISH NAMES OF EMPLOYEES AND OTHER INFORMATION.

At the time of making application for the license required by this chapter the applicant shall furnish to the chief of police the names, addresses, race, sex, date of birth, and telephone number of the applicant, his spouse and of all employees of the massage establishment. (Ord. Nos. 13752; 15526)

SEC. 25A-6. SAME - FEE; REFUND.

The annual license fee shall be $200 for each such establishment. If the license is obtained between January 1st and June 30th of any year, the full amount of such fee shall be paid. If such license is obtained between July 1st and December 31st of any year, the fee shall be one-half of such amount. No refund of license fees shall be made. (Ord. Nos. 13752; 18411)

SEC. 25A-7. SAME - REFUSAL TO ISSUE OR RENEW.

The chief of police shall refuse to approve issuance or renewal of any license required by this chapter to any applicant who has been finally convicted in any court of theft, fornication, sodomy, procuring, pandering keeping a bawdy house, keeping an assignation house, engaging in prostitution or engaging in assignation; or to any applicant who employs in such establishment any person who has been finally convicted of theft, fornication, sodomy, procuring, pandering, keeping a bawdy house, keeping an assignation house, engaging in prostitution or engaging in assignation. (Ord. 13752)

SEC. 25A-8. SAME - REVOCATION, SUSPENSION.

(a) A license issued pursuant to this chapter shall be revoked upon final conviction in any court of the holder of such license for the offense of theft, fornication, sodomy, procuring, pandering, keeping a bawdy house, keeping an assignation house, engaging in prostitution or engaging in assignation.

(b) A license issued pursuant to this chapter shall be suspended for a period of not less than 30 days nor more than 90 days upon final conviction in any court of the holder of such license for the operation of the massage establishment in violation of any statute of this state, or any provision of this code or other ordinance of the city of Dallas.

(c) Any license issued pursuant to this chapter

shall be suspended for a period of 90 days upon the final conviction in any court of any employee of such massage establishment for the offense of theft, fornication, sodomy, procuring, pandering, keeping a bawdy house, keeping an assignation house, engaging in prostitution or engaging in assignation, or a violation of any provision of this chapter.

(d) Written notice of such revocation or suspension shall be given by the chief of police to the holder of such license at the holder's last known business address. (Ord. 13752)

SEC. 25A-9. SAME - APPEAL FROM REFUSAL TO GRANT OR RENEW; FROM DECISION TO REVOKE OR SUSPEND.

In the event the chief of police shall refuse to approve the issuance of an original license or the renewal of a license to any applicant, or revokes or suspends the license issued to any license holder under this chapter, this action shall be final unless the license holder files an appeal with a permit and license appeal board in accordance with Section 2-96 of this code. (Ord. Nos. 13752; 18200)

SECS. 25A-2 THRU 25A-9. RESERVED. (Ord. No. 33224)

SEC. 25A-10. HOURS OF OPERATION; LIVING, ETC., QUARTERS THEREIN PROHIBITED.

No massage establishment shall be kept open for any purpose between the hours of 10:00 p.m. and 8:00 a.m., and no such establishment shall be operated or conducted in connection either directly or indirectly, with any place used for living or sleeping quarters.

(a) A massage establishment must be closed for business and may not be open for any purpose between the hours of 10:00 p.m. and 8:00 a.m.

(b) A massage establishment may not be operated or conducted in connection either directly or indirectly, with any place used for living or sleeping quarters. (Ord. Nos. 13752; 33224)

SEC. 25A-11. INSPECTION OF MASSAGE ESTABLISHMENTS; EXAMINATION OF EMPLOYEES.

(a) The director shall be authorized to make or cause to be made inspections to determine the condition of any massage establishment in order to safeguard the health, safety, and welfare of the public and to make examinations through the licensed physicians of the department as are necessary to determine whether employees of the massage establishment are infected with any infectious disease.

(b) If in the opinion of the director or his designated representative, there is probable cause to enter a massage establishment for the purpose of making inspections and examinations pursuant to this chapter, he shall request the owner or occupant thereof to grant permission for such entry, and if refused he shall make application to a magistrate for a search warrant, showing said magistrate why such search warrant should be issued for the purpose herein. (Ord. Nos. 13752; 15526)

SEC. 25A-12. LIST OF EMPLOYEES.

The manager or person in charge of a massage establishment shall keep a list of the names and addresses of all employees, both on duty and off duty, and such list shall be shown to all proper authorities of the police and health departments upon request. (Ord. 13752)

SECS. 25A-11 THRU 25A-12. RESERVED. (Ord. No. 33224)

SEC. 25A-13. OPERATION IN RESIDENTIAL AREA PROHIBITED.

It shall be unlawful for any massage establishment to be operated in any section of the city which is zoned for residential purposes.

A massage establishment may not operate in any section of the city which is zoned for residential purposes. (Ord. Nos. 13752; 33224)

SEC. 25A-14. SANITARY REQUIREMENTS.

(a) It shall be the duty of every person conducting or operating a massage establishment to keep the same at all times in a clean and sanitary condition. All instruments and mechanical, therapeutic, and bathing devices or parts thereof, that

~~come into contact with the human body, shall be sterilized by a modern and approved method of sterilization before initial use, and any such instruments and devices, or parts thereof, after having been used upon one patron, shall be sterilized before being used upon another. All towels and linens furnished for use of one patron shall not be furnished for use of another until thoroughly laundered.~~

~~(b) All masseurs and operators shall wash their hands thoroughly before administering massage manipulations to each patron accommodated.~~

~~(c) No person suffering from a communicable disease shall work or be employed in a massage establishment.~~

~~(d) No person shall be accommodated as a patron within a massage establishment when to the knowledge of the owner, person in control, or an employee, such person is suffering from a communicable disease. (Ord. 13752)~~

~~SEC. 25A-15. ADMINISTERING MASSAGE TO PERSON OF OPPOSITE SEX.~~

~~It shall be unlawful for any person to administer a massage as defined in Section 25A-1 to any person of the opposite sex; provided, however, that this section shall not apply to any person licensed or registered by the State of Texas as a physician, chiropractor, physical therapist, nurse, massage therapist, cosmetologist, or athletic trainer, or as a member of a similar profession subject to state licensing or registration, while performing duties authorized by the state license or registration. (Ord. Nos. 13752; 20210)~~

SECS. 25A-14 THRU 25A-15. **RESERVED.** (Ord. No. 33224)

Sec. 27-16.16. Failure to appear at an administrative hearing.
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Sec. 27-16.20. Appeal to municipal court.
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ARTICLE IX.

RESERVED.

Secs. 27-59 thru 27-72. Reserved.

(16) Steps and stairways. An owner shall:

(A) maintain steps and stairways in operating condition, securely fastened and anchored, and free from trip hazards;

(B) maintain steps and stairways so that they are capable of safely supporting imposed dead and live loads; and

(C) seal any cracks or breaches in lightweight concrete steps, balconies, and walkways.

(17) Fencing, retaining walls, and barriers. An owner shall:

(A) maintain all fences, retaining walls, decorative walls, and barriers in operating condition, and in accordance with the Dallas Development Code, as amended. This requirement applies to a masonry wall only if the masonry wall encloses:

(i) a multitenant property; or

(ii) a single-family or duplex property where the wall is not shared with another property;

~~(B) repair or replace rotted, missing, fire-damaged, or broken wooden slots and support posts;~~

~~(C) repair or replace broken, missing, or bent metal posts and torn, cut, bent, or ripped metal fencing materials; and~~

~~(i) encloses a multitenant property or a single-family property or duplex, or~~

~~(ii) serves as a retaining wall.~~

(B) repair or replace rotted, missing, fire-damaged, or broken wooden slots and support posts; and

(C) repair or replace broken, missing, or bent metal posts and torn, cut, bent, or ripped metal fencing materials.

(e) Utility and appliance standards.

(1) Air conditioning.

(A) An owner shall:

(i) provide, and maintain, in operating condition, refrigerated air equipment capable of maintaining a room temperature of at least 15 degrees cooler than the outside temperature, but in no event higher than 85° F. in each habitable room;

(ii) maintain all fixed air conditioning systems, including air conditioning unit covers, panels, conduits, and disconnects, in operating condition, properly attached; and

(iii) install window-mounted air conditioning units, if provided, in compliance with the construction codes.

(B) It is a defense to prosecution under this paragraph that at least one habitable room is 85° F. at a point three feet above the floor and two feet from exterior walls if the outside temperature is over 110° F.

(2) Heating.

(A) An owner shall:

(i) provide, and maintain, in operating condition, heating facilities capable of maintaining a room temperature of at least 15 degrees warmer than the outside temperature, but in no event lower than 68° F. in each habitable room; and

(ii) if provided, maintain, in operating condition, heating facilities in buildings or structures other than dwelling units.

(B) It is a defense to prosecution under this paragraph that at least one habitable room is 68° F. at a point three feet above the floor and two feet from exterior walls if the outside temperature is under 40° F.

(3) Appliances. If appliances are provided in a rental dwelling unit, the owner shall maintain those appliances, including portable heating units, portable air conditioning units, cook stoves, refrigerators, dishwashers, garbage disposals, ventilation hoods, washing machines, and clothes

(iv) Pool yard enclosures, as defined in Chapter 757 of the Texas Health and Safety Code, as amended, shall be maintained in operating condition and must comply with the standards in Chapter 757 of the Texas Health and Safety Code, as amended.

(4) Sewage overflow. An owner shall sanitize all areas contaminated by sewage overflow immediately after servicing is completed.

(5) Vacant dwelling units.

(A) An owner shall maintain the interiors of all vacant dwelling units free of solid waste.

(B) The owner of a vacant dwelling unit must store any swimming pool chemicals, cleaning chemicals, pesticides, herbicides, rodenticides, fertilizers, paints, solvents, gasoline, gasoline-powered equipment, or combustible materials of any kind in accordance with the construction codes and the Dallas Development Code, as amended.

(j) Security standards. An owner of a multifamily dwelling, other than one exempt from registration under this chapter, shall provide and maintain security devices in each dwelling unit as required by Sections 92.153, 92.154, and 92.155 of the Texas Property Code, as amended.

(k) It is a defense to prosecution under Subsection (a) of this section that the premises is the site of new construction and reasonable and continuous progress is being made to complete the construction.

(l) An owner shall provide a tenant with alternative housing that meets the minimum standards required by this section when:

(1) after being issued a notice or citation for violation of Subsection (e)(2) of this section, the owner fails to repair heating equipment within 72 hours after receiving such notice or citation and the overnight low temperature, as measured by the National Weather Service at Dallas Love Field, is below 40° F. for three consecutive days after receiving such notice or citation; or

(2) after being issued a notice or citation for violation of Subsection (e)(1) of this section, the owner fails to repair refrigerated air equipment within 72 hours after receiving such notice or citation and the daytime high temperature, as measured by the National Weather Service at Dallas Love Field, is 95° F. or above for three consecutive days after receiving such notice or citation.

(m) It is a defense to prosecution under Subsections (e)(1) and (e)(2) of this section and to the alternative housing requirements of Subsection (i) of this section that:

(1) failure to maintain heating and refrigerated air equipment in compliance with those subsections was the direct result of an act of nature or other cause beyond the reasonable control of the owner; or

(2) the owner is making diligent efforts to repair the heating and refrigerated air equipment in compliance with those subsections; if the owner demonstrates to the director that diligent efforts to repair are being made, the director will not issue a notice or citation for a violation of Subsection (e)(1) or (e)(2) of this section.

(n) It is a defense to prosecution under Subsection (e)(2) of this section and to the alternative housing requirements of Subsection (i)(1) of this section that a written contract is in effect requiring the tenant to provide and maintain heating equipment and the owner has provided utility connections for heating equipment in compliance with the Dallas Mechanical Code, as amended, in each room of the structure intended for human occupancy.

(o) It is a defense to prosecution under Subsection (e)(1) of this section and to the alternative housing requirement of Subsection (i)(2) of this section that the structure is not a rental property. (Ord. Nos. 15198; 15372; 15919; 16473; 19234; 20578; 24481; 25522; 30236; 33224)

(d) A utility company shall notify the city attorney of any utility interruption to a master metered apartment dwelling unit resulting from a violation of Section 27-28 of this article. Notice must be given, in writing, not more than three days after utility service is interrupted.

(e) A person who is responsible for bills received for electric utility service or gas utility service provided to an apartment, a leased or owner-occupied condominium, or one or more buildings containing at least 10 dwellings that receive electric utility service or gas utility service that is master metered but not submetered, shall comply with the notice requirements in Subchapter G of Chapter 92 of the Texas Property Code, as amended. (Ord. Nos. 16232; 18591; 19234; 25522; 30236)

SEC. 27-28. NONPAYMENT OF UTILITY BILLS - ESSENTIAL UTILITY SERVICE.

(a) The owner or property manager of a master metered apartment building commits an offense if he fails to pay a utility bill and the nonpayment results in the interruption to any dwelling unit of a utility service essential to the habitability of the dwelling unit and to the health of the occupants. Essential utility services are gas, electric, and water and wastewater services.

(b) The owner or property manager of a master metered apartment building who violates Subsection (a) is guilty of a separate offense for each dwelling unit to which utility service is interrupted.

(c) It is a defense to prosecution under this section that the tenant occupying a dwelling unit to which utility service is interrupted is in arrears in rent to the owner or property manager of the master metered apartment building. (Ord. Nos. 18591; 19234; 25522)

ARTICLE VII.

REGISTRATION AND INSPECTION OF RENTAL PROPERTIES AND CONDOMINIUMS.

SEC. 27-29. AUTHORITY OF DIRECTOR.

The director shall implement and enforce this article and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the director determines are necessary to discharge any duty under or to effect the policy of this article. (Ord. Nos. 22205; 22695; 24481; 25522; 30236)

SEC. 27-30. REGISTRATION AND POSTING REQUIREMENTS; DEFENSES.

(a) The owner of a rental property located in the city commits an offense if he operates the rental property or otherwise allows a dwelling unit in a rental property to be occupied or leased without first submitting a rental registration application or annual renewal application that fully complies with Section 27-31 of this article.

~~(b) A condominium association commits an offense if it governs, operates, manages, or oversees a condominium or its common elements without first submitting a rental registration application or annual renewal application that fully complies with Section 27-31 of this article.~~

(b) A condominium association commits an offense if it governs, operates, manages, or oversees a condominium or its common elements without first submitting a registration application or annual renewal application that fully complies with Section 27-31 of this article.

(c) A person commits an offense if he, as a landlord or property manager, allows a dwelling unit in a rental property to be occupied or leased without first submitting a rental registration application or annual renewal application that fully complies with Section 27-31 of this article.

(d) A person commits an offense if he, as an owner, landlord, or property manager of a multitenant property or condominium association, fails to post, in

or as otherwise approved by the director, the certificate of inspection score issued by the director.

(e) A person commits an offense if he, as an owner, landlord, or property manager of a multitenant property, fails to provide each tenant, upon request, with a copy of the rules of the multitenant property.

(f) A person commits an offense if he, as an owner, landlord, or property manager of a multitenant property, operates that property or otherwise allows a dwelling unit in that property to be occupied or leased without employing a full-time manager to oversee the day-to-day operations of the property, if the property has 12 or more units.

(g) It is a defense to prosecution under this section that:

(1) at the time of notice of violation, no dwelling units in the rental property are leased or offered for lease and the owner of the rental property has filed with the director an exemption affidavit on a form provided by the director;

(2) ~~at the time of notice of violation, the owner of the single dwelling unit rental property had rented the property to tenants for a total of no more than 30 consecutive days during the preceding 12 months;~~

~~(3)~~ at the time of the notice of violation, the only tenants living in the single dwelling unit rental property are individuals related to the owner by consanguinity or affinity;

(3) at the time of the notice of violation, the owner of a single dwelling unit rental property had a homestead exemption for the property on file with the county appraisal district in which the rental property is located; or

(4) at the time of the notice of violation:

(A) the property was registered as a short-term rental in accordance with Chapter 42B; and

(B) applicable hotel occupancy taxes levied on the property under Articles V and VII of Chapter 44 had been collected and remitted in full. (Ord. Nos. 22205; 22695; 24481; 25522; 30236; 32058; 32473; 33224)

SEC. 27-31. REGISTRATION; FEES; RENEWAL.

(a) Rental properties and condominium associations must provide a complete registration to the director annually.

(b) A registration application for a multitenant property, single dwelling unit rental property or condominium association that was not previously required to register must be submitted before the owner leases the property or before any condominium units are occupied.

~~(c) Rental registration expires one year after the registration date.~~

~~(d) The annual registration fee, which includes the initial inspection fee, for a multitenant property is an amount equal to $6.00 times the total number of dwelling units, whether occupied or unoccupied, in the multitenant property.~~

(c) Registration expires one year after the registration date.

(d) The annual registration fee, which includes the initial inspection fee, for a multitenant property is an amount equal to $13.00 times the total number of dwelling units, whether occupied or unoccupied, in the multitenant property.

(e) The annual registration fee for a single dwelling unit rental property is:

(1) $53 between October 1, 2023 and September 30, 2024 per single dwelling unit rental property.

(2) $64 between October 1, 2024 and September 30, 2025 per single dwelling unit rental property.

(3) $74 on or after October 1, 2025 per single dwelling unit rental property.

(g) A registrant shall keep the information contained in its registration application current and accurate. If there is any change in the application information, the registrant shall promptly notify the director in writing of the changes in information.

(h) A registration may be renewed by making application for a renewal in accordance with this article on an electronic form provided by the director. In the application for renewal the registrant shall certify that all information in the then-current registration application is still accurate as of the date of the renewal application or correct any information that is not accurate as of the date of the renewal application. (Ord. Nos. 22205; 22695; 24481; 25522; 26455; 27458; 29306; 29753; 30236; 32058; 32556; 33224; 33232)

SEC. 27-32. REGISTRATION APPLICATION.

An owner, landlord, or property manager of a condominium association, single dwelling rental unit, or multitenant property must submit to the director a registration application on an electronic form provided for that purpose by the director. The application must contain the following true and correct information:

(1) the name, mailing address, email address, and telephone number for:

(A) the owner of the rental property being registered or the name of the condominium association being registered;

(B) the person or persons who can be contacted 24 hours a day, seven days a week in the event of an emergency condition on the rental property. An emergency condition includes any fire, natural disaster, collapse hazard, burst pipe, lack of working utilities, serious police incident, or other condition that requires an immediate response to avoid or minimize potential harm to the rental property, neighboring property, the occupants of the property, or the public.

(C) if the owner is not a natural person, then an agent, employee, or officer of the owner or condominium association authorized to receive legal notices and service of legal process on behalf of the owner or condominium association, and, in the case of an entity required to be registered with the State of Texas, the registered agent for service of process for the entity;

(D) the holder of any deed of trust or mortgage lien on the rental property being registered;

(E) any insurance carriers providing casualty insurance to the owner covering the rental property or condominium association being registered;

(F) any agent, employee, officer, landlord, property manager, and other person in control of, managing, or operating the rental property or condominium association on behalf of the owner or condominium association; and

(2) if the property being registered is part of a multitenant property or condominium association:

(A) the name, all legal addresses comprising the property, and the main telephone number, if any, of the property;

(B) the number of dwelling units, buildings, and swimming pools located on the property and the total number of bedrooms located on the property (a dwelling unit with no separate bedroom will be counted as one bedroom); and

(C) the name, mailing address, telephone number, and email address for any condominium association applicable to the property;

(3) if the owner of the rental property is not a natural person, the form of the entity, including but not limited to, a corporation, general partnership, limited partnership, trust, or limited liability company, and the state or foreign jurisdiction of organization and registration, if other than the State of Texas, as well as, the name and mailing address for each principal officer, director, general partner, trustee,

(8) a record of each tenant complaint, describing the complaint and how the complaint was resolved, and which record can only be viewed by the current tenant of the unit complained of and by the city, upon the city's request;

(9) a copy of the inspection report described in Section 27-32(b)(5) of this article; and

(10) any other records deemed necessary by the director for the administration and enforcement of this article. (Ord. Nos. 22205; 22695; 24481; 25522; 29306; 30236; 32058)

SEC. 27-39. REQUIRED EMERGENCY RESPONSE.

(a) An owner of a rental property and a condominium association shall provide the director with the name, address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week in the event of an emergency condition on the property. An emergency condition includes any fire, natural disaster, collapse hazard, burst pipe, lack of working utilities, serious police incident, or other condition that requires an immediate response to prevent harm to the property, the occupants of the property, or the public.

(b) The owner of the rental property and a condominium association shall notify the director within 10 days of any change in the emergency response information.

(c) The owner of a rental property or condominium association, or an authorized agent thereof, must arrive at the property within one hour after the contact person named in the registration application is notified by the city or emergency response personnel that an emergency condition has occurred on the property. (Ord. Nos. 25522; 30236)

SEC. 27-40. FAILURE TO PAY AD VALOREM TAXES.

A registrant, excluding a condominium association, for a property subject to registration under this article shall not allow the payment of ad valorem taxes owed in connection with the property to become delinquent. (Ord. Nos. 22205; 22695; 24481; 25522; 30236)

SEC. 27-41. RESERVED.

(Repealed by Ord. 30236)

SEC. 27-42. PROPERTY INSPECTION; INSPECTION AND REINSPECTION FEES; SELF-CERTIFICATION PROCESS.

~~(a) The director shall conduct a graded inspection of each multitenant property at least once every three years, but not more frequently than once a year. Graded inspections may be conducted more frequently by the director, when determined to be in the interest of the public health, safety, and welfare. The director, in accordance with Subsection (d) of this section, shall also conduct any subsequent inspections of any property failing the graded inspection. The director may conduct nongraded comprehensive inspections on a multitenant property at any time the director deems necessary. The director, in accordance with Subsection (e) of this section, may allow a multitenant property owner to conduct a self-certification inspection of the property.~~

(a) The director shall conduct a graded inspection of each multitenant property not more frequently than once a year. Graded inspections may be conducted more frequently by the director, when determined to be in the interest of the public health, safety, and welfare. The director, in accordance with Subsection (d) of this section, shall also conduct any subsequent inspections of any property failing the graded inspection. The director may conduct nongraded comprehensive inspections on a multitenant property at any time the director deems necessary. The director, in accordance with Subsection (e) of this section, may allow a multitenant property owner to conduct a self-certification inspection of the property.

~~(b) The director shall conduct an inspection of each single dwelling unit rental property at least once every five years. The director may conduct inspections of single dwelling rental properties at any time the director deems necessary when determined to be in the interest of the public health, safety, and welfare. The director, in accordance with Subsection (e) of this section, may allow a single dwelling unit rental property owner to conduct a self-certification inspection of the property.~~

(b) The director may conduct inspections of single dwelling rental properties at any time the director deems necessary when determined to be in the interest of the public health, safety, and welfare. The director, in accordance with Subsection (e) of this section, may allow a single dwelling unit rental property owner to conduct a self-certification inspection of the property.

(c) The inspections conducted pursuant to this section are in addition to any inspections conducted under Section 27-5 of this chapter.

(d) The director may use a property condition assessment tool to determine the frequency and the scope of graded inspections. If a property fails its graded inspection, or if the graded inspection reveals a condition the director determines to be a nuisance, the owner will be assessed fee for all subsequent inspections of the property conducted for the purposes of determining whether the owner has abated the nuisance or cured the deficiencies noted in the graded inspection. Inspection fees will be assessed as follows:

(1) For a multitenant property, a re-inspection of the exterior and any common area(s): $114 for each separate structure inspected.

(2) For a multitenant property, re-inspection of the interior: $96 for each unit actually re-inspected.

(3) For re-inspection of a single dwelling unit rental property: $43 per single dwelling unit rental property.

(4) For a multitenant property, a re-inspection of swimming pool: $74 for each swimming pool re-inspected.

(e) The following process is required to qualify for the voluntary self-certification process for rental properties deemed eligible by the director:

(1) Single dwelling unit and multitenant registrants, property owners, or authorized agents:

(A) may choose a self-certification inspection at the time of application and payment for rental registration;

(B) shall at the commencement of any tenancy, but prior to occupancy by the tenant, conduct an interior and exterior inspection of each rental unit and correct any deficiencies;

(C) shall have the tenant sign the director approved inspection form upon the completion of every inspection;

(D) shall, if deemed eligible by the director, conduct annual inspections of each rental unit;

(E) shall maintain director approved self-inspection forms for no less than five years from the date any tenant vacates the property;

(F) shall provide inspection forms to the director within 72 hours of a request from the director;

(G) shall provide a copy of all inspection forms and results required in this subsection to the tenant no later than 10 calendar days after the inspection is completed; and

(H) shall provide tenants with information concerning tenants' rights and responsibilities on a form approved by the director prior to the commencement of any tenancy.

(2) The director may conduct random audits of rental registrations to determine compliance with the self-certification inspection provisions. If the director determines the owner is not compliant with the self-certification inspections, all rental units that were subject to the self-certification is subject to inspection by the director using the approved form.

(f) For failure to have or display, at any time, required documentation, including, but not limited to, permits, notices, licenses, records, or certificates of

occupancy, the fee is $146 multiplied by the total number of units in multitenant property.

(g) The director shall provide the lists of the current graded inspection scores and approved self-certified inspections for all registered rental multitenant properties on the city's website. (Ord. Nos. 22205; 22695; 24481; 25522; 26598; 27185; 27695; 29879; 30236; 31332; 32058; 32556; 33224)

SEC. 27-42.1. REVOCATION OF CERTIFICATE OF OCCUPANCY.

Where a multitenant property is used or maintained in a manner that poses a substantial danger of injury or an adverse health impact to any person or property and is in violation of this ordinance, the Dallas Development Code, other city ordinances, rules or regulations, or any local, state, or federal laws or regulations, the director may ask the building official to revoke the multitenant property's certificate of occupancy. (Ord. 30236)

SEC. 27-43. CRIME PREVENTION ADDENDUM REQUIRED.

(a) The owner of a multitenant property shall require that every lease or rental agreement, or renewal of a lease or rental agreement, executed after September 1, 2004 include a crime prevention addendum complying with this section.

(b) The owner of a single dwelling unit rental property shall require that every lease or rental agreement, or renewal of a lease or rental agreement, executed after January 1, 2017, include a crime prevention addendum complying with this section.

(c) The crime prevention addendum must include the following information:

(1) The name, date of birth, driver's license number (or, if the person does not have a driver's license, the number on any other government-issued personal identification card containing a photograph of the person), and signature of the tenant named in the lease or rental agreement and, if the tenant will not be occupying the rental property, the name, date of birth, driver's license number (or, if the person does not have a driver's license, the number on any other government-issued personal identification card containing a photograph of the person), and signature of the tenant or tenants who will be occupying the property. The signatures required on the crime prevention addendum must be separate and apart from the signatures used to execute other provisions of the lease or rental agreement.

(2) A statement advising the tenant or tenants that the owner of the rental property will initiate eviction proceedings if the tenant, or any guest or co-occupant of the tenant, engages in any abatable criminal activity on the premises of the rental property, as described in Subsection (d) of this section.

(d) For purposes of this section, an abatable criminal activity includes robbery or aggravated robbery; aggravated assault; murder; prostitution; criminal gang activity; discharge of firearms; gambling; illegal manufacture, sale, or use of drugs; illegal manufacture or sale of alcoholic beverages; and other crimes listed in Chapter 125 of the Texas Civil Practice and Remedies Code, as amended.

(e) It is a defense to prosecution under Subsection (a) of this section that the owner of the multitenant property used a Texas Apartment Association lease contract for the lease or lease renewal. (Ord. Nos. 25522; 25774; 30236)

SEC. 27-44. ATTENDANCE AT CRIME WATCH SAFETY MEETINGS.

(a) The owner of a multitenant property shall attend at least four crime watch meetings each calendar year. The meetings attended must be held by crime watch organizations consisting of business owners, single-family residential property owners, or managers, employees, or tenants of multifamily

(C) Protocols to ensure prompt and orderly crowd dispersal from the property including on-site and off-site parking areas.

(D) Limit hours of entertainment activities including live music and music disseminated by a disc jockey.

(E) Additional protocols, including identification scanners, to ensure age restrictions of patrons is strictly enforced.

(F) Litter control protocols.

(G) Use of a mechanical counting device to ensure maximum occupancy limits.

(H) Bar/club/restaurant training for all or certain establishment employees.

(3) Inspections. The chief or director may inspect the property for compliance with the conditions and activities in Section 27-49(b)(1) or any other condition or activity the chief or director determines, in light of the chief's or director's training and experience, will reduce abatable criminal activity or code violations at the property.

(4) Notification to city plan commission. If an establishment operates under a specific use permit, the chief or director shall notify the city plan commission that the property is a habitual criminal or nuisance property. (Ord. Nos. 30714; 32057)

SEC. 27-53. HABITUAL CRIMINAL PROPERTY FEES.

For a property that has been finally determined to satisfy the presumptions in Section 27-48, the owner shall pay a monthly fee to the city according to the table below for each month that the presumptions in Section 27-48 are satisfied. In this section, residential and nonresidential refer to those uses as defined in the Dallas Development Code, as amended. The fees are not refundable in whole or in part.

RESIDENTIAL (by number of dwelling units)	MONTHLY FEE
0-2	~~$268~~ $3,332
3-20	~~$449~~ $6,029
21-59	~~$557~~ $7,620
60-250	~~$717~~ $9,722
251-500	~~$943~~ $12,184
501-1,000	~~$936~~ $11,016
1,001 or more	~~$1,054~~ $12,276

NONRESIDENTIAL (by square footage of largest improvement)	MONTHLY FEE
0-4,999	~~$454~~ $5,342
5,000-9,999	~~$552~~ $6,461
10,000-59,999	~~$682~~ $7,730
60,000-99,999	~~$890~~ $9,629
100,000 or more	~~$949~~ $11,067

(Ord. Nos. 30714; 32057; 32310; 32329; 33232)

SEC. 27-53. HABITUAL NUISANCE PROPERTY FEES.

For a property that has been finally determined to satisfy the presumptions in Section 27-48 the owner shall pay a monthly fee to the city according to the table below for each month that the presumptions in Section 27-48 are satisfied. In this section, residential and nonresidential refer to those uses as defined in the Dallas Development Code, as amended. The fees are not refundable in whole or in part.

RESIDENTIAL (by number of dwelling units)	MONTHLY FEE
0-2	$1,003
3-20	$1,600
21-59	$1,699
60-250	$1,833
251-500	$3,016
501-1,000	$2,999
1,001 or more	$3,099

NONRESIDENTIAL (by square footage of largest improvement)	MONTHLY FEE
0-4,999	$1,599
5,000-9,999	$1,682
10,000-59,999	$1,790
60,000-99,999	$3,225
100,000 or more	$3,274

(Ord. No. 33232)

SEC. 27-54. DELIVERY OF NOTICES.

Any notice to be provided by the city pursuant to this article shall be deemed effective if made to the owner. Notice is effective when:

(1) personally delivered to the owner; or

(2) mailed by certified U.S. mail, with return receipt requested, and addressed to the owner at the last address provided in the registration of the property under Article VII of this chapter, as amended, or, if the property is not subject to registration under this chapter, then to the last address in the central appraisal district records. Mailed notice shall be deemed received and effective three days after the date of mailing whether the notice was actually received or whether the notice was returned unclaimed or undeliverable. (Ord. Nos. 30714; 32057)

SECS. 27-55 THRU 27-58. (Repealed by Ord. 30236)

ARTICLE IX.

RESERVED.

SECS. 27-59 THRU 27-72. (Repealed by Ord. 30236)

(7) the vehicle is standing, parked, or stopped in any portion of a street, and the peace officer or parking enforcement officer has reason to believe that the vehicle constitutes a hazard or interferes with the normal function of a governmental agency or that the safety of the vehicle is imperiled;

(8) the vehicle is standing, parked, or stopped in violation of the parking ban regulations;

(9) the vehicle is standing, parked, or stopped in violation of any provision of this chapter;

(10) the vehicle is the subject of a hearing officer's order for a parking violation and impoundment of the vehicle is authorized by Section 28-130.10 of this chapter;

(11) the vehicle is in an accident and the vehicle's owner or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code, as amended; or

(12) the vehicle is stopped by a police officer or city marshal for an alleged violation of a city or state traffic law or other law applicable to the operation of a vehicle on the roadway and the vehicle's owner or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code, as amended.

(b) A vehicle removed and towed under this section must be kept at the place designated by the chief of police or the director until application for redemption is made by the owner or the owner's authorized agent, who will be entitled to possession of the vehicle upon payment of costs of immobilization, towing, notification, impoundment, and storage. The chief of police or the director shall charge fees for storage of vehicles at city pound locations in accordance with the following regulations:

~~(1) The storage fee is $20 for each day or portion of a day that a vehicle not longer than 25 feet is stored and $35 for each day or portion of a day that a vehicle longer than 25 feet is stored, except that a storage fee may not be charged for more than one day if the vehicle remains at the city pound location for less than 12 hours.~~

(1) The storage fee is $20.77 for each day or portion of a day that a vehicle not longer than 25 feet is stored and $39.99 for each day or portion of a day that a vehicle longer than 25 feet is stored, except that a storage fee may not be charged for more than one day if the vehicle remains at the city pound location for less than 12 hours.

(2) Storage fees on a stolen vehicle will be charged as outlined in Paragraph (1) of this subsection, commencing on the second day following the date notice is received by the owner of the vehicle, or the owner's agent, that the vehicle may be claimed.

(3) Storage fees on a vehicle owned by an arrested person will be charged as outlined in Paragraph (1) of this subsection, commencing on the date of impoundment.

(4) Storage fees will not be collected when a vehicle is not involved in an accident, but is taken into protective custody and the driver is incapacitated due to physical injury or other illness to the extent that the driver is unable to care for the vehicle.

(5) Storage fees on any vehicle involved in a motor vehicle accident will be charged as outlined in Paragraph (1) of this subsection, commencing on the date of impoundment.

~~(6) An impoundment fee of $20, in addition to applicable towage, notification, and storage fees, will be charged for a vehicle that has been removed and towed to a city pound location.~~

(6) An impoundment fee of $22.85, in addition to applicable towage, notification, and storage fees, will be charged for a vehicle that has been removed and towed to a city pound location.

(7) A notification fee of $50, in addition to applicable towage, impoundment, and storage fees, will be charged for a vehicle that has been removed and towed to a city pound location.

(8) All unpaid fines, penalties, and costs assessed against the person by a hearing officer for a parking violation if the vehicle was towed as result of parking violation fees.

(c) A police officer or city marshal may, at his discretion, with the express written permission of an arrested person, leave an arrested person's vehicle at the scene of the arrest or other location. In these instances, the arresting officer shall ensure that the vehicle is legally parked and secured.

(d) The chief of police, the director, or a designated representative may release a vehicle without payment of immobilization, towage, notification, impoundment, or storage fees under the following circumstances:

(1) a vehicle was taken into protective custody when the incident did not involve an arrest, violation, or automobile accident;

(2) a vehicle is owned by or belongs to an individual who is not a citizen of the United States, who does not permanently reside in the United States, and who is entitled to diplomatic immunity;

(3) subsequent investigation results in a determination that there was no violation of this code or the Texas Motor Vehicle Laws or that the arrested person did not commit a criminal offense; or

(4) a vehicle is owned by or belongs to the victim of a violent crime and was taken into custody for evidentiary purposes.

(e) If a vehicle was towed and stored for an evidentiary or examination purpose, the chief of police or a designated representative shall release the vehicle without payment of towage and storage fees when required to do so under Article 18.23 of the Texas Code of Criminal Procedure, as amended.

(f) A person commits an offense if he removes or attempts to remove a vehicle from a city pound location without first paying the towage, notification, impoundment, and storage fees that have accrued on the vehicle.

(g) As a consequence of the fees to be charged for vehicles stored at city pound locations and for purposes of state law, the city council hereby designates all city pound locations as storage facilities operated for commercial purposes. (Ord. Nos. 14584; 14686; 15949; 16287; 16477; 17406; 17547; 18411; 19300; 20076; 20448; 20965; 21819; 22906; 22964; 24743; 25384; 26134; 26293; 27189; 32362; 32470; 33232)

STREET	EXTENT	SPEED (MPH)
Marsalis Avenue	Opera Street to Laureland Road	35
Marsh Lane	Lyndon B. Johnson Freeway to Northwest Highway	35
Marsh Lane	1000 feet north of Trinity Mills Road to the Carrollton city limits	35
Martin Luther King Jr. Boulevard	Overpass at Lamar Street to Cedar Crest Boulevard	35
Masters Drive	Sam Houston Road to C. F. Hawn Freeway	40
Matilda Bridge	Mockingbird Lane to Greenville Avenue	35
Maylee Boulevard	Ferguson Road to Gus Thomasson Road	35
McCallum Boulevard	Preston Road to Duffield Drive	35
McCoy Place	Thomas Avenue to Munger Avenue	20
McKinnon Street	Harry Hines Boulevard to Ivan Street	35
McKinnon Street	Ivan Street to Payne Street	35
Meandering Way	Lynworth Drive to Highland Glen Trail	35
Merrifield Road	Verde Way to Davis Street	35
Merrifield Way	Mountain Creek Boulevard to Verde Road	45
Midway Road	The north city limits to Shore Crest Drive	35
Midway Road	Trinity Mills Road to the north city limits	40
Military Parkway	Dolphin Road to Lovett Avenue	35
Military Parkway	Lovett Avenue to Delafield Lane	40
Military Parkway	Delafield Lane to the east city limits at Sam Houston Road	45
Mill Place	Viking Place to Hatcher Street	20
Miller Road	Lyndon B. Johnson Freeway to the east city limits	40
Miller Road	150 feet east of Sunrise Drive to C. A. Roan Drive	40
Miller Road	2700 feet east of Centerville Road to 850 feet west of Dexham Road	40
Mockingbird Lane	McMillan Avenue to Briar Creek Lane	35
Mockingbird Lane	Briar Creek Lane to Peavy Road	40
Mockingbird Lane	Doug Drive to Robin Road	35
Monaghan Court	Eighth Street to Clarendon Drive	20
Monte Place	Lyons Street to Hatcher Street	20
Montfort Road	Belt Line Road to Arapaho Road	35
Moody Street	Wichita Street to Akard Street	35
Morris Street	Westmoreland Road to Baker Avenue	20
Morris Street	Pointer Avenue to Rupert Street	20
Morris Street	Kingsbridge Street to Goldman Street	20
Mountain Creek Parkway	From a point 1150 feet south of Eagle Ford Drive to the southeast city limits	35
Mountain Creek Parkway	1150 feet south of Eagle Ford Drive to Clark Road	35
Mountain Creek Parkway	Grady Niblo Road to W. Illinois Avenue	45
Munger Boulevard	Bryan Street to R. L. Thornton Freeway	35
Municipal Street	Bexar Street to Rochester Street	20
Murdock Road	Loop 12 to Murdock-Dowdy Ferry Connection	40
Murdock-Dowdy Ferry Connection	Murdock Road to Dowdy Ferry Road	40
Ninth Street	Cliffdale Avenue to Jefferson Boulevard	20

STREET	EXTENT	SPEED (MPH)
Northwest Highway	The west city limits at the Elm Fork of the Trinity River to 1360 feet east of Shady Trail	45
Northwest Highway	1360 feet east of Shady Trail to 550 feet west of Starlight Road	40
Northwest Highway	550 feet west of Starlight Road to Central Expressway	35
Northwest Highway	Central Expressway to the east city limits	45
Oates Drive	Ferguson Road to the east city limits	35
Olympus Boulevard	Ranch Trail to Belt Line Road	35
Park Lane	Hillcrest Road to Greenville Avenue	35
Park Lane	Larmanda Street to Abrams Road	35
Parma Place	Spring Avenue to Teal Place	20
Parsons Street	Bexar Street to Choice Street	20
Pearl Street	McKinney Avenue to Live Oak Street	35
Pemberton Hill Road	C. F. Hawn Freeway to Loop 12	35
Pilgrim Drive	Commodore Drive to Bethurum Avenue	20
Plano Road	Forest Lane to Chesterton Drive	40
Plano Road	Chesterton Drive to Northwest Highway	35
Pleasant Drive	Bruton Road to Grovecrest Drive	35
Pointer Avenue	Vacek Street to Singleton Boulevard	20
Polk Street	Turner Avenue to Twelfth Street	35
Polk Street	Vernon Avenue to Ledbetter Drive	35
Polk Street	Ledbetter Drive to the south city limits at Danieldale Road	40
Prairie Creek Road	Forney Road to Scyene Road	40
Prairie Creek Road	Scyene Road to Fostoria Drive	35
~~Preston Road~~	~~The north city limits to 100 feet north of Prestondell Drive~~	~~45~~
~~Preston Road~~	~~Prestondell Drive to Northwest Highway~~	~~35~~
Preston Road	The north city limits to Arapaho Road	45
Preston Road	Arapaho Road to Northwest Highway	35
Prestonwood Boulevard	Arapaho Road to Belt Line Road	35
Pueblo Street	Rupert Street to Kingsbridge Street	20
Ravinia Drive	Jefferson Boulevard to Gladstone Drive	20
Record Crossing Road	Stemmons Freeway to Harry Hines Boulevard	35
Red Bird Lane	Cockrell Hill Road to Marvin D. Love Freeway	40
Regal Row	Governors Row to the Irving city limits	35
Regal Row	Governors Row to Harry Hines Boulevard	40
Remond Drive	Westmoreland Road to Fort Worth Avenue	35
Restland Road	Valley View Lane to Greenville Avenue	40
Riverfront Boulevard	Irving Boulevard to Corinth Street	35
Robert B. Cullum Boulevard	Ash Lane to Second Avenue	35
Rosemeade Parkway	Marsh Lane to Dallas Parkway	35
Rowlett Road	2700 feet south of Chaha Road to 1700 feet north of Roan Road	40
Royal Lane	The west city limits to Central Expressway	35
Royal Lane	Central Expressway to Greenville Avenue	40
Royal Lane	Greenville Avenue to Lyndon B. Johnson Freeway	35

STREET	EXTENT	SPEED (MPH)
Youngblood Road	Central Expressway to a point one mile east of Central Expressway	15
Zang Boulevard	Greenbriar Lane to one-eighth of a mile south of Clarendon Drive	35
Zang Boulevard	One-eighth of a mile south of Clarendon Drive to three-tenths of a mile south of Saner Avenue	40

(Ord. Nos. 14584; 14696; 14818; 14869; 14922; 14974; 15194; 15430; 15455; 15541; 15699; 15760; 15835; 16018; 16091; 16166 16288; 16411; 16524; 16577; 16624; 16821; 16901; 16986; 17041; 17146; 17345; 17456; 17576; 17667; 17875; 18265; 18283; 18483; 18484; 18982; 18983; 19749; 20196; 20475; 21237; 21564; 22643; 22926; 23078; 23556; 23917; 25833; 26500; 27294; 27700; 28871; 30022; 30217; 31552; 32291; 32488; 32848; 32960; 33071; 33152)

SEC. 28-45. EXPRESSWAYS AND FREEWAYS.

(a) A person commits an offense if he operates or drives a vehicle on any of the following designated freeways or expressways at a speed greater than the speed designated by this section for that freeway or expressway or portion of freeway or expressway, and any speed in excess of the limit provided in this section shall be prima facie evidence that the speed is not reasonable nor prudent and is unlawful.

STREET	EXTENT	SPEED (MPH)
Central Expressway	Woodall Rodgers Freeway to Live Oak Street	50
Central Expressway	From a point 600 feet south of Taylor Street to Park Row	35
Central Expressway (S. M. Wright Freeway; US 175)	Park Row to C. F. Hawn Freeway	Set by Texas Transportation Commission Minute Order No. 106769, as amended
Central Expressway (S. M. Wright Freeway; SH 310)	C. F. Hawn Freeway to a point two-tenths of a mile north of Overton Road	50
Central Expressway (S. M. Wright Freeway; SH 310)	From a point two-tenths of a mile north of Overton Road to Linfield Drive	50
Central Expressway (S. M. Wright Freeway; SH 310)	Linfield Drive to a point 750 feet north of Ledbetter Drive	50
Central Expressway (SH 310)	From a point 750 feet north of Ledbetter Drive to the south city limits at Langdon Drive	50
C. F. Hawn Freeway (US 175)	S. Central Expressway (SH 310) to Prairie Creek Road	Set by Texas Transportation Commission Minute Order No. 114203
C. F. Hawn Freeway (US 175)	Prairie Creek Road to Dallas south city limits	Set by Texas Transportation Commission Minute Order No. 114203
Dallas Ft. Worth Turnpike (IH 30)	West city limits to Stemmons Freeway (IH 35E)	Set by Texas Transportation Commission Minute Order No. 114203
Dallas North Tollway	From a divergent point of McKinnon Avenue and Harry Hines Boulevard to the north city limits	Set by North Texas Tollway Authority Resolution No. 97-30, as amended
E.R.L. Thorton Freeway (IH 30)	First Avenue to Rockwall county line	Set by Texas Transportation Commission Minute Order No. 114203
Good-Latimer Expressway	Taylor Street to Central Expressway	35
Interstate Highway 30	Dallas county line to Rockwall west city limits	Set by Texas Transportation Commission Minute Order No. 114203

STREET	EXTENT	SPEED (MPH)
Interstate Highway 35E Managed Lanes	All portions within the city limits	Set by Texas Transportation Commission Minute Order No. 114058, as amended
Interstate Highway 635 Managed Lanes	All portions within the city limits	Set by Texas Transportation Commission Minute Order No. 114554, as amended
John W. Carpenter Freeway (SH 183)	All portions within the city limits	Set by Texas Transportation Commission Minute Order No. 106769, as amended
Julius Schepps Freeway (IH 45)	E. R. L. Thornton Freeway (IH 30) to Hutchins north city limits	Set by Texas Transportation Commission Minute Order No. 114203
Lyndon B. Johnson Freeway (IH 20)	Grand Prairie east city limits to Duncanville west city limits	Set by Texas Transportation Commission Minute Order No. 114203
Lyndon B. Johnson Freeway (IH 20)	Duncanville east city limits to Lancaster west city limits	Set by Texas Transportation Commission Minute Order No. 114203
Lyndon B. Johnson Freeway (IH 20)	Lancaster east city limits to Hutchins west city limits	Set by Texas Transportation Commission Minute Order No. 114203
Lyndon B. Johnson Freeway (IH 20)	Hutchins east city limits to Balch Springs west city limits	Set by Texas Transportation Commission Minute Order No. 114203
Lyndon B. Johnson Freeway (IH 635)	Farmers Branch city limits to Stemmons Freeway (IH 35E)	Set by Texas Transportation Commission Minute Order No. 114203
Lyndon B. Johnson Freeway (IH 635)	N. Central Expressway (US 75) to Kingsley Road	Set by Texas Transportation Commission Minute Order No. 114203
Lyndon B. Johnson Freeway (IH 635)	Stemmons Freeway (IH 35E) to N. Central Expressway (US 75)	Set by Texas Transportation Commission Minute Order No. 114203
Marvin D. Love Freeway (US 67)	S. R. L. Thornton Freeway (IH 35E) to Dallas south city limits	Set by Texas Transportation Commission Minute Order No. 116424
Mountain Creek Lake Bridge	From the Grand Prairie city limits to Mountain Creek Parkway	Set by North Texas Tollway Authority Resolution No. 97-31, as amended
N. Central Expressway	Richardson south city limits to Mockingbird Lane	70
N. Central Expressway	Mockingbird Lane to Woodall Rodgers Freeway	65
N. Central Expressway (IH 345)	Woodall Rodgers Freeway (Spur 366) to E. R. L. Thorton Freeway (IH 30)	Set by Texas Transportation Commission Minute Order No. 114203
President George Bush Turnpike	All portions within the city limits	Set by North Texas Tollway Authority Resolution No. 01-40, as amended
R. L. Thornton Freeway (IH 30)	Stemmons Freeway to First Avenue	55
S. R. L. Thorton Freeway (IH 35E)	E. R. L. Thorton Freeway (IH 30)to Dallas south city limits	Set by Texas Transportation Commission Minute Order No. 114203
S. R. L. Thornton Freeway (IH 35E XP) Express Lanes	800 feet South of Kiest Boulevard to Colorado Avenue	75, Set by Texas Transportation Commission Minute Order No. 116424
Spur 408	Walton Walker Boulevard (Loop 12) to Lyndon B. Johnson Freeway (IH 20)	Set by Texas Transportation Commission Minute Order No. 114229
Stemmons Freeway (IH 35E)	R. L. Thornton Freeway to Woodall Rodgers Freeway	55

STREET	EXTENT	SPEED (MPH)
Stemmons Freeway (IH 35E)	Woodall Rodgers Freeway to Lyndon B. Johnson Freeway	Set by Texas Transportation Commission Minute Order No. 106769, as amended
Stemmons Freeway (IH 35E)	Lyndon B. Johnson Freeway to the north city limits	Set by Texas Transportation Commission Minute Order No. 106410, as amended
N. Stemmons Freeway (IH 35E XP) Express Lanes	170 feet south of W Northwest Highway (Loop 12) to 290 feet north of L B J Freeway (IH 635) centerline	70, Set by Texas Transportation Commission Minute Order No. 114058
N. Stemmons Freeway (IH 35E XP) Express Lanes	290 feet north of L B J Freeway (IH 635) centerline to north city limit	75, Set by Texas Transportation Commission Minute Order No. 115123
U.S. Highway 80	R. L. Thornton Freeway to the east city limits	Set by Texas Transportation Commission Minute Order No. 106769, as amended
Walton Walker Boulevard (Loop 12)	Stemmons Freeway to the city limits of Irving, Texas	Set by Texas Transportation Commission Minute Order No. 106769, as amended
Walton Walker Boulevard (Loop 12)	Spur 408 to a point 1350 feet south of Illinois Avenue	55
Walton Walker Boulevard (Loop 12)	Spur 408 to Irving south city limits	Set by Texas Transportation Commission Minute Order No. 114229
Woodall Rodgers Freeway	North Central Expressway to 1440 feet west of Stemmons Freeway	50
Woodall Rodgers Freeway	1440 feet west of Stemmons Freeway to the east levee of the Trinity River	40
Woodall Rodgers Freeway	The east levee of the Trinity River to Beckley Avenue	35

(b) A person commits an offense if he operates or drives a vehicle on the following designated roads at a speed greater than the speed designated by this section for that road or portion of that road, and any speed in excess of the limit provided in this section shall be prima facie evidence that the speed is not reasonable nor prudent and is unlawful.

STREET	EXTENT	SPEED (MPH)
Central Expressway East Service Road	The north city limits to Northwest Highway	40
Central Expressway West Service Road	The north city limits to Northwest Highway	40
Central Expressway Service Roads	Northwest Highway to Live Oak Street	35
Central Expressway West Service Road	Grand Avenue to Haven Street	35
Central Expressway East Service Road	Pennsylvania Avenue to Harding Street	35
C. F. Hawn Freeway Service Roads	Lake June Road to Big Oaks Drive	40
C. F. Hawn Freeway Service Roads	Big Oaks Drive to the southeast city limits at Cade Road	45
Interstate Highway 30 service roads	Stemmons Freeway to the Grand Prairie city limits	40
John W. Carpenter Freeway Service Roads	All portions within the city limits	40
Lyndon B. Johnson Freeway Service Roads	From the Farmers Branch, Texas city limits to Emerald Street	45
Lyndon B. Johnson Freeway Service Roads	All remaining portions within the city limits	40
Marvin D. Love Freeway Service Roads	All portions within the city limits	40
R. L. Thornton Freeway Service Roads	All portions within the city limits	40
R. L. Thornton Freeway Collector-Distributor Road	All portions between Malcolm X Boulevard and Stemmons Freeway	45

STREET	EXTENT	SPEED (MPH)
State Highway 190 access roads	All portions within the city limits	45
Stemmons Freeway West Service Road	Regal Row to Mockingbird Lane	40
Stemmons Freeway West Service Road	Commonwealth Drive to Industrial Boulevard	40
Stemmons Freeway West Service Road	Industrial Boulevard to Commerce Street	35
Stemmons Freeway East Service Road	Industrial Boulevard to Regal Row	40
Walton Walker Boulevard East Service Road	Illinois Avenue to 2300 feet north of Davis Street	40
Walton Walker Boulevard East Service Road	2300 feet north of Davis Street to 900 feet north of the Interstate Highway 30 bridge	35
Walton Walker Boulevard East Service Road	900 feet north of the Interstate Highway 30 bridge to Singleton Boulevard	40
Walton Walker Boulevard West Service Road	Illinois Avenue to 2300 feet north of Davis Street	40
Walton Walker Boulevard West Service Road	2300 feet north of Davis Street to 50 feet north of Richey Street	35
Walton Walker Boulevard West Service Road	50 feet north of Richey Street to Singleton Boulevard	40
Woodall Rodgers Freeway North Service Road	Central Expressway to Routh Street	35

(Ord. Nos. 14584; 14922; 14974; 15194; 15455; 16018; 16166; 16411; 16501; 17345; 18265; 18283; 19749; 19814; 20196; 22643; 22731; 25833; 27294; 27700; 28583; 28871; 29613; 30022; 31770; 32597; 32847; 33152)

SEC. 28-46. STREETS IN PARK AREAS.

A person commits an offense if he operates or drives a vehicle on a street, roadway, path, or parking area open to the public, whether dedicated or not, contained within the following designated city parks, at a speed greater than the speed designated, and any speed in excess of the limit provided in this section shall be prima facie evidence that the speed is not reasonable nor prudent and is unlawful.

PARK	MAXIMUM SPEED (MPH)
Arcadia Park	20
Arcadia Heights Park	20
Bachman Park	20
Barnes Bridge Road (from Lake Ray Hubbard Generator Plant to the edge of Lake Ray Hubbard)	15
Crawford Park	15
Fair Oaks Park (excluding Merriman Parkway)	15
Fair Oaks Park (Merriman Parkway)	30
Fair Park	20
Kiest Park (excluding picnic area)	20
Kiest Park (picnic area)	10
L. B. Houston (gun range)	15
L. B. Houston (golf course)	20
Mountain Creek Lake Park	20
Norbuck Park	25
North Lake Park	20
Reverchon Park	15
Robertson Park, North	20
Robertson Park, South	20
Rochester Park	20
Samuell, East Park	20
Samuell-Grand Park	25
Samuell-Hobby Park	10
Tenison Park (picnic area)	10
White Rock Park	25

(Ord. Nos. 14584; 14818; 15455)

STREET	BLOCK(s)	EXTENT
Calculus Road	3900-4100	High Meadow Drive to 180'E. of Haydale Drive
Campbell Road	6800-7000	20'W. of Colegrove Drive to 230'W. of Park Hill Drive
Campbell Road	17700-18000	30'S. of Twinbrooks Drive to 60'S. of Fallsview Lane
Camp Wisdom Road	300-400	300'W. to 200'E. of Brierfield Drive
E. Camp Wisdom Road	1500-1800	300'W. to 300'E. of Old Ox Road
W. Camp Wisdom Road	7900-8100	130'E. of Eagle Ford Drive to 1025'W. of Eagle Ford Drive
Canada Drive	2700-2800	300' E. of to 470' W. of Holystone Street
Candlenut Road	3900-4000	150'W. to 150' E. of Haydale Drive
Capital Avenue	3900-4400	70'W. of Carroll Avenue to 330'W. of Peak Avenue
Carroll Avenue	300-600	225'N. of Worth Street to 115' S. of Victor Street
Carroll Avenue	1500-2000	137' S. of Ross Avenue to 150' S. of Lafayette Street
Carroll Avenue	2300-2500	170'S. of Capitol Avenue to 175'N. of Weldon Street
Casa Oaks Drive	9900-10000	125'N. of Larry Drive to 20'S. of Andrea Lane
Catawba Road	8100-8300	125'W. of Elsby Avenue to 150'E. of Bluffview Boulevard
Cedar Crest Boulevard	2200-2300	340'E. to 320'W. of Bonnie View Road
Cedar Crest Boulevard	2600-2800	200'N. of Diceman Avenue to 5'S. of Chrysler Drive
Cedar Springs Road	4000-4100	215'S. of the west leg of Knight Street to 175'N. of the east leg of Knight Street
Cedar Springs Road	5500-5600	300'N. of Hedgerow Drive to 250'N. of Inwood Road
Celestial Road	5100	210'W. of Noel Road to 65'W. of Montfort Drive.
Centerville Road	1700-2100	210' W. of Desdemona Drive to 170' E. of Galena Street
Centerville Road	2300-2400	260'E. to 260'W. of Joaquin Drive

STREET	BLOCK(s)	EXTENT
Chaparral Waters Way	8800	70' N. of Ranch Trail to 50' S. of Stampede Lane
Chariot Drive	7300-7500	90' W. of Berridge Lane to 220' E. of Trace Road
Chariot Drive	7800-7900	220' W. to 250' E. of Wimbleton Way
Chaucer Place	7400	270'N. of Kirnwood Drive to Kirnwood Drive
Chenault Street	1500-1700	200' W. of Dilido Road to 200' E. of Chevrolet Drive
Cherry Laurel Lane	800-900	200' N. to 180' S. of Keeneland Parkway
Cheyenne Road	700-900	20'S. of Big Thicket Drive to 50'S. of Pleasant Woods Drive
Cheyenne Road	1500-1600	205'N. of Cradlerock Drive to 50'N. of Checota Drive
Chimney Hill Lane	10000-10100	160'W. to 170'E. of Pleasant Valley Drive
Chiswell Road	9100-9300	20' S. of Overwood Road to 125' S. of Highedge Drive
Church Road	9000-9100	125' W. of Arborgate Drive to 370' E. of Tory Sound Drive
Church Road	9300-9500	200'W. of White Rock Trail to 30'W. of Dahman Circle
Church Road	9700-9800	250'E. of Audelia Road to 60'W. of Winding Ridge Drive
Church Road	10200-10300	Trailpine Drive to 210'E. of Kirkhaven Drive
Churchill Way	6100-6300	200'W. of Whitley Lane to 240'E. of Hughes Lane
W. Clarendon Drive	1300-1500	300'W. of Windomere Avenue to 300'E. of Edgefield Avenue
Claremont Drive	8000-8100	Stonycreek Drive to El Cerrito Drive
Cliffbrook Drive	7200-7400	535'E. of Birchridge Drive to 380'W. of Meandering Way
Clover Lane	3700-3800	70'E. of Marsh Lane to 350'E. of Mixon Drive

STREET	BLOCK(s)	EXTENT
Club Meadow Drive	8400-8800	240'S. of Summer Glen Lane to 150'N. of Loma Vista Drive
S. Cockrell Hill Road	2600	100'S. of Wood Valley Drive to 220'S. of Briarglen Drive
S. Cockrell Hill Road	3000-3200	250' S. to 250' N. of Kiest Boulevard
Coit Road	13500-13700	150'S. of Purple Sage Road to 200'N. of Spring Grove Avenue
Cold Harbor Drive	11800-11900	215'N. to 255'S. of Deep Valley Drive
Cole Avenue	3800-3900	205'S. to 270'N. of Haskell Avenue
Colorado Boulevard	700-800	230' W. to 250' E. of Ewing Avenue
W. Colorado Boulevard	900-1100	220' E. of N. Clinton Avenue to 250' E. of Turner Avenue
W. Colorado Boulevard	1000-1100	30' W. of N. Winnetka Avenue to 130' E. of N. Winnetka Avenue
W. Colorado Boulevard	2500-2800	170'W. of Westmount Avenue to 50'W. of Stevens Ridge Drive
Comal Street	700-800	150' W. to 100' E. of Ewing Avenue
Coming Avenue	200E-200W	110'E. of Beckley Avenue to 110'W. of Toluca Avenue
Community Drive	3200	225'S. to 215'N. of Timberline Drive
Congress Avenue	4000-4100	160'N. to 160'S. of Throckmorton Street
Conner Drive	1300-1400	15'N. of Lake June Road to 425'S. of Grovecrest Drive
Conroe Street	3100-3200	480' S. of Nomas Street to Nomas Street
Corinth Street	300-400	350'S. of Avenue B to 15'S. of Avenue D
Corning Avenue	700-1000	210'E. of Ewing Avenue to 165' W. of Maryland Avenue
Cortland Avenue	7600-7700	150'N. of Anson Road to 50'S. of Bombay Avenue
Cox Lane	11900-12100	60'N. of Crest Cove Circle to 270'S. of High Vista Drive
Cradlerock Drive	10500-10600	200'W. of Amity Lane to Cheyenne Road
N. Crawford Street	100-300	200'S of Ninth Street to 100'N. of Eighth Street
Cromwell Drive	11300-11500	130'S. of Flair Drive to 60'S. of Winged Foot Court
Crown Shore Drive	3800	130'W. of Cold Harbor Lane to 140'E. of Cox Lane
~~Cummings Avenue/ Fifty-First Street~~	~~2900-3000~~	~~Sunnyvale Street to 80'E. of Bonnie View Road~~
Dale Crest Drive	9800-9900	175' S. to 345' N. of Park Lane
Darien Street	3600-3700	Bickers Street to Bayside Street
W. Davis Street	400-600	170'E. of Woodlawn Avenue to 200'W. of Cedar Hill Avenue
W. Davis Street	1500-1800	220'E. of Montclair Avenue to 440'W. of Mary Cliff Road
W. Davis Street	2400-2500	20'W. of N. Terrace Boulevard to 75'E. of Bernice Street
W. Davis Street	4900-5100	35'E. of Justin Avenue to 75'E. of Bond Avenue
Deerfield Lane	3700-3800	150'S. of Gibb Williams Road to 100'N. of Bridal Wreath Lane
Deer Path Drive	1900-2200	200'E. of Garrison Street to 225'W. of Easter Avenue
Delmar Avenue	2800-3000	150'S. of Marquita Avenue to 120'N. of Vickery Boulevard
Delmar Avenue	4100	200'N. of Winton Street to 100'S. of Anita Street
Denley Drive	1200-1400	100'S. of Forester Drive to 75'S. of Genoa Avenue
Dennis Road	11300-11600	320' S. of Northaven Road to 200' N. of Modella Avenue
Diceman Drive	9000-9100	Old Gate Lane to 100' W. of San Saba Drive

STREET	BLOCK(s)	EXTENT
Goodman Street	5100-5200	60'W. of N. Bagley Street to N. Morocco Avenue
Goodwin Avenue	5700-5900	50' E. of Delmar Avenue to 390' W. of Matilda Street
E. Grand Avenue	4900-5000	100'E. of Fitzhugh Avenue to 80'E. of S. Barry Avenue
E. Grand Avenue	5700-6200	50' W. of Parkview Avenue to 50' W. of Cristler Avenue
East Grand Avenue	7200-7500	290'S. to 530'N. of LaVista Drive
Great Trinity Forest Way	3000-3200	525'W. of Bonnie View Road to 70'W. of Greencrest Drive
Great Trinity Forest Way	6900-7200	465'E. to 500'W. of Jim Miller Road
Green Cove Lane	600-800	350'E. of Lone Oak Trail to 300'W. of Oak Trail
Greenmeadow Drive	2900-3000	John West Road to 180'N. of Forestcliff Drive
Greenmound Avenue	8800-9000	200'W. of McKim Drive to Blanton Street
Greenspan Drive	6600-6900	100'N. of Midvale Drive to 300'N. of Brierfield Drive
Greenspan Drive	7700-7800	400'N. to 350'S. of Kirnwood Drive
Greenville Avenue	2800-3000	Vickery Boulevard to 70'N. of Vanderbilt Avenue
Greenway Boulevard	7400-7500	100'N. of Glenwick Lane to 160'S. of Boaz Street
Gross Road	1700-2100	110'W. of Lindaro Lane to Felicia Court
Gus Thomasson Road	2900-3000	140'E. of Shiloh Road to 130'W. of Matterhorn Drive
Gus Thomasson Road	3200-3300	30'E. of Libby Lane to the Mesquite city limits
Gus Thomasson Road	10300	170' S. of Mandalay Drive to 80' S. of Ruth Ann Drive
Hampton Road	2000	215'S. of Elmwood Boulevard to 265'N. of Wright Street
N. Hampton Road	500-600	230' S. to 250' N. of Davis Street
N. Hampton Road	3200-3300	210' S. to 235' N. of Dennison Street
N. Hampton Road	3700-4100	70' S. of Bayside Street to 330' N. of Calypso Street
S. Hampton Road	400-600	280'N. of W. Twelfth Street to 230'S. of Gladstone Drive
S. Hampton Road	2900-3000	135' S. to 800' S. of Perryton Drive
S. Hampton Road	4000-4100	200' N. to 315' S. of Vatican Lane
Hargrove Drive	9400	150' S. of Oradell Lane to Sheila Lane
Harry Hines Boulevard	8500-8600	350'S. to 330'N. of Regal Row
Harter Road	800-900	Riverton Road to 20' S. of Tarleton Street
Harvest Hill Road	4500-4800	255'W. of Welch Road to 250'E. of Harriet Drive
Harvest Hill Road	5100-5200	200'E. of Inwood Road (East Leg) to Forest Bend Road
N. Haskell Avenue	1800-1900	400' N. to 200' S. of Munger Avenue
N. Haskell Avenue	3100	40'W. of McKinney Avenue to 30'E. of Cole Avenue
Haymarket Road	1200-1400	100'S. of Cade Road to 465'S. of Sewell Circle
Hazelhurst Lane	4800-5000	20'S. of Everglade Road to 50'N. of Fallon Place
Healey Drive	2500-2700	210'W. of Casa Oaks Drive to 190'E. of Shiloh Road
Hedgeway Drive	10000-10100	Walnut Hill Lane to 300' N. of Killion Drive
Henderson Avenue	1800-1900	10'W. of Lewis Street to 250' W. of McMillan Avenue
N. Henderson Avenue	2500-2700	80' N. of Homer Street to 125' S. of Manett Street
~~Hermosa Drive~~	~~10100-10400~~	~~190'S. of Stevens Street to 150'S. of Fuller Drive~~
Hermosa Drive	10100-10400	190'S. of Stevens Street to 150'N. of Fuller Drive
Herschel Avenue	3700-4000	110' S. of Gilbert Avenue to 355' N. of Gilbert Avenue
Highland Hills Drive	5900	90'W. of Moonstone Drive to Bonnie View Drive
Highland Road	2000-2300	405' E. of Ferguson Road to 620' W. of Villa Cliff Drive

STREET	BLOCK(s)	EXTENT
Lakeland Drive	2600	Hunnicut Road to 170'W. of Sweetwood Drive
Lakemere Drive	10000-10200	10'W. of Larchwood Drive to 140'W. of Lynngrove Drive
La Manga Drive	6500-6600	160′ W. to 255′ E. of Shadybank Drive
La Manga Drive	7600-7800	100'E. of Meandering Way to 280'E. of Spring Creek Road
N. Lancaster Road	300-400	Eighth Street to 210'N. of Seventh Street
S. Lancaster Road	4100-4300	50'S. of Fordham Road to 260'S. of Ann Arbor Avenue
S. Lancaster Road	4600-4900	250'N. of Atlas Drive to 235'S. of Fifty-Second Street
Langdon Drive	5400-5500	200' W. to 1140' W. of J. J. Lemmon Road
La Prada Drive	9900-10000	100'N. of Larry Drive to 190'N. of Hillglen Road
Larmanda Street	6000-6200	150' E. of Town North Drive to 165' W. of Freemont Street
La Vista Drive	7300-7400	150' N. of East Grand Avenue to 400' N. of Dead End of La Vista Drive
Lawler Road	10100-10200	180'W. of Whispering Hills Drive to 140'W. of Forest Ridge Drive
Lawnview Avenue	3000-3100	140' N. of Scyene Road to 200' N. of Hollis Avenue
W. Lawson Road	100-300	130' S. of Lasater Road to 430' S. of Golden Spur Road
E. Ledbetter Drive	600-700	300'E. to 300'W. of Marsalis Avenue
E. Ledbetter Drive	2200-2300	375'E. to 375'W. of Bronx Avenue
E. Ledbetter Drive	2400-2500	235'E. of Horizon Drive to 235'E. of Veterans Drive
W. Ledbetter Drive	400-500	580'W. to 430'E. of Parkwood Drive
W. Ledbetter Drive	1900-2000	500'E. to 500'W. of Rugged Drive
W. Ledbetter Drive	3100-3200	350'E. to 350'W. of Boulder Drive
Lemmon Avenue	2300-2400	100'W. of Lucille Street to 150'E. of Watt Street
Lindsley Avenue	6000-6100	Mt. Auburn Avenue to 110'W. of S. Glasgow Drive
Lindsley Avenue	7000-7100	20' E. of Blair Boulevard to 100' W. of Shadyside Lane
Linfield Road	2800	120'E. of Bonnieview Road to 100'W. of Cranfill Drive
Lippitt Avenue	11300-11100	150'E. of Lanewood Circle to 200'E. of Sunland Street
Live Oak Street	4900-5100	200'W. of Garrett Avenue to 20'W. of Bennett Avenue
N. Llewellyn Avenue	100-300	400'S. of W. Ninth Street to 50'S. of W. Eighth Street
S. Llewellyn Avenue	700-900	10'S. of Delaware Avenue to 50'N. of W. Pembroke Avenue
Lombardy Lane	2900-3000	275' W. to 295' E. of Brockbank Drive
Longbranch Lane	300-500	300'N. of Gayglen Drive to 300'S. of Komalty Drive
Losa Drive	10000-10300	150'E. of Peavy Road to 200'W. of Moran Drive
E. Lovers Lane	6000-6200	150'W of Skillman Street to 150'E of Ridgelawn Drive
E. Lovers Lane	6300-6400	180' W. of Abrams Road to 190' E. of Rexton Lane
W. Lovers Lane	4300-4400	260'E. of Crest Haven Road to 230'E. of Taos Road
W. Lovers Lane	4900-5000	430' E. to 590' W. of Briarwood Lane
Lucas Drive	2100	165'E. to 405'W. of Rosewood Avenue
~~Lynbrook Drive~~	~~9700~~	~~80' N. of Walnut Hill Lane to 100' S. of Chesterton Drive~~
Lynbrook Drive	9700	Walnut Hill Lane to 100' S. of Chesterton Drive
Lynngrove Drive	9400-9500	Lakemere Drive to Edgecliff Drive

STREET	BLOCK(s)	EXTENT
Stoneview Drive	9000-9200	200'S. of Beckleymeade Avenue to 200'N. of Westfall Drive
Stults Road	8400-8500	116'E. of Pinewood Drive to 100'S. of Floyd Lake Drive
Stults Road	8600-8800	Shepherd Road to 200'W. of Woodshore Drive
Sunland Street	11600-11800	160'N. of Lippitt Avenue to 150'S. of Flamingo Lane
~~Sunnyvale Street~~	~~4700-4800~~	~~500'S. to 150'N. of Cummings Avenue~~
Sunnyvale Street	4100	185'N. to 185'S. of Wilhurt Avenue
Swansee Drive	2100-2000	80'E. of Alamosa Drive to 100'W. of Cassia Drive
Sylvan Avenue	3200-3300	230'S. of Nomas Street to 150'N. of McBroom Street
Teagarden Road	10200	250'W. to 650'E. of Education Way
Telegraph Avenue	2400-2500	Claremont Drive to 140'E. of Rangeway Drive
Thedford Avenue	3600-3800	160'N. of Tyree Street to 170'E. of Victoria Avenue
Throckmorton Street	2700-3000	35'E. of Dickason Avenue to 120'W. of Congress Avenue
Tibbs Street	9700-9900	145'N. of Aberdeen Avenue to 155'N. of Walnut Hill Lane
Timberglen Road	3400	Kelly Boulevard to 30'W. of Justice Lane
Timberglen Road	3600	200' W. to 210' E. of Vail Street
Tioga Street	3500-3800	200'W. of Bonnie View Road to 190'W. of Strawberry Trail
Toluca Avenue	3000	Corning Avenue to McVay Avenue
Tosca Lane	2100-2200	20'W. of Rugged Drive to 250'W. of Ovid Avenue
Town North Drive	6800-7000	150'S. of Berryhill Street to 150'N. of Larmanda Street
Towns Street	8200-8300	Schroeder Road to Dandridge Drive
Tumalo Trail	3200-3300	100'N. of Odessa Street to 500'N. of Nomas Street
W. Twelfth Street	500-600	250'E. to 250'W. of Llewellyn Avenue
W. Twelfth Street	1300-1500	85'W. of Clinton Avenue to 115'W. of the south leg of Windomere Avenue
W. Twelfth Street	2300-2500	35'W. of Hollywood Avenue to 165'W. of Franklin Street
N. Tyler Street	100	80'N. of Tenth Street to Melba Street
Tyree Street	6800	120'N. of Thedford Avenue to Linnet Lane
Umphress Road	7600-7900	250'E. of Prichard Lane to 250'E. of Hillburn Drive
University Boulevard	4300-4700	180'W. of Webster Drive to 140'E. of Roper Street
Vail Street	18300	200' S. of Timberglen Road to Timberglen Road
Vandelia Street	5500-5600	100' S. of Inwood Road to 150' N. of Hedgerow Drive
Vanderbilt Avenue	5700-5900	200' W. of Matilda Street to 220' E. of Delmar Avenue
Verde Valley Lane	5100-5200	170'W. to 170'E. of Noel Road
S. Vernon Avenue	2000-2500	510' N. of W. Illinois Avenue to 90' S. of Ferndale Avenue
Veterans Drive	4600	Ann Arbor Avenue to 500'S. of Ann Arbor Avenue
Veterans Drive	4600-4900	765' N. of 52nd Street to 150' S. of Ledbetter Road
Victoria Avenue	6700-6900	250'S. to 120'N. of Thedford Avenue
Victor Street	4500	N. Carroll Avenue to 270'E. of N. Carroll Avenue
Voss Road	17800-17900	206'S. of Briargrove Lane to 65'S. of Whispering Gables Drive
Walmsley Avenue	1300-1500	75'E. of Neal Street to 150'W. of N. Edgefield Avenue

STREET	BLOCK(s)	EXTENT
Walnut Hill Lane	2900-3000	210'W. of Monroe Drive to 60'E. of Goodyear Drive
Walnut Hill Lane	3300-3400	180' W. to 825' E. of Webb Chapel Road
Walnut Hill Lane	3800-4100	80' W. of Dresden Drive to 230' W. of Midway Road
Walnut Hill Lane	4900-5000	300' E. of Surrey Oaks Drive to 40' W. of Strait Lane
Walnut Hill Lane	6300-6500	270'W. of Tibbs Street to 240'E. of Edgemere Road
Walnut Hill Lane	8700-8900	10'W. of Claybrook Drive to 150'W. of Abrams Road
Walnut Hill Lane	9400-9500	500'W. to 200'E. of Meadowhill Drive
~~Walnut Hill Lane~~	~~10100-10400~~	~~270' W. of Ferndale Road to 120' W. of Livenshire Drive~~
Walnut Hill Lane	10100-10500	270'W. of Ferndale Road to 160'E. of Lynbrook Drive
Walnut Street	10200-10400	280'W. to 220'E. of Hornbean Drive
Walton Walker Boulevard northbound service road	800-900	320'S. to 105'N. of Keeneland Parkway
Walton Walker Boulevard southbound service road	800-900	275'N. to 115'S. of Keeneland Parkway
Wandt Drive	6700-7000	425' N. of Camp Wisdom Road to Ridge Center Drive
N. Washington Avenue	1900-2300	110' N. of Munger Avenue to 285' S. of Thomas Avenue
Waterfall Way	13600-13700	130'N. of Brookgreen Drive to 200'N. of Rolling Hill Lane
Wayne Street	900-1000	120'N. to 220'S. of Gurley Avenue
Webb Chapel Road	9800	30'S. of Park Lane (North Leg) to 20'N. of Manana Drive
Webb Chapel Road	9900-10000	50' N. of Lockmoor Lane to 245' N. of Walnut Hill Lane
Welch Road	11600-11800	230'S. of Hockaday Drive to 100'S. of Allencrest Lane
Welch Road	12200-12300	115'S. of Ridgeside Drive to 200'S. of Rickover Drive
Welch Road	12600-12700	160'S. of Mill Creek Road to 110'N. of Harvest Hill Road
Wendover Road	3200-3400	220'W. of Alexander Drive to 120'N. of Meadow Lake Avenue
Wentwood Drive	7200-7400	250' E. of Durham Street to 120' E. of Airline Road
Westmoreland Road	100 S-100 N	210' S. to 270' N. of West Jefferson Boulevard
S. Westmoreland Road	500-600	40'S. of Arnoldell Street to 300'S. of Irwindell Boulevard
S. Westmoreland Road	1400-1500	60'N. of Glen Haven Boulevard to 150'S. of Shelly Boulevard
S. Westmoreland Road	3400-3900	50' N. of Kimballdale Road to 50' N. of Mapleleaf Lane
N. Westmoreland Road	3400-3600	450'S. of Morris Street to 250'N. of Bickers Street
Wheatland Road	1700-2000	300'E. of McKissick Lane to 50'E. of Fellowship Drive
Wheatland Road	7100-7200	325'E. to 500'W. of County View Road
W. Wheatland Road	400-500	620'E. to 420'W. of Willoughby Boulevard
Whispering Hills Drive	12700-12900	125'N. of Laingtree Drive to Sunridge Trail
Whitehurst Drive	9200	320'W. to 300'E. of Club Meadows Drive
Whitehurst Drive	9300-9400	660'W. of Echo Valley Drive to 55'E. of Spring Hollow Drive
Whitehurst Drive	9400-9600	75'W. of Branch Hollow Drive to 60'E. of Glen Springs Drive
Whitehurst Drive	9700-9800	275' E. of Arbor Park Drive to 120' E. of Ferris Branch Boulevard
White Rock Trail	9400-9700	70' S. of Crestedge Drive to 550' N. of Kingsley Road
White Rock Trail	9900-10000	350'S. of White Rock Place to 330'S. of Church Road
Whitewing Lane	8800-8900	25' S. of Quail Run to Pelican Drive
Willoughby Boulevard	8500-8700	40' S. to 650' N. of Adjective Street

STREET	BLOCK(s)	EXTENT
Willowdell Drive	12200	250'W. of Schroeder Road to Schroeder Road
~~Winedale Drive~~	~~7100~~	~~Abrams Road to Kingsley Road~~
Winedale Drive	7100	Abrams Road to Walnut Hill Lane
N. Winnetka Avenue	3100-3300	50'S. of McBroom Street to 200'S. of Pueblo Street
Woodall Rodgers (South Service Road)	2400-2600	50' W. of Jack Evans Street to 100' E. of Routh Street
E. Woodin Boulevard	500-600	150'W. of Alaska Avenue to 90'W. of S. Marsalis Avenue
Worth Street	4500	N. Carroll Avenue to 670' E. of N. Carroll Avenue
Worth Street	5700-5900	300'W. of Lowell Street to 400'E. of Ridgeway Street
Wozencraft Drive	5700	45'E of Nuestra Drive to 300'W of Jamestown Road
Wright Street	2800-2900	150'W. to 220'E. of Ravinia Drive
Wycliff Avenue	2100-2300	260'S. to 360'N. of Rosewood Avenue

(Ord. Nos. 14584; 18409; 18483; 18983; 19749; 20196; 21237; 21564; 22763; 22926; 23078; 23158; 23294; 23556; 23917; 24492; 25833; 26500; 27294; 27700; 28871; 28940; 29071; 29246; 29395; 29613; 30022; 30217; 31552; 31770; 32069; 32291; 32488; 32597; 32710; 32960; 33071; 33152)

SEC. 28-51. SPEED IN PARKING LOT OF DALLAS CONVENTION CENTER.

A person commits an offense if he drives or operates a vehicle upon a parking lot of the Dallas Convention Center at a speed in excess of 10 miles per hour. Any speed in excess of 10 miles per hour shall be prima facie evidence that the speed is not reasonable nor prudent and is unlawful. (Ord. 14584)

SEC. 28-52. SPEED IN THE DALLAS CITY HALL PARKING GARAGE.

A person commits an offense if he drives or operates a vehicle in the parking garage, as designated in Section 28-128.1 of this chapter, at a speed in excess of 10 miles per hour. Any speed in excess of 10 miles per hour is prima facie evidence that the speed is not reasonable nor prudent and is unlawful. (Ord. 14911)

SEC. 28-52.1. SPEED IN THE BULLINGTON STREET TRUCK TERMINAL.

A person commits an offense if he drives or operates a vehicle in the terminal, as designated in Section 28-128.8 of this chapter, at a speed in excess of 10 miles per hour. Any speed in excess of 10 miles per hour is prima facie evidence that the speed is not reasonable nor prudent and is unlawful. (Ord. 18408)

Division 3. Turning Movements.

SEC. 28-53. OBEDIENCE TO NO-TURN SIGNS.

Whenever authorized signs are erected indicating that no right, left, or U turn is permitted, the driver of a vehicle shall obey the directions of the sign. (Ord. 14584)

SEC. 28-54. LIMITATION ON U TURNS.

A person commits an offense, if as the operator of a vehicle, he turns the vehicle so as to proceed in the opposite direction upon any street in a business district unless a U turn sign permitting such a turn has been installed in the area, or in any other district unless the movement can be made in safety and without interfering with other traffic. (Ord. 14584)

STREET	EXTENT	DIRECTION
Anita Street	Delmar Avenue to Matilda Street	West
Balboa Drive	Edgefield Avenue to Berkley Avenue	East
Berkley Avenue	Balboa Drive to Clinton Avenue	East
Bertrand Avenue	2nd Avenue to Spring Garden Avenue	West
Blanton Street	Riverway Drive to Greenmound Avenue	South
Bluffcreek Drive	Aspen Street to St. Augustine Drive	West
Brierfield Drive	Greenspan Avenue to Cherry Point Drive	East
Brookhurst Drive	Waterview Road to Northcliff Drive	South
Caddo Street	Thomas Avenue to Lafayette Street	South
Carlson Street	Vandelia Street to Cedar Springs Road	South
Classen Drive	Northcliff Drive to North Lake Drive	North
Columbia Avenue	Glasgow Drive to Juliette Fowler Street	West
Cradlerock Drive	Amity Lane to Cheyenne Road	East
Crenshaw Drive	Grady Lane to Old Seagoville Road	North
~~Cummings Street~~	~~Sunnyvale Street to Bonnie View Road~~	~~East~~
Delmar Avenue	Mockingbird Lane to Anita Street	South
Delmar Avenue	Vanderbilt Avenue to Goodwin Avenue	South
Dennison Street	Fish Trap Road to N. Hampton Road	East
Dickason Avenue	Knight Street to Throckmorton Street	South
Drury Drive	Polk Street to Regatta Drive	East
Dunloe Drive	From a point approximately 400 feet west of Joaquin Drive to Joaquin Drive	East
Edgeworth Drive	20'S. of Turnbow Drive to Rylie Crest Drive	South
Forrestal Drive	Wyoming Street to Larkhill Drive	North
S. Franklin Street	Gladstone Drive to Twelfth Street	North
Gayglen Drive	Oklaunion Drive to Longbranch Lane	East
Gladstone Drive	Hampton Road to Franklin Street	West
Goodwin Avenue	Delmar Avenue to Matilda Street	West
Green Cove Lane	Oak Trail to Lone Oak Drive	Northeast
Greendale Drive	Bruton Road to Milverton Drive	North
Greenmeadow Drive	Forestcliff Drive to John West Road	South
Greenmound Avenue	Blanton Street to McKim Drive	West
Grigsby Avenue	Bryan Street to Live Oak Street	North
Harwood Street	Pennsylvania Avenue to Warren Avenue	South
Hawthorne Avenue	Production Drive to Afton Street	East
Haymarket Road	Zurich Drive to Turnbow Drive	North
Hazelhurst Lane	Everglade Road to Hovenkamp Drive	South
Healey Drive	Shiloh Road to Casa Oaks Drive	West
Highfield Drive	St. Augustine Drive to Aspen Street	East
Hillbrook Street	Lake Circle Drive to Sondra Drive	North
Hodde Street	Woodmont Drive to Jim Miller Road	East
Hoke Smith Drive	Navajo Drive to Polk Street	East
Hollis Avenue	LaVerne Avenue to Lawnview Avenue	East
Hovenkamp Drive	Hazelhurst Lane to Ashbrook Road	West
Juliette Fowler Street	Reiger Avenue to Columbia Avenue	North
Junius Street	Lowell Street to Ridgeway Street	East
N. Justin Avenue	The alley 760 feet north of Goodman Street to Goodman Street	South
Knight Street	Congress Avenue to Dickason Avenue	East
Lancaster Avenue	Seventh Street to Eighth Street	South

STREET	EXTENT	DIRECTION
Winton Street	Concho Street to Delmar Avenue	West
Worth Street	Ridgeway Street to Lowell Street	West
Wyoming Street	Knoxville Street to Forrestal Drive	West
Zurich Drive	Edgeworth Drive to Haymarket Road	West

(Ord. Nos. 14584; 18409; 19749; 21237; 21564; 22926; 23078; 24492; 25833; 26500; 27294; 27700; 28871; 28940; 29071; 29246; 29395; 30022; 30217; 31552; 32291; 32488; 33071)

ARTICLE VIII.

PEDESTRIANS' RIGHTS AND DUTIES.

SEC. 28-61. DUTIES OF PEDESTRIANS WHILE ON SIDEWALKS.

(a) Pedestrians shall stand on sidewalks or islands while waiting for a bus.

(b) Pedestrians, while waiting for a bus, shall stand on the side of a sidewalk either at or near the curb or the property line, in a manner which will not interfere with other pedestrians using the sidewalk.

(c) A pedestrian, except one wholly or partially blind, shall accord full right-of-way on a sidewalk or in a crosswalk, to all persons carrying a cane or walking stick which is white or white with the lower end red. (Ord. 14584)

SEC. 28-61.1. STANDING AND WALKING IN CERTAIN AREAS PROHIBITED.

(a) A person commits an offense if the person stands or walks on a median that measures six feet or less in width, in areas where no median exists for roadways designated as divided roadways, or in an area designated as a clear zone.

(b) For purposes of this section,

(1) CLEAR ZONE means the unobstructed, traversable area provided beyond the edge of the through travelled way for the recovery of errant vehicles. On a curbed street, the clear zone is the area four feet from the face of the curb. On an uncurbed street, the clear zone is 10 feet from the edge of the travel lane. A clear zone includes shoulders, bicycle lanes, and auxiliary lanes, except auxiliary lanes that function like through lanes. However, a clear zone does not include areas adjacent to the back of the curb where a paved sidewalk exists.

(2) MEDIAN means the intervening space, physical barrier, or clearly indicated dividing section between the two roadways of opposing traffic on a public divided roadway.

(3) RAISED SPLITTER ISLAND (also known as separator islands) means a median that slows, directs, and separates conflicting traffic and may provide refuge for pedestrians who are crossing a road.

SEC. 28-128.6. ILLEGALLY PARKED VEHICLES - AUTHORITY TO REMOVE AND ISSUE PARKING CITATIONS.

~~(a) The director of equipment and building services, or a designated agent, may remove to the city pound any vehicle stopped, standing, or parked in the parking garage in violation of this division.~~

~~(b) The director of equipment and building services, or a designated agent, have authority to enforce the provisions of this division and to issue citations for violations of this division and the speed limit designated in Section 28-52 of this chapter.~~

(a) The director of the Dallas Marshal's Office, or a designated agent, may remove to the city pound any vehicle stopped, standing, or parked in the parking garage in violation of this division.

(b) The director of the Dallas Marshal's Office, or a designated agent, have authority to enforce the provisions of this division and to issue citations for violations of this division and the speed limit designated in Section 28-52 of this chapter. (Ord. Nos. 14911; 19312; 19679; 22026; 23694; 33224)

SEC. 28-128.7. TRAFFIC CONTROL.

(a) Designated employees of the department of equipment and building services shall direct traffic by voice, hand, or signal in the parking garage.

(b) If a person fails or refuses to comply with a traffic directive of a designated employee of the department of equipment and building services, the employee may remove the person from the parking garage. (Ord. Nos. 14911; 19312; 22026; 23694)

Division 6B. Bullington Street Truck Terminal.

SEC. 28-128.8. AREA DESIGNATED.

The subsurface area located two levels below Thanksgiving Square and bounded approximately by Bryan Street from Ervay Street to Pacific Avenue, Ervay Street from Pacific Avenue to Bryan Street, and Pacific Avenue from Bryan Street to Ervay Street, and all vehicle ramps and pedestrian stairways connecting this subsurface area to upper levels is designated as the "Bullington Street Truck Terminal," referred to in this division as the "terminal." (Ord. Nos. 18408; 22026; 23694)

SEC. 28-128.9. PURPOSE.

The terminal will be used for the expeditious unloading and delivery or pickup and loading of materials to or from businesses located within buildings opening into the terminal. (Ord. Nos. 18408; 22026; 23694)

SEC. 28-128.10. OPERATING HOURS.

The normal operating hours of the terminal are from 6 a.m. to 5 p.m., Monday through Friday. A person may, upon giving 24 hours' notice, obtain permission from the director of equipment and building services, or a designated agent, to use the terminal outside of normal operating hours. A fee of $28 an hour will be charged for use of the terminal outside of normal operating hours. (Ord. Nos. 18408; 19312; 22026; 23694)

SEC. 28-128.11. CERTAIN VEHICLES PROHIBITED DURING NORMAL OPERATING HOURS.

(a) A person commits an offense if, during normal operating hours, he enters a vehicle ramp of the terminal while operating a truck-tractor, semi-trailer, pole trailer, or trailer.

(b) A person operating a truck-tractor, semi-trailer, pole trailer, or trailer may use the terminal outside of normal operating hours if permission is obtained from the director of equipment and building services or a designated agent in accordance with Section 28-128.10. (Ord. Nos. 18408; 19312; 22026; 23694)

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CHAPTER 31

OFFENSES - MISCELLANEOUS

ARTICLE I.

GENERAL.

Sec. 31-1. Swimming in certain water prohibited.
Sec. 31-2. Setting of booby-traps.
Sec. 31-3. Discrimination and dress codes in places of public accommodation.
Sec. 31-4. Discharging a firearm in a private place.
Sec. 31-5. Glue - Use, sale, and possession.
Sec. 31-6. Other solvents - Use, sale, and possession.
Sec. 31-7. Icebox or refrigerator - Abandonment or dangerous exposure prohibited.
Sec. 31-8. Kites with metallic frames prohibited.
Sec. 31-9. Kites and moored balloons prohibited near airports.
Sec. 31-10. Abatement of nuisances.
Sec. 31-11. Nuisance - Judgment in municipal court.
Sec. 31-12. Limited hours of certain coin-operated devices.
Sec. 31-13. Sleeping in a public place.
Sec. 31-13.1. Prohibition on the unauthorized placement, erection, or maintenance of temporary shelters on designated public property.
Sec. 31-14. Entering portions of buildings without consent.
Sec. 31-14.1. Entering motor vehicles without consent.
Sec. 31-15. Solicitation in certain buildings without consent.
Sec. 31-16. Replica firearms.
Sec. 31-17. Specified sex offenders near schools and child-care facilities.
Sec. 31-17.1. Restrictions on sex offenders residing in the same dwelling unit.
Sec. 31-18. Urinating or defecating in public.
Sec. 31-19. Solicitation for sodomy - Not for hire.
Sec. 31-20. Solicitation for obscene conduct - Not for hire.
Sec. 31-21. Solicitation in food and drink establishment.
Sec. 31-22. Regulations for public speeches in Stone Place, Four-Way Place, and Bullington Street Mall.
Sec. 31-22.1. Regulations for public speeches in public areas surrounding Thanks-Giving Square.
Sec. 31-23. Unauthorized use of city seal or other insignia.
Sec. 31-24. Reserved.
Sec. 31-25. Prohibiting release of rats; defenses.
Sec. 31-26. Reserved.
Sec. 31-27. Manifesting the purpose of engaging in prostitution.
Sec. 31-28. Failure to disclose representation.
Sec. 31-29. Dialing 9-1-1 when no emergency exists.
Sec. 31-30. Manifesting the purpose of selling illegal drugs and chemicals.
Sec. 31-31. Prohibiting free distribution of tobacco products in public places.
Sec. 31-32. Solicitation to purchase a prohibited substance.
Sec. 31-32.1. Illegal smoking products and related paraphernalia prohibited.
Sec. 31-33. Reserved.
Sec. 31-34. Picketing in residential areas.
Sec. 31-35. ~~Solicitation by coercion; solicitation near designated locations and facilities; solicitation after sunset; solicitation-free zones.~~ Reserved.
Sec. 31-36. Menacing another person.
Sec. 31-37. Hours of closure for certain city property.
Sec. 31-38. Duty of property owner to remove graffiti.
Sec. 31-39. Responsibility of parent or guardian for graffiti created by a minor.
Sec. 31-39.1. Possession of graffiti implements prohibited; presumptions; defenses.

(b) A person commits an offense if the person places, erects, or maintains a temporary shelter in or upon any designated public property.

(c) It is a defense to prosecution under Subsection (b) of this section that the placement, erection, or maintenance of the temporary shelter by the person on the designated public property was expressly authorized by:

(1) an ordinance or resolution of the city council;

(2) a special event permit issued under Chapter 42A of the Dallas City Code or another license or permit granted by the city;

(3) a contract with the city; or

(4) if the designated public property is under the jurisdiction, management, or control of the city's park and recreation board, a permit or other written authorization granted by the board or by the director of the park and recreation department.

(d) A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed $500.

(e) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's reason for placing, erecting, or maintaining a temporary shelter on the designated public property. The police officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Subsection (c) is present. Before issuing a citation or making an arrest, the police officer shall give the person an oral or written warning that:

(1) requests the person to cease the placement, erection, or maintenance of the temporary shelter and to completely remove the temporary shelter and all personal belongings from the designated public property within one hour after issuance of the warning; and

(2) states that failure to comply with the warning may result in the citation or arrest of the person and the removal by the city of the temporary shelter and any personal belongings remaining on the designated public property.

(f) ~~If a person's temporary shelter and personal belongings are not removed from the designated public property in compliance with a warning issued by a police officer under Subsection (e), the city may remove those items from the designated public property and store them at a secure location (if the items are determined by the city to have a market value) or dispose of them as solid waste (if the items are determined by the city to be perishable, to have no market value, or to pose a threat to the public health, safety, or welfare). If stored property is not claimed within 60 days after removal, it will be deemed unclaimed or abandoned, and the city may sell, recycle, convert, or dispose of the property in accordance with city ordinances and policies and any applicable state or federal laws.~~ Reserved. (Ord. Nos. 29070; 33224)

SEC. 31-14. ENTERING PORTIONS OF BUILDINGS WITHOUT CONSENT.

(a) In this section:

(1) BUILDING means an enclosed structure to which the public or a substantial group of the public has access;

(2) CONSPICUOUSLY MARKED means a sign posted to be reasonably likely to come to the attention of anyone approaching an entrance to a portion of a building;

(3) OWNER means a person who has title to a building or a leasehold interest in the building, or someone with apparent authority to act for a person who has title or a leasehold interest.

(4) any other person directly affected by the violation.

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

(1) was not given an order as required by Subsection (c);

(2) was given an order that was manifestly unreasonable in scope; or

(3) promptly obeyed the order given. (Ord. 21667)

SEC. 31-35. ~~SOLICITATION BY COERCION; SOLICITATION NEAR DESIGNATED LOCATIONS AND FACILITIES; SOLICITATION AFTER SUNSET; SOLICITATION-FREE ZONES.~~ RESERVED.

~~(a) In this section:~~

~~(1) AUTOMATED TELLER MACHINE means a machine, other than a telephone:~~

~~(A) that is capable of being operated by a customer of a financial institution;~~

~~(B) by which the customer may communicate to the financial institution a request to withdraw a benefit for the customer or for another person directly from the customer's account or from the customer's account under a line of credit previously authorized by the financial institution for the customer; and~~

~~(C) the use of which may or may not involve personnel of a financial institution.~~

~~(2) CENTRAL BUSINESS DISTRICT SOLICITATION-FREE ZONE means the area of the city bounded by Woodall Rodgers Freeway on the north, Central Expressway (elevated bypass) on the east, R. L. Thornton Freeway on the south, and Stemmons Freeway on the west.~~

~~(3) COERCION means:~~

~~(A) to approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:~~

~~(i) imminent bodily injury; or~~

~~(ii) the commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;~~

~~(B) to persist in a solicitation after the person solicited has given a negative response;~~

~~(C) to block, either individually or as part of a group of persons, the passage of a solicited person; or~~

~~(D) to engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands.~~

~~(4) DEEP ELLUM SOLICITATION-FREE ZONE means the area bounded by and including the following streets or portions of streets:~~

~~STREET~~	~~EXTENT~~
~~Good-Latimer Expressway~~	~~Elm Street to Canton Street~~
~~Canton Street~~	~~Good-Latimer Expressway to Hall Street~~
~~Hall Street~~	~~Canton Street to Elm Street~~
~~Elm Street~~	~~Hall Street to Good-Latimer Expressway~~

~~(5) EXTERIOR PUBLIC PAY TELEPHONE means any coin or credit card reader telephone that is:~~

~~(A) installed or located anywhere on a premises except exclusively in the interior of a building located on the premises; and~~

~~(B) accessible and available for use by members of the general public.~~

(6) FIXED FOOD ESTABLISHMENT means a food establishment, as defined in Section 17-1.5 of this code, that is operated from a fixed facility.

(7) PUBLIC TRANSPORTATION STOP means an area officially marked and designated as a place to wait for a bus, a light rail vehicle, or any other public transportation vehicle that is operated on a scheduled route with passengers paying fares on an individual basis.

(8) SELF-SERVICE CAR WASH means a structure:

(A) at which a vehicle may be manually washed by its owner or operator with equipment that is activated by the deposit of money in a coin-operated machine; and

(B) that is accessible and available for use by members of the general public.

(9) SELF-SERVICE FUEL PUMP means a fuel pump:

(A) from which a vehicle may be manually filled with gasoline or other fuel directly by its owner or operator, without the aid of an employee or attendant of the premises at which the fuel pump is located; and

(B) that is accessible and available for use by members of the general public.

(10) SOLICITATION means to ask, beg, solicit, or plead, whether orally or in a written or printed manner, for the purpose of receiving contributions, alms, charity, or gifts of items of value for oneself or another person.

(11) SUNRISE means the time of day published on the weather page of the *Dallas Morning News* as the time for sunrise on a particular day in the city.

(12) SUNSET means the time of day published on the weather page of the *Dallas Morning News* as the time for sunset on a particular day in the city.

(13) UPTOWN SOLICITATION-FREE ZONE means the area bounded by and including the following streets or portions of streets:

STREET	EXTENT
Akard Street	Woodall Rogers Freeway to Cedar Springs Road
Cedar Springs Road	Akard Street to McKinnon Street
McKinnon Street	Cedar Springs Road to the Katy Trail
Katy Trail	McKinnon Street to Cambrick Street
Cambrick Street	Katy Trail to Central Expressway
Central Expressway	Cambrick Street to Woodall Rogers Freeway
Woodall Rogers Freeway	Central Expressway to Akard Street

(14) VICTORY SOLICITATION-FREE ZONE means the area bounded by and including the following streets or portions of streets:

STREET	EXTENT
Harry Hines Boulevard	Dallas North Tollway to N. Field Street
N. Field Street	Harry Hines Boulevard to Caroline Street
Caroline Street	N. Field Street to Woodall Rogers Freeway
Woodall Rogers Freeway	Caroline Street to Stemmons Freeway
Stemmons Freeway	Woodall Rogers Freeway to the Dallas North Tollway
Dallas North Tollway	Stemmons Freeway to Harry Hines Boulevard

(b) A person commits an offense if he conducts a solicitation by coercion.

(c) A person commits an offense if he conducts a solicitation in any outdoor area in the city at any time between sunset and sunrise on any day of the week. It is a defense to prosecution under this subsection if the solicitation:

(1) consisted exclusively of passive, nonverbal acts; or

(2) was being conducted on property with the advance written permission of the owner, manager, or other person in control of the property.

(d) Solicitation-free zones.

(1) A person commits an offense if he conducts a solicitation at any time in any outdoor area located within any of the following solicitation-free zones:

(A) Central Business District solicitation-free zone.

(B) Deep Ellum solicitation-free zone.

(C) Uptown solicitation-free zone.

(D) Victory solicitation-free zone.

(2) It is a defense to prosecution under this subsection if the solicitation was being conducted on property with the advance written permission of the owner, manager, or other person in control of the property.

(e) A person commits an offense if he conducts a solicitation to any person placing or preparing to place money in a parking meter.

(f) A person commits an offense if he conducts any solicitation within 25 feet of:

(1) an automated teller machine;

(2) an entrance or exit of a bank, credit union, or other similar financial institution;

(3) an exterior public pay telephone;

(4) a self-service car wash;

(5) a self-service fuel pump;

(6) a public transportation stop; or

(7) an outdoor dining area of a fixed food establishment.

(g) For purposes of Subsection (f), measurement will be made in a straight line, without regard to intervening structures or objects, from the nearest point at which a solicitation is being conducted to whichever is applicable of the following:

(1) the nearest entrance or exit of a facility in which an automated teller machine is enclosed or, if the machine is not enclosed in a facility, to the nearest part of the automated teller machine;

(2) the nearest entrance or exit of a bank, credit union, or other similar financial institution;

(3) the nearest part of an exterior public pay telephone;

(4) the nearest part of the structure of a self-service car wash;

(5) the nearest part of a self-service fuel pump;

(6) the nearest point of any sign or marking designating an area as a public transportation stop; or

(7) the nearest part of any table in an outdoor dining area or, if the outdoor dining area is contained within an enclosure, the nearest part of that enclosure.

(h) In addition to any enforcement action by a peace officer for a violation of this section, any person who is a victim of a solicitation prohibited under Subsection (b), (c), (d), (e), or (f), or who witnesses a violation of Subsection (c), (d), (e), or (f), may file a complaint with the city attorney. Evidence to support a conviction for a violation of this section may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence.

~~(i) An offense under this section is punishable by a fine not to exceed $500. (Ord. Nos. 21030; 25213; 26738; 28075)~~

(Repealed by Ord. No. 33224)

SEC. 31-36. MENACING ANOTHER PERSON.

(a) In this section, BODILY INJURY and SERIOUS BODILY INJURY have the meaning given each term, respectively, in Section 1.07 of the Texas Penal Code, as amended.

(b) A person commits an offense if he intentionally places or attempts to place another person in fear of bodily injury, serious bodily injury, or death by:

(1) following the other person on two or more occasions; or

(2) over a period of time, engaging in a course of conduct or committing two or more specific acts against the other person that would cause a reasonable person to fear bodily injury, serious bodily injury, or death. (Ord. 21443)

SEC. 31-37. HOURS OF CLOSURE FOR CERTAIN CITY PROPERTY.

(a) In this section:

(1) CENTRAL LIBRARY GROUNDS means the grounds surrounding the J. Erik Jonsson central library bounded by Wood Street on the north, Ervay Street on the east, Young Street on the south, and the property line wall located approximately 340 feet west of Ervay Street on the west.

(2) CITY HALL PLAZA means the grounds surrounding city hall bounded by Young Street on the north, Ervay Street on the east, Canton Street on the south, and Akard Street on the west.

(3) CONVENTION CENTER GROUNDS means the grounds, including Pioneer Plaza, surrounding the Dallas convention center that are contained within the following boundaries:

Beginning at the intersection of Young Street and Akard Street;

West on Young Street to Griffin Street;

South on Griffin Street approximately 407 feet;

West in a straight line for approximately 863 feet to the Jefferson Boulevard Viaduct;

Southwest on the Jefferson Boulevard Viaduct to the Union Pacific Railroad;

Southeast along the Union Pacific Railroad to Horton Street;

Northeast on Horton Street to Lamar Street;

Northwest on Lamar Street to Memorial Drive;

East on Memorial Drive to Griffin Street;

Southeast on Griffin Street to Canton Street;

Northeast on Canton Street to Akard Street;

North on Akard Street to Young Street at the point of beginning.

(b) The following city property will be closed to the public each day from 12:00 midnight until 5:00 a.m.:

(1) the city hall plaza;

(2) the convention center grounds; and

(3) the central library grounds.

(c) A person commits an offense if he is on the premises of a city property designated in Subsection (b) during hours in which the property is closed.

concession, and such concessionaire shall at the time of the execution of this contract, furnish a public liability or indemnity policy of insurance for the benefit of the city and its park board and concessionaire herein jointly, and the certificate of his public liability insurance, with insurance coverage, shall not be less than $250,000 per person, $500,000 per accident and $50,000 property damage, and the certificate shall include the city and the park board among the insured. (Ord. 10921)

SEC. 32-11.2. HANG-GLIDERS, PARA-SAILS, PARA-KITES, PARACHUTES, AND SIMILAR DEVICES PROHIBITED; DEFENSE.

(a) A person commits an offense if, within or above any park or recreation area under the management responsibility of the park board, he operates a hang-glider, para-sail, para-kite, parachute, or similar device capable of supporting the weight of a person above ground or water level.

(b) It is a defense to prosecution under Subsection (a) that the person has obtained written permission from the park board, or a designated representative, authorizing a special event. (Ord. 18745)

SEC. 32-11.3. POSSESSION OF ALCOHOLIC BEVERAGES IN PARKS.

(a) A person commits an offense if he consumes or possesses an alcoholic beverage:

(1) while in a public park; or

(2) while on a public street, sidewalk, or parking area adjacent to a public park.

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

(1) the person was on the premises of:

(A) Fair Park;

(B) Old City Park;

(C) Reunion Park;

(D) the DeGolyer Estate, Camp Estate, or other area of the Arboretum designated by the park and recreation board for the possession and consumption of an alcoholic beverage;

(E) Betty Marcus Park, when attending a city-approved activity at the Meyerson Concert Hall;

(F) an area in Samuel Farm designated by the park and recreation board for the possession and consumption of an alcoholic beverage;

(G) the following park facilities, when pursuant to written permission of the director of the park and recreation department and in compliance with park facility reservation policies established by the park and recreation board:

(i) Arlington Hall;

~~(ii) Dreyfuss Club;~~
(ii) Sunset Bay;

(iii) Winfrey Point; or

(iv) Big Thickett;

~~(H) a municipal golf course; or~~
(H) a municipal golf course;

(I) a park facility or other park property or part of a park property for which:

(i) a valid license issued by the Texas Alcoholic Beverage Commission existed; or

(ii) a lease or rental agreement had been granted by the city that allowed the possession and consumption of an alcoholic beverage; or

(J) the Prism Center;

(2) the person was on the waters of a lake or water reservoir under the jurisdiction of the park

and recreation board where the private launching and mooring of boats was permitted;

(3) the person was on premises where a special event, activity, or program was being conducted with written permission of the park and recreation board and the director of the park and recreation department and possession and consumption of an alcoholic beverage was allowed under the terms of the permission; or

(4) the container of alcoholic beverage possessed by the person had an unbroken seal or other evidence of having never been opened.

(c) For the purpose of this section, ALCOHOLIC BEVERAGE is used as defined in the Texas Alcoholic Beverage Code. (Ord. Nos. 16881; 20336; 20699; 20963; 22850; 33105)

SEC. 32-11.4. NOISES INTERFERING WITH ENJOYMENT OF PUBLIC PARK AND RECREATION AREAS.

(a) A person commits an offense if he knowingly makes or causes to be made any loud and raucous noise in any public park and recreation area in the city.

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

(1) is a city employee acting within the scope of his official duties; or

(2) first obtained the written permission of the director of the park and recreation department of the city authorizing a special event.

(c) The following enumerated acts are presumed to create loud and raucous noises for purposes of this section:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger signal, as required by state law.

(2) The use of any mechanical loudspeaker or sound amplifier for the purpose of attracting the attention of other persons by the creation of noise.

(3) The playing of any radio, television, tape machine, musical instrument, or other machine or device for the production or reproduction of sound at such a volume that the sound produced is audible at a distance in excess of 150 feet.

(4) The operation of any automobile, motorcycle, bus, or other vehicle or mechanical device in such a manner so as to produce a sound that is audible at a distance in excess of 150 feet. (Ord. 17090)

ARTICLE II.

FAIR PARK AND STATE FAIR GROUNDS.

Division 1. Generally.
(Ord. 29102)

SEC. 32-11.5. FAIR PARK BOUNDARIES.

(a) For purposes of this chapter, the boundaries of Fair Park shall be as follows:

BEGINNING at the intersection of the southeast right-of-way of Parry Avenue and the T. & P. Railroad;

THENCE eastward along the south boundary of the T. & P. Railroad right-of-way to the beginning of a curve bearing to the right having a radius of 459.12 feet;

THENCE southeastward along said curve to the northwest right-of-way of Pennsylvania Avenue;

THENCE southwestward along the northwest right-of-way of Pennsylvania Avenue to its intersection with the northwesterly prolongation of the southwest right-of-way of Gaisford Street;

THENCE southeastward along the northwesterly prolongation and southwest right-of-way of Gaisford Street to the intersection with the northwest right-of-way of Fitzhugh Avenue;

THENCE southwestward along the northwest right-of-way of Fitzhugh Avenue to the northeast right-of-way of Robert B. Cullum Boulevard;

THENCE northwestward along the northeast right-of-way of Robert B. Cullum Boulevard to the intersection with the southeast right-of-way of Parry Avenue;

THENCE northeastward along the southeast right-of-way of Parry Avenue to the place of beginning.

(b) Before the Fair Park boundaries established in Subsection (a) may be expanded, a public hearing before the city council shall be held to allow the proponents and opponents of the expansion to present their views.

(c) Written notice of the public hearing required by Subsection (b) must be sent to all owners of real property lying within 500 feet of the boundaries of the proposed area of expansion. The measurement of the 500 feet includes streets and alleys. The notice must be given, not less than 10 days before the date set for the public hearing, by depositing the notice in the United States mail with postage paid and properly addressed to each property owner as evidenced by the last approved city tax roll. (Ord. 19541)

SEC. 32-12. "STATE FAIR AREA" DEFINED.

"State Fair area", as used in this article, shall mean the area in Fair Park bounded by the Texas & Pacific Railroad right of way, Pennsylvania Avenue, to Lagow, Lagow to Birmingham, Birmingham to Cross, Cross to Pennsylvania, Pennsylvania to First Avenue, First Avenue to Grand Avenue, Grand Avenue to Second Avenue, Second Avenue to Parry Avenue with the sites of the Health and Science Museum, Aquarium, State of Texas and Swimming Pool buildings excluded. It shall not include that portion of Fair Park known as the Civic Center, which is bounded by Pennsylvania Avenue, Second Avenue, Grand Avenue and First Avenue. (Code 1941, Art. 96-2; Ord. 8021)

SEC. 32-13. PURPOSE OF ARTICLE.

The purpose and intent of this article is to provide certain rules and regulations governing design, construction, equipment, use and operation of temporary buildings, establishments, concessions and exhibits within the grounds of the state fair. The provisions of this article shall include buildings and structures to be occupied and used only during the period of the state fair which, because of the character of material used, nature of fabrication and design, have a life expectancy of not more than five years. The provisions of this article shall apply only to the State Fair area as defined in this article and shall never be construed as modifying the regulations of any chapter of this code with reference to other areas within the city. (Code 1941, Art. 96-1)

SEC. 32-14. APPLICABILITY OF BUILDING CODE.

~~All buildings and structures erected or constructed within or moved into the state fair area shall comply with the city Building Code, except that:~~

~~(a) Buildings and structures of not more than two stories in height erected and constructed for use as temporary buildings, as defined in Section 32-13 and which are classified under the Building Code as groups F, G. I and J occupancies, shall not be required to set back from the site property lines and may be built adjoining other buildings; provided, that all exterior walls shall be of one hour fire resistive construction; and provided further, that the aggregate or total ground area of all buildings and structures constructed in any one group shall not exceed 10,000 square feet for one story buildings or structures and 5,000 square feet for two story buildings or structures, unless provided with an absolute fire separation or 15 foot clear space between such groups. In lieu of the Building Code requirements which are not applicable,~~

~~a 2 1/2 gallon fire extinguisher of an approved type shall be provided for each 2,000 square feet of floor area or fraction thereof and all drapes, curtains, decorations and similar flammable material shall be sprayed or dipped in flame retardant solution as required by the fire marshal.~~

All buildings and structures erected or constructed within or moved into the state fair area shall comply with the Dallas Building Code, except that:

(a) Buildings and structures of not more than two stories in height erected and constructed for use as temporary buildings, as defined in Section 32-13 and which are classified under the Dallas Building Code as groups A2, B, M, S2, and U occupancies, shall not be required to set back from the site property lines and may be built adjoining other buildings; provided, that all exterior walls shall be of fire resistive construction as required by the Dallas Building Code; and provided further, that the aggregate or total ground area of all buildings and structures constructed in any one group shall not exceed 10,000 square feet for one story buildings or structures and 5,000 square feet for two story buildings or structures, unless provided with an absolute fire separation or 15 foot clear space between such groups. All fire extinguisher requirements must adhere to Section 906 of the Dallas Fire Code. Additionally, all temporary and permanent tents and membrane structures must comply with Section 3104 of the Dallas Fire Code. This includes, but is not limited to, drapes, curtains, decorations, and other similar flammable materials.

(b) Partitions in the interior of buildings shall be constructed of one-half inch sheet rock on both sides of wood studs or equal or better fire resistive construction and shall maintain fire extinguishers as provided in Subsection (a) of this section and flame retardant proofing shall be done as provided in Subsection (a).

~~(c) The requirements of the Building Code with respect to the number of toilets may be waived by the health officer of the city when the waiving of this requirement does not conflict with this Code or other ordinances of the city dealing with health.~~

(c) The requirements of the Dallas Building Code with respect to the number of toilets may be waived by the health officer of the city when the waiving of this requirement does not conflict with this Code or other ordinances of the city dealing with health. (Code 1941, Art. 96-3; Ord. No. 33224)

SEC. 32-15. REGULATIONS PERTAINING TO STRUCTURES USED ONE MONTH OR LESS.

The following regulations shall apply to buildings and other structures for temporary use for any period of one month or less:

~~(a) Tents, stands, awnings and canopies may be used individually in any size in the area known as the midway area or may be grouped together; provided, that any tent, stand or groups of tents and stands having 3,000 square feet in total ground area shall be separated from all other tents, stands, buildings and structures by not less than 15 feet of open space, clear of all combustible material and provided that flame proofing is carried out as provided in Section 32-14, except that portions of awnings, tents or other heavy canvas over 10 feet above grade need not be flameproofed unless required by the fire marshal. If any additional decoration or flammable material is used therein, this material shall be flameproofed regardless of height.~~

(a) Tents, stands, awnings and canopies may be used individually in any size in the area known as the midway area or may be grouped together; provided, that any tent, stand or groups of tents and stands having 3,000 square feet in total ground area shall be separated from all other tents, stands, buildings and structures by not less than 15 feet of open space, clear of all combustible material and provided that flame proofing is carried out as provided in Section 32-14. If any additional decoration or combustible material is used therein, this material shall be flameproofed.

(b) In areas other than the midway area, tents, stands, awnings and canopies exceeding l,000 square feet in total ground area shall be provided with separations as described in Subsection (a) above and shall conform to the requirements for flame proofing. (Code 1941, Art. 96-4; Ord. No. 33224)

SEC. 32-16. RIDES, ELEVATORS, HOISTS, ETC.

Rides, elevators, hoists or any mechanical device provided for and accessible to the public shall not begin operation until authorized by the building inspector and shall stop operation at any time the building inspector gives notice in writing that he

CHAPTER 36

POLES AND WIRES

ARTICLE I.

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Sec. 36-3. When alleys to be used rather than streets.
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ARTICLE II.

POLES AND WIRES – REPORTS, RECORDS, AND INSPECTIONS.

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Sec. 36-44. City may order audit of books and records.
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ARTICLE I.

IN GENERAL.

SEC. 36-1. COMPLIANCE WITH CHAPTER.

No person shall erect or construct a pole, pier, abutment or other necessary fixture, appurtenance or appliance for electric light or power purposes within the city for electric light or power purposes or maintain any such pole, pier, abutment, wire or other such necessary fixture, appurtenance or appliance within the city, except in accordance with the provisions of this chapter. (Code 1941, Art. 105-1)

SEC. 36-2. CONSENT OF CITY REQUIRED TO ERECT POLES, WIRES, ETC.

No person shall erect or construct any pole, pier, abutment, wire or other necessary fixture, appurtenance or appliance set out in Section 36-1, for magnetic telegraph or telephone purposes, for electric light or power purposes or for any other purpose whatever along any of the streets or alleys of the city without first obtaining the consent of the city council so to do. (Code 1941, Arts. 104-1, 105-2)

SEC. 36-3. WHEN ALLEYS TO BE USED RATHER THAN STREETS.

Whenever, in the judgment of the city council, the use of any public alley for such purposes is practicable, poles, wires or other necessary fixtures for telegraph, telephone or electric light purposes shall be placed upon and along such alley, instead of upon and along the streets next adjoining and parallel thereto. When such poles or fixtures are set in an alley they shall be located as near the side lines of the alley as practicable and in such manner as not to incommode the public or the adjoining property holders. (Code 1941, Art. 104-2)

SEC. 36-4. REMOVAL UPON ABANDONMENT.

All persons who have erected or constructed any poles or fixtures in the city or who may hereafter erect or construct them and who have ceased to use them for the purposes originally intended or who may hereafter so cease to use them shall take down and remove such poles, wires and fixtures when notified by the city manager, upon the order of the city council. It shall be the duty of such persons to commence removal within five days after notice and to complete the same without delay. Upon failure to do so, such persons are guilty of an offense. In addition, the chief of police, upon the order of the city council, shall proceed to take down and remove such poles, wires and fixtures at the cost and expense of such persons and the same shall be a charge against them and may be sued for and recovered by the city in any court of competent jurisdiction. (Code 1941, Art. 104-10; Ord. 19963)

SEC. 36-5. ~~SPECIFICATIONS FOR POLES.~~ RESERVED.

~~Poles used as provided in this chapter shall be of sound timber, not less than five inches in diameter at the upper end, straight, shapely and of uniform size, neatly planed and shaved and thoroughly creosoted. (Code 1941, Art. 104-3)~~

(Repealed by Ord. No. 33224)

SEC. 36-6. LOCATION OF POLES AND OTHER FIXTURES.

When poles or other fixtures are erected on the street they shall be placed, if practicable, on the outer edge of the sidewalk just inside of the curbstone on a line dividing the lots of property owners, but in no case shall they be placed so as to interfere with or damage the curbstone, trees or other public or private property. (Code 1941, Art. 104-3)

arc light wires shall be placed not less than one foot apart and incandescent light wires not less than six inches apart. The use of porcelain knobs or insulators on the outside of buildings is prohibited except in dry places, when an improved insulator must be used on the walls. (Code 1941, Art. 105-16)

SEC. 36-25. WIRES ENTERING BUILDINGS.

All wires must enter buildings through an approved cutout switch and must be encased in a continuous piece of hard insulating tubing, so inclined as to oppose the entrance of water. The outer end of such tubing shall be sealed with some plastic insulating material so as to exclude all moisture. (Code 1941, Art. 105-17)

SEC. 36-26. GUARD IRONS AND GUARD WIRES.

Where angles occur in a line subjecting the supports to increased strain, guard irons must be placed at the outside ends of the crossarms. Guard wires must be placed wherever their presence would prevent fire alarm, telegraph, telephone or other wires from coming into accidental contact with electric light or power wires. The cost of such guard irons and wires shall be borne by the person making the last construction. (Code 1941, Art. 105-18)

SEC. 36-27. ~~DAILY TESTING OF CIRCUITS.~~ RESERVED.

~~All circuits shall be tested for grounds at 9:00 a.m., 12:00 noon and 3:00 p.m. every day. When a ground connection occurs it must be found and remedied without delay or, failing in this, the current must be discontinued until insulation is restored. (Code 1941, Art. 105-19)~~

(Repealed by Ord. No. 33224)

SEC. 36-28. STREET LIGHTS - MINIMUM HEIGHT ABOVE SIDEWALK.

Incandescent street lights must be so placed as to have a clear space of not less than nine feet between the light and the sidewalk. (Code 1941, Art. 105-20)

SEC. 36-29. SAME - FRAMES AND EXPOSED PARTS TO BE INSULATED.

Incandescent street lights must have the frames and exposed parts carefully insulated from the circuit. (Code 1941, Art. 105-21)

SEC. 36-30. STANDARD OF INSULATION RESISTANCE.

The resistance of the insulation on the circuits must be maintained at a standard provided by the supervisor of public utilities and every facility for testing circuits shall be accorded him. (Code 1941, Art. 105-22)

SEC. 36-31. COPPER WIRE STANDARDS; SUBMISSION OF SAMPLES FORTESTS.

All copper wire must be at least 95 percent conductory. Samples of wires to be used or in actual use shall be submitted to the city electrician for tests of conductivity at any time when required. (Code 1941, Art. 105-23)

SEC. 36-32. SAFETY CUTOUTS FOR CONDUCTORS.

Every system of conductors shall be protected by a safety cutout that will interrupt the passage through

the conductors of a current stronger than they can safely carry. (Code 1941, Art. 105-24)

SEC. 36-33. INSPECTION OF WORK.

Immediately after the erection of any wiring or other outdoor construction for electric light or power or before the concealment or use of any inside wiring, the person erecting the same shall notify the city electrician that such work is ready for inspection. No use shall be made of such wiring or its appurtenances for the purposes aforesaid until approved by the supervisor of public utilities and a permit therefor is issued by him. No changes in such system shall be made without a permit therefor from the supervisor of public utilities. (Code 1941, Art. 105-25)

SEC. 36-34. ~~FIRE INDICATORS IN ELECTRIC LIGHT OR POWER COMPANY STATIONS; DUTY OF COMPANY INCASE OF FIRE.~~ RESERVED.

~~The fire department of the city shall erect in every station of every electric light or power company, at the latter's expense, a suitable gong and indicator, connecting with the fire lines, by which the location of all fires shall be indicated. On the occurrence of a fire in any district in which any company has wires, such company shall forthwith send a man prepared to remove such wires, under the direction of the fire department. (Code 1941, Art. 105-26)~~

(Repealed by Ord. No. 33224)

SEC. 36-35. SECONDARY GENERATORS AND CONVERTERS.

Secondary generators or converters shall not be placed or maintained inside any building used for any other purpose. (Code 1941, Art. 105-27)

SEC. 36-36. MINIMUM DISTANCE OF WIRES FROM FIRE ALARM WIRE.

No electric light or power wire shall be erected or maintained within three feet of any fire alarm wire. (Code 1941, Art. 105-28)

SEC. 36-37. MINIMUM DISTANCE OF POLES FROM FIREPLUGS.

No pole for any wire of any kind shall be erected nearer than five feet to any fireplug. (Code 1941, Art. 105-28)

SEC. 36-38. LINEMEN AND LAMPMEN TO WEAR BADGES.

Every lineman and lampman shall wear a badge in plain sight, indicating his number and the person by whom he is employed. In case of fire such badge shall serve as a pass to admit the wearer inside fire lines. (Code 1941, Art. 105-29)

SEC. 36-39. APPARATUS WITH EXPOSED PARTS.

No switch, lamp, motor, dynamo or other conductor having exposed uninsulated parts shall be erected or maintained where any person unacquainted with the dangers of the same could easily come in contact therewith. (Code 1941, Art. 105-30)

SEC. 36-40. USE OF POLES BY ANOTHER COMPANY.

In granting permits to erect poles for purposes of electric light or power the city reserves the right, if the interests of the city so demand, to authorize other

SEC. 36-45. INSPECTION OF POLES AND WIRES; NOTICE TO REMOVE, REPLACE, OR ALTER.

The police chief, fire-rescue chief, and director of transportation and public works, or their designated representatives, shall each have the power and duty to examine and inspect from time to time all poles and every wire or cable in the streets, alleys, highways, or public places within the city when such wire is designed to carry an electric current. They shall notify each person owning or using such poles when any pole is unsafe, and notify each person owning or operating any such wire or cable whenever its attachments, insulation, supports, or appliances are unsuitable or unsafe, and require that such poles, wires, or cables must be properly replaced, renewed, altered, or constructed. They shall require the owner of any pole or wire abandoned for use to remove the pole or wire. (Code 1941, Art. 106-7; Ord. Nos. 22026; 28424; 30239; 30654; 32864)

SEC. 36-46. ARTICLE NOT A GRANT OF ADDITIONAL PRIVILEGES.

Nothing in this article grants any privilege or authority for any other term than already vested in persons now using and occupying the streets, alleys, and public places of the city. (Code 1941, Art. 106-9; Ord. 28424)

SEC. 36-47. EFFECT OF ARTICLE ON OTHER ORDINANCES.

Nothing in this article relieves any person of any condition, restriction, or requirement imposed by the ordinance in which it has been authorized to place in the streets, highways, alleys, or public places of the city its conduits, poles, wires, or other apparatus or imposed by this code or other ordinances previously enacted by the city. (Code 1941, Art. 106-10; Ord. 28424)

SEC. 36-48. RIGHTS RESERVED BY THE CITY.

The city reserves the right to promulgate at any time other restrictions and regulations as to the erection and maintenance of poles, wires, and other apparatus used in connection with the transmission of electricity and, from time to time, to require such poles as it deems proper to be removed and the wires on the poles to be run in conduits upon such terms as the city deems proper. (Code 1941, Art. 106-11; Ord. 28424)

SEC. 36-49. ~~RIGHTS OF CERTAIN COMPANIES.~~ RESERVED.

~~None of the obligations, burdens, and restrictions of this chapter may in any manner interfere with or destroy the rights and privileges secured by telegraph companies that have accepted the provisions of the Act of Congress of July 24, 1866. (Code 1941, Art. 106-12; Ord. 28424)~~

(Repealed by Ord. No. 33224)

CHAPTER 38

PRIVATE DETECTIVES

Sec. 38-1. Definitions.
Sec. 38-2. License - Required.
Sec. 38-3. Same - Fingerprinting; minimum age.
Sec. 38-4. Same - Fee.
Sec. 38-5. Same - Expiration date.
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Sec. 38-9. Same - Factors to be considered by city manager.
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Sec. 38-16. Posting and surrender of license certificate.
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Sec. 38-18. Removal of bureau, agency, etc.
Sec. 38-19. Employees - Number permitted; responsibility of employer.
Sec. 38-20. Same - Certain persons prohibited from employment.
Sec. 38-21. Same - "Employee's statement" required.
Sec. 38-22. Same - Fingerprinting.
Sec. 38-23. Same - Revocation of license.
Sec. 38-24. Divulging of certain information prohibited.
Sec. 38-25. Certain persons exempted from provisions of chapter.

SEC. 38-1. DEFINITIONS.

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

DETECTIVE AGENCY. Any person engaged in the detective business for hire which employs one or more persons as employees, assistants, clerks, bookkeepers or operatives in its business; provided, that persons engaged in such business whose employees, other than office employees, are in full uniform shall not be classed as a detective agency.

DETECTIVE BUSINESS. The business of making for hire an investigation for the purpose of obtaining information with reference to any of the following matters:

Crimes against the laws of the land or wrongs done or threatened; the habits, conduct, movements, associates, transactions, reputation, character or location of persons; the credibility of witnesses or other persons; the location or recovery of lost or stolen property; securing evidence to be used before authorized investigating committees, boards of award or arbitration or in the trial of civil or criminal cases; the causes, origins or responsibility for fires, accidents or injury to real or personal property; or strikes and labor difficulties.

PRIVATE DETECTIVE. A person engaged in the detective business for hire who does not employ or use any employees, assistants, clerks, bookkeepers or operatives. (Ord. 4039)

SEC. 38-2. LICENSE - REQUIRED.

No person shall engage in the business of a private detective or conduct a private detective agency within the city without first having obtained a license therefor. (Ord. 4039)

SEC. 38-3. SAME - FINGERPRINTING; MINIMUM AGE.

No license to engage in the business of a private detective or to conduct a private detective agency shall be issued until the police department has taken the

fingerprints of the applicant. No license shall be issued where the applicant is under 23 years of age. (Ord. Nos. 4039; 4311)

SEC. 38-4. SAME - FEE.

In order to defray a part of the expense necessary to provide the surveillance, supervision and inspection of persons as required under the terms of this chapter, there is hereby fixed a license fee or police tax, which shall be collected from any person engaged in the private detective business or conducting a private detective agency of $50 per annum. If any application is granted during the calendar year, the fee shall be paid pro rata for the balance of the current year. In no event shall there be any refunds of license fees or police taxes paid under this chapter. The fee shall be paid to the assessor and collector of taxes who shall issue a receipt therefor on a form prepared by him for that purpose. (Ord. Nos. 4039; 4996)

SEC. 38-5. SAME - EXPIRATION DATE.

Each license granted and issued under the provisions of this chapter shall expire at midnight of the 31st day of December next following the date of issuance of same. (Ord. Nos. 4039; 4311)

SEC. 38-6. APPLICATION FOR LICENSE - INFORMATION REQUIRED.

Any person intending to conduct a private detective business in the city shall, for each such bureau or agency, file with the chief of police a written application duly signed and verified as follows:

(a) If the applicant is a person, the application shall be signed and verified by such person, and if the applicant is a firm or partnership, the application shall be signed and verified by each individual composing or intending to compose such firm or partnership. The application shall state the full name, age, residence, present and previous occupations of each person so signing the same, that he is a citizen of the United States and shall also specify the name of the street and number and the trade name of the business for which the license is desired and such further facts as may be required by the chief of police to show the good character, competency and integrity of each person so signing such application. Each person signing such application shall, together with such application, submit to the chief of police his photograph in duplicate in passport size and fingerprints of his two hands recorded in such manner as may be specified by the chief of police or his authorized representative. Before approving such application it shall be the duty of the chief of police or his authorized representative to compare such fingerprints with those filed with the identification bureau of the police department. Every such applicant shall establish to the satisfaction of the city manager and by at least two duly acknowledged certificates that such applicant, if he be a person or in the case of a firm, company, partnership or corporation, at least one member of such firm, partnership, company or corporation has been regularly employed as a detective or shall have been a member of the United States government investigative service, a sheriff or member of the city police department of a rank or grade higher than that of patrolman for a period of not less than three years.

Such applications shall be approved as to each person or individual so signing the same by not less than five reputable citizens of this community, each of whom shall certify that he has personally known the person for a period of at least five years prior to the filing of such application, that he has read such application and believes each of the statements made therein to be true, that such person is honest, of good character, competent and not related or connected to the person so certifying by blood or marriage.

Local branches of detective agencies licensed, chartered or organized outside of the city by authority of a law of their home state where the provisions are substantially the same as those of this chapter, shall be exempted from the provisions of this section; provided, however, that the local manager shall be fingerprinted.

(b) If the applicant is a corporation, the application shall be signed and verified by the president, secretary and treasurer thereof and shall specify the name of the corporation, the date and place of its incorporation, the location of its principal place of business and the location of the premises on which it intends to do business in the city. Each and every requirement of this section shall apply to the president, secretary and treasurer and each such officer and his successor shall, prior to entering upon the discharge of his duties, sign and verify a like statement, proved in like manner as is prescribed in this section as in case of person or individual member of a firm or partnership. In the event of the death, resignation or removal of such officer, due notice of that fact shall forthwith be given in writing to the chief of police together with a copy of the minutes of any meeting of directors of such corporation, certified by the secretary indicating the death, resignation or removal of such officer and the election or designation of the successor of each deceased, resigned or removed officer. The local manager or representative of a person whose headquarters is elsewhere than in the city shall comply with the requirements in part (a) of this section. (Ord. 4039)

SEC. 38-7. SAME - INVESTIGATION.

Upon the filing of an application for a license to engage in the business of a private detective or conduct a private detective agency, properly filled out, the chief of police shall make or cause to be made such investigation as he may deem necessary to determine the fitness of the applicant for a license. Then the chief of police shall within 10 days forward the application with his recommendations to the city manager. (Ord. Nos. 4039; 4311)

SEC. 38-8. SAME - ACTION BY CITY MANAGER; ISSUANCE OF LICENSE.

The city manager shall have authority to grant a license to engage in the business of a private detective or conduct a private detective agency without further investigation or to cause further investigation to be made before granting such license or disapproving the application. Upon the granting of such license by the city manager, it shall be the duty of the applicant to present the action of the city manager to the assessor and collector of taxes of the city and upon the payment of the proper license fee the assessor and collector of taxes shall accordingly issue the proper license permit on a form to be prescribed by the assessor and collector of taxes. (Ord. Nos. 4039; 4311)

SEC. 38-9. SAME - FACTORS TO BE CONSIDERED BY CITY MANAGER.

In approving or disapproving any license to engage in the business of a private detective or to conduct a private detective agency, the city manager shall consider the following factors:

(a) Whether the applicant has been convicted of a felony, or on renewal of license, for the violation of any of the provisions of this chapter, during the year next preceding the filing of this application.

(b) Whether the applicant is of good moral character and his reputation for being a peaceable law abiding citizen.

(c) Whether the applicant is a former member of the police department or was formerly employed as a special police officer and was released for cause.

(d) Such other lawful matters as he considers pertinent and proper in arriving at a fair and lawful conclusion with respect to such application for a license. (Ord. Nos. 4039; 4311)

SEC. 38-10. SAME - APPEAL TO CITY COUNCIL.

The city manager shall consider all licenses applied for under this chapter and approve or disapprove the same; provided, that upon refusal of the city manager to approve such application, the applicant may within 10 days thereafter appeal to the

city council, which shall within 30 days thereafter accord to such applicant a hearing as to whether or not a license to engage in the business of a private detective or to conduct a private detective agency shall be granted. (Ord. Nos. 4039; 4311)

SEC. 38-11. FUNCTIONS, POWERS AND DUTIES OF POLICE DEPARTMENT.

With regard to all applicants for a license to engage in the business of a private detective or to conduct a private detective agency, the police department shall have the following functions, powers and duties:

(a) To investigate qualifications for fitness of all applicants.

(b) To investigate and aid in the prosecution of all violations of this chapter and cooperate in the prosecution of offenders before any court having jurisdiction to hear the same.

(c) To fingerprint all applicants. (Ord. Nos. 4039; 4311)

SEC. 38-12. BOND - REQUIRED.

Before any license to engage in the business of a private detective or to conduct a private detective agency shall be issued as provided in this chapter, the applicant shall furnish to the city a good and sufficient surety bond or insurance policy, the same to be approved by the city manager. A bond shall be signed by some good solvent bonding company authorized to do business in this state and an insurance policy shall be executed by some good solvent insurance company authorized to do business in this state. (Ord. Nos. 4039; 4311)

SEC. 38-13. SAME - AMOUNT; CONDITIONS.

The surety bond or insurance policy required by Section 38-12 shall be in the sum of $10,000 and shall be conditioned that the obligor therein will pay to the extent of the face amount of such surety bond or insurance policy all judgments which may be recovered against such detective or detective agency by reason of the wrongful or illegal acts of its servants, officers, agents or employees committed by them in the course of their employment. Such surety bond or insurance policy shall further be conditioned that such person so injured shall have the right to sue directly upon the surety bond or insurance policy in his own name, and the same shall be subject to successive suits for recovery until a complete exhaustion of the face amount thereof. (Ord. Nos. 4039; 4311)

SEC. 38-14. SAME - RENEWAL; FAILURE TO RENEW.

The surety bond or insurance policy required by Section 38-12 shall be in effect for the period of time covered by the license for which such bond or policy is given and shall expire at the expiration of the license for which such bond or policy was given. Each such detective or detective agency shall, on or before the date of the expiration of the terms of any surety bond or insurance policy so filed by such agency, file a renewal thereof or a new surety bond or insurance policy containing the same terms or obligations of the preceding surety bond or policy and shall each year thereafter or before the expiration date of the existing surety bond or insurance policy file such renewal surety bond or insurance policy so as to provide continuous security to persons so injured. In the event any such detective or detective agency fails to execute any surety bond or insurance policy in the first instance or to execute any renewal surety bond or insurance policy or to file the same with the city manager as provided in this article, it shall constitute grounds for revoking the license issued under the provisions of this chapter. (Ord. Nos. 4039; 4311)

SEC. 38-15. APPLICABILITY OF SECTIONS 8-12 to 38-14.

The provisions of Sections 38-12 to 38-14 shall not apply to a foreign corporation having a permit to do business in this state. (Ord. 4039)

SEC. 38-16. POSTING AND SURRENDER OF LICENSE CERTIFICATE.

Immediately upon the receipt of the license certificate issued by the city, the licensee named therein shall cause such license certificate to be posted up and at all times displayed in a conspicuous place in the bureau, agency, subagency, office or branch office for which it is issued so that all persons visiting such place may readily see the same. Such license certificate shall at all reasonable times be subject to inspection by the chief of police or an authorized representative of the police department. No person holding such license certificate shall post such certificate or permit such certificate to be posted upon premises other than those described therein or to which it has been transferred pursuant to the provisions of this article or knowingly alter, deface or destroy any such license certificate. Every license certificate shall be surrendered to the chief of police within 72 hours after its terms shall have expired or after notice in writing to the holder that such license has been revoked. Failure to comply with any provisions of this section is a misdemeanor and sufficient cause for the revocation of a license. (Ord. 4039)

SEC. 38-17. EFFECT OF CHAPTER.

Nothing in this chapter shall be construed to authorize the agents, servants, officers or employees of licensee to have the power of peace officers in this city unless such power be conferred thereon under the provisions of the laws of this state, this code or other ordinances of this city. (Ord. Nos. 4039; 4311)

SEC. 38-18. REMOVAL OF BUREAU, AGENCY, ETC.

If the holder of an unexpired license certificate issued pursuant to this chapter shall remove the bureau, agency, subagency, office or branch office to a place other than that described in the license certificate, he shall within the 24 hours immediately following such removal give written notice of such removal to the chief of police, which notice shall describe the premises to which such removal is made and the date on which it was made, and send such license certificate to the chief of police, who shall cause to be written or stamped across the face of such certificate a statement signed by the city manager to the effect that the holder of such license has, on the date stated in such written notice, removed such bureau, agency, subagency, office or branch office from the place originally described in such written notice. Such license certificate with the endorsement thereon shall then be returned to the licensee named therein. (Ord. 4039)

SEC. 38-19. EMPLOYEES - NUMBER PERMITTED; RESPONSIBILITY OF EMPLOYER.

The holder of any license certificate issued pursuant to this chapter may employ to assist him in his work as a private detective and in the conduct of such business as many persons as he may deem necessary. The licensee shall at all times during such employment be legally responsible for the good conduct in the business of each and every person so employed. (Ord. 4039)

SEC. 38-20. SAME - CERTAIN PERSONS PROHIBITED FROM EMPLOYMENT.

No holder of any unexpired license certificate issued pursuant to this chapter shall knowingly employ in connection with his business in any capacity whatsoever any person who has been convicted of a felony, who has been discharged from a law enforcement agency for cause, whose private detective license was revoked or application for such license denied by the authorities of this city or any other city or state or who has been found guilty of illegally using, carrying or possessing a pistol or other dangerous weapon, buying or receiving stolen property or any offense indicating moral turpitude.

Should the holder of an unexpired license certificate falsely state or represent that a person is or has been in his employ, such false statement or misrepresentation shall be sufficient cause for the revocation of such license. Any person falsely stating or representing that he is or has been a detective or employed by a detective agency, shall be guilty of a misdemeanor. (Ord. 4039)

SEC. 38-21. SAME - "EMPLOYEE'S STATEMENT" REQUIRED.

No person shall hereafter be employed by any holder of a license certificate issued pursuant to this chapter until he shall have executed and furnished to such license holder a verified statement, to be known as an "employee's statement," setting forth:

(a) The employee's full name, age and residence address.

(b) His place of birth and the county of which he is a citizen.

(c) The business or occupation engaged in for five years immediately preceding the date of the filing of the statement, setting forth the place where such business or occupation was engaged in and the name of employers, if any.

(d) That he has not been convicted of a felony or any offense involving moral turpitude or any of the offenses described in Section 38-20.

(e) Such further information as the city manager or chief of police may by rule require to show the good character, competency and integrity of the person executing the statement. (Ord. 4039)

SEC. 38-22. SAME - FINGERPRINTING.

Immediately upon the verification of an employee's statement, the holder of the license certificate issued pursuant to this chapter by whom such person has been or is to be employed shall cause two sets of fingerprints of the two hands of such person to be recorded in such manner as the chief of police may by rule prescribe. The holder of the license certificate shall immediately stamp in indelible ink the employee's statement and each set of fingerprints with the name, year and license certificate number of such holder and a number which number shall be determined by the number of such statements furnished to such holder and shall be in numerical sequence.

The holder of a license certificate shall affix one set of such fingerprints to the employee's statement in such manner that the prints can be examined without disclosing the contents of the employee's statement, and shall retain such statement and prints so long as he shall be licensed under this chapter by the city. The holder of a license certificate shall file the other set of fingerprints with the chief of police within 24 hours of such employment. Within five days after the filing of such fingerprints the chief of police shall cause such fingerprints to be compared with fingerprints filed with the identification bureau of the city and if any record of such prints are found he shall notify the holder of such license certificate. The chief of police may also from time to time cause such fingerprints to be checked with the state department of public safety or other official fingerprint files within or without this state, and if he finds such person has been convicted of a felony or other offense he shall immediately notify the holder of such license certificate. The chief of police or his authorized representative shall at all times be given access to and may from time to time examine the fingerprints retained by the holder of the license certificate provided in this article. No holder of a certificate shall file with the police department the fingerprints of a person other than the person so employed. (Ord. 4039)

SEC. 38-23. SAME - REVOCATION OF LICENSE.

(a) The city council shall have the right and authority to revoke and cancel any license issued under the provisions of this chapter for cause upon a hearing duly had after five days' notice to the licensee.

In addition to the general authority contained in this code for the revocation of licenses, any license issued under the provisions of this article may be revoked by the city council for any of the following reasons:

(1) If such licensee has knowingly violated any of the provisions of this chapter.

(2) If any employee or operative of such licensee shall have knowingly violated any of the provisions of this chapter with permission and instructions from such licensee to do so.

(3) If such licensee has knowingly made a false report to his client or other person entitled to receive such information in respect to any of the matters in which licensee may be employed.

(4) If such licensee has knowingly and wrongfully divulged any confidential information which he may have acquired from or for his client to any person other than his client or other person authorized to receive such information and if such licensee has knowingly permitted or instructed any employee wrongfully to divulge any confidential information acquired from or for his client, in the event such employee or operative shall actually make such false report or wrongfully divulge such confidential information.

(5) If such licensee has knowingly and wilfully sworn falsely in any judicial proceeding or suborned purjury therein, upon conviction of such licensee of such offense.

(6) If such licensee, during the period of his employment by the client, shall accept money or gratuities from any person whose affairs he may have been employed by such client to investigate.

(b) In the event any member of a firm or any officer or authorized local agent of a corporation holding a license issued pursuant to this chapter has done any of the things set forth in the foregoing provisions of this section, then the city council may revoke the license of such partnership, firm, company, or corporation. (Ord. 4039)

SEC. 38-24. DIVULGING OF CERTAIN INFORMATION PROHIBITED.

Any person who is or has been an employee or holder of a license shall not divulge to anyone other than his employer or as his employer may direct, except as he may be required by law, any information acquired by him during such employment in respect to any of the work to which he shall have been assigned by such employer. Any such employee violating the provisions of this section and any such employee who shall wilfully make a false report to his employer in respect to any such work shall be guilty of a misdemeanor. The employer of any employee believed to have violated this section shall, without any liability whatsoever upon such employer, supply the chief of police or such person as the chief of police may designate all the known facts and circumstances in connection with such employee's transactions, performance or action believed to be in violation of this article and the chief of police or his authorized representative shall, should the facts and circumstances be deemed to warrant, conduct further investigation and submit the evidence thus acquired in the support of charges filed against such employee. (Ord. 4039)

SEC. 38-25. CERTAIN PERSONS EXEMPTED FROM PROVISIONS OF CHAPTER.

Nothing in this chapter shall apply to the following persons:

(a) Any officer belonging to the police force of the United States, this state or any county, city, town or other municipal corporation appointed or selected by due authority of law insofar as their activities are concerned.

(b) Any private special police officer, private guard or private patrol as provided for elsewhere in this code.

(c) Any person engaged exclusively in the insurance business.

(d) Any attorney or counselor at law in the legal practice of their profession, but such exemption shall not inure to the benefit of any employee or representative of such attorney or counselor at law who is not employed solely, exclusively and regularly by such attorney or counselor at law.

(e) Any person or any bureau or agency whose business is exclusively the furnishing of information as to the business and financial standing and credit responsibility of persons or as to personal habits and financial responsibility of applicants for insurance, indemnity bonds or commercial credit or of claimants under insurance policies. (Ord. 4039)

CHAPTER 38

RESERVED

(Repealed by Ord. No. 33224)

Reserved

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CHAPTER 39

RAILROADS

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ARTICLE I.

PURPOSE, DEFINITIONS.

SEC. 39-1. PURPOSE.

The regulations in this chapter have been established to promote the health, safety, and general welfare of the citizens of the city by providing for the reasonable and safe operation of all railroad traffic operating within the city. (Ord. 18100)

SEC. 39-2. DEFINITIONS.

In this chapter, unless the context requires otherwise:

(1) AREA means the American Railway Engineering Association.

(2) CITY means the city of Dallas.

(3) COMMITTEE means the citizen's safety advisory committee.

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

(5) DIRECTOR means the director of the department and any authorized representative of the director.

(6) FRA means the Federal Railroad Administration.

(7) HAZARDOUS MATERIAL means "hazardous material," "hazardous substance," or "hazardous waste" as defined in Section 171.8, Part 171, Subchapter C, Chapter 1, Subtitle B, Title 49, Code of Federal Regulations.

(8) LOCAL means residing or situated within the city.

(9) LOOSE MATERIAL means dirt, sand, gravel, or other material that is capable of blowing or spilling from a railroad car as a result of movement or exposure to air, wind currents or weather.

(10) MAIN RAILROAD LINE means the following railroad lines. Any other railroad line within the city is considered a switch or spur line.

(A) Main Lines of the Atchison, Topeka and Santa Fe Railroad ("SF").

(i) Line SF1 is directionally described as follows: From the south city limits near its intersection with Red Bird Lane northward to Ledbetter Drive to Loop 12 (Walton Walker Boulevard), then northeasterly to Cockrell Hill Road, Westmoreland Road, Hampton Road, Tyler Street, then easterly to Zang Boulevard, then northeasterly to Marsalis Avenue, Corinth Street and the Trinity River, to Lamar Street, to South Central Expressway to the east Dallas yards at Good-Latimer Expressway.

(ii) Line SF2 is directionally described as follows: From the east Dallas yards at Good-Latimer Expressway northeasterly to Haskell Avenue, Peak Street, Munger Boulevard, Beacon Street, West Shore Drive, then southeasterly to East Grand Avenue to the Southern Pacific Railroad Belt Line to White Rock Creek, then northeasterly to Highland Road, Lakeland Drive, Peavy Road, Barnes Bridge Road, to the Garland city limits near IH 635.

(iii) Line SF3 is directionally described as follows: Northwesterly from Line 2 north of Northwest Highway to the Garland city limits at IH 635, then northwestward from the Garland city limits at Jupiter Road to Kingsley Road, Plano Road, then northerly to Miller Road, Skillman Street, Walnut Street, to the north city limits at Buckingham Road, then westerly from the Plano city limits being approximately 2680 feet east of Preston Road near Coit Road to 1250 feet west of Preston Road to Dallas Parkway to the west city limits near Midway Road.

(B) Main Lines of the former Chicago, Rock Island and Pacific Railroad ("RI").

(i) Line RI1 is directionally described as follows: From near Corinth Street northwestward to Union Station, Continental Avenue, Oak Lawn Avenue, Industrial Boulevard to Motor Street, to Inwood Road, Mockingbird Lane, then westward to the city limits at the Trinity River.

(C) Main Lines of the Missouri-Kansas-Texas Railroad ("MKT").

(i) Line MKT1 is directionally described as follows: From the south city limits near Wintergreen Road northward to Cleveland Road, IH 635, Simpson Stuart Road, Ledbetter Drive (Loop 12), Illinois Avenue, Overton Road, Sargent Road, Martin Luther King Boulevard, Corinth Street to Union Station.

(ii) Line MKT2 is directionally described as follows: From Union Station northward and northwestward to Continental Avenue, Oak Lawn Avenue, crossing Harry Hines Boulevard, to Lucas Drive, Amelia Street, Maple Avenue, Inwood Road, Mockingbird Lane, Shorecrest Drive, Webb Chapel Extension, Northwest Highway (Loop 12), Walnut Hill Lane, Royal Lane, Forest Lane, IH 635, to the north city limits, 0.5 miles north of IH 635.

(iii) Line MKT3 is directionally described as follows: From Line 2 near Harry Hines Boulevard and McKinnon Street northeasterly to Maple Avenue, Lemmon Avenue, Fitzhugh Avenue, Knox Street, Mockingbird Lane, Abrams Road, Northwest Highway (Loop 12), then northward to White Rock Creek, Kingsley Road, Miller Road, then northeasterly to Audelia Road, IH 635, Plano Road to the east city limits east of Plano Road.

(D) Main Lines of the Missouri Pacific Railroad ("MP").

(i) Line MP1 is directionally described as follows: From the west city limits southwest of the intersection of IH 30 and Loop 12 easterly to Chalk Hill Road, Westmoreland Road, Hampton Road, Sylvan Avenue to the Trinity River to Union Station.

(ii) Line MP2 is directionally described as follows: From the Missouri Pacific Junction with the Southern Pacific Railroad Belt Line east of Hatcher Street easterly to Military Parkway, Jim Miller Road, Buckner Boulevard, Prairie Creek Road, to the east city limits near Sam Houston Road.

(E) Main Lines of the St. Louis-San Francisco Railroad ("FR").

(i) Line FR1 is directionally described as follows: From the west city limits at the Trinity River Elm Fork northward to California Crossing, Northwest Highway (Spur 348), Royal Lane, IH 635, to the north city limits, 0.25 miles north of IH 635.

(F) Main Lines of the St. Louis Southwestern Railroad ("SL").

(i) Line SL1 is directionally described as follows: From the west city limits at Dallas Parkway northeasterly to Preston Road, Campbell Road, Hillcrest Road, Coit Road to the east city limits, 0.75 miles east of Coit Road.

(G) Main Lines of the Southern Pacific Railroad ("SP").

(i) Line SP1 is directionally described as follows: From the south city limits south of Kleberg Road northwestward to South Belt Line Road, Jordan Valley Road, IH 635, Haymarket Road, St. Augustine Road, US 175, Buckner Boulevard (Loop 12), Jim Miller Road, Lake June Road, then northerly to Bruton Road, then westward to Lawnview Avenue, to the Southern Pacific Railroad Belt Line (SP3) east of Hatcher Street.

(ii) Line SP2 is directionally described as follows: From the south city limits at IH 635 northward to McCommas Bluff Road, Simpson Stuart Road, Ledbetter Drive (Loop 12), Linfield Road, the Trinity River to the Southern Pacific Railroad Belt Line (SP3) at Municipal Street.

(iii) Line SP3 is directionally described as follows: Southern Pacific Railroad Belt Line from Union Station southward to Corinth Street to Martin Luther King Boulevard, IH 45, Lamar Street, then northward to Municipal Street, US 175, Macon Street, Second Avenue, Scyene Road (SH 352), the Missouri Pacific Junction, Military Parkway, IH 30, the Santa Fe Railroad, East Grand Avenue, Mockingbird Lane, the MKT Railroad, Northwest Highway (Loop 12), Abrams Road, Skillman Street, Park Lane, Walnut Hill Lane, Greenville Avenue, White Rock Creek, Forest Lane, IH 635, Restland Road, to the north city limits south of Spring Valley Road.

(11) PERSON means an individual, firm, partnership, association, corporation, or other legal entity.

(12) RAILROAD COMPANY means a person owning or operating trains on a railroad line within the city.

(13) SLOW ORDER means a written or verbal instruction to a railroad company from the FRA, the city or the railroad company itself requiring the railroad company to reduce the speed of its trains on the portion of track referred to in the order because of conditions adversely affecting the safe operation of railroad traffic on that track.

(14) SWITCH OR SPUR RAILROAD LINE means any railroad line within the city, not designated as a main railroad line.

(15) TRAIN means any of the following:

(A) Any number of railroad engines, cars, or service vehicles operated as a unit.

(B) Railroad engines operated singly.

(C) Self-powered railroad cars.

(16) SHIFTABLE LOAD MATERIAL means brick, lumber, pipes, or other material capable of shifting within or falling from a railroad car as a result of the movement of the railroad car or the failure of load securing devices. (Ord. Nos. 18100; 22026)

ARTICLE II.

ENFORCEMENT, DECISION MAKING, REPORTING DUTIES.

SEC. 39-3. ENFORCEMENT.

(a) Enforcement authority. The provisions of this chapter shall be administered and enforced by the director. For this purpose, the director shall have police power necessary to secure compliance with the provisions of this chapter.

(b) Designation of local railroad company official. Each railroad company shall designate a local official who is an employee of the railroad company to be available for notification by the director. This designation shall be in writing to the director and shall include the information necessary to enable the director to contact the designated official in emergencies. The designated official shall be available at all times.

(c) Notification of violations by the director. The director shall notify, in writing, the FRA and the responsible railroad company of any violation of the provisions of this chapter. This written notification shall list all particulars of the alleged violation with sufficient detail to enable the United States Attorney General to seek prosecution under federal regulations.

(d) Penalty for violation. Upon conviction, a person who violates a provision of this chapter is punishable by a fine not to exceed $500. A person who violates a provision of this chapter is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted.

(e) Repeat violations. Whenever three or more violations are committed in any calendar year by the same railroad company, the director shall notify, in writing, the chairman of the committee and the responsible railroad company.

(f) Exception. This chapter does not apply to a public transportation authority chartered by the state or to any railroad tracks owned or operated by a public transportation authority chartered by the state. (Ord. Nos. 18100; 19963)

SEC. 39-4. THE SUBCOMMITTEE.

(a) Creation of the railroad subcommittee. The chair of the committee is authorized to form a railroad subcommittee to provide better communication between the railroad companies and the city. If formed, the committee chair is authorized to appoint

a representative from each railroad company and from the police department, fire-rescue department, and department of transportation and public works of the city to serve as ex officio members of the subcommittee.

(b) Powers and duties of the subcommittee. The subcommittee has the following powers and duties:

(1) To review railroad operations for public safety.

(2) To recommend revisions to this chapter relating to the safety of rail operations. (Ord. Nos. 18100; 22026; 28424; 30239; 30654; 32864)

SEC. 39-5. REPORTING DUTIES AND REQUESTS FOR CITY ACTION.

(a) Reports to the director. Beginning January 1984, each railroad company shall furnish to the director complete operating and engineering data as specified by the director, including, but not limited to, the following information:

(1) main lines in operation;

(2) spurs being served;

(3) a copy of the latest FRA inspection report for each main line;

(4) a copy of the latest United States Department of Transportation's AAR crossing inventory form for each grade crossing;

(5) an outline of any major maintenance or rehabilitation projects undertaken;

(6) the number of through trains each day of the week and their average speed and length for each main line;

(7) the number of switch moves each day of the week and their average speed and length for each main line and each spur line;

(8) the approximate time of day reference for each train;

(9) hazardous materials movements and procedures;

(10) new crossing protection or grade separations.

(b) Supplemental reports. Every January and July after the filing of its initial report, each railroad company shall furnish to the director changes in any data required to be furnished in the initial report under Subsection (a).

(c) Accident reports. Each railroad company shall furnish to the director a copy of the FRA accident report within 72 hours of any accident involving track conditions, hazardous materials, or a motor vehicle collision with a train.

(d) Slow orders. Each railroad company shall notify the director within 48 hours of the imposition of any slow orders issued by the FRA if the slow orders are related to track or structure conditions.

(e) Requests for city action.

(1) A railroad company may request the director to bring proposed revisions to this chapter before the city council. These requests may include the following topics:

(A) rail operations;

(B) closure of hazardous or little-used grade crossings;

(C) speed limits; or

(D) any other matter requiring city action for the railroad company to conduct its business.

(2) The director shall forward all requests to the committee for review and recommendation. The

director shall forward requests to the city council within 90 days of receipt, whether or not the committee has acted on the request. (Ord. 18100)

ARTICLE III.

GENERAL REGULATIONS.

SEC. 39-6. TRANSPORTING HAZARDOUS MATERIALS AND SHIFTABLE LOAD MATERIALS.

(a) Transporting hazardous materials. A railroad company commits an offense if it transports hazardous materials over:

(1) any railroad spur track in the city which does not meet at least FRA class 1 standards; or

(2) any railroad main line track in the city which does not meet at least FRA class 2 standards.

For purposes of this subsection, a temporary slow order does not change track classification.

(b) Transporting both hazardous materials and shiftable load materials. A railroad company transporting both hazardous materials and shiftable load materials on one train commits an offense if it fails to separate each railroad car transporting hazardous materials from each railroad car transporting shiftable load materials in compliance with FRA standards. (Ord. 18100)

SEC. 39-7. TRANSPORTING LOOSE MATERIALS.

A railroad company transporting loose materials commits an offense if it fails to transport the loose materials in a manner which prevents the escape of any part of the load due to blowing or spilling. (Ord. 18100)

SEC. 39-8. OPERATING RAILROAD CARS WITHOUT ENGINES.

(a) A person commits an offense if he operates a railroad car without an engine across or along any public street or highway within the city.

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

(1) the railroad car is self-powered and is equipped with FRA standard signalling and lighting devices for warning of the railroad car's approach; or

(2) a flagman is present at each traffic approach. (Ord. 18100)

SEC. 39-9. RINGING BELL.

(a) A person commits an offense if he operates a train within the city and fails to sound the train's bell or audible warning device:

(1) before starting the train; or

(2) upon approaching any street crossing within the city.

(b) It is a defense to prosecution under Subsection (a) of this section if the train's movements are within railroad yards. (Ord. 18100)

SEC. 39-10. SOUNDING WHISTLE OR HORN.

A person commits an offense if he operates a train within the city and fails to sound the train's whistle or horn at least 1320 feet from any public street or highway before crossing the street or highway. (Ord. 18100)

SEC. 39-11. JUMPING OFF OR CLINGING TO TRAINS.

A person commits an offense if he jumps off or clings to a train while the train is in motion. It is a defense to prosecution under this section if the person is a paying train passenger or an employee or official of the railroad company operating or owning the train. (Ord. 18100)

SEC. 39-12. RUNNING SWITCHES.

(a) Definition. RUNNING SWITCH, in this section, means the method of changing railroad cars from one track to another track in the process of making or unmaking trains. This method involves bringing the railroad cars to a certain grade, detaching the cars from the railroad engine, and allowing the cars to run to other cars or places on a different track without the control of a brake, a brakeman, an engine, an engineer, or any other person. The term "running switch" is also referred to as "kicking cars."

(b) Running switches. A person commits an offense if he makes a "running switch" across or along any public street or highway within the city.

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

(1) a flagman is present at each traffic approach; or

(2) any crossing at which a "running switch" is made is equipped with automatic gates. (Ord. 18100)

SEC. 39-13. RIGHT-OF-WAY FENCING.

A railroad company commits an offense if it fences its right-of-way within the city:

(1) with barbed wire that begins less than seven feet above the ground; or

(2) in such a manner that the fencing obstructs a public street or highway extending to or across the right-of-way. (Ord. 18100)

SEC. 39-14. BLOCKING OF STREETS.

If a city street crossing has been obstructed by a train for more than five consecutive minutes, the railroad company owning or operating the train commits an offense if it allows its trains to again cross the city street within the next five consecutive minutes or before waiting traffic has cleared the crossing, whichever occurs first. (Ord. 18100)

SEC. 39-15. TAXICABS AND BUSES - USE OF DESIGNATED PARKING PLACES.

(a) Taxicabs. While waiting for employment at any railroad depot in the city, a driver of a taxicab commits an offense if he stops in a parking place not designated by the director for use by taxicabs.

(b) Buses. While waiting for employment at any railroad depot in the city, a driver of a bus commits an offense if he stops in a parking place not designated by the director for use by buses. (Ord. 18100)

ARTICLE IV.

MAINTENANCE AND CONSTRUCTION STANDARDS.

SEC. 39-16. ADOPTION OF FRA TRACK SAFETY STANDARDS.

(a) Sections 213.1 through 213.241, excluding Section 213.9(a), of Part 213, Chapter II, Subtitle B, Title 49, Code of Federal Regulations, providing Federal Railroad Administration track safety standards, are incorporated into this chapter.

(b) A reference in this chapter to an FRA standard refers to a track safety standard in the federal regulations listed in Subsection (a) of this section.

(c) The director shall keep a copy of the federal regulations in the director's permanent files. The federal regulations shall be available for public inspection.

(d) If a provision in the federal regulations listed in Subsection (a) of this section conflicts with a provision in this chapter, the federal regulation provision prevails. (Ord. 18100)

SEC. 39-17. RAILROAD TRACKS.

A railroad company shall maintain its railroad tracks within the city in accordance with FRA standards. (Ord. 18100)

SEC. 39-18. ADOPTION OF THE 1980 AREA MANUAL FOR RAILWAY ENGINEERING.

(a) Chapter 9 of the 1980 AREA Manual for Railway Engineering is incorporated into this chapter. A reference in this chapter to an AREA standard refers to a standard in the manual.

(b) The director shall keep a copy of the manual in the director's permanent files. The manual shall be available for public inspection.

(c) If a provision in the manual conflicts with a provision in this chapter, the chapter provision prevails. (Ord. 18100)

SEC. 39-19. GRADE CROSSINGS.

(a) Standards. A railroad company shall maintain its city grade street crossings, signs, signals, automatic gates, and floodlighting in accordance with AREA standards.

(b) Minimum crossing standards. A railroad company shall insure that its railroad tracks crossing city streets meet at least FRA class 1 standards. (Ord. 18100)

SEC. 39-20. STANDARDS FOR FRA CLASS 5 TRACK, FRA CLASS 6 TRACK, AND SPECIAL CLASS TRACK.

(a) Definitions. In this section:

(1) SPECIAL CLASS TRACK means track verified by the director, as described in Article V of this chapter, for the operation of trains at unlimited speeds greater than 110 miles per hour.

(2) The following terms have the meanings given them by the federal regulations adopted in Section 39-16 of this chapter:

(A) FRA CLASS 5 TRACK; and

(B) FRA CLASS 6 TRACK.

(b) Standards. A railroad company shall construct, improve and maintain its FRA class 5, FRA class 6, and special class track in accordance with standards recommended by the director and approved by the city council for each individual line.

(c) Procedure.

(1) Railroad company's submission. Before constructing or improving any track to qualify as FRA class 5, FRA class 6, or special class track, a railroad company shall submit to the director all plans and specifications for the proposed construction or improvements.

(2) Director's recommendation.

(A) After 90 days from receipt of the railroad company's plans and specifications, the director shall recommend to the city council whether

or not the plans and specifications are sufficient to merit the higher speed limits designated by Section 39-27(b)(2) to correspond to FRA class 5, FRA class 6, and special class track.

(B) The director shall notify the railroad company of his recommendation at least 30 days before council action. The director's notification shall be in writing and sent by certified mail, return receipt requested.

(3) Public hearing.

(A) The city council shall hold a public hearing to consider the railroad company's plans and specifications. Notice shall be published once in the official newspaper of the city 10 days before the hearing.

(B) After the public hearing, the city council may accept or reject the railroad company's plans and specifications. (Ord. 18100)

ARTICLE V.

VERIFICATION OF TRACK CLASS FOR SPEED LIMITS.

SEC. 39-21. VERIFICATION PROCEDURE.

(a) Upon request by a railroad company for verification of its track, the department shall prepare an on-site survey of the railroad company's operational track within the city. The survey may be based upon:

(1) engineering data previously furnished to the director by the railroad company as described in Section 39-5(a); and

(2) the department's independent investigation of any crossing conditions and operations relevant to a speed limit determination.

(b) Based upon the department's survey, the director shall verify the railroad company's operational track within the city by confirming the track to be:

(1) FRA class 1 track;

(2) FRA class 2 track;

(3) FRA class 3 track;

(4) FRA class 4 track;

(5) FRA class 5 track;

(6) FRA class 6 track; or

(7) special class track.

(Ord. 18100)

SEC. 39-22. NOTIFICATION OF RAILROAD COMPANY.

Within five days of verification, the director shall notify the railroad company of the speed limit authorized for that railroad company's track. The director's notification shall be in writing and sent by certified mail, return receipt requested. (Ord. 18100)

SEC. 39-23. POSTING OF SPEED LIMIT SIGNS.

(a) In general. Within 30 days of verification, the railroad company shall certify to the director that the new speed limit has been posted in accordance with FRA standards.

(b) Motorist warning signs. To warn city motorists of train operating speeds in excess of 40 miles per hour, the director shall cause to be posted at the railroad company's expense a "Fast Trains" sign at each traffic approach to a grade crossing. The "Fast

Trains" sign shall be posted no closer than 200 feet from the crossing, preferably below and on the same post holding a standard round warning sign prescribed by the "Manual and Specifications" approved by the State Highway Commission and described in Section 28-27 of Chapter 28 of this code. The "Fast Trains" sign shall not be posted farther from the crossing than the standard round warning sign. (Ord. 18100)

SEC. 39-24. APPEAL OF DIRECTOR'S ACTION.

Within 10 days after receiving notice of verification, the railroad company may file a written appeal of the director's action with the city manager. In support of its appeal, the railroad company may submit engineering data and accident reports for the tracks concerned. The city manager shall, within 10 days after the appeal is filed, consider all the evidence in support of or against the action appealed, and render a decision either sustaining or reversing the action. If the city manager sustains the action, the railroad company may within 10 days of that decision file a written appeal with the city secretary to the city council setting forth specific grounds for the appeal. Within 30 days the city council shall hear the appeal. The city council may affirm, modify, or reverse the action appealed. Until a final determination is made by the city council, the speed limit before or after verification, whichever is lower, shall be in effect. The decision of the city council is final. (Ord. 18100)

SEC. 39-25. INTERIM SPEEDS.

For 90 days following verification, the interim speed limits provided in Section 39-27(b) of this chapter shall be in effect to allow for motorist and resident familiarization and review by the director of the appropriateness of the track class verification and corresponding speed limit. Unless the director requests reconsideration of the track class verification, the permanent speed limits provided in Section 39-27(b) shall take effect at the end of 90 days if all signs have been posted in accordance with Section 39-23. (Ord. 18100)

ARTICLE VI.

MAXIMUM SPEED LIMITS.

SEC. 39-26. WITHOUT VERIFICATION.

(a) In general. A railroad company that has not obtained verification of its track class under Article V of this chapter commits an offense if it operates a train on:

(1) a main line track at a speed greater than 25 miles per hour;

(2) a spur or switch track crossing a public street within the city at a speed greater than 10 miles per hour if the crossing is not protected by automatic gates; or

(3) a spur or switch track crossing a public street within the city at a speed greater than 25 miles per hour if the crossing is protected by automatic gates or is grade separated.

(b) Track crossings not protected by automatic gates - when visibility is impaired.

(1) Director's recommendation.

(A) If the director determines that traffic visibility is inadequate from any public street crossed by a track not protected by automatic gates, the director shall recommend to the city council a speed limit less than 25 miles per hour for trains using that track crossing.

(B) The director's speed limit recommendation to the city council shall include a recommended distance from the track crossing within

which the railroad company shall observe the lower speed limit.

(C) The director shall notify the railroad company of his recommendation at least 30 days before council action. The director's notification shall be in writing and sent by certified mail, return receipt requested.

(2) Public hearing.

(A) If the city council determines that the proposed speed limit reduction does not warrant a public hearing, the city council may approve the speed limit by a majority vote.

(B) If the city council determines that the proposed speed limit reduction requires a public hearing, the director shall send written notice of a public hearing on the proposed speed limit reduction to all railroad companies owning or operating trains on the track crossing under consideration and to all owners of real property lying within 200 feet of the track crossing under consideration. The measurement of 200 feet includes streets and alleys.

(C) The written notice must be given not less than 10 days before the date set for the hearing by depositing the notice in the United States mail, properly addressed to:

(i) the railroad companies as evidenced by the director's list of designated local railroad company officials; and

(ii) the property owners as evidenced by the last approved city tax roll.

(D) After a public hearing, the city council may approve the speed limit reduction by a majority vote.

(3) Notification of railroad company. Within five days of council action, the director shall notify the railroad company of the speed limit authorized for that railroad company's track crossing. The director's notification shall be in writing and sent by certified mail, return receipt requested. (Ord. 18100)

SEC. 39-27. WITH VERIFICATION.

(a) In general. If a railroad company has obtained verification of its track class under Article V of this chapter, the railroad company shall not operate a train on a track at a speed greater than the speed applicable to that specific track class as described in Subsection (b) of this section.

(b) Criteria and corresponding train speeds.

(1) Definitions. In this section:

(A) INTERIM SPEEDS means those speed limits in effect for 90 days after authorization of a permanent speed limit. See Section 39-25.

(B) MAXIMUM SPEEDS means those speed limits set forth in this subsection, except as provided by FRA regulations. See Section 39-16; see Title 49, Code of Federal Regulations, Part 213 (1982), Sections 213.9(b) and (c), 213.57(b), 213.59(a), 213.105, 213.113(a) and (b), and 213.137(b) and (c).

(C) NOISE LEVEL means the average sound pressure level measured in accordance with the requirements of Part 201, Subchapter G, Chapter 1, Title 40, Code of Federal Regulations, providing noise emission standards for transportation equipment.

(D) SPECIAL CLASS TRACK is defined in Section 39-20(a).

(2) Schedule of criteria and corresponding train speeds.

TRACK CLASS	ROAD CROSSING PROTECTION	RIGHT-OF-WAY FENCING	NOISE LEVEL	TRAIN SPEEDS (MILES PER HOUR)				
				HAZARDOUS MATERIALS	FREIGHT		PASSENGER	
					INTERIM	MAXIMUM	INTERIM	MAXIMUM
F.R.A. CLASS 1	Signing and striping according to state law	None	90 dbA	See Section 39-6(a)(1)	10	10	15	15
F.R.A. CLASS 2	Flashing lights	None	90 dbA	10	25	25	25	25
F.R.A. CLASS 3	Gates or grade separation	NOTE 1	90 dbA	25	30	40	40	50
F.R.A. CLASS 4	Gates	NOTE 1	90 dbA	40	35	50	40	60
	Grade separation				40	60	50	80
F.R.A. CLASS 5	Gates	NOTE 2	90 dbA	50	40	60	50	70
	Grade separation				50	80	60	90
F.R.A. CLASS 6	Gates	NOTE 2	90 dbA	60	50	80	60	90
	Grade separation				70	110	80	110
Special Class	Grade separation	NOTE 2	90 dbA	80	No Limit	No Limit	No Limit	No Limit

Note 1 - At least 4 foot fencing within 200 feet of existing residential development, parks, schools, churches or other high pedestrian traffic locations as ordered by the director, except where natural terrain features provide an equivalent barrier.
Note 2 - At least 6 foot fencing providing protection against access by the public to the right-of-way at all locations

(c) FRA class 1 and class 2 track crossings - when visibility is impaired.

(1) Director's recommendation.

(A) If the director determines that traffic visibility is inadequate from any public street crossed by a FRA class 1 or class 2 track, the director may recommend to the city council a speed limit lower than the speed limit applicable to that specific track class provided in Section 39-27(b).

(B) The director's speed limit recommendation shall include a recommended distance from the track crossing within which the railroad company shall observe the lower speed limit.

(C) The director shall notify the railroad company of his recommendation at least 30 days before council action. The director's notification shall be in writing and sent by certified mail, return receipt requested.

(2) Public hearing.

(A) If the city council determines that the proposed speed limit reduction does not warrant a public hearing, the city council may approve the speed limit by a majority vote.

(B) If the city council determines that the proposed speed limit reduction requires a public hearing, the director shall send written notice of a public hearing on the proposed speed limit reduction to all railroad companies owning or operating trains on the track crossing under consideration and to all owners of real property lying within 200 feet of the track crossing under consideration. The measurement of 200 feet includes streets and alleys.

(C) The written notice must be given not less than 10 days before the date set for the hearing by depositing the notice in the United States mail properly addressed to:

(i) the railroad companies as evidenced by the director's list of designated local railroad company officials; and

(ii) the property owners as evidenced by the last approved city tax roll.

(D) After a public hearing, the city council may approve the speed limit reduction by a majority vote.

(3) Notification of railroad company. Within five days of council action, the director shall notify the railroad company of the speed limit authorized for that railroad company's track crossing. The director's notification shall be in writing and sent by certified mail, return receipt requested. (Ord. 18100)

SEC. 39-28. TRAIN OPERATION IN REVERSE.

A person commits an offense if he operates a train in reverse across any public street within the city at a speed greater than 10 miles per hour. It is a defense to prosecution under this section if lookout and signalling (bell, whistle and lights) are provided in the lead car in compliance with FRA standards. (Ord. 18100)

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CHAPTER 39

RESERVED

(Repealed by Ord. No. 33224)

Reserved

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CHAPTER 40A

RETIREMENT

Sec. 40A-1. Definitions.
Sec. 40A-2. Creation of the retirement fund and board of trustees; composition and officers of the board.
Sec. 40A-3. Terms and remuneration of the board.
Sec. 40A-4. Powers, duties, and immunities of the board.
Sec. 40A-4.1. Investment managers; fiduciary duties.
Sec. 40A-4.2. Investment custody account.
Sec. 40A-5. Administrator of the retirement fund.
Sec. 40A-6. Employee contributions.
Sec. 40A-7. City contributions.
Sec. 40A-7.1. Modification of contribution rates.
Sec. 40A-8. Effect of membership in the retirement fund.
Sec. 40A-9. Actuarial assumptions.
Sec. 40A-10. Credited service; computation of benefits.
Sec. 40A-10.1. Restricted prior service credit.
Sec. 40A-11. Credited service for employment before a break in service.
Sec. 40A-12. Credited service for military active duty.
Sec. 40A-13. Credited service for leave of absence.
Sec. 40A-14. Reduction in force.
Sec. 40A-15. Retirement.
Sec. 40A-16. Retirement pension.
Sec. 40A-17. Disability retirement.
Sec. 40A-18. Disability retirement pension.
Sec. 40A-19. Termination of a disability retirement pension.
Sec. 40A-20. Re-employment of a retiree.
Sec. 40A-20.1. Selection of a designee.
Sec. 40A-21. Death benefits before retirement.
Sec. 40A-22. Selection of death benefits prior to retirement.
Sec. 40A-23. Death benefits after retirement.
Sec. 40A-24. Death benefits to minors.
Sec. 40A-25. Benefits to incompetent retirees or beneficiaries.
Sec. 40A-26. Direct rollover.
Sec. 40A-27. Health benefit supplements.
Sec. 40A-28. Cost-of-living adjustment to benefits.
Sec. 40A-29. Termination of city employment prior to retirement; benefits.
Sec. 40A-30. Refund or forfeiture of contributions.
Sec. 40A-31. Leave of absence.
Sec. 40A-32. Leave for military active duty.
Sec. 40A-33. Compliance with federal tax laws.
Sec. 40A-34. Nonalienation and nonreduction of benefits.
Sec. 40A-35. Amendment to this chapter.

SEC. 40A-1. DEFINITIONS.

~~In this chapter, unless the context clearly indicates otherwise:~~

~~(1) ACTUARIAL EQUIVALENT means the equivalent in value on the basis of the actuarial factors recommended by the fund's actuary and adopted by the board.~~

~~(2) ACTUARIAL VALUATION REPORT means the report issued by the fund's actuary and adopted by the board for any relevant period. The board shall provide a copy of each actuarial valuation report to the city promptly after adoption.~~

~~(3) ACTUARIALLY REQUIRED CONTRIBUTION RATE means, for any fiscal year, a rate of contribution to the fund, expressed as a percentage of members' projected wages for such fiscal year, that is the sum of the following as determined in the actuarial valuation report for the preceding plan year:~~

~~(A) the actuarial present value of the pension plan benefits and expenses that are allocated to a valuation period by the actuarial cost method; and~~

~~(B) the contribution that will amortize the difference between the actuarial accrued liability of the fund and the actuarial value of the assets of the fund over the period of years required by generally accepted accounting principles.~~

(4) ACTUARY means a person with at least five years of experience as an actuary working with one or more public retirement systems; and is a fellow of the Society of Actuaries, a member of the American Academy of Actuaries, or an enrolled actuary under the Employees Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.).

(5) AVERAGE MONTHLY EARNINGS means wages paid by the city, divided by the number of months of credited service of a member or inactive member, computed for whichever of the following periods is most beneficial to the member or inactive member:

(A) For Tier A members or inactive members, the:

(i) three calendar years of credited service in which the member or inactive member was paid the highest wage;

(ii) last 6,240 hours of credited service; or

(iii) length of credited service if less than three years.

(B) For Tier B members or inactive members, the:

(i) five calendar years of credited service in which the member or inactive member was paid the highest wage;

(ii) last 10,400 hours of credited service; or

(iii) length of credited service if less than five years.

(6) BASE PENSION means the amount of retirement pension or death benefits as computed under this chapter at the time of retirement or death of a member, inactive member, or retiree.

(7) BENEFICIARY means a person who is entitled to payment of benefits under this chapter upon the death of a member, inactive member, or retiree.

(8) BOARD means the board of trustees of the employees' retirement fund of the city of Dallas.

(9) CHILD means an unmarried person whose parent is a member, inactive member, or retiree.

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

(11) CITY COUNCIL means the governing body of the city of Dallas, Texas.

(12) COMMUTED VALUE means the present value of a series of payments to be made in the future, the present value to be calculated using the actuarial interest assumption prescribed in Section 40A-9 as the only discounting factor.

(13) CREDITED SERVICE means any period that a person is paid as an employee of the city and contributes to the fund.

(14) CURRENT ADJUSTED TOTAL OBLIGATION RATE means, for any fiscal year, the rate recommended by the fund's actuary and adopted by the board as follows, using whichever formula is applicable:

(A) If the current total obligation rate minus the prior adjusted total obligation rate is greater than three, then the current adjusted total obligation rate for such fiscal year is equal to the lesser of:

(i) the prior adjusted total obligation rate plus one-half times the difference of the current total obligation rate minus the prior adjusted total obligation rate; or

(ii) 110 percent times the prior adjusted total obligation rate; or

(iii) 36 percent.

(B) If the difference between the current total obligation rate and the prior adjusted total obligation rate is less than three, then the current adjusted total obligation rate for such fiscal year is equal to the prior adjusted total obligation rate.

(C) If the prior adjusted total obligation rate minus the current total obligation rate is greater than three, then the current adjusted total obligation rate for such fiscal year is equal to the greater of:

(i) the prior adjusted total obligation rate minus one-half times the difference of the prior adjusted total obligation rate minus the current total obligation rate; or

(ii) 90 percent times the prior adjusted total obligation rate.

(15) CURRENT TOTAL OBLIGATION RATE means, for any fiscal year, the rate adopted by the board that is equal to the sum of the pension obligation bond credit rate for such fiscal year plus the actuarially required contribution rate for such fiscal year.

(16) DEPENDENT PARENT means a member, inactive member, or retiree's parent who is:

(A) totally and permanently disabled and who receives over half of the support for each calendar year from the member, inactive member, or retiree; or

(B) 65 years of age or older.

(17) DESIGNEE means an estate, a person, or an entity selected by:

(A) a member or inactive member to receive a refund of contributions under Section 40A-21(b);

(B) a member, inactive member, or retiree to receive a commuted value lump sum payment under Section 40A-16(e) or 40A-21(c); or

(C) a member, inactive member, or retiree to receive the earned but unpaid portion of the final month's pension due under Section 40A-23(e).

(18) EMPLOYEE:

(A) means a person employed by the city on a permanent basis who receives regular compensation from the city; and

(B) does not mean:

(i) an elective officer or nonsalaried appointive member of an administrative board or commission;

(ii) a person retained under contract for a definite period or for the performance of a particular service;

(iii) a person given a temporary designation for the purpose of employment by the city;

(iv) a leased employee; or

(v) a police officer, firefighter, or fire alarm operator as those categories are defined in the classifications of the personnel department of the city.

(19) FISCAL YEAR means the city's fiscal year, which is the 12-month period commencing October 1 and ending the following September 30.

(20) INACTIVE MEMBER means a person:

(A) who has terminated employment with the city but who has not retired; and

(B) whose contributions to the fund have not been forfeited or withdrawn.

(21) INJURY means an accident resulting in damage or harm to the physical structure of the body.

(22) INTERNAL REVENUE CODE means the Internal Revenue Code of 1986, or its successor, as amended.

(23) LEASED EMPLOYEE means an individual who is not a common law employee of the city but who provides services to the city, if:

(A) such services are performed pursuant to an agreement between the city and another person;

(B) the individual has performed such services for the city or for the city and a related person or persons on a substantially full-time basis for at least one year; and

(C) such services are performed under the primary direction or control of the city.

(24) LEAVE OF ABSENCE means:

(A) leave without pay granted by the city in accordance with a uniform and nondiscriminatory leave policy; or

(B) leave during which a member receives worker's compensation benefits or short-term disability benefits.

(25) MEMBER means an employee who is currently contributing to the retirement fund or who is on an approved leave of absence, but does not include a person establishing credited service under Section 40A-14 after termination of employment because of reduction in force.

(26) NONSERVICE DISABILITY means total and permanent disability caused by injury, sickness, or disease while not in the performance of official city duties.

(27) PARENT has the meaning ascribed to that term in Section 51.02 of the Texas Family Code, as amended.

(28) PART-TIME EMPLOYEE means an employee classified as part-time by the city under Section 34-8(c) of this code, as amended.

(29) PENSION means an amount payable monthly to a person eligible to receive death or retirement benefits under the retirement fund.

(30) PENSION OBLIGATION BOND CREDIT RATE means, for any fiscal year, the rate adopted by the board that is a percentage calculated by dividing the:

(A) debt service due during such fiscal year on any pension obligation bonds, the proceeds of which have been deposited in the fund, by

(B) total members' projected wages for such fiscal year, as reported in the relevant actuarial valuation report.

(31) PENSION OBLIGATION BONDS means bonds described in Chapter 107 of the Texas Local Government Code (or any successor law that supersedes such chapter) and issued by the city.

(32) PERCENTAGE MULTIPLIER means the percentage by which the average monthly earnings of a member or inactive member is multiplied in order to compute benefits.

(33) PERMANENT BASIS means employment of an individual for an unfixed continuing period.

(34) PERSON means an individual.

(35) PLAN YEAR means the calendar year or other plan year adopted by the board.

(36) PRICE INDEX means the national Consumer Price Index of Urban Wage Earners and Clerical Workers (CPI-W) published by the Bureau of Labor Statistics of the U. S. Department of Labor, or its successor in function.

(37) PRIOR ADJUSTED TOTAL OBLIGATION RATE means, for any fiscal year, the current adjusted total obligation rate that was effective for the prior fiscal year.

(38) QUALIFIED RECIPIENT means:

(A) the spouse of a deceased member or inactive member at the time of death of the member or inactive member;

(B) the spouse of a deceased retiree, if the spouse was married to the retiree at the time of retirement and at the time of the retiree's death;

(C) each child of a deceased member, inactive member, or retiree under the age of 18, if the child was alive or had been conceived at the time of death of the member, inactive member, or retiree;

(D) each totally and permanently disabled child of a deceased member, inactive member, or retiree if the child was totally and permanently disabled before the age of 18; and

(E) a parent of a deceased member, inactive member, or retiree who was a dependent parent at the time of death of the member, inactive member, or retiree.

(39) RESTRICTED PRIOR SERVICE CREDIT means service credit for work as a permanent, full-time, paid employee of a government entity, agency, authority, or political subdivision of the United States or its states or territories, performed before employment or re-employment by the city.

(40) RETIREE means a person who was once a member but who has retired from city employment and is receiving a pension from the fund other than a death benefit.

(41) RETIREMENT means terminating city employment for a reason other than death and fulfilling all requirements for a pension under this chapter.

(42) RETIREMENT FUND or FUND means the employees' retirement fund of the city of Dallas and the program of benefits established under this chapter and any rule or regulation established by the board.

(43) SERVICE DEATH means the death of a member resulting from an injury sustained while in the performance of official city duties. A death resulting from an injury sustained while in the performance of official city duties does not include:

(A) a death caused by an act of God unless the member in the performance of official city duties was subjected to a greater hazard from an act of God than that to which the general public was subjected;

(B) a death caused by an act of a third person who causes the death of the member because of reasons personal to the third person and not for reasons of the member's employment;

(C) a death caused while the member was attempting to injure or kill another person;

(D) a suicide;

(E) a death while on leave of absence, unless the leave was granted solely because of an injury sustained in the performance of official city duties and the injury was the primary cause of death;

(F) a death while on leave for military active duty; or

(G) a death resulting from an injury in which a contributing factor was the member's ingestion of an alcoholic beverage or illegal ingestion, inhalation, or injection of a controlled substance.

(44) SERVICE DISABILITY means total and permanent disability caused by injury while in the performance of official city duties. An injury while in the performance of official city duties does not include:

(A) an injury caused by an act of God unless the member in the performance of official city duties was subjected to a greater hazard from an act of God than that to which the general public was subjected;

(B) an injury caused by an act of a third person who injures the member because of reasons personal to the third person and not for reasons of the member's employment;

(C) an injury in which a contributing factor was the member's ingestion of an alcoholic beverage or illegal ingestion, inhalation, or injection of a controlled substance;

(D) an injury caused while the member was attempting to injure or kill another person; or

(E) an injury that was self-inflicted.

(45) SPOUSE means the person to whom the member, inactive member, or retiree is married, as evidenced by the last marriage certificate or declaration of informal marriage on file with the retirement fund and verified by the administrator to be valid in the jurisdiction in which the marriage was celebrated.

(46) TIER A means:

(A) a person who was:

(i) employed by the city before January 1, 2017; or

(ii) re-employed or reinstated by the city on or after January 1, 2017, and whose credited service before January 1, 2017, has not been canceled by withdrawal or forfeiture; and

(B) a beneficiary or designee of that person.

(47) TIER B means:

(A) a person who was:

(i) employed by the city on or after January 1, 2017; or

(ii) re-employed or reinstated by the city on or after January 1, 2017, and whose prior credited service has been canceled by withdrawal or forfeiture; and

(B) a beneficiary or designee of that person.

(48) TOTAL AND PERMANENT DISABILITY means the continuing inability of a person to obtain and retain any type of employment for compensation as a result of a mental or physical impairment caused by an injury or illness. A person is not under a total or permanent disability if, with reasonable effort and safety to the person, the impairment can be diminished to the extent that the person will not be prevented by the impairment from obtaining and retaining any type of employment for compensation.

(49) TRANSITION YEAR means each of the following:

(A) the first fiscal year in which debt service payments related to pension obligation bonds are due from the city; and

(B) the first fiscal year in which no debt service payments related to pension obligation bonds are due from the city.

(50) VESTED means that a member or inactive member has accumulated sufficient credited service or age to have earned a nonforfeitable right to receive a pension benefit, payable in accordance with the terms of the plan.

(51) WAGE:

(A) means:

(i) wages of an employee as defined in Section 3401(a) of the Internal Revenue

~~Code for income tax withholding, including salary continuation payments made to an employee with a job-related injury or illness;~~

~~(ii) compensation that by special rule is excluded from Section 3401(a) of the Internal Revenue Code because of the nature or location of the services performed;~~

~~(iii) elective contributions to a plan of deferred compensation, including a plan established under Section 125, 401(k), or 457 of the Internal Revenue Code, and elective reductions in compensation for qualified transportation fringe benefits that are excluded from an employee's gross income by reason of Section 132(f)(4) of the Internal Revenue Code; and~~

~~(iv) any lump sum payment made at termination of employment for accrued vacation leave or prorated service incentive pay; and~~

~~(B) does not mean:~~

~~(i) expense reimbursements, expense allowances, car allowances, or moving expenses;~~

~~(ii) cash or noncash fringe benefits;~~

~~(iii) welfare benefits, including, but not limited to, health benefits or life insurance benefits;~~

~~(iv) deferred compensation, unless made under a plan described in Paragraph (A)(iii) of this subsection;~~

~~(v) any lump sum payment made at retirement for accrued sick leave or attendance incentive leave;~~

~~(vi) workers compensation benefits, short-term disability benefits, or catastrophic leave benefits; or~~

~~(vii) any compensation in excess of the limits imposed by Section 401(a)(17)(A), as adjusted in accordance with Section 401(a)(17)(B), of the Internal Revenue Code.~~

In this chapter, unless the context clearly indicates otherwise:

(1) ACTUARIAL EQUIVALENT means the equivalent in value on the basis of the actuarial factors recommended by the fund's actuary and adopted by the board.

(2) ACTUARIAL VALUATION REPORT means the report issued by the fund's actuary and adopted by the board for any relevant period. The board shall provide a copy of each actuarial valuation report to the city promptly after adoption.

(3) ACTUARIALLY DETERMINED CONTRIBUTION RATE means, for any fiscal year, a rate of contribution to the fund, expressed as a percentage of members' projected wages for such fiscal year, that is the sum of the following as determined in the actuarial valuation report for the preceding plan year:

(A) the normal cost and expenses that are allocated to a valuation period by the actuarial cost method; and

(B) the contribution that will amortize the difference between the actuarial accrued liability of the fund and the actuarial value of the assets of the fund over the period(s). For purposes of this paragraph, the unfunded actuarial accrued liability as of December 31, 2024, will be amortized over a closed amortization period of 30 years from December 31, 2024. In each future valuation, new amortization layers will be amortized over a closed amortization period that is the later of December 31, 2054 or 20 years. Each year's new amortization layer is the difference between the expected remaining balance of all previous years' layers and the actual unfunded actuarial accrued liability for the given valuation. If the actuarial assets of the fund exceed the actuarial liabilities for a given valuation, the outstanding layers may be collapsed into a single layer with a closed amortization period that is the later of December 31, 2054 or 20 years.

(4) ACTUARY means a person with at least five years of experience as an actuary working with one or more public retirement systems; and is a fellow of the Society of Actuaries, a member of the American

Academy of Actuaries, or an enrolled actuary under the Employees Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.).

(5) AVERAGE MONTHLY EARNINGS means wages paid by the city, divided by the number of months of credited service of a member or inactive member, computed for whichever of the following periods is most beneficial to the member or inactive member:

(A) For Tier A members or inactive members, the:

(i) three calendar years of credited service in which the member or inactive member was paid the highest wage;

(ii) last 6,240 hours of credited service; or

(iii) length of credited service if less than three years.

(B) For Tier B members or inactive members, the:

(i) five calendar years of credited service in which the member or inactive member was paid the highest wage;

(ii) last 10,400 hours of credited service; or

(iii) length of credited service if less than five years.

(6) BASE PENSION means the amount of retirement pension or death benefits as computed under this chapter at the time of retirement or death of a member, inactive member, or retiree.

(7) BENEFICIARY means a person who is entitled to payment of benefits under this chapter upon the death of a member, inactive member, or retiree.

(8) BOARD means the board of trustees of the employees' retirement fund of the city of Dallas.

(9) CHILD means an unmarried person whose parent is a member, inactive member, or retiree.

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

(11) CITY COUNCIL means the governing body of the city of Dallas, Texas.

(12) COMMUTED VALUE means the present value of a series of payments to be made in the future, the present value to be calculated using the actuarial interest assumption prescribed in Section 40A-9 as the only discounting factor.

(13) CREDITED SERVICE means any period that a person is paid as an employee of the city and contributes to the fund.

(14) CURRENT ADJUSTED TOTAL OBLIGATION RATE means, for any fiscal year, the rate recommended by the fund's actuary and adopted by the board as follows:

(A) During the applicable phase-in period:

(i) If the current total obligation rate exceeds the total contribution rate maximum, then the current adjusted total obligation rate for such fiscal year is equal to the total contribution rate maximum.

(ii) If the current total obligation rate is less than or equal to the total contribution rate maximum, then the current adjusted total obligation rate for such fiscal year is equal to the current total obligation rate.

(B) After the applicable phase-in period, the current adjusted total obligation rate for the fiscal year shall equal the current total obligation rate for such fiscal year. To determine the current adjusted total obligation rate, the applicable phase-in period means the five-year period beginning on October 1, 2025, and ending September 30, 2030.

(15) CURRENT TOTAL OBLIGATION RATE means, for any fiscal year in which a pension obligation bond credit rate is included, the contribution rate over the period adopted by the board that incorporates the pension obligation bond credit rate (if any) for such fiscal year and the actuarially determined contribution rate for such fiscal year, otherwise it will be equal to the actuarially determined contribution rate.

(16) DEPENDENT PARENT means a member, inactive member, or retiree's parent who is:

(A) totally and permanently disabled

and who receives over half of the support for each calendar year from the member, inactive member, or retiree; or

(B) 65 years of age or older.

(17) DESIGNEE means an estate, a person, or an entity selected by:

(A) a member or inactive member to receive a refund of contributions under Section 40A-21(b);

(B) a member, inactive member, or retiree to receive a commuted value lump sum payment under Section 40A-16(e) or 40A-21(c); or

(C) a member, inactive member, or retiree to receive the earned but unpaid portion of the final month's pension due under Section 40A-23(e).

(18) EMPLOYEE:

(A) means a person employed by the city on a permanent basis who receives regular compensation from the city; and

(B) does not mean:

(i) an elective officer or nonsalaried appointive member of an administrative board or commission;

(ii) a person retained under contract for a definite period or for the performance of a particular service;

(iii) a person given a temporary designation for the purpose of employment by the city;

(iv) a leased employee; or

(v) a police officer, firefighter, or fire alarm operator as those categories are defined in the classifications of the personnel department of the city.

(19) FISCAL YEAR means the city's fiscal year, which is the 12-month period commencing October 1 and ending the following September 30.

(20) INACTIVE MEMBER means a person:

(A) who has terminated employment with the city but who has not retired; and

(B) whose contributions to the fund have not been forfeited or withdrawn.

(21) INJURY means an accident resulting in damage or harm to the physical structure of the body.

(22) INTERNAL REVENUE CODE means the Internal Revenue Code of 1986, or its successor, as amended.

(23) LEASED EMPLOYEE means an individual who is not a common law employee of the city but who provides services to the city, if:

(A) such services are performed pursuant to an agreement between the city and another person;

(B) the individual has performed such services for the city or for the city and a related person or persons on a substantially full-time basis for at least one year; and

(C) such services are performed under the primary direction or control of the city.

(24) LEAVE OF ABSENCE means:

(A) leave without pay granted by the city in accordance with a uniform and nondiscriminatory leave policy; or

(B) leave during which a member receives worker's compensation benefits or short-term disability benefits.

(25) MEMBER means an employee who is currently contributing to the retirement fund or who is on an approved leave of absence, but does not include a person establishing credited service under Section 40A-14 after termination of employment because of reduction in force.

(26) NONSERVICE DISABILITY means total and permanent disability caused by injury, sickness, or disease while not in the performance of official city duties.

(26.1) NORMAL COST means the actuarial present value of the pension plan benefits that are allocated to a valuation period by the actuarial cost method.

(27) PARENT has the meaning ascribed to that term in Section 51.02 of the Texas Family Code, as amended.

(28) PART-TIME EMPLOYEE means an employee classified as part-time by the city under Section 34-8(c) of this code, as amended.

(29) PENSION means an amount payable monthly to a person eligible to receive death or retirement benefits under the retirement fund.

(30) PENSION OBLIGATION BOND CREDIT RATE means, for any fiscal year, the rate adopted by the board that is a percentage calculated by dividing the:

(A) debt service due during such fiscal year on any pension obligation bonds, the proceeds of which have been deposited in the fund, by

(B) total members' projected wages for such fiscal year, as reported in the relevant actuarial valuation report.

(31) PENSION OBLIGATION BONDS means bonds described in Chapter 107 of the Texas Local Government Code (or any successor law that supersedes such chapter) and issued by the city.

(32) PERCENTAGE MULTIPLIER means the percentage by which the average monthly earnings of a member or inactive member is multiplied in order to compute benefits.

(33) PERMANENT BASIS means employment of an individual for an unfixed continuing period.

(34) PERSON means an individual.

(35) PLAN YEAR means the calendar year or other plan year adopted by the board.

(36) PRICE INDEX means the national Consumer Price Index of Urban Wage Earners and Clerical Workers (CPI-W) published by the Bureau of Labor Statistics of the U. S. Department of Labor, or its successor in function.

(37) QUALIFIED RECIPIENT means:

(A) the spouse of a deceased member or inactive member at the time of death of the member or inactive member;

(B) the spouse of a deceased retiree, if the spouse was married to the retiree at the time of retirement and at the time of the retiree's death;

(C) each child of a deceased member, inactive member, or retiree under the age of 18, if the child was alive or had been conceived at the time of death of the member, inactive member, or retiree;

(D) each totally and permanently disabled child of a deceased member, inactive member, or retiree if the child was totally and permanently disabled before the age of 18; and

(E) a parent of a deceased member, inactive member, or retiree who was a dependent parent at the time of death of the member, inactive member, or retiree.

(38) RESTRICTED PRIOR SERVICE CREDIT means service credit for work as a permanent, full-time, paid employee of a government entity, agency, authority, or political subdivision of the United States or its states or territories, performed before employment or re-employment by the city.

(39) RETIREE means a person who was once a member but who has retired from city employment and is receiving a pension from the fund other than a death benefit.

(40) RETIREMENT means terminating city employment for a reason other than death and fulfilling all requirements for a pension under this chapter.

(41) RETIREMENT FUND or FUND means the employees' retirement fund of the city of Dallas and the program of benefits established under this chapter and any rule or regulation established by the board.

(42) SERVICE DEATH means the death of a member resulting from an injury sustained while in the performance of official city duties. A death resulting from an injury sustained while in the performance of official city duties does not include:

(A) a death caused by an act of God unless the member in the performance of official city duties was subjected to a greater hazard from an act of

God than that to which the general public was subjected;

(B) a death caused by an act of a third person who causes the death of the member because of reasons personal to the third person and not for reasons of the member's employment;

(C) a death caused while the member was attempting to injure or kill another person;

(D) a suicide;

(E) a death while on leave of absence, unless the leave was granted solely because of an injury sustained in the performance of official city duties and the injury was the primary cause of death;

(F) a death while on leave for military active duty; or

(G) a death resulting from an injury in which a contributing factor was the member's ingestion of an alcoholic beverage or illegal ingestion, inhalation, or injection of a controlled substance.

(43) SERVICE DISABILITY means total and permanent disability caused by injury while in the performance of official city duties. An injury while in the performance of official city duties does not include:

(A) an injury caused by an act of God unless the member in the performance of official city duties was subjected to a greater hazard from an act of God than that to which the general public was subjected;

(B) an injury caused by an act of a third person who injures the member because of reasons personal to the third person and not for reasons of the member's employment;

(C) an injury in which a contributing factor was the member's ingestion of an alcoholic beverage or illegal ingestion, inhalation, or injection of a controlled substance;

(D) an injury caused while the member was attempting to injure or kill another person; or

(E) an injury that was self-inflicted.

(44) SPOUSE means the person to whom the member, inactive member, or retiree is married, as evidenced by the last marriage certificate or declaration of informal marriage on file with the retirement fund and verified by the administrator to be valid in the jurisdiction in which the marriage was celebrated.

(45) TIER A means:

(A) a person who was:

(i) employed by the city before January 1, 2017; or

(ii) re-employed or reinstated by the city on or after January 1, 2017, and whose credited service before January 1, 2017, has not been canceled by withdrawal or forfeiture; and

(B) a beneficiary or designee of that person.

(46) TIER B means:

(A) a person who was:

(i) employed by the city on or after January 1, 2017; or

(ii) re-employed or reinstated by the city on or after January 1, 2017, and whose prior credited service has been canceled by withdrawal or forfeiture; and

(B) a beneficiary or designee of that person.

(47) TOTAL AND PERMANENT DISABILITY means the continuing inability of a person to obtain and retain any type of employment for compensation as a result of a mental or physical impairment caused by an injury or illness. A person is not under a total or permanent disability if, with reasonable effort and safety to the person, the impairment can be diminished to the extent that the person will not be prevented by the impairment from obtaining and retaining any type of employment for compensation.

(48) TOTAL CONTRIBUTION RATE MAXIMUM means for fiscal years 2026 through 2030:

(A) 38.22 percent (fiscal year 2026);

(B) 39.45 percent (fiscal year 2027);

(C) 40.68 percent (fiscal year 2028);

(D) 41.91 percent (fiscal year 2029); and

(E) the actuarially determined contribution rate (fiscal year 2030 and all subsequent fiscal years).

(49) VESTED means that a member or inactive member has accumulated sufficient credited service or age to have earned a nonforfeitable right to receive a pension benefit, payable in accordance with the terms of the plan.

(50) WAGE:

(A) means:

(i) wages of an employee as defined in Section 3401(a) of the Internal Revenue Code for income tax withholding, including salary continuation payments made to an employee with a job-related injury or illness;

(ii) compensation that by special rule is excluded from Section 3401(a) of the Internal Revenue Code because of the nature or location of the services performed;

(iii) elective contributions to a plan of deferred compensation, including a plan established under Section 125, 401(k), or 457 of the Internal Revenue Code, and elective reductions in compensation for qualified transportation fringe benefits that are excluded from an employee's gross income by reason of Section 132(f)(4) of the Internal Revenue Code; and

(iv) any lump sum payment made at termination of employment for accrued vacation leave or prorated service incentive pay; and

(B) does not mean:

(i) expense reimbursements, expense allowances, car allowances, or moving expenses;

(ii) cash or noncash fringe benefits;

(iii) welfare benefits, including, but not limited to, health benefits or life insurance benefits;

(iv) deferred compensation, unless made under a plan described in Paragraph (A)(iii) of this subsection;

(v) any lump sum payment made at retirement for accrued sick leave or attendance incentive leave;

(vi) workers compensation benefits, short-term disability benefits, or catastrophic leave benefits; or

(vii) any compensation in excess of the limits imposed by Section 401(a)(17)(A), as adjusted in accordance with Section 401(a)(17)(B), of the Internal Revenue Code. (Ord. Nos. 15414; 16886; 17713; 18181; 19470; 20960; 21582; 22345; 25695; 25818; 28739; 29644; 30162; 32801)

SEC. 40A-2. CREATION OF THE RETIREMENT FUND AND BOARD OF TRUSTEES; COMPOSITION AND OFFICERS OF THE BOARD.

(a) Creation. There is hereby created the employees' retirement fund of the city of Dallas, which is a trust fund, and the board of trustees of the employees' retirement fund of the city of Dallas.

(b) Public entity. The fund is a public entity established for the exclusive purpose of providing benefits to members and their beneficiaries. Except as permitted under this chapter or by state law, the employees' retirement fund of the city of Dallas is the name in which all of its business must be transacted, all of its funds invested, and all of its cash, securities, and property held.

(c) Composition of the board.

(1) The board shall be composed of seven members consisting of:

(A) three persons appointed by the city council who may be city council members;

(B) three employees from different departments of the city who are elected by members of the retirement fund and who are members of the retirement fund; and

(C) the city auditor.

(2) If only one eligible employee is nominated for an elected board position described in

(d) Chair and vice chair.

(1) The board shall elect a chair and a vice-chair at the first regular meeting each calendar year. The chair shall call a meeting as frequently as necessary to conduct the business of the board, but not less than quarterly. In the absence of the chair, the vice-chair may call meetings or preside over meetings of the board.

(2) If the office of chair or vice-chair becomes vacant, the board will elect a replacement at its next meeting. (Ord. Nos. 15414; 20960; 21582; 25695; 30162)

SEC. 40A-3. TERMS AND REMUNERATION OF THE BOARD.

~~(a) Terms.~~

~~(1) Elected board members.~~

~~(A) On and after January 1, 2017, the three elected positions on the board will be designated Place 1, Place 2, and Place 3, respectively, as determined by the board.~~

~~(B) The elected members, including incumbents, of the board shall serve without remuneration and for terms as follows:~~

~~(i) A member elected to Place 1 will serve a three-year term, with the initial term running from January 1, 2017, through December 31, 2019.~~

~~(ii) A member elected to Place 2 will serve a three-year term, with the initial term running from January 1, 2019, through December 31, 2021.~~

~~(iii) A member elected to Place 3 will serve a three-year term, except that the initial term will be for two years and run from January 1, 2019, through December 31, 2020.~~

~~(2) Appointed board members. The appointed members of the board shall serve without remuneration and for terms of two years.~~

(a) Terms.

(1) Elected board members.

(A) On and after January 1, 2025, the three elected positions on the board will be designated Place 1, Place 2, and Place 3, respectively, as determined by the board.

(B) The elected members, including incumbents, of the board shall serve without remuneration and for terms as follows:

(i) A member elected to Place 1 will serve a three-year term, with the initial term running from January 1, 2027, through December 31, 2029.

(ii) A member elected to Place 2 will serve a three-year term, with the initial term running from January 1, 2025, through December 31, 2027.

(iii) A member elected to Place 3 will serve a three-year term, except that the initial term will be for two years and run from January 1, 2026, through December 31, 2028.

(C) A person who has served as an elected member of the board under this subsection for three consecutive terms beginning on and after January 1, 2025, of whatever length of time, will not again be eligible to serve on the board until at least one term has elapsed, regardless of whether service was as a member or chair.

(2) Appointed board members. The appointed members of the board shall serve without remuneration and for terms of two years. In accordance with Section 8-1.5(a), a person who has served as an appointed member of the board under this subsection for four consecutive two-year terms will not again be eligible to serve on the board until at least one term has elapsed, regardless of whether service was as a member or chair.

(b) Vacancy.

(1) A position on the board becomes vacant if the occupant:

(A) was elected as an employee member and is no longer an employee;

(B) was appointed while serving as a city council member and is no longer a city council member; or

(C) gives the chair written notice of resignation from the board.

(2) If a vacancy occurs on the board in a position held by:

(A) an elected employee member, the board shall hold an election within 90 days after the vacancy occurs to fill the unexpired term of the member; or

(B) a city council appointee, the city council shall appoint a new member to fill the unexpired term of the member. (Ord. Nos. 15414; 20960; 21582; 25695; 30162; 32801)

SEC. 40A-4. POWERS, DUTIES, AND IMMUNITIES OF THE BOARD.

~~(a) In addition to other powers and duties it may have under state or federal law, the board shall have the power and duty to:~~

~~(1) administer the retirement fund in accordance with this chapter for the exclusive purposes of providing benefits to members, inactive members, retirees, and their beneficiaries and defraying reasonable expenses of administering the fund;~~

~~(2) adopt rules and regulations not inconsistent with this chapter and the constitution and laws of this state;~~

~~(3) invest, reinvest, alter, and change the funds of the retirement fund with the care, skill, prudence, and diligence under the prevailing circumstances that a prudent person acting in like capacity and familiar with matters of the type would use in the conduct of an enterprise with a like character and like aims;~~

~~(4) diversify the investments of the fund to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so;~~

~~(5) pay for professional services out of investments of the retirement fund when it is actuarially determined that the payments will not have an adverse effect on payment of benefits and when in the judgment of the board the services are necessary;~~

~~(6) appoint an administrator and authorize employees to carry out the business of the board;~~

~~(7) establish rates of compensation for employees of the retirement fund, subject to the approval of the city council and in accordance with civil service rules of the city;~~

~~(8) correct administrative errors and remedy any effects of those errors;~~

~~(9) make a final determination of the eligibility of a member, inactive member, retiree, or beneficiary for a normal, early, service, or disability pension or death benefits;~~

~~(10) issue subpoenas for the attendance of witnesses and the production of records, papers, or other objects, administer oaths to witnesses, and examine witnesses on any matter relating to the payment of benefits of the retirement fund;~~

~~(11) determine the time, method, and manner of election to the board;~~

~~(12) prepare and adopt a budget;~~

~~(13) pay for fiduciary insurance out of investments of the retirement fund when it is actuarially determined that the payments will not have an adverse effect on payment of benefits and when in the judgment of the board the services are necessary;~~

~~(14) pay for the costs of administration out of investments of the retirement fund when it is actuarially determined that the payments will not have an adverse effect on payment of benefits and when in the judgment of the board the costs are necessary;~~

~~(15) sue and be sued in the name of the fund;~~

~~(16) appoint an actuary and adopt actuarial assumptions for the fund;~~

~~(17) appoint such other professionals as it deems appropriate and necessary;~~

~~(18) interpret this chapter as necessary to resolve any problems created by any ambiguities, inconsistencies, or omissions that might be found in this chapter;~~

~~(19) direct the fund's actuarial firm to perform an annual experience review of assumptions as part of its annual actuarial valuation;~~

~~(20) direct the fund's actuarial firm to perform a complete analysis of actuarial assumptions as frequently as the board deems necessary, but not less frequently than every five years; and~~

~~(21) engage a second actuarial firm to perform an actuarial peer review/audit as the board deems necessary.~~

(a) In addition to other powers and duties it may have under state or federal law, the board shall have the power and duty to:

(1) administer the retirement fund in accordance with this chapter for the exclusive purposes of providing benefits to members, inactive members, retirees, and their beneficiaries and defraying reasonable expenses of administering the fund;

(2) adopt rules and regulations not

inconsistent with this chapter and the constitution and laws of this state;

(3) invest, reinvest, alter, and change the funds of the retirement fund with the care, skill, prudence, and diligence under the prevailing circumstances that a prudent person acting in like capacity and familiar with matters of the type would use in the conduct of an enterprise with a like character and like aims;

(4) diversify the investments of the fund to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so;

(5) pay for professional services out of investments of the retirement fund when it is actuarially determined that the payments will not have an adverse effect on payment of benefits and when in the judgment of the board the services are necessary;

(6) appoint an administrator and authorize employees to carry out the business of the board;

(7) establish rates of compensation for employees of the retirement fund, subject to the approval of the city council and in accordance with civil service rules of the city;

(8) correct administrative errors and remedy any effects of those errors;

(9) make a final determination of the eligibility of a member, inactive member, retiree, or beneficiary for a normal, early, service, or disability pension or death benefits;

(10) issue subpoenas for the attendance of witnesses and the production of records, papers, or other objects, administer oaths to witnesses, and examine witnesses on any matter relating to the payment of benefits of the retirement fund;

(11) determine the time, method, and manner of election to the board in a manner consistent with Section 40A-3;

(12) prepare and adopt a budget;

(13) pay for fiduciary insurance out of investments of the retirement fund when it is actuarially determined that the payments will not have an adverse effect on payment of benefits and when in the judgment of the board the services are necessary;

(14) pay for the costs of administration out of investments of the retirement fund when it is actuarially determined that the payments will not have an adverse effect on payment of benefits and when in the judgment of the board the costs are necessary;

(15) sue and be sued in the name of the fund;

(16) except as provided in Sections 40A-7.1 and 40A-9, appoint an actuary and adopt actuarial assumptions for the fund;

(17) appoint such other professionals as it deems appropriate and necessary;

(18) interpret this chapter as necessary to resolve any problems created by any ambiguities, inconsistencies, or omissions that might be found in this chapter;

(19) direct the fund's actuarial firm to perform an annual experience review of assumptions as part of its annual actuarial valuation;

(20) direct the fund's actuarial firm to perform a complete analysis of actuarial assumptions as frequently as the board deems necessary, but not less frequently than every five years; and

(21) engage a second actuarial firm to perform an actuarial peer review/audit as the board deems necessary.

(b) The board may not cause the fund to engage in a transaction if the board knows or should know that the transaction directly or indirectly constitutes a prohibited transaction under Section 503(b) of the Internal Revenue Code.

(c) No expenditures may be made from the retirement fund without the approval of the board by resolution or by adoption of its budget.

~~(d) The board shall adopt the actuarially required contribution rate, the current adjusted total obligation rate, the current total obligation rate, and the pension obligation bond credit rate for each fiscal year no later than June 1 of the preceding fiscal year, and shall promptly notify the city manager of the adoption.~~

~~(e) At least every five plan years, or in accordance with state law, whichever is sooner, the board shall provide 60 days' notice to the city manager:~~

~~(1) that the board intends to engage a second actuarial firm to perform an actuarial peer review/audit; and~~

~~(2) the name of the actuarial firm the board intends to engage.~~

~~If, within the 60 days, the city manager objects to the actuarial firm selected, the board shall seek another actuarial firm to perform the peer review/audit and re-notify the city manager. This process shall repeat until the city manager no longer objects to the actuarial firm the board intends to engage. The board shall then engage such actuarial firm for such purpose. If the process described in Section 40A-7.1 is used, the requirements of this subsection shall be satisfied for the plan year in which the process concludes.~~

(d) Except as provided in Sections 40A-7.1 and 40A-9, the board shall adopt the actuarially determined contribution rate, the current adjusted total obligation rate, the current total obligation rate, and the pension obligation bond credit rate for each fiscal year no later than June 1 of the preceding fiscal year, and shall promptly notify the city manager of the adoption.

(e) At least every five plan years, or in accordance with state law, whichever is sooner, the board shall provide 60 days' notice to the city manager:

(1) that the board intends to engage a second actuarial firm to perform an actuarial peer review/audit; and

(2) the name of the actuarial firm the board intends to engage.

If, within the 60 days, the city manager objects to the actuarial firm selected, the board shall seek another actuarial firm to perform the peer review/audit and re-notify the city manager. This process shall repeat until the city manager no longer objects to the actuarial firm the board intends to engage. The board shall then engage such actuarial firm for such purpose.

(f) The board shall meet at any time after posting timely notice as required by law. Four members of the board constitute a quorum. The approval of four members of the board is necessary for any motion of the board to carry.

(g) The board is not liable for its acts and conduct or any losses incurred in the administration of the retirement fund, the management of the assets of the fund, or the investment of the fund if the board has met the standards set forth in Subsections (a) and (b) of this section and in Sections 40A-4.1 and 40A-4.2.

(h) If the board, in good faith, is in doubt as to the construction or interpretation of any provision of this chapter, or has any other question that may arise during the administration of the retirement fund, the board may resolve all such doubts and questions without obtaining a judicial construction. All constructions and interpretations made by the board are binding and conclusive.

(i) The board may consult with an actuary, attorney, physician, or accountant, who may also be employed by the city. The board is not liable for any act or conduct that was performed in good faith reliance on the opinion of an actuary, attorney, physician, or accountant with respect to an actuarial, legal, medical, or accounting matter, respectively. (Ord. Nos. 15414; 17713; 18181; 19470; 20960; 21582; 22345; 25695; 30162; 32801)

SEC. 40A-4.1. INVESTMENT MANAGERS; FIDUCIARY DUTIES.

(a) The board may appoint investment managers for the fund by contracting for professional investment management services with one or more organizations, which may include a bank if it has a trust department, that are in the business of managing investments.

ordinances, resolutions, or contracts related to the fund, that term will mean "administrator." (Ord. Nos. 15414; 19470; 20960; 21582; 30162)

SEC. 40A-6. EMPLOYEE CONTRIBUTIONS.

(a) Members. Every employee must be a member of the fund except:

(1) a retiree re-employed by the city, who may elect not to contribute to the fund under Section 40A-20; or

(2) a leased employee who is not eligible to contribute to the fund.

~~(b) Contribution amount.~~

~~(1) For each pay period ending during a transition year, each member shall contribute to the retirement fund an amount equal to 37 percent times the current total obligation rate for that fiscal year times the member's wages for the pay period.~~

~~(2) For each pay period ending during a fiscal year other than a transition year, each member shall contribute to the retirement fund an amount equal to 37 percent times the current adjusted total obligation rate for that fiscal year times the member's wages for the pay period.~~

(b) Contribution amount. For each pay period ending during a fiscal year, each member shall contribute to the retirement fund an amount equal to 37 percent times the current adjusted total obligation rate for that fiscal year times the member's wages for the pay period, except that a Tier A member shall not contribute more than 14 percent of the member's wages per pay period to the retirement fund and a Tier B member shall not contribute more than 13.32 percent of the member's wages per pay period to the retirement fund.

(c) Deductions. The contributions by each member receiving compensation from the city will normally be made by means of deduction on each payday.

(d) Discontinuing contributions.

(1) No member may discontinue contributions to the retirement fund unless the member is on:

(A) unpaid leave for military active duty; or

(B) a leave of absence.

(2) A member who discontinues contributions to the retirement fund under Subsection (d)(1)(B) will have any retirement or death benefits computed based on credited service established at the date of discontinuance. (Ord. Nos. 15414; 17713; 19470; 20960; 21582; 25695; 30162; 32801)

SEC. 40A-7. CITY CONTRIBUTIONS.

~~(a) Contribution amount.~~

~~(1) For each pay period ending during a transition year, the city shall contribute to the retirement fund an amount equal to:~~

~~(A) 63 percent times the current total obligation rate for that fiscal year times the members' wages for the pay period, minus~~

~~(B) the pension obligation bond credit rate for that fiscal year times the members' wages for the pay period.~~

~~(2) For each pay period ending during a fiscal year other than a transition year, the city shall contribute to the retirement fund an amount equal to:~~

~~(A) 63 percent times the current adjusted total obligation rate for that fiscal year times the members' wages for the pay period, minus~~

~~(B) the pension obligation bond credit rate for that fiscal year times the members' wages for the pay period.~~

~~(b) The city shall provide for costs of administration of the retirement fund, if the board determines that payment of the costs by the retirement fund will have an adverse effect on payment of~~

~~benefits and that the costs are necessary. The city may modify any budget provision for administrative costs that it is being asked to fund under this subsection.~~

~~(c) The total contributions of the employees and the city must be forwarded by the city to the retirement fund not later than the end of each week for all contributions made as to the pay period ending in that week.~~

~~(d) The city may not contribute to the retirement fund for an employee on leave of absence or unpaid leave for military active duty.~~

~~(e) The city may not withdraw its contribution previously made to the retirement fund. Nothing in this subsection prohibits the administrative adjustment of future contributions for erroneously made prior contributions, if the adjustment is made within 60 days after the error is made or discovered, whichever occurs later.~~

~~(f) All payments and benefits provided for in this chapter must be made from the retirement fund. There is no obligation on the part of the city, the board, or the employees to provide for payment of benefits from any other source, nor is there any liability on the city or the employees to make any contribution other than those specified in this section and Section 40A-6.~~

(a) Contribution amount. The city shall contribute to the retirement fund an amount equal to the current adjusted total obligation rate for that fiscal year times the members' wages for the pay period, minus the sum of:

(1) the projected aggregate member contributions under Section 40A-6; and

(2) the pension obligation bond credit rate for that fiscal year, with such sum divided by the members' wages for the pay period.

(b) In addition to the contributions required under Subsection (a), the city may at any time, in its sole discretion, contribute additional monies to the retirement fund. The impact of any such additional contributions will be reflected in the contribution rates determined by the actuarial valuation next following the date on which any such additional contributions are made.

(c) The city shall provide for costs of administration of the retirement fund, if the board determines that payment of the costs by the retirement fund will have an adverse effect on payment of benefits and that the costs are necessary. The city may modify any budget provision for administrative costs that it is being asked to fund under this subsection.

(d) The total contributions of the employees and the city must be forwarded by the city to the retirement fund not later than the end of each week for all contributions made as to the pay period ending in that week.

(e) The city may not contribute to the retirement fund for an employee on leave of absence or unpaid leave for military active duty.

(f) The city may not withdraw its contribution previously made to the retirement fund. Nothing in this subsection prohibits the administrative adjustment of future contributions for erroneously made prior contributions, if the adjustment is made within 60 days after the error is made or discovered, whichever occurs later.

(g) All payments and benefits provided for in this chapter must be made from the retirement fund. There is no obligation on the part of the city, the board, or the employees to provide for payment of benefits from any other source, nor is there any liability on the city or the employees to make any contribution other than those specified in this section and Section 40A-6. (Ord. Nos. 15414; 18181; 19470; 20960; 21582; 25695; 30162; 32801)

SEC. 40A-7.1. MODIFICATION OF CONTRIBUTION RATES.

~~(a) Notwithstanding the provisions of Sections 40A-4(d), 40A-6, and 40A-7, for any fiscal year in which the prior adjusted total obligation rate does not equal the current adjusted total obligation rate, the city may, within 45 days after receiving notice of the rates adopted by the board under Section 40A-4(d), retain at its complete discretion its own actuary who shall calculate member and city contributions to the fund based on the methods, assumptions, projections, and calculations determined by the actuary employed by the city; provided, however, that the actuarial assumptions must be consistent with the terms of this chapter. If the city's actuary agrees with the board's actuary, the determinations of the board's actuary shall~

be used to determine member and city contributions to the fund for the fiscal year.

(b) If there is a dispute between the actuary employed by the board and the actuary employed by the city with respect to the required member and/or city contributions to the fund for a fiscal year, the two actuaries shall attempt to resolve their differences. If the two actuaries resolve their differences, they shall sign a document setting forth the underlying actuarial methods, assumptions, projections, and calculations, and the resulting actuarially required contribution rate, current adjusted total contribution rate, current total obligation rate, and pension obligation bond credit rate, all of which shall be adopted by the board and used to determine member and city contributions to the fund for the fiscal year if the dispute is resolved prior to the commencement of the fiscal year; unless the board determines, in its discretion, that the conclusions agreed to by the two actuaries are not actuarially sound, in which case the board shall adopt sound actuarial assumptions and the resulting actuarially required contribution rate, current adjusted total obligation rate, current total obligation rate, and pension obligation bond credit rate.

(c) If the differences between the two actuaries cannot be resolved within 90 days after the appointment of the second actuary, the board shall retain a third actuary based upon the joint recommendation of the other two actuaries. The third actuary shall review and calculate member and city contributions to the fund based on the methods, assumptions, projections, and calculations determined by the third actuary; provided, however, that the actuarial assumptions must be consistent with the terms of this chapter. The board, the city, and their respective actuaries shall cooperate with the third actuary and promptly provide such information as the third actuary reasonably requests. The three actuaries shall confer regarding the actuarial dispute between the city's and the board's actuaries, and shall attempt to resolve their differences. If any two of the three actuaries agree regarding the underlying actuarial methods, assumptions, projections, and calculations, and the resulting actuarially required contribution

~~rate, current adjusted total obligation rate, current total obligation rate, and pension obligation bond credit rate, such joint determinations shall be communicated in writing to the board and adopted by the board and used in establishing the member and city contributions to the fund for the fiscal year if the dispute is resolved prior to the commencement of the fiscal year; unless the board determines, in its discretion, that the conclusions agreed upon are not actuarially sound, in which case the board shall adopt sound actuarial assumptions and the resulting actuarially required contribution rate, current adjusted total obligation rate, current total obligation rate, and pension obligation bond credit rate.~~

~~(d) If a dispute described in this Section 40A-7.1 is not resolved prior to the commencement of the fiscal year, the member and city contributions to the fund for such fiscal year (as a percentage of wages) shall be the same as the prior fiscal year.~~

~~(e) Notwithstanding Section 40A-1(37), for any fiscal year in which the process described in this Section 40A-7.1 results in a change in the current adjusted total obligation rate, then the prior adjusted total obligation rate for the succeeding fiscal year shall be deemed to be the current adjusted total obligation rate determined by the board through the process described in this section.~~

Notwithstanding the definitions in Sections 40A-1(3), 40A-1(14), 40A-1(15), 40A-1(30), and 40A-1(48), the provisions of Sections 40A-4(d) and 40A-7, or any other provision to the contrary:

(1) Changes to the actuarial assumptions, including, but not limited to, the discount rate, that increases the retirement fund liability must be approved prospectively by the board and the city council.

(2) Settlement of any lawsuit by the retirement fund that increases the retirement fund liability must be approved prospectively by the board and the city council.

(3) Annually, the fund and the city will each calculate an actuarially determined contribution rate for the following fiscal year. The city will accept the rate that is determined by the fund's actuary and presented to the board, except, if the difference between the rates that are calculated by the actuaries of the city and the fund is greater than three percent, the fund and the city shall engage in a 30-day reconciliation period. If, within such period, the actuaries of the city and the fund reconcile the results of their respective calculations of the actuarially determined contribution rate for the applicable fiscal year, the rate that was calculated by the fund's actuary shall be accepted by the city and the fund. If no such resolution is reached within the 30-day reconciliation period, an average of the rates, determined by the actuaries of the city and the fund, will be used to determine the city's contribution under Section 40A-7 for the upcoming fiscal year.

(4) After the applicable phase-in period defined in Section 40A-1(14), if in any fiscal year the actuarially determined contribution rate (excluding the December 31, 2024 unfunded actuarially accrued liability 30-year amortization schedule) exceeds plus or minus five percent of the actuarially determined contribution rate (excluding the December 31, 2024 unfunded actuarially accrued liability 30-year amortization schedule) specified by the December 31, 2024 actuarial valuation, the excess amount will be amortized over a period of 20 years or until December 31, 2054, whichever is later. If the city council determines that the fund is projected to be fully funded in over 30 years, the city council may, in its sole discretion, waive this paragraph. The board may make a recommendation to city council requesting that city council waive this paragraph. (Ord. Nos. 25695; 30162; 32801)

SEC. 40A-8. EFFECT OF MEMBERSHIP IN THE RETIREMENT FUND.

A person, by becoming or remaining a member, inactive member, retiree, or beneficiary of the retirement fund, binds the person and the person's heirs, administrators, executors, legal representatives, beneficiaries, and survivors to all provisions of this chapter. (Ord. Nos. 15414; 19470; 20960; 21582; 30162)

SEC. 40A-9. ACTUARIAL ASSUMPTIONS.

~~(a) Except when specifically provided otherwise in this chapter, the board, upon recommendation of the fund's actuary, shall adopt and establish reasonable actuarial assumptions, interest rates, and mortality tables to be used under this chapter.~~

(a) Except when specifically provided in Section 40A-7.1(1) or as otherwise provided in this chapter, the

board, upon recommendation of the fund's actuary, shall adopt and establish reasonable actuarial assumptions, interest rates, and mortality tables to be used under this chapter.

(b) When determining the commuted value of future benefits under the fund during a particular calendar year, the five-year average of the 10-year treasury bond (calculated as of the last business day of each of the last five years averaged together) is the interest assumption that must be used.

(c) When calculating the limits under Section 415 of the Internal Revenue Code, the applicable mortality table and applicable interest rate determined by the United States secretary of the treasury and in effect at the time of the calculation must be used. (Ord. Nos. 20960; 21582; 28739; 30162; 32801)

SEC. 40A-10. CREDITED SERVICE; COMPUTATION OF BENEFITS.

(a) A retiree or a beneficiary is entitled to benefits of the retirement fund on the basis of credited service established while a member.

(b) Credited service includes:

(1) the length of credited service performed by the member or inactive member before retirement for which contributions to the fund have not been withdrawn or forfeited;

(2) the length of credited service performed by the member or inactive member prior to withdrawal or forfeiture of contributions to the fund if the credited service has been reinstated under Section 40A-11;

(3) the length of credited service for military active duty under Section 40A-12;

(4) the amount of vacation leave for which the member or inactive member received lump sum payment at termination of employment;

by the court or upon the retiree's death, whichever occurs first. Payments may be made to a person legally authorized to receive them on behalf of the child.

(3) All rights and benefits provided to the member, inactive member, or retiree are subject to the rights afforded to any alternate payee under a valid qualified domestic relations order that meets the requirements of this section.

(4) For purposes of this section, alternate payee, domestic relations order, and qualified domestic relations order have the meanings given under Texas Government Code Chapter 804, as in effect on January 1, 2017.

(c) Exemptions. Contributions and benefits payable under the retirement fund are exempt from attachment, execution, garnishment, judgments, and all other suits or claims, with the exception of a "qualified domestic relations order," and are not assignable or transferable.

(d) Waiver of benefits.

(1) A person may, on a form prescribed by and filed with the administrator, waive all or a portion of any benefits from the retirement fund to which the person is entitled. A person may revoke a waiver of benefits in the same manner as the original waiver was made, unless the original waiver by its terms was made irrevocable.

(2) A waiver or a revocation of a waiver applies only to benefits that become payable on or after the date the document is filed.

(3) Unless otherwise expressly provided for in this chapter, the board may not take action to reduce an individual pension. (Ord. Nos. 15414; 19470; 20960; 21582; 22345; 30162)

SEC. 40A-35. AMENDMENT TO THIS CHAPTER.

~~(a) Except as provided in Subsection (b) of this section, this chapter may not be amended except by a proposal initiated by either the board or the city council that results in an ordinance approved by the board, adopted by the city council, and approved by a majority of the voters voting at a general or special election.~~

~~(b) A provision of this chapter, other than this section, that is determined by the board to require amendment in order to comply with federal law may be amended by ordinance of the city council, without voter approval, upon recommendation of the board. The board shall recommend the exact amending language to be included in the ordinance, which language may not be limited or added to by the city council. An amendment may be made under this subsection only to the extent necessary to comply with federal law.~~

(a) Except as provided in Subsection (b) of this section, this chapter may not be amended except by a proposal initiated by either the board or the city council that results in an ordinance adopted by the city council and approved by a majority of the voters voting at a general or special election. The board may make a recommendation to city council on all proposed amendments to this chapter.

(b) A provision of this chapter, other than this section, that is determined by the board or the city to require amendment in order to comply with federal law may be amended by ordinance of the city council, without voter approval. An amendment may be made under this subsection only to the extent necessary to comply with federal law.

(c) The city manager shall notify the board and the plan administrator in writing of the city's intent to propose any amendments to this chapter for city council discussion, deliberation, or direction. (Ord. Nos. 15414; 20960; 21582; 25695; 30162; 32801)

CHAPTER 41

SMOKING

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ARTICLE I.

GENERAL PROVISIONS.

SEC. 41-1. DEFINITIONS.

~~In this chapter:~~

~~(1) BAR means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premises consumption. If an establishment is located in a hotel or motel, the gross revenues of the particular establishment, rather than the gross revenues of the entire hotel or motel, will be used in calculating the percentage of revenues derived from the sale or service of alcoholic beverages.~~

~~(2) BILLIARDS means any game played on a cloth-covered table with balls and cue sticks where the balls are struck by the sticks and the balls strike against one another.~~

~~(3) BILLIARD HALL means an establishment that:~~

~~(A) holds a valid billiard hall license issued by the city under Chapter 9A of this code;~~

~~(B) has at least 12 billiard tables that are not coin-operated available for rent to persons desiring to play billiards on the premises; and~~

~~(C) derives 70 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premises consumption and from the rental of billiard tables and billiard equipment to persons desiring to play billiards on the premises.~~

~~(4) CIGAR BAR means a bar that derives 15 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or rental of tobacco, tobacco products, smoking implements, or smoking accessories for on-premises consumption.~~

~~(5) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter, or the director's designated representative.~~

~~(6) EATING ESTABLISHMENT means any establishment that prepares or serves food or beverages, regardless of whether the establishment provides seating or facilities for on-premises consumption. The term includes, but is not limited to, restaurants, coffee shops, cafeterias, short order cafes, fast food establishments, luncheonettes, lunchrooms, soda fountains, food carts, food vending vehicles, and catering establishments.~~

~~(7) EMPLOYEE means any person who works for hire at an indoor or enclosed area including an independent contractor with an assigned indoor location.~~

~~(8) EMPLOYER means any person who employs one or more employees.~~

~~(9) ENCLOSED means an area that:~~

~~(A) is closed in overhead by a roof or other covering of any material, whether permanent or temporary; and~~

~~(B) has 40 percent or more of its perimeter closed in by walls or other coverings of any material, whether permanent or temporary.~~

~~(10) HOSPITAL means any institution that provides medical, surgical, and overnight facilities for patients.~~

~~(11) MINOR means an individual:~~

~~(A) under 21 years of age; or~~

~~(B) at least 18 years of age and presenting a valid military identification card of the United States military forces or the state military forces.~~

~~(12) PARK PARTNER means any entity that contracts with the city for the operation, maintenance, or management of park property.~~

~~(13) PARK PROPERTY means property under the control and jurisdiction of the park board.~~

~~(14) PERSON means an individual, firm, partnership, association, or other legal entity.~~

~~(15) RETAIL OR SERVICE ESTABLISHMENT means any establishment that sells goods or services to the general public, including but not limited to any eating establishment, bar, hotel, motel, department store, grocery store, drug store, shopping mall, laundromat, bingo parlor, bowling center, billiard hall, or hair styling salon.~~

~~(16) SECOND-HAND SMOKE means ambient smoke resulting from the act of smoking.~~

~~(17) SMOKE OR SMOKING means inhaling, exhaling, possessing, or carrying any lighted or burning cigar or cigarette, or any pipe or other device that contains lighted or burning tobacco or tobacco products.~~

~~(18) TOBACCO SHOP means a retail or service establishment that derives 90 percent or more of its gross revenue on a quarterly (three-month) basis from the sale of tobacco, tobacco products, or smoking implements.~~

~~(19) WORKPLACE means any indoor or enclosed area where an employee works for an employer.~~

In this chapter:

(1) BAR means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premises consumption. If an establishment is located in a hotel or motel, the gross revenues of the particular

establishment, rather than the gross revenues of the entire hotel or motel, will be used in calculating the percentage of revenues derived from the sale or service of alcoholic beverages.

(2) BILLIARDS means any game played on a cloth-covered table with balls and cue sticks where the balls are struck by the sticks and the balls strike against one another.

(3) BILLIARD HALL means an establishment that:

(A) holds a valid billiard hall license issued by the city under Chapter 9A of this code;

(B) has at least 12 billiard tables that are not coin-operated available for rent to persons desiring to play billiards on the premises; and

(C) derives 70 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premises consumption and from the rental of billiard tables and billiard equipment to persons desiring to play billiards on the premises.

(4) CIGAR BAR means a bar that derives 15 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or rental of tobacco, tobacco products, smoking implements, or smoking accessories for on-premises consumption.

(5) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter, or the director's designated representative.

(6) EATING ESTABLISHMENT means any establishment that prepares or serves food or beverages, regardless of whether the establishment provides seating or facilities for on-premises consumption. The term includes, but is not limited to, restaurants, coffee shops, cafeterias, short order cafes, fast food establishments, luncheonettes, lunchrooms, soda fountains, food carts, food vending vehicles, and catering establishments.

(7) ELECTRONIC SMOKING DEVICE means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, dab rig or vape pen, or under any other product name or descriptor.

(8) EMPLOYEE means any person who works for hire at an indoor or enclosed area including an independent contractor with an assigned indoor location.

(9) EMPLOYER means any person who employs one or more employees.

(10) ENCLOSED means an area that:

(A) is closed in overhead by a roof or other covering of any material, whether permanent or temporary; and

(B) has 40 percent or more of its perimeter closed in by walls or other coverings of any material, whether permanent or temporary.

(11) HOSPITAL means any institution that provides medical, surgical, and overnight facilities for patients.

(12) MINOR means an individual under 21 years of age but does not include an individual that is at least 18 years of age and presenting a valid military identification card of the United States military forces or the state military forces.

(13) PARK PARTNER means any entity that contracts with the city for the operation, maintenance, or management of park property.

(14) PARK PROPERTY means property under the control and jurisdiction of the park board.

(15) PERSON means an individual, firm, partnership, association, or other legal entity.

(16) RETAIL OR SERVICE ESTABLISHMENT means any establishment that sells goods or services to the general public, including but not limited to any eating establishment, bar, hotel, motel, department store, grocery store, drug store, shopping mall, laundromat, bingo parlor, bowling center, billiard hall, or hair styling salon.

(17) SECOND-HAND SMOKE means ambient smoke resulting from the act of smoking.

(18) SMOKE OR SMOKING means inhaling, exhaling, burning, possessing, or carrying any lighted or heated cigar, cigarette, hookah, electronic smoking device, or any pipe or other device that contains lighted or burning tobacco or plant products intended for inhalation, whether natural or synthetic, including marijuana or cannabis in any manner or in any form.

(19) TOBACCO SHOP means a retail or service establishment that derives 90 percent or more of its gross revenue on a quarterly (three-month) basis from the sale of tobacco, tobacco products, or smoking implements.

(20) WORKPLACE means any indoor or enclosed area where an employee works for an employer. (Ord. Nos. 18961; 19648; 25168; 27440; 30258; 31360; 32933)

ARTICLE II.

SMOKING PROHIBITIONS.

SEC. 41-2. ~~SMOKING PROHIBITED IN CERTAIN AREAS~~ SMOKING AND ELECTRONIC SMOKING DEVICES PROHIBITED IN CERTAIN AREAS.

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

~~(1) in any indoor or enclosed area in the city;~~

~~(2) within 15 feet of any entrance to an indoor or enclosed area in the city;~~

~~(3) in any area designated as nonsmoking by the owner, operator, or person in control of the area and marked with a no smoking sign complying with Section 41-3; or~~

~~(4) on park property.~~

~~(b) An owner, operator, or person in control of an indoor or enclosed area in the city commits an offense if he, either personally or through an employee or agent, permits a person to smoke in the indoor or enclosed area.~~

~~(c) For purposes of this chapter, an indoor or enclosed area includes but is not limited to the following:~~

~~(1) An elevator.~~

~~(2) A hospital or nursing home.~~

~~(3) Any facility owned, operated, or managed by the city.~~

~~(4) Any retail or service establishment.~~

~~(5) Any workplace.~~

~~(6) Any facility of a public or private primary or secondary school or any enclosed theater, movie house, library, museum, or transit system vehicle.~~

~~(d) It is a defense to prosecution under Subsection (a)(1), (a)(3), or (b) of this section if the person was smoking in a location that was:~~

~~(1) a private residence, except that this defense does not apply when the residence is being used as a child care facility, adult day care facility, or health care facility;~~

~~(2) a stage or set of a production of a television program, a theatrical presentation, or a motion picture or filming event where smoking by an actor or performer is essential to the production;~~

~~(3) a cigar bar that:~~

~~(A) was lawfully operating as a cigar bar on December 10, 2008 (except that this defense does not apply if the cigar bar is expanded, is relocated, or changes majority ownership after December 10, 2008);~~

~~(B) does not open into any other indoor or enclosed area in which smoking is prohibited under this section;~~

~~(C) is not generally accessible by a minor; and~~

~~(D) keeps all windows and doors closed at all times except as reasonably necessary for the expeditious entering and exiting of the cigar bar;~~

~~(4) a tobacco shop that:~~

~~(A) does not open into any other indoor or enclosed area in which smoking is prohibited under this section; and~~

~~(B) keeps all windows and doors closed at all times except as reasonably necessary for the expeditious entering and exiting of the tobacco shop;~~

~~(5) an unenclosed outdoor seating area associated with an indoor or enclosed area, including but not limited to a bar, hotel, motel, or eating establishment, except that this defense does not apply if:~~

~~(A) the outdoor seating area is adjacent to a playground or play area for children; or~~

~~(B) the location was posted as a nonsmoking area by the owner, operator, or person in control of the establishment or area with a sign complying with Section 41-3; or~~

~~(6) a private, rented guest room in a hotel or motel that has been designated as a smoking room by the owner, operator, or person in control of the hotel or motel.~~

~~(e) It is a defense to prosecution under Subsection (a)(2) of this section if the person was smoking in a location that was an unenclosed outdoor seating area associated with an indoor or enclosed area, including but not limited to a bar, hotel, motel, or eating establishment, except that this defense does not apply if:~~

~~(1) the outdoor seating area is adjacent to a playground or play area for children; or~~

~~(2) the location was posted as a nonsmoking area by the owner, operator, or person in control of the establishment or area with a sign complying with Section 41-3.~~

~~(f) It is a defense to prosecution under Subsection (a)(4) of this section if the person was smoking in a location that was:~~

~~(1) a golf course, if the location was:~~

~~(i) between the tee box of the first hole and the end of the green of the 18th hole;~~

~~(ii) on the driving range; or~~

~~(iii) on the outdoor patio;~~

~~(2) the Elm Fork Shooting Range; or~~

~~(3) at a park partner site.~~

(a) A person commits an offense if he smokes or uses an electronic smoking device:

(1) in any indoor or enclosed area in the city;

(2) within 15 feet of any entrance to an indoor or enclosed area in the city;

(3) in any area designated as nonsmoking or no electronic smoking devices allowed by the owner, operator, or person in control of the area and marked with a no smoking and no electronic smoking device sign complying with Section 41-3; or

(4) on park property.

(b) An owner, operator, or person in control of an indoor or enclosed area in the city commits an offense if he, either personally or through an employee or agent, permits a person to smoke or use an electronic smoking device in the indoor or enclosed area.

(c) For purposes of this chapter, an indoor or enclosed area includes but is not limited to the following:

(1) An elevator.

(2) A hospital or nursing home.

(3) Any facility owned, operated, or managed by the city.

(4) Any retail or service establishment.

(5) Any workplace.

(6) Any facility of a public or private primary or secondary school or any enclosed theater, movie house, library, museum, or transit system vehicle.

(d) It is a defense to prosecution under Subsection (a)(1), (a)(3), or (b) of this section if the

person was smoking or using an electronic smoking device in a location that was:

(1) a private residence, except that this defense does not apply when the residence is being used as a child care facility, adult day care facility, or health care facility;

(2) a stage or set of a production of a television program, a theatrical presentation, or a motion picture or filming event where smoking by an actor or performer is essential to the production;

(3) a cigar bar that:

(A) was lawfully operating as a cigar bar on December 10, 2008 (except that this defense does not apply if the cigar bar is expanded, is relocated, or changes majority ownership after December 10, 2008);

(B) does not open into any other indoor or enclosed area in which smoking is prohibited under this section;

(C) is not generally accessible by a minor; and

(D) keeps all windows and doors closed at all times except as reasonably necessary for the expeditious entering and exiting of the cigar bar;

(4) a tobacco shop that:

(A) does not open into any other indoor or enclosed area in which smoking is prohibited under this section; and

(B) keeps all windows and doors closed at all times except as reasonably necessary for the expeditious entering and exiting of the tobacco shop;

(5) an unenclosed outdoor seating area associated with an indoor or enclosed area, including but not limited to a bar, hotel, motel, or eating establishment, except that this defense does not apply if:

(A) the outdoor seating area is adjacent to a playground or play area for children; or

(B) the location was posted as a nonsmoking area by the owner, operator, or person in control of the establishment or area with a sign complying with Section 41-3; or

(6) a private, rented guest room in a hotel or motel that has been designated as a smoking room by the owner, operator, or person in control of the hotel or motel.

(e) It is a defense to prosecution under Subsection (a)(2) of this section if the person was smoking or using an electronic smoking device in a location that was an unenclosed outdoor seating area associated with an indoor or enclosed area, including but not limited to a bar, hotel, motel, or eating establishment, except that this defense does not apply if:

(1) the outdoor seating area is adjacent to a playground or play area for children; or

(2) the location was posted as a nonsmoking area by the owner, operator, or person in control of the establishment or area with a sign complying with Section 41-3.

(f) It is a defense to prosecution under Subsection (a)(4) of this section if the person was smoking in a location that was:

(1) a golf course, if the location was:

(i) between the tee box of the first hole and the end of the green of the 18th hole;

(ii) on the driving range; or

(iii) on the outdoor patio;

(2) the Elm Fork Shooting Range; or

(3) at a park partner site. (Ord. Nos. 18961; 19648; 21109; 21109; 21614; 25168; 27440; 30258; 32933)

SEC. 41-3. SIGNAGE AND OTHER REQUIREMENTS.

~~(a) The owner, operator, or person in control of an establishment or other area in which smoking is prohibited under Section 41-2(a)(1) or (a)(3) shall post a conspicuous sign at the main entrance to the establishment or area. The sign must contain the words "No Smoking, City of Dallas Ordinance," the universal symbol for no smoking, or other language that clearly prohibits smoking.~~

~~(b) The owner, operator, or person in control of~~

~~an indoor or enclosed area to which the smoking prohibition of Section 41-2(a)(2) applies shall post a conspicuous sign at each entrance to the indoor or enclosed area. The sign must contain the words "No Smoking within 15 Feet of Entrance, City of Dallas Ordinance." The universal symbol for no smoking may be substituted for the words "No Smoking."~~

~~(c) The owner, operator, or person in control of an establishment or area in which smoking is prohibited under Section 41-2 shall remove all ashtrays from the establishment or area.~~

~~(d) It is a defense to prosecution under this section that the establishment or area is a location for which a defense to prosecution is provided under Section 41-2(d).~~

(a) The owner, operator, or person in control of an establishment or other area in which smoking and the use of an electronic smoking device is prohibited under Section 41-2(a)(1) or (a)(3) shall post a conspicuous sign at the main entrance to the establishment or area. The sign must contain the words "No Smoking or Use Of An Electronic Smoking Device, City of Dallas Ordinance," the universal symbols for no smoking and use of an electronic smoking device, or other language that clearly prohibits smoking and the use of an electronic smoking device.

(b) The owner, operator, or person in control of an indoor or enclosed area to which the smoking or the use of an electronic smoking device prohibition of Section 41-2(a)(2) applies shall post a conspicuous sign at each entrance to the indoor or enclosed area. The sign must contain the words "No Smoking or Use Of An Electronic Smoking Device within 15 Feet of Entrance, City of Dallas Ordinance." The universal symbols for no smoking and use of an electronic smoking device may be substituted for the words "No Smoking and No Use Of An Electronic Smoking Device."

(c) The owner, operator, or person in control of an establishment or area in which smoking or the use of an electronic smoking device is prohibited under Section 41-2 shall remove all ashtrays from the establishment or area.

(d) It is a defense to prosecution under this section that the establishment or area is a location for which a defense to prosecution is provided under Section 41-2(d). (Ord. Nos. 27440; 32933)

SECS. 41-4 THRU 41-5. RESERVED.

(Repealed by Ord. 25168)

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 $696.~~

~~(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 $1,198 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.~~

(a) The annual fee for a sexually oriented business license is $1,907.

(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 $1,107 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 development services 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; 30653; 31657; 32002; 32003; 33232)

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.

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.
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Division 4. Newsracks.

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Sec. 43-126.16. Definitions.
Sec. 43-126.17. License ~~and decal~~ required.
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(4) CROSSWALK has the meaning given that term in Section 541.302 of the Texas Transportation Code, as amended.

(5) DIRECTOR means the director of transportation and public works, or a designee.

(6) FREESTANDING NEWSRACK means a newsrack that is not a multiple newsrack unit or a part of a multiple newsrack unit.

(7) LICENSE means permission granted under this division to a person to install, operate, or maintain a newsrack within the public right-of-way of the city for a specified period of time.

(8) LICENSEE means the publisher, and any other person operating and maintaining a newsrack on behalf of a publisher, who is issued a license under this division to install, operate, or maintain a newsrack within the public right-of-way of the city.

(9) MULTIPLE NEWSRACK UNIT means a single structure containing more than one newsrack that is installed by the city or a city contractor in a multiple newsrack unit zone.

(10) NEWSRACK means any self-service or coin-operated container, rack, or structure used or maintained for the display, distribution, or sale of newspapers, periodicals, or other publications.

(11) PERSON means an individual, assumed name entity, partnership, joint venture, association, corporation, or other legal entity.

(12) PUBLISHER means any person who owns and/or distributes newspapers, periodicals, or other publications.

(13) SPLIT-DOOR NEWSRACK means a freestanding newsrack or a newsrack space in a multiple newsrack unit that has been split into two separate distribution areas. (Ord. Nos. 26809; 27201; 27697; 32002; 32864)

SEC. 43-126.17. LICENSE ~~AND DECAL~~ REQUIRED.

(a) A person commits an offense if:

~~(1) he installs, operates, or maintains a newsrack on any portion of a public right-of-way within the city that is open to vehicular traffic;~~

~~(2) without a license issued under this division, he installs, operates, or maintains a newsrack on a public right-of-way in the city that is not open to vehicular traffic;~~

~~(3) he installs, operates, or maintains on a public right-of-way a newsrack that does not display a valid decal issued under this division;~~

~~(4) he forges, alters, or counterfeits a newsrack decal required by this division or possesses a forged, altered, or counterfeited newsrack decal; or~~

~~(5) without the consent of the director, he defaces or removes a decal that is displayed on a newsrack as required by this division.~~

~~(b) It is a defense to prosecution under Subsection (a)(2) or (a)(3) of this section that the person was installing, operating, or maintaining the newsrack pursuant to a contract with the city for those services.~~

(1) he installs, operates, or maintains a newsrack on any portion of a public right-of-way within the city that is open to vehicular traffic; or

(2) without a license issued under this division, he installs, operates, or maintains a newsrack on a public right-of-way in the city that is not open to vehicular traffic.

(b) It is a defense to prosecution under Subsection (a)(2) of this section that the person was installing, operating, or maintaining the newsrack pursuant to a contract with the city for those services. (Ord. Nos. 26809; 27201; 33224)

SEC. 43-126.18. LICENSE APPLICATION; ISSUANCE OF LICENSE~~; AND DISPLAY OF DECALS~~.

(a) A person who desires to install, operate, or

the person who will install, operate, or maintain the newsrack. The application must be verified and contain all of the following information:

(1) Name, address, telephone number, and signature of the applicant. If the applicant is a person other than the publisher, then the publisher must also sign the application, agreeing to be bound by the terms contained in the license.

(2) Name, address, and telephone number of the person the city may contact concerning installation, placement, operation, and maintenance of the applicant's newsracks.

(3) Form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business.

(4) Number of newsracks the applicant wishes to install or operate in the city and a list indicating the proposed location (by blockface) of each newsrack, the name of the publication each newsrack will dispense, and whether the publication will be dispensed free or for a charge.

(5) Dimensional measurements of each style of any freestanding newsracks to be installed, with drawings or photographs.

(6) Proposed method of securing any freestanding newsracks.

(b) Following a review of the application, execution of the written agreement required under Section 43-126.19(b), payment of a nonrefundable $100 application processing fee, and payment of the annual fee for a newsrack license, the director shall, within 60 days following the date of receipt of an application for an initial license and within 30 days following the date of receipt of an application for a license renewal, issue a newsrack license to the applicant unless denial is required by Section 43-126.20.

~~(c) Upon issuance of a license for the installation, operation, and maintenance of newsracks and payment of the annual fee for the newsrack license, the director shall issue a decal for each newsrack permitted under the license, reflecting the license number and expiration date. A decal must be displayed on each permitted newsrack at all times, so that the decal is visible from the street.~~

~~(d) A decal issued to one person may not be transferred to another person. A decal issued for one newsrack may not be transferred to another newsrack without the approval of the director, except that a decal may be transferred to a replacement newsrack at the same location.~~

~~(e) If a decal is lost, stolen, or mutilated, the director may issue a duplicate decal, upon written request of the licensee, for a fee of $2.~~

~~(f) Before any newsrack not authorized under a newsrack license may be installed, operated, or maintained on the public right-of-way, the licensee must make a written request to the director for the additional newsrack, pay the required annual fee, and display a valid decal on the newsrack as required by this division.~~

(c) Before any newsrack not authorized under a newsrack license may be installed, operated, or maintained on the public right-of-way, the licensee must make a written request to the director for the additional newsrack and pay the required annual fee.

(d) The director may (in accordance with procedures established by this division for the allocation of newsrack locations) approve changes to the location of a validly licensed newsrack, upon written request by a licensee, for no additional fee. An amendment that substantially changes the scope of a license (such as displaying, distributing, or selling in a newsrack a publication not specified in the license application for that newsrack) must be applied for in the same manner as the original license.

(e) A licensee shall notify the director within 10 days of any change in the address or telephone number of the publisher or of the person responsible for the installation, operation, or maintenance of the newsracks permitted under the license.

(f) A license issued to one person may not be transferred to another person. A newsrack location assigned to one person or publication may not be transferred to another person or publication without following the procedures established by this division for the allocation of newsrack locations. (Ord. Nos. 26809; 27201; 33224)

SEC. 43-126.19. CONDITIONS OF A LICENSE AND ANNUAL FEES.

(a) It is a condition of a license that the installation, operation, and maintenance of each newsrack be in accordance with this division.

(b) Prior to the issuance of a license, the licensee shall execute a written agreement providing all of the following:

(1) The licensee will defend, indemnify, and hold whole and harmless the city of Dallas and its officers, agents, representatives, or employees against any and all claims, lawsuits, judgments, costs, or expenses (including attorney's fees) for bodily injury, property damage, or other harm arising out of, or in any way related to, the licensee's occupancy, maintenance, or use of the licensed area or the licensee's placement, installation, operation, or maintenance of any newsrack. The indemnity must include claims for damages that any publicly or privately owned utility or communication company sustains arising from the licensee's occupancy, maintenance, or use of the licensed area or the licensee's placement, installation, operation, or maintenance of any newsrack.

(2) If the city of Dallas is ever made a defendant in any cause of action, directly or indirectly, based upon the licensee's occupancy, maintenance, or use of the licensed area, or the licensee's placement, installation, operation, or maintenance of any newsrack, the city shall have the right, at its option, to implead the licensee and its successors and assigns.

(3) The licensee will procure, prior to the issuance of a license, and keep in full force and effect at all times during the license term, commercial general liability insurance coverage (including, but not limited to, premises/operations, independent contractors, and contractual liability) protecting the city of Dallas against any and all claims for damages to persons or property as a result of, or arising out of, the licensee's occupancy, maintenance, or use of the licensed area or the licensee's placement, installation, operation, or maintenance of any newsrack, with minimum combined bodily injury (including death) and property damage limits of not less than $500,000 for each occurrence and $500,000 annual aggregate. The insurance policy must be written by an insurance company approved by the State of Texas and acceptable to the city and issued in a standard form approved by the Texas Department of Insurance. All provisions of the policy must be acceptable to the city and must name the city and its officers and employees as additional insureds and provide for 30 days written notice to the director of cancellation, non-renewal, or material change to the insurance policy.

(4) The license is subject to the rights of the city, public utilities, and franchisees in and to the public right-of-way and the rights of the city to make changes to the grade of any street, sidewalk, or parkway, and the licensee will never make a claim against the city for damages it might suffer by reason of the installation, construction, reconstruction, operation, or maintenance of any public improvement, utility, or communication facility on the licensed area.

(c) The annual license fee for a newsrack license is:

(1) $15 for each freestanding newsrack located within a public right-of-way of the city; and

(2) $60 for each newsrack space operated in a multiple newsrack unit, which amount includes $45 for rental of the newsrack space from the city or the city contractor.

director's decision. The applicant or licensee shall bear the burden of proof in court. (Ord. Nos. 26809; 27201)

SEC. 43-126.22. EXPIRATION AND RENEWAL OF A LICENSE.

(a) A newsrack license expires and becomes invalid on August 1 of each year, unless sooner terminated by the director in accordance with this division or by city council ordinance in accordance with the city charter. A licensee shall apply for renewal of a newsrack license at least 30 days, but not more than 90 days, before expiration of the license. An application for renewal must be made in accordance with the procedures established in Section 43-126.18.

~~(b) An existing licensee will be able to renew a license for the same newsrack locations until those newsrack locations are reallocated under a five-year lottery conducted under Section 43-126.23(c) or 43-126.29(h)(3), except that failure to timely renew a license in accordance with Subsection (a), or denial or revocation of a license, will result in the location for that newsrack being made available to other publishers.~~

(b) An existing licensee will be able to renew a license for the same newsrack locations until those newsrack locations are reallocated under a five-year lottery conducted under Section 43-126.29(h)(3), except that failure to timely renew a license in accordance with Subsection (a), or denial or revocation of a license, will result in the location for that newsrack being made available to other publishers.

(c) A licensee who timely applies for renewal of a license in accordance with Subsection (a) is not required to pay the $100 license application fee. (Ord. Nos. 26809; 27201)

SEC. 43-126.23. ~~ALLOCATION OF FREESTANDING NEWSRACK LOCATIONS.~~ RESERVED.

~~(a) Initial allocation. Before June 1, 2009, the director shall allocate locations for freestanding newsracks in accordance with the following procedures:~~

~~(1) The director shall determine how many freestanding newsracks may be placed on a blockface in locations complying with this division.~~

~~(2) The director shall determine how many freestanding newsracks are being lawfully operated on the blockface. A freestanding newsrack will be considered as being lawfully operated on a particular blockface if it is designated as being located on that blockface in the most recent list of newsrack locations:~~

~~(A) provided to the director before May 28, 2008 by a publisher holding a valid newsrack license issued by the city council or a valid temporary newsrack license issued by the director before May 28, 2008; or~~

~~(B) provided to the director by a publisher within 10 calendar days after the director's issuance of a temporary newsrack license occurring on or after May 28, 2008.~~

~~(3) If the number of lawfully-operated freestanding newsracks on the blockface exceeds the number of newsrack spaces allowed on the blockface under this division, the director shall conduct a lottery to determine the allocation of the newsrack spaces.~~

~~(4) The director shall place in a pool the names of all publications dispensed in the freestanding newsracks that are being lawfully operated on the blockface. If the same publication is being dispensed by more than one newsrack on the blockface, its name will be placed in the pool twice. The director shall draw from the pool a number of publication names equal to the number of newsrack spaces allowed under this division on that blockface. The director shall assign numbers to the names, beginning with the Number 1 for the first-drawn name and continuing in a sequential manner. The publications whose names are drawn will be allocated a newsrack space on the blockface as long as compliance with this division is maintained. The publishers of the publications allocated a newsrack space through the lottery process will select locations on the blockface in the order in which their publication names were drawn, with Number 1 having first choice. The director shall draw the remaining publication names from the pool and~~

assign them a number, beginning with the number following the one assigned to the last publication allocated a newsrack space on the blockface. These remaining publications will be allocated a newsrack space on the blockface (in the order drawn) only if any of the other publications originally allocated a newsrack space on the blockface do not want the space or do not qualify for the space. The publisher of any publication that is not allocated a newsrack space on the blockface shall remove the newsrack containing that publication within 10 days after the date the lottery is conducted.

(5) If the number of lawfully-operated freestanding newsracks on the blockface equals the number of newsrack spaces allowed on the blockface under this division, the publications dispensed in those lawfully-operated newsracks will each be allocated a newsrack space on the blockface as long as compliance with this division is maintained. The publishers of the publications allocated newsrack spaces under this paragraph shall select locations on the blockface in the order in which their completed license applications are received by the director in compliance with this division, with the first received having first choice.

(6) If the number of lawfully-operated freestanding newsracks on the blockface is less than the number of newsrack spaces allowed on the blockface under this division, the publications dispensed in those lawfully-operated newsracks will each be allocated a newsrack space on the blockface as long as compliance with this division is maintained. The publishers of the existing publications allocated newsrack spaces under this paragraph shall select locations on the blockface in the order in which their completed license applications are received by the director in compliance with this division, with the first received having first choice. The remaining newsrack spaces will be allocated through the lottery process described in Subsection (b) of this section.

(b) Future allocation. After the initial allocation of newsrack locations under Subsection (a), whenever one or more freestanding newsrack spaces become available on a blockface, the director shall allocate the newsrack locations in accordance with the following procedures:

(1) The director shall, by personal service or by regular United States mail, notify all publishers that a lottery will be held to allocate the available freestanding newsrack spaces. The notice must:

(A) identify the number and location (by blockface) of the available newsrack spaces;

(B) state the date, time, and location of the lottery;

(C) state the date and time by which the director must receive all requests to have publications entered in the lottery and the address at which the requests must be received; and

(D) state any other information the director determines necessary to conduct the lottery.

(2) The director shall place in a pool the names of all publications for which requests to participate in the lottery were timely received. If the same publication was requested more than once, its name will be placed in the pool twice. The director shall draw from the pool a number of publication names equal to the number of newsrack spaces available on that blockface. The director shall assign numbers to the names, beginning with the Number 1 for the first-drawn name and continuing in a sequential manner. The publications whose names are drawn will be allocated a newsrack space on the blockface as long as compliance with this division is maintained. The publishers of the publications allocated a newsrack space through the lottery process will select locations on the blockface in the order in which their publication names were drawn, with Number 1 having first choice. The director shall draw the remaining publication names from the pool and assign them a number, beginning with the number following the one assigned to the last publication allocated a newsrack space on the blockface. These remaining publications will be allocated a newsrack space on the blockface (in the order drawn) only if any

~~of the other publications originally allocated a newsrack space on the blockface do not want the space or do not qualify for the space.~~

~~(c) Random five-year lottery. Five years after the initial allocation of newsrack spaces on a blockface and every five years thereafter, the director shall reallocate the newsrack spaces in accordance with the lottery procedures established in Subsection (b) of this section. The publisher of any publication that is not allocated a newsrack space on the blockface shall remove the newsrack containing that publication within 10 days after the date the lottery is conducted. (Ord. Nos. 26809; 27201)~~

(Repealed by Ord. No. 33224)

SEC. 43-126.24. STANDARDS FOR INSTALLATION, OPERATION, AND MAINTENANCE OF NEWSRACKS.

(a) Any newsrack that, in whole or part, rests on any public right-of-way within the city not open to vehicular traffic must:

(1) comply with all applicable city ordinances and state and federal laws; and

(2) not remain continuously empty of publications authorized under the newsrack license for more than 30 consecutive days.

(b) In addition to meeting the requirements of Subsection (a), any freestanding newsrack or multiple newsrack unit that, in whole or part, rests on any public right-of-way within the city not open to vehicular traffic must meet all of the following standards:

(1) Not display advertising, except that a logo or other information identifying the publication and coin operation information may appear on the newsrack. This information must be contained in an area not to exceed six inches high and 20 inches wide on the front, back, and/or sides of the newsrack.

(2) If the newsrack will be located within any special district with an overall design theme that specifies particular colors or materials, then the newsrack material and color must conform to the special district design requirements. If design standards for a special district require that particular materials or colors be used for newsracks, the director shall notify any licensee with a newsrack in that district of the requirements.

(3) Have a notice, not to exceed three inches high and five inches wide, in a readily visible place on the newsrack with the name of the distributor and a working telephone number of whom to call to report a malfunction or to obtain a refund if any coin return mechanism malfunctions. This separate notice is not required if the information required by this paragraph is included with the logo and information allowed under Paragraph (1) of this subsection.

(4) Be maintained in a neat and clean condition and in good repair such that:

(A) the newsrack is reasonably free of dirt and grease;

(B) the newsrack is reasonably free of chipped, faded, peeling, and cracked paint in the visible painted areas;

(C) the newsrack is reasonably free of rust and corrosion in the visible unpainted metal areas;

(D) any clear plastic or glass parts through which the publications are viewed are unbroken and reasonably free of cracks, dents, blemishes, and discoloration;

(E) any paper or cardboard parts or inserts are reasonably free of tears, peeling, or fading; and

(F) no structural parts are broken or excessively misshapen.

SEC. 47A-1.6. PERMIT FEES.

~~(a) The non-refundable fee for an operating authority permit is $278 per year for transportation-for-hire service provided by non- motorized passenger transport vehicles; and the non-refundable fee for an operating authority permit per year for transportation-for-hire service provided by all other transport vehicles are indicated in the fee schedule below.~~

(a) The non-refundable fee for an operating authority permit is $382 per year for transportation-for-hire service provided by non- motorized passenger transport vehicles; and the non-refundable fee for an operating authority permit per year for transportation-for-hire service provided by all other transport vehicles are indicated in the fee schedule below.

Number of vehicles in a transportation-for-hire service fleet	**Annual Fee**
1 to 5 vehicles	~~$475.00~~ $198.00
6 to 10 vehicles	~~$675.00~~ $292.00
11 or more vehicles	~~$875.00~~ $327.00

~~(b) The non-refundable fee for a transportation-for-hire vehicle permit is $77 per vehicle permit per year for non-motorized passenger transport vehicles, and $30 per vehicle permit per year or any portion thereof, for all other transportation-for-hire vehicles.~~

~~(c) The non-refundable fee for a driver permit is $76 per year.~~

~~(d) The fee to reinstate a suspended operating authority or driver permit is $100.~~

(b) The non-refundable fee for a transportation-for-hire vehicle permit is $185 per vehicle permit per year for non-motorized passenger transport vehicles, and $39 per vehicle permit per year or any portion thereof, for all other transportation-for-hire vehicles.

(c) The non-refundable fee for a driver permit is $125 per year.

(d) The fee to reinstate a suspended operating authority or driver permit is $23. (Ord. Nos. 29596; 29706; 30180; 31689; 32180; 33232)

ARTICLE II.

REGULATIONS APPLICABLE TO ALL TRANSPORTATION-FOR-HIRE SERVICES.

DIVISION 1.

OPERATING AUTHORITY PERMIT.

SEC. 47A-2.1.1. OPERATING AUTHORITY PERMIT REQUIRED.

(a) A person may not operate a transportation-for-hire service inside the city without operating authority granted under this chapter.

(b) A person may not transport a passenger for hire inside the city unless the person driving the transportation-for-hire vehicle or another who employs or contracts with the driver has been granted operating authority under this chapter. (Ord. 29596)

SEC. 47A-2.1.2. APPLICATION FOR OPERATING AUTHORITY PERMIT.

(a) To obtain an operating authority permit, a person shall make application in the manner prescribed by the director. The applicant must be the person who will own, control, or operate the proposed transportation-for-hire company.

~~(b) An applicant shall file with the director a verified application statement, accompanied by a non-refundable application fee of $125, containing the following:~~

(b) An applicant shall file with the director a verified application statement, accompanied by a non-refundable application fee of $108, containing the following:

(1) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a 20 percent or greater ownership interest in the business;

(2) the verified signature of the applicant;

(3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;

(4) the name of the person designated by the applicant to receive on behalf of the operating authority any future notices sent by the City to the operating authority, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;

(5) a method for the director to immediately verify whether a driver or vehicle are currently operating under that operating authority or were operating under that operating authority within the past 90 days;

(6) documentary evidence from an insurance company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies, indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this chapter;

(7) documentary evidence of payment of ad valorem taxes on the local property, if any, to be used in connection with the operation of the proposed transportation-for-hire company; and

(8) a copy of the company's zero-tolerance policy for intoxicating substances. (Ord. Nos. 29596; 29706; 30180; 31689; 32180; 33232)

SEC. 47A-2.1.3. CHANGES TO INFORMATION IN OPERATING AUTHORITY APPLICATION.

Any changes to the information provided in the operating authority permit application must be reported to the director, in the manner prescribed by the director, within 10 days of the change. (Ord. 29596)

SEC. 47A-2.1.4. EXPIRATION OF OPERATING AUTHORITY PERMIT.

An operating authority permit expires one year from the date it is issued. (Ord. 29596)

SEC. 47A-2.1.5. SUSPENSION OR REVOCATION OF OPERATING AUTHORITY.

(a) Suspension. The following regulations apply to the suspension of a temporary or annual operating authority permit:

(1) The director may suspend an operating authority permit if the director determines that the operating authority permit holder failed to comply with a correction order issued to the holder by the director within the time specified in the order.

(2) Suspension of an operating authority permit does not affect the expiration date of the permit.

(b) Revocation. The following regulations apply to the revocation of a temporary or annual operating authority permit:

(1) The director shall revoke operating authority if the director determines that the operating authority permit holder has:

(A) made a false statement as to a material matter in the application concerning the operating authority; or

(B) failed to maintain the insurance required by this chapter.

(2) After revocation of an operating authority permit, an operating authority permit holder is not eligible for another permit for a period of up to two years, depending on the severity of the violation resulting in the revocation. (Ord. 29596)

(1) the director determines that the applicant is qualified to receive a permit under Section 47A-2.2.2; and

(2) the applicant has completed the training class required by Subsection (a) of this section.

(c) The director shall deny the application for a driver permit if the applicant:

(1) is not qualified under Section 47A-2.2.2, or

(2) makes a false statement of a material fact in his application for a driver permit.

(d) If the director determines that a driver permit should be denied, the director shall notify the applicant in writing that his application is denied and include in the notice the reason for denial and a statement informing the applicant of his right of appeal. (Ord. 29596)

SEC. 47A-2.2.6. CHANGES TO INFORMATION IN DRIVER PERMIT APPLICATION.

Any changes in the driver's contact information must be reported to the director prior to or contemporaneously with those changes. (Ord. 29596)

SEC. 47A-2.2.7. DURATION OF DRIVER PERMIT.

(a) A driver permit expires one year from the date it is issued.

(b) If a driver's state driver's license is suspended or revoked by the state, his transportation-for-hire driver permit automatically becomes void. A driver shall immediately notify the director and each operating authority for which he drives of a suspension or revocation of his driver's license by the state and shall immediately surrender his driver permit to the director. (Ord. Nos. 29596; 31689)

SEC. 47A-2.2.8. DUPLICATE DRIVER PERMIT.

~~If a driver permit is lost or destroyed, the director shall, for a $50 fee, issue the driver a duplicate driver permit.~~

If a driver permit is lost or destroyed, the director shall, for a $21 fee, issue the driver a duplicate driver permit. (Ord. Nos. 29596; 29706; 31689; 33232)

SEC. 47A-2.2.9. DISPLAY OF DRIVER PERMIT.

(a) A driver shall have the driver permit in his possession at all times that the driver is providing transportation-for-hire services.

(b) A driver shall allow the director or a peace officer to examine the driver permit upon request.

(c) A driver shall at all times, while actively seeking or providing transportation-for-hire services, display driver permit information in a manner that is visible and legible to passengers, including the driver's first name, picture, permit number, and information on how to contact the city to make a complaint. (Ord. Nos. 29596; 31689)

SEC. 47A-2.2.10. SUSPENSION OR REVOCATION OF DRIVER PERMIT.

(a) Suspension.

(1) If the director determines that a driver has failed to comply with this chapter or a rule or regulation established under this chapter, the director may suspend the driver permit for a definite period of time not to exceed 60 days.

(2) If at any time the director determines that a driver is not qualified under Section 47A-2.2.2, or is under indictment or has charges pending for any offense involving driving while intoxicated or a felony offense involving a crime described in Section 47A-2.2.2 or criminal attempt to commit any of those offenses, the director shall suspend the driver permit until such time as the director determines that the driver is qualified or that the charges against the driver have been finally adjudicated.

CHAPTER 48

TREES AND SHRUBS

Sec. 48-1. Park board - Authority to regulate planting, cutting, etc.
Sec. 48-2. Same - Appointment and qualifications of city forester.
Sec. 48-3. Duty to encourage planting of trees; pecuniary interest in marketing trees.
Sec. 48-4. Permits required for planting, trimming, spraying, etc.
Sec. 48-5. Injuring trees.
Sec. 48-6. ~~Interfering with work of park board.~~ Reserved.
Sec. 48-7. Protection of trees in case of erection or repair of buildings.
Sec. 48-8. ~~Removal of electric wires to permit pruning, etc.~~ Reserved.
Sec. 48-9. Injuring trees, shrubs or plants on another's property.
Sec. 48-10. Discharge of oil, brine or substance likely to injure grass, shrubs or trees.
Sec. 48-11. Duty to remove dead, diseased, and damaged trees from parkway.

SEC. 48-1. PARK BOARD - AUTHORITY TO REGULATE PLANTING, CUTTING, ETC.

The park board shall have the power to regulate and control the planting, cutting, trimming and caring for all trees within the highways and streets of the city and shall make such rules and regulations governing the same as may be deemed advisable in conjunction with the city forester and shall from time to time make such rules and regulations as they may deem advisable concerning the planting, cutting and caring for trees and require the city forester to be governed thereby. (Code 1941, Art. 147-1)

SEC. 48-2. SAME - APPOINTMENT AND QUALIFICATIONS OF CITY FORESTER.

The park board shall have the authority to appoint and employ a city forester and such other officers, assistants and laborers as it may deem necessary for the efficient administration of the duties prescribed by this chapter. No person shall be appointed to the office of city forester unless such person, at the date of his appointment, has satisfied the park board that he possesses at least four years of practical experience in regular forest service, two of which shall have been in city forestry, and also that he has a thorough knowledge of soils, insects and plant diseases as they affect trees and their growth. The park board shall have the power to establish such rules and regulations as it shall deem necessary for the conduct of the city forester and for the administration of this chapter. (Code 1941, Art. 147-2; Ord. 8020)

SEC. 48-3. DUTY TO ENCOURAGE PLANTING OF TREES; PECUNIARY INTEREST IN MARKETING TREES.

It shall be the duty of the park board either directly or through the city forester to encourage the planting of trees within the city and to recommend the kind and character of trees to be planted which are suitable to the soil and will furnish the most practical results with a view of yielding shade and being ornamental in their nature. The city forester shall be courteous and attentive to the public in seeking advice and in aiding and assisting the public as well as encouraging the public in the planting of the proper kind of trees. No member of the park board nor the city forester shall be interested directly or indirectly in a pecuniary manner in selling or marketing any shade trees required to be used by the public but nothing in this section shall be construed to prevent the park

board or the city forester from giving proper advice as to the kind and character of trees to be planted and the time when such planting shall be done and all other information that may be necessary for such purposes. (Code 1941, Art. 147-3; Ord. 8020)

SEC. 48-4. PERMITS REQUIRED FOR PLANTING, TRIMMING, SPRAYING, ETC.

It shall be unlawful for any person to plant or set out any shade trees or cause or authorize any person to plant or set out any shade trees in or on any public highway within the city without first obtaining from the director of the park department a written permit to do so. It shall be unlawful for any individual or officer or employee of a corporation without the written permit of director of the park department to cut, prune, break, climb, injure or remove any living tree in a public highway, or cut, disturb or interfere in any way with the roots of any tree on a public highway or spray with any chemicals or insecticides any tree in a public highway; or place any rope, sign, poster or other fixture on a tree or guard in a public highway; or injure, misuse or remove any device placed to protect such tree on a public highway. (Code 1941, Art. 147-4)

SEC. 48-5. INJURING TREES.

It shall be unlawful for any person to pull up, cut down, burn or destroy, or in any manner injure any living tree standing in any street or public highway of the city. (Code 1941, Art. 147-5)

SEC. 48-6. ~~INTERFERING WITH WORK OF PARK BOARD.~~ RESERVED.

~~It shall be unlawful for any person to wilfully prevent, delay or in any manner interfere with the park board or any person acting under its direction and instruction in the planting, pruning, spraying, cultivating, caring for or removal of any living tree standing in any street or public highway in the city. (Code 1941, Art. 147-7)~~

(Repealed by Ord. No. 33224)

SEC. 48-7. PROTECTION OF TREES IN CASE OF ERECTION OR REPAIR OF BUILDINGS.

In the erection or repair of any building or structure the owner thereof shall place such guards around all nearby trees on the public highways as shall effectually prevent injury to them. (Code 1941, Art. 147-8)

SEC. 48-8. ~~REMOVAL OF ELECTRIC WIRES TO PERMIT PRUNING, ETC.~~ RESERVED.

~~Every person having any wire or wires charged with electricity running through a public highway shall temporarily remove any such wire or wires or the electricity therefrom when it shall be necessary, in order to take down or prune any trees growing in a public highway, within 48 hours after service upon the owner of such wires, or his agent, of a written notice signed by the director of the park department, to remove the wire or wires or the electricity therefrom. (Code 1941, Art. 147-9)~~

(Repealed by Ord. No. 33224)

SEC. 48-9. INJURING TREES, SHRUBS OR PLANTS ON ANOTHER'S PROPERTY.

(a) It shall be unlawful for any person to cut, injure, mutilate or destroy any shrub, plant or tree in the city, in or upon property not belonging to such person, without the permission of the owner of the property.

(b) Any person violating any provision of this section is guilty of an offense. (Code 1941, Art. 87-3; Ord. 19963)

SEC. 48-10. DISCHARGE OF OIL, BRINE OR SUBSTANCE LIKELY TO INJURE GRASS, SHRUBS OR TREES.

It shall be unlawful for any person, or his agent, servant, or employee, while handling, using, or transporting any oil, salt water, brine, or other substance or liquid of any character in connection with any ice cream business, oil business, or other character or kind of business, or otherwise, to suffer or permit any of the substance or liquid to drip upon or be thrown or discharged into any street or gutter of any street, or on any sidewalk or parkway on any street, so that the substance or liquid may injure or likely or probably cause injury to any growing grass plot, shrubbery, or tree, or to discharge any of the substance or liquid into any gutter of any street or otherwise so that the substance or liquid may flow onto or near any growing grass plot, shrubbery, or tree so as to injure or likely or probably cause injury to the grass plot, shrubbery, or tree; provided, that nothing contained in this section shall prevent any person from discharging, throwing, or placing any substance or liquid described in this section into the inlet of any sewer that may be in any street where the substance or liquid will not cause injury to any shrubbery, grass, or tree, save and except that nothing shall be placed or discharged in any inlet that is likely to cause fire or combustion or that may be otherwise prohibited by this code or any other city ordinance. Any person, or his agent, servant, or employee, who violates any provision of this section shall is guilty of an offense. (Code 1941, Art. 87-16; Ord. 19963)

SEC. 48-11. DUTY TO REMOVE DEAD, DISEASED, AND DAMAGED TREES FROM PARKWAY.

(a) Every person owning, occupying, or in control of property shall, at the person's own expense, remove any dead, diseased, or damaged tree from the parkway abutting the property owned, occupied, or controlled by the person.

(b) ~~The park department may remove a dead, diseased, or damaged tree from a parkway at the request of the owner, occupant, or person in control of the abutting property or upon failure of the owner, occupant, or person in control of the abutting property to remove the tree after being issued notice of removal by the park department. The fee for removal of a dead, diseased, or damaged tree from a parkway is $75.~~

~~(c)~~ For purposes of this section, parkway means the area along a public street between the curb and the sidewalk. (Ord. Nos. 20736; 33224)

tow service, including names, dates of birth, state driver's license numbers, social security numbers, and wrecker driver's permit numbers;

(6) a copy of a written agreement, if one exists, between the vehicle tow service and each vehicle storage facility used by the tow service, other than its own, and proof that each vehicle storage facility used is currently licensed under the Texas Vehicle Storage Facility Act;

(7) a list of what methods of payment the applicant will accept from a vehicle owner for vehicle tow service;

(8) any other information deemed necessary by the director; and

~~(9) a nonrefundable application processing fee of $135.~~

(9) a nonrefundable application processing fee of $132.

(c) A person desiring to engage in vehicle tow service shall register with the director a trade name that clearly differentiates the person's company from all other companies engaging in vehicle tow service and shall use no other trade name for the vehicle tow service. (Ord. Nos. 19099; 21435; 24175; 27695; 30215; 33232)

SEC. 48A-7. LICENSE QUALIFICATIONS.

(a) To qualify for a vehicle tow service license, an applicant must:

(1) be at least 19 years of age;

(2) be currently authorized to work full-time in the United States;

(3) be able to communicate in the English language; and

(4) not have been convicted of a crime:

(A) involving:

(i) criminal homicide as described in Chapter 19 of the Texas Penal Code;

(ii) kidnapping as described in Chapter 20 of the Texas Penal Code;

(iii) a sexual offense as described in Chapter 21 of the Texas Penal Code;

(iv) an assaultive offense as described in Chapter 22 of the Texas Penal Code;

(v) robbery as described in Chapter 29 of the Texas Penal Code;

(vi) burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in vehicle tow service;

(vii) theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in vehicle tow service;

(viii) fraud as described in Chapter 32 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in vehicle tow service;

(ix) tampering with a governmental record as described in Chapter 37 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in vehicle tow service;

(x) public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;

(xi) the transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, or of any comparable state or

the evidence required to determine present fitness under Subsection (b) of this section.

(d) A licensee shall maintain a permanent and established place of business at a location within the city where a vehicle tow service is not prohibited by the Dallas Development Code. A licensee shall use only vehicle storage facilities located within the city where a vehicle storage facility is not prohibited by the Dallas Development Code.

(e) A licensee shall use employees only to provide vehicle tow service; except, that vehicle tow services licensed under this article may subcontract with each other to provide tow service. (Ord. Nos. 19099; 21282; 21435; 24175)

SEC. 48A-8. LICENSE ISSUANCE; FEE; DISPLAY; TRANSFERABILITY; EXPIRATION.

(a) The director shall, within 30 days after the date of application, issue a vehicle tow service license to an applicant who complies with the provisions of this article.

(b) A license issued to a vehicle tow service authorizes the licensee and any bona fide employee to engage in vehicle tow service.

~~(c) The annual fee for a vehicle tow service license is $362, prorated on the basis of whole months. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is $5. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.~~

(c) The annual fee for a vehicle tow service license is $672, prorated on the basis of whole months. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is $5. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.

(d) A vehicle tow service license issued pursuant to this article must be conspicuously displayed in the vehicle tow service establishment.

(e) A vehicle tow service license, or any accompanying permit, badge, sticker, ticket, or emblem, is not assignable or transferable.

(f) A vehicle tow service license expires June 30 of each year and may be renewed by applying in accordance with Section 48A-6. Application for renewal must be made not less than 30 days or more than 60 days before expiration of the license and must be accompanied by the annual license fee. (Ord. Nos. 19099; 19300; 21435; 24175; 30215; 33232)

SEC. 48A-9. REFUSAL TO ISSUE OR RENEW LICENSE.

(a) The director shall refuse to issue or renew a vehicle tow service license if the applicant or licensee:

(1) intentionally or knowingly makes a false statement as to a material matter in an application for a license or license renewal, or in a hearing concerning the license;

(2) has been convicted twice within a 12-month period or three times within a 24-month period for violation of this chapter or has had a vehicle tow service license revoked within two years prior to the date of application;

(3) uses a trade name for the vehicle tow service other than the one registered with the director;

(4) is not qualified under Section 48A-7 of this article;

(5) uses a subcontractor to provide vehicle tow service, unless the use of the subcontractor is authorized pursuant to Section 48A-7(e) of this chapter; or

(6) has been finally convicted for violation of another city, state, or federal law that indicates a lack of fitness of the applicant to perform vehicle tow service.

(b) If the director determines that a license should be denied the applicant or licensee, the director

(ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the applicant was convicted of a felony offense; or

(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;

(8) not have been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated:

(A) within the preceding 12 months; or

(B) more than one time within the preceding five years;

(9) not be addicted to the use of alcohol or narcotics;

(10) be subject to no outstanding warrants of arrest;

(11) be sanitary and well-groomed in dress and person;

(12) be employed by the licensee; and

(13) have successfully completed within the preceding 12 months a defensive driving course approved by the Texas Education Agency and be able to present proof of completion.

(b) An applicant who has been convicted of an offense listed in Subsection (a)(7) or (8), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for a wrecker driver's permit only if the director determines that the applicant is presently fit to engage in the occupation of a wrecker driver. In determining present fitness under this section, the director shall consider the following:

(1) the extent and nature of the applicant's past criminal activity;

(2) the age of the applicant at the time of the commission of the crime;

(3) the amount of time that has elapsed since the applicant's last criminal activity;

(4) the conduct and work activity of the applicant prior to and following the criminal activity;

(5) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.

(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section and under Section 48A-19 of this article. (Ord. Nos. 21435; 24175)

SEC. 48A-14. APPLICATION FOR WRECKER DRIVER'S PERMIT; FEE.

~~To obtain a wrecker driver's permit, or renewal of a wrecker driver's permit, a person must file with the director a completed written application on a form provided for the purpose and a nonrefundable application fee of $32. The director shall require each application to state such information as the director reasonably considers necessary to determine whether an applicant is qualified.~~

To obtain a wrecker driver's permit, or renewal of a wrecker driver's permit, a person must file with the director a completed written application on a form provided for the purpose and a nonrefundable application fee of $75. The director shall require each application to state such information as the director

reasonably considers necessary to determine whether an applicant is qualified. (Ord. Nos. 21435; 24175; 27695; 30215; 33232)

whom the permittee drives within three days of a suspension or revocation of a state driver's license and shall immediately surrender the wrecker driver's permit to the director. (Ord. Nos. 21435; 24175)

SEC. 48A-18. PROVISIONAL PERMIT.

(a) The director may issue a provisional wrecker driver's permit if the director determines that it is necessary pending completion of investigation of an applicant for a wrecker driver's permit.

(b) A provisional wrecker driver's permit expires on the date shown on the permit, which date shall not exceed 45 days after the date of issuance, or on the date the applicant is denied a wrecker driver's permit, whichever occurs first.

(c) The director shall not issue a provisional permit to a person who has been previously denied a wrecker driver's permit. (Ord. Nos. 21435; 24175)

SEC. 48A-19. PROBATIONARY PERMIT.

(a) The director may issue a probationary wrecker driver's permit to an applicant who is not qualified for a wrecker driver's permit under Section 48A-13 if the applicant:

(1) could qualify under Section 48A-13 for a wrecker driver's permit within one year from the date of application;

(2) holds a valid state driver's license or occupational driver's license; and

(3) is determined by the director, using the criteria listed in Section 48A-13(b) of this article, to be presently fit to engage in the occupation of a wrecker driver.

(b) A probationary wrecker driver's permit may be issued for a period not to exceed one year.

(c) The director may prescribe appropriate terms and conditions for a probationary wrecker driver's permit as the director determines are necessary. (Ord. Nos. 21435; 24175)

SEC. 48A-20. DUPLICATE PERMIT.

~~If a wrecker driver's permit is lost or destroyed, the director shall issue the permittee a duplicate permit upon payment to the city of a duplicate permit fee of $16.~~

If a wrecker driver's permit is lost or destroyed, the director shall issue the permittee a duplicate permit upon payment to the city of a duplicate permit fee of $33. (Ord. Nos. 21435; 24175; 27695; 30215; 33232)

SEC. 48A-21. DISPLAY OF PERMIT.

A wrecker driver shall at all times conspicuously display a wrecker driver's permit on the clothing of the driver's upper body. A wrecker driver shall allow the director or a peace officer to examine the wrecker driver's permit upon request. (Ord. Nos. 21435; 24175)

SEC. 48A-22. SUSPENSION BY A DESIGNATED REPRESENTATIVE.

(a) If a duly authorized representative designated by the director to enforce this chapter determines that a permittee has failed to comply with this chapter (except Section 48A-13) or a regulation established under this chapter, the representative may suspend the wrecker driver's permit for a period of time not to exceed three days by personally serving the permittee with a written notice of the suspension. The written notice must include the reason for suspension, the date the suspension begins, the duration of the suspension, and a statement informing the permittee of the right of appeal.

(b) A suspension under this section may be appealed to the director or the director's assistant if the permittee requests an appeal at the time the representative serves notice of suspension or within 10 days after the notice of suspension is served. When an appeal is requested, the suspension may not take effect

(A) has been subcontracted from another licensee pursuant to Section 48A-7(e) of this chapter; and

(B) is covered by insurance of the other licensee that meets the requirements of this chapter and that includes coverage for use of the vehicle by subcontractors; and

(3) a provision requiring the insurance company to pay every claim on a first-dollar basis.

(g) Insurance required by this section may be obtained from an assigned risk pool if all of the policies and coverages are managed by one agent, and one certificate of insurance is issued to the city.

(h) A license will not be granted or renewed unless the applicant or licensee furnishes the director with such proof of insurance as the director considers necessary to determine whether the applicant or licensee is adequately insured under this section.

~~(i) If the insurance of a licensee lapses or is canceled and new insurance is not obtained, the director shall suspend the license until the licensee provides evidence that insurance coverage required by this section has been obtained. A person shall not operate a vehicle tow service while a license is suspended under this section whether or not the action is appealed. A $105 fee must be paid before a license suspended under this section will be reinstated.~~

(i) If the insurance of a licensee lapses or is canceled and new insurance is not obtained, the director shall suspend the license until the licensee provides evidence that insurance coverage required by this section has been obtained. A person shall not operate a vehicle tow service while a license is suspended under this section whether or not the action is appealed. A $47 fee must be paid before a license suspended under this section will be reinstated.

(j) No person with any direct or indirect ownership interest in the licensee's vehicle tow service may have any operational control, direct or indirect, in any insurance company that provides insurance required by this section to the vehicle tow service. For purposes of this subsection, "operational control" means holding any management position with the insurance company (including, but not limited to, the chief executive officer, the president, any vice-president, or any person in a decision-making position with respect to insurance claims) or having the right to control the actions or decisions of any person in such a management position in the insurance company. (Ord. Nos. 19099; 21435; 23106; 24175; 25215; 30215; 33232)

SEC. 48A-30. INFORMATION TO BE SUPPLIED UPON REQUEST OF DIRECTOR.

Upon request of the director, a licensee shall submit to the director the following information:

(1) a current consolidated list of vehicles;

(2) a current financial statement that includes a balance sheet and income statement;

(3) names of current officers, owners, and managers; and

(4) a list of current drivers employed by the licensee, with their wrecker driver's permits indicated. (Ord. Nos. 21435; 24175)

SEC. 48A-31. VEHICLE TOW SERVICE RECORDS.

For each vehicle towed by a vehicle tow service, a licensee shall retain any record required pursuant to this chapter, including, but not limited to, towing agreements, photographs, written authorizations for removal, and wrecker slips or tickets, for not less than one year from the date of removal of the vehicle. The licensee shall make the vehicle tow service records available for inspection by the director upon reasonable notice and request. (Ord. Nos. 19099; 21435; 24175)

SEC. 48A-32. FAILURE TO PAY AD VALOREM TAXES.

A licensee or an applicant for a vehicle tow service license shall not allow the payment of ad

SEC. 48A-41. NOTIFICATION OF VEHICLE OWNER.

A licensee or permittee shall provide the owner of any vehicle removed from private property by the licensee with written notice of how and to whom a complaint concerning the vehicle's removal or a violation of this chapter can be made. The notice must specifically state that the vehicle owner has the right to challenge the legality of the tow under Chapter 685, Texas Transportation Code, as amended, and describe the process required for the challenge. (Ord. Nos. 21435; 23106; 24175)

SEC. 48A-42. REMOVAL TO VEHICLE STORAGE FACILITY.

(a) A person commits an offense if he removes or causes the removal of any vehicle from private property to:

(1) any location other than the vehicle storage facility indicated on the signs required by Section 48A-36 of this article; or

(2) a vehicle storage facility that:

(A) is not currently licensed under the Texas Vehicle Storage Facility Act or not in compliance with that act or any rule or regulation promulgated pursuant to that act;

(B) is located outside the city or located inside the city in violation of the Dallas Development Code; or

(C) does not have a sign posted conspicuously at its entrance notifying the vehicle owner of the right to challenge the legality of the tow under Chapter 685, Texas Transportation Code, as amended.

(b) A licensee or a permittee commits an offense if he, either personally or through an employee, subcontractor, or agent:

(1) fails to remove a vehicle from private property to a vehicle storage facility by the most direct and expeditious route; or

(2) stops at another location while transporting a vehicle removed from private property to a vehicle storage facility. (Ord. Nos. 19099; 21435; 23106; 24175)

ARTICLE VI.

VEHICLE TOW SERVICE FEES.

SEC. 48A-43. MAXIMUM FEE SCHEDULE.

(a) The maximum fee that a licensee or permittee may charge for vehicle tow service, regardless of whether a tilt-bed wrecker or a conventional wrecker is used, is:

~~(1) $121 for towage of a vehicle with a manufacturer's gross vehicle weight rating of not more than 10,000 pounds;~~

~~(2) $191 for towage of a vehicle with a manufacturer's gross vehicle weight rating of more than 10,000 pounds but not more than 26,000 pounds; and~~

~~(3) $445 for towage of a vehicle with a manufacturer's gross vehicle weight rating of more than 26,000 pounds.~~

(1) $165 for towage of a vehicle with a manufacturer's gross vehicle weight rating of not more than 10,000 pounds;

(2) $300 for towage of a vehicle with a manufacturer's gross vehicle weight rating of more than 10,000 pounds but not more than 24,999 pounds; and

(3) $489 per unit for towage of a vehicle with a manufacturer's gross vehicle weight rating of more than 25,000 pounds. Maximum tow amount is $978.

(b) No additional fee may be charged for linkage of a vehicle prior to a tow or for the use of dollies or go-jacks.

police department if the police department takes custody of a stolen vehicle.

(d) A licensee or permittee commits an offense if he, either personally or through an employee, subcontractor, or agent, charges:

(1) more than the maximum fee allowed by this section for the particular vehicle towed; or

(2) any fee in addition to:

(A) a towage fee lawfully charged under this section; or

(B) a storage, preservation, or notification fee lawfully charged under the Vehicle Storage Facility Act.

(e) A licensee or permittee shall provide a vehicle owner the option of paying the fee for vehicle tow service by cash or a major credit card. (Ord. Nos. 19099; 19300; 21435; 23106; 24175; 25812; 27721; 33232)

SEC. 48A-43.1. TOWING FEE STUDIES.

(a) Upon the request of one or more vehicle tow service licensees that, either alone or together, accounted for 50 percent or more of the nonconsent tows performed in the city during the preceding license term as determined by the director according to city records, the city shall, either through its employees or a contractor, conduct a towing fee study for the purpose of determining the fair market value of the services of a vehicle tow service business performing nonconsent tows originating in the city. The fair market value of such services must be reasonably related to any financial or accounting information provided to the city relating to vehicle tow service.

(b) A request for a towing fee study must be in writing and filed with the director by one of the following methods:

(1) Certified United States mail, return receipt requested.

(2) Certified electronic transmission.

(3) Hand delivery.

(c) After an initial request for a towing fee study is filed with the director, other vehicle tow service licensees may join in that request by also filing requests with the director in accordance with Subsection (b). If, within 90 days after the director receives the initial request for a towing fee study, the director determines that all of the licensees joining in the request, when considered together, account for less than 50 percent of the nonconsent tows performed in the city during the preceding license term, then the city will not conduct a towing fee study.

(d) Before the city will begin conducting a towing fee study, the vehicle tow service licensee or licensees requesting the study shall deposit with the director a fee of $5,000 to partially defray the city's cost of conducting the study. If the study is not conducted, the fee will be refunded to the licensee or licensees paying the fee, less an administrative fee of $250 for processing the request.

(e) Each vehicle tow service licensee requesting the towing fee study shall cooperate with the city to conduct the study. Each licensee shall provide to the city any reasonable information determined by the director to be needed to conduct a meaningful fee study, including, but not limited to, the following:

(1) An audited financial statement not more than one year old that reflects the current financial status of the vehicle tow service business and includes an itemized statement of revenues and expenses. The audited financial statement must have been prepared by an independent certified public accountant.

(2) The number of employees of the licensee, including drivers and dispatchers, and each

(4) carry, as standard equipment, safety chains and a fire extinguisher;

(5) be maintained in a safe and good working condition and contain equipment that is maintained in a safe and good working condition; and

(6) have permanently affixed to each side of the power unit of the wrecker legible letters and numbers, at least two inches high, in a color that contrasts with the power unit, stating the trade name, address (including city and state), and telephone number (including area code) of the vehicle tow service and the motor carrier registration number of the wrecker.

~~(b) Upon inspection and approval of each vehicle, the director shall issue a decal to the applicant or licensee. The decal must be affixed securely to the lower right corner of the windshield of the inspected wrecker.~~

(b) Upon inspection, approval, and a fee payment of $347, for each vehicle, the director shall issue a decal to the applicant or licensee. The decal must be affixed securely to the lower right corner of the windshield of the inspected wrecker.

(c) The director or a peace officer may, at any time, inspect a wrecker used by a licensee for vehicle tow service to determine whether the vehicle complies with this section.

(d) A licensee or permittee commits an offense if he, either personally or through an employee, subcontractor, or agent, uses a light duty, medium duty, or heavy duty wrecker to tow a vehicle that exceeds the manufacturer's gross vehicle weight rating allowed to be towed by the particular wrecker under Subsection (a)(1), (2), or (3), whichever is applicable. (Ord. Nos. 19099; 21435; 23106; 24175; 33232)

ARTICLE VIII.

ENFORCEMENT.

SEC. 48A-45. AUTHORITY TO INSPECT.

(a) The director or a peace officer may inspect any vehicle tow service or vehicle storage facility to determine whether the licensee or permittee complies with this chapter, regulations established under this chapter, or other applicable law.

(b) A licensee or permittee, either personally or through an employee, subcontractor, or agent, shall not attempt to interfere or refuse to cooperate with the director or a peace officer in the conduct of any investigation or discharge of any duty pursuant to this chapter. (Ord. Nos. 19099; 21435; 24175)

SEC. 48A-46. ENFORCEMENT BY POLICE DEPARTMENT.

Officers of the police department shall assist in the enforcement of this chapter. A police officer upon observing a violation of this chapter, or of any regulation established by the director pursuant to this chapter, shall take necessary enforcement action to insure effective regulation of vehicle tow service and vehicle storage facilities. (Ord. Nos. 19099; 21435; 24175)

SEC. 48A-47. CORRECTION ORDER.

(a) If the director determines that a licensee, either personally or through an employee, subcontractor, or agent, violates this code, the terms of its license, a regulation established by the director, or other law, the director may notify the licensee in writing of the violation and by written order direct the licensee to correct the violation within a reasonable 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 nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the director shall order the licensee to immediately cease use of the equipment.

(b) If the director determines that a violation constitutes an imminent and serious threat to the public health or safety, the director shall order the licensee to correct the violation immediately, and, if the licensee fails to comply, the director shall promptly

(2) The number and type of boots utilized by the vehicle immobilization service, including the make, model, and identification number.

(3) Documentary evidence from an insurance company indicating a willingness to provide liability insurance as required by this chapter.

(4) A statement attesting that each boot and other vehicle immobilization equipment used by the vehicle immobilization service has been rendered for ad valorem taxation in the city and that the applicant is current on payment of those taxes.

(5) A list, to be kept current, of the owners and management personnel of the vehicle immobilization service, and of all employees who will participate in vehicle immobilization service, including names, dates of birth, state driver's license numbers, social security numbers, and vehicle immobilization operator's permit numbers.

(6) A list of what methods of payment the applicant will accept from a vehicle owner or operator for removal of a boot.

(7) Proof of a valid certificate of occupancy issued by the city in the name of the company and for the location of the vehicle immobilization service business.

(8) Any other information deemed necessary by the director.

~~(9) A nonrefundable application processing fee of $96.~~

(9) A nonrefundable application processing fee of $91.

(c) A person desiring to engage in vehicle immobilization service shall register with the director a trade name that clearly differentiates the person's company from all other companies engaging in vehicle immobilization service and shall use no other trade name for the vehicle immobilization service. (Ord. Nos. 27629; 30215; 33232)

SEC. 48C-7. LICENSE QUALIFICATIONS.

(a) To qualify for a vehicle immobilization service license, an applicant must:

(1) be at least 19 years of age;

(2) be currently authorized to work full-time in the United States;

(3) be able to communicate in the English language;

(4) not have been convicted of a crime:

(A) involving:

(i) criminal homicide as described in Chapter 19 of the Texas Penal Code;

(ii) kidnapping as described in Chapter 20 of the Texas Penal Code;

(iii) a sexual offense as described in Chapter 21 of the Texas Penal Code;

(iv) an assaultive offense as described in Chapter 22 of the Texas Penal Code;

(v) robbery as described in Chapter 29 of the Texas Penal Code;

(vi) burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in vehicle immobilization service;

(vii) theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in vehicle immobilization service;

(4) the conduct and work activity of the applicant, or employee, prior to and following the criminal activity;

(5) evidence of the applicant's, or employee's, rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant's, or employee's, present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant, or employee; the sheriff and chief of police in the community where the applicant, or employee, resides; and any other persons in contact with the applicant, or employee.

(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section.

(d) A licensee shall maintain a permanent and established place of business at a location within the city where a vehicle immobilization service is not prohibited by the Dallas Development Code. (Ord. 27629)

SEC. 48C-8. LICENSE ISSUANCE; FEE; DISPLAY; TRANSFERABILITY; EXPIRATION.

(a) The director shall, within 30 days after the date of application, issue a vehicle immobilization service license to an applicant who complies with the provisions of this article.

(b) A license issued to a vehicle immobilization service authorizes the licensee and any bona fide employee to engage in vehicle immobilization service.

~~(c) The annual fee for a vehicle immobilization service license is $557, prorated on the basis of whole months. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is $13. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.~~

(c) The annual fee for a vehicle immobilization service license is $109, prorated on the basis of whole months. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is $22. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.

(d) A vehicle immobilization service license issued pursuant to this article must be conspicuously displayed in the vehicle immobilization service establishment.

(e) A vehicle immobilization service license, or any accompanying permit, badge, sticker, ticket, or emblem, is not assignable or transferable.

(f) A vehicle immobilization service license expires June 30 of each year and may be renewed by applying in accordance with Section 48C-6. Application for renewal must be made not less than 30 days or more than 60 days before expiration of the license and must be accompanied by the annual license fee. (Ord. Nos. 27629; 30215; 33232)

SEC. 48C-9. REFUSAL TO ISSUE OR RENEW LICENSE.

(a) The director shall refuse to issue or renew a vehicle immobilization service license if the applicant or licensee:

(1) intentionally or knowingly makes a false statement as to a material matter in an application for a license or license renewal, or in a hearing concerning the license;

(2) has been convicted twice within a 12-month period or three times within a 24-month period for violation of this chapter or has had a vehicle immobilization service license revoked within two years prior to the date of application;

(3) uses a trade name for the vehicle immobilization service other than the one registered with the director;

(3) the amount of time that has elapsed since the applicant's last criminal activity;

(4) the conduct and work activity of the applicant prior to and following the criminal activity;

(5) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.

(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section and under Section 48C-20 of this article. (Ord. 27629)

SEC. 48C-15. APPLICATION FOR VEHICLE IMMOBILIZATION OPERATOR'S PERMIT; FEE.

~~To obtain a vehicle immobilization operator's permit, or renewal of a vehicle immobilization operator's permit, a person must file with the director a completed written application on a form provided for the purpose and a nonrefundable application fee of $56. The director shall require each application to state such information as the director reasonably considers necessary to determine whether an applicant is qualified.~~

To obtain a vehicle immobilization operator's permit, or renewal of a vehicle immobilization operator's permit, a person must file with the director a completed written application on a form provided for the purpose and a nonrefundable application fee of $68. The director shall require each application to state such information as the director reasonably considers necessary to determine whether an applicant is qualified. (Ord. Nos. 27629; 30215; 33232)

SEC. 48C-16. INVESTIGATION OF APPLICATION.

(a) The director shall obtain a current official criminal history report (issued by the Texas Department of Public Safety within the preceding 12 months) on each applicant to determine the applicant's qualification under Section 48C-14. The director shall obtain a list of any warrants of arrest for the applicant that might be outstanding.

(b) The director may conduct such other investigation as the director considers necessary to determine whether an applicant for a vehicle immobilization operator's permit is qualified.

(c) The director shall provide the applicant, upon written request, a copy of all materials contained in the applicant's file to the extent allowed under the Public Information Act (Chapter 552, Texas Government Code), as amended. (Ord. 27629)

SEC. 48C-17. ISSUANCE AND DENIAL OF VEHICLE IMMOBILIZATION OPERATOR'S PERMIT.

(a) The director shall issue a vehicle immobilization operator's permit to an applicant, unless the director determines that the applicant is not qualified.

(b) The director shall delay until final adjudication the approval of the application of any applicant who is under indictment for or has charges pending for a felony offense involving a crime described in Section 48C-14(a)(4)(A)(i), (ii), (iii), (iv), or (v) or criminal attempt to commit any of those offenses.

(c) The director shall deny the application for a vehicle immobilization operator's permit if the applicant:

(1) is not qualified under Section 48C-14; or

(2) intentionally or knowingly makes a false statement of a material fact in an application for a vehicle immobilization operator's permit.

(d) If the director determines that a permit should be denied the applicant, the director shall notify the applicant in writing that the application is denied and include in the notice the specific reason or reasons for denial and a statement informing the applicant of the right to, and process for, appeal of the decision. (Ord. 27629, eff. 10-1-09)

SEC. 48C-18. EXPIRATION OF VEHICLE IMMOBILIZATION OPERATOR'S PERMIT.

Except in the case of a probationary or provisional permit, a vehicle immobilization operator's permit expires one year after the date of issuance. (Ord. 27629)

SEC. 48C-19. PROVISIONAL PERMIT.

(a) The director may issue a provisional vehicle immobilization operator's permit if the director determines that it is necessary pending completion of investigation of an applicant for a vehicle immobilization operator's permit.

(b) A provisional vehicle immobilization operator's permit expires on the date shown on the permit, which date shall not exceed 45 days after the date of issuance, or on the date the applicant is denied a vehicle immobilization operator's permit, whichever occurs first.

(c) The director shall not issue a provisional permit to a person who has been previously denied a vehicle immobilization operator's permit. (Ord. 27629)

SEC. 48C-20. PROBATIONARY PERMIT.

(a) The director may issue a probationary vehicle immobilization operator's permit to an applicant who is not qualified for a vehicle immobilization operator's permit under Section 48C-14 if the applicant:

(1) could qualify under Section 48C-14 for a vehicle immobilization operator's permit within one year after the date of application; and

(2) is determined by the director, using the criteria listed in Section 48C-14(b) of this article, to be presently fit to engage in the occupation of a vehicle immobilization operator.

(b) A probationary vehicle immobilization operator's permit may be issued for a period not to exceed one year.

(c) The director may prescribe appropriate terms and conditions for a probationary vehicle immobilization operator's permit as the director determines are necessary. (Ord. 27629)

SEC. 48C-21. DUPLICATE PERMIT.

~~If a vehicle immobilization operator's permit is lost or destroyed, the director shall issue the permittee a duplicate permit upon payment to the city of a duplicate permit fee of $14.~~

If a vehicle immobilization operator's permit is lost or destroyed, the director shall issue the permittee a duplicate permit upon payment to the city of a duplicate permit fee of $20. (Ord. Nos. 27629; 30215; 33232)

SEC. 48C-22. DISPLAY OF PERMIT.

A vehicle immobilization operator shall at all times conspicuously display a vehicle immobilization operator's permit on the clothing of the driver's upper body. A vehicle immobilization operator shall allow the director or a peace officer to examine the vehicle immobilization operator's permit upon request. (Ord. 27629)

SEC. 48C-23. SUSPENSION BY A DESIGNATED REPRESENTATIVE.

(a) If a duly authorized representative designated by the director to enforce this chapter

combined bodily injury (including death) and property damage limits of not less than $500,000 per occurrence and a general aggregate limit of not less than $1,000,000 for all occurrences for each policy year.

(d) The business automobile liability insurance must provide a combined single limit of liability for bodily injury (including death) and property damage of not less than $500,000 for each occurrence for each vehicle owned, hired, or otherwise used in the vehicle immobilization service by the licensee or the licensee's employees.

(e) Insurance required by this section may be obtained from an assigned risk pool if:

(1) all of the policies and coverages are managed by one agent; and

(2) one certificate of insurance is issued to the city.

(f) The insurance required under this section must include:

(1) a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before canceling, failing to renew, or making a material change to the insurance policy;

(2) a provision to cover all boots and other immobilization equipment, whether owned or not owned by the licensee, that are operated under the license; and

(3) a provision requiring the insurance company to pay every claim on a first-dollar basis.

(g) A license will not be granted or renewed unless the applicant or licensee furnishes the director with such proof of insurance as the director considers necessary to determine whether the applicant or licensee is adequately insured under this section.

~~(h) If the insurance of a licensee lapses or is canceled and new insurance is not obtained, the director shall suspend the license until the licensee provides evidence that insurance coverage required by this section has been obtained. A person shall not operate a vehicle immobilization service while a license is suspended under this section whether or not the action is appealed. A $52 fee must be paid before a license suspended under this section will be reinstated.~~

(h) If the insurance of a licensee lapses or is canceled and new insurance is not obtained, the director shall suspend the license until the licensee provides evidence that insurance coverage required by this section has been obtained. A person shall not operate a vehicle immobilization service while a license is suspended under this section whether or not the action is appealed. A $38 fee must be paid before a license suspended under this section will be reinstated.

(i) No person with any direct or indirect ownership interest in the licensee's vehicle immobilization service may have any operational control, direct or indirect, in any insurance company that provides insurance required by this section to the vehicle immobilization service. For purposes of this subsection, "operational control" means holding any management position with the insurance company (including, but not limited to, the chief executive officer, the president, any vice-president, or any person in a decision-making position with respect to insurance claims) or having the right to control the actions or decisions of any person in such a management position in the insurance company. (Ord. Nos. 27629; 30215; 33232)

SEC. 48C-31. INFORMATION TO BE SUPPLIED UPON REQUEST OF DIRECTOR.

Upon request of the director, a licensee shall submit to the director the following information:

(1) A current consolidated list of vehicle immobilization equipment.

(2) A current financial statement that includes a balance sheet and income statement.

(3) Names of current officers, owners, and

director determines that extenuating circumstances justify allowing additional adjustments.

(f) Return of meters. All water meters furnished to customers are property of the city and will be returned immediately upon request of the director. Failure to return a meter when requested constitutes grounds for discontinuance or refusal of service.

(g) Maintenance of meters. The department is responsible for maintenance, inspection and repair of all water meters. When any act, neglect or carelessness of the customer or owner of any premises causes damage to a meter requiring adjustment, repair or replacement, the resulting expense will be charged against the customer or owner. (Ord. Nos. 19201; 20737; 21334)

SEC. 49-10. COLLECTION REGULATIONS; PAYMENT SUBSTATION AND PAYMENT SERVICE CONTRACTS.

(a) Collection regulations. The director is authorized to promulgate regulations and procedures, not in conflict with this code, the city charter, or applicable state or federal laws or regulations, concerning the collection of charges for service and the handling of customer accounts, receipts, and reports.

(b) Authority for payment substations and payment service companies. The director is authorized to provide substations operated by the department at convenient locations for the general public to pay charges, or the director may negotiate contracts with private persons for the operation of:

(1) payment substations; or

(2) payment service companies, including but not limited to, telephone (interactive voice response) payment services, Internet (on-line) payment services, and payment service agents.

(c) Terms of private contracts. A private substation contract or a payment service contract must be for a fixed term and must contain conditions agreed upon by the parties; except, that each contract must include the collection regulations and procedures promulgated by the director as a part of the conditions. A private substation contract or a payment service contract must be executed by the city manager and approved as to form by the city attorney.

(d) Contract security. All substation contractors and payment service contractors shall provide a surety or guaranty bond payable to the city in an amount, not less than $1,000, that is satisfactory to the director. The bond must secure against loss or disappearance, for whatever reason, of funds collected by the contractor for payment of charges and must generally secure performance under the contract. In lieu of a bond, the director may accept a cash deposit, or an unconditional letter of credit drawn on a state or federally-chartered lending institution.

(e) Convenience charge for payment substations. A private payment substation is authorized to collect a convenience charge, not to exceed $1.00, on each bill collected, which charge may be retained by the substation as a cost of service.

~~(f) Convenience charge for on-line payment services. The director may collect a convenience charge, not to exceed $1.00, on each bill collected on-line, which charge will be retained by the water utilities department of the city as a cost of service.~~

(f) Convenience charge for payment services. The director may collect a convenience charge to recover the cost of service associated with credit and debit card transaction fees in accordance with Chapter 132 of the Texas Local Government Code. The fee is designed to recover the actual costs incurred by the water utilities department in providing the payment service, including but not limited to credit and debit card transactions and interchange fees. The fee may be retained by the water utilities department or paid directly to the payment processor as a cost-of-service and must be clearly disclosed to the customer at the time of payment.

(g) Convenience charge for payment service agents. A payment service agent is authorized to collect a convenience charge, not to exceed $1.00, on each bill collected, which charge may be retained by the payment service agent as a cost of service.

(2) charges established under other city ordinances that the director has been authorized to collect by the city manager or the city council. (Ord. Nos. 19201; 25385; 26135; 33232)

SEC. 49-11. WAIVER OF SUBSTATION SECURITY REQUIREMENT.

(a) Conditions. The director may waive the security requirement of Section 49-10(d) upon a finding that the requirement is not necessary to secure performance. In order to so find, the director shall consider:

(1) any present deposits or security posted by the contractor with the department;

(2) whether the contractor's inventory consists of goods or merchandise;

(3) the number of years the contractor has done business in Dallas County;

(4) whether the contractor is a subsidiary of an existing authorized substation;

(5) the contractor's credit standing; and

(6) the contractor's financial condition as shown by certified financial statements or other data supplied by the contractor. (Ord. 19201)

SEC. 49-12. JOINT OWNERS OR USERS; LIABILITY FOR CHARGES; TRANSFER OF ACCOUNTS.

(a) Charges a lien. When delinquent charges remain unpaid and the procedures of Section 49-13 are followed, those delinquent charges shall constitute a lien against the property served.

(b) Personal liability. The customer of record has the primary personal liability for service rendered under this chapter. Nevertheless, if service is provided to property owned by a person or entity jointly with the customer of record, or if the customer of record is an agent or property manager for one or more owners of property, the joint owners shall not be treated as new customers, but shall remain jointly and severally liable with the customer of record for unpaid delinquent charges. The director may refuse or discontinue service in the same manner provided for in Section 49-7 until all delinquent charges are paid.

(c) Liability of spouses. Spouses receiving service to premises they jointly own or occupy are deemed to be joint customers of record, notwithstanding that only one spouse may have signed an application, and shall be jointly and severally liable for unpaid delinquent charges.

(d) Liability of tenants. Where service is provided to a tenant in a single-family residence, or to more than one residential or commercial tenant through a master meter or single service connection, and the landlord is the customer of record, a tenant or duly organized association of tenants may establish a new service account without being held responsible for any previous unpaid charges owed by the landlord if the appropriate facilities are in place and the tenant or association of tenants otherwise meets the applicable requirements of this chapter; however, the director may refuse service if it appears that application is being made for the purpose of assisting the landlord to avoid payment of delinquent charges or for the purpose of defrauding the city. Nothing in this subsection shall be construed to require the department to apportion charges or to provide individually-metered service at a master-metered premises.

(e) Transfer of accounts. Where a person liable for delinquent charges at one address is found to have an account in his name at another address, the delinquent amounts due at the previous address may be transferred to the account at the new address, and service discontinued at the new address until the delinquent amounts are paid. (Ord. 19201; 20653)

(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.

METER SIZE	RATE PER METER
5/8-inch meter	~~$5.80~~ $5.93
3/4-inch meter	~~$8.18~~ $8.37
1-inch meter	~~$12.00~~ $12.28
1-1/2-inch meter	~~$22.10~~ $22.61
2-inch meter	~~$36.24~~ $38.50
3-inch meter	~~$85.81~~ $89.60
4-inch meter	~~$141.00~~ $146.00
6-inch meter	~~$280.10~~ $288.00
8-inch meter	~~$466.70~~ $480.00
10-inch meter or larger	~~$714.03~~ $731.00

(2) Usage Charge—Rate Per 1,000 Gallons.

	TYPE OF USAGE		
(A)	Residential:		
	(i)	Up to 4,000 gallons	~~$2.07~~ $2.17
	(ii)	4,001 to 10,000 gallons	~~$4.53~~ $4.81
	(iii)	10,001 to 20,000 gallons	~~$7.44~~ $7.98
	(iv)	20,001 to 30,000 gallons	~~$10.61~~ $11.40
	(v)	Above 30,000 gallons	~~$12.35~~ $13.20
(B)	General service:		
	(i)	Up to 10,000 gallons	~~$4.97~~ $5.32
	(ii)	Above 10,000 gallons	~~$5.46~~ $5.88
	(iii)	Above 10,000 gallons and 1.4 times annual average monthly usage	~~$8.10~~ $8.59

(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 as provided in Subsection (c);

~~(B) $3,030.63 per month as a usage charge on the first 1,000,000 gallons used in a billing period; and~~

~~(C) $4.77 per 1,000 gallons used in excess of 1,000,000 gallons per month.~~

(B) $3,240.60 per month as a usage charge on the first 1,000,000 gallons used in a billing period; and

(C) $5.11 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:~~

	~~TYPE OF USAGE~~	~~RATE PER 1,000 GALLONS~~
~~(A)~~	~~Residential~~	~~$2.07~~
~~(B)~~	~~General service~~	~~$4.97~~
~~(C)~~	~~Optional general service~~	~~$4.77~~
~~(D)~~	~~Municipal service~~	~~$3.26~~

~~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.~~

(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 may adjust the affected months based on usage from the previous year, or class average;

(1) an estimated amount of normal water usage for the period at the regular rate; and

(2) the applicable wastewater rate prescribed in Section 49-18.2(c), based on an adjustment of wastewater volume to estimated normal volume, where adjustment is appropriate.

(h) Billing based on full month. If a customer requests discontinuance of service at an address where uninterrupted service was provided for a period of time so short that the only bill for services rendered would be the final bill, such billing will be computed as though service had been furnished for a full billing month.

~~(i) Rates for municipal purpose water service. Water service to property owned by the city of Dallas that is used solely for municipal purposes may be charged $3.26 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 $3.50 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; 30993; 31332; 31657; 32003; 32310; 32556; 32863; 33232)

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:

Wastewater Service Charges.

(1) Monthly customer charges.

METER SIZE	RATE PER METER
5/8-inch meter	~~$5.24~~ $5.34
3/4-inch meter	~~$6.99~~ $7.13
1-inch meter	~~$10.38~~ $10.59
1-1/2-inch meter	~~$19.94~~ $20.34
2-inch meter	~~$33.52~~ $34.20
3-inch meter	~~$76.85~~ $79.19
4-inch meter	~~$121.48~~ $125.20
6-inch meter	~~$240.57~~ $247.92
8-inch meter	~~$400.70~~ $413.10
10-inch meter or larger	~~$630.02~~ $649.31

~~(2) Monthly residential use charge: $5.88 per 1,000 gallons of the average water consumption billed in the months of December, January, February, and March or 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: $5.12 per 1,000 gallons of water used.~~

~~(4) Monthly usage charge for Section 49-18.1(f) customer: $4.71 per 1,000 gallons of water used.~~

~~(5) Monthly general service usage charge for wastewater separately metered: $4.76 per 1,000 gallons of wastewater discharged.~~

(2) Monthly residential use charge: $6.19 per 1,000 gallons of the average water consumption billed in the months of December, January, February, and March or 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: $5.55 per 1,000 gallons of water used.

(4) Monthly usage charge for Section 49-18.1(f) customer: $5.15 per 1,000 gallons of water used.

(5) Monthly general service usage charge for wastewater separately metered: $5.20 per 1,000 gallons of wastewater discharged.

(7) Monthly surcharges 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 $3.34 per 1,000 gallons of water used.~~

(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 $3.68 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; 30993; 31332; 31657; 32003; 32310; 32556; 32863; 33232)

SEC. 49-18.3. GENERAL SERVICE: SEPARATE BILLING.

(a) Conditions of separate billing. A general service customer inside the city may receive separate bills for water service and wastewater service if he installs and maintains, at his expense, meters or other liquid measuring devices that are accurate and approved by the director to measure:

(1) total wastewater discharged directly into the wastewater system from the premises; or

(2) water losses from activities involving evaporation, irrigation or water consumed in products, as illustrated by, but not limited to, cooling towers, boilers, lawn watering systems, or food products.

(b) Customer charge. A customer who chooses to be billed under this section must pay an additional customer charge of $60.00 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; 32003)

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 $0.5663 per 1,000 gallons of water used, and the annual water year demand charge is $356,978 per each mgd, as established by the highest rate of flow controller setting.~~

(1) The volume charge for treated water is $0.6357 per 1,000 gallons of water used, and the annual water year demand charge is $356,542 per each mgd, as established by the highest rate of flow controller setting.

~~(2) If a flat rate charge for treated water is provided by contract, or in the absence of a rate flow controller, the charge is $2.7987 per 1,000 gallons of treated water used.~~

(2) If a flat rate charge for treated water is provided by contract, or in the absence of a rate flow controller, the charge is $2.9099 per 1,000 gallons of treated water used.

(3) A monthly readiness-to-serve charge will be assessed for any standby service point. The monthly fee, based on size of connection, is as follows:

Size of Connection	Monthly Standby Fee
3-inch	~~$85.81~~ $89.60
4-inch	~~$141.00~~ $146.00
6-inch	~~$280.10~~ $288.00
8-inch	~~$466.70~~ $480.00
10-inch or larger	~~$714.03~~ $731.00

~~(4) The rate for regular untreated water service to a governmental entity is $1.2231 per 1,000 gallons of untreated water used. The rate for interruptible untreated water service to a governmental entity is $0.4580 per 1,000 gallons of untreated water used.~~

(4) The rate for regular untreated water service to a governmental entity is $1.3369 per 1,000 gallons of untreated water used. The rate for interruptible untreated water service to a governmental entity is $0.4554 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 $3.2598 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 18.3 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.~~

(1) The monthly rate for wholesale wastewater service is $3.3829 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 22.5 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 $0.5685 per 1,000 gallons of water treated, and the annual water year demand charge is $50,598.52 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 $0.5981 per 1,000 gallons of water treated, and the annual water year demand charge is $49,732.47 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; 30993; 31332; 31657; 32003; 32310; 32556; 32863; 33232)

SEC. 49-18.5. RATE FOR UNTREATED WATER.

~~(a) Regular rate. The charge for untreated water is $1.2231 per 1,000 gallons of water used.~~

~~(b) Interruptible rate. The charge for interruptible service is $0.4580 per 1,000 gallons of water used.~~

(a) Regular rate. The charge for untreated water is $1.3369 per 1,000 gallons of water used.

(b) Interruptible rate. The charge for interruptible service is $0.4554 per 1,000 gallons of water used.

(c) Reservoir supply permits. The director may issue permits, without the necessity of council approval, to owners of property abutting water supply lakes or streams for the domestic use of untreated water. A charge for water used will be made as provided in Subsection (a) or (b). The term of such permits may not exceed three years, but the permits are renewable at the option of the city. An application for a permit or permit renewable under this subsection must be accompanied by a non-refundable processing fee of $336.

(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 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 renewable must be accompanied by a nonrefundable processing fee of $564.~~

~~(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 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 $584.~~

(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 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 renewable must be accompanied by a nonrefundable processing fee of $846.

(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 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 $876.

(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; 30993; 30994; 31332; 31657; 32003; 32310; 32556; 32863; 33232)

SEC. 49-18.6. FEES FOR INSPECTION AND TESTING OF METERS AND BACKFLOW PREVENTION DEVICES.

(a) Meter inspection fees. No charge will be made for the first meter change or meter test requested by a customer at a single service connection within any 12-month period. For each additional meter change or meter test requested by a customer within a 12 month period that does not result in a finding that the meter over-registered in excess of 1-1/2 percent, the director shall charge the customer a fee according to the following schedule:

Meter - Size	Fee
5/8 to 1-inch	$50.00
1-1/2 to 2-inch	$50.00
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 $243. 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).~~

(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 $243. 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 based on the actual cost incurred by the utility.

(c) Inspection fee for meter verification. An inspection under Section 49-9(d) is free if the director verifies a gross discrepancy or a customer requests not more than one inspection during any six-month period, otherwise the charge is $50 for an inspection.

(d) Backflow prevention device inspection fees. The owner or person in control of premises on which a backflow prevention device is located must pay a fee to the city for the periodic inspection and testing as follows:

(1)	For any backflow prevention device	~~$110.00~~ $165.00 each
(2)	For each additional backflow prevention device inspected at the same site, same time	~~$110.00~~ $165.00 each

(e) Exception. This section does not apply to a governmental entity that receives wholesale water or wastewater service. (Ord. Nos. 19201; 19300; 23289; 25049; 25385; 26135; 26479; 27355; 32863; 33232)

SEC. 49-18.7. SERVICE CONNECTION CHARGES.

~~(a) Water service installation and connection charge. The director shall charge for the installation of all water service connection at the following rates:~~

~~(1) Water Service Installation Charges.~~

~~Connection Size~~	~~Fee~~
~~3/4 inch~~	~~$6,190.00~~
~~1 inch~~	~~$6,360.00~~
~~1 1/2 inch~~	~~$7,590.00~~
~~2 inch~~	~~$8,380.00~~

~~(2) Connecting Existing Water Service.~~

~~Connection Size~~	~~Fee~~
~~3/4 inch~~	~~$1,200.00~~
~~1 inch~~	~~$1,380.00~~
~~1 1/2 inch~~	~~$2,860.00~~
~~2 inch~~	~~$3,870.00~~
~~Up to 2-inch bullhead~~	~~$3,400.00~~

~~(b) Wastewater service installation and connection fees. Except as provided in Subsection (d), the city shall charge the following rates for the installation or connection of residential wastewater service lines:~~

~~(1)~~	~~First wastewater service line installation and connection charge~~	~~$6,890.00~~
~~(2)~~	~~For connecting existing wastewater service lines constructed by other persons~~	~~$475.00~~

~~(c) Installation of large or commercial connections. In cases where the service connection involved is a water service connection larger than two inches or a wastewater service connection to a commercial, industrial or other non-residential service establishment, the following rules apply:~~

(a) Installation of large or commercial connections. In cases where the service connection involved is a water service connection larger than two inches or a wastewater service connection to a commercial, industrial, or other non-residential service establishment, the following rules apply:

(1) If the director does not require the applicant to construct and install the service connection pursuant to Section 49-24(c)(4), the applicant shall pay the city an amount equal to the department's cost of constructing and installing the service connection. This amount is due prior to commencement of construction by the city.

~~(2) If the director requires the applicant to construct and install the service connection pursuant to Section 49-24(c)(4), the applicant shall pay a connection inspection fee of $275 and shall bear all costs of construction and installation and the cost of any materials or appurtenances supplied by the department for construction or installation purposes. The connection inspection fee and amounts payable to the city for the cost of materials and appurtenances must be paid at the time of permit issuance.~~

(2) If the director requires the applicant to construct and install the service connection pursuant to Section 49-24(c)(4), the applicant shall pay a connection inspection fee of $465.50 and shall bear all costs of construction and installation and the cost of any materials or appurtenances supplied by the department for construction or installation purposes. The connection inspection fee and amounts payable to the city for the cost of materials and appurtenances must be paid at the time of permit issuance.

(3) Unpaid charges due and owed to the city and other unpaid costs of construction incurred by the applicant under this subsection must be paid before the department will activate water or

wastewater service to the property connected.

~~(d) Special residential wastewater connections. The connection charge procedures described in Subsections (e) and (f) of this section will apply to a residential wastewater service application when:~~

~~(1) wastewater service to the premises requires a deep cut connection;~~

~~(2) the service will be connected to a wastewater main located in a specific purpose easement obtained by the city; or~~

~~(3) a customer requests an additional wastewater service line or relocation of an existing wastewater service line.~~

~~(e) Fees for special residential wastewater connections. The director will furnish an estimate of cost to an applicant for a special residential wastewater service connection as described in Subsection (d) of this section. The applicant must deposit the estimated amount before the director will issue a permit for the connection. The final cost will be adjusted upon completion of the work, but in no event will the final cost be less than the flat charge stated in Subsection (b). Should the final cost of the work exceed the amount deposited, the director will furnish the party or parties making the deposit a statement showing the amount of the excess. The statement will constitute notice that the excess amount is due. The director may refuse or discontinue service to the property until full payment has been made for the work performed. Upon completion of the work, if final cost is less than the amount of estimate or deposit, a refund of the amount of overpayment will be immediately made to the party or parties from whom the deposit was received.~~

~~(f) Alternatives to Subsection (e). As an alternative to the procedure of Subsection (e), an applicant for a special residential wastewater service connection may request, and the director may furnish, a price at which the city will install a connection at the premises where service is desired, without regard to the actual cost of the installation. The price will never be less than the flat charge stated in Subsection (b). If the applicant agrees to pay this price, then he shall make full payment of this price to the director before work is begun on the installation and no further adjustments will be made.~~

~~(g) What constitutes cost in Subsections (e) and (f). The flat rate charge and the estimate of cost of any special residential wastewater service connection shall include all costs incidental to making the installation of the service connection required, including the necessary repairs to pavement of any kind or character involved in making the service connection. The department shall make the necessary pavement repairs.~~

~~(h) Standard affordable housing refund. Whenever affordable housing units are provided as a part of a project in accordance with Division 51A-4.900 of the Dallas Development Code, as amended, the director shall authorize a refund of a percentage of the total service connection fees paid by the permittee for the project equal to the percentage of standard affordable housing units provided in the project.~~

(b) Standard affordable housing refund. Whenever affordable housing units are provided as a part of a project in accordance with Division 51A-4.900 of the Dallas Development Code, as amended, the director shall authorize a refund of a percentage of the total service connection fees paid by the permittee for the project equal to the percentage of standard affordable housing units provided in the project. (Ord. Nos. 19201; 19300; 20215; 21663; 23289; 25049; 25385; 25755; 26479; 27698; 28795; 29150; 29879; 30215; 30993; 31657; 32003; 32556; 33232)

SEC. 49-18.8. SECURITY DEPOSIT AMOUNTS.

The amount of a security deposit is governed by the following:

(1) Standard deposit for residential service accounts.

5/8-inch and 3/4-inch meter	$100.00
1-inch meter	$125.00
1 1/2-inch meter	$150.00
2-inch meter and larger	$200.00

(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 $100, 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; 32863)

SEC. 49-18.9. CHARGES FOR USE OF FIRE HYDRANTS.

A person requesting the use of water from a fire hydrant pursuant to Section 49-27 shall pay the following application charges:

(1) a deposit of $2,300 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 $85.81; and~~

(2) a monthly fire hydrant service charge of $89.60; 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; 31657; 32003; 32310; 32556; 32863; 33232)

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.~~

~~(b) Adjustment. The city council may adjust the rates established in Subsection (a) as prescribed in Section 49-56(d).~~

~~(c) Lot or acreage fee for individual owners. Individual owners required to pay a lot or acreage fee pursuant to Section 49-56(h) will be charged as follows:~~

(a) Lot or acreage fee for individual owners. Individual owners required to pay a lot or acreage fee pursuant to Section 49-56(h) will be charged as follows:

(1) $0.018 per square foot of lot that is part of a subdivided tract utilizing an existing water main;

(2) $785.00 per acre of any unsubdivided tract utilizing an existing water main;

(3) $0.018 per square foot of lot that is part of a subdivided tract utilizing an existing wastewater main;

(4) $785.00 per acre of any unsubdivided tract utilizing an existing wastewater main.

~~(d) Acreage fee for developers. Developers required to pay an acreage fee in accordance with Section 49-62 will be charged as follows:~~

(b) Acreage fee for developers. Developers required to pay an acreage fee in accordance with Section 49-62 will be charged as follows:

(1) $785.00 per acre of land for an existing water main; and

(2) $785.00 per acre of land for an existing wastewater main. (Ord. Nos. 19201; 19300; 20653; 22564)

SEC. 49-18.11. EVALUATED COST TABLES FOR OVERSIZE, SIDE, OR OFF-SITE FACILITIES.

The director will use the following evaluated cost tables to calculate city payments and to calculate fees due under Section 49-62. City payments will be calculated by the director by using either the unit prices in the construction contract submitted by the developer, or the unit prices in the evaluated cost tables, whichever is less.

WATER MAINS AND APPURTENANCES		
ITEM	UNITS	
4-inch pipe	linear foot	~~$150.00~~ $128.00
6-inch pipe	linear foot	~~$160.00~~ $184.00
8-inch pipe	linear foot	~~$180.00~~ $207.00
12-inch pipe	linear foot	~~$206.00~~ $237.00
16-inch pipe	linear foot	~~$330.00~~ $380.00
20-inch pipe	linear foot	$354.00
24-inch pipe	linear foot	$404.00
30-inch pipe	linear foot	$440.00
36-inch pipe	linear foot	$476.00
42-inch pipe	linear foot	$512.00
48-inch pipe	linear foot	$548.00
4-inch valve	each	$2,240.00
6-inch valve	each	$2,880.00
8-inch valve	each	$3,845.00
12-inch valve	each	$7,050.00
16-inch valve	each	$21,000.00
20-inch valve	each	$34,376.00
24-inch valve	each	$47,752.00
30-inch valve	each	$67,816.00
36-inch valve	each	$87,880.00
42-inch valve	each	$107,994.00
48-inch valve	each	$128,008.00
Fire hydrant	each	~~$8,550.00~~ $7,268.00
3/4-inch copper deadhead	each	$2,490.00
1-inch copper deadhead	each	$2,460.00
1 1/2-inch copper deadhead	each	$4,030.00
2-inch copper deadhead	each	$5,370.00
3/4-inch water service, meter box and transfer for others	each	$3,315.00
1-inch water service, meter box and transfer for others	each	$3,490.00
1 1/2-inch water service, meter box and transfer for others	each	$4,720.00
2-inch water service, meter box and transfer for others	each	$5,510.00
Cut and plug water main for others	each	~~$2,865.00~~ $2,290.00
Remove fire hydrant for others	each	~~$1,360.00~~ $952.00
Reconnect existing service for others	each	$590.00
Disposal of heavily chlorinated water	contract	$4,100.00
3/4-inch air relief	each	$4,000.00
1-inch air relief	each	$9,490.00
2-inch air relief	each	$11,960.00
Bore for 6-inch water	linear foot	$780.00
Bore for 8-inch water	linear foot	$805.00
Bore for 12-inch water	linear foot	$830.00
Bore for 16-inch water	linear foot	$855.00
Bore for 20-inch water	linear foot	$880.00
Bore for 24-inch water	linear foot	$905.00
Bore for 36-inch water	linear foot	$930.00
Bore for 42-inch water	linear foot	$980.00
Bore for 45-inch water	linear foot	$1,005.00
Bore for 48-inch water	linear foot	$1,030.00

SANITARY SEWER MAINS AND APPURTENANCES		
ITEM	**UNITS**	
6-inch pipe	linear foot	~~$95.00~~ $81.00
8-inch pipe	linear foot	~~$155.00~~ $131.00
10-inch pipe	linear foot	~~$190.00~~ $162.00
12-inch pipe	linear foot	~~$230.00~~ $195.00
15-inch pipe	linear foot	$290.00
18-inch pipe	linear foot	$350.00
21-inch pipe	linear foot	$410.00
24-inch pipe	linear foot	$470.00
27-inch pipe	linear foot	$530.00
30-inch pipe	linear foot	$590.00
33-inch pipe	linear foot	$650.00
36-inch pipe	linear foot	$710.00
39-inch pipe	linear foot	$770.00
42-inch pipe	linear foot	$830.00
48-inch pipe	linear foot	$890.00
Lateral	each	~~$2,905.00~~ $2,550.00
Lateral for others	each	$2,800.00
Reconnect existing lateral for others	each	$1,925.00
Cleanout	each	$2,100.00
Wastewater access device	each	~~$6,050.00~~ $5,300.00
4-foot diameter manhole	each	~~$15,525.00~~ $14,000.00
5-foot diameter manhole	each	$23,155.00
6-foot diameter manhole	each	$27,500.00
Type "S" manhole	each	$30,500.00
Bore for 6-inch sewer	linear foot	$560.00
Bore for 8-inch sewer	linear foot	$585.00
Bore for 10-inch sewer	linear foot	$610.00
Bore for 12-inch sewer	linear foot	$635.00
Bore for 15-inch sewer	linear foot	$660.00
Bore for 18-inch sewer	linear foot	$685.00
Bore for 21-inch sewer	linear foot	$710.00
Bore for 24-inch sewer	linear foot	$735.00
Bore for 27-inch sewer	linear foot	$760.00
Bore for 30-inch sewer	linear foot	$785.00
Bore for 33-inch sewer	linear foot	$810.00
Bore for 36-inch sewer	linear foot	$835.00
Bore for 39-inch sewer	linear foot	$860.00
Bore for 42-inch sewer	linear foot	$885.00
Bore for 48-inch sewer	linear foot	$910.00
Abandon existing manhole for others	each	$1,500.00

MISCELLANEOUS ITEMS		
ITEM	**UNITS**	
Crushed rock for paving repairs	cubic yard	$80.00
Asphalt paving	square yard	~~$215.00~~ $247.00
Concrete paving	cubic yard	~~$375.00~~ $430.00
Driveway	cubic yard	$215.00
Sidewalk	square yard	$90.00
Curb and gutter	linear foot	~~$60.00~~ $69.00
Stabilized backfill	cubic yard	~~$140.00~~ $119.00
Concrete backfill	cubic yard	$220.00
Rip rap	square yard	$60.00
Rock foundation	cubic yard	$75.00
Excavation: in excess of 10 feet in depth below approved street grade:		
in dirt	cubic yard	$25.00
in rock	cubic yard	$45.00

NOTE:

A payment for an extra depth manhole shall be calculated by adding 10 percent of the manhole unit price for each foot in excess of 10 feet below approved street grade to the unit price. (Ord. Nos. 19201; 19526; 20077; 20449; 20737; 21430; 21824; 22208; 24414; 27355; 31332; 31657; 32003; 32863; 33232)

SEC. 49-18.12. INDUSTRIAL SURCHARGE RATE FORMULA FOR EXCESSIVE CONCENTRATIONS.

Surcharge rate formula. The person responsible for industrial waste discharge in excessive concentrations of BOD and suspended solids shall pay an industrial surcharge in addition to regular water and wastewater rates, either under Section 49-49 or in accordance with the following cost factors and formula:

(1) The user's cost factors for excessive industrial waste are based on the capital and operating cost of wastewater facilities to provide treatment for the reduction of BOD and suspended solids. The formula is:

(A) Surcharge for excessive concentrations:

Payment rate per 1,000 gallons:

~~{$2.37020(BOD-250)} OVER {1,000} +{$1.43910(SS-250)} OVER {1,000} REVISE FORMULA:~~

$$\frac{\$2.51478(BOD-250)}{1{,}000}+\frac{\$1.52689(SS-250)}{1{,}000}$$

(B) Surcharge for excessive concentrations for wastewater metered separately:

Payment rate per 1,000 gallons:

~~{$2.63090(BOD-250)} OVER {1,000} +{$1.56070(SS-250)} OVER {1,000} REVISE FORMULA:~~

$$\frac{\$2.79138(BOD-250)}{1{,}000}+\frac{\$1.65590(SS-250)}{1{,}000}$$

BOD = Average concentrations of BOD in mg/l, determined from sampling the waste as described in Section 49-52

SS = Average concentrations of suspended solids in mg/l, as determined from sampling the waste as described in Section 49-52

(2) The rate for each user may be calculated once every 12 months. (Ord. Nos. 19201; 19300; 19682; 21061; 21430; 22564; 25755; 26135; 26479; 26961; 27355; 27698; 28795; 29150; 29479; 32003; 33232)

SEC. 49-18.13. CHARGES FOR TRANSPORTERS OF SEPTIC TANK WASTE.

Transporter rates and requirements. A person who transports or disposes of septic tank or portable sanitation waste at the city's wastewater treatment facility must:

(1) obtain and maintain a liquid waste transport permit from the city for each vehicle in accordance with Chapter 19, Article X of this code;

(2) deposit $500 with the director for each vehicle, the deposit to be refunded when the vehicle is no longer used to dispose of waste at the city's wastewater treatment facility and all fees have been paid;

~~(3) pay a disposal fee of $0.045 per gallon for each load of septic tank waste, with the fee calculated as if the permitted vehicle carrying the load was at full capacity; and~~

(3) pay a disposal fee of $0.051 per gallon for each load of septic tank waste, with the fee calculated as if the permitted vehicle carrying the load was at full capacity; and

(4) dispose of waste at the wastewater treatment facility specified by the director. (Ord. Nos. 19201; 19300; 22026; 22927; 26925; 27698; 33232)

SEC. 49-18.14. RATES FOR DEVELOPMENT REVIEW ACTIVITIES.

Design review fees. Refer to Section 303.13.3.6.2 in Chapter 52 of the Dallas City Code. (Ord. Nos. 19201; 20215; 22208; 23289; 27355; 32676)

~~(g) Fire flow test. A charge of $150 will be assessed for each fire flow test performed on existing city water lines at the request of a customer or other person to determine water availability for fire protection systems.~~

(g) Fire flow test. A charge of $200 will be assessed for each fire flow test performed on existing city water lines at the request of a customer or other person to determine water availability for fire protection systems.

(h) Where no charge specified. When charges for a service are not specified in this chapter, the director shall establish charges which are based on the cost of performing the services, including, but not limited to, such services as the moving of meter locations, repair to damaged facilities, field location of mains, fire hydrant relocation, installation of traffic lids on meter boxes, replacement of a meter with a meter larger than one inch, water and wastewater main abandonments, installation and removal of temporary service, abandonment of manholes, and provision of printed materials.

(i) Where money credited. All sums of money collected as a charge or fee authorized under this chapter, at the rates specified in this chapter, shall be credited to the appropriate water and wastewater fund of the city. (Ord. Nos. 19201; 19300; 20737; 21824; 23289; 25049; 25385; 26961; 27355; 28426; 32863; 33232)

SEC. 49-18.17. HYDROSTATIC TESTING OF WATER MAINS.

No charge will be made for the hydrostatic testing or retesting of a water main, except that a fee of $300.00 will be charged if an expedited test or retest is requested. An expedited test or retest requires the department to perform the hydrostatic testing or retesting on the water main within three days after receipt of the request. (Ord. 26479)

ARTICLE III.

WATER AND WASTEWATER GENERALLY.

SEC. 49-19. CONTROL OF AND ACCESS TO SYSTEMS; INTERFERENCE WITH ACCESS GENERALLY.

(a) Systems as city property. All parts of the water and wastewater systems, including but not limited to those parts defined in Section 49-1, are the property of the city. The director shall maintain and control each system and keep detailed records concerning all aspects of department operations.

(b) Who has access. Only a person who is authorized by the director pursuant to Section 49-23 will have access to the water and wastewater systems for operation, construction, maintenance, repair and other service-related purposes.

(c) Obstruction of authorized persons. A person commits an offense if he knowingly obstructs a person authorized in accordance with Section 49-23 from:

(1) gaining access to a part of the water or wastewater system for purposes of operation, inspection, construction, maintenance or repair; or

(2) performing actual operation, inspection, construction, maintenance or repair of a part of the water or wastewater system. (Ord. 19201)

SEC. 49-20. EMERGENCY AUTHORITY.

(a) Purpose and scope. The purpose of this section is to establish the city's policy in the event of shortages or delivery limitations in the city's water supply. This section applies to:

(iii) If the bypass has not been corrected, the anticipated time it is expected to continue.

(iv) Steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

(B) The director may take an enforcement action against an industrial user for a bypass that violates pretreatment standards, unless all of the following apply:

(i) The bypass was necessary in order to prevent loss of life, personal injury, or severe property damage.

(ii) There was no feasible alternative to the bypass. The director shall find that a feasible alternative existed if, in the exercise of reasonable engineering judgment, adequate back-up equipment should have been installed to prevent the bypass.

(iii) The industrial user submitted notices as required under Paragraph (2)(A) of this subsection.

(C) The director may approve an anticipated bypass, after considering its adverse effects, if the director finds that all three conditions listed in Paragraph (2)(B) of this subsection have been satisfied. (Ord. Nos. 19201; 19622; 20215; 20335; 22927; 26925; 27698; 28084; 31480)

SEC. 49-49. INDUSTRIAL SURCHARGE FOR EXCESSIVE CONCENTRATIONS; SAMPLING FEES.

(a) Excessive BOD/TSS concentrations. A person discharging into the wastewater system industrial waste that exhibits none of the characteristics of wastewater prohibited in Section 49-43(b), but that has a concentration for a duration of 15 minutes that is greater than four times that of normal wastewater as measured by total suspended solids, BOD, or both or a concentration during a 24 hour period average of total suspended solids, BOD, or both in excess of normal wastewater, shall pretreat the industrial waste to meet the concentrations of normal wastewater; except, that the industrial waste may be accepted in the wastewater system for treatment by the city if all the following requirements are met:

(1) The industrial waste will not cause damage to the wastewater system.

(2) The industrial waste will not impair the city's treatment processes.

(3) The BOD or total suspended solids concentration of industrial waste discharged does not cause the average BOD or total suspended solids of wastewater received at the wastewater treatment plant to increase above 250 mg/L.

(4) The person discharging the industrial waste pays an industrial surcharge in addition to the regular water and sewer rates, in accordance with the formula prescribed in Section 49-18.12(a)(1) or in accordance with Section 49-50.

~~(b) Sampling fees for determining compliance. A person determined to be discharging industrial waste must compensate the city for the cost of sampling and laboratory service expense required for monitoring the discharges for compliance with this article and applicable standards of the EPA. The director shall determine the number of samples and the frequency of sampling necessary to maintain surveillance of the discharges, provided that at least two sampling events will be conducted each calendar year.~~

~~(c) Sampling fees for industrial surcharge. A person discharging concentrations of BOD or total suspended solids in excess of 250 mg/L shall compensate the city for the cost of sample collections and laboratory service necessary when an industrial~~

~~surcharge rate is established each year. This subsection does not apply to a waste management operator, or to a discharger who is billed under Section 49-50.~~

(b) Sampling fees for determining compliance. A person determined to be discharging industrial waste must compensate the city for the cost of sampling and laboratory service expense required for monitoring the discharges for compliance with this article and applicable standards of the EPA. The director shall determine the number of samples and the frequency of sampling necessary to maintain surveillance of the discharges, provided that at least two sampling events will be conducted each calendar year. The following fees are charged for sampling and laboratory analysis to determine compliance with Chapter 49.

SAMPLING FEES FOR DETERMINING COMPLIANCE		
ITEM	**UNITS**	
Composite	each	$154.39
Grab	each	$107.30
Ph	SU - Standard Units	$4.00
Antimony	Mg/L - milligrams per liter	$9.50
Arsenic	Mg/L - milligrams per liter	$9.50
Barium	Mg/L - milligrams per liter	$7.00
Boron	Mg/L - milligrams per liter	$7.00
Cadmium	Mg/L - milligrams per liter	$9.50
Chromium, Total	Mg/L - milligrams per liter	$9.50
Chromium VI	Mg/L - milligrams per liter	$15.00
Copper	Mg/L - milligrams per liter	$9.50
Lead	Mg/L - milligrams per liter	$9.50
Manganese	Mg/L - milligrams per liter	$7.00
Mercury	Mg/L - milligrams per liter	$16.00
Molybdenum	Mg/L - milligrams per liter	$9.50
Nickel	Mg/L - milligrams per liter	$9.50
Selenium	Mg/L - milligrams per liter	$9.50
Silver	Mg/L - milligrams per liter	$9.50
Zinc	Mg/L - milligrams per liter	$7.00
Vanadium	Mg/L - milligrams per liter	$7.00
Titanium	Mg/L - milligrams per liter	$7.00
Group A - Metals	Mg/L - milligrams per liter	$25.00
Group B - Metals	Mg/L - milligrams per liter	$45.00
Group C	Mg/L - milligrams per liter	$50.00
Fluoride	Mg/L - milligrams per liter	$10.00
Cyanide, Total	Mg/L - milligrams per liter	$18.00
Cyanide, Amenable	Mg/L - milligrams per liter	$30.00
Group - F - Metals & Organics	Mg/L - milligrams per liter	$145.00
Group F - Metals	Mg/L - milligrams per liter	$50.00
Group F - Organics	Mg/L - milligrams per liter	$95.00
Group G - OTTO all	Mg/L - milligrams per liter	$310.00
Group H - TTO	Mg/L - milligrams per liter	$170.00
Cobalt	Mg/L - milligrams per liter	$7.00
Tin	Mg/L - milligrams per liter	$7.00
EPA Priority Pollutant scan	Mg/L - milligrams per liter	$775.00
MBAS Surfactants	Mg/L - milligrams per liter	$30.00
Sulfide, Total	Mg/L - milligrams per liter	$12.00
Total Oil and Grease	Mg/L - milligrams per liter	$30.00
Total Petroleum Hydrocarbon (SGT-HEM)	Mg/L - milligrams per liter	$32.00
Total suspended solids (TSS)	Mg/L - milligrams per liter	$8.00
Chemical Oxygen Demand	Mg/L - milligrams per liter	$12.00
BOD, 7 day	Mg/L - milligrams per liter	$20.00
Biochemical Oxygen Demand (BOD)	Mg/L - milligrams per liter	$18.00
Pharmaceuticals	Mg/L - milligrams per liter	$250.00
Turbidity	Mg/L - milligrams per liter	$9.00
Nitrate	Mg/L - milligrams per liter	$10.00
Fecal Coliforms	Mg/L - milligrams per liter	$25.00

(c) Sampling fees for industrial surcharge. A person discharging concentrations of BOD or total suspended solids in excess of 250 mg/L shall

compensate the city for the cost of sample collections and laboratory service necessary when an industrial surcharge rate is established each year. This subsection does not apply to a waste management operator, or to a discharger who is billed under Section 49-50. The following fees are charged for sampling and laboratory analysis to determine compliance with Chapter 49.

SAMPLING FEES FOR DETERMINING COMPLIANCE		
ITEM	UNITS	
Composite sample	each	$154.39
Biochemical Oxygen Demand (BOD)	Mg/L - milligrams per liter	$18.00
Total Suspended Solids (TSS)	Mg/L - milligrams per liter	$8.00

(Ord. Nos. 19201; 21430; 21409; 26925; 28084; 33232)

SEC. 49-50. ESTIMATED INDUSTRIAL SURCHARGE FOR CLASS GROUP.

(a) Classes established. The director shall classify commercial and industrial establishments that routinely discharge BOD and total suspended solids concentrations exceeding 250 mg/L into the following class groups:

CLASS	DESCRIPTION
(1)	EATING PLACES: Includes restaurants and other establishments that engage in preparation of food and beverage served directly to the consumer.
(2)	EQUIPMENT SERVICE FACILITIES: Includes establishments that perform washing, cleaning, or servicing of automobiles, trucks, buses, machinery, or equipment and includes public facilities, facilities limited to specific companies, and attended and coin-operated establishments.
(3)	FOOD AND KINDRED PRODUCTS PROCESSING: Includes commercial establishments that engage in the preparation, packaging, processing, or distribution of food, food products, grains, or produce, other than those included in Class (1) and that discharge less than 200,000 gallons of wastewater per month.
(4)	DRINKING PLACES: Includes bars, lounges, clubs, and other establishments that do not engage in any food preparation but that engage in the sale of beer, wine, liquor, or any other beverage served directly to the consumer.

(b) Assessment of surcharge class rate. The director shall assess an industrial surcharge rate for each class group based on industrial waste strength determinations established by averaging grab or composite samples, or both, taken from a representative number of establishments in each group and shall apply this rate to the water consumption or metered wastewater of the establishment. If the establishment is within a larger facility for which water usage is determined from a master meter, the director shall determine an estimated volume for the establishment to which the surcharge rate is applied. The director shall then add the appropriate industrial surcharge to billings for regular water and wastewater service for each establishment classified into a class group.

(c) Exceptions to surcharge class rate. If an establishment contains operations from more than one of the class groups, and the director determines that the surcharge rate for a particular class group would not adequately compensate the city for its cost of treatment, the director may:

(1) assess a surcharge rate based on a proportional average of the class group rates involved; or

(2) require the establishment to be billed for an industrial surcharge computed under the requirements of Section 49-18.12(1)(A) or (B), whichever applies.

(d) Election of standard surcharges. The owner or agent of the owner of an establishment classified into a class group may elect to have the industrial surcharge billed directly under Section 49-18.12(1)(A) or (B), whichever applies, rather than under this section by making application to the director and paying the required sampling costs.

(e) Authority to revise rates. The director may, from time to time, revise class group surcharge rates based on analysis of current samples. (Ord. Nos. 19201; 21061; 21430; 26925; 28084)

SEC 49-51. REPORTING REQUIREMENTS.

(a) Baseline monitoring reporting.

(1) Deadlines for submission of reports.

(A) Existing categorical users. Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Title 40,

(b) If the director finds that one of the items listed in Subsection (a) is true, the director shall deny the application and send to the applicant by certified mail, return receipt requested, a written statement setting forth the reasons for the denial and notifying the applicant of the right to appeal.

(c) A CBD concession license must state on its face the name of the person to whom it is granted and the expiration date. A CBD concession license authorizes the licensee to do business only at a specific vending location site, designated by the director, in the central business district.

(d) The annual fee for each CBD concession license is:

~~(1) $600 ($150 for license processing and regulation and $450 for the use of 40 square feet of public property) to vend entirely or partially on public property, plus $25 for each square foot of public property over 40 square feet that is contained in the vending location site; and~~

~~(2) $150 to vend on private property only.~~

(1) $601 ($150 for license processing and regulation and $450 for the use of 40 square feet of public property) to vend entirely or partially on public property, plus $25 for each square foot of public property over 40 square feet that is contained in the vending location site; and

(2) $151 to vend on private property only.

(e) The fees listed in this section may not be prorated and are not refundable.

(f) A CBD concession license is not transferable in any manner to any person or location other than the one for which it was issued. Only agents listed in the licensee's most recent updated application for a CBD concession license are authorized to operate under the license.

(g) The same vendor, either personally or through an agent, may not simultaneously hold more than a total of 12 CBD concession licenses for vending on public property. Of those 12 licenses, the same vendor may not simultaneously hold more than one in the West End district, one in the arts district, and 10 in the CBD core district.

(h) For purposes of Subsection (g) of this section, an applicant will be considered to be the same vendor if the same sales tax identification number is listed on each license application.

(i) The number and location of vending location sites to be assigned on public property will be determined by the director based upon the availability of space, the congestion that may result, and other factors related to the public health, safety, and welfare. Each site must have an area of not less than 40 square feet. The director may not authorize or assign on public property:

(1) more than two vending location sites for each side of a block face in the central business district;

(2) a vending location site within 50 feet of another site at which the applicant is licensed to vend;

(3) a vending location site within 100 feet of an existing fixed business that sells, distributes, or offers for sale goods or services similar to those to be sold, distributed, or offered for sale by the applicant, unless the applicant files with the director the written consent of the owner of the existing fixed establishment;

(4) a vending location site within 50 feet of an outdoor patio of an existing fixed food establishment located on the same side of the same block face; or

(5) a vending location site within 1,000 feet of the Dallas Farmers Market, as defined in Section 29A-2 of this code, if the vendor will sell potted plants, fruits, or vegetables.

(j) An applicant may select a vending location site from those available at the time of application in accordance with rules and regulations promulgated by the director. If more than one applicant applies for the same vending location site, the director shall award the site by drawing lots in accordance with rules and regulations promulgated by the director.

(k) A CBD concession license expires one year after the date of issuance. To renew a CBD concession

license for the same vending location site, a licensee must file an application with the director and pay all required license fees not more than 60 days or less than 30 days before the license expires. Upon expiration of a CBD concession license, the licensee may apply for a new license, but must select a site from those available at the time of application in accordance with rules and regulations promulgated by the director. (Ord. Nos. 17675; 19300; 25048; 27353; 29023; 33232)

SEC. 50-165. SUSPENSION.

(a) The director may suspend a CBD concession license for not less than 30 days or more than one year if the director determines that:

(1) a violation of this article or any other city ordinance or state or federal law concerning the sale or distribution of goods or services by the licensee or an agent has occurred; or

(2) the licensee or a representative has failed to establish policy and take action to discourage, prevent, or correct violations of this article by the licensee's agents.

(b) The director shall send to the licensee by certified mail, return receipt requested, a written statement of the reasons for the suspension, the date the suspension is to begin, the duration of the suspension, and the licensee's right to appeal. A timely request for appeal by the licensee stays the effect of the suspension unless the director determines that an emergency exists.

(c) For purposes of this section, an emergency exists if the director determines that a violation has occurred and constitutes an imminent and serious threat to the public health or safety. In case of an emergency, the director may order the licensee or any representative or agent to correct the violation immediately or cease business operations to the extent the director determines is necessary to abate the threat until the violation is corrected. (Ord. 29023)

SEC. 50-166. REVOCATION.

(a) The director shall revoke a license issued under this article if the director determines that:

(1) the licensee or an agent, individually or cumulatively, has been convicted in any court of two violations of this article or any other city ordinance or state or federal law concerning the sale or distribution of goods or services within a 12-month period; the fact that a conviction is being appealed has no effect;

(2) the licensee has given false or misleading information of a material nature or has withheld vital information on the application or in any hearing concerning the application or license;

(3) the licensee or an agent has intentionally or knowingly impeded a lawful inspection by the director, the director's authorized representative, or any representative of another department who has the authority to inspect the licensee and the licensee's agents and business procedures;

(4) a cause for suspension under Section 50-165 occurs and the license has been suspended within the preceding 12 months;

(5) the vending location site for which the license was issued is not being used for street vending purposes; or

(6) the conduct of the business at the vending location site for which the license was issued endangers the public health, safety, or welfare.

(b) The director shall send to the licensee by certified mail, return receipt requested, a written statement setting forth the reasons for the revocation and notifying the licensee of the right to appeal.

(c) If the director revokes a license, the fee already paid for the license will be forfeited. A person whose license has been revoked under this section may not apply for a new license for one year after the date the revocation took effect. (Ord. 29023)

Ordinance Number	Specified Passage Date	Effective Date	Ordinance Section	City Code Section
32597	11-8-23		1	Amends 28-45(a)
			2	Amends 28-50(c)
32604	12-13-23		1	Amends 34-4(21)
			2	Amends 34-4(35)
			3	Amends 34-6
			4	Deletes 34-16(f)
			5	Amends 34-17(b)
			6	Amends 34-19(a)(3)
			7	Amends 34-19(b)(9)
			8	Amends 34-22.3(a)(1)
			9	Amends 34-22.4(a)
			10	Amends 34-24.2
			11	Amends 34-32(c)(5)
			12	Amends 34-36(b)(1)
			13	Amends 34-38(k)
32607	12-13-23		1	Amends 41A-4(e)
32608	12-13-23		1	Adds 7A-4.1
32655	2-14-24		1	Amends 7A-2
32673	3-27-24		1	Amends 17-2.2(c)
32676	3-27-24	5-1-24	1	Amends 49-18.14
32703	4-10-24		1	Amends 15D-9.30
32704	4-10-24		1	Amends 47A-2.4.8(f)(3)
32710	4-24-24		1	Amends 28-50(c)
			2	Amends 28-59
			3	Amends 28-99
			4	Amends 28-101
32725	5-8-24		1	Repeals 31-33
32726	5-8-24		1	Amends 40B-2
			2	Amends 40B-3
			3	Amends 40B-6(d)
			4	Amends 40B-7(a)
32735	5-22-24	10-1-24	1	Amends 28-2(a)
			2	Amends 28-26(b)
			3	Amends ch. 28, div. 4
32789	8-14-24		1	Amends Ch. 2, Art. V-a (title)
				Amends 2-43
				Amends 2-44
			2	Amends 2-49
32797	8-14-24		1	Adds 28-76.6
			2	Amends 28-130.9(a)
32801	8-14-24	8-14-24	1	Deletes 8-1.5(a-1)

Ordinance Number	Specified Passage Date	Effective Date	Ordinance Section	City Code Section
32801 (Cont'd)		1-1-25	2	Amends 40A-1
			3	Amends 40A-3(a)
			4	Amends 40A-4(a)
			5	Amends 40A-4(d)
			6	Amends 40A-4(e)
			7	Amends 40A-6(b)
			8	Amends 40A-7
			9	Amends 40A-7.1
			10	Amends 40A-9(a)
			11	Amends 40A-35
32843	9-11-24		1	Amends 7-5.5(a)
			2	Amends 7-5.5(c)
			3	Amends 7-5.5(e)
			4	Amends 7-5.6(c)
			5	Amends 7-5.12
			6	Amends 7-5.13(a)
			7	Amends 7-5.15
			8	Amends 7-5.16(c)
			9	Amends 7-8.1(e)
32847	9-11-24		1	Amends 28-45(a)
32848	9-11-24		1	Amends 28-44
32863	9-18-24		1	Amends 2-26.2(a)
			2	Amends 2-26.2(f)
			3	Amends 2-168(b)
			4	Amends 18-9(c)
			5	Adds 18-9.1
			6	Amends 18-11(a)(5)
			7	Amends 18-11(b)(2)
		4-1-25	8	Amends 18-35(a)
			9	Amends 24-3(b)
			10	Amends 24-3(e)
			11	Amends 28-26(f)
			12	Amends 28-114.12(b)
			13	Amends 28-114.12(c)
			14	Amends 28-121.15(a)(3)
			15	Amends 28-121.15(a)(5)
			16	Amends 28-121.15(c)(5)
			17	Amends 28-121.16(d)
			18	Amends 43-126.6(a)
			19	Amends 49-161(e)
			20	Amends 49-18.1(c)

Ordinance Number	Specified Passage Date	Effective Date	Ordinance Section	City Code Section
32864 (Cont'd)			20	Amends 36-45
			21	Amends 39-4(a)
			22	Amends 42A-6(g)(1)
			23	Amends 42A-28.2(g)
			24	Amends 42A-28.8(b)
			25	Amends 42A-28.9
			26	Amends 42A-40(d)
			27	Amends 43-63
			28	Amends 43-121(c)
			29	Amends 43-126.5(d)
			30	Amends 43-126.16(5)
			31	Amends 43-135(9)
			32	Amends 45-7
			33	Amends 49-27(a)
32865	9-18-24		1	Amends 34-9(a)
			2	Amends 34-25(b)
32911	11-13-24		1	Amends 2-11.2
32924	12-11-24		1	Amends 12A-2(22)
			2	Amends 12A-29(1)
			3	Amends Ch. 12A, Art. VII, 12A-46 thru 12A-48
32926	12-11-24		1	Amends 2-26.2(g)(1)
			2	Amends 2-26.2(h)(4)
32933	12-11-24	12-11-25	1	Amends 41-1
			2	Amends 41-2
			3	Amends 41-3
32960	1-8-25		1	Amends 28-44
			2	Amends 28-50(c)
			3	Amends 28-59
32971	1-22-25		1	Amends 49-43(c)(3)
			2	Adds 49-43(c)(4)
33028	3-26-25		1	Amends 44-35(c)
33031	3-26-25		1	Amends 18-29
			2	Amends 18-30
			3	Amends 18-31
			4	Amends 18-32
			5	Amends 18-33
			6	Adds 18-34(c)
			7	Amends 18-35(b)
			8	Repeals 18-36
			9	Amends 18-38

Ordinance Number	Specified Passage Date	Effective Date	Ordinance Section	City Code Section
33031 (Cont'd)			10	Amends 18-39
			11	Amends 18-41
			12	Amends 18-44
			13	Amends 18-45
			14	Amends 18-46
			15	Amends 18-48
			16	Amends 18-49
			17	Amends 18-50
33071	4-9-25		1	Amends 28-44
			2	Amends 28-50(c)
			3	Amends 28-60(b)
33105	5-14-25		1	Amends 32-11.3(b)
33115	5-14-25		1	Amends 2-120(g)
33152	6-25-25		1	Amends 28-44
			2	Amends 28-45(a)
			3	Amends 28-50(c)
33224	9-10-25		2	Amends 1-5
			3	Amends 2-26.7(a)
			4	Amends 2-26.7(c)
			5	Amends 2-44
			6	Amends 11-1
			7	Amends 11-2
			8	Repeals 11-18
			9	Amends 11-19
			10	Adds 13-2.1
			11	Repeals Ch. 13A
			12	Amends 14B-2(c)
			13	Amends 14B-3
			14	Amends 14B-6
			15	Amends 14B-7
			16	Adds 14B-7.1
			17	Amends 14B-8
			18	Adds 17-2.2(d)
			19	Deletes 17-10.2(s)(7)
			20	Amends 18-2
			21	Amends 18-4(c)
			22	Amends 18-4(e)
			23	Amends 18-5(d)
			24	Amends 18-5(e)
			25	Amends 18-6(b)
			26	Amends 18-8(b)

Ordinance Number	Specified Passage Date	Effective Date	Ordinance Section	City Code Section
33224 (Cont'd)			27	Amends 18-9(a)(1)
			28	Amends 18-9(c)
			29	Amends 18-32
			30	Repeals Ch. 20
			31	Repeals Ch. 25
			32	Amends Ch. 25A
			33	Amends 27-11(d)(17)
			34	Amends 27-30(b)
			35	Amends 27-30(g)
			36	Amends 27-31(c)
			37	Amends 27-42(a)
			38	Amends 27-42(b)
			39	Amends 28-128.6
			40	Deletes 31-13.1(f)
			41	Repeals 31-35
			42	Amends 32-14
			43	Amends 32-15(a)
			44	Repeals 36-5
			45	Repeals 36-27
			46	Repeals 36-34
			47	Repeals 36-49
			48	Repeals Ch. 38
			49	Repeals Ch. 39
			50	Amends 43-126.17
			51	Amends 43-126.18
			52	Repeals 43-126.23
			53	Repeals 48-6
			54	Repeals 48-8
			55	Amends 48-11
33229	9-10-25		1	Readopts with amendments Ch. 12
33232	9-17-25		1	Amends 2-168
			2	Amends 6A-5
			3	Amends 9A-4
			4	Amends 14-4(a)
			5	Amends 14-4(b)
			6	Amends 15D-9(a)
			7	Amends 15D-9.2(c)
			8	Amends 15D-9.10
			9	Amends 15D-9.16
			10	Amends 15D-9.26(h)
			11	Amends 15D-9.31(c)

Ordinance Number	Specified Passage Date	Effective Date	Ordinance Section	City Code Section
33232 (Cont'd)			12	Amends 15D-21(a)
			13	Amends 15D-23(c)
			14	Amends 15D-30
			15	Amends 15D-36
			16	Amends 15D-46(i)
			17	Amends 15D-57(a)
			18	Amends 15D-58(b)
			19	Amends 17-10.2(d)(2)
			20	Amends 17-10.2(e)(1)
			21	Amends 17-10.2(f)(4)
			22	Amends 17-10.2(g)
			23	Amends 17-10.2(h)(2)(A)
			24	Amends 17-10.2(i)
			25	Amends 17-10.2(s)(1)
			26	Amends 18-9(c)
			27	Amends 18-11(a)(5)
			28	Amends 18-11(b)
			29	Amends 19-121(a)
			30	Amends 27-31(d)
			31	Amends 27-53
			32	Adds 27-53.1
			33	Amends 28-4(b)
			34	Amends 41A-6
			35	Amends 47A-1.6
			36	Amends 47A-2.1.2(b)
			37	Amends 47A-2.2.8
			38	Amends 48A-6(b)(9)
			39	Amends 48A-8(c)
			40	Amends 48A-14
			41	Amends 48A-20
			42	Amends 48A-29(i)
			43	Amends 48A-43(a)
			44	Amends 48A-44(b)
			45	Amends 48C-6(b)(9)
			46	Amends 48C-8(c)
			47	Amends 48C-15
			48	Amends 48C-21
			49	Amends 48C-30(h)
			50	Amends 49-10(f)
			51	Amends 49-18.1(c)
			52	Amends 49-18.1(f)(1)

Ordinance Number	Specified Passage Date	Effective Date	Ordinance Section	City Code Section
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			54	Amends 49-18.1(i)
			55	Amends 49-18.2(c)
			56	Amends 49-18.2(f)
			57	Amends 49-18.4(b)
			58	Amends 49-18.4(e)
			59	Amends 49-18.4(f)
			60	Amends 49-18.5
			61	Amends 49-18.6(b)
			62	Amends 49-18.6(d)
			63	Amends 49-18.7
			64	Amends 49-18.9
			65	Amends 49-18.10
			66	Amends 49-18.11
			67	Amends 49-18.12
			68	Amends 49-18.13
			69	Amends 49-18.16(g)
			70	Amends 49-49(b)
			71	Amends 49-49(c)
			72	Amends 50-164(d)
33233	9-17-25		1	Amends Ch. 2, Art. XIX
			2	Amends 2-152.4(a)
			3	Repeals Ch. 2, Art. XXXI
			4	Amends 13-7
			5	Adds 13-9
			6	Adds 13-10
			7	Adds 13-11
			8	Amends 20A-24(a)
			9	Amends 20A-25
			10	Amends 20A-26(a)
			11	Amends 20A-27(a)
			12	Amends 20A-27(d)
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			14	Amends 20A-31(g)(1)
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Sec. 51A-7.1804. General provisions.
Sec. 51A-7.1805. Attached signs.
Sec. 51A-7.1806. Event signs.
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Sec. 51A-7.1811. Protective signs.
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Division 51A-7.1900. Provisions for West Village Sign District.

Sec. 51A-7.1901. Designation of West Village Sign District.
Sec. 51A-7.1902. Designation of subdistricts.
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Sec. 51A-7.1904. Definitions.
Sec. 51A-7.1905. General provisions for all signs.
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Sec. 51A-7.1909. Special provisions for facade-mounted banner signs.
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Sec. 51A-7.1911. Special provisions for newsstand signs.
Sec. 51A-7.1912. Special provisions for signs attached to machinery or equipment.
Sec. 51A-7.1913. Special provisions for movement control signs.
Sec. 51A-7.1914. Special provisions for construction barricade signs.
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Sec. 51A-7.1916. Special provisions for district signs.
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Division 51A-7.2000. Provisions for West Commerce Street/Fort Worth Avenue Sign District.

Sec. 51A-7.2001. Designation of the West Commerce Street/Fort Worth Avenue Sign District.
Sec. 51A-7.2002. Designation of subdistricts.
Sec. 51A-7.2003. Purpose.
Sec. 51A-7.2004. Definitions.
Sec. 51A-7.2005. Sign permit requirements.
Sec. 51A-7.2006. Provisions applicable to all signs.
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Division 51A-7.2100. ~~Provisions for the Arts District Extension Area Sign District~~ Reserved.

~~Sec. 51A-7.2101. Designation of the Arts District Extension Area Sign District.~~
~~Sec. 51A-7.2102. Purpose.~~
~~Sec. 51A-7.2103. Definitions.~~

~~Sec. 51A-7.2104. Arts District Extension Area sign permit requirement.~~
~~Sec. 51A-7.2105. Special provisions for all signs.~~
~~Sec. 51A-7.2106. Public signs.~~
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~~Sec. 51A-7.2108. Detached private signs.~~
~~Sec. 51A-7.2109. Building identification signs.~~
~~Sec. 51A-7.2110. One Arts Plaza Subdistrict.~~
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Division 51A-7.2200. Parkland Hospital Sign District.

Sec. 51A-7.2201. Designation of Parkland Hospital Sign District.
Sec. 51A-7.2202. Designation of corridors.
Sec. 51A-7.2203. Purpose.
Sec. 51A-7.2204. Definitions.
Sec. 51A-7.2205. Sign permit requirements.
Sec. 51A-7.2206. Imitation of traffic and emergency signs prohibited.
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Sec. 51A-7.2210. Movement control signs.
Sec. 51A-7.2211. District identification signs.
Sec. 51A-7.2212. Banner signs.
Sec. 51A-7.2213. Branding signs.
Sec. 51A-7.2214. Donor recognition signs.
Sec. 51A-7.2215. Streamers, pennants, and inflatable seasonal decorations prohibited.
Sec. 51A-7.2216. Attached signs.
Sec. 51A-7.2217. Window display signs.
Sec. 51A-7.2218. Kiosk signs.
Sec. 51A-7.2219. Construction barricade signs.
Sec. 51A-7.2220. Temporary signs.

Division 51A-7.2300. Southwestern Medical District Sign District.

Sec. 51A-7.2301. Designation of Southwestern Medical Special Provision Sign District.
Sec. 51A-7.2302. Purpose.
Sec. 51A-7.2303. Definitions and interpretations.
Sec. 51A-7.2304. Southwestern Medical District identification sign permit requirements.
Sec. 51A-7.2305. Imitation of traffic and emergency signs prohibited.
Sec. 51A-7.2306. Creation of site.
Sec. 51A-7.2307. Government traffic signs.
Sec. 51A-7.2308. Signs within and over the public right-of-way.
Sec. 51A-7.2309. General provisions for all signs.
Sec. 51A-7.2310. Prohibited signs.
Sec. 51A-7.2311. Southwestern Medical District identification signs.
Sec. 51A-7.2312. Banners.
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ARTICLE VIII.

PLAT REGULATIONS.

Division 51A-8.100. Title and Purpose.

Sec. 51A-8.101. Title.
Sec. 51A-8.102. Policy.
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Division 51A-8.200. Definitions.

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Sec. 51A-8.401. When platting is required.
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Sec. 51A-8.403. Platting process.
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Sec. 51A-8.405. Apportionment of exactions and park land dedication.

ARTICLE I.

GENERAL PROVISIONS.

SEC. 51A-1.101. RESERVED. (Ord. 24637)

SEC. 51A-1.102. APPLICABILITY AND PURPOSE.

(a) Applicability.

(1) At any time prior to March 1, 1987, an applicant for a change in zoning district classification or boundary may voluntarily elect to proceed under either this chapter or Chapter 51. The zoning procedures in this chapter automatically apply to any request for a change in zoning district classification or boundary that is formally initiated on or after March 1, 1987.

(2) This chapter (and not Chapter 51) automatically applies to:

(A) all property that is annexed into the city on or after March 1, 1987; and

(B) all property that is rezoned on or after March 1, 1987, if the request for the change in zoning district classification or boundary was formally initiated on or after that date.

(3) The passage of an ordinance granting or amending a specific use permit is not considered to be "rezoning" for purposes of this section.

(b) Purpose.

(1) In general. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city in order to:

~~(A) lessen the congestion in the streets;~~

(A) ensure safe and efficient circulation of all modes of transportation, prioritizing transit and active transportation modes;

(B) secure safety from fire, flooding, and other dangers;

(C) provide adequate light and air;

(D) prevent the overcrowding of land;

(E) avoid undue concentration of population;

(F) facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements;

(G) promote the character of areas of the city;

(H) limit the uses in areas of the city that are peculiarly suitable for particular uses;

(I) conserve the value of buildings; and

(J) encourage the most appropriate use of land throughout the city.

(2) Compliance with FHAA. The city council intends that this chapter fully comply with the Federal Fair Housing Amendments Act of 1988 ("FHAA") and all other applicable state and federal legislation. Residential use and district regulations in this chapter are based on the family unit as defined in Section 51A-2.102. It is the express intent of the city council that all families as defined herein be treated alike without regard to the handicapped or non-handicapped status of individual family members, and that this chapter be construed in a manner consistent with the FHAA and all other applicable state and federal legislation at all times. (Ord. Nos. 19455; 21044; 33112)

SEC. 51A-1.103. ENFORCEMENT.

(a) Criminal prosecution.

(1) A person who knowingly violates any provision of this chapter is guilty of a separate offense

~~(9.1) BICYCLE PARKING means Class I bicycle parking and Class II bicycle parking.~~

(9.1) BICYCLE PARKING means space reserved for the secured standing or storage of bicycles, with vertical elements available to support a bicycle in every space and includes short-term and long-term bicycle parking.

(9.2) BICYCLE PARKING, LONG-TERM means bicycle parking for use exceeding four hours and enclosed within a structure designed for increased security from theft and vandalism, such as locked bicycle storage rooms, bicycle check-in systems, and bicycle lockers.

(9.3) BICYCLE PARKING, SHORT-TERM means unenclosed bicycle parking for use for four hours or less.

(10) BLOCK means an area bounded by streets on all sides.

(10.1) BLOCKFACE means:

(A) the distance along one side of a street between the two nearest intersecting streets;

(B) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or

(C) where a street centerline contains a change of direction 90 degrees or more, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction.

(11) BOARD means the board of adjustment.

(11.1) BREEZEWAY means an unenclosed passage connecting two buildings or portions of a building.

(12) BUILDING means a structure for the support or shelter of any use or occupancy.

(13) BUILDING LINE means a line marking the minimum distance a building may be erected from a street, alley, or lot line. (Also called the "setback line.")

(14) BUILDING OFFICIAL means the person designated by the city manager as the building official of the city, or the building official's authorized representative.

(15) BUILDING SITE means property that meets the requirements of Section 51A-4.601.

(16) "CA-1" DISTRICT means the CA-1 district established under Chapter 51.

(17) "CA-1(A)" DISTRICT means the CA-1(A) district established under this chapter.

(18) "CA-2" DISTRICT means the CA-2 district established under Chapter 51.

(19) "CA-2(A)" DISTRICT means the CA-2(A) district established under this chapter.

(20) CENTER LINE means a line running midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the center line shall be determined by the director of transportation and public works.

(21) CENTRAL AREA DISTRICTS means the CA-1(A) and CA-2(A) districts established under this chapter.

(22) CENTRAL BUSINESS DISTRICT means the area of the city within Woodall Rodgers Freeway, Central Expressway (elevated bypass), R. L. Thornton Freeway, and Stemmons Freeway.

(23) CITY COUNCIL means the governing body of the city.

~~(23.1) CLASS I BICYCLE PARKING means unenclosed parking spaces intended for bicycles where one or both wheels and the frame of a bicycle can be secured to a rack with a user-supplied lock.~~

~~(23.2) CLASS II BICYCLE PARKING means enclosed parking spaces intended for bicycles within a building or structure designed for increased security from theft and vandalism, such as locked bicycle storage rooms, bicycle check-in systems, and bicycle lockers.~~

(23.1) Reserved.

(23.2) Reserved.

(145) ZONING DISTRICT MAP means the official map upon which the zoning districts of the city are delineated. (Ord. Nos. 19455; 19786; 19806; 20272; 20360; 20361; 20383; 20411; 20478; 20673; 20902; 20920; 21002; 21186; 21663; 22018; 24163; 24718; 24731; 24843; 25047; 25977; 26286; 26530; 27334; 27495; 27572; 28072; 28073; 28424; 29128; 30239; 30654; 30932; 31607; 32002; 32264; 32659; 32864; 32907; 33112)

(D) Floor area ratio.

(i) Maximum floor area ratio is 20.0.

(ii) Reserved. (Repealed by Ord. 20361)

(iii) The maximum floor area ratio in the CA-1(A)-CP and CA-1(A)-SP districts may be increased to 24 to 1 by the use of the building setback bonus provisions in the "additional provisions" [Paragraph (8)] in this subsection.

(E) Height. Maximum structure height is any legal height.

(F) Lot coverage. Maximum lot coverage is 100 percent.

(G) Lot size. No minimum lot size.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading.

~~(A) In general. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.~~

~~(B) Special off-street parking provisions.~~

~~(i) Except as provided in this section, for all uses except single-family and duplex, off-street parking is only required for a building built after June 26, 1967, or an addition to an existing building, at a ratio of one parking space for each 2,000 square feet of floor area.~~

~~(ii) Except as provided in this section, no parking is required for ground-floor retail and personal service uses except for the following:~~

~~(aa) Alcoholic beverage establishment operating as a bar, lounge, or tavern.~~

~~(bb) Commercial amusement (inside).~~

~~(iii) No parking is required for the first 5,000 square feet of ground-floor floor area for a restaurant without drive-in or drive-through service.~~

~~(iv) If there is a conflict, this paragraph controls over other off-street parking regulations in this chapter.~~

~~(C) Special off-street loading provisions.~~

(A) In general. No minimum off-street parking is required for any use in this district. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(B) Special off-street loading provisions.

(i) In this district, off-street loading spaces must be provided in accordance with Section 51A-4.303(a) for only new structures or additions to an existing structure.

(ii) In this district, once the required off-street loading has been established for a structure, no additional off-street loading is required if the use of the structure changes.

(iii) In this district, once an off-street loading space has been provided, the off-street loading space may not be reduced, eliminated, or made unusable in any manner during the life of the structure.

(iv) In this district, on-street loading spaces may satisfy the off-street loading space requirement subject to the following standards:

(aa) Any on-street loading spaces must be approved by the traffic engineer.

(bb) Required off-street loading spaces furnished on-street must be provided at curbside contiguous to the building site.

(cc) If no adjacent curb space is available due to traffic or transit needs, indented curb space may be provided if the required sidewalk

(cc) no minimum in all other cases.

(ii) Minimum rear yard is:

(aa) 10 feet for duplex structures;

(bb) 15 feet for multifamily structures 36 feet or less in height; and

(cc) no minimum in all other cases.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. Maximum floor area ratio is 20.0.

(E) Height. Maximum structure height is any legal height.

(F) Lot coverage. Maximum lot coverage is 100 percent.

(G) Lot size. Minimum lot area per dwelling unit is as follows:

TYPE OF STRUCTURE	MINIMUM LOT AREA PER DWELLING UNIT
Single family	1000 sq. ft.
Duplex	2500 sq. ft.
Multifamily:	
No separate bedroom	50 sq. ft.
One bedroom	65 sq. ft.
Two bedrooms	75 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	10 sq. ft.

(H) Stories. No maximum number of stories.

~~(5) Off-street parking and loading. In this district, for all uses except single family and duplex, off-street parking is only required for a building built after June 1, 1981, or an addition to an existing building, at a ratio of one parking space for each 2,000 square feet of floor area which exceeds 5,000 square feet. No off-street parking is required for a building with 5,000 square feet or less of floor area. If there is a conflict, this paragraph controls over other off-street parking regulations in this chapter. Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally.~~

(5) Off-street parking and loading. No off-street parking is required for any use in this district. Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Single family structure spacing. In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat. (Ord. Nos. 19455; 19786; 19806; 19912; 20242; 20273; 20361; 20625; 20731; 20752; 20895; 20902; 20920; 20950; 21001; 21002; 21044; 21259; 21314; 21735; 21960; 22097; 22139; 22204; 22531; 22799; 24232; 24271; 24543; 24857; 25047; 25133; 25487; 25785; 26920; 28073; 28125; 28214; 28272; 28700; 29128; 29917; 30932; 32209; 32482; 32659; 33112)

SEC. 51A-4.125. MIXED USE DISTRICTS.

(a) In general. Single or multiple uses may be developed on one site in a mixed use district as in any other district; however, in order to encourage a mixture of uses and promote innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel, density bonuses are awarded to developments that qualify as "mixed use projects" as defined in Subsection (b). If a development does not qualify as an MUP, it is limited to a "base" dwelling unit density and floor area ratio.

(C) Dwelling unit density. Not applicable.

(D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a "multiple commercial project" as follows:

[Note: The first column is the base FAR, which applies when there is no MCP. The second column is the FAR for an MCP with a mix of two use categories. The third column is the FAR for an MCP with a mix of three or more use categories.]

MAXIMUM FLOOR AREA RATIO

Use Categories	Base (No MCP)	MCP with Mix of 2 Categories	MCP with Mix of 3 Categories
Lodging	0.8	0.85	0.85
Office	0.8	0.85	0.85
Retail and personal service	0.3	0.4	0.5
TOTAL DEVELOPMENT	0.8	0.9	1.0

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 70 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories above grade is five. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

~~(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.~~

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 1,000 trips per day or 100 trips per hour as calculated in the trip generation worksheet approved by the director.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope which originates in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term "opening" means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope which originates in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term "opening" means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use. (Ord. Nos. 19786; 19806; 19808; 19873; 20242; 20273; 20380; 20382; 20625; 20895; 20902; 20920; 20950; 21002; 21044; 21259; 21314; 21399; 21400; 21442; 21663; 21735; 21796; 22204; 22531; 22782; 24232; 24271; 24543; 24857; 25785; 25815; 26920; 28079; 28214; 32209; 32482; 32659; 33112)

SEC. 51A-4.127. URBAN CORRIDOR DISTRICTS.

~~(a) In general. A minimum of two land uses must be developed on a lot in an urban corridor district, with one use being residential use above street level. Density bonuses are awarded to lots that have parking structures. Parking requirements are reduced for lots that have linkages to transit and have a high level of pedestrian amenities. There are three types of urban corridor districts, differing principally in their density and height allowances: UC-1, UC-2, and UC-3. The urban corridor district regulations apply to all frontages of the lot, except where otherwise specified.~~

(a) In general. A minimum of two land uses must be developed on a lot in an urban corridor district, with one use being residential use above street level. Density bonuses are awarded to lots that have parking structures. There are three types of urban corridor districts, differing principally in their density and height allowances: UC-1, UC-2, and UC-3. The urban corridor district regulations apply to all frontages of the lot, except where otherwise specified.

(b) Qualifying a segment of a street as an urban corridor.

(1) Urban corridor requirements. A segment of street must have all of the following characteristics to be an urban corridor:

(A) A minimum outside lane width of 10 feet.

(B) A road composition that supports buses.

(C) No speed bumps.

(D) A minimum turning radius of 50 feet.

(E) A minimum overhead clearance of 11 feet.

(2) Community collectors and arterial streets. An urban corridor segment of street must be built in accordance with the city's thoroughfare plan, and must be the following type of thoroughfare for each urban corridor district:

(A) UC-1: community collector or four- or six-lane arterial.

(B) UC-2: four- or six-lane arterial.

(C) UC-3: six-lane arterial.

(3) State highways. A UC-1, UC-2, or UCÐ3 district may exist along a segment of a state highway designated by the Texas Department of Transportation if the segment has all of the characteristics required for an urban corridor, and the department determines the frontage to be safe (based on vehicular traffic speed and volume) for the level of pedestrian traffic expected for the type of urban corridor district requested.

(4) Ineligible streets. Interstate highways, freeways, expressways, and their frontage roads are ineligible streets for urban corridors.

(c) UC districts.

(1) Purpose. To encourage medium density mixed use development with a required above-grade residential component, pedestrian-friendly site design,

(iii) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(F) Lot coverage. The maximum lot coverage is 80 percent. Above-ground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. There is no minimum lot size.

(H) Stories.

(i) The minimum number of stories above street level is two in UC-1; three in UCÐ2; and four in UC-3.

(ii) The maximum number of stories above street level with bonuses for an above- or below-street-level parking structure is four in UCÐ1; six in UC-2; and eight in UC-3.

~~(5) Off-street parking and loading. The off-street parking requirements in Division 51A-4.200 and the off-street parking and loading regulations in Division 51A-4.300 apply, except as follows:~~

~~(A) Multifamily use parking requirements. One parking space is required per 500 square feet of multifamily dwelling unit floor area on the lot, up to a maximum of two parking spaces per dwelling unit.~~

~~(B) Parking reductions. A lot located within 500 feet of a bus stop on a DART bus route, or a shuttle bus route connecting to a DART light rail station, with a minimum headway, i.e. the scheduled time interval between the arrival of successive same-route buses, trains, or other vehicles used for public transportation at a passenger stop, of 10 minutes during peak hours and 30 minutes during non-peak hours as these times are set by DART, shall be granted reductions of four percent of total parking requirements for each additional pedestrian amenity type provided in excess of the minimum amenities required [See Subsection (c)(8)(D) for pedestrian amenities rules], up to a maximum 20 percent reduction. If parking reduction is sought, bicycle parking must be provided as an amenity type. The additional pedestrian amenities must be provided within the curb-to-building area and must serve to enhance the pedestrian pathways from building entrances on the lot to transit stops. These parking reductions do not apply to uses that already have parking exemptions based on delta theory. *[See Subsection 51A-4.704(b)(4)(A) for delta theory parking regulations.]*~~

~~(C) On-street parallel parking. On-street parallel parking spaces adjacent to the lot provided on community collectors or four-lane arterials count toward off-street parking requirements. Notwithstanding the foregoing, nothing in this section shall abrogate the authority granted to the city's traffic engineer by Chapter 28 of the Dallas City Code to regulate traffic, including parking, on public streets.~~

~~(D) Shared parking. Shared parking is required for all nonresidential uses on the lot. The utilization rates in the following table provide the basis for calculation of parking spaces required with shared parking. The adjusted standard off-street parking requirement for the development is the largest of the five "time-of-day" column sums.~~

~~Shared Parking Table~~
~~(for calculating adjusted standard parking requirement)~~

~~Use Category~~	~~Morning~~	~~Noon~~	~~Afternoon~~	~~Late Afternoon~~	~~Evening~~
~~Residential uses~~	~~80%~~	~~60%~~	~~60%~~	~~70%~~	~~100%~~
~~Office-related uses~~	~~100%~~	~~80%~~	~~100%~~	~~85%~~	~~35%~~
~~Retail related uses~~	~~60%~~	~~75%~~	~~70%~~	~~65%~~	~~70%~~
~~Bar and restaurant uses~~	~~20%~~	~~100%~~	~~30%~~	~~30%~~	~~100%~~
~~All other uses~~	~~100%~~	~~100%~~	~~100%~~	~~100%~~	~~100%~~

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape and open space provisions.

(A) In general. See Article X. Section 51A-10.126 does not apply, and Subsections (b)(2) and (b)(4) of Section 51A-10.125 are superseded by this subsection. All private licensing requirements must be met.

(B) Parking lot screening. Except as otherwise provided, all requirements of Section 51AÐ4.301(f) apply to parking lots and parking structures in urban corridor districts, and to remote parking lots and parking structures serving a building in an urban corridor district. A five-foot-wide landscaped strip must be located along any edge of the parking lot or parking structure that is visible at grade level from a street or alley, in accordance with the following provisions:

(i) Small trees must be located every 15 feet, or fraction thereof, or clustered every 30 feet, within the landscaped strip. A small tree must have a minimum caliper width of three inches, with the exception of multi-trunk trees, which may have a minimum caliper width of two inches per trunk.

(ii) A continuous row of large evergreen shrubs must be located in the landscaped strip.

(iii) For every four rows of parking, parking lots must contain at least one interior landscaped strip of at least 15 linear feet that is planted with ground cover, shrubbery of 24-36 inches in height, and at least one large tree.

(iv) Fences may complement but not substitute for parking lot trees and shrubbery screening.

(v) Covered parking may substitute for trees and shrubbery in the interior of the parking area, but not for those required along its perimeter. Covered parking may not replace shrubbery or substitute for trees that provide buffering between parking lots or parking structures and the street.

(C) Screening of off-street loading spaces.

(i) All off-street loading spaces must be screened from all public streets adjacent to the lot.

(ii) Screening of all off-street loading spaces must be at least six feet high.

(iii) Garbage storage areas must be visually screened on all sides by a brick, stone, or concrete masonry, stucco, concrete, or wood wall or fence. Screening is not required on a side adjacent to an alley or easement used for garbage pick-up service. Trellises or other coverings must be used to screen the top of garbage storage areas.

(D) Street trees. A small street tree must be provided for every 50 feet of frontage, with a minimum of two trees per lot. A small tree must have a minimum caliper width of three inches, with the exception of multi-trunk trees which may have a minimum caliper width of two inches per trunk. Street trees must be located in the buffer zone between the street curb and the sidewalk. If the buffer zone is located in the public right-of-way, street trees must be located in the public right-of way. The city arborist recommends the following list of trees as being most

(II) not have a bottom edge higher than three feet above the base of building; and

(III) be less than 10 feet high.

(dd) It is recommended that street-fronting, street-level windows be clear, unpainted, or made of similarly treated glass allowing visibility within street-level uses.

(iv) Pedestrian access to the building. Primary pedestrian (i.e. residential and customer) ingress and egress must be to or from an urban corridor. Pedestrian ingress and egress for all other functions must be to or from rear or side yard entrances. Pedestrian pathways must be provided to connect the pedestrian zone to the parking lot, rear entrances to dwellings, and to emergency exits.

(d) Site plan.

(1) A site plan must be submitted in accordance with the requirements of this subsection before an application is made for a permit for work on a lot in an urban corridor district.

(2) Procedure. The applicant should contact the department to arrange a pre-application conference, at which the applicant should provide a sketch plan of the site with the information requested by the department. When the applicant is ready to apply for site plan review, the applicant must provide a detailed site plan.

(3) The site plan must:

(A) satisfy the requirements of Subparagraphs (A) through (G), (J), and (N) through (Q) in Section 51A-4.803(d)(1);

(B) show all existing and proposed points of ingress and egress, building entrances, exits, service areas, and windows;

(C) show all public right-of-way lines;

(D) show the location and indicate the type, size, and height of perimeter fencing, screening, and buffering elements proposed or required;

(E) show all provisions to be made to direct and detain storm water and to mitigate erosion both during and following the completion of construction;

(F) show the location and indicate the type, orientation, size, and height of light standards that will illuminate any portion of a required yard;

(G) show the location of existing and proposed signs;

(H) show the existing and proposed locations of all exterior loudspeakers and sound amplifiers;

(I) show the existing and proposed locations for all mechanical equipment capable of producing high levels of noise;

(J) show all existing and proposed provisions for pedestrian circulation on the lot including the location of the pedestrian amenity zones and the location and description of amenities provided to satisfy the three-amenity rule and the requirements for parking reductions;

(K) demonstrate how the urban corridor district site meets the minimum open space requirements showing location and landscape plans of all open space including buffer zones and screening areas;

(L) demonstrate eligibility for parking requirement reduction or density bonuses, if requested by applicant; and

(M) any other reasonable and pertinent information that the director determines to be necessary for site plan review. (Ord. Nos. 24718; 25785; 26920; 28125; 28214; 28424; 28700; 31607; 32002; 32209; 32482; 32659; 33112)

Division 51A-4.200. Use Regulations.

SEC. 51A-4.201. AGRICULTURAL USES.

(1) Animal production.

(A) Definition: An area which is used for the raising of animals (including fish) and the development of animal products on a commercial basis. Typical uses include beef or sheep ranching, dairy farming, piggeries, poultry farming, and fish farming.

(B) Districts permitted: By right in the A(A) district. By SUP only in non-residential districts.

~~(C) Required off-street parking: Two spaces.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) In an A(A) district, a person shall not operate this use upon an area less than three acres. In non-residential districts, no minimum acreage is required.

(ii) Animals include but are not limited to pigs, chickens, turkeys, cows, sheep, goats, and horses.

(iii) Structures may be erected for a private stable, pen, barn, shed, or silo for raising, treating, and storing products raised on the premises. A dwelling unit is permitted either as part of this structure or as a separate structure.

(iv) Standings under roofed stables must be made of a material that provides for proper drainage so as not to create offensive odors, fly breeding, or other nuisances.

(v) The keeping of horses is subject to the requirements under the private stable accessory use.

(vi) Fences for pens, corrals, or similar enclosures for livestock must be of sufficient height and strength to retain the animals. No pen, corral, fence or similar enclosure may be closer than 20 feet to an adjacent property line. The widths of alleys, street rights-of-way, or other public rights-of-way may be used to calculate the 20 foot requirement.

(vii) The regulations under this use do not apply to government agencies, governmentally supported organizations, or educational agencies that keep and maintain animals for health research or similar purposes, nor do these regulations apply to special events such as circuses and livestock exhibitions which are otherwise regulated by the city.

(2) Commercial stable.

(A) Definition: A facility for the business of boarding horses or renting horses to the public.

(B) Districts permitted: A(A) district.

~~(C) Required off-street parking: One space for each two stalls.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use does not include sales, auction, or similar trading activity.

(3) Crop production.

(A) Definitions. In this paragraph:

(i) AQUACULTURE means the cultivation, maintenance, and harvesting of aquatic species.

(ii) AQUAPONICS means the combination of aquaculture (fish) and hydroponics (plants) to grow food crops or ornamental crops and aquatic species together in a recirculating system without discharge or exchange of water.

(iii) BED COVER means a hoop-house, shade structure, or similar structure located above a planting bed to assist with the growing or shading of food crops or ornamental crops.

(iv) COMMUNITY GARDEN means an URBAN GARDEN as that use is defined in this subparagraph. Except in those Chapter 51P articles where community garden is specifically defined, any reference to community garden in Chapter 51P is a reference to an urban garden in this subparagraph.

(v) FARM OR RANCH means an area which is used for growing farm products or keeping farm poultry and farm livestock.

(vi) URBAN GARDEN means an area managed and maintained to grow and harvest food crops and/or ornamental crops for personal or group use, consumption, sale, or donation. Urban gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

(B) Districts permitted: By right in all districts.

~~(C) Required off-street parking: Except as otherwise provided in this subparagraph, off-street parking is not required. For an urban garden in non-residential districts that allows on-site sales, one off-street parking space is required for every 200 square feet of sales area with a minimum two off-street parking spaces provided.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions for urban gardens:

(i) An urban garden must comply with the regulations for the zoning district in which the urban garden is located.

(ii) Aquaponics, aquaculture, and the raising of chickens are permitted. All other animal grazing and animal production are prohibited.

(iii) For an urban garden in a residential district, the combined floor area of structures may not exceed 10 percent of the lot, with no single structure exceeding 200 square feet in floor area. Structures that assist in the growing of vegetation, such as bed covers and raised planting beds, are not included in floor area calculations. Structures must comply with yard, lot, and space regulations for the district.

(iv) For an urban garden in a residential district, one single, non-illuminated, flat sign of no more than six square feet must be provided. The sign must contain the phone number of an emergency contact person for the urban garden. If animals are present in the urban garden, the sign must also contain the contact information for Dallas 311 city services. In residential districts, no other signage is permitted.

(v) Each bed cover may only cover one planting bed.

(vi) Except as provided in this subparagraph, maximum height of a bed cover is four feet from the growing surface or eight feet, measured from grade, whichever is less. Within the required front yard, maximum height of a bed cover is four feet, measured from grade.

(vii) The on-site sale of food crops, ornamental crops, and eggs produced at the urban garden is allowed only in non-residential districts. No other items may be sold.

(F) Additional provisions for farms:

(i) A person shall not operate a farm upon an area less than three acres.

(ii) Structures may be erected for a private pen, barn, shed, or silo for the treating, and storing of products raised on the premises. A dwelling unit is permitted either as part of this structure or as a separate structure.

(iii) Animal grazing is allowed as part of this use; however, animal production, as defined in Section 51A-4.201(1), is not permitted.

(4) Private stable.

(A) Definition: An area for the keeping of a horse or horses for the private use of the property owner or the owner of the horse(s).

(B) Districts permitted: By right in all residential districts when located on a lot that is at least one acre in size, otherwise by SUP in all residential districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A private stable is permitted only on a lot that has at least 15,000 square feet of land and a person may keep only the number of horses permitted for the lot area as described in the following chart:

LOT AREA	NUMBER OF HORSES
At least 15,000 square feet but less than one-half acre	1
At least one-half acre but less than one acre	2
At least one acre but less than two acres	3
At least one-half acre per horse	4 or more

(ii) A private stable must include a pen, corral, fence, or similar enclosure containing at least 800 square feet of land for each animal with a stable under a roof containing at least 100 square feet for each animal.

(iii) A stable must have proper drainage so as not to create offensive odors, fly breeding, or other nuisances.

(iv) A pen, corral, fence, or similar enclosure may not be closer than 20 feet to an adjacent property line. The widths of alleys, street rights-of-way, or other public rights-of-way may be used in establishing the 20 foot distance to the adjacent property line.

(v) A pen, corral, fence, or similar enclosure must be of a sufficient height and strength to retain the horse(s). (Ord. Nos. 19455; 19786; 20493; 21001; 23302; 24718; 28125; 29687; 30890; 33112)

SEC. 51A-4.202. COMMERCIAL AND BUSINESS SERVICE USES.

(1) Building repair and maintenance shop.

(A) Definition: A facility providing for general building repair and maintenance, including the installation of plumbing, electrical, air conditioning, and heating equipment.

(B) Districts permitted: By right in CR, RR, CS, industrial, and central area districts. RAR required in CR, RR, CS, and industrial districts.

~~(C) Required off-street parking: One space per 300 square feet of floor area.~~

(C) Required off-street parking: Except as provided in Section 51A-4.301(a)(2)(B), none. One space per 500 square feet of floor area only when contiguous to a property containing a single-family or handicapped group dwelling unit use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Retail sales of supplies is permitted as an accessory use.

(2) Bus or rail transit vehicle maintenance or storage facility.

(A) Definition: A facility for the maintenance, repair, or storage of bus, rail, or other transit vehicles.

(B) Districts permitted: By right in industrial and central area districts. When located at least 500 feet from a residential district, by right in the CS district with RAR required; otherwise, by SUP only in the CS district. RAR required in industrial districts.

~~(C) Required off-street parking: One space per 500 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 500 square feet of floor area only when contiguous to a property containing a single-family or handicapped group dwelling unit use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provision: Vehicles being displayed, sold, serviced, or repaired must be parked on site.

(3) Catering service.

(A) Definition: A facility for the preparation and storage of food and food utensils for off-premise consumption and service.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in LO(A), MO(A), and GO(A) districts.

~~(C) Required off-street parking: One space per 200 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) One space per 200 square feet of floor area when located in an MD-1 Modified Delta Overlay, in existence on May 14, 2025.

(iii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 500 square feet of floor area is required only when contiguous to a property containing a single-family or handicapped group dwelling use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	1
50,000 to 100,000	2
50,000 to 100,000	1 additional
Each additional 100,000 or fraction thereof	1 additional

(4) Commercial cleaning or laundry plant.

(A) Definition: A facility for the cleaning or laundering of garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.

(B) Districts permitted: By right in CS,

industrial, and central area districts. RAR required in CS and industrial districts.

~~(C) Required off-street parking: One space per 300 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 500 square feet of floor area only when contiguous to a property containing a single-family or handicapped group dwelling use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(5) Custom business services.

(A) Definition: A facility for providing custom services and activities which are performed according to a personal order and require individualized treatment of items. Typical custom business services include etching, engraving, laminating, binding, or the assembly, repair, and sale of such items as trophies, books, documents, window shades, and venetian blinds.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts.

~~(C) Required off-street parking: One space per 300 square feet of floor area; a minimum of five spaces is required.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 500 square feet of floor area only when contiguous to a property containing a single-family handicapped group dwelling use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(6) Custom woodworking, furniture construction, or repair.

(A) Definition: A facility for the custom making, repairing, or refinishing of furniture or wood products on an individualized, single item basis.

(B) Districts permitted: By right in CS, industrial, and central area districts.

~~(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of two spaces is required.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 500 square feet of floor area only when contiguous to a property containing a single-family or handicapped group dwelling unit use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Specialized equipment for custom making, repairing, or reupholstering furniture is permitted under this use.

(7) Electronics service center.

(A) Definition: A facility for the repair and service of computers and computer equipment, stereo equipment, televisions, radios, and other such electronic items.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in MO(A) and GO(A) districts.

~~(C) Required off-street parking: One space per 300 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) One space per 300 square feet of floor area when located in an MD-1 Modified Delta Overlay in existence on May 14, 2025.

(iii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 500 square feet of floor area is required only when contiguous to a property containing a single-family or handicapped group dwelling unit use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Retail sales of electronic items or parts is permitted as an accessory use.

(8) Job or lithographic printing.

(A) Definition: A facility for the commercial reproduction, cutting, printing, or binding of written materials, drawings, or labels on a bulk basis using lithography, offset printing, blueprinting, and similar methods.

(B) Districts permitted: By right in CS, industrial, central area, and urban corridor districts. RAR required in CS and industrial districts.

~~(C) Required off-street parking: One space per 600 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 600 square feet of floor area only when contiguous to a property containing a single-family or handicapped group dwelling unit use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(8.1) Labor hall.

(A) Definitions. In this paragraph:

(i) LABOR HALL means any profit or non-profit public or private entity, whether a corporation, partnership, natural person, or any other legal entity, whose business involves securing temporary unskilled or agricultural employment for a client through the use of a hiring hall or facility where unskilled workers gather to await employment.

(ii) UNSKILLED WORKER means an individual who performs labor involving physical toil that does not require persons engaged in a particular occupation, craft, or trade, or practical or familiar knowledge of the principles or processes of an art, science, craft, or trade.

(B) Districts permitted: By right in IR and IM districts when located at least:

(i) 1000 feet from all conforming residential uses; and

(ii) 500 feet from all "public or private school" uses.

Otherwise, by SUP in IR and IM districts. By SUP only in RR, CS, LI, central area, mixed use, and multiple commercial districts.

~~(C) Required off-street parking. One space per 500 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 500 square feet of floor area only when contiguous to a property containing a single-family or handicapped group dwelling unit use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0,000 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use must have a lobby or waiting room with a floor area of not less than the greater of 500 square feet or 50 percent of the total floor area of the premises.

(ii) Food may be prepared and served as an accessory use.

(iii) No SUP for a labor hall may be granted for more than a two-year time period. An SUP for a labor hall is not eligible for automatic renewal.

(iv) In determining whether to grant a specific use permit for a labor hall, the city council shall consider its proximity to the main uses listed in Subparagraph (B) of this paragraph, and require that the labor hall meet, as nearly as practicable, the distance requirements set out in that subparagraph.

(v) Measurements of distance under this paragraph are taken radially. "Radial" measurement means a measurement taken along the shortest distance between the nearest point of the building site of the labor hall and the nearest point of the building site of another use.

(vi) This use must comply with all applicable licensing provisions.

(9) Machine or welding shop.

(A) Definition: A facility where material is processed by machining, cutting, grinding, welding, or similar processes.

(B) Districts permitted: By right in CS and industrial districts. RAR required in CS and industrial districts.

~~(C) Required off-street parking: One space per 500 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 500 square feet of floor area only when contiguous to a property containing a single-family or handicapped group dwelling unit use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(10) Machinery, heavy equipment, or truck sales and service.

(A) Definition: A facility for the display, sale, rental, or service of machinery, heavy equipment, oversized motor vehicles, or oversized trailers.

(B) Districts permitted: By right in RR, CS, and industrial districts. RAR required in RR, CS, and industrial districts.

~~(C) Required off-street parking: One space per 1,000 square feet of sales area (whether inside or outside).~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 1,000 square feet of sales area (whether inside or outside) is required only when contiguous to a property containing a single-family handicapped group dwelling unit use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	100,000

(E) Additional provision: Vehicles being displayed, sold, serviced, or repaired must be parked on site.

(11) Medical or scientific laboratory.

(A) Definition: A facility for testing and analyzing medical or scientific problems.

(B) Districts permitted: By right in MO(A), GO(A), CS, industrial, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC-3, and MC-4 districts. By SUP only in LO(A), CR, RR, MU-1, MU-1(SAH), MC-1, MC-2, and urban corridor districts.

~~(C) Required off-street parking: One space per 300 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 500 square feet of floor area is required only when contiguous to a property containing a single-family or handicapped group dwelling unit use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(12) Technical school.

(A) Definition: A business enterprise offering instruction and training in trades or crafts such as auto repair, cooking, welding, bricklaying, machinery operation, or other similar trades or crafts.

(B) Districts permitted: By right in CS, industrial, and central area districts.

~~(C) Required off-street parking: One space per 25 square feet of classroom. Any personal service uses accessory to a technical school must be parked to the personal service use parking requirement.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 500 square feet of floor area only when contiguous to a property containing a single-family or handicapped group dwelling unit use. Any personal service uses accessory to a technical school must be parked to the personal service use parking requirement.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(13) Tool or equipment rental.

(A) Definition: A facility for renting tools or equipment.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, MU-2; MU-2(SAH), MU-3, MU-3(SAH), MC-3, and MC-4 districts.

~~(C) Required off-street parking: One space per 200 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 500 square feet of floor area is required only when contiguous to a property containing a single-family or handicapped group dwelling use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(14) Vehicle or engine repair or maintenance.

(A) Definition: A facility for the repair, maintenance, or restoration of motor vehicles, motor vehicle engines, electrical motors, or other similar items.

(B) Districts permitted: By right in RR, CS, industrial, and central area districts. RAR required in RR, CS, and IM districts. DIR required in central area districts.

~~(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of five spaces is required. Parking spaces that are used to repair vehicles and located in a structure are not counted in determining the required parking.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 500 square feet of floor area; with a minimum of five spaces is required only when contiguous to a property containing a single-family or handicapped group dwelling unit use.

(iii) Parking spaces that are used to repair vehicles and located in a structure are not counted in determining the required parking.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use.

(ii) Vehicles being displayed, sold, serviced, or repaired must be parked on site. (Ord. Nos. 19455; 19786; 20493; 20902; 21001; 21663; 23910; 24718; 28803; 30890; 32907; 33112)

SEC. 51A-4.203. INDUSTRIAL USES.

(a) Potentially incompatible industrial uses.

(1) A "potentially incompatible industrial use" listed in this subsection is permitted by SUP only in the IM district.

(2) The following main uses, activities, operations, and processes are hereby declared to be potentially incompatible industrial uses:

-Asphalt or concrete batching
-Bulk processing, washing, curing, or dyeing of

-Metal or metal ore reduction, refining, smelting, or alloying

-Metal or metal product treatment or processing, including enameling, japanning, lacquering, galvanizing, or similar processes

-Petroleum or petroleum product refining

-Radioactive waste disposal services involving the handling or storage of radioactive waste, excluding hazardous waste management facilities as defined in this chapter

-Solvent extracting

-Slaughtering of animals, fish, or poultry

-Sugar refining

-Textile bleaching

-Wood or bone distillation

-Wood or lumber processing, including sawmills or planing mills, wood-preserving treatment, and similar processes

-Wood pulp or fiber reduction or processing, including paper mill operations

-Wool scouring or pulling

(3) Main uses that manufacture the following products are hereby declared to be potentially incompatible industrial uses:

-Asphalt or asphalt products

-Brick, tile, or clay

-Cement

-Charcoal, lampblack, or fuel briquettes

-Chemicals, including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, exterminating agents, hydrogen or oxygen, industrial alcohol, potash, plastic materials or synthetic resins, rayon yarns, or hydrochloric, picric, or sulphuric acids or derivatives

-Coal, coke, or tar products

-Excelsior or packing materials

-Fertilizers

-Gelatin, glue, or size

-Glass or glass products, including structural or plate glass or similar products

-Graphite or graphite products

-Gypsum

-Heavy metal casting or foundry products, including ornamental iron work or similar products

-Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds

-Linoleum or oil cloth

-Lumber, plywood, veneer, or similar wood products

-Matches

-Miscellaneous metal alloys or foil, including solder, pewter, brass, bronze, or tin, lead, or gold foil, or similar products

-Paint, varnishes, or turpentine

-Paper

-Porcelain products, including bathroom or kitchen equipment, or similar products

-Raw plastic

-Rubber, natural or synthetic, including tires, tubes, or similar products

-Soaps or detergents

-Stone products, including abrasives, asbestos, stone screenings, and sand or lime products

(b) Specific uses.

(0) Alcoholic beverage manufacturing.

(A) Definition: An establishment for the manufacture, blending, fermentation, processing, and packaging of alcoholic beverages with a floor area exceeding 10,000 square feet that takes place wholly inside a building. A facility that only provides tasting or retail sale of alcoholic beverages is not an alcoholic beverage manufacturing use.

(B) Districts permitted: By right in industrial districts with RAR required. By SUP only in central area districts.

~~(C) Required off-street parking:~~

~~(i) Except as otherwise provided, one space per 600 square feet of floor area.~~

~~(ii) One space per 1,000 square feet of floor area used for storage.~~

~~(iii) One space per 100 square feet of floor area used for retail sales and seating.~~

(C) Required off-street parking: Except as provided in Section 51A-4.301(a)(2)(B), one space per 200 square feet of floor area used for retail sales and seating.

(D) Required off-street loading:

SQUARE FEET OF MANUFACTURING OR STORAGE FLOOR AREA	TOTAL REQUIRED SPACES OR BERTHS
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Retail sales of alcoholic beverages and related items and tastings or sampling are allowed in accordance with Texas Alcoholic Beverage Commission regulations.

(ii) Except for loading, all activities must occur within a building.

(iii) Silos and containers of spent grain are allowed as outdoor storage. Containers of spent grain must be screened. All other outdoor storage or repair is prohibited.

(iv) If an SUP is required, silos and outdoor storage areas for spent grain must be shown on the site plan.

(v) Drive-through facilities are prohibited.

(1) Industrial (inside).

(A) Definition: An industrial facility where all processing, fabricating, assembly, or disassembly takes place wholly within an enclosed building.

(B) Districts permitted: If this use is "potentially incompatible" [See Subsection (a)], it is permitted by SUP only in the IM district; otherwise, it is permitted by right in industrial districts with RAR required.

~~(C) Required off-street parking: One space per 600 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), when contiguous to a property containing a single family or handicapped group dwelling unit use located in a single family district, one space per 600 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Accessory outside storage is limited to five percent of the lot. Outside storage that occupies more than five percent of the lot is only allowed in a district where outside storage is permitted as a main use. For more information regarding accessory outside storage, see Section 51A-4.217. For more information regarding outside storage as a main use, see Section 51A-4.213.

(ii) Accessory inside retail sales may occupy up to 10 percent of the total floor area of the main use.

(1.1) Industrial (inside) for light manufacturing.

(A) Definition: A light industrial use where all processing, fabricating, assembly, or disassembly of items takes places wholly within an enclosed building. Typical items for processing, fabricating, assembly, or disassembly under this use include but are not limited to apparel, food, drapes, clothing accessories, bedspreads, decorations, artificial plants, jewelry, instruments, computers, and electronic devices.

(B) Districts permitted: By right in CS and industrial districts.

~~(C) Required off-street parking: One space per 600 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 600 square feet of floor area is required only when contiguous to a property containing a single-family or handicapped group dwelling unit use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Potentially incompatible industrial uses, as defined in this section, are prohibited as part of any activity, operation, or processing conducted under this use.

(ii) This use may not exceed 10,000 square feet of floor area.

(2) Industrial (outside).

(A) Definition: An industrial facility where any portion of the processing, fabricating, assembly, or disassembly takes place outside or in an open structure.

(B) Districts permitted: If this use is "potentially incompatible" [See Subsection (a)], it is permitted by SUP only in the IM district; otherwise it is permitted:

(i) by right in the IM district with RAR required; and

(ii) by SUP only in the IR district.

~~(C) Required off-street parking: One space per 600 square feet of floor area, plus one space per 600 square feet of outside manufacturing area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 600 square feet of floor area, plus one space per 600 square feet of outside manufacturing area is required only when contiguous to a property containing a single-family or handicapped group dwelling unit use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Accessory outside storage may occupy to 50 percent of the lot. Outside storage that occupies more than 50 percent of the lot is only allowed in a district where outside storage is permitted as a main use. For more information regarding accessory outside storage, see Section 51A-4.217. For more information regarding outside storage as a main use, see Section 51A-4.213.

(ii) Any portion of the building site containing this use that is adjacent to or directly across a street or alley from a district other than an IR or IM district must be screened from that district.

(iii) Accessory inside retail sales may occupy up to 10 percent of the total floor area of the main use.

(2.1) Medical/infectious waste incinerator.

(A) Definition: A facility used to incinerate plastics, special waste, and waste containing pathogens or biologically active material, which because of its type, concentration, and quantity, is capable of transmitting disease to persons exposed to the waste.

(B) Districts permitted: By SUP only in IR and IM districts.

~~(C) Required off-street parking: One space per 1,000 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 1,000 square feet of floor area is required only when contiguous to a property containing a single-family or handicapped group dwelling unit use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) All medical/infectious waste incinerators must be located at least:

(aa) 1,000 feet from all lots containing residential; public or private school; church; and public park, playground, or golf course uses; and

(bb) one mile from all lots containing municipal and hazardous waste incinerators.

(ii) A medical/infectious waste incinerator used to incinerate up to 225 pounds of waste per hour must be located:

(aa) on a lot that is no smaller than one acre in size;

(bb) at least 100 feet from the lot line; and

(cc) at least one-fourth mile from all lots containing main use medical/infectious and pathological waste incinerators.

(iii) A medical/infectious waste incinerator used to incinerate more than 225 pounds of waste per hour must be located:

(aa) on a lot that is no smaller than five acres in size;

(bb) at least 200 feet from the lot line; and

(cc) at least one mile from all lots containing main use medical/infectious and pathological waste incinerators.

(iv) No outside storage is permitted in conjunction with this use.

(v) The area of notification for a public hearing to consider an SUP application for this use is 500 feet.

(3) Metal salvage facility.

(A) Definition: A facility that collects, separates, and processes scrap metal in bulk form for reuse and manufacturing.

(B) Districts permitted: By SUP only in the IM district.

~~(C) Required off-street parking: The off-street parking requirement may be established in the ordinance granting the SUP, otherwise a minimum of five spaces required.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), the off-street parking requirement may be established in the ordinance granting the SUP, otherwise a minimum of five spaces required only when contiguous to a property containing a single-family or handicapped dwelling unit use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use must have a visual screen of at least nine feet in height which consists of a solid masonry, concrete, or corrugated sheet metal wall, or a chain link fence with metal strips through all links.

(cc) explain and provide information about subscribing to the operator's electronic notification list to receive updates about when specific operations will occur, including site preparation, drilling, casing, fracturing, pipeline construction, production, transportation, and maintenance of the operation site.

(3.3) Gas pipeline compressor station.

(A) Definition:

(i) BOUNDARY means the perimeter of the compressor station site. GAS PIPELINE COMPRESSOR STATION SITE means the area identified in the SUP to be used for the gas pipeline compressor station.

(ii) GAS PIPELINE COMPRESSOR STATION means a facility for devices that raise the pressure of a compressible fluid (gas) in order for the gas to be transported through a transmission pipeline. This use does not include compressors that are part of a gas drilling and production use that only provide compression for gas to circulate into a gathering system.

(iii) PROTECTED USE means institutional and community service uses (except cemetery or mausoleum); lodging uses; office uses; recreation uses (except when the operation site is on a public park, playground, or golf course); residential uses; and retail and personal service uses (except commercial motor vehicle parking or commercial parking lot or garage). Parking areas and areas used exclusively for drainage detention are not part of a protected use.

(B) Districts permitted: By SUP only in IM district.

~~(C) Required off-street parking: Five spaces.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), five spaces are required only when contiguous to a property containing a single-family or handicapped group dwelling unit use.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A gas pipeline compressor station must be spaced at least 1,500 feet from a protected use, measured from the boundary of the gas pipeline compressor station site in a straight line, without regard to intervening structures or objects, to the closest point of the protected use or areas of the protected use activity.

(ii) To reduce noise, all compressors must be fully enclosed in a building.

(iii) Except as otherwise provided in this subparagraph, the perimeter of the gas pipeline compressor station site must be screened from public view. City council may, by SUP, require a different form of screening but may not reduce the height requirements in this subparagraph. Screening must be at least six feet in height and must be constructed of:

(aa) earthen berm planted with turf grass or ground cover that does not have a slope that exceeds one foot of height for each two feet of width;

(bb) brick, stone, metal, or masonry wall that significantly screens equipment and structures from view;

(cc) landscaping materials recommended for local area use by the chief arborist. The landscaping must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. The initial plantings must be capable of obtaining a solid appearance within 18 months; or

(dd) any combination of the above.

(iv) Unless a specific color is required by federal or state law, all equipment and structures must be painted with a neutral color to match the nearby surroundings as nearly as possible.

(v) To reduce noise and emissions, electric motors must be used on the gas pipeline compressor station unless the operator submits a report to the gas inspector and the gas inspector finds that electric motors cannot be used.

(vi) Internal combustion engines and compressors, whether stationary or mounted on wheels, must be equipped with an exhaust muffler or a comparable device that suppresses noise and disruptive vibrations and prevents the escape of gases, fumes, ignited carbon, or soot.

(vii) Exhaust from any internal combustion engine or compressor may not be discharged into the open air unless it is equipped with an exhaust muffler or mufflers or an exhaust muffler box constructed of non-combustible materials sufficient to suppress noise and disruptive vibrations and prevent the escape of noxious gases, fumes, ignited carbon, or soot.

(viii) Compressors must comply with the low and high frequency noise requirements in Section 51A-12.204(1), "Noise."

(4) Municipal waste incinerator.

(A) Definition: A facility used to incinerate solid waste, other than industrial or hazardous waste, resulting from or incidental to municipal, community, institutional, and recreational activities, including, but not limited to, garbage, rubbish, ashes, street cleanings, dead animals, and abandoned automobiles.

(B) Districts permitted: By SUP only in IR and IM districts.

~~(C) Required off-street parking: One space per 1,000 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 1,000 square feet of floor area is required only when contiguous to a property containing a single-family or handicapped group dwelling unit use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) A municipal waste incinerator must front on a principal arterial.

(ii) The incinerator must be located on a lot that is no smaller than five acres in size, and be located at least 200 feet from the lot line.

(iii) The incinerator must be located at least:

(aa) 1,500 feet from all lots containing residential; public or private school; church; public park, playground, or golf course; convalescent or nursing home; medical clinic or ambulatory surgical center; and hospital uses;

(bb) two miles from all lots containing municipal and hazardous waste incinerators; and

(cc) one mile from all lots containing medical/infectious and pathological waste incinerators.

(iv) No outside storage is permitted in conjunction with this use.

(v) The area of notification for a public hearing to consider an SUP application for this use is 750 feet.

(4.1) Organic compost recycling facility.

(A) Definition: A commercial facility where the production of compost from organic materials takes place outside or in an open structure. For purposes of this definition, organic materials mean leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material not greater than six inches in diameter that results from landscape maintenance and land-clearing operations. Tree stumps, roots, and shrubs with intact root balls are not organic materials.

(B) Districts permitted: By right in the IM district with RAR required. By SUP only in A(A) and IR districts.

~~(C) Required off-street parking: One space per 500 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 500 square feet of floor area is required only when contiguous to a property containing a single-family or handicapped group dwelling unit use.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) In an IM district, an organic compost recycling facility must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned an IM district. For purposes of this paragraph, adjacent means across the street or sharing a common lot line.

(5) Outside salvage or reclamation.

(A) Definition: A facility which stores, keeps, dismantles, or salvages scrap or discarded material or equipment outside. Scrap or discarded material includes but is not limited to metal, paper, rags, tires, bottles, or inoperable or wrecked motor vehicles, motor vehicle parts, machinery, and appliances.

(B) Districts permitted: By SUP only in the IM district.

~~(C) Required off-street parking: The off-street parking requirement may be established in the ordinance granting the SUP, otherwise a minimum of five spaces required.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), the off-street parking requirement may be established in the ordinance granting the SUP, otherwise a minimum of five spaces is required only when contiguous to a property containing a single-family or handicapped group dwelling unit use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use must have a visual screen of at least nine feet in height which consists of a solid masonry, concrete, or corrugated sheet metal wall, or a chain link fence with metal strips through all links.

(ii) The owner of an outside salvage or reclamation use shall not stack objects higher than eight feet within 40 feet of the visual screen. The owner of an outside salvage or reclamation use may stack objects one foot higher than eight feet for each five feet of setback from the 40 foot point.

(iii) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use.

(iv) A minimum distance of 500 feet is required between an outside salvage or reclamation use and an R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district.

(5.1) Pathological waste incinerator.

(A) Definition: A facility used to incinerate organic human or animal waste, including, but not limited to:

(i) Human materials removed during surgery, labor and delivery, autopsy, or biopsy, including body parts, tissues or fetuses, organs, and bulk blood and body fluids.

(iv) Bodies for cremation.

(B) Districts permitted: By SUP only in IR and IM districts.

~~(C) Required off-street parking: One space per 1,000 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), one space per 1,000 square feet of floor area is required only when contiguous to a property containing a single-family or handicapped group dwelling unit use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) A pathological waste incinerator must be located on a lot that is no smaller than one acre in size, and be at least 100 feet from the lot line.

(ii) The incinerator must be located at least:

(aa) 1,000 feet from all lots containing residential; public or private school; church; and public park, playground, or golf course uses;

(bb) one mile from all lots containing municipal and hazardous waste incinerators; and

(cc) one-fourth mile from all lots containing medical/infectious and pathological waste incinerators.

(iii) Reserved.

(iv) All waste must be disposed of within a 24 hour period.

(v) No outside storage is permitted in conjunction with this use.

(6) Temporary concrete or asphalt batching plant.

(A) Definition: A temporary facility for mixing cement or asphalt.

(B) Districts permitted: By SUP only in all districts.

~~(C) Off-street parking:~~

~~Required off-street parking: Two spaces. Off-street parking requirements for this use may be satisfied by providing temporary parking spaces that do not strictly comply with the construction and maintenance provisions for off-street parking in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that the temporary parking spaces:~~

~~(i) are adequately designed to accommodate the parking needs of the use; and~~

~~(ii) will not adversely affect surrounding uses.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) Except as provided in Section 51A-4.301(a)(2)(B), two spaces are required only when contiguous to a property containing a single-family or handicapped group dwelling unit use. Off-street parking requirements for this use may be satisfied by providing temporary parking spaces that do not strictly comply with the construction and maintenance provisions for off-street parking in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that the temporary parking spaces:

(aa) are adequately designed to accommodate the parking needs of the use; and

(bb) will not adversely affect surrounding uses.

(ii) A person to whom a temporary certificate of occupancy is issued shall:

(aa) comply with city, state and federal laws at the batching plant site;

(bb) clear the site of equipment, material and debris upon completion of the project;

(cc) repair or replace any public improvement that is damaged during the operation of the temporary batching plant; and

(dd) locate and operate the temporary plant in a manner which eliminates unnecessary dust, noise, and odor (as illustrated by, but not limited to covering trucks, hoppers, chutes, loading and unloading devices and mixing operations, and maintaining driveways and parking areas free of dust).

(iii) A person shall only furnish concrete, asphalt, or both, to the specific project for which the specific use permit is issued. (Ord. Nos. 19455; 19786; 20411; 20478; 20493; 21002; 21456; 22026; 22255; 22388; 22392; 24792; 25047; 26920; 28553; 28700; 28803; 29228; 29557; 29917; 30890; 32209; 33112)

SEC. 51A-4.204. INSTITUTIONAL AND COMMUNITY SERVICE USES.

(1) Reserved.

(2) Cemetery or mausoleum.

(A) Definition:

(i) A cemetery is a place designated for burial of the dead.

(ii) A mausoleum is a building with places for the entombment of the dead.

(B) Districts permitted: By SUP only in all residential and nonresidential districts except the P(A) and urban corridor districts.

~~(C) Required off-street parking: Two spaces.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None

(E) Additional provisions:

(i) Cemeteries are subject to Chapter 11 of this code.

(3) Child or adult care facility.

(A) Definition: A facility that provides care, training, education, custody, treatment, or supervision for persons of any age who are not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit or charges for the services it offers. This use does not include:

(i) a facility that is operated in connection with a shopping center, business, religious organization, hospital, medical clinic or ambulatory surgical center, or establishment where persons in need of care are cared for during short periods while parents or persons responsible for the persons in need of care are attending religious services or activities, receiving or providing inpatient or outpatient care, shopping, or engaging in other activities on or near the premises;

(ii) a school or class for religious instruction that does not last longer than two weeks and is conducted by a religious organization during the summer months;

(iii) an educational facility accredited by the Texas Education Agency or the Southern Association of Colleges and Schools, or their successor agencies, and which operates primarily for educational purposes in grades kindergarten and above;

(iv) an educational facility that operates solely for educational purposes in grades kindergarten through at least grade two, that does not provide custodial care for more than one hour during the hours before or after the customary school day, and that is a member of an organization that promulgates, publishes, and requires compliance with health, safety, fire, and sanitation standards equal to standards required by state, municipal, and county codes;

(v) a kindergarten or preschool educational program that is operated as part of a public school or a private school accredited by the Texas Education Agency or its successor agency, that offers educational programs through grade six, and does not provide custodial care during the hours before or after the customary school day;

(vi) an educational facility that is integral to and inseparable from its sponsoring religious organization or an educational facility both of which do not provide custodial care for more than two hours maximum per day, and that offers educational programs for children age five and above in one or more of the following: kindergarten through at least grade three, elementary, or secondary grades;

(vii) a day home as defined in Section 51A-4.217; or

(viii) individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption.

(B) Districts permitted:

(i) By right in A(A), multifamily, MH(A), retail, CS, industrial, central area, mixed use, multiple commercial, office and urban corridor districts.

(ii) Except as provided in this romanette, by right in R(A), D(A), TH(A), and CH districts when the child or adult care facility is operated on property that is operated or was previously operated by a religious organization, public or private school, or recreation center. Otherwise, by SUP in R(A), D(A), TH(A), and CH districts.

(iii) DIR required in CS and industrial districts.

~~(C) Required off-street parking: Except in R(A), D(A), TH(A), and CH districts, none required. In an R(A), D(A), TH(A), or CH district, if an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP, otherwise one space per 500 square feet of floor area. In an R(A), D(A), TH(A), or CH district, if this use is allowed by right, none required.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

(i)

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(ii) Areas of anticipated passenger loading and unloading must be identified at the time of permitting.

(E) Additional provisions:

(i) When this use is located within a residential district, outdoor activities are limited to the hours between 7 a.m. and 10 p.m.

(ii) The persons being cared for, trained, kept, treated, or supervised under this use may not use the facility as a residence.

(iii) For property zoned as A(A) and multifamily, the board of adjustment may grant a special exception to the off-street parking requirements contained in Section 51A-4.301 when, in the opinion of the board, the special exception will not adversely affect neighboring properties.

(4) Church.

(A) Definition: A facility principally used for people to gather together for public worship,

religious training, or other religious activities. This use does not include home meetings or other religious activities conducted in a privately occupied residence.

(B) Districts permitted: By right in all residential and nonresidential districts except the P(A) district.

~~(C) Required off-street parking:~~

~~(i) Number of spaces required. One space per 333 square feet in floor area if a church has less than 5,000 square feet of floor area and is located in a shopping center with more than 20,000 square feet in floor area, otherwise one space for each four fixed seats in the sanctuary or auditorium. If fixed benches or pews are provided, each 18 inches of length of the fixed bench or pew constitutes one fixed seat for purposes of this paragraph. If portions of seating areas in the sanctuary or auditorium are not equipped with fixed seats, benches, or pews, the parking requirement for those portions is one space for each 28 square feet of floor area.~~

~~(ii) Definitions. For purposes of this subsection, "remote parking" means required off-street parking provided on a lot not occupied by the main use.~~

~~(iii) Reconciliation with Divisions 51A-4.300 et seq. Except as otherwise expressly provided in this subsection, the off-street parking regulations in Divisions 51A-4.300 et seq. apply to this use. In the event of a conflict between this subsection and Divisions 51A-4.300 et seq., this subsection controls.~~

~~(iv) Remote parking.~~

~~(aa) Distance extension with shuttle service. A remote parking lot for a church may be located up to one and one-half miles (including streets and alleys) from the lot occupied by the church if a shuttle service is provided to transport persons between the church and the remote parking lot. The shuttle service route must be approved by the traffic engineer.~~

~~(bb) Remote parking agreement. An agreement authorizing a church to use remote parking may be based on a lease of the remote parking spaces if:~~

~~(I) the lease is for a minimum term of three years; and~~

~~(II) the agreement provides that both the owner of the lot occupied by the church and the owner of the remote lot shall notify the city of Dallas in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.~~

(C) Required off-street parking:

(i) Number of spaces required. Except provided in this subparagraph:

(aa) For churches with 20,000 square feet of floor area or less: None.

(bb) For churches with more than 20,000 square feet of floor area, except as provided in Section 51A-4.301(a)(2)(B), one space is required for each four fixed seats in the sanctuary or auditorium. If fixed benches or pews are provided, each 18 inches of length of the fixed bench or pew constitutes one fixed seat for purposes of this paragraph. If portions of seating areas in the sanctuary or auditorium are not equipped with fixed seats, benches, or pews, the parking requirement for those portions is one space for each 28 square feet of floor area.

(ii) Number of spaces required in an MD-1 Modified Delta Overlay, in existence on May 14, 2025. One space per 333 square feet in floor area if a church has less than 5,000 square feet of floor area and is located in a shopping center with more than 20,000 square feet in floor area, otherwise one space for each four fixed seats in the sanctuary or auditorium. If fixed benches or pews are provided, each 18 inches of length of the fixed bench or pew constitutes one fixed seat for purposes of this paragraph. If portions of seating areas in the sanctuary or auditorium are not equipped with fixed seats, benches, or pews, the parking requirement for those portions is one space for each 28 square feet of floor area.

(iii) Definitions. For purposes of this subsection, "remote parking" means required off-street parking provided on a lot not occupied by the

main use.

(iv) Reconciliation with Divisions 51A-4.300 et seq. Except as otherwise expressly provided in this subsection, the off-street parking regulations in Divisions 51A-4.300 et seq. apply to this use. In the event of a conflict between this subsection and Divisions 51A-4.300 et seq., this subsection controls.

(v) Remote parking.

(aa) Distance extension with shuttle service. A remote parking lot for a church may be located up to one and one-half miles (including streets and alleys) from the lot occupied by the church if a shuttle service is provided to transport persons between the church and the remote parking lot. The shuttle service route must be approved by the traffic engineer.

(bb) Remote parking agreement. An agreement authorizing a church to use remote parking may be based on a lease of the remote parking spaces if:

(I) the lease is for a minimum term of three years; and

(II) the agreement provides that both the owner of the lot occupied by the church and the owner of the remote lot shall notify the city of Dallas in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A church may permit passengers of mass transportation and car pools to park on the church parking lot.

(ii) The following structures, when located on top of a church building, are excluded from the height measurement of the church building:

(aa) Belfries.

(bb) Bell towers.

(cc) Campaniles.

(dd) Carillons.

(ee) Crosses.

(ff) Cupolas.

(gg) Spires.

(hh) Steeples.

(iii) A rectory, convent, or monastery is permitted as an accessory use.

(5) College, university, or seminary.

(A) Definition:

(i) A college or university is an academic institution of higher learning beyond the level of secondary school.

(ii) A seminary is an institution for the training of candidates for the priesthood, ministry, or rabbinate.

(B) Districts permitted: By right in A(A), LO(A), MO(A), GO(A), CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in single family, duplex, townhouse, CH, multifamily, NO(A), and NS(A) districts.

~~(C) Required off-street parking: One space per 25 square feet of classroom.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(6) Repealed. (Ord. 21044)

(7) Community service center.

(A) Definition: A multi-functional facility where a combination of social, recreational, welfare, health, habilitation, or rehabilitation services are provided to the public. For purposes of this definition, a facility where only business transactions or administrative, educational, school support, counseling, informational, referral, or out-patient medical, dental, or optical treatment services (or any combination of these activities) take place is not considered to be a community service center.

(B) Districts permitted: By right in RR, IR, and CA-2(A) districts. By SUP only in all residential, office, NS(A), CR, CS, LI, CA-1(A), mixed use, multiple commercial, and urban corridor districts.

~~(C) Required off-street parking: One space per 200 square feet of floor area.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(8) Convalescent and nursing homes, hospice care, and related institutions.

(A) Definition:

(i) This use includes both:

(aa) an establishment which furnishes (in single or multiple facilities) food and shelter to five or more persons who are not related by blood, marriage, or adoption to the owner or proprietor of the establishment and, in addition, provides minor treatment under the direction and supervision of a physician, or services which meet some need beyond the basic provision of food, shelter, and laundry; and

(bb) an establishment conducted by or for the adherence of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend exclusively upon prayer or spiritual means for healing, without the use of any drug or material remedy, provided safety, sanitary, and quarantine laws and regulations are complied with.

(ii) This use does not include:

(aa) a hotel or similar place that furnishes only food and lodging, or either, to its guests;

(bb) a hospital; or

(cc) an establishment that furnishes only baths and massages in addition to food, shelter, and laundry.

(B) Districts permitted: By right in multifamily, central area mixed use, and urban corridor districts. By SUP only in agricultural, TH(A), and CH districts. RAR required in multifamily and mixed use districts.

~~(C) Required off-street parking: 0.3 spaces per bed.~~

(C) Required off-street parking: None.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) In townhouse, RTN, CH, and multifamily districts, this use is subject to the following density restrictions:

ZONING DISTRICT CLASSIFICATION	MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE	MAXIMUM NO. OF BEDS PER NET ACRE
TH-1(A) and RTN	35	70
TH-2(A) and TH-3(A)	40	80
CH	45	90
MF-1(A) and MF-1(SAH)	50	100
MF-2(A) and MF-2(SAH)	60	120
MF-3(A)	90	180
MF-4(A)	160	320

*For purposes of this subparagraph, the term "suite" means one or more rooms designed to accommodate one family, containing living, sanitary, and sleeping facilities, but not containing a kitchen.

(ii) This use must comply with statutory licensing requirements, if any.

(iii) This use may include dwelling units that are exclusively restricted to visitors, patients, or members of the staff.

(9) Convent or monastery.

(A) Definition: The living quarters or dwelling units for a religious order or for the congregation of persons under religious vows.

(B) Districts permitted: By right in A(A), multifamily, office, retail, CS, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in single family, duplex, townhouse, and CH districts.

~~(C) Required off-street parking: One space for each three residents; a minimum of two spaces is required.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(10) Repealed. (Ord. 21044)

(11) Foster home.

(A) Definition: A facility that provides room, board, and supervision to five or more persons under 18 years of age who are not related by blood, marriage, or adoption to the owner or operator of the facility.

(B) Districts permitted: By right in CH, multifamily, CA-2(A), and mixed use districts. By SUP only in A(A), single family, duplex, townhouse, MH(A), and CA-1(A) districts.

~~(C) Required off-street parking: Two spaces.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must comply with statutory licensing requirements.

(12) Reserved.

(13) Halfway house.

(A) Definition: A facility for the housing, rehabilitation, and training of persons on probation, parole, or early release from correctional institutions, or other persons found guilty of criminal offenses.

(B) Districts permitted: By SUP only in LI, RR, CS, MU-2, MU-2(SAH), MU-3, MU-3(SAH), and central area districts. A halfway house may not be located in a planned development district unless all of the requirements of this paragraph are met.

~~(C) Required off-street parking: Determined by the specific use permit. This requirement must include provision of adequate off-street parking for residents, staff, and visitors. In determining an adequate number of off-street parking spaces, the city council shall consider the degree to which allowing the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.~~

~~(D) Required off-street loading: Determined by the specific use permit.~~

(C) Required off-street parking: None.

(D) Required off-street loading: Determined by the specific use permit. Areas of anticipated loading and unloading must be identified at time of permitting.

(E) Additional provisions:

(i) No more than 50 residents are permitted in a halfway house. Halfway houses must be located at least 1000 feet from residential districts, single family, duplex, and multifamily uses, public parks and recreational facilities, child-care facilities, and public or private schools.

(ii) A halfway house may not be located within one mile from another halfway house.

(iii) A specific use permit for a halfway house shall be issued for a two year time period. Periodic review periods may be established as part of the specific use permit.

(iv) The treatment of alcoholic, narcotic, or psychiatric problems is allowed under this use if expressly permitted by the specific use permit.

(v) This use shall comply with all applicable city, state, and federal codes and regulations.

(vi) Halfway houses must be located within 1200 feet of mass transit service.

(vii) A halfway house specific use permit application must include evidence of meetings between the applicant and property owners within the

notification area. Evidence of meetings must include records reflecting the dates of the meetings, the individuals or organizations involved, and the issues discussed and resolved.

(viii) Signs identifying a use as a halfway house are not permitted.

(ix) Halfway house premises must be properly maintained in good condition at all times.

(x) A security plan must be submitted with an application for a specific use permit for a halfway house. The security plan must demonstrate compliance with the security requirements of state law. The director shall furnish a copy of security plans for halfway houses to appropriate city, county, and state agencies for their review before the commission's consideration of an application. Provisions addressing security must be included in any ordinance granting a specific use permit for a halfway house. A compliance report must be submitted to the director every two years after the date of passage of an ordinance granting a specific use permit and with each application for renewal of a specific use permit for a halfway house.

(xi) Measurements of distance under this paragraph are taken radially. "Radial" measurement means a measurement taken along the shortest distance between the nearest point of the building site of the halfway house and the nearest point of the building site of another use, or of a zoning district boundary.

(14) Hospital.

(A) Definition: An institution where sick or injured patients are given medical treatment.

(B) Districts permitted: By right in GO(A), RR, CS, LI, IR, central area, MU-3, and MU–3(SAH) districts. By SUP only in A(A), multifamily, MO(A), CR, IM, MU-1, MU-1(SAH), MU-2, MU-2(SAH), multiple commercial, and urban corridor districts. RAR required in GO(A), RR, CS, LI, IR, MU-3, and MU-3(SAH) districts.

~~(C) Required off-street parking: One space for each patient bed.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use must be licensed by the state as a hospital.

(15) Repealed. (Ord. 21044)

(16) Library, art gallery, or museum.

(A) Definition: An establishment for the loan or display of books or objects of art, science, or history.

(B) Districts permitted: By right in office, retail, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in residential districts.

~~(C) Required off-street parking: For a library, one space per 500 square feet of floor area. For an art gallery or museum, one space per 600 square feet of floor area.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use must be sponsored by a public or quasi-public agency and open and available to the general public.

(ii) Retail sales in a library, art gallery, or museum is permitted as a limited accessory use.

(17) Public or private school.

(A) Definitions:

(i) OPEN-ENROLLMENT CHARTER SCHOOL means a public school that is operated under a charter granted under Subchapter D of Chapter 12 of the Texas Education Code.

(ii) PRIVATE SCHOOL means a school that a student may attend and thereby be exempt from state law requirements of compulsory attendance at a public school, and that exists apart from the student's home.

(iii) PUBLIC SCHOOL means a kindergarten, elementary, or secondary educational institution that is owned or operated by a local independent school district, or operated under a charter granted under Chapter 12 of the Texas Education Code.

(B) Districts permitted:

(i) Public school other than an open-enrollment charter school: By right in A(A), office, retail, CS, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in single family, duplex, townhouse, CH, multifamily, MH(A), and industrial districts. RAR required in A(A), office, retail, CS, mixed use, multiple commercial, and urban corridor districts.

(ii) Open-enrollment charter school or private school: By SUP only in residential, office, retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts.

~~(C) Required off-street parking:~~

~~(i) One and one-half spaces for each kindergarten/elementary school classroom;~~

~~(ii) Three and one-half spaces for each junior high/middle school classroom; and~~

~~(iii) Nine and one-half spaces for each senior high school classroom.~~

~~(iv) If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP.~~

(C) Required off-street parking:

(i) Except as provided in Section 51A-4.301(a)(2)(B), nine and one-half spaces for each senior high school classroom; otherwise, none required;

(ii) If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use does not include business, commercial, trade, or craft schools.

(ii) This use must comply with all applicable licensing requirements.

(iii) If this use is nonconforming, the board of adjustment shall not establish a compliance date for the use under Section 51A-4.704(a)(1) unless the owners of more than 50 percent of the land within 200 feet of the lot containing the school or a lot used by an entity affiliated with the school that is within 200 feet of the lot containing the school file a written petition with the board requesting that a compliance date be established. In computing the percentage of land area under this subparagraph,

(iv) This use, if nonconforming, may expand its total floor area by up to ten percent or 2,000 square feet, whichever is less, without obtaining an SUP. (Ord. Nos. 19455; 19786; 19913; 19931; 20037; 20159; 20493; 20731; 20752; 20807; 20845; 20920; 21044; 21442; 21663; 22026; 24271; 24718; 25047; 27495; 28096; 28424; 28803; 30890; 30896; 32659; 33112)

SEC. 51A-4.205. LODGING USES.

(1) Hotel or motel.

(A) Definition: A facility containing six or more guest rooms that are rented to occupants on a daily basis.

(B) Districts permitted:

(i) Except as otherwise provided in Subparagraphs (B)(iii) or (B)(iv), by right in MO(A), GO(A), RR, CS, LI, IR, IM, central area, MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, MU-3(SAH) and multiple commercial districts.

(ii) By SUP only in the CR district.

(iii) By SUP only for a hotel or motel use that has 60 or fewer guest rooms.

(iv) If an SUP is not required, RAR required in MO(A), GO(A), RR, CS, LI, IR, IM, MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, MU-3(SAH), and multiple commercial districts.

~~(C) Required off-street parking: One space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus one space per 200 square feet of meeting room.~~

~~(D) Required off-street loading:~~

~~SQUARE FEET OF FLOOR AREA IN STRUCTURE~~	~~TOTAL REQUIRED SPACES OR BERTHS~~
~~0 to 10,000~~	~~NONE~~
~~10,000 to 50,000~~	~~1~~
~~50,000 to 100,000~~	~~2~~
~~Each additional 100,000 or fraction thereof~~	~~1 additional~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025, one space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus one space per 200 square feet of meeting room.

(D) Required off-street loading: For facilities containing 80 or more guest rooms, one off-street loading space is required and must be located outside of a fence or gate. For all hotel or motel uses, the following must be identified at the time of permitting:

(i) areas of anticipated loading and unloading;

(ii) relevant building components used for loading and unloading such as freight elevators and freight entrances; and

(iii) areas designated for short-term pick-up and drop-off.

(E) Additional provisions:

(i) Suite hotels may have kitchens in the guest rooms.

(1.1) Extended stay hotel or motel.

(A) Definition: A lodging facility containing six or more guest rooms, in which:

(i) 25 percent or more of the guest rooms have a kitchen that includes a sink, a full-size stove, and a full-size refrigerator (a cooking area limited to a microwave, mini-refrigerator, or cook-top does not constitute a "kitchen" for purposes of this definition); and

(ii) 10 percent or more of the guest rooms contain a sleeping area that is separated from a sitting area by a wall or partition.

(B) Districts permitted: By SUP in MO(A), GO(A), RR, CS, industrial, central area, mixed use, and multiple commercial districts.

~~(C) Required off-street parking: One~~

~~space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus one space per 200 square feet of floor area other than guest rooms.~~

~~(D) Required off-street loading.~~

~~SQUARE FEET OF FLOOR AREA IN STRUCTURE~~	~~TOTAL REQUIRED SPACES OR BERTHS~~
~~0 to 10,000~~	~~NONE~~
~~10,000 to 50,000~~	~~1~~
~~50,000 to 100,000~~	~~2~~
~~Each additional 100,000 or fraction thereof~~	~~1 additional~~

(C) Required off-street parking: None.

(D) Required off-street loading: For facilities containing 80 or more guest rooms, one off-street loading space is required and must be located outside of a fence or gate. For all extended stay hotel or motel uses, the following must be identified at the time of permitting:

(i) areas of anticipated loading and unloading;

(ii) relevant building components used for loading and unloading such as freight elevators and freight entrances; and

(iii) areas designated for short-term pick-up and drop-off.

(E) Additional provisions:

(i) Amenities such as maids, laundry, concierge, meeting rooms, exercise rooms, pool, and business services (fax, internet, voice mail, courier, etc.) may only be provided to guests.

(2) Lodging or boarding house.

(A) Definition: A facility containing at least one but fewer than six guest rooms that are separately rented to occupants.

(B) Districts permitted: By right in MF-2(A), MF-2(SAH), MF-3(A), MF-4(A), RR, CS, LI, IR, and central area districts. By SUP only in CR and IM districts.

~~(C) Required off-street parking: One space for each guest room.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The operator of this use may serve meals to the occupants.

(ii) This use may not have kitchens in the guest rooms.

(2.1) Overnight general purpose shelter.

(A) Definitions: In these use regulations:

(i) BED means a piece of furniture, mat, cushion, or other device on or in which a person may lie and sleep.

(ii) OVERNIGHT GENERAL PURPOSE SHELTER means an emergency lodging facility (as opposed to a residential or medical treatment facility) that provides room and board to more than four persons who are not related by blood, marriage, or adoption to the head of the household or the owner or operator of the facility, and that negotiates sleeping arrangements on a daily basis, whether or not the facility is operated for profit or charges for the services it offers. This definition does not include:

(aa) dwelling units occupied exclusively by families (Note: Dwelling units occupied exclusively by families are considered to be single family, duplex, or multifamily uses, as the case may be); or

(bb) any other use specifically defined in this chapter.

(iii) THIS USE means an overnight general purpose shelter as defined in this paragraph.

(B) Districts permitted:

(i) If this use provides shelter for

~~(C) Required off-street parking: 0.0025 spaces per bed, plus one space per 200 square feet of office or program service floor area; a minimum of four spaces is required.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The maximum number of overnight guests permitted under this use is:

(aa) 20 in LO(A), MO(A), CR, RR, MU-2, MU-3, and multiple commercial districts; and

(bb) 200 in all other cases.

(ii) The cumulative maximum number of beds permitted for all of these uses combined on building sites located wholly or partially in the central business district is 250.

(iii) The cumulative maximum number of beds permitted for all of these uses combined on building sites located wholly or partially in the area including and within one-third of a mile of the central business district is 1100.

(iv) In the event of a conflict between Subparagraphs (ii) and (iii) and the provisions of any special purpose, planned development, or conservation district ordinances, Subparagraphs (ii) and (iii) control.

(v) This use must be spaced at least 1,000 feet away from:

(aa) a church;

(bb) a public or private elementary or secondary school;

(cc) any residential use listed in Section 51A-4.209 except a "college dormitory, fraternity, or sorority house";

(dd) any residential district, historic overlay district, or public park; and

(ee) any other overnight general purpose shelter.

If this use provides shelter for more than 50 overnight guests, it must be spaced at least one-half mile from any other overnight general purpose shelter. For purposes of these use regulations, measurement is made in a straight line, without regard to intervening structures or objects, from the nearest boundary of the building site containing the overnight general purpose shelter to the nearest boundary of the building site containing the church, public or private elementary or secondary school, or residential use, or to the nearest boundary of the residential or historic overlay district or public park, whichever is applicable. The distance between overnight general purpose shelters is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the shelters are located.

(vi) This use must be located within one-half mile of public transit.

(vii) This use must comply with all applicable licensing requirements.

(viii) The board of adjustment shall not establish a termination date for this use under Section 51A-4.704(a)(1).

(ix) Whenever an overnight general purpose shelter operating on city-owned land in full compliance with all applicable laws is, through no fault of its own, forced to vacate its current location as a result of the direct, positive, and affirmative action of the city, and if the requirements of this subparagraph are met, the shelter shall be permitted to relocate in any nonresidential district for a period of time of one year without applying for an SUP. The SUP requirement shall be suspended only if the proposed new building site is located a minimum of

1,000 feet from any building site containing any residential use listed in Section 51A-4.209 except a "college dormitory, fraternity, or sorority house"; and a minimum of 1,000 feet from any building site containing another shelter. All measurements shall be taken radially between the building sites in question. In addition, the shelter must obtain a certificate of occupancy and any other required licenses and approvals before it may begin operating. A shelter that relocates in accordance with this subparagraph shall not acquire any nonconforming rights during the period of suspension, and any investment made in land, buildings, or structures during that period shall be at the complete risk of the shelter that an SUP may not ultimately be granted. At or before the end of the one-year period, the shelter shall either file an application for an SUP or cease operations. A shelter that files an application for an SUP in accordance with this subparagraph may remain operating while the application is pending before the city plan commission or city council; however, if the application is denied or withdrawn, the shelter shall cease operations no later than 60 days after the date the final decision is made to deny the application, or the date the application is withdrawn, whichever is applicable.

(3) Short-term rental lodging.

(A) Definition: A full or partial rentable unit containing one or more kitchens, one or more bathrooms, and one or more bedrooms that is rented to occupants for fewer than 30 consecutive days per rental period.

(B) Districts permitted: By right in MO(A), GO(A), multifamily, central area, mixed use, multiple commercial, and urban corridor districts.

~~(C) Required off-street parking: One space per bedroom used as short-term rental lodging.~~

(C) Required off-street parking: None.

(D) Required off-street loading: none.

(E) Additional provisions:

(i) This use must comply with Chapter 42B, "Short-Term Rentals," of the Dallas City Code.

(ii) The number of short-term rentals in a single rentable unit may not exceed one.

(iii) A short-term rental must not be used as a commercial amusement (inside), commercial amusement (outside), restaurant with drive-in or drive-through service, restaurant without drive-in or drive-through service, or any other use unless it is located in a zoning district in which the use is permitted and a certificate of occupancy is issued for the use.

(iv) Short-term rental lodging is prohibited in a multifamily structure that has received a density bonus under Division 51A-4.1100.

(v) For purposes of this paragraph, rentable unit means one or more rooms designed to accommodate tenants containing one or more kitchens, one or more bathrooms, and one or more bedrooms. (Ord. Nos. 19455; 19786; 19873; 20038; 20493; 20920; 21663; 22139; 24857; 25435; 30890; 32482; 33112)

SEC. 51A-4.206. MISCELLANEOUS USES.

(1) Attached non-premise sign.

(A) Definition: A "non-premise sign" as defined in Article VII that is also an "attached sign" as defined in that article.

(B) Districts permitted:

(i) By express authorization in special provision sign districts.

(ii) By express authorization and SUP only in planned development districts.

(iii) By SUP only in office, retail, CS, industrial, central area, mixed use, and multiple commercial districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must be located in or within one mile of the central business district, and be spaced at least 1,000 feet from all other attached non-premise signs.

(ii) The effective area of this use may not exceed 25 percent of the area of the facade to which it is attached, or 672 square feet, whichever is less. No more than 10 percent of the effective area of this use may contain words, and this use may not contain more than eight words.

(iii) An SUP granted for this use must have a time limit of no more than three years, and is not eligible for automatic renewal.

(iv) These use regulations cannot be modified in an ordinance establishing or amending regulations governing a planned development district.

(v) Subparagraphs (i), (ii), and (iii) do not apply when this use is expressly authorized in a special provision sign district.

(vi) No certificate of occupancy is required for this use.

(2) Carnival or circus (temporary).

(A) Definition: A temporary traveling show or exhibition that has no permanent structure or installation.

(B) Districts permitted: Special authorization by the building official as approved in Resolution No. 65-1854.

~~(C) Required off-street parking: 25 spaces per acre.~~

(C) Required off-street parking: None.

(D) Required off-street loading: One space.

(E) Additional provisions:

~~(i) Off-street parking and loading requirements for this use may be satisfied by using existing parking and loading spaces for other uses located within 500 feet of the carnival or circus, or by providing temporary parking spaces that do not strictly comply with the construction and maintenance provisions for off-street parking in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that the temporary parking and loading spaces:~~

~~(aa) are adequately designed to accommodate the parking and loading needs of the use; and~~

~~(bb) will not adversely affect surrounding uses.~~

(i) Off-street loading requirements for this use may be satisfied by using existing loading spaces for other uses located within 500 feet of the carnival or circus, or by providing temporary loading spaces that do not strictly comply with the construction and maintenance provisions for off-street loading in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that the temporary loading spaces are adequately designed to accommodate the loading needs of the use without adversely affect surrounding uses.

(3) Detached non-premise sign.

(A) Definition: A "non-premise sign" as defined in Article VII that is also a "detached sign" as defined in that article.

(B) Districts permitted: See Section 51A-7.306.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Legal and non-conforming detached non-premise signs may be relocated under certain circumstances. See Section 51A-7.307.

(ii) No certificate of occupancy is required for this use.

Texas Solid Waste Disposal Act (Chapter 361 of the Texas Health and Safety Code). The term "hazardous waste permit" means that permit required to be obtained from the Texas Water Commission pursuant to Section 361.082 of that Act for the processing, storage, or disposal of hazardous waste. In accordance with that Act:

(i) DISPOSAL means the discharging, depositing, injecting, dumping, spilling, leaking, or placing of hazardous waste, whether containerized or uncontainerized, into or on land or water so that the hazardous waste or any constituent thereof may be emitted into the air, discharged into surface water or groundwater, or introduced into the environment in any other manner.

(ii) FACILITY means all contiguous land, including structures, appurtenances, and other improvements on the land, used for the processing, storage, or disposal of hazardous waste on the building site.

(iii) HAZARDOUS WASTE means solid waste, as defined by state law, identified or listed as hazardous waste by the administrator of the United States Environmental Protection Agency under the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.).

(iv) PROCESSING means the extraction of materials from or the transfer, volume reduction, conversion to energy, or other separation and preparation of hazardous waste for reuse or disposal. The term includes the treatment or neutralization of hazardous waste designed to change the physical, chemical, or biological character or composition of a hazardous waste so as to neutralize the waste, recover energy or material from the waste, render the waste nonhazardous or less hazardous, make it safer to transport, store, or dispose of, or render it amenable for recovery or storage, or reduce its volume. The term does not include activities concerning those materials exempted by the administrator of the United States Environmental Protection Agency under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.), unless the Texas Water Commission or the Texas Department of Health determines that regulation of the activity under the Texas Solid Waste Disposal Act is necessary to protect human health or the environment.

(v) STORAGE means the temporary holding of hazardous waste, after which the waste is processed, disposed of, or stored elsewhere. [Note: The term "temporary holding" in this definition is subject to interpretation by the Texas Water Commission.]

(B) Districts permitted: By right in the IM district when operated as a hazardous waste incinerator; otherwise by right in IR and IM districts.

~~(C) Required off-street parking: One space per 1,000 square feet of floor area.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use must fully comply with all applicable local, state, and federal laws and regulations.

(ii) This use must not be located within 1,000 feet of an established residence, church, school, or dedicated public park which is in use at the time the notice of intent to file a hazardous waste permit application is filed with the Texas Water Commission, or if no such notice is filed, at the time the permit application is filed with the commission.

(iii) This use shall at all times be considered a separate main use. This use cannot be an accessory use within the meaning of Section 51A-4.217.

that is part of a preliminary plat approved by the commission.

(ii) The building official shall issue a temporary certificate of occupancy for a period of one year for a temporary construction or sales office. The building official may grant up to four extensions of six months each to the certificate of occupancy for a construction office if the builder maintains active or continuous construction on the site or within the subdivision, and for a sales office if a minimum of ten lots in the subdivision are unsold.

(iii) A temporary construction or sales office may not be located in another subdivision or used for construction or sales in another subdivision. (Ord. Nos. 19455; 19786; 20478; 20493; 21002; 22996; 23239; 24232; 25047; 28073; 30890; 32002; 33112)

SEC. 51A-4.207. OFFICE USES.

(1) Alternative financial establishment.

(A) Definitions: In this paragraph:

(i) ALTERNATIVE FINANCIAL ESTABLISHMENT means a car title loan business or money services business. An alternative financial establishment does not include state or federally chartered banks, community development financial institutions, savings and loans, credit unions, or regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code. If a regulated lender licensed in accordance with Chapter 342 of the Texas Finance Code also offers services as a credit access business under Chapter 393 of the Texas Finance Code, that business is an alternative financial establishment.

(ii) CAR TITLE LOAN BUSINESS means an establishment that makes small, short-term consumer loans secured by a title to a motor vehicle.

(iii) MONEY SERVICES BUSINESS means a business that provides or assists a consumer in obtaining a payday cash advance, payroll advance, short-term cash loan, short term cash advance, instant payday cash advance, short-term money loan services, or similar services to individuals for a specified fee.

(B) Districts permitted: By SUP only in all nonresidential districts except the NO(A), NS(A), MU-1, MU-1(SAH), UC-1, and P(A) districts.

~~(C) Required off-street parking: One space per 333 square feet of floor area.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) No alternative financial establishment may be located within 1,500 feet, measured from property line to property line, of any other alternative financial establishment.

(ii) No alternative financial establishment may be located within 300 feet, measured from property line to property line, of a lot in a residential district.

(iii) An alternative financial establishment may only be a main use that requires a specific use permit and a certificate of occupancy. An alternative financial establishment may not be an accessory use within the meaning of Section 51A-4.217.

(2) Financial institution without drive-in window.

(A) Definition: A facility for the extension of credit and the custody, loan, or exchange of money which does not provide drive-in window service for customers. A financial institution without drive-in window includes regulated lenders licensed in

accordance with Chapter 342 of the Texas Finance Code, but does not include lenders that also offer any services as credit access businesses under Chapter 393 of the Texas Finance Code.

(B) Districts permitted: By right in all nonresidential districts except the P(A) district.

~~(C) Required off-street parking: One space per 333 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025, one space per 333 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(3) Financial institution with drive-in window.

(A) Definition: A facility for the extension of credit and the custody, loan, or exchange of money which provides drive-in window service for customers in motor vehicles. A financial institution with drive-in window includes regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code, but does not include lenders that also offer any services as credit access businesses under Chapter 393 of the Texas Finance Code.

(B) Districts permitted: By right in MO(A), GO(A), CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. By SUP only in LO(A) districts. DIR required in MO(A), GO(A), CR, RR, mixed use, central area, and multiple commercial districts. RAR required in CS and industrial districts.

~~(C) Required off-street parking: One space per 333 square feet of floor area. See the additional provisions [Subparagraph (E)] for off-street stacking requirements.~~

(C) Required off-street parking:

(i) Except as provided in this subsection, none.

(ii) When located in an MD-1 Modified Delta Overlay, in existence on May 14, 2025, one space per 333 square feet of floor area.

(iii) See the additional provisions [Subparagraph (E)] for off-street stacking requirements.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The following off-street stacking requirements apply to this use (See Section 51A-4.304 for more information regarding off-street stacking spaces generally):

(aa) The total number of stacking spaces required for teller windows or stations is as follows:

NO. OF TELLER WINDOWS OR STATIONS	TOTAL NUMBER OF STACKING SPACES REQUIRED
1	5
2	10
3	15
4	18
Each additional teller window or station	3 additional

(bb) For purposes of Subparagraph (aa), the term "teller window or station" means a location where customers in motor vehicles transact business with an employee of the financial institution by deal drawer or through the use of a pneumatic tube system or equivalent.

(4) Medical clinic or ambulatory surgical center.

(A) Definition: A facility for examining, consulting with, and treating patients with medical, dental, or optical problems on an out-patient basis.

(B) Districts permitted: By right in all nonresidential districts except the P(A) district.

~~(C) Required off-street parking: One space per 200 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subsection, none.

(ii) When located in an MD-1 Modified Delta Overlay, in existence on May 14, 2025, one space per 200 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Offices and laboratories are permitted as accessory uses.

(5) Office.

(A) Definition: A place for the regular transaction of business.

(B) Districts permitted: By right in all nonresidential districts except the P(A) district.

~~(C) Required off-street parking: One space per 333 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subsection, none.

(ii) When located in an MD-1 Modified Delta Overlay, in existence on May 14, 2025, one space per 333 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Retail sales, the transfer of manufactured goods, or the storage of commodities is not permitted except as a limited accessory use. (Ord. Nos. 19455; 19786; 19806; 20493; 21001; 28214; 29208; 29589; 30890; 33112)

SEC. 51A-4.208. RECREATION USES.

(1) Country club with private membership.

(A) Definition: A private recreational club containing a golf course and a club house that is available only to the country club membership and their guests.

(B) Districts permitted: By right in CH, multifamily, MH(A), and all nonresidential districts except the P(A), and urban corridor districts. By SUP only in A(A), single family, duplex, and townhouse districts. RAR required in CH, multifamily, and MH(A) districts.

~~(C) Required off-street parking: If an SUP is required for this use, the off-street parking requirement may be established by the ordinance granting the SUP, otherwise three spaces for each game court, one space for each additional 150 square feet of floor area, and five spaces for each golf course green.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use may contain a private bar, dining room, a swimming pool, and tennis courts and similar services and recreational facilities.

(B) Districts permitted: By right in GO(A), CR, RR, CS, industrial, central area, mixed use, multiple commercial, UC-2 and UC-3 districts. By SUP only in all residential districts except MH(A), and in NO(A), LO(A), MO(A), and NS(A) districts.

~~(C) Required off-street parking: If an SUP is required for this use, the off-street parking requirement may be established by the ordinance granting the SUP, otherwise three spaces for each game court and one space for each additional 150 square feet of floor area.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(3) Public park, playground, or golf course.

(A) Definition: Land planned, developed, or used for active or passive recreational use by the public that is owned or operated by a public agency for those purposes.

(B) Districts permitted: By right in all residential and nonresidential districts except the P(A) district. DIR required in urban corridor districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions.

(i) Lighting standards for this use for facilities other than parking may:

(aa) be built to any height below the residential proximity slope; or

(bb) project above the residential proximity slope to a height not to exceed 40 feet. This provision is an exception to the maximum structure height that would otherwise apply in the zoning district.

(ii) Lighting standards for this use for parking facilities must not exceed 20 feet in height.

(iii) Spillover light on neighboring residential lots must not exceed 0.1 footcandle measured at a point five feet inside the residential lot line and five feet above the ground surface.

(iv) The board may grant a special exception to the height restrictions applicable to lighting standards for this use upon making a special finding from the evidence presented that:

(aa) strict compliance with those restrictions will unreasonably burden the use of the property; and

(bb) the special exception will not adversely affect neighboring property. The board shall not grant a special exception to the spillover light restriction in Subparagraph (iii).

(v) The heights of nonconforming lighting standards for this use may be increased by up to 10 percent without board approval, provided that the spillover light restriction in Subparagraph (iii) is complied with. The cumulative additional height authorized by this subparagraph is 10 percent of the height of the lighting standard at the time it became nonconforming. (Ord. Nos. 19455; 19786; 20344; 20384; 20493; 24718; 27183; 28803; 30890; 33112)

SEC. 51A-4.209. RESIDENTIAL USES.

(a) General provisions. Notwithstanding any other provision in this chapter, a facility that meets all of the requirements of Article 1011n, V.T.C.A., may locate in any residential zone or district in the city as a matter of right. Unless otherwise directed by the city attorney, the building official and any other city officer or employee charged with enforcement of this chapter shall construe Article 1011n by substituting Congress' definition of a handicapped person in the Fair Housing Amendments Act of 1988, as amended, for the state's definition of "disabled person" in that article.

(b) Specific uses.

(1) College dormitory, fraternity, or sorority house.

(A) Definition: A college resident hall or a facility for housing a social or service organization of college students.

(B) Districts permitted: By right in A(A), multifamily, MH(A), LO(A), MO(A), GO(A), CR, RR, CS, central area, mixed use, and multiple commercial districts. By SUP only in NO(A), NS(A), and urban corridor districts.

~~(C) Required off-street parking: One space for each sleeping room.~~

(C) Required off-street parking: None.

(D) Required off-street loading: One space.

(2) Duplex.

(A) Definition: Two dwelling units located on a lot.

(B) Districts permitted: By right in duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), central area, and mixed use districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A-4.121(d).]

~~(C) Required off-street parking: Two spaces per dwelling unit.~~

(C) Required off-street parking: Except as provided in Section 51A-4.301(a)(2)(B), one space per dwelling unit in D, TH, and RTN districts. None in other districts.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Only one main building may be placed on a building site under this use.

(ii) In a duplex district, a lot for a duplex use may be supplied by not more than one electrical utility service and metered by not more than two electrical meters. The board of adjustment may grant a special exception to authorize more than one electrical utility service or more than two electrical meters on a lot for a duplex use in a duplex district when, in the opinion of the board, the special exception will:

(aa) not be contrary to the public interest;

(bb) not adversely affect neighboring properties; and

(cc) not be used to conduct a use not permitted in the district where the building site is located.

(iii) In addition to any other applicable regulations, industrialized housing must comply with the following additional provisions. For purposes of this subparagraph, "industrialized housing" means industrialized housing as defined by Section 1202.002 of the Texas Occupations Code, as amended.

(aa) Industrialized housing must have all local permits and licenses that are applicable to other single family or duplex dwellings.

(bb) Industrialized housing must have a value equal to or greater than the median taxable value of each single family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll of the appraisal district. For purposes of this subparagraph, the "value" of the industrialized housing means the taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(cc) Industrialized housing must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located. "Compatible" as used in this subparagraph means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics;

but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. The property owner or applicant may appeal a decision of the building official to deny a permit due to lack of compatibility to the board of adjustment.

(dd) Industrialized housing must comply with municipal aesthetic standards; yard, lot, and space regulations; subdivision regulations; landscaping; and any other regulations applicable to single family dwellings.

(ee) Industrialized housing must be securely fixed to a permanent foundation.

(ff) Industrialized housing may not be constructed in a historic overlay district unless the industrialized housing conforms to the preservation criteria of the historic overlay district.

(gg) Industrialized housing may not be constructed in a conservation district unless the industrialized housing conforms to the conservation district regulations.

(hh) Industrialized housing may not be constructed unless it complies with public deed restrictions for the property.

(3) Group residential facility.

(A) Definition: An interim or permanent residential facility (as opposed to a lodging or medical treatment facility) that provides room and board to a group of persons who are not a "family" as that term is defined in this chapter, whether or not the facility is operated for profit or charges for the services it offers. This use does not include:

(i) facilities that negotiate sleeping arrangements on a daily basis;

(ii) dwelling units occupied exclusively by families (Note: Dwelling units occupied exclusively by families are considered to be single family, duplex, or multifamily uses, as the case may be); or

(iii) any other use specifically defined in this chapter.

(B) Districts permitted: When located at least 1,000 feet from all other group residential facilities and licensed handicapped group dwelling units (as defined in this chapter), by right in CH, multifamily, central area, and mixed use districts; otherwise, by SUP only in the same districts. For purposes of this provision, the term "licensed" means licensed by the Texas Department of Human Services, or its successor, and the distance between uses is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the uses are located. (Note: The spacing component of these use regulations is based, not on the handicapped status of the residents, but on the non-family status of the groups. *[See Section 51A-1.102(b)(2).]*) By SUP only in urban corridor districts.

~~(C) Required off-street parking: 0.25 spaces per bed, plus one space per 200 square feet of office area; a minimum of four spaces is required. If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use is subject to the following density restrictions:

ZONING DISTRICT CLASSIFICATION	MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE	MAXIMUM NO. OF BEDS* PER NET ACRE
TH-1(A) and RTN	35	70
TH-2(A) and TH-3(A)	40	80
CH	45	90
MF-1(A) and MF-1(SAH)	50	100
MF-2(A) and MF-2(SAH)	60	120
MF-3(A)	90	180
MF-4(A)	160	320

*For purposes of this subparagraph, the term "suite" means one or more rooms designed to accommodate one family, containing living, sanitary, and sleeping facilities, but not containing a kitchen; and the term "bed" means a piece of furniture, mat, cushion, or other device on or in which one may lie and sleep.

(ii) This use must comply with statutory licensing requirements, if any.

(iii) This use may include dwelling units or suites that are exclusively restricted to visitors or members of the staff.

(3.1) Handicapped group dwelling unit.

(A) Definitions:

(i) DOMICILE means the legal, established, fixed, and permanent place of residence of a person, as distinguished from a temporary and transient, though actual, place of residence.

(ii) HANDICAPPED GROUP DWELLING UNIT means a single dwelling unit that is the domicile of not more than eight handicapped persons who are not a "family" as that term is defined in this chapter, and who are living together as a single housekeeping unit. Up to two supervisory personnel may reside on the premises, provided that the total number of residents, including supervisory personnel, does not exceed eight.

(iii) HANDICAPPED PERSON means a handicapped person as defined in the federal Fair Housing Amendments Act of 1988, as amended.

(iv) LICENSED means licensed by the Texas Department of Human Services, or its successor.

(B) Districts permitted: When located at least 1,000 feet from group residential facilities and all other licensed handicapped group dwelling units (as defined in this chapter), by right in the following districts: agricultural, single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MH(A), GO(A), central area, MU-1, and MU-1(SAH) districts; otherwise, by SUP only in the same districts. In the GO(A) district, the total floor area of this use in combination with all single family, duplex, and multifamily uses may not exceed five percent of the total floor area of the building in which the use is located. For purposes of this provision, the distance between uses is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the uses are located. (Note: The spacing component of these use regulations is based, not on the handicapped status of the residents, but on the non-family status of the groups.) By SUP only in urban corridor districts.

~~(C) Required off-street parking: One space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts. If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No certificate of occupancy is required for this use.

(ii) This use liberalizes current restrictions on the number of unrelated persons who may reside together in a dwelling unit in the city for the exclusive benefit of handicapped persons seeking to permanently reside together as a single housekeeping unit. Its purpose is to comply with the substance and spirit of the federal Fair Housing Amendments Act of 1988, as amended, which requires that reasonable accommodations be made in rules, policies, and practices to permit persons with handicaps equal opportunity to use and enjoy a dwelling. *[See Section 51A-1.102(b)(2).]*

(iii) This use is exempt from payment of SUP application fees.

(iv) Any owner of property on which this use is located or proposed to be located may request a letter from the director confirming that no SUP is required for the use. No fee is required to apply for such a letter. Application must be on a form furnished by the director. The director shall issue the requested letter unless, within 30 days after submission of a complete application, the director gives written notice to the applicant that the use or proposed use will require an SUP. For purposes of this paragraph, notice is given to the applicant by depositing the same properly addressed and postage paid in the United States mail. The proper address for purposes of this notice requirement is the address provided by the applicant on the application. No SUP shall be required for uses that operate in justifiable reliance upon a valid confirmation letter issued by the director.

(v) Any aggrieved person may appeal a decision of the director that an SUP is required for this use. Such appeals shall be heard and decided by the board of adjustment. An appeal to the board must be made within 15 days after the director gives written notice that the SUP is required. Appeal is made by filing a written notice of appeal on a form approved by the board. *[See Section 51A-4.703.]* No fee is required to appeal the decision of the director to the board.

(vi) If two or more facilities are within 1,000 feet of each other and otherwise in permissible locations, the first one lawfully established and continually operating thereafter is the conforming use. For purposes of this subparagraph, "continually operating" means that the use has not been discontinued for six months or more.

(4) Manufactured home park, manufactured home subdivision, or campground.

(A) Definition:

(i) A manufactured home park is a unified development of transient stands arranged on a lot under single ownership.

(ii) A manufactured home subdivision is a plat designed specifically for manufactured home development.

(iii) A campground is a lot used to accommodate recreation vehicles, tents, or manufactured homes on a rental basis for temporary camping purposes.

(B) Districts permitted: By right in the MH(A) district.

~~(C) Required off-street parking: 1.5 spaces for each transient stand for a manufactured home park or campground; 1.5 spaces for each lot in a manufactured home subdivision.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The owner of a manufactured home park must have a site plan approved by the commission before the building official may issue a building permit for the manufactured home park. The site plan must include the dimensions, bearings, and street frontage of the property; the location of buildings, structures, lots, stands, and uses; the method of ingress and egress; off-street parking and loading arrangements; screening, lighting, and landscaping, if appropriate; and any other information the director determines necessary for a complete review of the proposed development.

(ii) The owner of a manufactured home subdivision must have a plat approved by the commission and filed in the county records before the building official may issue a building permit for the manufactured home subdivision.

(iii) One caretaker's dwelling unit and one office is permitted under this use.

(iv) Uses that are customarily incidental to this use, including an employee's washroom, a manager's office, laundry room, swimming pool, and game courts are permitted provided they are located no closer than 50 feet to an R, R(A), D, D(A), TH, or TH(A) district. The game courts, laundry room, and swimming pool must be for the exclusive use of the residents and their guests. No exterior advertising of the uses is permitted.

(v) The owner under this use must provide and maintain a permanent steel chain link fence or its equivalent. The fence must be at least five feet in height and must completely surround the rear and all sides of this use that are not exposed to a dedicated street.

(vi) Open playground space must be provided under this use at a ratio of 500 square feet of open space for each of the first 20 lots or transient stands provided, and at a ratio of 250 square feet for all additional lots or transient stands.

(vii) This use must comply with the requirements of Chapter 47 of this code.

(5) Multifamily.

(A) Definitions: Three or more dwelling units located on a lot.

(B) Districts permitted: By right in CH, multifamily, central area, mixed use, and urban corridor districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A–4.121(d).]

~~(C) Off-street parking.~~

~~(i) Required off-street parking: One space per bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents.~~

~~(ii) The number of off-street parking spaces required under this subparagraph may be reduced to provide adequate area for the placement of recycling containers in accordance with Section 18-5.1(e) according to the following table:~~

~~No. of Dwelling Units~~	~~No. of Required Parking Spaces Reduced~~
~~8-100~~	~~3~~
~~101 - 400~~	~~3% or 6, whichever is less~~
~~401 +~~	~~9~~

~~This parking reduction only applies to structures built before August 12, 2020.~~

~~(D) Required off-street loading: None.~~

(C) Off-street parking:

(i) Required off-street parking: Except as provided in Section 51A-4.301(a)(2)(B) and this subparagraph:

(aa) None required for multifamily developments with 20 dwelling units or less.

(bb) One half space per dwelling unit for multifamily developments with more than 20 but less than 200 dwelling units.

(cc) One space per dwelling unit for multifamily developments with 200 dwelling units or more.

(dd) No additional parking is required for accessory uses that are limited principally to residents.

(ii) Guest parking: For multifamily uses with more than 20 but less than 100 dwelling units, 10 percent of required parking spaces must be marked for use by guests. For multifamily

uses with 100 dwelling units or more, 15 percent of required parking spaces must be marked for use by guests. All guest parking must be clearly marked at the driveway entrance or walking gate

(iii) The number of off-street parking spaces required under this subparagraph may be reduced to provide adequate area for the placement of recycling containers in accordance with Section 18-5.1(e) according to the following table:

No. of Dwelling Units	No. of Required Parking Spaces Reduced
8 - 100	3
101 - 400	3% or 6, whichever is less
401 +	9

This parking reduction only applies to structures built before August 12, 2020.

(D) Required off-street loading: For multifamily uses with 150 dwelling units or more, one off-street loading space of adequate size to accommodate a typical moving or delivery van is required and must be located outside of a fence or gate. For all multifamily uses, the following must be identified at the time of permitting:

(i) areas of anticipated loading and unloading;

(ii) relevant building components used for loading and unloading such as freight elevators and freight entrances; and

(iii) areas designated for short-term pick-up and drop-off.

(E) Additional provisions:

(i) Uses that are customarily incidental to the multifamily use and that include an employee's washroom, a manager's office, laundry room, swimming pool, and game courts are permitted provided they are located no closer than 50 feet to an R, R(A), D, D(A), TH, or TH(A) district. The game courts, laundry room, and swimming pool must be for the exclusive use of the residents and their guests. No exterior advertising of the uses is permitted.

(ii) The minimum space between exterior walls of a multifamily dwelling must be 10 feet between the walls if only one wall has an opening for light and air and 20 feet if both walls have an opening for light and air. This provision applies to multifamily buildings with a common roof and free standing multifamily buildings. This provision does not apply to walls located entirely within a dwelling unit.

(iii) This use does not include a hotel or motel.

(5.1) Residential hotel.

(A) Definition: A facility that receives more than 50 percent of its rental income from occupancies of 30 consecutive days or more and contains:

(i) six or more guest rooms with living and sleeping accommodations, but no kitchen or kitchenette;

(ii) six or more guest rooms with living, sleeping, and kitchen or kitchenette facilities that are offered for rental on a daily basis; or

(iii) six or more guest rooms with living and sleeping accommodations, each of which is individually secured and rented separately to one or more individuals who have access to bathroom, kitchen, or dining facilities outside the guest room on a common basis with other occupants of the structure.

(B) Districts permitted: By right in MF-2(A), MF-2(SAH), MF-3(A), MF-4(A), central area, and mixed use districts when located at least one mile, measured from property line to property line, from all other residential hotel uses.

~~(C) Required off-street parking: 0.5 spaces per guest room.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use is subject to the regulations in Article VII of Chapter 27 of the Dallas City Code, as amended.

(ii) For a use holding an occupancy record card pursuant to Chapter 27 on August 10, 1994, the nonconformity as to the minimum distance requirement set out in Subparagraph (B) does not render it subject to amortization by the board of adjustment.

(iii) The operator of this use shall maintain a registry showing the name, address, date of arrival, and date of departure of each guest. The operator of this use shall make the registry available to the building official.

(5.2) Retirement housing.

(A) Definition: A residential facility principally designed for persons 55 years of age or older. This use does not include a "convalescent and nursing homes, hospice care, and related institutions" use, which is defined as a separate main use in Section 51A-4.204(8).

(B) Districts permitted: By right in CH, multifamily, central area, and mixed use districts. By SUP only in townhouse and urban corridor districts.

~~(C) Required off-street parking: One space per dwelling unit or suite.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 100,000	1
100,000 to 300,000	2
Each additional 200,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) In these regulations:

(aa) ELDERLY RESIDENT means a resident that is 55 years of age or older.

(bb) SUITE means one or more rooms designed to accommodate one family containing living, sanitary, and sleeping facilities, but not containing a kitchen.

(ii) In townhouse, RTN, CH, and multifamily districts, this use is subject to the following density restrictions:

ZONING DISTRICT CLASSIFICATION	MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE
TH-1(A) and RTN	25
TH-2(A) and TH-3(A)	35
CH	40
MF-1(A) and MF-1(SAH)	45
MF-2(A) and MF-2(SAH)	55
MF-3(A)	90
MF-4(A)	160

(iii) Except as otherwise provided in Subparagraphs (iv) and (v), each occupied dwelling unit or suite must have at least one elderly resident. Failure to comply with this provision shall result in the facility being reclassified as another residential or lodging use.

(iv) One dwelling unit or suite may be designated as a caretaker unit whose occupants are not subject to the age restriction in Subparagraph (iii).

(v) Those persons legally re-siding with an elderly resident at the facility may continue to reside at the facility for a period not to exceed one year if the elderly resident dies or moves out for medical reasons. The board may grant a special exception to authorize an extension of the length of time a person may continue to reside at the facility if the board finds, after a public hearing, that literal enforcement of this provision would result in an unnecessary personal hardship. In determining whether an unnecessary personal hardship would result, the board shall consider the following factors:

(aa) The physical limitations of the resident, if any.

(bb) Any economic constraints which would make it difficult for the resident to relocate.

(cc) Whether the resident is dependent on support services or special amenities provided by the retirement housing project.

(dd) Whether there are any alternative housing or market constraints which would impair the ability to relocate.

(vi) No use with exterior advertising or signs may be considered accessory to this use.

(6) Single family.

(A) Definition: One dwelling unit located on a lot.

(B) Districts permitted: By right in agricultural, single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MH(A), central area, MU-1, and MU-1(SAH) districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A-4.121(d).]

~~(C) Required off-street parking: One space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts.~~

(C) Required off-street parking: Except as provided in Section 51A-4.301(a)(2)(B), one space per dwelling unit in single family, duplex, townhouse, and RTN districts.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Additional dwelling unit. The board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not:

(aa) be used as rental accommodations; or

(bb) adversely affect neighboring properties.

(ii) In granting a special exception under Subparagraph (i), the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. The property owner or applicant may appeal a decision of the building official to deny a permit due to lack of compatibility to the board of adjustment.

(dd) Industrialized housing must comply with municipal aesthetic standards; yard, lot, and space regulations; subdivision regulations; landscaping; and any other regulations applicable to single family dwellings.

(ee) Industrialized housing must be securely fixed to a permanent foundation.

(ff) Industrialized housing may not be constructed in a historic overlay district unless the industrialized housing conforms to the preservation criteria of the historic overlay district.

(gg) Industrialized housing may not be constructed in a conservation district unless the industrialized housing conforms to the conservation district regulations.

(hh) Industrialized housing may not be constructed unless it complies with public deed restrictions for the property.

(vii) Accessory structures. Except in the agricultural district, accessory structures are subject to the following regulations:

(aa) Except as provided in this section, no person shall rent an accessory structure. For purposes of this section, rent means the payment of any form of consideration for the use of the accessory structure.

(bb) Except for accessory dwelling units, no person shall use an advertisement, display, listing, or sign on or off the premises to advertise the rental of an accessory structure.

(cc) The height of an accessory structure may not exceed the height of the main building.

(dd) The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building.

(ee) The total floor area of all accessory structures on a lot, excluding floor area used for parking, may not exceed 50 percent of the floor area of the main building.

(ff) Accessory structures must have a roof-pitch and fenestration compatible with the main building. It is recommended that accessory structures have exterior siding, roofing, and foundation fascia compatible with the main building. "Compatible" as used in this provision means similar in application, color, pattern, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply the proof of compatibility. Use of similar materials or materials of similar quality to the main building serves as additional evidence that the property owner's burden of proof of compatibility has been met. This provision does not apply to accessory structures with a floor area of 200 square feet or less. (Ord. Nos. 19455; 19786; 19912; 20360; 20493; 20953; 21044; 21663; 22139; 22390; 23897; 24585; 24718; 24857; 25133; 25486; 25977; 27495; 28803; 29208; 30184; 30890; 30930; 31607; 31608; 33112)

SEC. 51A-4.210. RETAIL AND PERSONAL SERVICE USES.

(a) General provisions. Except as otherwise provided in this article, the following general provisions apply to all uses listed in this section:

(1) All uses must be retail or service establishments dealing directly with consumers. No person may produce goods or perform services on the

premises unless those goods or services are principally sold on the premises to individuals at retail.

(2) Outside sales, outside display of merchandise, and outside storage may be classified as either main or accessory uses. Accessory outside sales, accessory outside display of merchandise, and accessory outside storage are limited to five percent of the lot. If these uses occupy more than five percent of the lot, they are only allowed in districts that permit them as a main use.

(3) In a GO(A) district, a retail and personal service use:

(A) must be contained entirely within a building; and

(B) may not have a floor area that, in combination with the floor areas of other retail and personal service uses in the building, exceeds 10 percent of the total floor area of the building.

(b) Specific uses.

(1) Ambulance service.

(A) Definition: A facility for the housing, maintenance, and dispatch of vehicles designed to transport sick or injured persons to medical facilities.

(B) Districts permitted: By right in CR, RR, CS, central area, MC-3, and MC-4 districts. RAR required in CR, RR, CS, MC-3, and MC-4 districts.

~~(C) Required off-street parking: One space per 300 square feet of floor area, plus one space per 500 square feet of site area.~~

(C) Required off-street parking:

(i) None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provision: Vehicles being displayed, sold, serviced, or repaired must be parked on site.

(2) Animal shelter or clinic.

(A) Definition: A facility for the diagnosis, treatment, hospitalization, or harboring of animals including, but not limited to dogs, cats, birds, and horses.

(B) Districts permitted:

(i) Without outside runs: By right in A(A), CR, RR, CS, LI, IR, IM, mixed use, multiple commercial, and urban corridor districts. RAR required in CR, RR, CS, mixed use, and multiple commercial districts.

(ii) With outside runs: By right in CS, LI, IR, and IM districts when located at least 1,000 feet from residential districts; otherwise, by SUP only in the same districts. By SUP only in A(A) and RR districts.

~~(C) Required off-street parking: One space per 300 square feet of floor area.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(3) Auto service center.

(A) Definition: A facility for the servicing or minor repair, maintenance, alteration, upholstering, reupholstering, or inspection of motor vehicles. This use may include the retail sale of lubricating oils, tires, or parts for use in motor vehicles. This use does not include the disassembly, rebuilding, and replacement of motor vehicle engines, transmissions, or other major machinery components, nor auto body repair or painting.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. RAR required in CR, RR, CS, industrial, mixed use, and multiple commercial districts.

~~(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of four spaces is required. Parking spaces that are used to repair motor vehicles and located in a structure are not counted in determining the required parking.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025, one space per 500 square feet of floor area; a minimum of four spaces is required. Parking spaces that are used to repair motor vehicles and located in a structure are not counted in determining the required parking.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 60,000	1
Each additional 60,000 or fraction thereof	1

(E) Additional provisions:

(i) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use.

(ii) The servicing or repair of oversized motor vehicles is not permitted under this use.

(iii) Vehicles being displayed, sold, serviced, or repaired must be parked on site.

(4) Alcoholic beverage establishments.

(A) Definitions:

(i) BAR, LOUNGE, OR TAVERN means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premise consumption.

(ii) MICROBREWERY, MICRO-DISTILLERY, OR WINERY means an establishment for the manufacture, blending, fermentation, processing, and packaging of alcoholic beverages with a floor area of 10,000 square feet or less that takes place wholly inside a building. A facility that only provides tasting or retail sale of alcoholic beverages is not a microbrewery, microdistillery, or winery use.

(iii) PRIVATE-CLUB BAR means an establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code that derives 35 percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code. PRIVATE-CLUB BAR does not include a fraternal or veterans organization, as defined in the Texas Alcoholic Beverage Code, holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. PRIVATE-CLUB BAR does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code.

(B) Districts permitted:

(i) Bar, lounge, or tavern and private club-bar. By SUP only in GO(A)*, CR, RR, CS, industrial, central area, mixed use, multiple commercial, MF-4(A), LO(A), MO(A), UC-2, and UC-3 districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(ii) Microbrewery, micro-distillery, or winery. By right in industrial districts with RAR required. By SUP only in CR, RR, CS, central area, mixed-use, urban corridor, and walkable urban mixed use districts.

~~(C) Required off-street parking:~~

~~(i) Bar, lounge, or tavern and private club-bar.~~

~~(aa) Except as otherwise provided, one space per 100 square feet of floor area.~~

~~(bb) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the bar, lounge, or tavern use.~~

~~(ii) Microbrewery, micro-distillery, or winery.~~

~~(aa) Except as otherwise provided, one space per 600 square feet of floor area.~~

~~(bb) One space per 1,000 square feet of floor area used for storage.~~

~~(cc) One space per 100 square feet of floor area used for retail sales and seating.~~

(C) Required off-street parking:

(i) Bar, lounge, or tavern and private club-bar.

(aa) Except as provided in this romanette and Section 51A-4.301(a)(2)(B):

(11) One space per 200 square feet of floor area used for retail sales and seating. No parking is required for any other floor area.

(22) No parking is required for a building with 2,500 square feet or less of floor area.

(bb) When located in an MD-1 Modified Delta Overlay, in existence on May 14, 2025:

(11) Except as otherwise provided, one space per 100 square feet of floor area.

(22) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the bar, lounge, or tavern use.

(ii) Microbrewery, micro-distillery, or winery.

(aa) Except as provided in this romanette and Section 51A-4.301(a)(2)(B):

(11) One space per 200 square feet of floor area used for retail sales and seating. No parking is required for any other floor area.

(22) No parking is required for buildings less than 2,500 square feet of floor area.

(bb) When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025:

(11) Except as otherwise provided, one space per 600 square feet of floor area.

(22) One space per 1,000 square feet of floor area used for storage.

(33) One space per 100 square feet of floor area used for retail sales and seating.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 5,000	NONE
5,000 to 25,000	1
25,000 to 50,000	2
Each additional 50,000 or fraction thereof	1 additional

(E) Additional provisions:

(cc) Silos and containers of spent grain are allowed as outdoor storage. Containers of spent grain must be screened. All other outdoor storage or repair is prohibited.

(dd) If an SUP is required, silos and outdoor storage areas for spent grain must be shown on the site plan.

(ee) Drive-through facilities are prohibited.

(5) Business school.

(A) Definition: A facility offering instruction and training in a service or the arts such as secretarial, barber, commercial artist, computer software, medical technician, and similar training.

(B) Districts permitted: By right in LO(A), MO(A), GO(A)*, CR, RR, CS, industrial, central area, mixed use, multiple commercial, UC-2, and UC-3 districts. By SUP only in the NO(A) district. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

~~(C) Required off-street parking: One space per 25 square feet of classroom. Any personal service uses accessory to a business school must be parked to the personal service use parking requirement.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(6) Car wash.

(A) Definition: A facility for the washing or steam cleaning of passenger vehicles. A car wash may be:

(i) a single unit type which has a single bay or a group of single bays with each bay to accommodate one vehicle only; or

(ii) a tunnel unit type which allows washing of multiple vehicles in a tandem arrangement while moving through the structure.

(B) Districts permitted: By right in CR, RR, CS, industrial, mixed use, MC-2, MC-3, and MC-4 districts. DIR required in the CR district. RAR required in RR, CS, industrial, mixed use, MC-2, MC-3, and MC-4 districts.

~~(C) Required off-street parking: For single-unit type car washes: none. For tunnel-type car washes a minimum of three spaces required. See the additional provisions [Subparagraph (E)] for off-street stacking requirements.~~

(C) Required off-street parking: None. Except for tunnel-type car washes see the additional provisions [Subparagraph (E)] for off-street stacking requirements.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Required off-street stacking: Three stacking spaces for each bay in a single unit car wash; 25 stacking spaces for each tunnel unit car wash. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) Spaces used to wash motor vehicles and located in a structure are not counted in determining the required stacking.

(7) Commercial amusement (inside).

(A) Definitions. In this paragraph:

(i) AMUSEMENT CENTER means a facility for which an amusement center license is required under Chapter 6A of the Dallas City Code, as amended.

(ii) BILLIARD HALL means a facility for which a billiard hall license is required under Chapter 9A of the Dallas City Code, as amended.

(iii) CHILDREN'S AMUSEMENT CENTER means a facility with amusement rides, games, play areas, and other activities, catering primarily to children 12 years of age and younger.

(iv) CLASS E DANCE HALL means a facility for which a Class E dance hall license is required under Chapter 14 of the Dallas City Code, as amended.

(v) COMMERCIAL AMUSEMENT (INSIDE) means a facility wholly enclosed in a building that offers entertainment or games of skill to the general public for a fee. This use includes but is not limited to an adult arcade, adult cabaret, adult theater, amusement center, billiard hall, bowling alley, children's amusement center, dance hall, motor track, or skating rink.

(vi) DANCE HALL means a dance hall as defined in Chapter 14 of the Dallas City Code, as amended, but excludes those uses described in Section 14-2(d). This definition includes a Class E dance hall.

(B) Districts permitted:

(i) Except as otherwise provided in Subparagraphs (B)(ii), (B)(iii), and (B)(iv), by right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, UC-2, and UC-3 districts.

(ii) Amusement center: An SUP is required for an amusement center in a CR, RR, CS, industrial, central area, mixed use, multiple commercial, UC-1, or UC-2 district if it has a floor area of 2,500 square feet or more and is located within 300 feet of a residential district.

(iii) Bingo parlor: An SUP is required for a bingo parlor in a CR, UC-2, or UC-3 district.

(iv) Dance hall: An SUP is required for any dance hall (including a Class E dance hall) in a CR, CS, UC-2, or UC-3 district. An SUP is also required for a Class E dance hall in an RR, industrial, central area, mixed use, or multiple commercial district if the Class E dance hall is located within 300 feet of a residential district. RAR is required for any dance hall that does not require an SUP but is located within 300 feet of a residential district.

~~(C) Required off-street parking:~~

~~(i) Bingo parlor: one space per 50 square feet of floor area.~~

~~(ii) Bowling alley: six spaces per lane.~~

~~(iii) Children's amusement center: one space per 200 square feet of floor area.~~

~~(iv) Dance hall: one space per 25 square feet of dance floor and one space per 100 square feet of floor area for the remainder of the use. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet this off-street parking requirement. No special exception may be granted to the parking requirements.~~

~~(v) Motor track: one space per 1000 square feet of restricted track area and one space per additional 200 square feet of floor area.~~

~~(vi) Skating rink: one space per 200 square feet of floor area.~~

~~(vii) Other uses: If an SUP is required for this use, the off-street parking requirements may be established in the ordinance granting the SUP, otherwise one space per 100 square feet of floor area.~~

(C) Required off-street parking:

(i) In general. Except as provided in this subparagraph and Section 51A-4.301(a)(2)(B):

(aa) If an SUP is required for this use, the off-street parking requirements may be

established in the ordinance granting the SUP, otherwise one space per 200 square feet of floor area.

(bb) Bowling alley: one space for each 200 square feet of floor area dedicated to bowling lanes.

(cc) Motor track: none required for the restricted track area and one space per additional 200 square feet of floor area.

(ii) MD-1 district. When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025:

(aa) Bingo parlor: one space per 50 square feet of floor area.

(bb) Bowling alley: six spaces per lane.

(cc) Children's amusement center: one space per 200 square feet of floor area.

(dd) Dance hall: one space per 25 square feet of dance floor and one space per 100 square feet of floor area for the remainder of the use. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet this off-street parking requirement. No special exception may be granted to the parking requirements.

(ee) Motor track: one space per 1,000 square feet of restricted track area and one space per additional 200 square feet of floor area.

(ff) Skating rink: one space per 200 square feet of floor area.

(gg) Other uses: If an SUP is required for this use, the off-street parking requirements may be established in the ordinance granting the SUP, otherwise one space per 100 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) For purposes of determining the applicability of regulations triggered by the proximity of this use to another zoning district, measurements are made in a straight line, without regard to intervening structures or objects, from the nearest boundary of the lot where this use is conducted to the nearest boundary of the zoning district at issue.

(ii) All required off-street parking for a bingo parlor located within 300 feet of a residential district must be provided on the lot occupied by the bingo parlor use.

(iii) A dance hall shall at all times be considered a separate main use and cannot be an accessory use within the meaning of Section 51A-4.217.

(iv) This use must comply with all applicable licensing requirements. Amusement center licensing requirements are located in Chapter 6A, billiard hall licensing requirements are located in Chapter 9A, dance hall licensing requirements are located in Chapter 14, and sexually oriented business licensing requirements are located in Chapter 41A.

(8) Commercial amusement (outside).

(A) Definition: A facility offering entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside. This use includes, but is not limited to a golf driving range or miniature golf course.

(B) Districts permitted: By right in CS and central area districts. By SUP only in A(A), CR, RR, mixed use, and multiple commercial districts. DIR required in the CS district.

~~(C) Required off-street parking: If an SUP is required for this use, the off-street parking requirement may be established by the ordinance granting the SUP, otherwise one space per 200 square feet of floor area, plus one space per 400 square feet of site area exclusive of parking area.~~

(C) Required off-street parking:

(i) In general. Except as provided in this subparagraph and Section 51A-4.301(a)(2)(B), if an SUP is required for this use, the off-street parking requirement may be established by the ordinance granting the SUP, otherwise one space per 200 square feet of floor area.

(ii) MD-1 district. When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025, if an SUP is required for this use, the off-street parking requirement may be established by the ordinance granting the SUP, otherwise one space per 200 square feet of floor area, plus one space per 400 square feet of site area exclusive of parking area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(8.1) Commercial motor vehicle parking.

(A) Definition: A facility for the temporary, daily, or overnight parking of oversized motor vehicles primarily designed for the long-distance transportation of cargo, for no charge or for a fee, regardless of whether that fee is charged independently of any other use on the lot, if the parking is not accessory to a main use on the lot.

(B) Districts permitted: By right in CS, LI, IR, and IM districts, except by SUP only if located within 500 feet of a residential district, measured in a straight line, without regard to intervening structures or objects, from the nearest boundary of the lot where this use is conducted to the nearest boundary of the zoning district at issue.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(9) Commercial parking lot or garage.

~~(A) Definition: A vehicle parking facility that is operated as a business enterprise by charging a fee for parking.~~

(A) Definition: A vehicle parking facility that is not managed by a main use on the same lot.

~~(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. RAR required in CR, RR, CS, industrial, mixed use, and multiple commercial districts.~~

(B) Districts permitted: By right in nonresidential districts. RAR required in all nonresidential districts.

(C) Required off-street parking: None; however, if this use is in the central business district, off-street stacking spaces or passenger unloading zones may need to be provided. For more information regarding off-street parking in the central business district, see Section 51A-4.306.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The parking of oversized motor vehicles is prohibited under this use.

(ii) This use must comply with the off-street parking regulations in Divisions 51A-4.300 et seq.

(iii) If located in the CA-1(A) district, this use must comply with the regulations in Section 51A-4.124(a)(9).

(9.1) Convenience store with drive-through.

(A) Definition: A business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, that has drive-in or drive-through service and has less than 10,000 square feet of floor area. For purposes of this definition, CONVENIENCE GOODS means food, beverage, household, personal care, and pharmaceutical items. A gasoline pump is not considered a drive-in or drive-through service.

(B) Districts permitted: By SUP only in CR, RR, CS, IR, IM, MU-2, MU-3, and multiple commercial districts.

~~(C) Required off-street parking: One space per 200 square feet of floor area.~~

(C) Required off-street parking:

(i) Except provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay, in existence on May 14, 2025, one space per 200 square feet of floor area.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) A minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) The outside sale, display, or storage of furniture is permitted if the furniture is:

(aa) customarily used outside; and

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(iii) The outside sale, display, or storage of furniture, other than the furniture described in Section 51A-4.210(b)(9.1)(E)(ii), is permitted only on Saturday and Sunday.

(iv) This use must comply with Chapter 12B, "Convenience Stores," of the Dallas City Code.

(10) Drive-in theater.

(A) Definition: A facility for showing motion pictures outdoors where the audience views the motion picture from automobiles or while seated outside.

(B) Districts permitted: By SUP only in A(A), CS, and IM districts.

~~(C) Required off-street parking: Six parking spaces. The number of stacking spaces must equal ten percent of the number of the theater's stalls.~~

(C) Required off-street parking: None. The number of stacking spaces must equal 10 percent of the number of the theater's stalls.

(D) Required off-street loading: None.

(11) Dry cleaning or laundry store.

(A) Definition: A facility for the cleaning or laundering of garments, principally for individuals.

(B) Districts permitted: By right in GO(A)*, retail, CS, industrial, central area, mixed use, and multiple commercial districts. In urban corridor districts, this use is permitted by right, but the use may not have a drive-in or drive-through facility. By right as a limited use only in MF-3(A), MF-4(A), LO(A), and MO(A) districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

~~(C) Required off-street parking: One space per 200 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay, in existence on May 14, 2025, one space per 200 square feet or floor area. If more than 10 off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) Garments may be collected at off-site pick-up stations for laundering and dry cleaning in this use.

(ii) This use may occupy no more than:

(aa) 3,500 square feet of floor area in an NS(A) district; and

(bb) 7,500 square feet of floor area in all other districts.

(iii) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(12) Furniture store.

(A) Definition: A facility principally for the display and retail sale of new furniture and appliances.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts.

~~(C) Required off-street parking: One space per 500 square feet of floor area open to the public. One space per 1,000 square feet of floor area for storage or warehouse areas not open to the public.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025, one space per 500 square feet of floor area open to the public. One space per 1,000 square feet of floor area for storage or warehouse areas not open to the public.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The outside sale, display, or storage of furniture is permitted if the furniture is:

(aa) customarily used outside; and

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) The outside sale, display, or storage of furniture, other than the furniture described in Section 51A-4.210(b)(12)(E)(i), is permitted only on Saturday and Sunday.

(iii) See Section 51A-4.605 for design standards applicable to uses of 100,000 square feet or more.

(13) General merchandise or food store 3,500

household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories, and similar consumer goods. The term "food store" includes a grocery store, delicatessen, convenience store without drive-through, and specialty foods store. This use does not include other uses in this article that are specifically listed.

(B) Districts permitted: By right in GO(A)*, retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in MF-3(A), MF-4(A), LO(A), and MO(A) districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

~~(C) Required off-street parking: One space per 200 square feet of floor area.~~

(C) Required off-street parking:

(i) Except otherwise provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025, one space per 200 square feet of floor area.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) The outside sale, display, or storage of furniture is permitted if the furniture is:

(aa) customarily used outside; and

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(iii) The outside sale, display, or storage of furniture, other than the furniture described in Section 51A-4.210(b)(13)(E)(ii), is permitted only on Saturday and Sunday.

(14) General merchandise or food store greater than 3,500 square feet.

(A) Definition: A retail store with a floor area greater than 3,500 square feet but less than 100,000 square feet for the sale of general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories, and similar consumer goods. The term "food store" includes a grocery store, delicatessen, convenience store without drive-through, and specialty foods store. This use does not include other uses in this article that are specifically listed.

(B) Districts permitted: By right in CR, RR, CS, central area, mixed use, multiple commercial, UC-2, and UC-3 districts.

~~(C) Required off-street parking: One space per 200 square feet of floor area for uses with less than 10,000 square feet of floor area. One space per 220 square feet of floor area for uses with a floor area of 10,000 square feet or greater, but less than 40,000 square feet of floor area. One space per 250 square feet of floor area for uses with a floor area of 40,000 square feet or greater, but less than 100,000 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay, in existence on May 14, 2025, one space per 200 square feet of floor area for uses with less than 10,000 square feet of floor area. One space per 220 square feet of floor area for uses with a floor area of 10,000 square feet or greater, but less than 40,000 square feet of floor area. One space per 250 square feet of floor area for uses with a floor area of 40,000 square feet or greater, but less than 100,000 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(ii) The outside sale, display, or storage of furniture is permitted if the furniture is:

(aa) customarily used outside; and

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(iii) The outside sale, display, or storage of furniture, other than the furniture described in Section 51A-4.210(b)(14)(E)(ii), is permitted only on Saturday and Sunday.

(14.1) General merchandise or food store 100,000 square feet or more.

(A) Definition: A retail store with a floor area of 100,000 square feet or more for the sale of general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories, and similar consumer goods. The term "food store" includes a grocery, delicatessen, and convenience and specialty foods stores. This use does not include other uses in this article that are specifically listed.

(B) Districts permitted: By right in RR and central area districts. By SUP only in CR, CS, LI, mixed use, multiple commercial, and urban corridor districts.

~~(C) Required off-street parking: One space per 300 square feet of floor area.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
100,000 to 150,000	3
Each additional 50,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) The outside sale, display, or storage of furniture is permitted if the furniture is:

(aa) customarily used outside; and

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(iii) The outside sale, display, or storage of furniture, other than the furniture described in Section 51A-4.210(b)(14.1)(E)(ii), is permitted only on Saturday and Sunday.

(iv) See Section 51A-4.605 for design standards applicable to uses of 100,000 square feet or more.

(15) Home improvement center, lumber, brick or building materials sales yard.

(A) Definition: A facility for the sale of home, lawn, and garden supplies, brick, lumber, and other similar building materials.

(B) Districts permitted: By right in CR, RR, CS, and industrial districts. DIR required in the CR district. RAR required in RR, CS, and industrial districts.

~~(C) Required off-street parking: One space per 275 square feet of retail floor area, plus one space per 1,000 square feet of site area exclusive of parking area.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) In all districts except the CR district, accessory outside sales, accessory outside display of merchandise, and accessory outside storage may individually occupy more than five percent of the lot, but may collectively occupy no more than 25 percent of the lot. In the CR district, these accessory uses may collectively occupy no more than five percent of the lot.

(ii) See Section 51A-4.605 for design standards applicable to uses of 100,000 square feet or more.

(16) Household equipment and appliance repair.

(A) Definition: A facility for the repair of household and home equipment, including appliances, lawnmowers, power tools, and similar items.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC-2, MC-3, MC-4, and urban corridor districts.

~~(C) Required off-street parking: One space per 200 square feet of floor area.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(16.1) Liquefied natural gas fueling station.

(A) Definition: A facility for the retail sale of liquefied natural gas from pumps to oversized motor vehicles.

(B) Districts permitted:

(i) By right in LI, IR, and IM districts, but SUP required if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.

(ii) By SUP in only in the CS district.

(C) Required off-street parking: None.

(D) Required off-street loading: Sufficient space must be allowed for the unloading of a liquefied natural gas fuel truck.

(E) Additional provisions:

(i) No overnight parking is allowed.

(ii) No signage is permitted on liquefied natural gas storage tanks except for required safety signage.

(iii) A fuel pump island must be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing off-street parking. The building official shall not issue a permit to authorize the construction of

a pump island until its placement has been approved by the director.

(iv) Liquefied natural gas storage tanks, fuel pumps, and related equipment may not be located beneath electric power lines.

(v) Liquefied natural gas storage tanks, fuel pumps, and related equipment must be located at least 10 feet from the nearest building, property line, any source of ignition, or nearest public street or sidewalk.

(vi) Liquefied natural gas storage tanks, fuel pumps, and related equipment must be located at least 50 feet from the nearest rail of any railroad main track.

(vii) A clear space of at least three feet must be provided for access to all valves and fittings.

(viii) During fueling operations, the point of transfer (the point where the fueling connection is made) must be at least 10 feet from any building or public street or sidewalk, and at least three feet from any storage tanks or containers. The point of transfer may be a lesser distance from buildings or walls made of concrete or masonry materials, or of another material having a fire resistance rating of at least two hours, but the point of transfer must be at least 10 feet away from any building openings.

(17) Liquor store.

(A) Definition: An establishment principally for the retail sale of alcoholic beverages for off-premise consumption, as defined in the Texas Alcoholic Beverage Code.

(B) Districts permitted: By right in CR, RR, CS, central area, MU-2, MU-2 (SAH), MU-3, MU-3(SAH), MC-2, MC-3, and MC-4 districts.

~~(C) Required off-street parking: One space per 200 square feet of floor area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025, one space per 200 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 60,000	1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) If a use has drive-in or drive-through service and has less than 10,000 square feet of floor area, the use shall be classified as a convenience store with drive-through under Paragraph (9.1).

(18) Mortuary, funeral home, or commercial wedding chapel.

(A) Definition:

(i) A mortuary or funeral home is a facility in which dead bodies are prepared for burial or cremation or funeral services are conducted.

(ii) A commercial wedding chapel is a facility, not associated with a church, where a wedding is performed for profit.

(B) Districts permitted: By right in CR, RR, CS, central area, mixed use, and multiple commercial districts.

~~(C) Required off-street parking:~~

~~(i) One space per 300 square feet of floor area other than the chapel, plus one space for each two seats in the chapel. Up to 50 percent of the required off-street parking for this use may be tandem spaces.~~

~~(ii) If all spaces provided are non-tandem, the off-street parking requirement for this use is one space per 500 feet of floor area other than the chapel, plus one space for each two seats in the chapel.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay, in existence on May 14, 2025:

(aa) One space per 300 square feet of floor area other than the chapel, plus one space for each two seats in the chapel. Up to 50 percent of the required off-street parking for this use may be tandem spaces.

(bb) If all spaces provided are non-tandem, the off-street parking requirement for this use is one space per 500 feet of floor area other than the chapel, plus one space for each two seats in the chapel.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) A commercial wedding chapel may provide reception areas, but no alcoholic beverages may be sold.

(19) Motor vehicle fueling station.

(A) Definition: A facility for the retail sale of motor vehicle fuel dispensed from pumps or electric vehicle supply equipment (EVSE) excluding accessory electric vehicle charging station uses. This use does not include a truck stop or a liquefied natural gas fueling station as defined in this section.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. By right as a limited use only in MO(A) and GO(A) districts. By SUP only in MF-3(A), MF-4(A), and NS(A) districts.

~~(C) Required off-street parking: Two spaces.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025, two spaces.

(D) Required off-street loading: Sufficient space must be provided to allow for the unloading of a fuel truck.

(E) Additional provisions:

(i) Except for compression cylinder tanks used in connection with compressed natural gas fueling facilities, all storage tanks for motor vehicle fuel must be located underground.

(ii) A fuel pump island must be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing off-street parking. The building official shall not issue a permit to authorize the construction of a pump island until its placement has been approved by the director.

(iii) Fuel pumps are permitted as an accessory use only if they comply with the following subparagraphs:

(aa) The pumps must be available only to the owner and tenant of the main building and not available to the general public.

(bb) The fuel pump and any sign relating to the pump must not be visible from the

(vii) When six feet or less in height, structures and equipment associated with this use may be located where an off-street parking space is allowed.

(20) Nursery, garden shop, or plant sales.

(A) A facility for the growing, display, or sale of plant stock, seeds, or other horticultural items.

(B) Districts permitted: By right in A(A), GO(A)*, CR, RR, CS, central area, mixed use, multiple commercial, and urban corridor districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

~~(C) Required off-street parking: One space per 500 square feet of floor area, plus one space per 2,000 square feet of outside sales and display area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay, in existence on May 14, 2025, one space per 500 square feet of floor area, plus one space per 2,000 square feet of outside sales and display area.

(D) Required off-street loading:

SQUARE FEET OF SALES AREA	TOTAL REQUIRED SPACES OR BERTHS
0 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) In all districts where this use is permitted except the GO(A) district, accessory outside sales, display of merchandise, or storage may occupy up to 100 percent of the lot. In the GO(A) district, this use must be located entirely within a building. See Subsection (a)(3) for more information about restrictions on retail and personal service uses generally in the GO(A) district.

(21) Outside sales.

(A) Definition: A site for the outside sale of general merchandise or food. This use includes, but is not limited to, outdoor flea markets.

(B) Districts permitted: By right in central area districts. By SUP only in RR and CS districts.

~~(C) Required off-street parking: One space per 200 square feet of sales area.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Except as otherwise provided in this article, outside sales is considered to be a separate main use if it occupies more than five percent of the lot. Outside sales on less than five percent of the lot may qualify as an accessory use if it is customarily incidental to a main use. See Section 51A-4.217.

(21.1) Paraphernalia shop.

(A) Definition: An establishment that displays or offers for sale any "illegal smoking paraphernalia" as that term is defined in Chapter 31 of the Dallas City Code or any other smoking paraphernalia that is commonly used, or commonly known to be used, for the inhalation of tobacco or illegal substances. For purposes of this definition, rolling papers, tobacco cigarettes, and tobacco cigars are not considered paraphernalia.

(B) Districts permitted: By SUP only in CR, RR, CS, industrial, and mixed use districts.

~~(C) Required off-street parking: One space for each 200 square feet of floor area.~~

(C) Required off-street parking:

(i) Except provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025, one space for each 200 square feet of floor area.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) A paraphernalia shop may not

(iv) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a child-care facility.

(v) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a college, university, or seminary.

(vi) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a church.

(vii) A paraphernalia shop may not have a drive-in or drive-through or walk-up window.

(viii) The outside sale, display, or storage of products is prohibited.

(ix) A paraphernalia shop may only be a main use that requires a certificate of occupancy. A paraphernalia shop may not be an accessory use within the meaning of Section 51A-4.217.

(22) Pawn shop.

(A) Definition: A facility for loaning money on the security of personal property and the sale of unclaimed property.

(B) Districts permitted: By right in CR, RR, CS, IR, and IM districts.

~~(C) Required off-street parking: One space per 200 square feet of floor area.~~

(C) Required off-street parking:

(i) Except provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025, one space per 200 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) A pawnshop legally operating as a permitted use or a nonconforming use on March 1, 1989, is entitled to relocate to another site in the same zoning district or classification in which it is located on March 1, 1989, provided the relocation is completed before the first anniversary of the date that the pawnshop ceased doing business at the previous location.

(23) Personal service use.

(A) Definition: A facility for the sale of personal services. Typical personal service uses include a barber/beauty shop, shoe repair, a tailor, an instructional arts studio, a photography studio, a laundry or cleaning pickup and receiving station, a handcrafted art work studio, safe deposit boxes, a travel bureau, and a custom printing or duplicating shop.

(B) Districts permitted: By right in GO(A)*, retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in MF-3(A), MF-4(A), NO(A), LO(A), and MO(A) districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

~~(C) Required off-street parking: One space per 200 square feet of floor area.~~

(C) Required off-street parking:

(i) Except provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025, one space per 200 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) In the NO(A) district, this use may occupy no more than 1,000 square feet of floor area.

(24) Restaurant without drive-in or drive-through service.

(A) Definition: An establishment principally for the sale and consumption of food on the premises. (This use does not include a restaurant with drive-in or drive-through service.)

(B) Districts permitted: By right in GO(A)*, retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in MF-4(A), LO(A), and MO(A) districts. By SUP only in the NO(A) district. RAR required in MF-4(A), LO(A), MO(A), GO(A), retail, CS, industrial, mixed use, and multiple commercial districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

~~(C) Required off-street parking:~~

~~(i) As a main use: except as otherwise provided, one space per 100 square feet of floor area.~~

~~(ii) As a limited or accessory use: except as otherwise provided, one space per 200 square feet of floor area.~~

~~(iii) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the restaurant without drive-in or drive-through service use.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph and Section 51A-4.301(a)(2)(B):

(aa) One space per 200 square feet of floor area.

(bb) None required for the floor area used for the manufacture of alcoholic beverages as an accessory use to the restaurant without drive-in or drive-through service use.

(cc) No parking is required for the first 2,500 square feet of floor area.

(ii) When located in an MD-1 Modified Delta Overlay, in existence on May 14, 2025:

(aa) As a main use: except as otherwise provided, one space per 100 square feet of floor area.

(bb) As a limited or accessory

use: except as otherwise provided, one space per 200 square feet of floor area.

(cc) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the restaurant without drive-in or drive-through service use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 5,000	NONE
5,000 to 25,000	1
25,000 to 50,000	2
Each additional 50,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The sale and service of alcoholic beverages in conjunction with the operation of this use is allowed generally, but may be prohibited

if this use is located in a liquor control overlay district. See Section 51A-4.503.

(25) Restaurant with drive-in or drive-through service.

(A) Definition:

(i) A restaurant with drive-in service is an establishment principally for the sale and consumption of food where food service is provided to customers in motor vehicles for consumption on the premises.

(ii) A restaurant with drive-through service is an establishment principally for the sale and consumption of food which has direct window service allowing customers in motor vehicles to pick up food for off-premise consumption.

(B) Districts permitted: By right in CR, RR, CS, industrial, mixed use, and multiple commercial districts. By SUP only in central area districts. DIR required in CR, RR, CS, industrial, mixed use, and multiple commercial districts.

~~(C) Required off-street parking:~~

~~(i) Except as otherwise provided, one space per 100 square feet of floor area; with a minimum of four spaces. See additional provisions [Subparagraph (E)] for off-street stacking requirements. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.~~

~~(ii) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the restaurant with drive-in or drive-through service use.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph:

(aa) As a main use: except as provided in this romanette and Section 51A-4.301(a)(2)(B), one space per 200 square feet of floor area.

(bb) None required for the floor area used for the manufacture of alcoholic beverages as an accessory use to the restaurant without drive-in or drive-through service use.

(cc) No parking is required for the first 2,500 square feet of floor area.

(ii) When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025:

(aa) Except as otherwise provided, one space per 100 square feet of floor area; with a minimum of four spaces. See additional provisions [Subparagraph (E)] for off-street stacking requirements. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(bb) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the restaurant with drive-in or drive-through service use.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 5,000	NONE
5,000 to 25,000	1
25,000 to 50,000	2
Each additional 50,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The sale and service of alcoholic beverages in conjunction with the operation of this use is allowed generally, but may be prohibited if this use is located in a liquor control overlay district. See Section 51A-4.503.

(ii) The total number of stacking spaces required for this use is as follows:

NO. OF DRIVE-THROUGH WINDOWS	TOTAL NUMBER OF STACKING SPACES REQUIRED
1	6
2	8
Each additional drive-through window	4 additional

(iii) A remote order station, if any, must be set back at least 27 feet from all streets that allow direct access to the station.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) All parking must be at grade level.

(ii) A commercial parking lot or garage is not permitted under this use.

(iii) No structures are permitted under this use except signs and required screening.

(iv) The owner of surface parking must maintain a minimum front yard of ten feet when the surface parking is contiguous to an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district.

(27) Swap or buy shop.

(A) Definition: A facility for the purchase and retail sale or exchange of new or used regulated property where more than 25 percent of the facility's total inventory is obtained from a source other than an authorized vendor or manufacturer. This use includes, but is not limited to, bazaars. For purposes of this definition:

(i) REGULATED PROPERTY means automobile accessories, business machines, crafted precious metals, electronic equipment, firearms as defined by state law, household appliances, jewelry, motorcycle accessories, musical instruments, photographic equipment, power tools, or sporting goods; and

(ii) AUTHORIZED VENDOR OR MANUFACTURER means a commercial supplier who deals in the wholesale distribution of regulated property in the ordinary course of business.

(B) Districts permitted: By SUP only in CR, RR, CS, central area, mixed use, and multiple commercial districts.

~~(C) Required off-street parking: One space per 200 square feet of floor area.~~

(C) Required off-street parking:

(i) Except otherwise provided below, none.

(ii) When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025, one space per 200 square feet of floor area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(28) Taxidermist.

(A) Definition: A facility for preparing, stuffing, and mounting the skins of animals, birds, and fish.

(B) Districts permitted: By right in CS, industrial, and central area districts.

~~(C) Required off-street parking: One space per 600 square feet of floor area.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(29) Temporary retail use.

(A) Definition: A temporary facility for the retail sale of seasonal products, including food, christmas trees, and live plants.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts.

~~(C) Required off-street parking: One~~

~~space per 500 square feet of site area.~~

(C) Required off-street parking:

(i) Except provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025, one space per 500 square feet of site area.

(D) Required off-street loading: One space.

(E) Additional provisions:

~~(i) Off-street parking and loading requirements for this use may be satisfied by using existing parking and loading spaces for other uses located within 500 feet of the temporary retail use, or by providing temporary parking and loading spaces that do not strictly comply with the construction and maintenance provisions for off-street parking and loading in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that temporary off-street parking or loading spaces:~~

~~(aa) are adequately designed to accommodate the parking and loading needs of the temporary retail use; and~~

~~(bb) will not adversely affect surrounding uses.~~

(i) Off-street loading requirements for this use may be satisfied by using existing loading spaces for other uses located within 500 feet of the temporary retail use, or by providing temporary loading spaces that do not strictly comply with the construction and maintenance provisions for off-street loading in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that temporary off-street loading spaces are adequately designed to accommodate the loading needs of the temporary retail use without adversely affecting surrounding uses.

(ii) The building official shall issue a temporary certificate of occupancy for a period of 60 days for a temporary retail use. The building official may grant one 30-day extension of the temporary certificate of occupancy if the use has fully complied with all applicable city ordinances. No more than one temporary certificate of occupancy may be issued for a temporary retail use at the same location within a 12-month period.

(30) Theater.

(A) Definition: A facility for showing motion pictures or staging theatrical performances to an audience inside an enclosed structure.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. In urban corridor districts, DIR required and this use is limited to a theater with less than 1,000 seats. By SUP only in MF-4, MO(A), and GO(A)* districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

~~(C) Required off-street parking: One space per 28 square feet of seating area.~~

(C) Required off-street parking:

(i) Except provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025, one space per 28 square feet of seating area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The sale or service of food or drinks is permitted as a limited accessory use.

(ii) This use may include service of food or drink to the audience within the main auditorium.

(iii) The sale and service of alcoholic beverages in conjunction with the operation of this use may be prohibited if this use is located in a liquor control overlay district. See Section 51A-4.503.

(30.1) Truck stop.

(A) Definition: A facility for the retail sale of motor vehicle fuel dispensed from pumps or electric vehicle charging stations for oversized vehicles.

(B) Districts permitted: By SUP only in CS, LI, IM, and IR districts.

~~(C) Required off-street parking: Two spaces.~~

(C) Required off-street parking: None.

(D) Required off-street loading: Sufficient space must be provided to allow for the unloading of a fuel truck.

(E) Additional provisions:

(i) Except for above-ground storage tanks used in connection with liquefied natural gas fueling facilities, and compression cylinder tanks used in connection with compressed natural gas fueling facilities, all storage tanks for motor vehicle fuel must be located underground.

(ii) A fuel pump island must be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing off-street parking. The building official shall not issue a permit to authorize the construction of a pump island until its placement has been approved by the director.

(iii) A truck stop is always a main use, and cannot be an accessory use within the meaning of Section 51A-4.217. Other than accessory parking, any other use on the same lot is considered an additional main use, such as on-site restaurants, cleaning facilities, and repair services.

(iv) Fuel pumps must be located at least 18 feet from the boundary of the site.

(v) Compression cylinder tanks used in connection with compressed natural gas fueling facilities must be screened from adjacent streets, alleys, and residential uses.

(vi) Except as provided in Item (vii), liquefied natural gas storage tanks are only permitted if approved as part of the specific use permit process.

(vii) For the purposes of Section 51A-4.704, adding liquefied natural gas fueling facilities to a nonconforming truck stop is not the enlargement of a nonconforming use.

(viii) No signage is permitted on liquefied natural gas storage tanks except for required safety signage.

(31) Vehicle display, sales, and service.

(A) Definition: A facility for the display, service, rental, or retail sale of new or used automobiles, boats, trucks, motorcycles, motor scooters, recreational vehicles, or trailers excluding oversized motor vehicles and oversized trailers.

(B) Districts permitted: By right in RR, CS, and industrial districts. By SUP only in central area districts. RAR required in RR, CS, and industrial districts.

~~(C) Required off-street parking: One space per 500 square feet of floor and site area exclusive of parking area.~~

(C) Required off-street parking:

(i) Except as provided in this subparagraph, none.

(ii) When located in an MD-1 Modified Delta Overlay in existence on May 14, 2025, one space per 500 square feet of floor and site area exclusive of parking area.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Outside display and storage of new or used vehicles for sale is permitted under this use without visual screening.

(ii) New or used vehicles for sale may be displayed or stored in the required front yard under this use.

(iii) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if

(iv) Vehicles being displayed, sold, serviced, or repaired must be parked on site. (Ord. Nos. 19455; 19786; 19810; 19928; 20242; 20237; 20257; 20272; 20273; 20425; 20493; 20494; 20895; 21001; 21200; 21209; 21259; 21289; 21291; 21400; 21659; 21663; 21697; 21735; 21796; 21960; 22020; 22204; 22531; 22995; 23739; 24439; 24659; 24718; 24759; 25047; 25056; 25785; 26269; 26513; 26746; 27563; 28073; 28079; 28700; 28737; 28803; 30477; 30890; 32441; 32907; 33112)

SEC. 51A-4.211. TRANSPORTATION USES.

(1) Airport or landing field.

(A) Definition: A facility for the landing of fixed or rotary wing aircraft.

(B) Districts permitted: By SUP only in IR and IM districts.

~~(C) Required off-street parking: One space per 200 square feet of terminal building floor area.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(i) A minimum of 60 acres is required for this use.

(ii) This use must be approved by the city aviation department.

(iii) This use is subject to the Federal Aviation Administration's rules and regulations.

(2) Commercial bus station and terminal.

(A) Definition: A facility operated as a bus or shuttle passenger station or transfer center serving a privately owned transit operation. For purposes of this paragraph:

(i) Bus means a motor vehicle that has a manufacturer's rated seating capacity of more than 15 passengers, and is used for the transportation of persons from a location in the city to another location either inside or outside the city.

(ii) Shuttle means a van-type motor vehicle that has a manufacturer's rated seating capacity of not less than seven passengers and not more than 15 passengers, and is used for the transportation of persons from a location in the city to another location either inside or outside the city.

(B) Districts permitted:

(i) Except as otherwise provided in Subparagraph (B)(ii), by right in RR, CS, LI, IR, IM, and central area districts.

(ii) By SUP only in the CS district when:

(aa) the facility operates with a bus; or

(bb) the facility operates with a shuttle within 500 feet of a residential district.

(iii) DIR required in RR and central area districts, and the CS district when an SUP is not required. RAR required in industrial districts.

~~(C) Required off-street parking: One space per 200 square feet of building floor area plus one space per five seats of manufacturer's rated seating capacity for the maximum number of vehicles on site during any one hour time period.~~

~~(D) Required off-street loading: None.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None. Areas of anticipated loading and unloading must be identified at time of permitting.

(E) Additional provisions:

(i) A lobby or waiting room with a floor area of not less than 200 square feet must be provided.

(ii) Seating in the lobby or waiting room must be provided at a ratio of one seat for every 25 square feet of floor area in the lobby or waiting room.

(iii) The outdoor sale of general merchandise or food is prohibited.

(iv) No loading or unloading of passengers is permitted on public right-of-way.

(3) Heliport.

(A) Definitions: A facility for the landing and taking off of rotary wing aircraft.

(B) Districts permitted: By right in IR and IM districts. By SUP only in RR, CS, LI, central area, MU-3, MU-3(SAH), MC-3, and MC-4 districts. RAR required in IR and IM districts.

~~(C) Required off-street parking: One space per 600 square feet of site area; a minimum of four spaces is required.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use may include fueling or servicing facilities, if approved by the city aviation department.

(ii) This use must be approved by the city aviation department.

(iii) This use is subject to the Federal Aviation Administration's rules, regulations, and approval.

(4) Helistop.

(A) Definition: A landing pad for occasional use by rotary wing aircraft.

(B) Districts permitted: By right in IR and IM districts. By SUP only in A(A) MO(A), GO(A), RR, CS, LI, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH) MC-2, MC-3, and MC-4 districts. RAR required in IR and IM districts.

~~(C) Required off-street parking: Two spaces.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Regularly scheduled stops are not permitted under this use.

(ii) This use must be approved by the city aviation department.

(iii) This use is subject to the Federal Aviation Administration's rules, regulations, and approval.

(iv) Fueling or servicing facilities are not permitted under this use.

(5) Private street or alley.

(A) Definition: A street or an alley whose ownership has been retained privately.

(B) District restrictions:

(i) This accessory use is not permitted in agricultural, multifamily, MH(A), office, retail, commercial service and industrial, mixed use, and multiple commercial districts.

days from the presentation of the bill, or the private street will become a public street of the city.

(xvii) A court or plaza may be considered a private street for the purpose of creating a building site if a specific use permit for a private street or alley use is obtained.

(6) Railroad passenger station.

(A) Definition: A facility for the loading and discharging of train passengers.

(B) Districts permitted: By right in central area districts. By SUP only in GO(A), RR, CS, industrial, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC-2, MC-3, and MC-4 districts.

~~(C) Required off-street parking: One space per 200 square feet of terminal building floor area.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(7) Railroad yard, roundhouse, or shops.

(A) Definition: A facility for storing and repairing railroad equipment, and making up trains.

(B) Districts permitted: By right in IM and central area districts. RAR required in the IM district.

~~(C) Required off-street parking: One space for each 500 square feet of floor area of roundhouse and shops.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(8) STOL (short takeoff or landing) port.

(A) Definition: A facility for take-off and landing operations of fixed wing aircraft designed to land on runways of 1000 feet or less.

(B) Districts permitted: By SUP only in IR, IM, and central area districts.

~~(C) Required off-street parking: One space per 200 square feet of terminal building floor area; a minimum of five spaces is required.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use may include refueling equipment and passenger shelters, but may not include maintenance facilities.

(ii) This use must be approved by the city aviation department.

(iii) This use is subject to the Federal Aviation Administration's rules, regulations, and approval.

(9) Transit passenger shelter.

(A) Definition: A structure which affords protection from the weather to persons who are waiting to board a publicly owned or franchised transit vehicle.

(B) Districts permitted: By right in all residential and nonresidential districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A site plan must be submitted to and approved by the director if the location of the proposed shelter structure will be on or within 20 feet of a lot that is located in a single family or duplex district and occupied by a residential use. The site plan must show the area within a 50-foot radius of the proposed shelter structure. No site plan is required if the lot is vacant or exclusively occupied by one or more nonresidential uses.

(ii) The submission and review procedures for a site plan required under Subparagraph (i) are the same as those required under Section 51A-4.803 for a lot that has residential adjacency. For purposes of these provisions, the term "lot" in Section 51A-4.803 is construed to mean only that area for which a site plan is required.

(iii) In addition to the requirements of Section 51A-4.803(e), upon the filing of a complete application for review of a site plan required under Subparagraph (i), the director shall send written notice to all owners of real property lying within 200 feet of the area for which the site plan is required.

(iv) In single family and duplex districts, the shelter structure must not occupy an area greater than 100 square feet.

(v) A litter container of adequate size must be provided on the site at all times.

(vi) This use must be installed by public agencies.

(vii) This use is exempt from the front, side, and rear yard requirements in this chapter, except that the shelter structure must be set back at least five feet from the edge of the roadway.

(viii) No signs are permitted on the transit passenger shelter site except for governmental signs, transit system logos, schedules, and route information.

(10) Transit passenger station or transfer center.

(A) Definition: A facility operated as a bus or rail passenger station or transfer center serving a publicly-owned or franchised mass transit operation. Typical facilities may include station platforms, bus bays, off-street parking, private access roads, and other passenger amenities.

(B) Districts permitted:

(i) By right in central area districts.

(ii) By SUP only in all residential districts.

(iii) By SUP or, in the alternative, by city council resolution in office, retail, CS, industrial, mixed use, and multiple commercial districts. Authorization by city council resolution must strictly comply with the procedures and requirements outlined in the additional provisions below.

~~(C) Required off-street parking: None required in central area districts. In all other districts, the off-street parking requirements for each site shall be determined during the site review process and incorporated into the specific use permit ordinance or city council resolution, whichever is applicable.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Analyses required. In all districts except central area districts:

~~(aa) transit and parking demand analyses must be submitted with an application for a specific use permit or for an approval by city council resolution; and~~

(aa) transit analysis must be submitted with an application for a specific use permit or for an approval by city council resolution; and

(dd) The city secretary shall give notice of the public hearing in the official newspaper of the city at least 15 days before the hearing. After the city council holds its public hearing, it shall make a decision regarding the plan. The decision need not be made on the same day that the public hearing is held.

(ee) The city council may approve or deny the site plan. An approval must be by resolution adopted by a majority of those councilmembers present and eligible to vote, and a true and correct copy of the site plan must be attached to the resolution as an exhibit. The city council may impose reasonable conditions upon the approval of a site plan consistent with the purposes stated in Section 51A-1.102 of this chapter. Any conditions imposed must be in writing and made part of the resolution.

(ff) After a final decision is reached by the city council denying a site plan, no further applications for site plan approval may be considered for that particular station or transfer center site for two years from the date of the final decision. If the city council renders a final decision of denial without prejudice, the two year time limitation is waived. A property owner may apply for a waiver of the two year time limitation by submitting a request in writing to the director. Only the city council may waive the time limitation applicable to site plans reviewed under this subsection. A simple majority vote by the city council is required to grant the request. The two year time limitation applicable to site plans reviewed under this subsection does not affect the ability of a property owner to apply for a specific use permit for the same site.

(gg) Authorization by city council resolution shall no longer be available for a particular station or transfer center site when an application is made for a specific use permit for that site unless the application is withdrawn prior to the mailing of notices for the public hearing before the city plan commission. (Ord. Nos. 19455; 19786; 20122; 20493; 20625; 21001; 21663; 22026; 22799; 23735; 23766; 24833; 25047; 28073; 28424; 30890; 30932; 32002; 33112)

SEC. 51A-4.212. UTILITY AND PUBLIC SERVICE USES.

(1) Commercial radio or television transmitting station.

(A) Definition: A facility for the transmission of commercial programming by radio or television within the commercial band of the electromagnetic spectrum.

(B) Districts permitted: By right in GO(A), CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. By SUP only in A(A), LO(A), and MO(A) districts.

~~(C) Required off-street parking: One space per 1,000 square feet of floor area.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(2) Electrical generating plant.

(A) Definition: A facility franchised by the city that generates electricity from mechanical power produced by gas, coal, or nuclear fission.

(B) Districts permitted: By SUP only in the IM district.

~~(C) Required off-street parking: One space per 1,000 square feet of floor area.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(3) Electrical substation.

(A) Definition: A facility for transforming electricity for distribution to individual customers.

(B) Districts permitted: By right in LO(A), MO(A), GO(A), CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. By SUP only in all residential, NO(A), and NS(A) districts.

~~(C) Required off-street parking: Two spaces.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(4) Local utilities.

(A) Definitions:

(i) UTILITY SERVICES means air pollution monitoring stations, antennas, cables, dishes, distribution lines, drainage lines, generating facilities, nodes and hubs, pipes, poles, pumping stations, receivers and senders, repeating or regenerating devices, storm water facilities, switching stations, substations, tanks, transmission lines, water wells, wires, or similar equipment operated by a municipality, a transit authority, or a certificated, franchised, or licensed utility company providing cable television, electrical, gas, internet, storm sewer, telecommunications, telegraph, telephone, water, or wastewater service to the public.

(ii) COMMUNICATIONS EXCHANGE FACILITY means a facility for the centralized placement of communications equipment used to store, house and route voice and data transmissions among communications companies.

(B) Districts permitted:

(i) Utility services:

(aa) Except as otherwise provided, by right in all residential and nonresidential districts.

(bb) By SUP only in residential districts if the above-grade facilities exceed 300 square feet in floor area or structure footprint per lot, except that no SUP is required for below-grade facilities, distribution lines, transmission lines, and supporting structures. In this subparagraph, "structure footprint" means the ground area defined by vertical planes extending downward from the outermost projection of the structure.

(cc) RAR is required if this use is more than 150 square feet in floor area or more than 10 feet in height, except that no RAR is required for below-grade facilities, distribution lines, transmission lines, and supporting structures.

(ii) Communications exchange facility: By right in LO(A), MO(A), GO(A), RR, CS, industrial, central area, mixed use, and multiple commercial districts. By right in the CR district if this use does not exceed 50,000 square feet in floor area; otherwise, prohibited in the CR district. By right in nonresidential planned development districts that allow local utilities. Allowed in residential planned development districts only if specifically listed as a permitted use, otherwise prohibited in residential planned development districts.

~~(C) Required off-street parking:~~

~~(i) Utility services: None.~~

~~(ii) Communications exchange facility: One space per 5,000 square feet of floor area, except that one space per 333 square feet is required for any floor area used for office space.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

(i) Utility services: None.

(ii) Communications exchange facility:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Utility services:

(aa) Above-ground storage tanks are not permitted under this use, except accessory above-ground storage tanks to emergency generators. The capacity of accessory above-ground storage tanks may not exceed 11,000 gallons in nonresidential districts and 3,500 gallons in residential districts.

(bb) Except as otherwise provided in Subparagraph (E)(i)(dd), in residential districts, if this use is over seven feet in height, screening that complies with Section 51A-4.602(b) must be constructed and maintained along the side and rear of the use.

(cc) Except as otherwise provided in Subparagraph (E)(i)(dd), if this use is over seven feet in height, a perimeter landscape buffer strip that complies with Section 51A-10.125 must be provided.

(dd) Distribution lines, transmission lines, and supporting structures are exempt from the requirements of Subparagraphs (E)(i)(bb)and (E)(i)(cc).

(ee) No landscape regulations apply to this use except as expressly provided in these additional provisions.

(ff) This use is not subject to compliance proceedings under Section 51A-4.704.

(ii) Communications exchange facility:

(aa) Section 51A-4.408(a)(1), which exempts structures for utility uses from certain height restrictions, does not apply to this use.

(bb) Above-ground storage tanks are not permitted under this use, except accessory above-ground storage tanks to emergency generators. Unless located within an enclosed structure or completely screened from adjacent street right-of-way and all other properties by solid screening, the capacity of accessory above-ground storage tanks may not exceed 11,000 gallons in nonresidential districts and 3,500 gallons in residential districts.

(5) Police or fire station.

(A) Definition: A facility operated by the city as a police or fire station.

(B) Districts permitted: By right in GO(A), CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in residential, NO(A), LO(A), MO(A), and NS(A) districts.

~~(C) Required off-street parking:~~

~~(i) Police station: One space per 150 square feet of floor area.~~

~~(ii) Fire station: Five spaces plus one additional space per bed.~~

(C) Required off-street parking: None.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) This use may include emergency medical services.

(6) Post office.

(A) Definition: A government facility for the transmission, sorting, and local distribution of mail.

(B) Districts permitted: By right in GO(A), CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in MF-3(A), MF-4(A), LO(A), MO(A), and NS(A) districts.

~~(C) Required off-street parking: One space per 200 square feet of floor area.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use includes main branches, substation branches, and neighborhood coin-operated self-service stations.

(7) Radio, television, or microwave tower.

(A) Definition: A structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum.

(B) Districts permitted: By right in GO(A), CS, industrial, and central area districts. By SUP only in residential, NO(A), LO(A), MO(A), retail, mixed use, and multiple commercial districts. RAR required in GO(A), CS, and industrial districts.

~~(C) Required off-street parking: Two spaces.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(8) Refuse transfer station.

(A) Definition: A privately owned facility for the separation, transfer, or packing of solid waste materials from smaller collecting vehicles to larger transport vehicles.

(B) Districts permitted: By SUP only in A(A) and IM districts.

~~(C) Required off-street parking: One space per 1,000 square feet of site area exclusive of parking area.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must comply with Chapter 18 of the Dallas City Code and all other applicable city ordinances, rules, and regulations.

(9) Sanitary landfill.

(A) Definition: A facility for the collection, handling, storage, and disposal of solid waste.

(B) Districts permitted: By SUP only in A(A) and IM districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use is subject to federal and state law requirements.

(ii) This use must comply with Chapter 18 of the Dallas City Code and all other applicable city ordinances, rules, and regulations.

(10) Sewage treatment plant.

(A) Definition: A facility for receiving and treating sewage from the city sanitary sewer system.

(B) Districts permitted: By SUP only in A(A), IM, and central area districts.

~~(C) Required off-street parking: One space for each million gallons of capacity.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(10.1) Tower/antenna for cellular communication.

(A) Definitions:

(i) Mounted cellular antenna means a cellular antenna that is attached to an existing structure, that complies with the requirements of Subparagraph (E)(i), and that is part of a cellular system authorized by the Federal Communications Commission. An auxiliary building housing electronic and communication equipment is permitted as part of this use.

(ii) Monopole cellular tower means a single pole structure that supports a platform and cellular antennas, that complies with the requirements of Subparagraphs (E)(ii) and (iii), and that is part of a cellular system authorized by the Federal Communications Commission. An auxiliary building housing electronic and communication equipment is permitted as part of this use.

(iii) Other cellular communication tower/antenna means any cellular communication tower or antenna that is part of a cellular system authorized by the Federal Communications Commission, but that is not covered by the definitions contained in Subparagraphs (A)(i) and (A)(ii). An auxiliary building housing electronic and communication equipment is permitted as part of this use.

(iv) Platform means that portion of a monopole cellular tower that is located on top of the pole and that supports directional, transmitting, and receiving antennas.

(v) Temporary cellular unit means any cellular communication structure, vehicle, trailer mounted apparatus, or device that is part of a system authorized by the Federal Communications Commission that is used to temporarily provide service where an existing tower/antenna for cellular communication is not operable for one or more of the following reasons:

(aa) The existing tower/antenna for cellular communication use is damaged or destroyed other than by the intentional act of the owner or agent; or

(bb) A demolition or construction permit has been issued on a building site that includes an existing mounted cellular antenna, monopole cellular tower, or other cellular communication tower/antenna.

(B) Districts permitted:

(i) Mounted cellular antennas: By right in A(A), single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), and MH(A) districts when attached to an existing structure that is currently occupied or was last occupied by a nonresidential use. By SUP only in A(A), single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), and MH(A) districts when attached to an existing structure that is currently occupied or was last occupied by a nonresidential use and the mounted cellular antenna exceeds the residential proximity slope height restrictions. The impact of the mounted cellular antenna height on an adjacent residential district must be considered in the SUP process.

(ii) Mounted cellular antennas: By right in MF-3(A), MF-4(A), office, retail, CS, industrial, central area, mixed use, multiple commercial, P(A), and UC-3 districts when attached to any existing structure. By SUP only in MF-3(A), MF-4(A), office, retail, CS, industrial, central area,

mixed use, multiple commercial, P(A), and UC-3 districts when attached to an existing structure and the mounted cellular antenna exceeds the residential proximity slope height restrictions. The impact of the mounted cellular antenna height on an adjacent residential district must be considered in the SUP process.

(iii) Monopole cellular towers: By right in commercial, industrial, and central area districts with RAR required in commercial and industrial districts. By right in LO(A), MO(A), GO(A), mixed use, and multiple commercial districts if the height of the tower does not exceed the maximum height for structures in that district as provided in the district regulations (Divisions 51A-4.100 et seq.) with RAR required in the same districts; otherwise by SUP only. By right in the CR district if the height of the tower does not exceed 65 feet, with RAR required; otherwise by SUP only. By right in the RR district if the height of the tower does not exceed 80 feet, with RAR required; otherwise by SUP only. By SUP only in all residential, NO(A), NS(A) districts, and in any district where a monopole cellular tower is permitted by right but exceeds the residential proximity slope height restrictions. The impact of the monopole cellular tower height on an adjacent residential district must be considered in the SUP process.

(iv) Other cellular communication towers/antennas are permitted by right in GO(A), CS, industrial, and central area districts. By SUP only in residential, NO(A), GO(A), MO(A), retail, mixed use, multiple commercial districts, and in any district where other cellular communication towers/antennas are permitted by right but exceed the residential proximity slope height restrictions. RAR required in GO(A), CS, and industrial districts. The impact of the other cellular communication tower/antenna height on an adjacent residential district must be considered in the SUP process.

(v) Temporary cellular unit is permitted by right in all districts.

~~(C) Required off-street parking: None required for temporary cellular units. One space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication equipment ("auxiliary building") greater than 120 square feet. Physically separate auxiliary buildings will not be aggregated to determine the area of an auxiliary building for the purpose of determining required off-street parking requirements.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Mounted cellular antennas may not exceed 12 feet above the structure to which they are attached. Whip antennas are excluded from this calculation.

(ii) The pole portion of a monopole cellular tower may not exceed 42 inches in diameter. Microwave dishes or similar devices up to three feet in diameter may be mounted on the pole portion of a monopole cellular tower. If microwave dishes or similar devices on a monopole cellular tower are concealed within a stealth tower, no maximum; otherwise, no more than two dishes or similar devices may be placed on a monopole cellular tower.

(iii) The platform portion of a monopole cellular tower may not have a horizontal cross sectional area greater than 196 square feet. The depth of the platform may not exceed 4 feet, excluding any whip antenna. Only antennas that are part of a cellular system authorized by the Federal Communications Commission are permitted on a platform.

(iv) The owner of a monopole or other tower for cellular communication shall notify the building official when the tower is no longer operating as part of a cellular system authorized by the Federal Communications Commission. Within 12 months of the date the tower ceases to operate as part of an authorized cellular system, the tower must either be removed from the site, or a certificate of occupancy must be obtained to allow another permitted use of the tower. If within 12 months the owner fails to remove the tower or obtain proper authorization for use of the tower, the building official shall revoke the certificate of occupancy for the tower and notify the city attorney to pursue enforcement remedies.

(B) Districts permitted: By right in central area and urban corridor districts, except that an SUP is required for the "government installation other than listed" use in the CA-1(A) district. By SUP only in residential, office, retail, industrial, mixed use, and multiple commercial districts.

~~(C) Required off-street parking: The ratio of the use that the building official determines is the most equivalent to the proposed use in terms of function. If a specific use permit is required, the off-street parking regulations may be established in the ordinance granting the permit. In such cases, the city council shall consider the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The SUP requirement for this use does not apply to a building, other structure, or land under the control, administration, or jurisdiction of a state or federal agency.

(12) Water treatment plant.

(A) Definition: A facility for purifying, supplying, and distributing city water, including a system of reservoirs, channels, mains, and purifying equipment.

(B) Districts permitted: By right in the IM district. By SUP only in A(A), central area, and IR districts. RAR required in the IM district.

~~(C) Required off-street parking: Two spaces.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None. (Ord. Nos. 19455; 19786; 19808; 20037; 20493; 20731; 21000; 21001; 21314; 21663; 22392; 22639; 24543; 24718; 24898; 25440; 26578; 29984; 30808; 30890; 33112)

SEC. 51A-4.213. WHOLESALE, DISTRIBUTION, AND STORAGE USES.

(1) Auto auction.

(A) Definition: A facility for the auction of automobiles.

(B) Districts permitted: By SUP only in CS and IM districts.

~~(C) Required off-street parking: One space per 500 square feet of site area exclusive of parking area.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provision: Vehicles being displayed, sold, serviced, or repaired must be parked on site.

(2) Building mover's temporary storage yard.

(A) Definition: A site where a building or structure which has been removed from its original construction site is temporarily stored.

(B) Districts permitted: By SUP only in CS and IM districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must be surrounded by a solid visual screen of at least nine feet in height and constructed of solid masonry, solid concrete, corrugated sheet metal, or a chain link fence with strips of metal through all links.

(ii) This use must be landscaped with plants meeting the requirements of the specific use permit.

(iii) Buildings temporarily stored under this use may not be placed upon a foundation.

(iv) This use does not include bona fide sales lots on which new buildings or structures are located displaying examples of workmanship or appearance of the buildings or structures to be constructed on other sites and sold.

(3) Contractor's maintenance yard.

(A) Definition: A facility for the storage and maintenance of contractor's supplies and operational equipment.

(B) Districts permitted: By right in CS and IM districts. RAR required in CS and IM districts.

~~(C) Required off-street parking: One space per 2,000 square feet of site area exclusive of parking area, a minimum of four spaces is required.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must be surrounded by screening.

(4) Freight terminal.

(A) Definition: A facility for the transfer or storage of freight.

(B) Districts permitted: By right in CS, industrial, and central area districts. RAR required in CS and industrial districts. DIR required in central area districts.

~~(C) Required off-street parking: One space per 1,000 square feet of floor area.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(5) Livestock auction pens or sheds.

(A) Definition: A facility for the auction of livestock.

(B) Districts permitted: By SUP only in A(A) and IM districts.

~~(C) Required off-street parking: One space per 28 square feet of seating area, plus one space per 600 square feet of sales area.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(6) Manufactured building sales lot.

(A) Definition: A facility for the display, service, and retail sale of manufactured housing or preassembled storage buildings.

(B) Districts permitted: RAR required in CS and industrial districts.

~~(C) Required off-street parking: One space per 200 square feet of office floor area. A minimum of four spaces must be provided.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Outside display and storage of new or used manufactured housing or preassembled storage buildings for sale is permitted under this use without a visual screen.

(ii) Display or storage of manufactured housing or preassembled storage buildings is prohibited within the required front yard.

(7) Mini-warehouse.

(A) Definition: A building or group of buildings containing one or more individual compartmentalized storage units for the inside storage of customers' goods or wares, where no unit exceeds 500 square feet in floor area.

(B) Districts permitted: By right in CS, industrial, and central area districts. By SUP only in CR, RR, mixed use, and multiple commercial districts.

~~(C) Required off-street parking: A minimum of six spaces required. Spaces may not be used for outside storage, vehicle storage, or parking for vehicles for rent.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Caretaker's quarters are permitted as an accessory use. One parking space must be provided per 500 square feet of floor area of caretaker's quarters; however, no more than two spaces are required for each caretaker's quarters.

(8) Office showroom/warehouse.

(A) Definitions. In this paragraph:

(i) OFFICE SHOWROOM/ WAREHOUSE means a facility which has the combined uses of office and showroom or warehouse for the primary purpose of wholesale trade, display, and distribution of products.

(ii) OFFICE SHOWROOM COMPONENT means the portion of this use which provides area for the regular transaction of business and for the display of uncontainerized merchandise in a finished building setting.

(B) Districts permitted: By right in CS, industrial, central area, MU-3, and MU-3(SAH) districts.

~~(C) Off-street parking.~~

~~Required off-street parking:~~

~~(i) Office: One space per 333 square feet of floor area.~~

~~(ii) Showroom/warehouse: One space per 1,000 square feet of floor area for the first 20,000 square feet of floor area. One space per 4,000 square feet of floor area in excess of 20,000 square feet.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
1 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Retail sales of products which are sold at wholesale on the premises are permitted as a part of this use.

(ii) In the MU-3 and MU-3(SAH) districts, the office showroom component of this use must comprise at least 25 percent of the total floor area of the use.

(9) Outside storage.

(A) Definition: A lot used for the outside placement of an item for a period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed.

(B) Districts permitted: By right in CS and industrial districts. By SUP only in central area districts. RAR required in CS and industrial districts.

~~(C) Required off-street parking: One space for each 5,000 square feet of site area exclusive of parking area up to a maximum of five required spaces; a minimum of one space is required.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Landscaping.

(i) A landscape buffer must be provided between any required screening fence and an adjacent thoroughfare.

(ii) The director may approve an alternative irrigation plan for landscaping if the director determines that it will maintain the required landscaping.

(F) Screening.

(i) In CS, LI, and IR districts, outside storage must be screened.

(ii) In the IM district, outside storage must be screened on any side that is within 200 feet of and visible from a thoroughfare, expressway as defined in Section 51A-7.102, new expressway as defined in Section 51A-7.102, or an adjacent property that is not zoned an IM district. For purposes of this provision, adjacent means across the street or sharing a common lot line.

(G) Stacking height.

(i) Except as provided in this subparagraph, maximum outside storage stacking height is 30 feet if the open storage is visible from and within 200 feet of a thoroughfare or adjoining property that is not zoned an IM district. If outside storage is 200 feet or more from a thoroughfare or adjoining property, no maximum outside storage stacking height.

(ii) Outside storage stacking height within 40 feet of required screening may not exceed the height of the required screening.

(H) Additional provisions:

(i) A person shall not place, store, or maintain outside for a period in excess of 24 hours, an item that is not:

(aa) customarily used or stored outside; or

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot. Outside storage on less than five percent of the lot may qualify as an accessory use if it is customarily incidental to a main use. See Section 51A-4.217.

(iii) Outside storage is prohibited in required yards, landscaping areas, and parking areas.

(iv) All nonconforming open storage uses must comply with Subparagraphs (F) and (G) before September 22, 2018. The owner or operator may request from the board of adjustment an extension of this time period by filing an application with the director on a form provided by the city. The application must be filed before the September 22, 2018 deadline expires. The application is not considered filed until the fee is paid. The board of adjustment may grant an extension of this time period if it determines, after a public hearing, that strict compliance would result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this Paragraph (9), "Outside Storage." The fee to request that the board of adjustment extend time is the same fee as the fee for a nonresidential special exception set forth in Article I, "General Provisions," of the Dallas Development Code.

(10) Petroleum product storage and wholesale.

(A) Definition: A facility for the storage and wholesale trade and distribution of petroleum products.

(B) Districts permitted: By right in the IM district with RAR required. By SUP only in the CS district.

~~(C) Required off-street parking: One space for each 2,000 square feet of site area exclusive of parking area, a minimum of four spaces required.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) In an IM district, petroleum product storage and wholesale must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned an IM district. For purposes of this paragraph, adjacent means across the street or sharing a common lot line.

(11) Recycling buy-back center.

(A) Definitions: In these use regulations:

(i) HOUSEHOLD METALS means items that are:

(aa) customarily used in a residential dwelling;

(bb) comprised of any quantity of ferrous or nonferrous metal, as defined in Chapter 40B of the Dallas City Code, as amended; and

(cc) not included in the definition of industrial metals. Examples of household metals include, but are not limited to kitchen pots and pans, cooking and serving tools, barbeque equipment, window screens, gardening tools, and aluminum foil.

(ii) INDUSTRIAL METALS means pipes, wires, coils, condensors, guard rails, automotive parts, bulky appliances, and similar industrial or construction materials which are comprised of any quantity of ferrous or nonferrous

metal, as defined in Chapter 40B of the Dallas City Code, as amended.

(iii) RECYCLABLE MATERIALS means clothing, aluminum cans, steel cans, glass, paper, plastics, and household and industrial metals.

(iv) RECYCLING BUY-BACK CENTER means a facility wholly enclosed within a building, or an automatic collection machine, used for the collection and temporary storage of recyclable materials as provided in Subparagraph (B).

(v) RECYCLING USE means any use listed in Paragraphs (11) through (11.3) of this section.

(B) Districts permitted:

(i) If this use is located on property controlled, managed, or maintained by the park and recreation board: By right in all districts.

(ii) For the collection of aluminum cans, steel cans, glass, paper, clothing, and plastics: By right with RAR required in industrial, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC-2, MC-3, and MC-4 districts. By SUP in CR, RR, CS, MU-1, MU-1(SAH), and MC-1 districts.

(iii) For the collection of household metals: By SUP in CR, RR, CS, industrial, central area, mixed use and multiple commercial districts.

(iv) For the collection of industrial metals: By SUP in industrial districts.

~~(C) Required off-street parking: One space per 500 square feet of floor area.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The floor area of this use may not exceed 10,000 square feet.

(ii) Mechanical processing of recyclable materials is limited to crushing, bailing, and shredding.

(iii) Materials stored at this use must be removed at least once a week or before reaching capacity. The facilities must be maintained in proper repair and the exterior must have a neat and clean appearance.

(iv) In the LI, IR, and IM districts, openings providing vehicle access to the building may remain open at all times. In all other districts, vehicle access openings must remain closed except when receiving or removing recyclable materials.

(v) No more than one recycling use is permitted on a building site.

(vi) This use must be located at least 1,000 feet from another recycling use. Measurements of distance under this paragraph are taken radially. "Radial" measurement means a measurement taken along the shortest distance between the nearest point of the building sites where recycling uses are located.

(vii) The collection of industrial metals is prohibited in all districts except the LI, IR, and IM districts as provided in Subparagraph (B).

(viii) If this use is located on property controlled, managed, or maintained by the park and recreation board, the requirements of Subparagraphs (C), (D), and (E) do not apply.

(ix) The collection of hazardous waste, as defined in Section 51A-4.206(4)(A)(iii), is prohibited.

(x) No SUP for this use may be granted for more than a two-year time period.

(11.1) Recycling collection center.

(A) Definitions:

(i) HOUSEHOLD METALS means items that are:

(aa) customarily used in a residential dwelling;

(bb) comprised of any quantity of ferrous or nonferrous metal, as defined in Chapter 40B of the Dallas City Code, as amended; and

(cc) not included in the definition of industrial metals. Examples of household metals include, but are not limited to kitchen pots and pans, cooking and serving tools, barbeque equipment, window screens, gardening tools, and aluminum foil.

(ii) INDUSTRIAL METALS means pipes, wires, coils, condensors, guard rails, automotive parts, bulky appliances, and similar industrial or construction materials which are comprised of any quantity of ferrous or nonferrous metal, as defined in Chapter 40B of the Dallas City Code, as amended.

(iii) RECYCLABLE MATERIALS means aluminum cans, steel cans, glass, paper, plastics, and household and industrial metals.

(iv) RECYCLING COLLECTION CENTER means a facility for the collection and temporary storage of recyclable materials as provided in Subparagraph (B).

(v) RECYCLING USE means any use listed in Paragraphs (11) through (11.3) of this section.

(B) Districts permitted:

(i) If this use is located on property controlled, managed, or maintained by the park and recreation board: By right in all districts.

(ii) For the collection of aluminum cans, steel cans, glass, paper, and plastics: By right with RAR required in industrial, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC-2, MC-3, and MC-4 districts. By SUP in CR, RR, CS, MU-1, MU-1(SAH), and MC-1 districts.

(iii) For the collection of household metals: By SUP in CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts.

(iv) For the collection of industrial metals: By SUP in industrial districts.

~~(C) Required off-street parking: A minimum of one space is required. If the use is operated by an attendant, one additional space is required.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use may only be located on an improved surface in an enclosed container or a trailer that is not more than 45 feet in length.

(ii) A trailer may only be placed on an improved surface of a building site containing a minimum of 30,000 square feet of land area, and a minimum of 10,000 square feet of building area. The area occupied by this use may not exceed 2,000 contiguous square feet, excluding area for required parking and maneuvering.

(iii) No more than one recycling use is permitted on a building site. A collection center is limited to one trailer and two containers of no more than 40 cubic yards each. An additional 40-cubic-yard container may be substituted for the permitted trailer.

(iv) A collection center located on a parking lot may not occupy required off-street parking spaces. A collection center must be arranged so as to not impede free traffic flow. This use may not be located in a required yard.

(v) Mechanical processing of recyclable materials is prohibited on site.

(vi) Materials stored at the collection center must be removed at least once a week or before reaching capacity.

(vii) The collection center must be maintained in proper repair and the exterior must have a neat and clean appearance. All containers must be constructed of solid materials.

(viii) Collection centers must be attended at all times or closed.

park and recreation board, the requirements of Subparagraphs (C), (D), and (E) do not apply.

(xvi) The collection of hazardous waste, as defined in Section 51A-4.206(1.1), is prohibited.

(12) Sand, gravel, or earth sales and storage.

(A) Definition: A facility for storing and selling sand, gravel, and earth.

(B) Districts permitted: By right in the IM district with RAR required. By SUP only in A(A) and CS districts.

~~(C) Required off-street parking: One space per 2,000 square feet of site area exclusive of parking area; a minimum of four spaces is required.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) No mining is permitted under this use.

(ii) In an IM district, sand, gravel, or earth sales and storage must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjoining property that is not zoned an IM district.

(13) Trade center.

(A) Definition: A facility for exhibitions, trade shows, and conventions.

(B) Districts permitted: By right in CS, industrial, central area, MU-3, MU-3(SAH), and MC-4 districts.

~~(C) Required off-street parking: One space for each 700 square feet of floor area, exclusive of atriums, mechanical rooms, stairwells, and hallways. Required off-street parking must be provided on the site within 500 feet of a public entrance to the trade center. However, parking may be located at a distance greater than 500 feet if a satisfactory system of transportation between the trade center and parking area is established and maintained by the owner of the use.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) This use must have a minimum floor area of 2,000,000 square feet.

(ii) This use must have a site area of at least 100 acres. The site area may be divided by streets. The area of the dividing streets is not included in the computation of the site area.

(iii) No more than 40 percent of the floor area may be used for retail sales.

(14) Vehicle storage lot.

(A) Definition: A facility for the storage of vehicles that have been towed, repossessed, or are otherwise in the care and custody of the operator of the lot.

(B) Districts permitted: By right in the IM district. By SUP only in the CS district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No servicing of vehicles or sales of vehicles or parts are permitted under this use.

(ii) A person shall not store outside a legally or mechanically inoperative or wrecked motor vehicle for a continuous period in excess of 60 days.

(iii) This use must have a visual screen of at least six feet in height which consists of solid masonry, concrete, brick, stucco, stone, or wood.

(iv) Access through required screening may be provided only by a solid gate equaling the height of the screening. The gate must be located at least 20 feet from the back of the existing street curb, and must remain closed except when in actual use.

(v) No stacking, crushing, dismantling, or repair of vehicles is permitted.

(vi) A landscape plan must be submitted to the building official with any application for a building permit in connection with the creation or expansion of this use. The point values and standards contained in Section 51A-10.107 of this chapter apply to the building official's review of the landscape plan required for this use. The landscape plan must show at least 20 points of landscaping located between the required screening and the perimeter of the lot. The requirements contained in Article X of this chapter related to acceptable landscape materials, soil requirements, protection of landscape areas, irrigation requirements, completion, and maintenance apply to this use.

(vii) A minimum distance of 500 feet is required between this use and a single family, duplex, townhouse, clustered housing, multifamily, or manufactured home district.

(viii) This use must comply with all applicable licensing requirements.

(ix) Paving surface requirements may be provided in an ordinance granting or amending a specific use permit or a planned development district. Otherwise, the paving surface requirements contained in Subsection 51A-4.301(d)(3.1) apply.

(x) Vehicles being displayed must be parked on site.

(15) Warehouse.

(A) Definition: A facility for the inside storage and distribution of items.

(B) Districts permitted: By right in CS, industrial, and central area districts. RAR required in CS and industrial districts.

~~(C) Required off-street parking: One space per 1,000 square feet of floor area up to 20,000 square feet, and one space per 4,000 square feet of floor area over 20,000 square feet.~~

(C) Required off-street parking: None.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Retail sales are permitted as part of the warehouse use if the sales are conducted in compliance with the following subparagraphs:

(aa) Up to 100 percent of the total warehouse floor area may be devoted to retail sales activities during an occasional warehouse sale. No more than six occasional warehouse sales may be conducted during any 12 month period. Each

occasional warehouse sale must be limited in duration to no more than three consecutive calendar days.

(bb) Retail sales are permitted at all times as part of the warehouse use when the retail sales area does not exceed 10 percent of the total warehouse floor area. (Ord. Nos. 19455; 19786; 20363; 20380; 20493; 20806; 20928; 20950; 21001; 21289; 21663; 21697; 24792; 27314; 28803; 29208; 29917; 30890; 33112)

SECS. 51A-4.214 THRU 51A-4.216. RESERVED. (Ord. 19455)

SEC. 51A-4.217. ACCESSORY USES.

(a) General provisions.

(1) An accessory use must be a use customarily incidental to a main use. A use listed in Sections 51A-4.201 through 51A-4.216 may be an accessory use if the building official determines that the use is customarily incidental to a main use and otherwise complies with this section. Except as otherwise provided in this article, an accessory use must comply with all regulations applicable to the main use.

(2) Except as otherwise provided in this article, an accessory use must be located on the same lot as the main use.

(3) Except as otherwise provided in this article, accessory uses listed in Subsection (b) or in Sections 51A-4.201 through 51A-5.216 are subject to the following area restrictions: If the use is conducted outside, it may not occupy more than five percent of the area of the lot containing the main use. If the use is conducted inside, it may not occupy more than five percent of the floor area of the main use. Any use which exceeds these area restrictions is considered to be a separate main use.

(4) Except as otherwise provided in Subsection (b), an accessory use is permitted in any district in which the main use is permitted.

(5) Except as provided in this paragraph, an alcohol related establishment that is customarily incidental to a main use, such as an alcohol related establishment within a hotel, restaurant, or general merchandise store, is not limited to the five percent area restriction in Section 51A-4.217(a)(3), and will be considered as part of the main use when determining the gross revenue derived by the establishment from the sale of alcoholic beverages for on-premise consumption. Accessory microbrewery, micro-distillery, or winery uses and accessory alcoholic beverage manufacturing uses may not occupy more than 40 percent of the total floor area of the main use. Any use that exceeds these area restrictions is considered a separate main use.

(b) Specific accessory uses. The following accessory uses are subject to the general provisions in Subsection (a) and the regulations and restrictions outlined below:

(1) Accessory community center (private).

(A) Definition: An integral part of a residential project or community unit development that is under the management and unified control of the operators of the project or development, and that is used by the residents of the project or development for a place of meeting, recreation, or social activity.

(B) District restrictions:

(i) This accessory use is not permitted in A(A), office, retail, CS, industrial, multiple commercial, and P(A) districts.

(ii) An SUP is required for this accessory use in single family, duplex, townhouse, CH, and urban corridor districts.

~~(C) Required off-street parking:~~

~~(i) Except as provided in this subparagraph, one space for each 100 square feet of floor area.~~

~~(ii) No off-street parking is required if this use is accessory to a multifamily use and is used primarily by residents.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A private community center may not be operated as a place of public meetings or as a business.

(ii) The operation of a private community center must not create noise, odor or similar conditions beyond the property line of the project or development site.

(iii) A liquor permit may not be issued for a private community center.

(iv) This accessory use need not be located on the same lot as the main use.

(v) The area restrictions in Subsection (a)(3) do not apply to this use.

(1.1) Accessory electric vehicle charging station.

(A) Definition: A facility that provides electric vehicle supply equipment (EVSE) on a site with a main use other than a commercial parking lot or garage use or commercial motor vehicle parking use.

(B) District restrictions: Residential and nonresidential districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Any amount of parking for a main use on the property may be electric vehicle charging spaces. The area restrictions in Subsection (a)(3) do not apply to this use.

(ii) If this accessory use is located in a residential district, it may not have a sign advertising its services.

(iii) Charging equipment may not obstruct a required off-street parking space. A charging cord may not cross over a sidewalk or pedestrian walkway.

(iv) When six feet or less in height, structures and equipment associated with this use may be located where an off-street parking space is allowed.

(2) Accessory game court (private).

(A) Definition: A game court for engaging in tennis, handball, racquetball, or similar physical activities.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

~~(C) Required off-street parking: Three spaces for each game court. No off-street parking is required for a game court accessory to a single family or duplex use.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This accessory use may occupy up to 50 percent of the area of the lot containing the main use.

(3) Accessory helistop.

(A) Definition: A landing pad for occasional use by rotary wing aircraft.

(B) District restrictions:

(i) This accessory use is not permitted in single family, duplex, townhouse, CH, MH(A), NO(A), LO(A), NS(A), P(A), and urban corridor districts.

(ii) An SUP is required for this accessory use in A(A), multifamily, MO(A), CR, RR, CS, LI, central area, MU-1, MU-1(SAH), MU-2, MU–2(SAH), and multiple commercial districts.

~~(C) Required off-street parking: None for the first 1,000 square feet of sales area; one space for each additional 500 square feet of sales area.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(6) Accessory outside storage.

(A) Definitions:

(i) ACCESSORY OUTSIDE STORAGE means the outside placement of an item for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed, or that is located on an unenclosed porch of a building.

(ii) BOOK EXCHANGE STRUCTURE means an enclosed structure that holds books or other literary materials to be shared or exchanged in a pedestrian accessible location constructed and maintained by the owner of the property.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off street parking: None.

(D) Required off street loading: None.

(E) Additional provisions:

(i) Accessory outside storage is not permitted unless the item is:

(aa) customarily used or stored outside; or

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) Accessory outside storage is not permitted in the area between any street and the main building and extending across the width of the lot or tract, or on a front porch of a residential building, unless it is:

(aa) an operable motor vehicle with valid state registration parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter and is not an oversized motor vehicle;

(bb) a boat, trailer that is not an oversized trailer, or recreational vehicle, that is parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, and the item cannot reasonably be placed in an outside area behind the street-facing building facade;

(cc) landscaping, or an ornamental structure, including, but not limited to a birdbath, plant container, or statuette, placed outside for landscaping purposes;

(dd) lawn furniture or a book exchange structure made of a material that is resistant to damage or deterioration from exposure to the outside environment;

(ee) located on a front porch and not visible from the street; or

(ff) a vehicle displaying a registration insignia or identification card issued by the state to a permanently or temporarily disabled person for purposes of Section 681.006 of the Texas Transportation Code.

(iii) A person shall not use more than five percent of the lot area of a premise for accessory outside storage. The area occupied by an operable motor vehicle with valid state registration is not counted when calculating the area occupied by accessory outside storage. Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot.

(ff) involve more than 3 people on the premises at one time, other than residents of the premises;

(gg) generate loud and raucous noise that renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort;

(hh) sell or offer products of the home occupation at or on the premises;

(ii) generate vehicular traffic that unreasonably disrupts the surrounding residents' peaceful enjoyment of the neighborhood; or

(jj) generate parking congestion that unreasonably reduces the availability of on-street parking spaces on surrounding streets.

(ii) A home occupation may not occupy more than 25 percent or 400 square feet of the total floor area of the main structure, whichever is less. This area restriction controls over the area restriction of Subsection (a)(3).

(8.1) Live unit.

(A) Definition: A dwelling unit accessory to any nonresidential use allowed in that district.

(B) Districts restrictions: This accessory use is not permitted in A(A), R-1ac(A), R-1/2ac(A), R-16(A), R-13(A), R-10(A), R-7.5(A), R-5(A), D(A), TH-1(A), TH-2(A), TH-3(A), CH, MF-1(A), MF-2(A), MH(A), CA-1(A), CA-2(A), MU-1, P(A), CS, and IM districts.

~~(C) Required off-street parking: One additional space is required for the accessory use in excess of the required off-street parking for the floor area of the nonresidential use.~~

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Floor area: Except as otherwise provided in the use regulations, the maximum floor area for the dwelling unit shall not exceed the total square feet of the main use. This floor area restriction controls over the floor area restrictions in Section 51A-4.217(a)(3).

(F) Additional provisions:

(i) Units cannot be sold separately by metes and bounds.

(ii) One live unit allowed per lot.

(iii) Live unit can be attached or detached from the nonresidential use.

(iv) Rented live units must be registered with the city's single family rental program.

(9) Occasional sales (garage sales).

(A) Definition: The sale of tangible personal property at retail by a person who is not in the business or does not hold himself or herself out to be in the business of selling tangible personal property at retail.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A person shall sell tangible personal property only on the premises of the owner or lessee of the premises where the sale is conducted, and the owner or lessee must be the legal owner of the tangible personal property at the time of the sale.

(ii) The sale must be inside the building or garage, or on an approved surface as described in Section 51A-4.301(d)(4).

(11) Swimming pool (private).

(A) Definition: A swimming pool constructed for the exclusive use of the residents of a residential use.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No private swimming pool may be operated as a business, except that private swimming lessons may be given under the home occupation use.

(ii) No private swimming pool may be maintained in such a manner as to be hazardous or obnoxious to adjacent property owners.

(iii) No private swimming pool may be constructed in the required front yard. However, a private swimming pool may be located within the required side or rear yard if it meets the requirements of Section 51A-4.217(a).

(iv) A private swimming pool must be surrounded by a fence.

(v) The area restrictions in Subsection (a)(3) do not apply to this use.

(11.1) Temporary inclement weather shelter.

(A) Definition: A facility that offers shelter during times of inclement weather in compliance with Chapter 45.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must comply with the regulations in Chapter 45.

(ii) This use may only operate in conjunction with a valid certificate of occupancy for a permitted main use. This use is not allowed in conjunction with single family, duplex, townhouse, or handicapped group dwelling unit.

~~(iii) Except at the Kay Bailey Hutchison Convention Center and other city-owned and city-leased facilities, this accessory use may not operate within 0.5 mile of the central business district. The Office of Homeless Solutions and the Office of Emergency Management and Crisis Response shall brief a city council committee on this provision by May 24, 2025.~~

(iii) Except at the Kay Bailey Hutchison Convention Center and other city-owned and city-leased facilities, this accessory use may not operate within 0.5 mile of the central business district. The Office of Housing and Community Empowerment and the Office of Emergency Management and Crisis Response shall brief a city council committee on this provision by May 24, 2025.

(iv) The area restrictions in Subsection (a)(3) do not apply to this use.

(12) Pedestrian skybridges.

(A) Definition: Use of a structure constructed above grade primarily to allow pedestrians to cross a city right-of-way. A pedestrian skybridge use does not include use of a structure constructed primarily for automobiles.

(B) Purpose. The purpose of this section is to promote the health, safety, and general welfare of persons and property within the city by providing for the structural integrity of pedestrian skybridges over public right-of-ways; preventing visual obstruction of public right-of-ways and urban landscapes; facilitating the flow of traffic; encouraging use of public skybridges by pedestrians through well designed additions to the existing pedestrian system; minimizing the negative impact of pedestrian skybridges on adjoining properties, communication and utility company facilities, and public street

(vi) The pedestrian skybridge should be designed so as to coordinate with the adjoining structures to the extent possible. Where coordination is not possible, the pedestrian skybridge should be of a neutral color, such as brown or grey.

(vii) At least 70 percent of the side walls should be open, or glass or transparent material with a light transmission of not less than 36 percent and a luminous reflectance of not more than six percent. "Light transmission" means the ratio of the amount of total light to pass through the material to the amount of total light falling on the material and any glazing. "Luminous reflectance" means the ratio of the amount of total light that is reflected outward by a material to the amount of total light falling on the material.

(H) Waiver. The city council may, by a three-fourths vote, grant a waiver to the pedestrian skybridge standards contained in this paragraph if the council finds that:

(i) strict compliance with the requirements will unreasonably burden the use of either of the properties;

(ii) the waiver will not adversely affect neighboring property;

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

(iv) the waiver will not be contrary to the public health, safety, or welfare.

(I) Compliance regulations. Pedestrian skybridge uses are not subject to the compliance regulations contained in Section 51A-4.704. (Ord. Nos. 19455; 19786; 20411; 20478; 20845; 21001; 21002; 21289; 21454; 21663; 21735; 22004; 22204; 22392; 23012; 23031; 23258; 24205; 24718; 24843; 24899; 24915; 26334; 26746; 28021; 28700; 28737; 28803; 29024; 30257; 30894; 31041; 31607; 31705; 32441; 32465; 32659; 32864; 32907; 33112; 33233)

SEC. 51A-4.218. LIMITED USES.

(a) A limited use must be contained entirely within a building and be primarily for the service of the occupants of the building.

(b) A limited use may not have a floor area that in combination with the floor areas of other limited uses in the building exceeds 10 percent of the floor area of the building.

(c) A limited use must:

(1) have no exterior public entrance except through the general building entrances; and

(2) have no exterior advertising signs on the same lot. (Ord. 19455)

SEC. 51A-4.219. SPECIFIC USE PERMIT (SUP).

(a) General provisions.

(1) The SUP provides a means for developing certain uses in a manner in which the specific use will be compatible with adjacent property and consistent with the character of the neighborhood.

(2) The use regulations for each use in Division 51A-4.200 state whether an SUP is required for a use to be permitted in a zoning district. The SUP requirement for a use in a district does not constitute an authorization or an assurance that the use will be permitted. Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate. Each SUP must be granted by the city council by separate ordinance.

(3) The city council shall not grant an SUP for a use except upon a finding that the use will:

(A) complement or be compatible with the surrounding uses and community facilities;

(B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties;

(C) not be detrimental to the public health, safety, or general welfare; and

(D) conform in all other respects to all zoning regulations and standards.

(4) The granting of an SUP has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.

(5) The city council may impose reasonable conditions upon the granting of an SUP consistent with the purposes stated in this chapter.

(6) The applicant shall post the SUP ordinance in a conspicuous place on the property, except where a use has no interior building space (for example, a private street or alley use). The applicant shall post the SUP ordinance by June 1, 2006.

(7) An ordinance granting a specific use permit may increase the number of required parking spaces if needed to make the use more compatible with the surrounding area.

(b) Specific use permit procedure.

(1) An applicant for an SUP shall comply with the zoning amendment procedure for a change in zoning district classification. Each SUP ordinance is incorporated by reference into this chapter.

(2) At the time of applying for an SUP, the applicant shall submit:

(A) a site plan that includes:

(i) the dimensions, bearings, and street frontage of the property;

(ii) the location of buildings, structures, and uses;

(iii) the method of ingress and egress;

(iv) off-street parking and loading arrangements;

(v) screening, lighting, and landscaping, if appropriate;

(vi) the locations, calipers, and names (both common and scientific) of all trees near proposed construction activity (trees in close proximity that all have a caliper of less than eight inches may be designated as a "group of trees" with only the number noted); and

(vii) any other information the director determines necessary for a complete review of the proposed development; and

(B) a traffic impact analysis if the director determines that the analysis is necessary for a

(7) After the deadline for filing written protests has passed, the director shall review the conditions of the SUP and determine whether the conditions have been met. If the director determines that the conditions have not been met, he shall forward the application to the city plan commission and city council for further action.

(8) "Further action" as that term is used in Paragraphs (6) and (7) means that the director shall schedule the application for public hearings before both the city plan commission and the city council. Notice of the public hearings must be given as would be required by law for a change in zoning district classification. The city plan commission shall make a recommendation to the city council regarding the proposed renewal based on staff reports, field inspections, and the evidence presented at its public hearing.

(9) In connection with an application that has been forwarded to it by the director pursuant to Paragraph (6) or (7), the city council may:

(A) pass an amending ordinance to repeal the SUP's eligibility for automatic renewal, or to supplement, remove, or amend any of the conditions or other provisions in the SUP ordinance; or

(B) take no action and thereby allow the SUP to automatically renew as a matter of law.

(10) No renewal or expiration of an SUP may occur while the application is pending before the city plan commission or city council. If the application is pending at the end of the current time period stated in the SUP ordinance, the time period shall be extended as a matter of law until:

(A) the day following the next succeeding official agenda meeting of the city council after the council makes its final decision on the application; or

(B) if the council votes to pass an amending ordinance, until the effective date of the amending ordinance.

(11) The renewal of an SUP eligible for automatic renewal occurs as a matter of law at the end of the current time period as stated in the SUP ordinance, or as extended pursuant to Paragraph (10). Unless otherwise specified in the SUP ordinance, an automatic renewal is for the same time period as the immediately preceding time period [excluding, if applicable, extensions pursuant to Paragraph (10)].

(12) An SUP that is automatically renewed pursuant to this subsection may continue to be automatically renewed in perpetuity so long as the owner or his representative continues to timely file the applications for automatic renewal required under Paragraph (1). Failure to timely file this application during any renewal period renders the SUP ineligible for further automatic renewal. The city council may, however, reinstate the SUP's eligibility for future automatic renewals as part of a new SUP ordinance or ordinance amendment.

(13) This subsection does not impair the ability of the city plan commission or city council to call a public hearing on its own motion for the purpose of passing an amending ordinance to repeal an SUP's eligibility for automatic renewal, or to supplement, remove, or amend any of the conditions or other provisions in an SUP ordinance. (Ord. Nos. 19455; 20132; 20496; 22053; 23997; 26270; 26730; 33112)

SEC. 51A-4.220. CLASSIFICATION OF NEW USES.

(a) Initiation.

(1) A person, the commission, or the city council may propose zoning amendments to regulate new and previously unlisted uses.

(2) A person requesting the addition of a new use shall submit to the director all information necessary for the classification of the use, including, but not limited to:

(A) the nature of the use and whether the use involves dwelling activity, sales, or processing;

(B) the type of product sold or produced under the use;

(C) whether the use has enclosed or open storage and the amount and nature of the storage;

(d) Always a main use. A use being operated as a sexually oriented business shall at all times be considered a separate main use, and cannot be an accessory use within the meaning of Section 51A–4.217. (Ord. Nos. 24438; 24696; 26513; 27404; 27495; 27790)

Division 51A-4.300. Off-Street Parking and Loading Regulations.

SEC. 51A-4.301. OFF-STREET PARKING REGULATIONS.

~~(a) General provisions.~~

~~(1) Off-street parking is an accessory use and is subject to Section 51A-4.217(a).~~

~~(2) In any district except a central area district, the off-street parking requirements for each use are listed by use in Sections 51A-4.201 through 51A-4.217.~~

~~(3) When a lot is used for a combination of uses, the off-street parking requirements are the sum of the requirements for each use, and no off-street parking space for one use is included in the calculation of off-street parking requirements for any other use, except as otherwise provided in this division or in Division 51A-4.320.~~

~~(4) For purposes of determining required off-street parking, site area, as defined in Section 51A-2.102, does not include that area occupied by off-street parking, landscaped areas, and open space not used for storage or sales.~~

~~(4.1) For purposes of determining required off-street parking, floor area does not include the area of a building used exclusively to provide bicycle parking spaces.~~

~~(5) In determining the required number of parking spaces, fractional spaces are counted to the nearest whole number, with one-half counted as an additional space.~~

~~(6) No parking space located on a public street or alley may be included in the calculation of off-street parking requirements.~~

~~(7) Except for residential uses, head-in parking adjacent to a public street where the maneuvering of the vehicle in parking or leaving the parking space is done on a public street is excluded in computing off-street parking requirements.~~

~~(8) In all districts except a central area district, required off-street parking must be available as free parking or contract parking on other than an hourly or daily fee basis. This requirement does not apply to institutional uses or mechanized parking approved under Division 51A-4.340.~~

~~(9) A parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from the street or alley. This provision controls over any building line platted to a lesser setback and any other provision of this article.~~

~~(10) Except as specifically permitted in this article, all off-street parking must be provided on the lot occupied by the main use.~~

~~(11) The board of adjustment may not authorize the placement of special parking, as defined in Division 51A-4.320, in a residential district.~~

~~(12) Off-street parking may be provided in a parking district in accordance with Section 51A-4.302.~~

~~(13) In an agricultural, multifamily, MH(A), or nonresidential district, a person shall not construct or maintain a parking lot or garage that has access to a public alley or access easement that abuts or is in an R, R(A), D, D(A), TH, TH(A), or CH district unless the director approves the means of access.~~

~~(14) Off-street parking is not permitted in a visibility triangle as defined in Section 51A-4.602.~~

(a) General provisions.

(1) Parking as an accessory use. Off-street parking is an accessory use and is subject to Section 51A-4.217(a).

(2) Minimum parking requirements.

(A) Except as provided in subparagraph (B), the parking requirements in Division 51A-4.200 are summarized in the following table. If there is a conflict between the table and a parking requirement in Division 51A-4.200, the parking requirement listed in Division 51A-4.200 controls.

Table 1.0.1 General Parking Requirements		
51A-4.201 Agricultural uses		None for any use.
51A-4.202 Commercial and business service uses		See Table 1.1
51A-4.203 Industrial uses		
51A-4.204 Institutional uses		**When not listed, no parking is required.**
4	Church	When in MD-1, see Table 1.2; otherwise, ≤ 20,000 SF: none. > 20,000 SF: 1 space per four fixed seats (18" is one seat). > 20,000 SF: 1 space per 28 SF of seating area in the sanctuary or auditorium.
17	Public or private school	9-12th grades: 9.5 spaces per classroom; Otherwise: none.
51A-4.205 Lodging uses		None for any use.
51A-4.206 Miscellaneous uses		None for any use.
51A-4.207 Office uses		When in MD-1, see Table 1.2; Otherwise, none.
51A-4.208 Recreation uses		None for any use.
51A-4.209(b) Residential uses		When not listed, no parking is required.
2	Duplex	D and TH districts: 1 space per unit; Otherwise: None
5	Multifamily	≤20 units: None 21 to 199 units: 0.5 space per dwelling unit ≥200 units: 1 space per dwelling unit Guest parking: 20-99 units: 10 % of required parking spaces ≥100 units: 15 % of required parking spaces All guest parking must be marked for use by guests and clearly marked at the driveway entrance or walking gate.
6	Single-family	R, D, and TH districts: 1; Otherwise: None

Table 1.0.2 General Parking Requirements		
51A-4.210(b) Retail and personal service uses		**When not listed, no parking is required.**
3	Auto service center	When in MD-1, see Table 1.2.2; otherwise, none.
4	Alcoholic beverage establishments	When in MD-1, see Table 1.2.2; otherwise, 1 space per 200 SF used for retail sales and seating. No parking is required for a building ≤2,500 SF.
7	Commercial amusement (inside)	When in MD-1, see Table 1.2.2; otherwise, Bowling alley: 1 space per 200 SF of lane area. Motor track: 1 space per 200 SF Other types: 1 space per 200 SF
8	Commercial amusement (outside)	When in MD-1, see Table 1.2.2; otherwise, 1 space per 200 SF.
9	Convenience store with drive-through	When in MD-1, see Table 1.2.2; otherwise, none.
11	Dry cleaning or laundry store	
12	Furniture store.	
13	Gen. merch. or food store ≤3,500 SF	
14	Gen. merch. or food store >3,500 SF	
17	Liquor store	
18	Mortuary, funeral home, or commercial wedding chapel	
19	Motor vehicle fueling station	
20	Nursery, garden shop, or plant sales	
21	Outside sales	
21	Paraphernalia shop	
22	Pawn shop	
23	Personal service use	
24	Restaurant without drive-through or drive-in service	When in MD-1, see Table 1.2.2; otherwise, No parking is required for the first 2,500 SF; 1 space per 200 SF for floor area >2,500 SF.
25	Restaurant with drive-through or drive-in service	
27	Swap or buy shop	When in MD-1, see Table 1.2.2; otherwise, none.
29	Temporary retail use	
30	Theater	
31	Vehicle display, sales, and service.	
51A-4.211 Transportation uses		No minimum off-street parking requirements for any use in these categories.
51A-4.212 Utility and Public Service uses		
51A-4.213 Wholesale, Distribution, and Storage uses		
51A-4.217(b) Accessory uses		

Table 1.1 Certain Uses Contiguous to R Districts with a Single Family Use		
Except as provided in Section 51A-4.301(a)(2)(B), when the use is contiguous to a single family district with a single family or handicapped group dwelling unit use, the minimum off-street parking requirements below may apply. Otherwise, no minimum off-street parking requirement. If there is a conflict between this table and a parking requirement in Division 51A-4.200, the parking requirement listed in Division 51A-4.200 controls.		
51A-4.202 Commercial and business service uses		**Min. Off-Street Parking Req.**
1	Building repair and maintenance shop	1 space per 500 SF
2	Bus or rail transit vehicle maintenance or storage facility	
3	Catering service	
4	Commercial cleaning or laundry plant	
5	Custom business service	
6	Custom woodworking, furniture construction, or repair	
7	Electronics service center	
8	Job or lithographic printing	1 space per 600 SF
8.1	Labor hall	1 space per 500 SF
9	Machine or welding shop	
10	Machinery, heavy equipment, or truck sales and service	1 space per 1,000 SF
11	Medical or scientific laboratory	1 space per 500 SF
12	Technical school	
13	Tool or equipment rental	
14	Vehicle or engine repair or maintenance	
51A-4.203(b) Industrial uses		**Min. Off-Street Parking Req.**
0	Alcoholic beverage manufacturing	Retail sales & seating: 1 space per 200 SF, regardless if contiguous to single family
1	Industrial (inside)	1 space per 600 SF
1.1	Industrial (inside) for light manufacturing	
2	Industrial (outside)	
2.1	Medical/infection waste incinerator	1 space per 1,000 SF
3	Metal salvage facility	5 spaces minimum
3.1	Mining	None.
3.2	Gas drilling and production	
3.3	Gas pipeline compressor station	5 spaces minimum
4	Municipal waste incinerator	1 space per 1,000 SF
4.1	Organic compost recycling facility	1 space per 500 SF
5	Outside salvage or reclamation	5 spaces minimum
5.1	Pathological waste incinerator	1 space per 1,000 SF
6	Temporary concrete or asphalt batching plant	2 spaces minimum

Table 1.2.1 MD-1 Overlay Requirements		
The minimum off-street parking requirements summarized in the table below apply to the following uses when located within the MD-1 Overlay in existence since May 14, 2025. If there is a conflict between this table and a parking requirement in Division 51A-4.200, the parking requirement listed in Division 51A-4.200 controls.		
Use		**Minimum Off-Street Parking Requirement**
51A-4.204 Institutional uses		
4	Church	<5,000 SF and is located in a shopping center > 20,000 SF in floor area, 1 space per 333 SF. Otherwise, 1 space per four fixed seats (18 inches of linear fixed seat equals one seat) or 1 space per 28 SF of seating area in the sanctuary or auditorium.
51A-4.205 Lodging uses		
1	Hotel or motel	≤ 250 rooms: 1 space for each room 251 to 500 rooms: 3/4 space for each room >500 rooms: 1/2 space for each rooms; Meeting rooms: 1 space per 200 SF
51A-4.207 Office uses		
2	Financial institution without drive-in window	1 space per 333 SF
3	Financial institution with drive-in window	1 space per 333 SF
4	Medical clinic or ambulatory surgical center	1 space per 200 SF
5	Office	1 space per 333 SF
51A-4.210(b) Retail and personal service uses		See next pages.

Table 1.2.2 MD-1 Overlay Requirements		
The minimum off-street parking requirements summarized in the table below apply to the following uses when located within the MD-1 Overlay in existence since May 14, 2025. If there is a conflict between this table and a parking requirement in Division 51A-4.201, the parking requirement listed in Division 51A-4.201 controls.		
51A-4.210(b) Retail and personal service uses		**Minimum Off-Street Parking Requirement**
3	Auto service center	1 space per 500 SF; a minimum of 4 spaces is required. Parking spaces that are used to repair motor vehicles and located in a structure are not counted in determining the required parking.
4	Alcoholic beverage establishments	Bar, lounge, or tavern and private club-bar: Areas used for the manufacture of alcoholic beverages as an accessory use: 1 space per 500 SF Other: 1 space per 100 SF Microbrewery, micro-distillery, or winery: Storage: 1 space per 1,000 SF used for storage Retail sales and seating: 1 space per 100 SF Other: 1 space per 600 SF
7	Commercial amusement (inside)	Bingo parlor: 1 space per 50 SF. Bowling alley: 6 spaces per lane. Children's amusement center: 1 space per 200 SF. Dance hall: 1 space per 25 SF of dance floor and 1 space per 100 SF for the remainder of the use. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet this off-street parking requirement. No special exception may be granted to the parking requirements. Motor track: 1 space per 1,000 SF of restricted track area and 1 space per additional 200 SF. Skating rink: 1 space per 200 SF. Other uses: If an SUP is required for this use, the off-street parking requirements may be established in the ordinance granting the SUP, otherwise 1 space per 100 SF.
8	Commercial amusement (outside)	If an SUP is required for this use, the off-street parking requirement may be established by the ordinance granting the SUP, otherwise 1 space per 200 SF, plus 1 space per 400 SF of site area exclusive of parking area.
9.1	Convenience store with drive-through	1 space per 200 SF
11	Dry cleaning or laundry store	1 space per 200 SF
12	Furniture store.	Floor area open to the public: 1 space per 500 SF Storage or warehouse areas not open to the public: 1 space per 1,000 SF
13	Gen. merch.or food store ≤ 3,500 SF	1 space per 200 SF
14	Gen. merch. or food store > 3,500 SF	< 10,000 SF: 1 space per 200 SF 10,000 to 40,000 SF: 1 space per 220 SF 40,000 SF to 100,000 SF: 1 space per 250 SF
17	Liquor store	1 space per 200 SF
18	Mortuary, funeral home, or commercial wedding chapel	If any tandem spaces are provided, 1 space per 300 feet of floor area other than the chapel, plus one space for each two seats in the chapel. Maximum 50 percent of the required off-street parking for this use may be tandem spaces. If no tandem spaces are provided, 1 space per 500 feet of floor area other than the chapel, plus one space for each two seats in the chapel.
19	Motor vehicle fueling station	2 spaces
20	Nursery, garden shop, or plant sales	1 space per 500 square feet of floor area, plus one space per 2,000 square feet of outside sales and display area
21.1	Paraphernalia shop	1 space per 200 SF
22	Pawn shop	1 space per 200 SF
23	Personal service use	1 space per 200 SF
24	Restaurant without drive-through or drive-in service	As a main use: except as otherwise provided, 1 space per 100 SF. As a limited or accessory use: except as otherwise provided, 1 space per 200 SF. Area used for the manufacture of alcoholic beverages as an accessory use to the restaurant without drive-in or drive-through service use: 1 space per 500 SF.
25	Restaurant with drive-through or drive-in service	Except as otherwise provided, 1 space per 100 SF Areas used for the manufacture of alcoholic beverages as an accessory use: 1 space per 500 SF
27	Swap or buy shop	1 space per 200 SF
29	Temporary retail use	1 space per 500 SF
30	Theater	1 space per 28 SF of seating area

31	Vehicle display, sales, and service.	1 space per 500 SF of floor and site area exclusive of parking area.

(B) Except when located within the MD-1 Overlay in existence since May 14, 2025, no parking is required for any use if any portion of the lot or established building site containing the use is:

(i) within 2,640 feet of a light rail or streetcar station;

(ii) in a central area district; or

(iii) located on a property designated as a recorded Texas historic landmark, state antiquities landmark, national historic landmark, national register district, or in a local historic district or landmark.

(C) New nonresidential developments that do not provide on-site parking must meet one of the following requirements:

(i) A minimum of one accessible parking space must be provided either on site or within 200 feet of the closest accessible-compliant entrance of the structure. If accessible parking is provided off-site, the property owner must submit a parking agreement that complies with the requirements of Division 51A-4.320 and identifies a corresponding accessible route to the structure's nearest compliant accessible entrance.

(ii) An accessible arrival/drop off point with an accessible route to the structure's nearest compliant accessible entrance may be approved by the building official if no accessible parking spaces are available within 200 feet of the structure.

(3) Calculating required parking. In any district except a central area district, the off-street parking requirements for each use are listed by use in Sections 51A-4.201 through 51A-4.217. For the purposes of determining required parking:

(A) When a lot is used for a combination of uses, the off-street parking requirements are the sum of the requirements for each use, and no off-street parking space for one use is included in the calculation of off-street parking requirements for any other use, except as otherwise provided in this division or in Division 51A-4.320;

(B) Site area, as defined in Section 51A-2.102, does not include that area occupied by off-street parking, landscaped areas, and open space not used for storage or sales;

(C) Floor area does not include the area of a building used exclusively to provide bicycle parking spaces;

(D) Fractional spaces are counted to the nearest whole number, with one-half counted as an additional space.

(4) Location of parking on a lot or established building site.

(A) Except as specifically permitted in this article, all off-street parking must be provided on the lot occupied by the main use or in a parking P(A) district in accordance with Section 51A-4.302.

(B) A parking space must be at least 20 feet from the right-of-way line adjacent to a street if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street. This provision controls over any building line platted to a lesser setback and any other provision of this article.

(C) Off-street parking is not permitted in a visibility triangle as defined in Section 51A-4.602.

(D) The board of adjustment may not authorize the placement of special parking, as defined in Division 51A-4.320, in a residential district.

(E) In nonresidential districts, any off-street parking may extend to the front property line.

(F) Off-street parking provisions for residential districts.

(i) In residential districts, any off-street parking for nonresidential uses must comply with the minimum front yard requirements of Section 51A-4.401.

(ii) In residential districts, except an MF-3(A) or MF-4(A) district, required off-street parking for residential uses must be located behind a required front building line.

(iii) In an MF-1(A), MF-1(SAH), MF-2(A), or MF-2(SAH) district, no required or excess parking may be placed in the required front yard.

(iv) In an MF-3(A) or MF-4(A) district, any off-street parking for residential uses may extend to the front property line.

(v) Except for mechanized parking approved under Division 51A-4.340, in single

family, duplex, townhouse, and CH districts, off-street parking must be provided at or below ground level.

(5) Design of parking.

(A) In general. Parking lots and structures must be designed to prioritize pedestrian safety, convenience, and connection to the existing public pedestrian network and pedestrian generators, including transit stops and nearby residential properties and neighborhoods.

(B) Pedestrian pathways in surface parking lots.

(i) A parking lot with 50 parking spaces or more must provide at least one pedestrian walkway that connects the primary entrance of the building to the nearest public right-of-way.

(ii) When crossing a drive aisle, the pathway must be a contrasting color, material, or texture, and raised to the level of the sidewalk.

(C) Tree protection. All trees within four feet of a parking space or drive aisle must be protected from vehicular contact with concrete curbs, wheel stops, or other permanent barriers.

(D) Drainage. Water from parking areas may not drain onto or across the surface of a public sidewalk.

(6) Waiver and relief from parking location and design regulations.

(A) The director shall grant an administrative waiver to deviate from Paragraph (5) if the requirements cannot be met due to:

(i) the presence of street easements;

(ii) interference with service provided by a public utility or state regulated entity for the transmission of power, fuel, water, or communication services; and

(iii) an increase in danger to pedestrians, cyclists, or motorists resulting from strict adherence to the regulations.

(B) The board may grant a special exception to the provisions in Paragraph (5) if strict compliance is impractical due to site constraints that would result in a substantial hardship, provided that the hardship is not self-created and is not only financial.

(C) In determining whether to grant a deviation to Subparagraphs (4) or (5), the director or board shall consider whether the resulting development is consistent with the purpose of the development code and with the comprehensive plan.

(7) Bi-annual briefing. The director must present a briefing to the appropriate city council committee on the off-street parking and loading regulations in Chapters 51 and 51A every two years in odd-numbered years beginning in January 2027.

(8) Visibility triangle. Off-street parking is not permitted in a visibility triangle as defined in Section 51A-4.602.

~~(b) Off-street parking provisions for residential districts.~~

~~(1) In residential districts, any off-street parking for nonresidential uses must comply with the minimum front yard requirements of Section 51A-4.401.~~

~~(2) In residential districts except an MF-3(A) or MF-4(A) district, required off-street parking for residential uses must be located behind a required front building line.~~

~~(3) In an MF-1(A), MF-1(SAH), MF-2(A), or MF-2(SAH) district, no required or excess parking may be placed in the required front yard.~~

~~(4) In an MF-3(A) or MF-4(A) district, any off-street parking for residential uses may extend to the front property line.~~

~~(5) Except for mechanized parking approved under Division 51A-4.340, in single family, duplex, townhouse, and CH districts, off-street parking must be provided at or below ground level.~~

~~(c) Off-street parking provisions for nonresidential districts.~~

~~(1) In nonresidential districts, any off-street parking may extend to the front property line.~~

~~(2) thru (5) Reserved.~~

~~(6) In order to provide adequate off-street parking for large scale mixed use development projects, the following are excluded in the calculation~~

~~of off-street parking requirements:~~

~~(A) Ten percent of the required parking for the office use when that use totals in excess of 250,000 square feet in floor area and is developed on the same lot with a use qualifying for an exception under Subsections (c)(6)(B) or (C) of this section.~~

~~(B) Ten percent of the required parking for the hotel and motel use when that use totals in excess of 250 guest rooms and is developed on the same lot with a use qualifying for an exception under Subsections (c)(6)(A) or (C) of this section.~~

~~(C) Ten percent of the required parking for the retail and personal service uses, when those uses total in excess of 40,000 square feet in floor area and are developed on the same lot with a use qualifying for an exception under Subsections (c)(6)(A) or (B) of this section.~~

~~(D) Fifty percent of the required parking for the following uses when developed on the same lot with an office use with more than 250,000 square feet of floor area or a hotel or motel use with more than 250 guest rooms:~~

-- Bar, lounge, or tavern.
-- Carnival or circus (temporary)
-- Catering service.
-- Commercial amusement (inside).
-- Commercial amusement (outside).
-- Country club with private membership.
-- Drive-in theater.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.
-- Restaurant without drive-in service.
-- Restaurant with drive-in or drive- through service.
-- Theater.

(7) Retail mall parking.

(A) For purposes of this subsection:

(i) a "retail mall" is a building containing retail uses that occupy at least 400,000 square feet of gross floor area (excluding the pedestrian way). A retail mall may have additional uses; and

(ii) the term "recreation and entertainment uses" means the following uses:

-- Carnival or circus (temporary).
-- Commercial amusement (inside).
-- Commercial amusement (outside).
-- Country club with private membership.
-- Drive-in theater.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.
-- Theater.

(B) A retail mall is eligible for the parking requirement reduction in this subsection only if:

(i) all uses in the retail mall are physically attached to and have public access to an environmentally controlled pedestrian way; and

(ii) the floor area of the pedestrian way is at least seven percent of the gross floor area of the retail mall.

(C) The number of required off-street parking spaces for a retail mall is reduced as follows:

(i) 10 percent for all uses (including the pedestrian way), other than recreation and entertainment uses;

(ii) 50 percent for recreation and entertainment uses, other than theater uses, for floor area up to 10 percent of the gross floor area of the retail mall (including the pedestrian way); and

(iii) 50 percent for a theater use when the theater use is on the same building site as the retail mall and utilizes the same parking area as the retail mall.

(D) No reduction in required off-street parking spaces is allowed for that part of the gross floor area devoted to recreation and entertainment uses, other than theater uses, that is in excess of 10 percent of the gross floor area of the retail mall (including the pedestrian way).

(E) This subsection may not be used in conjunction with Section 51A-4.301(c)(6) to calculate a further reduction in the number of required off-street parking spaces for large scale mixed use development projects.

(b) Reserved.

(c) Reserved.

(d) Construction and maintenance provisions for off-street parking.

(1) Each off-street parking space must be provided in accordance with the following dimensional standards:

(A) A parking space parallel with the access lane must be 22 feet long and 8 feet wide. A one-way access lane must be at least 10 feet wide; a two-way access lane must be at least 20 feet wide.

(B) All other parking spaces must be provided in accordance with this section and the chart entitled "Parking Bay Widths" on page 271.

(C) The following restrictions apply to the use of 7.5 foot stalls to satisfy off-street parking requirements:

(i) 7.5-foot wide stalls must be double-striped and identified by pavement markings which indicate that the stalls are for small car parking.

(ii) 7.5-foot wide stalls may constitute no more than 35 percent of the required parking spaces for any use.

(2) For a use other than a single family, duplex, or vehicle storage lot use, each off-street parking space must be clearly and permanently identified by stripes, buttons, tiles, curbs, barriers, or another method approved by the building official.

(3) For a single family or duplex use, the surface of a parking space, maneuvering area for parking, or driveway must consist of an all-weather and drainable material which is approved by the building official, or a material specified in Subsection (d)(4).

(3.1) For a vehicle storage lot use, the surface of a parking space, maneuvering area for parking, or driveway must consist of an all weather material which allows delivery and release of vehicles in all weather conditions as approved by the director, unless paving surface requirements reasonably consistent with this paragraph and Subsection (d)(4) are provided in an ordinance granting or amending a specific use permit or a planned development district.

(4) For a use other than a single family, duplex, or vehicle storage lot use, the surface of an enclosed or unenclosed parking space, maneuvering area for parking, or a driveway which connects to a street or alley must be on a compacted sub-grade, and must consist of:

(A) concrete paving;

(B) hot mix asphalt paving which consists of a binder and surface course; or

(C) a material which has equivalent characteristics of Subsections (d)(4)(A) or (d)(4)(B) and has the approval of the building official.

(5) A person commits an offense if he stops, stands, parks, or maneuvers a motor vehicle on a lot, unless the vehicle is on a surface as required in Subsections (d)(3) and (d)(4). The registered owner of an unattended or unoccupied vehicle is presumed to be the person who illegally parked the motor vehicle. The records of the State Highway Department or the County Highway License Department showing the name of the person to whom the state highway license was issued is prima facie evidence of ownership by the named individual.

(5.1) A person commits an offense if he owns, occupies, or is in control of property on which a motor vehicle is maneuvered, stopped, stood, or parked, unless the vehicle is maneuvered, stopped, stood, or parked on a surface as required in Subsections (d)(3) and (d)(4).

(6) The owner of off-street parking for a use other than single family or duplex use shall:

(A) keep the maneuvering area and parking surface free of potholes;

(B) maintain wheelguards and barriers; and

(C) maintain non-permanent parking space markings such as paint, so that clear identification of each parking space is apparent.

~~(7) Off-street parking spaces for nonresidential uses and parking spaces along the perimeter of a commercial parking lot or garage must have wheel guards not less than 6 inches in height or other barriers approved by the building official. The wheel guard or barrier must be at least three feet from the screening and must be placed so that:~~

~~(A) no part of the automobile extends into the public sidewalk or adjoining property; and~~

~~(B) no part of the automobile contacts screening.~~

(7) Except for single family, handicapped group dwelling unit, and duplex uses, when off-street parking spaces or maneuvering areas abut a public sidewalk, pedestrian path, required landscaping, required screening or an adjoining property, wheel guards not less than six inches in height or other barriers approved by the building official are required. The wheel guard or barrier must be installed at least three feet from the above elements and must be placed so that no part of an automobile extends into or damages the required elements.

(8) All off-street parking spaces and areas must comply with the guidelines established in the Off-Street Parking Handbook. The director shall keep a true and correct copy of the Off-Street Parking Handbook on file in his office for public inspection and/or copying upon request.

PARKING WAY WIDTHS

PARKING ANGLE	7.5' STALL					
	AISLE		ONE ROW		TWO ROWS	
	ONE WAY	TWO WAY	ONE WAY	TWO WAY	ONE WAY	TWO WAY
30	12.0'	18.0'	26.5'	32.5'	41.0'	47.0'
40	12.0'	18.0'	28.0'	34.0'	44.0'	50.0'
50	12.0'	18.0'	29.1'	35.1'	46.2'	52.2'
60	14.0'	18.0'	31.6'	35.6'	49.2'	53.2'
70	15.0'	18.0'	32.6'	35.6'	50.2'	53.2'
80	18.0'	18.0'	35.1'	35.1'	52.2'	52.2'
90	18.0'	18.0'	34.0'	34.0'	50.0'	50.0'

PARKING ANGLE	8.5' STALL					
	AISLE		ONE ROW		TWO ROWS	
	ONE WAY	TWO WAY	ONE WAY	TWO WAY	ONE WAY	TWO WAY
30	11.1'	20.0'	27.5'	36.4	43.9'	52.8'
40	11.4'	20.0'	29.5'	38.1	47.6'	56.2'
50	12.7'	20.0'	32.0'	39.3	51.3'	58.6'
60	15.2'	20.0'	35.0'	39.8	54.8'	59.6'
70	18.2'	20.0'	38.0'	39.8	57.8'	59.6'
80	21.8'	21.8'	41.0'	41.0	60.2'	60.2'
90	24.0'	24.0'	42.0'	42.0	60.0'	60.0'

PARKING ANGLE	9.0' STALL					
	AISLE		ONE ROW		TWO ROWS	
	ONE WAY	TWO WAY	ONE WAY	TWO WAY	ONE WAY	TWO WAY
30	10.7'	20.0'	27.5'	36.8'	53.6'	53.6'
40	11.0'	20.0'	29.5'	38.1'	56.9'	56.9'
50	11.4'	20.0'	31.0'	39.6'	59.2'	59.2'
60	14.0'	20.0'	34.0'	40.0'	60.0'	60.0'
70	17.0'	20.0'	37.0'	40.0'	60.0'	60.0'
80	19.7'	20.0'	39.0'	39.3'	58.6'	58.6'
90	22.0'	22.0'	40.0'	40.0'	58.0'	58.0'

PARKING ANGLE	10.0' STALL

(h) Residential alley access restrictions for nonresidential uses.

(1) The following residential alley access restrictions are established in order to promote safety and protect the public from disturbances that interfere with the quiet enjoyment of residential properties. Between the hours of 10 p.m. and 7 a.m., no person may use a public alley or access easement that abuts or is in an R, R(A), D, D(A), TH, TH(A), or CH district for the purpose of delivering or receiving any goods or services to or from a nonresidential use in a nonresidential district. It is a defense to prosecution under this paragraph that the person is:

(A) a governmental entity;

(B) a communications or utility company, whether publicly or privately owned; or

(C) the operator of an authorized emergency vehicle as defined in Section 541.201 of the Texas Transportation Code.

(2) The board of adjustment may grant a special exception to the alley access restriction in Paragraph (1) if the board finds, based on evidence presented at a public hearing, that strict compliance with the restriction would result in the material and substantial impairment of access to the property as a whole. In determining whether access would be materially and substantially impaired, the board shall consider the following factors:

(A) The extent to which access to the restricted alley between the hours of 10 p.m. and 7 a.m. is essential to the normal operation of the use or uses to which the special exception would apply.

(B) The extent to which the property as a whole has reasonable access to other public streets, alleys, or access easements in addition to the restricted alley.

(C) The extent to which strict compliance with the alley access restriction will necessarily have the effect of substantially reducing the market value of the property.

(3) In granting a special exception under this subsection, the board shall:

(A) specify the use or uses to which the special exception applies; and

(B) establish a termination date for the special exception, which may not be later than five years after the date of the board's decision.

(4) In granting a special exception under this subsection, the board may:

(A) authorize alley access only during certain hours; or

(B) impose any other reasonable condition that would further the purpose and intent of the alley access restriction.

(5) Notwithstanding any of the above, a special exception granted by the board under this subsection for a particular use automatically and immediately terminates if and when that use is changed or discontinued. (Ord. Nos. 19455; 19786; 20361; 20383; 20884; 21200; 21209; 21210; 21290; 21658; 21663; 22053; 22026; 23013; 24843; 25047; 28073; 29128; 30893; 33112)

SEC. 51A-4.302. PARKING [P(A)] DISTRICT REGULATIONS.

(a) General provisions.

(1) The parking district must be either contiguous to or perpendicularly across an adjoining street or alley from a main use.

(2) The owner of a lot in a parking district contiguous to an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district shall provide and maintain a minimum front yard of ten feet.

(b) Procedures for establishing a parking district.

(1) The applicant for a parking district shall comply with the zoning amendment procedure for a change in a zoning district classification.

(2) At the time of applying for a change in zoning district classification, the applicant shall submit a site plan that includes:

(A) the dimensions, bearings, and street frontage of the property;

(B) the location of the parking spaces and the use the parking district serves;

(C) the method of ingress and egress;

(D) screening, lighting, and landscaping; and

(E) any other information the director determines necessary for a complete review of the proposed development. (Ord. 19455)

SEC. 51A-4.303. OFF-STREET LOADING REGULATIONS.

(a) Required off-street loading standards.

(1) The off-street loading requirements for each use are listed by use in Sections 51A-4.201 through 51A-4.217.

(2) Reserved.

(3) A structure containing more than one use must meet the loading requirements for the sum of the requirements for each use, except if one use occupies 90 percent or more of the floor area of the structure, the off-street loading requirement is calculated as if the use occupied the entire structure.

~~(b) Location and design standards.~~

~~(1) Except as specifically provided in this section, required off-street loading spaces must be provided on the same lot as the use served.~~

~~(2) The first required off-street loading space must be of the medium or large size and at least 40 percent of the required off-street loading spaces must be of the medium or large size except:~~

~~(A) for a single retail or personal service use in Chapter 51A over 60,000 square feet, or for a retail use in Chapter 51 over 60,000 square feet, the first 25 percent of the loading spaces must be of the large size, then 25 percent must be of the medium or large size; and~~

~~(B) for hotels and motels, one required off-street loading space must be of the large size, and at least 75 percent of the required spaces must be of the large or medium size.~~

~~(3) In determining the size of the required number of loading spaces in Subsection (b)(2) above, fractional spaces are counted to the nearest whole number, with one-half counted as an additional space.~~

~~(4) Each large size off-street loading space must have a width of not less than 11 feet, a length of not less than 55 feet, and a height of not less than 14 feet.~~

~~(5) Each medium size off-street loading space must have a width of not less than 11 feet, a length of not less than 35 feet, and a height of not less than 13 feet.~~

~~(6) Each small size off-street loading space must have a height of not less than 7.5 feet, and either a length of not less than 25 feet with a width of not less than 8 feet, or a length of not less than 20 feet with a width of not less than 10 feet.~~

~~(7) Ingress to and egress from required off-street loading spaces must have at least the same vertical height clearance as the off-street loading space.~~

~~(8) Each required off-street loading space must be designed with a reasonable means of vehicular access from the street or alley in a manner which will least interfere with traffic movement. Each off-street loading space must be independently accessible so that no loading space blocks another loading space. Trash removal facilities and other structures must not block a required loading space. The design of the ingress, egress, and maneuvering area must be approved by the director of development services.~~

~~(9) Off-street loading facilities for more than one building site may be provided in a common terminal if connections between the building and terminal are off-street.~~

~~(10) If a publicly owned off-street truck terminal presently exists, is under construction, or is funded for construction, the required off-street loading for a use that is located on a lot contiguous to or perpendicular across the street from the terminal must be provided in the publicly owned off-street truck terminal if the truck terminal is designed to accommodate the loading needs of the use, as determined by the director of facilities and real estate management.~~

~~(11) If a use is served by a publicly owned off-street truck terminal, the owner of that use shall provide an off-street connection to the truck terminal, and shall pay a rental fee, as determined by city council.~~

~~(12) In an office district in Chapter 51A, or an NO, LO, MO, or GO district in Chapter 51, off-street loading spaces may not be located in the required front yard.~~

~~(13) Main uses under 10,000 square feet in size may share a common off-street loading space provided that the space is located within a walking distance of 150 feet from an exit of each use that it serves. For purposes of this paragraph, "walking distance" is measured along the most convenient pedestrian walkway between the nearest point of the loading space and the exit of the use.~~

(b) Location and design standards.

(1) Except as specifically provided in this section, required off-street loading spaces must be provided on the same lot as the use served.

(2) Remote or shared off-street loading may be approved with a special loading agreement described in Section 51A-4.320.

(3) In all districts except CS and industrial districts in Chapter 51A, or HC or industrial districts in Chapter 51, off-street loading and unloading activity is prohibited in one required front yard.

(4) The first required off-street loading space for any use except multifamily, hotel or motel, or extended stay hotel or motel must have a width of not less than 11 feet, a length of not less than 35 feet, and a height of not less than 14 feet.

(5) Ingress to and egress from required off-street loading spaces must have at least the same vertical height clearance as the off-street loading space.

(6) Each required off-street loading space must be designed with a reasonable means of vehicular access from the street or alley in a manner which will least interfere with public use of dedicated rights-of-way. Each off-street loading space must be independently accessible so that no loading space blocks another loading space. Trash removal facilities and other structures must not block a required loading space. The design of the ingress, egress, and maneuvering area must be approved by the director of development services.

(7) If a publicly owned off-street truck terminal presently exists, is under construction, or is funded for construction, the required off-street loading for a use that is located on a lot contiguous to or perpendicular across the street from the terminal must be provided in the publicly owned off-street truck terminal if the truck terminal is designed to accommodate the loading needs of the use, as determined by the director of building services.

(8) If a use is served by a publicly owned off-street truck terminal, the owner of that use shall provide an off-street connection to the truck terminal, and shall pay a rental fee, as determined by city council.

(9) Main uses under 10,000 square feet in size may share a common off-street loading space provided that the space is located within a walking distance of 150 feet from an exit of each use that it serves. For purposes of this paragraph, "walking distance" is measured along the most convenient pedestrian walkway between the nearest point of the loading space and the exit of the use.

(c) and (d) Reserved. (Ord. Nos. 19455; 19786; 19807; 25047; 27404; 32789; 33112)

SEC. 51A-4.304. OFF-STREET STACKING SPACE REGULATIONS.

(a) Site plan submission. All required off-street stacking spaces must be shown on a site plan that is approved by the building official and made part of the

permanently identified by stripes, buttons, tiles, curbs, barriers, or another method approved by the building official.

~~(e) Wheel guards and barriers. Required off-street parking spaces for nonresidential uses, and parking spaces (both required and non-required) along the perimeter of the parking lot or garage must have wheel guards not less than six inches in height, or other permanent barriers approved by the building official. Examples of acceptable permanent barriers include guardrails and fences or walls capable of containing an automobile within the parking area. Wheel guards or barriers must be placed so that no part of the automobile extends into the public sidewalk or adjoining property.~~

(e) Wheel guards and barriers. Parking spaces along the perimeter of the parking lot or garage must have wheel guards not less than six inches in height, or other permanent barriers approved by the building official. Examples of acceptable permanent barriers include guardrails and fences or walls capable of containing an automobile within the parking area. Wheel guards or barriers must be placed so that no part of the automobile extends into the public sidewalk or adjoining property.

(f) Passenger unloading zone required in certain cases.

(1) If customer vehicles are parked by an attendant or employee of the facility, a passenger unloading zone must be provided as part of the ingress lane to the facility. The passenger unloading zone must be:

(A) a minimum of 15 feet wide and 36 feet long;

(B) clearly and permanently identified and labeled as a "no parking" area; and

(C) located so that it can effectively function to reduce on-site and off-site traffic congestion that would otherwise result from operation of the parking lot or garage.

(2) The following are acceptable means of identifying and labeling a passenger unloading zone:

(A) Painting one of the following on the pavement within the zone:

(i) The words "NO PARKING" consisting of 12-inch high black letters on a red background.

(ii) A No Parking symbol sign consisting of the symbol "P" in black, circumscribed in a red circle at least 36 inches in diameter with a red slash. The sign must be painted on a white background with a black border. Illustrations of acceptable No Parking symbol signs may be found in the 1980 Texas Manual on Uniform Traffic Control Devices for Streets and Highways published by the State Department of Highways and Public Transportation.

(B) Painting on the pavement along each of the four sides of the outside perimeter of the zone the words "NO PARKING" consisting of four-inch high black letters on a red background.

(g) Stacking space required in certain cases. No stacking spaces are required when a passenger unloading zone is provided in accordance with Subsection (f). However, if no passenger unloading zone is provided, one stacking space must be provided in accordance with Section 51A-4.304.

(h) Conformance. All nonconforming parking lots and garages within the central business district must fully comply with the provisions of this section before April 1, 1991, or within two years of the date the parking lot or garage became nonconforming as to this section, whichever is later. The board may grant an extension of this time period if it determines, after a public hearing, that strict compliance would result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this section. (Ord. Nos. 20272; 21960; 33112)

SEC. 51A-4.307. NONCONFORMITY AS TO PARKING OR LOADING REGULATIONS.

Consult Section 51A-4.704 for regulations concerning nonconformity as to parking and loading. (Ord. 21553)

SECS. 51A-4.308 THRU 51A-4.309. RESERVED.

(B) the regulations governing that specific district expressly authorize the board to grant the special exception.

(7) The board shall not grant a special exception under Paragraph (1) to reduce the number of off-street parking spaces required for a commercial amusement (inside) used as a dance hall.

(b) Special exception: tree preservation. The board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the reduction will result in the preservation of an existing tree. The preserved tree must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers. The maximum reduction authorized by this subsection is 10 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights. (Ord. Nos. 22053; 23614; 25268; 28803)

SEC. 51A-4.312. TREE PRESERVATION PARKING REDUCTION.

~~The number of off-street parking spaces required under this article is reduced by one for each protected tree (as defined in Article X) retained that would otherwise have to be removed. The preserved tree must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers. The maximum reduction authorized by this section is five percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights.~~

The number of required off-street parking spaces is reduced by one for each protected tree (as defined in Article X) retained that would otherwise have to be removed. The preserved tree must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers. The maximum reduction authorized by this section is 10 percent. (Ord. Nos. 22053; 33112)

SEC. 51A-4.313. ADMINISTRATIVE PARKING REDUCTION.

~~(a) The director may grant a reduction in the number of off-street parking spaces required under this article for specific uses if the director finds that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the reduction would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.~~

~~The maximum reduction authorized by this section for specific uses is:~~

~~Use~~	~~Maximum Administrative Reduction~~
~~Industrial (inside)~~	~~50 percent~~
~~Industrial (outside)~~	~~50 percent~~
~~Office uses and retail and personal service uses (except for restaurants and alcoholic beverage establishments) within a 1,200 feet walking distance of a platform of a rail transit station~~	~~20 percent (must not be within 600 feet of a single-family or duplex district and the use must be connected to the rail transit station by a sidewalk with a minimum width of six feet)~~
~~Trade center~~	~~25 percent~~
~~Warehouse greater than 100,000 square feet~~	~~50 percent (up to 75 percent if the requirement of Subsection (d)(3) is complied with)~~
~~Museum/art gallery~~	~~50 percent~~

~~Note: Applicants may seek a special exception to parking requirements under Section 51A-4.311 and an administrative parking reduction under this section. The greater reduction will apply, but the reductions may not be combined.~~

(a) The director may grant a maximum reduction of 50 percent of the number of off-street parking spaces required for uses if the director finds that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the reduction would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets. Applicants may seek a special exception to parking requirements under Section 51A-4.311 and an administrative parking reduction under this section. The greater reduction will apply, but the reductions may not be combined.

(b) In determining whether to grant a reduction under Subsection (a), the director shall consider the following factors:

(1) The extent to which the parking spaces provided will be assigned, compact, remote, shared, or packed parking.

(2) The parking demand and trip generation characteristics for the occupancy for which the reduction is requested.

(7) The availability of alternative transportation modes and availability, access, and distance to public transit and the likelihood of their use.

(8) The feasibility of parking mitigation measures and the likelihood of their effectiveness.

(9) The impact on adjacent residential uses.

(c) In granting a reduction under Subsection (a), the director shall specify the occupancy to which the reduction applies. A reduction granted by the director for a particular occupancy automatically and immediately terminates if and when the certificate of occupancy for the use is revoked or terminated or the existing business stops operating.

(d) In granting a reduction under Subsection (a), the director may:

(1) establish a termination date for the reduction or otherwise provide for the reassessment of conditions after a specified period of time;

(2) impose restrictions on access to or from the subject property;

(3) require that adequate lot area be available to comply with standard parking requirements; or

(4) impose any other reasonable condition that would have the effect of improving traffic safety or lessening congestion on the streets.

(e) The director may not grant a reduction under Subsection (a) to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.

(f) The director may not grant a reduction under Subsection (a) to reduce the number of off-street parking spaces required in the text or development plan of an ordinance establishing or amending a planned development district. This prohibition does not apply when:

(1) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes reference to the existing off-street parking regulations in Chapter 51 or this chapter; and

(2) the regulations governing that planned development district expressly authorize the director to grant the reduction. (Ord. Nos. 28803; 33112)

SEC. 51A-4.314. REDUCTIONS FOR PROVIDING BICYCLE PARKING.

~~(a) Required off-street parking may be reduced by one space for every six Class I bicycle parking spaces provided on a building site. Bicycle parking spaces required by Section 51A-4.333 count toward this parking reduction. A minimum of 20 off-street parking spaces must be required in order to receive a parking reduction of one space.~~

~~(b) Required off-street parking may be reduced by one space for every four Class II bicycle parking spaces provided on a building site. Bicycle parking spaces required by Section 51A-4.333 count toward this parking reduction. A minimum of 20 off-street parking spaces must be required in order to receive a parking reduction of one space.~~

(a) Required off-street parking may be reduced by one space for every six short-term bicycle parking spaces, as described in Section 51A-4.334, provided on a building site. Bicycle parking spaces required by Section 51A-4.333 count toward this parking reduction.

(b) Required off-street parking may be reduced by one space for every four long-term bicycle parking spaces, as described in Section 51A-4.334, provided on a building site. Bicycle parking spaces required by Section 51A-4.333 count toward this parking reduction.

(c) A parking reduction under this subsection may not be granted for fractional parking spaces and fractional parking spaces may not be rounded up to the next nearest whole parking space.

(d) A parking reduction granted under Subsections (a) or (b) cannot exceed five percent of the total required off-street parking spaces for a building site.

(e) In addition to a parking reduction granted under Subsections (a) or (b), required off-street parking spaces may be reduced by an additional five percent by providing showers, lockers, and changing facilities

for bicycle riders. This parking reduction is not available for residential and retail and personal service uses. (Ord. Nos. 29128; 33112)

Division 51A-4.320. Special Parking and Loading Regulations.

SEC. 51A-4.321. DEFINITIONS.

In this division:

(1) LICENSEE means a person in whose name a license has been issued under this division, as well as the individual listed as an applicant on the application for a license. The term includes any employee, agent, or independent contractor of the person in whose name the license is issued.

(2) PACKED PARKING means off-street parking that is governed by special dimensional standards for parking spaces, allowing maximal parking on the lot when an attendant is used.

(3) PERSON means an individual, assumed name entity, partnership, joint-venture, association, corporation, or other legal entity.

~~(4) REMOTE PARKING means off-street parking provided on a lot not occupied by the main use.~~

~~(5) SHARED PARKING means the use of the same off-street parking stall to satisfy the off-street parking requirements for two or more uses.~~

~~(6) SHUTTLE means a vehicle used to transport patrons between the drop-off point at the main use and the remote parking lot serving the use.~~

~~(7) SPECIAL PARKING means packed parking, remote parking, and shared parking as those terms are defined in this section.~~

~~(8) WALKING DISTANCE means the distance from the nearest point of the special parking lot to the nearest public entrance of the main use, measured along the most convenient pedestrian walkway.~~

(4) REMOTE LOADING means off-street loading provided on a lot not occupied by the main use.

(5) REMOTE PARKING means off-street parking provided on a lot not occupied by the main use.

(6) SHARED LOADING means the use of the same off-street loading space to satisfy the off-street loading requirements for two or more uses.

(7) SHARED PARKING means the use of the same off-street parking stall to satisfy the off-street parking requirements for two or more uses.

(8) SHUTTLE means a vehicle used to transport patrons between the drop-off point at the main use and the remote parking lot serving the use.

(9) SPECIAL PARKING means packed parking, remote parking, and shared parking as those terms are defined in this section.

(10) WALKING DISTANCE means the distance from the nearest point of the special parking lot to the nearest public entrance of the main use, measured along the most convenient pedestrian walkway. (Ord. Nos. 19786; 21660; 33112)

SEC. 51A-4.322. PURPOSE.

~~This division provides alternatives to the standard parking and loading regulations in Division 51A-4.300. Packed parking provides alternative dimensional requirements for parking spaces to allow maximal parking on a lot when an attendant is used to park vehicles. Remote parking allows an exception to the requirement that all off-street parking be provided on the lot occupied by the main use. Shared parking allows an exception to the requirement that no off-street parking space for one use be included in the calculation of the parking required for any other use.~~

This division provides alternatives to the standard parking and loading regulations in Division 51A-4.300. Packed parking provides alternative dimensional requirements for parking spaces to allow maximal parking on a lot when an attendant is used to park vehicles. Remote parking and remote loading allow an exception to the requirement that all off-street parking and loading be provided on the lot occupied by the main use. Shared parking and shared loading allow an exception to the requirement that no off-street parking or loading space for one use be included in the calculation of the parking required for any other use. (Ord. Nos. 19786; 21660; 33112)

SEC. 51A-4.323. PROCEDURES FOR SPECIAL PARKING OR LOADING APPROVAL.

~~(a) In general. All special parking must be approved by the building official in accordance with this division. A person seeking approval of special parking shall submit an application to the building official pursuant to Subsection (b).~~

~~(b) Application. An application for special parking approval must be filed with the building official. An application form may be obtained from the building official. The application must include the following:~~

(a) In general. All special parking or loading must be approved by the building official in accordance with this division. A person seeking approval of special parking or loading shall submit an application to the building official pursuant to Subsection (b).

(b) Application. An application for special parking or loading approval must be filed with the building official. An application form may be obtained from the building official. The application must include the following:

(1) The application fee.

(2) A site plan illustrating the applicable items listed in Subsection (c).

(3) For packed parking, a statement describing the operational plan, including:

(A) the days and hours of operation of the main use;

(B) staffing required to park the vehicles; and

(C) the location of any parking service stand.

~~(4) For remote parking:~~

~~(A) a map illustrating the walking distance from the special parking to the use providing the parking; and~~

~~(B) if applicable, a statement pointing out the factors justifying an extension of walking distance including discussion of the following factors:~~

~~(i) The type of use involved.~~

~~(ii) The parking demand generated by the use involved.~~

~~(iii) The percentage of required off-street parking that will be provided as remote parking.~~

~~(iv) The availability and condition of sidewalks.~~

~~(v) The availability and frequency of a local shuttle or transit service.~~

~~(vi) The availability of or proposal for shelters for users of any local shuttle or transit service.~~

~~(vii) Any other factors that may have the effect of encouraging patrons of the use to use or discouraging patrons of the use from using the remote parking.~~

(4) For remote parking or loading:

(A) a map illustrating the walking distance from the special parking or loading to the use providing the parking or loading; and

(B) if applicable, a statement pointing out the factors justifying an extension of walking distance including discussion of the following factors:

(i) The type of use involved.

(ii) The parking demand or loading and unloading activity generated by the use involved.

(iii) The percentage of required off-street parking or loading that will be provided as remote parking or loading.

(iv) For remote parking, the availability and condition of sidewalks.

(v) For remote parking, the availability and frequency of a local shuttle or transit service.

(vi) For remote parking, the availability of or proposal for shelters for users of any local shuttle or transit service.

(vii) For remote parking, any other factors that may have the effect of encouraging patrons of the use to use or discouraging patrons of the use from using the remote parking.

(viii) For remote loading, the path between the loading area and main use.

(5) For shared parking, a study of parking demand and accumulation during all days and hours of operation for all uses sharing parking.

(6) Any other reasonable and pertinent information that the building official determines to be necessary for special parking review.

(c) Site plan requisites.

(1) The following information must be illustrated on the site plan:

~~(A) The number of parking spaces required for each use.~~

~~(B) The location and dimensions of the special parking lot.~~

(A) The number of parking and loading spaces required for each use.

(B) The location and dimensions of the special parking lot or loading area.

(C) The location and dimensions of all existing and proposed off-street parking and loading areas, parking bays, aisles, and driveways.

(D) The location and dimensions of any dumpster on the special parking lot.

(E) The number of cars to be accommodated in each row of parking spaces.

(F) The location and dimensions of all

(B) Average daily traffic counts on streets adjacent to the special parking lot.

(C) Estimated peak hour turning movements at intersections located within 250 feet of the special parking lot. (Ord. Nos. 19786; 21660; 30892; 33112)

SEC. 51A-4.324. REVIEW BY THE DIRECTOR.

~~(a) Conformity with standards required. The building official shall deny an application for special parking unless it meets all of the applicable standards in this section.~~

~~(b) General standards.~~

~~(1) Special parking may not be located in a residential district, except that Chapter 51 community service, religious, and educational uses, and Chapter 51A institutional and community service uses may share parking in residential districts on the same lot where both uses are located. Nonresidental uses in residential districts may also use special parking if the special parking is not located in a residential district.~~

~~(2) Except as otherwise expressly provided in this subsection, special parking may not account for more than 50 percent of the off-street parking required for any use.~~

~~(3) The 50 percent limitation in Paragraph (2) does not apply to:~~

~~(A) remote parking within a walking distance of 300 feet of the main use; and~~

~~(B) shared parking on the same lot as the main use if all uses sharing the parking have mutually exclusive hours of operation.~~

~~(4) Special parking must comply with all codes, ordinances, rules, and regulations of the city.~~

~~(5) Special parking may not create safety hazards.~~

~~(c) Packed parking standards. Packed parking may not be used unless a license is obtained pursuant to Section 51A-4.329.~~

~~(d) Remote parking standards.~~

~~(1) Walking distance. Remote parking must be located within a walking distance of 300 feet from the use served by the remote parking unless an extension of walking distance is approved by the building official.~~

~~(2) Extension of walking distance.~~

~~(A) The building official may extend the walking distance for remote parking to no more than 600 feet unless the extension would:~~

~~(i) significantly discourage patrons of the use from using the remote parking;~~

~~(ii) unreasonably endanger the safety of persons or property; or~~

~~(iii) not otherwise be in the public interest.~~

~~(B) A license is required to authorize an extension of walking distance beyond 600 feet. (See Section 51A-4.329.)~~

~~(3) Signs required at main use and at parking lot. A sign must be prominently displayed at all entrances of a remote parking lot and at all entrances of a parking lot providing on-site parking for the main use. Each sign must:~~

~~(A) illustrate or describe the location of the remote parking in relation to the main use;~~

~~(B) be constructed of weather resistant material;~~

~~(C) be no less than 30 inches wide and 24 inches long; and~~

~~(D) contain clearly legible letters in a color that contrasts with the background material of the sign.~~

~~(e) Shared parking standards. Uses sharing parking must have either mutually exclusive or compatibly overlapping normal hours of operation. The building official shall determine whether hours of operation are compatibly overlapping on a case by case basis.~~

(a) Conformity with standards required. The building official shall deny an application for special parking or loading unless it meets all of the applicable standards in this section.

(b) General standards.

(1) Special parking and loading may not be located in a residential district, except that Chapter 51 community service, religious, and educational uses, and Chapter 51A institutional and community service uses may share parking in residential districts on the same lot where both uses are located. Nonresidental uses in residential districts may also use special parking or loading if the special parking or loading is not located in a residential district.

(2) Except as otherwise expressly provided in this subsection, special parking may not account for more than 50 percent of the off-street parking required for any use. Special loading may account for up to 100 percent of the off-street loading required for any use.

(3) The 50 percent limitation in Paragraph (2) does not apply to:

(A) remote parking within a walking distance of 900 feet of the main use; and

(B) shared parking on the same lot as the main use if all uses sharing the parking have mutually exclusive hours of operation.

(4) Special parking and loading must comply with all codes, ordinances, rules, and regulations of the city.

(5) Special parking and loading may not create safety hazards.

(c) Packed parking standards. Packed parking may not be used unless a license is obtained pursuant to Section 51A-4.329.

(d) Remote parking and loading standards.

(1) Walking distance. Remote parking and loading must be located within a walking distance of 300 feet from the use served by the remote parking or loading unless an extension of walking distance for remote parking is approved by the building official.

(2) Extension of walking distance for remote parking.

(A) The building official may extend the walking distance for remote parking to no more than 600 feet unless the extension would:

(i) significantly discourage patrons of the use from using the remote parking;

(ii) unreasonably endanger the safety of persons or property; or

(iii) not otherwise be in the public interest.

(B) A license is required to authorize an extension of walking distance beyond 600 feet. (See Section 51A-4.329.)

(3) Signs required at main use and at parking lot. A sign must be prominently displayed at all entrances of a remote parking lot and at all entrances of a parking lot providing on-site parking for the main use. Each sign must:

(A) illustrate or describe the location of the remote parking in relation to the main use;

(B) be constructed of weather resistant material;

(C) be no less than 30 inches wide and 24 inches long; and

(D) contain clearly legible letters in a color that contrasts with the background material of the sign.

(e) Shared parking and loading standards. Uses sharing parking or loading must have either mutually exclusive or compatibly overlapping normal hours of operation. The building official shall determine whether hours of operation are compatibly overlapping on a case by case basis. (Ord. Nos. 19786;

21660; 25290; 27404; 33112)

SEC. 51A-4.325. DECISION OF THE DIRECTOR.

(a) Form of decision. The decision of the building official must take one of three forms:

(1) Approval, no conditions.

(2) Approval, subject to conditions noted.

(3) Denial.

~~(b) Statement of reasons. If the building official denies an application for special parking, he shall state in writing the specific reasons for denial.~~

~~(c) Approval subject to conditions noted. As an alternative to denial of an application for special parking under Section 51A-4.324(a), the building official may approve the special parking subject to conditions noted if compliance with all conditions will eliminate what would otherwise constitute grounds for denial. If the building official approves the special parking subject to conditions noted, he shall state in writing the specific requirements to be met before the special parking shall be considered approved.~~

~~(d) Approval with no conditions. If there are no grounds for denial under Section 51A-4.324(a), the building official shall approve the application for special parking with no conditions.~~

(b) Statement of reasons. If the building official denies an application for special parking or loading, he shall state in writing the specific reasons for denial.

(c) Approval subject to conditions noted. As an alternative to denial of an application for special parking or loading under Section 51A-4.324(a), the building official may approve the special parking or loading subject to conditions noted if compliance with all conditions will eliminate what would otherwise constitute grounds for denial. If the building official approves the special parking or loading subject to conditions noted, he shall state in writing the specific requirements to be met before the special parking or loading shall be considered approved.

(d) Approval with no conditions. If there are no grounds for denial under Section 51A-4.324(a), the building official shall approve the application for special parking or loading with no conditions. (Ord. Nos. 19786; 21660; 33112)

SEC. 51A-4.326. NOTICE.

~~The building official shall give written notice to the applicant of the decision regarding the application for special parking. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. The notice must be sent to the address shown on the application.~~

The building official shall give written notice to the applicant of the decision regarding the application for special parking or loading. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. The notice must be sent to the address shown on the application. (Ord. Nos. 19786; 21660; 33112)

SEC. 51A-4.327. APPEALS.

(a) An appeal from a decision of the building official under Section 51A-4.325 may be made to the board of adjustment.

(b) In considering the appeal, the sole issue before the board of adjustment shall be whether or not the building official erred in making the decision and, in this connection, the board shall consider the same standards that were required to be considered by the building official in making the decision. (Ord. Nos. 19786; 21660)

SEC. 51A-4.328. AGREEMENT REQUIRED.

~~(a) Requisites of agreement. If the application for special parking is approved, a special parking agreement must be executed and filed in accordance with this section. A standard agreement form may be obtained from the building official. The agreement must:~~

(a) Requisites of agreement. If the application for special parking or loading is approved, a special parking or loading agreement must be executed and filed in accordance with this section. A standard agreement form may be obtained from the building official. The agreement must:

(1) be in writing;

(2) contain legal descriptions of the properties affected;

(3) set forth adequate consideration between the parties;

~~(4) specify the special parking being~~

~~provided and the hours of operation of any use involved;~~

(4) specify the special parking or loading being provided and the hours of operation of any use involved;

(5) be a covenant running with the land;

(6) state that all parties agree to defend, indemnify, and hold harmless the city of Dallas from and against all claims or liabilities arising out of or in connection with the agreement;

(7) be governed by the laws of the state of Texas;

(8) be approved by the building official and be approved as to form by the city attorney;

(9) be signed by all owners of the properties affected;

(10) be signed by all lienholders, other than taxing entities, that have an interest in or an improvement on the properties; and

(11) state that it may only be amended or terminated by a subsequent written instrument that is:

(A) except as otherwise provided in Subsection (b), signed by all owners of the properties affected and by all lienholders, other than taxing entities, that have an interest in or an improvement on the properties;

(B) approved by the building official;

(C) approved as to form by the city attorney; and

(D) filed and made a part of the deed records of the county or counties in which the properties are located.

~~(b) Approval. The building official shall approve an agreement if all properties governed by the agreement fully comply with the regulations in this division. If all affected owners and lienholders do not sign the instrument amending or terminating an agreement, and if all uses for which parking is provided under the agreement demonstrate that the agreement is no longer needed to fully comply with the off-street parking requirements in this chapter, the building official shall approve the amending or terminating instrument without those signatures.~~

(b) Approval. The building official shall approve an agreement if all properties governed by the agreement fully comply with the regulations in this division. If all affected owners and lienholders do not sign the instrument amending or terminating an agreement, and if all uses for which parking or loading is provided under the agreement demonstrate that the agreement is no longer needed to fully comply with the off-street parking or loading requirements in this chapter, the building official shall approve the amending or terminating instrument without those signatures.

(c) Agreement must be filed. An agreement shall not be considered effective until a true and correct copy of the approved agreement is filed in the deed records of the county or counties in which the properties are located and two file-marked copies of the agreement are filed with the building official.

(d) Amendment or termination of agreement. An agreement may only be amended or terminated by a written instrument that is executed in accordance with this subsection on a form provided by the city.

(1) The instrument must be:

(A) signed by all owners of properties affected and by all lienholders, other than taxing entities, that have an interest in or an improvement on the properties;

(B) approved by the building official;

(C) approved as to form by the city attorney; and

(D) filed and made a part of the deed records of the county or counties in which the properties are located.

~~(2) The building official shall approve an instrument amending or terminating a special parking agreement if:~~

~~(A) all uses providing parking under the agreement and all uses on the property for which parking is provided under the agreement fully comply with the off-street parking regulations in this chapter; or~~

~~(B) all uses on the property for which parking is provided under the agreement cease to operate and terminate their certificates of occupancy.~~

(2) The building official shall approve an instrument amending or terminating a special parking or loading agreement if:

(A) all uses providing parking or loading under the agreement and all uses on the property for which parking or loading is provided under the agreement fully comply with the off-street parking or loading regulations in this chapter; or

(B) all uses on the property for which parking or loading is provided under the agreement cease to operate and terminate their certificates of occupancy.

(3) The amending or terminating instrument shall not be considered effective until a true and correct copy of the approved instrument is filed in the deed records of the county or counties in which the properties are located and two file-marked copies of the instrument are filed with the building official. (Ord. Nos. 19786; 21660; 22783; 33112)

(C) have adequate seating capacity to accommodate patrons expected to use the remote parking.

(3) If an attendant is required, the attendant shall drive vehicles of patrons between the main use and the remote parking lot.

(4) In no event may the building official authorize remote parking to be located beyond a walking distance of one-half mile from the main use.

(e) Revocation of license by building official. The building official shall revoke a license under this division if:

(1) the licensee fails to comply with the requirements of the license, this division, or other applicable law;

(2) the licensee made a false statement of material fact on an application for a license under this section; or

(3) the building official determines that the special parking unreasonably endangers the safety of persons or property and is not otherwise in the public interest.

(f) Suspension of license by building official. If the building official determines that a licensee has failed to comply with any regulation established under this division, the building official may suspend the special parking license for a definite period of time not to exceed 60 days. A licensee whose special parking license is suspended shall not use the special parking involved during the period of suspension. If the licensee fails to comply within the suspension period, the building official shall revoke the license.

(g) Expiration of license. A special parking license expires three years from the date of issuance, unless sooner revoked by the building official or by the city council.

(h) Renewal. A special parking license may be renewed by making an application for renewal at least 30 days before expiration of the license. If the license renewal involves changes to the original application, a new application for special parking approval must be submitted under Section 51A-4.323. If the license renewal does not involve changes, the request for renewal must be filed with the building official on a form furnished by the city for that purpose.

(i) Appeal of denial, suspension, or revocation of license. If the building official refuses to issue a license to an applicant or suspends or revokes the license of a licensee, the action of the building official is final unless the licensee files an appeal with a permit and license appeal board in accordance with Section 2-96 of this code. (Ord. Nos. 19786; 21660)

SEC. 51A-4.329.1. OFFENSES.

A person commits an offense if he operates a use:

~~(1) in violation of a special parking agreement executed and filed pursuant to Section 51A-4.328; or~~

(1) in violation of a special parking or loading agreement executed and filed pursuant to Section 51A-4.328; or

(2) without a valid license required under Section 51A-4.329. (Ord. Nos. 19786; 21660; 29128; 33112)

SEC. 51A-4.329.2. REVOCATION OF CERTIFICATE OF OCCUPANCY.

The building official shall revoke the certificate of occupancy for any use being operated:

~~(1) in violation of a special parking agreement executed and filed pursuant to Section 51A-4.328; or~~

(1) in violation of a special parking or loading agreement executed and filed pursuant to Section 51A-4.328; or

(2) without a valid license required under Section 51A-4.329. (Ord. Nos. 19786; 21660; 29128; 33112)

Division 51A-4.330. Bicycle Parking Regulations.

SEC. 51A-4.331. APPLICABILITY.

(a) Except as provided in Subsection (b), this section becomes applicable to a building site when:

(1) an application is made for a building permit:

(A) for new construction; or

(B) to increase the floor area on a building site by 10 percent or more or by 2,000 square feet or more, whichever is less; or

(2) there is a change in land use that requires an increase in off-street parking.

(b) This section does not apply to:

~~(1) uses that require four or fewer off-street parking spaces;~~

(1) residential uses that provide four or fewer off-street parking spaces;

(2) agricultural uses;

(3) utility and public service uses;

(4) wholesale, distribution, and storage uses;

(5) a mobile home park, mobile home subdivision, or campground; or

(6) a drive-in theater. (Ord. Nos. 29128; 33112)

SEC. 51A-4.332. GENERAL PROVISIONS.

(a) Bicycle parking spaces are not permitted in a visibility triangle as defined in Section 51A-4.602.

(b) Bicycle parking spaces must not impede access to a fire hydrant or pedestrian circulation.

(c) Bicycle parking spaces must not reduce the unobstructed space for the passage of pedestrians to less than the minimum required sidewalk width for that building site.

(d) Bicycle parking spaces must be protected from motor vehicles to prevent damage to parked bicycles.

(e) Bicycle parking spaces must be maintained in a clean, neat, and orderly manner.

(f) All bicycle racks must be securely anchored. (Ord. 29128)

SEC. 51A-4.333. SPACES REQUIRED.

~~(a) The greater of two bicycle parking spaces per building site or one bicycle parking space per 25 required off-street parking spaces is required.~~

(a) The greater of two bicycle parking spaces per building site or one bicycle parking space per 20 provided off-street parking spaces is required. Required bicycle parking may include short-term and long-term bicycle parking.

(b) No more than 30 bicycle parking spaces are required on any building site.

(c) For every 10 bicycle parking spaces, or portion of 10 bicycle parking spaces, provided on a building site, a minimum of two bicycle parking spaces must be available for use by guests or visitors.

(d) In determining the required number of bicycle parking spaces, fractional spaces are counted to the nearest whole number, with one half counted as an additional space. (Ord. Nos. 29128; 33112)

SEC. 51A-4.334. LOCATION AND DESIGN.

~~(a) All required bicycle parking spaces must be provided on the lot occupied by the main use.~~

~~(b) Bicycle parking spaces exterior to a building must be a part of or connected to a pedestrian pathway that connects to a building entrance open to the public.~~

~~(c) Bicycle parking spaces exterior to a building must be clearly visible from a primary building entrance or signs must be posted at the entrances to the automobile parking area that indicate the location of bicycle parking. For bicycle parking interior to a building, signs must be posted at the entrance to the automobile parking area that indicate the location of the bicycle parking. If signs are required to be posted~~

~~at the entrances to the automobile parking area, the signs must:~~

~~(1) be prominently displayed;~~

~~(2) illustrate or describe the location of bicycle parking spaces;~~

~~(3) be constructed of weather resistant material;~~

~~(4) be a minimum of 10 inches in width by 15 inches in height; and~~

~~(5) have clearly legible letters and graphics that contrast with the background material.~~

~~(d) When placed parallel, bicycle racks must be spaced at least four feet apart.~~

~~(e) When placed linear, bicycle racks must be spaced at least seven feet apart.~~

~~(f) Class I bicycle parking must provide a minimum two-and-a-half foot by six foot area for each bicycle parking space.~~

~~(g) Class I bicycle parking may be placed in the required front, side, or rear yard.~~

(a) Location. All required bicycle parking spaces must be provided on the lot occupied by the main use within 150 feet of a primary entrance. The director may approve an alternate method of compliance, such as shared bicycle parking in the public right-of-way after considering the characteristics of the use, the site, and the surrounding area.

(b) Accessibility. Bicycle parking spaces exterior to a building must be a part of or connected to a pedestrian pathway that connects to a building entrance open to the public. Bicycle parking must be accessible without lifting or carrying the bicycle at any point and without the use of stairs.

(c) Signs. Bicycle parking spaces exterior to a building must be clearly visible from a primary building entrance or signs must be posted at the entrances to the automobile parking area that indicate the location of bicycle parking. For bicycle parking interior to a building, signs must be posted at the entrance to the automobile parking area that indicate the location of the bicycle parking. If signs are required to be posted at the entrances to the automobile parking area, the signs must:

(1) be prominently displayed;

(2) illustrate or describe the location of bicycle parking spaces;

(3) be constructed of weather resistant material;

(4) be a minimum of 10 inches in width by 15 inches in height; and

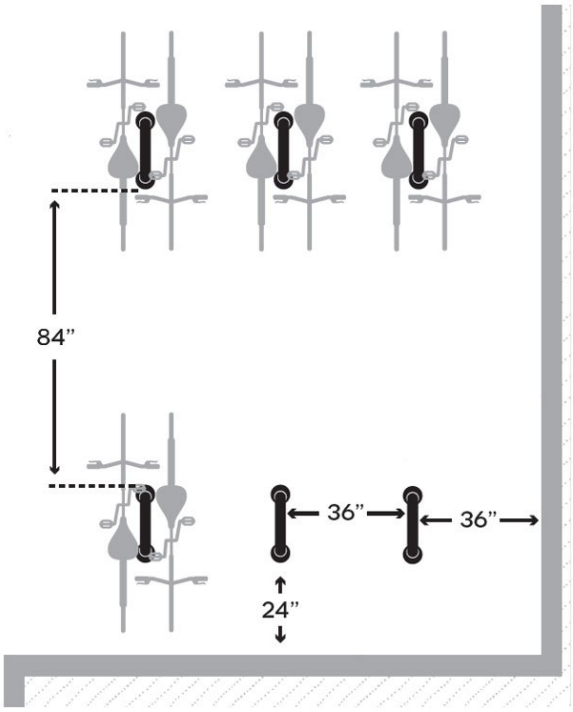
(5) have clearly legible letters and graphics that contrast with the background material.

(d) Size and constitution. Each space must be at least two-and-a-half feet wide by six feet long and must provide the ability to attach to a bicycle rack so that a wheel and frame can both be locked to a rack with a single U-lock and the bicycle is supported at two locations. Spaces designed for large bicycles such as cargo, recumbent, tandem, and trailer-attachments must be at least three feet (36 inches) wide by nine feet (108 inches) long.

(e) Short-term bicycle parking standards.

(1) Location. Spaces may be placed in the required front, side, or rear yard.

(2) Spacing. Bicycle racks must be spaced at least three feet (36 inches) from parallel structures or racks, at least seven feet (84 inches) from other racks placed linearly, and at least two feet (24 inches) from structures located linear to the rack. All racks must be at least two feet (24 inches) from any structure or the curb. (See Figure below.)



(3) Design of bicycle racks. Bicycle racks must be designed so that the wheel and frame can both be locked to the rack with a single U-lock and so that the bicycle is supported at two locations. "Grid"-style racks and "Wave"-style racks are not permitted. (See Figure below.)

A single U-lock securing both a wheel and the bicycle frame.

"Grid"-style and "Wave"-style racks are not permitted.

Examples of permitted racks.

(f) Long-term bicycle parking standards.

(1) Location. Spaces must be in a secure and weather-protected enclosure such as a room in the primary building, a covered and locked space within a parking facility, or bike lockers. Parking located exterior to the main building must be within a 250-foot walked path of a primary entrance.

(2) Security. Permitted security types include key, smart card, fob, and code access. The parking area must be accessible to designated users at all times.

(3) Lighting. Outdoor long-term bicycle parking must be lighted according to Section 51A-4.301(e)(2)(A) and (C).

(4) Parking spaces and apparatus. Parking areas must include at least one space designed for large bicycles as defined in subsection (b). At least 50 percent of provided spaces must be at ground level or accessible without lifting the bicycle. Use of parking spaces or apparatus must not be hindered by the use or placement of any other apparatus or by the design of doors or walls.

(5) Electrical connection. Electrical outlets for electric bicycle charging must be provided. (Ord. Nos. 29128; 33112)

SEC. 51A-4.335. WAIVERS.

(a) An applicant for a bicycle parking waiver shall submit an application to the director on a form provided by the city.

(b) The director may waive the bicycle parking requirements only upon a determination that:

(1) due to existing site constraints, meeting the requirements of this division would:

(A) interfere with the minimum requirements for pedestrian or vehicular maneuvring; or

(B) would otherwise be contrary to public safety; or

(2) the building site only has access from a roadway where riding a bicycle is prohibited under Sections 9-6 or 28-159 of the Dallas City Code. (Ord. 29128)

(2) In a "D" liquor control overlay district, a person shall not sell or serve alcoholic beverages or setups for alcoholic beverages for consumption on or off the premises.

(3) In a "D-1" liquor control overlay district, a person shall not sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises, unless the sale or service is part of the operation of a use for which a specific use permit has been granted by the city council.

(4) It is a defense to prosecution under Paragraphs (2) and (3) of this section that the alcoholic beverage or setup for alcoholic beverage is served, but not sold, at a private residence for consumption at the residence. For purposes of this subsection, a private residence must be a permitted residential or lodging use listed in the use regulations of this article. If the use is a lodging use, the term "private residence" means the guest room only. (Ord. Nos. 19455; 21735)

SEC. 51A-4.504. DEMOLITION DELAY OVERLAY DISTRICT.

(a) Purpose. A demolition delay overlay district is intended to encourage the preservation of historically significant buildings that are not located in a historic overlay district by helping the property owner identify alternatives to demolition.

(b) General provisions.

(1) The city plan commission or city council may initiate a demolition delay overlay district following the procedure in Section 51A-4.701, "Zoning Amendments."

(2) This section applies to any building located in a demolition delay overlay district that is at least 50 years old and meets one of the following criteria:

(A) the building is located in a National Register Historic District or is individually listed on the National Register of Historic Places;

(B) the building is designated as a Recorded Texas Historic Landmark;

~~(C) the building is designated as a State Archeological Landmark;~~

(C) the building is designated as a State Antiquities Landmark;

(D) the building is designated as a National Historic Landmark;

~~(E) the building is listed as significant in the 2003 Downtown Dallas/Architecturally Significant Properties Survey; or~~

~~(F) the building is listed as contributing in the 1994 Hardy-Heck-Moore Survey.~~

(E) the building is listed as individually significant or contributing to a potential historic district in any historic resource surveys and resurveys conducted according to the Secretary of the Interior National Register of Historic Places Bulletin "Guidelines for Local Surveys," or the Texas Historic Commission's Historic Resources Survey Manual.

(c) Demolition delay process.

(1) Phase I.

(A) Upon receipt of a complete application to demolish a building that is in a demolition delay overlay district, the building official shall refer the application to the historic preservation officer.

(B) Within 10 days after the historic preservation officer receives an application to demolish a building within a demolition delay overlay district, the historic preservation officer shall determine whether the building meets the requirements in Subsection (b)(2).

(C) If the historic preservation officer determines that a building within a demolition delay overlay district does not meet the criteria in Subsection (b)(2) and the application meets the requirements for issuing a demolition permit in the Dallas Building Code, the building official shall grant the application to demolish a building.

(2) Phase II.

(A) Within 45 days after determining whether a building within a demolition delay overlay district meets the requirements in Subsection (b)(2), the historic preservation officer shall schedule a meeting

requirements in Subsection (b)(2), the historic preservation officer shall post a sign on the property to notify the public that an application has been made for a demolition permit within a demolition delay overlay district. The sign must include a phone number where citizens can call for additional information.

(D) The meeting may include organizations that foster historic preservation, urban planning, urban design, development, and improvement in demolition delay overlay districts.

(E) If at the end of the 45-day period the application meets the requirements of the Dallas Building Code and the building owner declines to enter into an agreement as outlined in Paragraph (3), the building official shall grant the application to demolish a building within a demolition delay overlay district.

(3) Phase III. The property owner may enter into an agreement with the city to delay granting a demolition permit for an additional time period to continue exploration of alternatives to demolition. (Ord. Nos. 29893; 33113)

SEC. 51A-4.505. CONSERVATION DISTRICTS.

(a) Definitions. In this section:

(1) AREA means the land within the boundaries of a proposed CD that may include subdistricts, land within the boundaries proposed to be added to an established CD that may include subdistricts, or land within the boundaries of a proposed subdistrict.

(2) BLOCKFACE means the linear distance of lots along one side of a street between the two nearest intersecting streets. If a street dead ends, the terminus of the dead end will be treated as an intersecting street.

(3) CD means conservation district.

(4) CD ORDINANCE means the ordinance establishing or amending a particular conservation district.

(5) DEMOLITION means the intentional destruction of an entire building.

(6) NEIGHBORHOOD COMMITTEE means the property owners of at least 10 properties within a proposed CD, proposed area to be added to an established CD, or an established CD; or, if less than 10 properties, 50 percent of the property owners within the proposed CD, proposed area to be added to an established CD, or an established CD.

(7) PHYSICAL ATTRIBUTES means the physical features of buildings and structures, including the architectural style; characteristics of a period; and method of construction, and may also include those physical characteristics of an area that help define or make an area unique, including scale; massing; spatial relationship between buildings; lot layouts; setbacks; street layouts; streetscape characteristics or other natural features; or land-use patterns.

(8) STABLE means that the area is expected to remain substantially the same over the next 20 years with continued maintenance of the property. While some changes in structures, land uses, and densities may occur, all such changes are expected to be compatible with surrounding development.

(9) STABILIZING means that the area is expected to become stable over the next 20-year period through continued reinvestment, maintenance, or remodeling.

(b) Findings and purpose.

(1) State law authorizes the city of Dallas to regulate the construction, alteration, reconstruction, or razing of buildings and other structures in "designated places and areas of historic, cultural, or architectural importance and significance."

(2) Conservation districts are intended to provide a means of conserving an area's distinctive character by protecting or enhancing its physical attributes.

(3) Conservation districts are distinguished from historic overlay districts, which preserve historic residential or commercial places; neighborhood

(5) Codification. The regulations of each PD ordinance shall be codified in Chapter 51P. The conditions in the PD ordinance and the development plan, landscape plan, or conceptual plan are conditions that must be complied with before a certificate of occupancy may be granted.

(6) Applicable regulations.

(A) For PDs created on or after March 1, 1987, the regulations in this chapter control unless they are expressly altered by a PD ordinance in accordance with this section. The general guidelines in Subsection (a)(4) control if the PD ordinance does not enumerate the regulations governing building height, floor area, lot area, lot coverage, density, yards, off-street parking and loading, environmental performance standards, signs, landscaping, and streets and alleys.

(B) For PDs created prior to March 1, 1987, the regulations of Chapter 51 control unless they are expressly altered by a PD ordinance in accordance with this section. The general guidelines below control if the PD ordinance does not enumerate the regulations governing building height, floor area, lot area, lot coverage, density, yards, off-street parking and loading, environmental performance standards, signs, landscaping, and streets and alleys.

GENERAL USE CATEGORY	ZONING DISTRICT
Single family	~~H-4*~~H-4
Multiple-family	MF-3
Retail	GR
Office	MO
Commercial and Industrial	I-1

~~*If platted lots for a single family use have a minimum width of 30 feet at the front property line, then one parking space is required.~~

(C) Some provisions of Chapter 51 have been amended to refer to the parallel provisions in Chapter 51A. This type of amendment has been made to every extent possible in order to make interpretation and application of the code more consistent and simpler. The amendment process is referred to as "call-forwarding the provisions of Chapter 51" because the amendment incorporates by reference into Chapter 51 the corresponding language in Chapter 51A as it exists on the date of amendment and as it may be amended in the future. The following apply when interpreting call-forwarded provisions of Chapter 51 for planned development districts created under Chapter 51 of the Dallas City Code.

(i) If a call-forwarded provision contains a cross-reference in Chapter 51A to another section in Chapter 51A, the cross-reference should be read to apply to the parallel provisions in Chapter 51.

-- For example, the sexually oriented business regulations in Section 51-4.221 have been call-forwarded. Within those regulations, there is a reference to Section 51A-4.217, the accessory use regulations in Chapter 51A. When applying these regulations to a Chapter 51 planned development district, reference should be made to Section 51-4.217, the accessory use regulations in Chapter 51.

-- Similarly, Section 51-4.324 has been call-forwarded. Section 51-4.324(b)(1)

proposed minor amendment must then follow the city plan commission procedure.

(B) City plan commission procedure. An applicant may appeal the decision of the city plan commission to the city council. An appeal must be requested in writing within 10 days after the decision of the city plan commission. City council shall decide whether the city plan commission erred, using the same standards that city plan commission used. Appeal to the city council is the final administrative remedy available.

(C) Public notice procedure. An applicant or owner of real property within the notification area may appeal the decision of the city plan commission to the city council. An appeal must be requested in writing within 10 days after the decision of the city plan commission. City council shall decide whether the city plan commission erred, using the same standards that city plan commission used. Appeal to the city council is the final administrative remedy available. (Ord. Nos. 19455; 19786; 20037; 20496; 21243; 22053; 23997; 24232; 24637; 26730; 27404; 28367; 28553; 30808; 31688; 33112)

SEC. 51A-4.703. BOARD OF ADJUSTMENT HEARING PROCEDURES.

(a) Initiation.

(1) Authorized public hearings. Except for a request to establish a compliance requirement for a nonconforming use under Section 51A-4.704, the board may authorize a public hearing on issues within the board's jurisdiction. A board authorized public hearing must comply with the procedures in this section. If 10 or fewer property owners are involved, the director shall send written notice to the owners of real property within the subject area not less than 10 days before the meeting at which the board will consider authorization of a public hearing. This notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census. If more than 10 property owners are involved, the director shall give notice of the public hearing in the official newspaper of the city at least 10 days before the meeting at which the board will consider authorization of a public hearing.

(2) Appeals of decisions of administrative officials. Parties listed in Subparagraphs (A) and (B) may appeal a decision of an administrative official to the board when that decision concerns issues within the jurisdiction of the board. For purposes of this section, "administrative official" means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue.

(A) For a decision made by an administrative official that is not related to a specific application, address, or project, the following persons may appeal to the board:

(i) a person aggrieved by the decision; or

(ii) any officer, department, or board of the city affected by the decision.

(B) For a decision made by an administrative official that is related to a specific application, address, or project, the following persons may appeal to the board:

(i) a person who:

(aa) filed the application that is the subject of the decision;

(bb) is the owner or representative of the owner of the property that is the subject of the decision; or

(cc) is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or

(ii) any officer, department, or board of the city affected by the decision.

(C) An appeal to the board must be made not later than the 20th day after the date the decision is made by the official

Division 51A-4.800. Development Impact Review.

SEC. 51A-4.801. PURPOSE.

The general objectives of this division are to promote and protect the health, safety, and general welfare of the public through the establishment of an administrative review procedure for certain proposed development considered likely to significantly impact surrounding land uses and infrastructure needs and demands. Development impact review should occur before the developer has completed a full set of working drawings for submission as part of an application for a building permit. As part of the review procedure, the developer may be required to submit a site plan indicating building siting and layout, buffering, landscaping, usable open space, access, lighting, loading, and other specific data. Site plan review is not intended to mandate aesthetics of design, nor is it intended to alter basic development standards such as floor area ratio, density requirements, height, setbacks, and coverage. (Ord. 19455)

SEC. 51A-4.802. DEFINITIONS.

In this article:

(1) BUILDING ENVELOPE means the three dimensional form within which the horizontal and vertical elements of a building are contained.

(2) CALIPER means the diameter of the trunk measured six inches above ground level up to and including four inch caliper size, and measured 12 inches above ground level if the measurement taken at six inches above ground level exceeds four inches. If a tree is of a multi-trunk variety, the caliper of the tree is the average caliper of all of its trunks.

(3) DIR means development impact review.

~~(4) ESTIMATED TRIP GENERATION means the total number of vehicle trips generated by one or more uses on the lot derived from calculations based exclusively on trip generation assumptions contained in Table 1 in Section 51A-4.803.~~

(4) ESTIMATED TRIP GENERATION means the total number of vehicle trips generated by one or more uses on the lot derived from calculations based exclusively on trip generation assumptions contained in Section 51A-4.803.

(5) RAR means residential adjacency review.

(6) RESTORATION means the act of putting back into a former or original state. (Ord. Nos. 19455; 33112)

SEC. 51A-4.803. SITE PLAN REVIEW.

(a) When a site plan is required.

~~(1) Except as otherwise provided in Subsections (a)(3) and (a)(4), a site plan must be submitted in accordance with the requirements of this section before an application is made for a permit for work on an individual lot if the lot is in a district or subdistrict listed in Subsection (a)(2) and:~~

(1) Except as otherwise provided in Subsections (a)(3) and (a)(4), a site plan must be submitted in accordance with the requirements of this section before the issuance of a permit for work on a lot in a district or subdistrict listed in Subsection (a)(2) and:

(A) the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per day per acre (See Table 1 to calculate estimated trip generation);

(B) the lot contains a use for which DIR is required in the use regulations (See Division 51A-4.200); or

(C) the lot has a residential adjacency as defined in Subsection (d)(3) and contains a use for which RAR is required in the use regulations (See Division 51A-4.200).

(2) The districts and subdistricts listed for purposes of Subsection (a)(1) are:

~~(A) all nonresidential zoning districts except central area districts; and~~

~~(B) SC, GR, LC, HC, O-2, and industrial subdistricts in the Oak Lawn Special Purpose District (Planned Development District No. 193).~~

(A) all multifamily districts;

(B) all nonresidential zoning districts except central area districts; and

(C) SC, GR, LC, HC, O-2, and industrial subdistricts in the Oak Lawn Special Purpose District (Planned Development District No. 193).

(1) The name, address, telephone number, and signature of the applicant. If the applicant is not the owner of the lot, he must submit a letter from the owner authorizing him to act on the owner's behalf.

(2) The name, address, and telephone number of the owner of the lot. If there is more than one owner, the names, addresses, and telephone numbers of all owners must be provided.

(3) The street address and complete legal description of the lot.

(4) A brief description of all existing and proposed uses on the lot.

(5) Any other reasonable and pertinent information that the director determines to be necessary for site plan review.

~~(c) Site plan submission. A site plan submission under this section must include one reproducible print (blackline polyester film or equal) with five folded blueline or blackline copies, and one 8-1/2 inch by 11 inch clear film positive. The print and copies must have a scale of one inch equals 100 feet or larger (e.g. one inch equals 50 feet, one inch equals 40 feet, etc.) and be on a standard drawing sheet of a size not to exceed 36 inches by 48 inches.~~

(c) Reserved.

(d) Site plan requisites.

(1) In general. If the site plan is required due to estimated trip generation or a requirement for DIR in the use regulations, it must:

(A) include a location diagram showing the position of the lot in relation to surrounding streets in the city's major street network;

(B) contain title block and reference information pertaining to the lot and plan, including the name of the project, the names of the persons responsible for preparing the plan, the zoning classification of the lot, the scale of the plan (both numeric and graphic), and the date of submission, with provisions for dating revisions;

(C) show the dimensions of the lot, and indicate lot area in both square feet and acres;

(D) show or describe the building envelope for each existing and proposed building on the lot;

(E) show the location of all existing streets, alleys, easements for street purposes, utility and other easements, floodway management areas, and the one-percent annual chance flood plain, if applicable;

(F) show all areas proposed for dedication or reservation;

(G) show zoning setback and building lines for each existing and proposed building on the lot;

(H) show all existing and proposed points of ingress and egress and estimated peak hour turning movements to and from existing and proposed public and private streets and alleys;

(I) show all existing and proposed median cuts and driveways located within 250 feet of the lot;

(J) show all existing and proposed off-street parking and loading areas, indicating the general dimensions of parking bays, aisles, and driveways, and the number of cars to be accommodated in each row of parking spaces;

(K) show all existing and proposed provisions for pedestrian circulation on the lot, including sidewalks, walkways, crosswalks, and pedestrian plazas;

(L) indicate average daily traffic counts on adjacent streets and illustrate estimated peak hour turning movements at intersections located within 250 feet of the lot;

(M) show the location and indicate the type of any special traffic regulation facilities proposed or required;

(N) show the existing and proposed topography of the lot using contours at intervals of two feet or less. Existing contours must be shown with dashed lines; proposed contours must be shown with solid lines;

(E) Number of parking spaces required and number of parking spaces provided.

(F) Zoning classification of the lot.

(e) Review by the director.

~~(1) Upon the filing of a complete application for review of a site plan and a complete site plan submission, the director of development services shall promptly forward one copy of each to the director of code compliance for review and comments. The director of code compliance shall review the application and submission and return a written recommendation to the director of development services within 15 calendar days of the filing date.~~

~~(2) The director shall make a decision regarding the application and submission within 30 calendar days of the filing date. That decision must take one of three forms:~~

(1) Upon the filing of a complete application for review of a site plan and a complete site plan submission, the director of development services shall promptly forward one copy of each to all affected divisions of the department and to the director of code compliance for review and comments. The director of code compliance shall review the application and submission and return a written recommendation to the director of development services within 15 calendar days of the filing date.

(2) The director shall make a decision regarding the application and submission within 30 calendar days of the filing date. The decision must be accompanied by an itemized list of required changes or corrections to the site plan. That decision must take one of three forms:

(A) Approval, no conditions.

(B) Approval, subject to conditions noted.

(C) Denial.

(3) If the director fails to make a decision regarding the application and submission within 30 calendar days of the filing date, the application and submission are considered to be approved subject to compliance with all applicable city codes, ordinances, rules, and regulations.

(4) The time periods in Subsections (e)(1), (e)(2), and (e)(3) do not begin to run until the applicant provides all of the information required in Subsections (b), (c), and (d). In cases where the director requests additional information within 10 calendar days of the filing date, the time periods in Subsections (e)(1), (e)(2), and (e)(3) do not begin to run until the applicant provides the additional information.

(5) If the director denies an application or submission, he shall state in writing the specific reasons for denial. If he approves an application or submission subject to conditions, he shall state in writing the specific requirements to be met before issuance of a permit to authorize work on the lot.

(f) Grounds for denial.

(1) In general. The director shall deny a site plan application or submission under this section if:

(A) it does not contain sufficient information to allow for site plan review; or

(B) the site plan does not comply with all applicable city codes, ordinances, rules, or regulations.

(2) Vehicular circulation and infrastructure standards.

(A) Except as otherwise provided in Subsection (g), the director shall deny a site plan under this section if:

~~(i) the provisions for vehicular loading and unloading or parking, or for vehicular or pedestrian circulation, will create hazards to safety or will impose a significant burden upon public facilities which can be avoided or substantially mitigated by reasonable modifications in the plan; or~~

(i) the provisions for vehicular loading and unloading or parking, or for vehicular or pedestrian circulation, will create hazards to safety, substandard circulation of all modes of transportation, or will impose a significant burden upon public facilities which can be avoided or substantially mitigated by reasonable modifications in the plan; or

(ii) the site plan is required due to estimated trip generation and the owner of the lot refuses to comply with one or more of the following development-related infrastructure requirements:

(A) Denial of an application or site plan submission.

(B) Approval of an application or site plan submission subject to conditions noted.

(2) An appeal must be made within 10 days after notice is given to the applicant of the director's decision.

(3) An appeal is made by filing a written request with the director for review by the city plan commission.

(4) Decisions of the commission are final as to available administrative remedies and are binding on all parties.

(5) If the commission fails to make a decision on the appeal within 30 calendar days of the date that the written request is filed with the director, the application and submission are considered to be approved subject to compliance with all other applicable city codes, ordinances, rules, and regulations.

(j) Validity of approved site plan. An approved site plan is valid for a period of two years. If a permit to authorize work on the lot has not been obtained upon expiration of the two-year period, a new site plan submission is required.

(k) Effect of approved site plan. The approval of a site plan by the director or commission does not result in the vesting of development rights, nor does it permit the violation of any city ordinance or state law, nor does it preclude the building official from refusing to issue a permit if he determines that plans and specifications do not comply with applicable laws and ordinances, or that the work described in the application for the permit does not conform to the requirements of the construction codes. (Ord. Nos. 19455; 19786; 19929; 20037; 20730; 21760; 22053; 22026; 25047; 27697; 28073; 28424; 28553; 31314; 32002; 33112)

Division 51A-4.900. Affordable Housing.

SEC. 51A-4.901. PURPOSE.

This division is adopted to comply with Section 3.5 of the Consent Decree entered on September 24, 1990, in the United States District Court for the Northern District of Texas in the case of Debra Walker et al. v. U.S. Department of Housing and Urban Development et al. and to further the following related and more specific purposes:

(a) to encourage the provision of dwelling units affordable to families of low income throughout the city;

(b) to ensure that these dwelling units are safe, sanitary, decent, and otherwise substantially equivalent to public housing in the city;

(c) to ensure that these dwelling units are available in a variety of sizes to the same extent as throughout the city; and

(d) to otherwise promote the general welfare of the city and its residents. (Ord. 21663)

SEC. 51A-4.902. DEFINITIONS.

Unless the context clearly indicates otherwise:

(a) DENSITY BONUS means an increase in the number of dwelling units otherwise allowed for any particular lot.

(b) DWELLING UNIT OF ADEQUATE SIZE means:

(1) an efficiency or larger unit for a family consisting of one person;

all lienholders, other than taxing entities, that have an interest in lot(s) or an improvement on the lot(s);

~~(B) approved by the director of housing and community development;~~

(B) approved by the director of housing and community empowerment;

(C) approved as to form by the city attorney; and

(D) filed and made a part of the deed records of the county or counties in which the lots are located;

(8) state that the owner agrees to comply with all the requirements of this division, including the submission of an annual report and full cooperation with audits of the affordable housing program conducted by the city;

(9) state that it may be enforced by the city of Dallas;

(10) state that it shall be governed by the laws of the State of Texas; and

~~(11) be approved by the director of housing and community development and approved as to form by city attorney.~~

~~(b) Instrument must be filed. A true and correct copy of the approved affordable housing instrument must be filed in the deed records of the county or counties in which the lots affected are located. The instrument shall not be considered effective until it is filed in the deed records in accordance with this section. After the instrument is filed in the deed records, two file-marked copies of the instrument must be filed with the director of housing and community development.~~

(11) be approved by the director of housing and community empowerment and approved as to form by city attorney.

(b) Instrument must be filed. A true and correct copy of the approved affordable housing instrument must be filed in the deed records of the county or counties in which the lots affected are located. The instrument shall not be considered effective until it is filed in the deed records in accordance with this section. After the instrument is filed in the deed records, two file-marked copies of the instrument must be filed with the director of housing and community empowerment.

(c) Termination or amendment of instrument. A recorded affordable housing instrument may be terminated or amended to reduce the number of SAH units on a lot if a corresponding number of SAH units are provided on one or more other lots. An instrument terminating or amending a recorded affordable housing instrument must be:

(1) signed by the owner of the lot(s) affected by the affordable housing instrument and by all lienholders, other than taxing entities, that have an interest in the lot(s) or of an improvement on the lot(s);

~~(2) approved by the director of housing and community development as to compliance with this division;~~

(2) approved by the director of housing and community empowerment as to compliance with this division;

(3) approved as to form by the city attorney; and

(4) filed and made a part of the deed records of the county or counties in which the lot(s) are located by the owner of the lot(s).

~~The director of housing and community development shall not approve a termination or amendment that would cause the total number of SAH units to be reduced below the number required under this division, or that would otherwise cause this division to be violated.~~

The director of housing and community empowerment shall not approve a termination or amendment that would cause the total number of SAH units to be reduced below the number required under this division, or that would otherwise cause this division to be violated. (Ord. Nos. 21663; 32864; 33233)

SEC. 51A-4.909. OPERATION OF AFFORDABLE HOUSING PROGRAM.

(a) A certificate of occupancy may not be issued for a dwelling unit permitted because of an SAH unit approved by the director until a certificate of occupancy has been issued for the SAH unit; however, these certificates of occupancy may be issued simultaneously.

~~(d) The director of housing and community development shall randomly, regularly, and periodically select a sample of families occupying SAH units for the purpose of income verification. Any information received pursuant to this subsection shall remain confidential and shall be used only for the purpose of verifying income in order to determine eligibility for occupation of the SAH units. All prospective tenants of an SAH unit must agree to provide or to allow the director to obtain sufficient information to enable income verification as contemplated in this subsection as a condition to leasing the unit. A person commits an offense if he or she, with the intent to lease or occupy an SAH unit, misrepresents the gross annual family income of its tenant or prospective tenant to the lessor or the city of Dallas with knowledge of its falsity. A person who commits the offense described in this subsection shall be guilty of a separate offense for each day or portion of a day that the unit is leased or occupied based on the misrepresentation.~~

(d) The director of housing and community empowerment shall randomly, regularly, and periodically select a sample of families occupying SAH units for the purpose of income verification. Any information received pursuant to this subsection shall remain confidential and shall be used only for the purpose of verifying income in order to determine eligibility for occupation of the SAH units. All prospective tenants of an SAH unit must agree to provide or to allow the director to obtain sufficient information to enable income verification as contemplated in this subsection as a condition to leasing the unit. A person commits an offense if he or she, with the intent to lease or occupy an SAH unit, misrepresents the gross annual family income of its tenant or prospective tenant to the lessor or the city of Dallas with knowledge of its falsity. A person who commits the offense described in this subsection shall be guilty of a separate offense for each day or portion of a day that the unit is leased or occupied based on the misrepresentation.

(e) Annual report. Each owner of property subject to an approved affordable housing instrument shall submit a written report on June 30 of each year to the director that demonstrates compliance with the affordable housing instrument and this division. Each report must include:

(1) a list of SAH units currently leased, including the names and annual family incomes of the tenants;

(2) a list of the SAH units currently offered for lease;

(3) the total number of dwelling units (SAH or otherwise) currently offered for lease;

(4) a list of all lower income families currently seeking to lease one or more dwelling units on the property; and

(5) any other reasonable and pertinent information the director determines to be necessary to demonstrate compliance with the affordable housing instrument and this division.

(f) Family equivalence. The families that reside in SAH units must have similar numbers and ages of members as the other families on that lot. (Ord. Nos. 21663; 32864; 33233)

SEC. 51A-4.910. ALTERNATIVE WAYS TO SATISFY SAH UNIT OBLIGATION.

(a) In-lieu payment.

(1) In general. A property owner may reduce the number of SAH units required to obtain a density bonus by making an in-lieu payment into a special city account, to be known as the Housing Production Trust Fund, for development of SAH units in non-minority concentrated areas of the city. The amount of the payment required is calculated by multiplying the cost of constructing the multifamily dwelling unit [See Paragraph (2) below] required by the number of units of that size that will not be required by reason of the payment. The entire payment must be made to the director before issuance of any required permit.

(2) Cost of constructing multifamily dwelling units. Until January 2, 1995, the cost of constructing a multifamily dwelling unit is as shown:

NUMBER OF BEDROOMS IN UNIT	COST PER UNIT
1	$35,000
2	45,000
3	55,000
4	60,000

(b) Provision of single family uses. It is assumed that all SAH units provided will be multifamily uses. A property owner may, however, reduce the number of SAH units required to obtain a density bonus by providing one or more single family uses as SAH units in accordance with this subsection and Sections 51A-4.901 through 51A-4.909. The provision of a single family use reduces the number of multifamily bedrooms required as shown:

NUMBER OF BEDROOMS IN THE SINGLE FAMILY USE PROVIDED ("SIZE")	REDUCTION IN NUMBER OF MULTIFAMILY BEDROOMS REQUIRED
1	2
2	3
3	4
4	5

The number of multifamily bedrooms required to obtain a density bonus if a person provides one or more single family uses is calculated as follows. First, determine the number of each size of single family use provided. (For example, a person may provide two two-bedroom and three four-bedroom single family uses as SAH units.) Then, multiply the number of each size of single family use provided by the number of multifamily bedrooms that will not be required by reason of the provision of those single family uses. Next, add these numbers to determine the total number of multifamily bedrooms that will not be required. (In the above example, 21 multifamily bedrooms would not be required because of the provision of the single family uses.) This number is then subtracted from the total number of bedrooms of SAH units that would otherwise be required by Section 51A-4.906(b)(4) to obtain the density bonus. The result is then broken down into the number of different sizes of SAH units required by Section 51A-4.906(b)(4) to obtain the density bonus. (Ord. 21663)

Division 51A-4.1000. Park Land Dedication.

SEC. 51A-4.1001. PURPOSE.

Dedication of park land provides new residents and visitors with recreational amenities and green infrastructure consistent with the current level of park services for existing residents. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1002. APPLICABILITY.

(a) In general. Except as provided in this section, park land dedication requirements apply to:

(1) a single family or duplex residential plat or building permit for new construction; and

(2) a development plan or building permit that includes multifamily residential units or a hotel or motel use.

(b) Exceptions. These regulations do not apply to:

(1) plats, replats, or issuance of building permits for new construction on land owned by a governmental unit; and

(2) developments in planned development districts, existing on July 1, 2019, with open space or park land requirements.

~~(c) Waivers. Only developments that are enrolled in a program administered by the housing and community development department and authorized by the city council, that furthers the public purposes of the city's housing policy may be eligible to have some or all of these requirements waived.~~

(c) Waivers. Only developments that are enrolled in a program administered by the office of housing and community empowerment and authorized by the city council, that furthers the public purposes of the city's housing policy may be eligible to have some or all of these requirements waived. (Ord. Nos. 30934; 32864; 33233)

SEC. 51A-4.1003. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions. In this division:

participation in the mixed income housing development bonus program;

(6) the total floor area as defined by Chapter 51A-2.102(38) and the floor area devoted to residential uses as defined in Section 51A-4.209; and

(7) any other reasonable and pertinent information that the building official determines to be necessary for review.

(c) Building permit issuance. Before the issuance of a building permit, the mixed-income restrictive covenant must be recorded in the county in which the building site is located, and an official copy of the executed and recorded mixed-income restrictive covenant must be submitted to the building official.

(d) Minimum units required.

(1) A development using a development bonus in this division must provide a minimum of one reserved dwelling unit regardless of the percentage of total units required.

(2) In this division, calculations of the total number of required reserved units that result in fractions of a required unit must be rounded up to the next whole number.

~~(3) A development using a development bonus in this division must reserve no more than 50 percent of the dwelling units in each development for households at or below 80 percent of area median family income. This maximum percentage of reserved dwelling units may be waived for developments that are enrolled in a program administered by the department of housing and community development and authorized by the city council that furthers the public purposes of the city's housing policy and affirmatively furthers fair housing.~~

(3) A development using a development bonus in this division must reserve no more than 50 percent of the dwelling units in each development for households at or below 80 percent of area median family income. This maximum percentage of reserved dwelling units may be waived for developments that are enrolled in a program administered by the office of housing and community empowerment and authorized by the city council that furthers the public purposes of the city's housing policy and affirmatively furthers fair housing.

(e) Phasing.

(1) To obtain a development bonus for a phased development, a project plan must be submitted to the building official with the initial building permit application.

(2) For a phased development:

(A) the first phase must independently qualify for the development bonus;

(B) each subsequent phase combined with all previous phases already completed or under construction must also qualify for the development bonus; and

(C) the dispersal requirements in Section 51A-4.1106 only apply to buildings and phases with reserved units.

(3) A project taking advantage of a development bonus may consist of two or more building sites if they are developed under a project plan. The project plan must include a unit dispersal plan and must be:

(A) signed by all property owners; and

(B) approved by the building official.

(f) Certificate of occupancy. Before the issuance of a final certificate of occupancy for a multifamily or retirement housing use, the owner must submit to the building official any additional information needed to ensure compliance with the terms of the building permit and the mixed-income restrictive covenant, including:

(1) The approved affirmative fair housing marketing plan described in Section 20A-31(g).

~~(2) A letter from the director of housing and community development certifying that the development complies with the mixed-income restrictive covenant.~~

(2) A letter from the director of housing and community empowerment certifying that the development complies with the mixed-income restrictive covenant.

(3) A letter documenting that the development has registered with one or more local

providers of housing vouchers and has acknowledged that the development must pass the provider's required inspections. (Ord. Nos. 31152; 32210; 32864; 33233)

(5) Conflicts. In the case of a conflict between a height bonus and a stories bonus the greater bonus applies.

(6) Parking reduction. This reduction only applies to the total number of required off-street parking spaces for nonresidential uses except alcoholic beverage establishments, commercial amusement (inside), commercial amusement (outside), restaurant without drive-in or drive-through service, and restaurant with drive-in or drive-through service.

MVA Category	Tier 1 (<= 50% of AMFI) Minimum 3% of units	Tier 2 (51 - 80% of AMFI) Minimum 5% of units	Tier 3 (81 - 100% of AMFI) Minimum 10% of units
MVA A-F	100%	50%	20%
MVA G-I	100%	70%	40%

(g) Alternative methods. The requirements for on-site reserved units in this division may be met by alternative methods as provided in Section 20A-23.1, as amended. (Ord. Nos. 31152; 32210)

SEC. 51A-4.1107. DESIGN STANDARDS.

(a) In general.

(1) Except as provided in this section, to obtain a development bonus under this division, a qualifying development must meet the requirements of this section, where applicable.

(2) Except as provided in this section, the board of adjustment may not grant a variance or special exception to the standards in this section.

(3) Except if the existing building is destroyed by the intentional act of the owner or the owner's agent, the existing building may be renovated, remodelled, repaired, rebuilt, or enlarged using the bonuses in this division if the work does not cause the existing building to become more nonconforming as to the requirements in this section and the applicable zoning district.

~~(4) For off-street parking requirements for residential uses in existing buildings, development bonuses may not reduce the minimum number of required off-street parking spaces beyond the number required in Subsection (c).~~

(b) Yard, lot, and space standards.

(1) Encroachments. The following additional items are permitted to be located within the required front, side, and rear yards:

(A) Seat walls, retaining walls, stoops, porches, steps, unenclosed balconies, ramps, handrails, safety railings, and benches all not exceeding four feet in height and extending a maximum of five feet into the required minimum yards.

(B) Landscape planters.

(C) Sculptures.

(D) Awnings

(2) Front yard fences. A maximum four-foot-high fence is allowed in a front yard. A maximum four-foot-high handrail may be located on retaining walls in a front yard.

(3) Height. Maximum height is controlled by the development bonus provisions and must comply with residential proximity slope regulations if applicable.

(c) Off-street parking and loading.

(1) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

~~(2) Multifamily parking. Except as provided in this paragraph, the lesser of one-half space per dwelling unit or the minimum number of parkjng spaces required in Division 51A-4.200, as amended, is required.~~

~~(A) At least 15 percent of the required parking must be available for guest parking.~~

~~(B) For developments with transit proximity, the lesser of one-half space per dwelling unit or the minimum number of parking spaces required in Division 51A-4.200, as amended, is required. At least 15 percent of the required parking must be available for guest parking.~~

~~(3) Retirement housing. The lesser of one-quarter space per dwelling unit or the minimum number of parking spaces required in Division 51A-4.200, as amended, is required.~~

(2) Multifamily parking. No parking is required.

(3) Reserved.

(4) Parking locations.

(A) In general. Except as provided in this paragraph, surface parking is prohibited between the street-facing facade and the property line. For buildings with more than one street frontage, only two street frontages are subject to this requirement.

(B) Thoroughfare frontage. For buildings fronting on a thoroughfare, surface parking is prohibited within the front setback.

(C) Surface parking. A maximum of 15 percent of the total on-site parking may be provided as surface parking in a side yard.

(D) Parking structure. That portion of the ground-level floor facing the street of any multi-floor parking facility must have an active use other than parking, with a minimum depth of 25 feet, or must have an exterior facade that is similar in materials, architecture, and appearance to the facade of the main structure. Exterior parking structure facade openings must provide solid screening a minimum 42 inches from the floor level within the parking structure to screen vehicles and vehicle headlights.

(E) Assigned parking. For assigned parking spaces, those spaces allotted for reserved dwelling units must be dispersed and distributed amongst all other assigned parking for similar units.

(5) Passenger loading.

(A) Each building site must provide at least one off-street or on-street passenger loading space. The board of adjustment may grant a variance to this subparagraph.

(B) On-street passenger loading zones, if provided, must be constructed in compliance with Architectural Barrier Act accessibility standards and must be approved by the director and by the director of transportation and public works.

(6) Screening of off-street loading spaces and service areas. Screening must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any of the methods described in Section 51A-4.602(b)(3), except that screening around service areas for trash collection must be screened by a masonry wall with a solid gate.

(7) Review. This subsection must be reviewed by city council within two years of May 11, 2022 and every two years, thereafter.

(C) Open space may also be provided at or below grade or aboveground by an outside roof deck, rooftop garden, playground area, pool area, patio, or similar type of outside common area.

(D) Private balconies, sidewalks, parking spaces, parking lots, drive aisles, and areas primarily intended for vehicular use are not considered open space and do not count towards the open space requirement.

(E) Operation or parking of vehicles within on-site open space is prohibited. Emergency and grounds maintenance vehicles are exempt.

(F) Open spaces must be properly maintained in a state of good repair and neat appearance, and plant materials must be maintained in a healthy, growing condition.

(2) Landscape areas that fulfill the requirements of Article X may also fulfill these requirements if all conditions of this section and Article X are met.

(g) Non-required fences. Unless a use specifically requires screening, all fences for uses along a street or trail must have a surface area that is a minimum of 50 percent open, allowing visibility between three feet and six feet above grade. The exceptions for multifamily districts in Sections 51A-4.602(a)(2) and 51A-4.602(a)(4) which provide that a fence exceeding four feet above grade may be erected in a front yard in multifamily districts are not applicable. (Ord. Nos. 31152; 32210; 32864; 33112)

SEC. 51A-4.1108 BOARD OF ADJUSTMENT VARIANCES.

A development that is eligible to receive the bonuses in this division may either use the bonuses or go to the board of adjustment to seek a variance but may not do both for the same yard, lot, and space regulations. (Ord. Nos. 31152; 32210)

person whose address or telephone number is listed on the sign, or who is otherwise named, described, or identified on the sign, is the person who committed the violation, either personally or through an agent or employee.

(d) It is a defense to prosecution under Subsection (b) that the sign was authorized or required by another city ordinance, state law, or federal law. (Ord. Nos. 19455; 20359; 20927; 25455; 26512)

SEC. 51A-7.204. OTHER CODES NOT IN CONFLICT, APPLICABLE.

All signs erected or maintained pursuant to the provisions of this article shall be erected and maintained in compliance with all applicable state laws and with the building code, electrical code, and other applicable ordinances of the city. In the event of conflict between this article and other laws, the most restrictive standard applies. (Ord. 19455)

SEC. 51A-7.205. ATHLETIC FIELD SIGNS, PORTABLE SIGNS, SPECIAL PURPOSE SIGNS, MOVEMENT CONTROL SIGNS, AND PROTECTIVE SIGNS.

(a) Non-premise athletic field signs.

(1) Non-premise athletic field signs are permitted only in special provision sign districts.

(2) Non-premise athletic field signs must be on the same premise as the athletic field and be attached to a scoreboard or the inside of a fence surrounding the field. All signs must be oriented toward the field or its seating areas.

(3) The cumulative effective area of all non-premise athletic field signs attached to a scoreboard may not exceed 240 square feet.

(b) Portable signs. Portable signs, as that term is defined in Section 51A-7.102, are prohibited.

~~(c) Reserved.~~

(c) Special purpose signs. Special purpose signs, whether attached or detached, are prohibited in all business and non-business zoning districts unless expressly authorized in a special provision sign district or a planned development district.

(d) Reserved.

(e) Movement control signs. Movement control signs may be erected at any occupancy or on any premise, other than a single-family or duplex premise, may be attached or detached, and may be erected without limit as to number, provided, that such signs shall comply with all other applicable requirements of this article. No setback is required for a detached movement control sign that does not exceed two feet in height. Unless granted a variance under the provisions of Section 51A-7.703, the occupant of a premise may erect a movement control sign only if the sign:

(1) does not exceed two square feet in effective area;

(2) conveys a message which directs vehicular or pedestrian movement within or onto the premise on which the sign is located;

(3) contains no advertising or identification message; and

(4) has words that do not exceed four inches in height if the sign is an attached sign.

(f) Protective signs. The occupant of a premise may erect not more than two protective signs, in accordance with the following provisions:

(1) Each sign must not exceed 100 square inches in effective area.

(2) Detached signs must not exceed two feet in height.

(3) Letters must not exceed four inches in height. (Ord. Nos. 19455; 20927; 21798; 21855; 21978;

24232; 27253; 33234)

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 10 subdistricts: Retail Subdistrict A, Retail Subdistrict B, the General CBD Subdistrict, the Downtown Perimeter Subdistrict, the Main Street Subdistrict, the Convention Center Subdistrict, the Akard Station Subdistrict, the Whitacre Tower Subdistrict, the Discovery Subdistrict, and the Chase Tower Subdistrict.~~

(a) This district is divided into nine subdistricts: Retail Subdistrict A, Retail Subdistrict B, the General CBD Subdistrict, the Downtown Perimeter Subdistrict, the Main Street Subdistrict, the Convention Center Subdistrict, the Akard Station Subdistrict, the Whitacre Tower Subdistrict, and the Discovery Subdistrict.

(b) Retail Subdistrict A is that central area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

(c) Retail Subdistrict B is that central area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

(d) The General CBD Subdistrict is that area of the district within the Freeway Loop, more particularly described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

(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. 30685, passed by the Dallas

(g) The Convention Center Subdistrict is that area of downtown near the convention center, more particularly described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

(h) The Akard Station Subdistrict is that area of downtown that is more particularly described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

(i) The Whitacre Tower Subdistrict is that area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. 30685 passed by the Dallas City Council on October 25, 2017.

(j) The Discovery Subdistrict is that area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. 31191, passed by the Dallas City Council on April 24, 2019.

~~(k) The Chase Tower Subdistrict is that area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. 31374 passed by the Dallas City Council on October 23, 2019.~~ (Ord. Nos. 24606; 24925; 28346; 29227; 29751; 30685; 31191; 31374; 33252)

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:

(1) ACTIVITY DISTRICT means a group of entertainment, cultural, performance, retail, or restaurant establishments that generate pedestrian activity within a particular geographic area, and that has a known name as a destination such as, but not limited to, the Farmers Market, Main Street, or the Arts District.

(2) ARCADE SIGN means any sign that is mounted under a canopy or awning and is perpendicular to the building to which the canopy or awning is attached. This sign is intended to be read from the pedestrian walkway that the canopy or awning covers.

(3) AWNING means a fabric or vinyl surface supported by a metal structure, which is applied to the face of a building.

(4) AWNING SIGN means a sign attached to, painted on, or otherwise applied to an awning.

(5) BANNER means a sign applied on a strip of cloth, vinyl, or similar material and attached to a building or structure. Awning, canopy signs, and flags are not banners.

(6) CANOPY means a permanent, non-fabric architectural element projecting from the face of a building.

(7) CANOPY SIGN means a sign attached to, applied on, or supported by a canopy, with no changeable message area.

(8) CHANGEABLE MESSAGE SIGN means a sign composed of LED/LCD elements, slide lettering, slated rotating surfaces, or other changeable message technology that displays different designs or advertisements.

not be computed, and the effective area must be measured by the rule for effective area for attached signs; and

(C) for an attached sign, the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word. If a design, outline, illustration, or interior illumination surrounds or attracts attention to a word, then it is included in the calculation of effective area.

(12) ENTERTAINMENT FACILITY means a structure or building for sports events or the performing arts, including indoor motion picture theaters, theaters for live musical or dramatic performances, indoor and outdoor concert halls, and exhibition halls.

(13) FACADE means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space, chimneys, roof-mounted equipment, mounted antennas, or water towers. Where separate faces are oriented in the same direction or in directions within 45 degrees of one another, they are to be considered as part of a single facade. A roof is not a facade or part of a facade. Multiple buildings on the same lot will each be deemed to have separate facades.

(14) FLAT ATTACHED SIGN means an attached sign projecting 12 inches or less from a building, and the face of which is parallel to the building facade.

(15) FREEWAY LOOP means the area of the city within Woodall Rogers Freeway, R.L. Thornton Freeway, Central Expressway (elevated bypass), and Stemmons Freeway.

~~(15.1) GATEWAY SIGN means an attached sign located on an access gate or a vertical clearance structure/access gate.~~

(16) GENERIC GRAPHICS means any pattern of shapes, colors, or symbols that does not commercially advertise.

(17) KIOSK means a multi-sided structure for the display of premise and nonpremise signs.

(18) LANDSCAPE SIGN means a sign that is a part of a single landscape design which creates a base for the sign in conjunction with a retaining wall or an open space created with the use of water or planting material.

(19) LOWER LEVEL SIGN means an attached sign wholly situated within the lower level sign area.

(20) LOWER LEVEL SIGN AREA means the portion of a facade less than 36 feet above grade.

(21) MARQUEE SIGN means a sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building, and consisting primarily of changeable panels, words, or characters.

(21.1) MEDIA CENTER PLAZA means an outdoor area that is accessible to the public, and includes:

(A) a plaza that is at least 120,000 square feet in size; and

(B) structures containing ground-floor retail and restaurant uses.

(21.2) MEDIA WALL SIGN means an attached sign projecting no more than five feet from a building, the face of which is parallel to the building facade, and which may wrap around the corner of a building. A media wall sign must be located adjacent to a media center plaza. A media wall sign must be a changeable message sign, and must incorporate changeable messages, including streaming.

(22) MESSAGE AREA means the area within the effective area of a sign that provides a specific commercial or non-commercial message and that excludes all extremity and intra-areas associated with the sign fixture.

other similar technology, and that is mounted to the exterior of a building.

(35) WELCOME MESSAGE means a message that identifies and greets heads of state, foreign dignitaries, groups using city property in accordance with a contract, license, or permit, or government organizations.

(36) WINDOW ART DISPLAY means an exhibit or arrangement placed within a storefront window of a building and designed to be viewed from a street or public area.

(37) WINDOW SIGN means a sign painted or affixed to a window.

(38) WORD: For purposes of this division, each of the following is considered to be one word:

(A) Any word in any language found in any standard unabridged dictionary or dictionary of slang.

(B) Any proper noun or any initial or series of initials.

(C) Any separate character, symbol, or abbreviation such as "&", "$", "%", and "Inc."

(D) Any telephone number, street number, or commonly used combination of numerals and symbols such as "$5.00" or "50%",

(E) Any Internet website, network, or protocol address, domain name, or universal record locator.

(F) Any symbol or logo that is a registered trademark but which itself contains no word or character.

(G) A street address is not considered to be a word. (Ord. Nos. 20167; 21404; 22425; 24606; 24925; 27795; 28346; 28347; 29227; 31191; 31374; 33252)

SEC. 51A-7.904. DETACHED NON-PREMISE SIGNS.

Except as provided in this division, no person may erect a detached non-premise sign in this district. (Ord. Nos. 19455; 20167; 21404; 24606; 24925)

SEC. 51A-7.905. SIGN PERMIT REQUIREMENT.

(a) Except as provided in Sections 51A-7.908, 51A-7.914, and 51A-7.915, a person shall not alter, place, maintain, expand, or remove a sign in this district without first obtaining a sign permit from the city.

(b) The procedure for obtaining a sign permit is outlined in Section 51A-7.505 of this article. Section 51A-7.602 of this article does not apply to signs in this district.

(c) A person who violates Subsection (a) is guilty of a separate offense for each day or portion of a day during which the violation is continued. (Ord. Nos. 20167; 21404; 24606; 24925)

SEC. 51A-7.906. GENERAL PROVISIONS FOR ALL SIGNS IN THE DOWNTOWN SIGN DISTRICT.

(a) Except as provided in Subsection (b), the regulations of Section 51A-7.303 apply in this district.

(b) For retail and personal service uses within the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B, the measurements of luminance are taken from any premise or public right-of-way other than an alley outside the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B, respectively.

(c) Illuminated signs in this district must comply with Section 51A-6.104 of the Dallas Development Code, as amended. (Ord. Nos. 24606; 24925; 27795; 29227)

SPECIAL PROVISIONS FOR SIGNS WITHIN THE GENERAL CBD, MAIN STREET, CONVENTION CENTER, RETAIL, AND DISCOVERY~~, AND CHASE TOWER~~ SUBDISTRICTS.

SEC. 51A-7.907. GENERAL PROVISIONS.

(a) Signs over the right-of-way.

(1) Signs may be located within the public right-of-way subject to the franchise requirements of Chapter XIV of the City Charter, Article VI of Chapter 43 of the Dallas City Code, as amended, Chapter 45 of the Dallas Building Code, and the requirements of all other applicable laws, codes, ordinances, rules, and regulations.

(2) The director shall review the location of any sign located in or overhanging the public right-of-way to ensure that the sign will not pose a traffic hazard or visibility obstruction.

(3) No portion of a sign may be located less than two feet from the back of a street curb.

(b) Signs in general.

(1) Except as provided in Division 51A-7.900 of Article VII, all applications for certificates of appropriateness for detached signs in this district must be reviewed by the special sign district advisory committee using the permit procedures set forth in Division 51A-7.500. The director procedure in Division 51A-7.500 is not available for detached signs in this district. All applications for certificates of appropriateness for other types of signs in this district must be in accordance with Division 51A-7.500 of Article VII.

(2) Unless otherwise provided, all signs in this district must be premise signs.

(3) All wind devices except for flags and banners are prohibited in this district unless allowed under a special events permit issued under Chapter 42A of the Dallas City Code, as amended. (Ord. Nos. 24606; 24925; 25047; 28073)

SEC. 51A-7.908. VIDEOBOARD SIGN.

(a) One videoboard sign may be attached to a building adjacent to the Main Street Subdistrict.

(b) The videoboard sign may display any message.

(c) A certificate of appropriateness is required for approval of the specific size and location of the videoboard sign.

(d) The videoboard sign may not be placed on a landmark structure. (Ord. 24925)

SEC. 51A-7.909. ATTACHED NON-PREMISE DISTRICT ACTIVITY VIDEOBOARD SIGNS.

(a) Content. Non-premise district activity videoboard signs must display district activity messages a minimum of three minutes of every operational hour and must display either district activity messages or premise messages for an additional minimum of nine minutes of every operational hour.

(b) Location and number.

(1) A maximum of 15 non-premise district activity videoboard signs are permitted and may only be erected on buildings with frontage on streets within Retail Subdistrict A and Retail Subdistrict B bounded by Jackson Street, Lamar Street, Pacific Avenue, and Cesar Chavez Boulevard.

(2) A maximum of one non-premise district activity videoboard sign is permitted per block face.

video and audio is permitted, except that ticker tape streaming is permitted at all times when the videoboard sign is operating. Ticker tape streaming must be located within the bottom 10 percent of the effective area.

(e) Malfunction. Videoboard sign operators must respond to a malfunction or safety issue within one hour after notification. (Ord. Nos. 27481; 27572)

SEC. 51A-7.911. ATTACHED PREMISE SIGNS.

(a) Attached signs in general.

(1) Attached signs must be securely attached.

(2) Attached signs overhanging the public way are permitted, except that no sign may project closer than two feet to the vertical plane extending through the back of a street curb.

~~(3) The total effective area for all signs on a facade, excluding media wall signs in the Discovery Subdistrict and gateway signs in the Chase Tower Subdistrict, may not exceed:~~

(3) The total effective area for all signs on a facade, excluding media wall signs in the Discovery Subdistrict, may not exceed:

(A) 30 percent of the area in the lower level sign area;

(B) 20 percent of the area in the middle level sign area; and

(C) 30 percent of the area in the upper level sign area.

Projecting attached signs are not included in these effective area calculations. See additional restrictions on sign area in the provisions for specific sign types.

(4) Except as provided in this paragraph, attached signs may not project more than four feet above the roof line. Attached signs in the Convention Center Subdistrict may not project more than nine feet above the roof line.

(5) Attached premise signs may be videoboard signs, provided that the message content concerns businesses on the premise which are open for business for a minimum of 50 weeks per year with employees present a minimum of 30 hours per week. For operational and maintenance requirements, see Section 51A-7.910.

(b) Arcade signs.

(1) An arcade sign must be located at least 15 feet from any other arcade sign.

(2) No arcade sign may exceed six square feet in effective area.

(3) No arcade sign may be lower than 10 feet above grade.

(c) Awning signs.

~~(1) Awning signs in the general CBD, convention center, and Chase Tower subdistricts.~~

(1) Awning signs in the general CBD and convention center subdistricts.

(A) No awning sign may:

(i) project more than two inches from the surface of the awning; or

(ii) be lower than 10 feet above grade.

(B) The total effective area for any one awning sign may not exceed six square feet.

(C) The total effective area for all awning signs combined on each street frontage may not exceed 150 square feet.

(2) Awning Signs in the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B.

(A) No awning sign may:

(i) project more than two inches from the surface of the awning; or

(ii) be lower than 10 feet above grade.

(B) The total effective area for each awning sign may not exceed eight square feet.

(C) The total effective area for all awning signs combined on each premise may not exceed 180 square feet on each street frontage.

(d) Canopy signs.

~~(1) Canopy signs in the general CBD, convention center, and Chase Tower subdistricts.~~

(1) Canopy signs in the general CBD and convention center subdistricts.

(A) No canopy sign may:

(i) exceed 50 percent of the length of the canopy facade to which it is attached;

(ii) project horizontally more than two inches from the surface of the canopy; or

(iii) be lower than 10 feet above grade.

(B) The total effective area for all canopy signs combined on each street frontage may not exceed 150 square feet.

(C) No canopy sign may project vertically above the surface of the canopy if a lower level flat attached sign is maintained at that occupancy on the same facade.

(D) No canopy sign may project vertically above the surface of the canopy more than 15 percent of the overall length of the sign.

(E) A canopy sign may only be located over a pedestrian entrance to a premise.

(2) Canopy Signs in the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B.

(A) No canopy sign may:

(i) exceed 60 percent of the length of the canopy facade to which it is attached;

(ii) project horizontally more than 12 inches from the surface of the canopy; or

(iii) be lower than 10 feet above grade.

(B) The total effective area for all canopy signs combined on each street frontage may not exceed 180 square feet.

(C) No canopy sign may project vertically above the surface of the canopy if a lower level flat attached sign is maintained at that occupancy on the same facade.

(D) No canopy sign may project vertically above the surface of the canopy more than 20 percent of the overall length of the sign.

(E) Canopy signs may only be located over a pedestrian entrance to a premise.

(e) Flat attached signs.

(1) Lower level flat attached signs.

(A) Except as provided in this paragraph, the maximum number of lower level flat attached signs permitted on a facade is the sum obtained by counting all of the street entrances and first floor occupants with windows on that facade with no street entrances.

~~(B) In the general CBD, convention center, and Chase Tower subdistricts, the maximum effective area for a lower level flat attached sign is:~~

(B) In the general CBD and convention center subdistricts, the maximum effective area for a lower level flat attached sign is:

(i) 30 square feet if the sign is within 15 feet of the right-of-way; and

(ii) 50 square feet if the sign is more than 15 feet from the right-of-way.

(6) Only an entertainment facility may have a marquee sign.

(g) Projecting attached signs.

(1) Lower projecting attached signs.

(A) No premise may have more than one lower projecting attached sign per pedestrian entrance.

~~(B) No lower projecting attached sign may exceed 15 square feet in effective area in the general CBD, convention center, and Chase Tower subdistricts, or 30 square feet in effective area in the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B.~~

(B) No lower projecting attached sign may exceed 15 square feet in effective area in the general CBD and convention center subdistricts, or 30 square feet in effective area in the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B.

(C) No lower projecting attached sign may be lower than 10 feet above grade, or project vertically above the roof of a building, or 25 feet above grade, whichever is lower.

(D) No lower projecting attached sign may project more than five feet into the public right-of-way.

(2) Upper projecting attached signs.

(A) No premise may have more than one upper projecting attached sign.

(B) No upper projecting attached sign may project more than five feet into the public right-of-way.

(C) An upper projecting attached sign:

(i) may be located outside the upper level sign area; and

(ii) may not be lower than 12 feet above grade.

(D) The lowest point of an upper projecting attached sign must be located within 36 feet above grade.

(E) No upper projecting attached sign may exceed 180 square feet in effective area.

(3) The board of adjustment may authorize a special exception to the effective area, height, or location restrictions for a projecting attached sign if the board finds, after a public hearing, that the special exception will not be contrary to the public interest, adversely affect neighboring properties, or create a traffic hazard and that the special exception will be in harmony with the general purpose and intent of this division. In no event may a special exception granted under this paragraph authorize a sign to exceed 300 square feet in effective area or 45 feet in height.

(4) All projecting attached videoboard signs must have videoboard displays on both sides of the sign.

(h) Media wall signs.

(1) One media wall sign is permitted in the Discovery Subdistrict only.

(2) A media wall sign may be located no lower than 15 feet from grade and may be located no higher than 125 feet from grade.

(3) Non-premise messages are permitted only when streaming live or pre-recorded media content that is not simply an advertisement or commercial.

(4) For purposes of a media wall sign, PREMISE means the property within the Discovery Subdistrict and the property within the Media Center Plaza abutting the Discovery Subdistrict.

(5) For purposes of a media wall sign, PREMISE SIGN means any sign that contains content that relates to the premise and referring exclusively to the following:

(A) the name, trade name, or logo of the owner or occupant of the premises, or the identification of the premise;

and dimming formula in Section 51A-7.911(h)(7)(B); and

(B) the light intensity is protected from end-user manipulation by password-protected software, or other method satisfactory to the building official.

(9) Media wall sign operators must respond to a malfunction or safety issue within one hour after notification.

~~(i) Gateway signs.~~

~~(1) Two gateway signs are permitted in the Chase Tower Subdistrict only.~~

~~(2) Minimum setback is five feet from any public right-of-way.~~

~~(3) The combined maximum total effective area for both gateway signs is 65 square feet.~~ (Ord. 20927; 21404; 21694; 24606; 24925; 27481; 27795; 28346; 29227; 30685; 31191; 31374; 33252)

SEC. 51A-7.912. DETACHED PREMISE SIGNS.

(a) Unless otherwise provided, all detached premise signs must be monument signs or landscape signs.

(b) No detached premise sign may be located within five feet of a public right-of-way, except for monument signs or landscape signs, which may be located at the building line.

(c) Except as provided in this section, detached premise signs located within 15 feet of a public right-of-way may not exceed 20 square feet in effective area, or five feet in height.

(d) Except as provided in this section, detached premise signs with a setback of 15 feet or greater from a public right-of-way may not exceed 50 square feet in effective area, or 15 feet in height.

(e) A detached premise sign may contain only the name, logo, and address of the premise building and its occupants.

(f) Section 51A-7.304(c) of the Dallas Development Code, as amended, does not apply to monument signs or landscape signs in this district.

(g) A premise having more than 450 feet of frontage along a street may have no more than one additional detached premise sign for each additional 100 feet of frontage or fraction thereof. For purposes of the subsection, "street" means a right-of-way that provides primary access to adjacent property.

(h) The following additional regulations apply in Retail Subdistrict B.

(1) Campus identification sign.

(A) One campus identification sign is permitted if the building site contains a single building with a floor area of 1.5 million square feet or greater.

(B) This sign must be located within 15 feet of the right-of-way.

(C) Maximum height is four feet, six inches.

(D) Maximum effective area is 77 square feet.

(E) The message area cannot exceed 70 percent of the effective area.

(F) Push-through acrylic lettering is required. No other lettering is permitted.

(2) Additional monument signs.

(A) Three additional monument signs are permitted if the building site contains a single

building with a floor area of 1.5 million square feet or greater.

(B) Maximum height is four feet, six inches.

(C) Maximum effective area of each sign is 45 square feet.

(D) The message area cannot exceed 60 percent of the effective area.

(E) These signs may be located along any street, provided there are no more than five detached premise signs oriented toward any street.

(F) The 200-foot spacing provision in Section 51A-7.304, "Detached Signs," for detached signs on the same premise does not apply to additional monument signs permitted by this paragraph.

(3) Retaining wall signs.

(A) A maximum of four retaining wall signs are permitted.

(B) Maximum effective area of each sign is 40 square feet.

(4) Pedestrian-oriented concession signs.

(A) A maximum of three pedestrian-oriented concessions signs are permitted.

(B) These signs may contain campus and associated identification.

(C) Minimum setback is 15 feet.

(D) Maximum height is eight feet, eight inches.

(E) Maximum effective area of each sign is 30 square feet.

(F) There is no message area restrictions for these signs.

(G) Push-through acrylic lettering is required. No other lettering is permitted.

(5) Illumination.

(A) Except as provided in this paragraph, internal sources of illumination may only be used if the internal source is an integral part of the sign's design, such as the use of light emitting diodes (LED) or small individual incandescent lamps.

(B) Except as provided in this paragraph, detached premise signs must not have a plastic translucent cover.

(C) Retaining wall signs and pedestrian-oriented concession signs may be externally lit, or internally lit with a translucent or transparent cover, without limitation to the type of lighting or cover materials.

~~(i) The following additional regulations apply in the Chase Tower Subdistrict.~~

~~(1) The following two detached premise signs are permitted only along the Pearl Street frontage: one monument sign and one landscape sign.~~

~~(2) The landscape sign may not exceed 50 square feet in effective area or 15 feet in height.~~

~~(3) The minimum setback for the monument sign is 10 feet from the public right-of-way. The monument sign may not exceed 80 square feet in effective area or 12 feet in height.~~ (Ord. Nos. 20167; 21404; 22425; 24606; 24925; 29227; 31374; 33252)

SEC. 51A-7.913. CONSTRUCTION BARRICADE SIGNS.

(a) The director shall review all construction barricade signs for consistency with the construction

(C) not be located in a public right-of-way; and

(D) be erected anywhere in this subdistrict without limitation as to number.

~~(e) The following regulations apply in the Chase Tower Subdistrict.~~

~~(1) A movement control sign may only be a detached sign.~~

~~(2) A movement control sign may not exceed eight square feet in effective area.~~

~~(3) An unlimited number of movement control signs may be erected anywhere within the subdistrict.~~

~~(4) A movement control sign may not be located in the public right-of-way.~~ (Ord. Nos. 24606; 24925; 29227; 31374; 33252)

SEC. 51A-7.920. DISTRICT IDENTIFICATION SIGNS.

(a) A district identification sign may only:

(1) identify the name or logo of the Main Street Subdistrict, Retail Subdistrict A, or Retail Subdistrict B as approved by the city council; and

(2) be located in the subdistrict it identifies.

(b) A district identification sign may be located in the right-of-way.

(c) No district identification sign may be a changeable message sign.

(d) A district identification sign may only be a monument sign, a banner sign, or be located on a structure that spans a right-of-way or on a nonenclosing wall.

(e) A maximum of six district identification signs are allowed in the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B, collectively.

(f) No district identification sign may exceed 50 square feet in effective area.

(g) No district identification sign may exceed five words.

(h) A structure that spans a right-of-way or a nonenclosing wall containing a district identification sign:

(1) may not exceed 900 square feet in effective area;

(2) must be at least 15 feet above grade; and

(3) may not exceed 25 feet in height.

(i) Monument identification signs located within 15 feet of a public right-of-way may not exceed 20 square feet in effective area, or five feet in height.

(j) Monument identification signs located more than 15 feet from a public right-of-way may not exceed 50 square feet in effective area, or 15 feet in height.

SEC. 51A-7.923. OTHER TEMPORARY SIGNS.

(a) In addition to the protective signs permitted under Section 51A-7.921, temporary protective signs may be erected anywhere on a construction site at anytime during construction subject to the following provisions:

(1) There is no limit on the number of temporary protective signs on a construction site.

(2) No sign may exceed 20 square feet in effective area, or eight feet in height.

(3) Temporary protective signs may be illuminated, but no lighting source may project more than three inches from the vertical surface, or six inches above the top, of the sign.

(4) All temporary protective signs must be removed upon completion of the construction.

(b) "For Sale," "For Lease," "Remodeling," and "Under Construction" signs. Signs that relate exclusively to the sale, lease, remodeling, or construction of the premises on which they are located are permitted subject to the following provisions:

(1) Attached signs.

(A) There is no limit on the number of attached signs permitted.

(B) If the sign is attached to a window, the maximum effective area of the sign is 16 square feet.

(C) If the sign is attached to other portions of a facade, the maximum effective area of the sign is 32 square feet.

(2) Detached signs.

(A) Detached signs are limited to one for each 100 feet of frontage on a public street or private access easement.

(B) No detached sign may exceed 128 square feet in effective area, or 16 feet in height. (Ord. Nos. 24606; 24925)

SECS. 51A-7.924 THRU 51A-7.929. RESERVED.

SEC. 51A-7.930. SUPERGRAPHIC SIGNS.

(a) Definitions. In this section:

(1) AFFILIATE means any person who is an owner, shareholder, member, partner, agent, officer, or director of an applicant for a supergraphic sign location permit pursuant to this section or a person who has a contractual relationship with an applicant related to supergraphic signs.

(2) CENTRAL BUSINESS DISTRICT WALLSCAPE SIGN means a supergraphic sign located in the inner loop area that is neither a promotional wallscape nor a civic center wallscape.

(3) CIVIC CENTER WALLSCAPE SIGN means a supergraphic sign located on a city-owned performance venue with a minimum 1,000 person seating capacity, convention center, or library.

(3.1) EXPOSED PARTY WALL means the remaining outer wall of a structure that formally was a part of a common wall between two adjoining structures.

~~(4) INNER LOOP AREA means the Main Street Subdistrict, Retail Subdistrict A, Retail Subdistrict B, the Convention Center Subdistrict, and the General CBD Subdistrict.~~

(4) INNER LOOP AREA means the Main Street Subdistrict, Retail Subdistrict A, Retail Subdistrict B, the Convention Center Subdistrict, the General CBD Subdistrict, the Akard Station Subdistrict, and the Whitacre Tower Subdistrict.

(5) LOCATION PERMIT means a sign permit to erect a supergraphic sign in a specific location.

(6) PROMOTIONAL WALLSCAPE SIGN

(7) QUALIFIED APPLICANT means any person who has been qualified by the director to apply for a location permit.

(8) 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.

(9) 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.

(b) Visual display and coverage.

(1) Except as provided in this paragraph, a supergraphic sign must have one large visual display with a minimum of 80 percent non-textual graphic content (no more than 20 percent text).

(A) Multiple displays giving an appearance of multiple signs are prohibited.

(B) 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.

(C) A promotional wallscape sign may contain 10 percent text or logo related to sponsorship. The remainder of the promotional wallscape sign must promote the special event.

(2) Subject to the maximum effective area in Subsection (c), a central business district wallscape sign must cover at least 60 percent of the wall face of the building to which it is attached. The lower 10 feet of the wall face may not be covered and is disregarded in calculating the coverage area.

(3) Supergraphic signs are intended to be creative and artful and not strictly a representation of an advertised product. It is the intent of this provision to:

(A) encourage the use of illustrative images or other non-repetitive design elements;

(B) encourage visually interesting, vibrant, and colorful designs;

(C) discourage use of solid colors or repetitive design elements; and

(D) discourage an image of a single product or product logo without other graphic elements.

~~(4) Supergraphic signs may be internally or externally illuminated. If internally illuminated, a supergraphic sign may consist of translucent materials, but not transparent materials.~~

(4) Supergraphic signs may be externally illuminated.

(5) No building may have more than two central business district wallscape signs. The two central business district wallscape signs must be oriented a minimum of 90 degrees from each other.

(c) Effective area. Minimum permitted effective area of a central business district wallscape sign is 2,500 square feet. This subsection controls over Paragraph (b)(2).

(d) Height. No central business district wallscape sign or civic center wallscape sign may exceed 450 feet in height. There is no maximum height for promotional wallscape signs.

(e) Number of sign locations permitted.

(1) No more than 22 central business district wallscape locations are permitted within the inner loop area.

(2) No more than four civic center wallscape locations are permitted within the inner loop area.

(3) No supergraphic signs are permitted outside of the inner loop area.

(f) Extensions.

(1) Except as provided in Paragraph (2), a supergraphic sign may not extend beyond the edge of the face of the building to which it is attached.

(2) A supergraphic sign may wrap around the edge of a building if:

(A) both building facades to which the supergraphic sign is attached are otherwise eligible facades; and

(B) the supergraphic sign is one continuous image.

(g) Location.

(1) A central business district wallscape sign may only be located on a blank wall face.

(2) A central business district wallscape sign on a federal-, state-, or city-designated historic or landmark structure may only be located on a blank exposed party wall. For a central business district wallscape sign located on a city-designated historic or landmark structure, the installation mechanism must be approved by the landmark commission.

(3) No supergraphic sign may:

(A) cover any window or architectural or design feature of the building to which it is attached;

~~(B) be attached to a federal-, state-, or city-designated historic or landmark structure;~~

(B) be attached to a federal-, state-, or city-designated historic or landmark structure unless it complies with Paragraph (2);

(C) be attached to a facade erected or altered after June 1, 2005;

(D) be attached to a facade on Pacific Avenue between Akard Street and Ervay Street;

(E) be attached to a facade facing Main Street Garden or Belo Garden.

~~(3)~~(4) Except as provided in Paragraph ~~(4)~~(5), central business district wallscape signs are only permitted on parking structures or buildings with lodging, residential, retail and personal service, or office uses occupying at least 75 percent of the leasable ground floor area and an overall building occupancy of at least 50 percent of the floor area.

~~(4)~~(5) The director may waive the requirements in Paragraph ~~(3)~~(4) for up to one year if the director determines that the building or multi-building complex is currently being redeveloped. The director may revoke this waiver if redevelopment stops or is inactive for 90 days or more.

~~(h) Message duration. A supergraphic sign location may not display the same message for more than four consecutive months in any 12-month period.~~

(h) Message duration. A supergraphic sign location may not display the same message for more than six consecutive months in any 12-month period.

(i) Hardware fasteners. All hardware fasteners for a supergraphic sign must comply with the Dallas Building Code and all other ordinances, rules, and regulations of the City of Dallas.

(j) HBA signs prohibited. No supergraphic sign may be a Highway Beautification Act (HBA) sign as defined in Section 51A-7.102.

(k) Permits.

(1) Application to be a qualified applicant.

(A) An applicant shall submit an application to the director for the purpose of qualifying as an applicant. The application must include:

(i) the name, address, phone number, and other pertinent information of the applicant, and if the applicant is a business entity, the names and business addresses of the principal officers, managers, and other persons who own more than five percent of the entity; and

(ii) an affidavit stating that the applicant is in good standing with the city on all code

(i) has any outstanding code violations related to supergraphic signs;

(ii) has previously displayed a non-permitted supergraphic sign within the previous 12 month period; or

(iii) is an affiliate of another qualified applicant.

(2) Location permit.

(A) Qualified applicants must submit a separate location permit application for each location. The director shall time stamp all applications upon receipt.

(B) The director shall review location permit applications in order of submittal. If the director determines that a location permit application is incomplete or does not meet the guidelines, the director shall reject the application and then review the next location permit application. If the initial number of location permit applications exceeds the number of location permits available, the director shall provide for a lottery to distribute the location permits.

(C) An application for a supergraphic sign location permit must contain:

(i) a memorandum of lease, sworn to by affidavit, that shows that the qualified applicant has an enforceable lease for a supergraphic location;

(ii) an affidavit stating that the property where the supergraphic sign will be located has no outstanding code enforcement matters;

(iii) a current tax certificate and affidavit stating that there are no unpaid governmental liens for the supergraphic sign location; and

(iv) an affidavit stating that the building meets the occupancy requirements in Paragraph (g)(3).

(D) Location permit holders may not be an affiliate of any other location permit holder.

(E) A person may not have more than nine pending or active location permits combined at any one time.

(F) A person shall not obtain a location permit for use by another person.

(G) A location permit expires four years after the date of issuance.

(H) The director shall revoke a location permit if the location has displayed obsolete supergraphic advertising or has been without supergraphic advertising matter for six months or more.

(I) A holder of a location permit may apply for renewal of the location permit by filing a complete application for renewal with the director no more than 180 days before the expiration of the current permit. To be eligible for a renewal of a location permit, an applicant must meet the qualification criteria under Paragraph (1).

(3) Promotional wallscape signs. An application for a promotional wallscape must be supported by a resolution of the city council that recognizes the activity or event as significantly benefiting the city. A promotional wallscape may not be erected more than 60 days before the beginning of the activity or event and must be removed not later than 30 days after the activity or event has ended.

(4) Review procedure. The director shall review all applications for location permits and copy change permits using the director procedure in Section 51A-7.505.

~~(l) Mandatory removal in 2019. All supergraphic signs must be removed on or before July 31, 2019. This section does not confer a nonconforming or vested right to maintain a supergraphic sign after~~

~~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.~~

(l) Mandatory removal in 2027. All supergraphic signs must be removed on or before August 31, 2027. This section does not confer a nonconforming or vested right to maintain a supergraphic sign after August 31, 2027, and all permits authorizing supergraphic signs shall automatically expire on that date

(m) Sunset. This section expires on August 31, 2027, 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; 31229)

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.

(C) be mounted on wheels;

(D) be a trailer sign with changeable copy; or

(E) contain flashing or blinking lights. (Ord. Nos. 19649; 20037)

SEC. 51A-7.1109. SIGN PERMIT REQUIREMENT.

Pursuant to the authority of Section 51A-7.503 of this article, the sign permit requirements for signs in the Uptown Sign District are expressly modified as follows:

(a) A person shall not alter, place, maintain, expand, or remove a sign in the Uptown Sign District without first obtaining a sign permit from the city.

(b) The procedure for obtaining a sign permit is outlined in Section 51A-7.505 of this article. Section 51A-7.602 of this article does not apply to signs in the Uptown Sign District.

(c) A person who violates Subsection (a) is guilty of a separate offense for each day or portion of a day during which the violation is continued.

(d) The erection of signs within the public right-of-way, as specified herein, is permitted if the owner of the land as well as the owner of the improvements agree in writing, prior to the issuance of a permit, that the signs will be removed at no expense to the city upon notice from the city that the street is to be widened or the license with the city is terminated or expires, whichever occurs first. (Ord. Nos. 19649; 20037)

Division 51A-7.1200. Provisions for Arts District Sign District.

SEC. 51A-7.1201. DESIGNATION OF ARTS DISTRICT SIGN DISTRICT.

~~(a) A special provision sign district is hereby created to be known as the Arts District Sign District. For purposes of this article, the boundaries of the Arts District Sign District are described in the Exhibit A attached to Ordinance No. 30731, passed by the Dallas City Council on December 13, 2017.~~

~~(b) Subdistrict A is hereby created within the Arts District Sign District. For the purposes of this division, Subdistrict A is the area bounded by Flora Street to the northwest, Leonard Street to the northeast, Ross Avenue to the southeast, and Crockett Street to the southwest and more particularly described in the Exhibit A attached to Ordinance No. 30731, passed by the Dallas City Council on December 13, 2017.~~

~~(c) Subdistrict B is hereby created within the Arts District Sign District. For the purposes of this division, Subdistrict B is the area bounded by Woodall Rodgers Freeway to the northwest, Crockett Street to the northeast, Munger Avenue to the southeast, and Pearl Street to the southwest, and more particularly described in the Exhibit A attached to Ordinance No. 30731, passed by the Dallas City Council on December 13, 2017.~~

~~(d) Subdistrict C is hereby created within the Arts District Sign District. For the purposes of this division, Subdistrict C is the area bounded by Flora Street to the northwest, Olive Street to the northeast, Ross Avenue to the southeast, and Harwood Street to the southwest, and more particularly described in Exhibit A attached to Ordinance No. 31079, passed by the Dallas City Council on December 12, 2018.~~

~~(e) The property described in Subsection (a), which was formerly part of the Downtown Special Provision Sign District, is no longer considered to be part of that district. This division completely supersedes Division 51A-7.900 with respect to the property described in Subsection (a).~~

(a) A special provision sign district is hereby created to be known as the Arts District Sign District. For purposes of this article, the boundaries of the Arts District Sign District are described in the Exhibit A attached to Ordinance No. 33252, passed by the Dallas City Council on September 24, 2025.

(b) The property described in Subsection (a), which was formerly part of the Downtown Special Provision Sign District, is no longer considered to be part of that district. This division completely supersedes Division 51A-7.900 with respect to the property described in Subsection (a). (Ord. Nos. 20345; 28471; 30731; 31079; 33252)

SEC. 51A-7.1202. PURPOSE.

~~The Dallas Arts District (Planned Development District No. 145) was established by Ordinance No. 17710, which was passed by the Dallas City Council on February 16, 1983. This approximately 17-block, 60-acre area in the northeast section of the central business district represents a concerted effort on the part of the city and arts organizations to consolidate major art institutions in one mixed-use area.~~

~~The guideline for development in the Arts District is an urban design plan known as the "Sasaki Plan." This plan is based on district-wide design and land use concepts, which include the creation of a pedestrian-oriented environment and a distinctive visual image for the district. Flora Street is defined as the major pedestrian spine and focus of development in the district. As a wide, tree-lined environment, Flora Street connects three subdistricts (Museum Crossing, Concert Lights, and Fountain Plaza) and provides continuity in a development framework for public institutions and private owners.~~

The Dallas Arts District (Planned Development District No. 145) was established by Ordinance No. 17710, which was passed by the Dallas City Council on February 16, 1983. This approximately 22-block, 118-acre area in the northeast section of the central business district represents a concerted effort on the part of the city and arts organizations to consolidate major art institutions in one mixed-use area.

The guideline for development in the Arts District is an urban design plan known as the "Connect Master Plan." This plan is based on district-wide design and land use concepts, which include the creation of a pedestrian-oriented environment and a distinctive visual image for the district. Flora Street is defined as the major pedestrian spine and focus of development in the district. As a wide, tree-lined environment, Flora Street connects three subdistricts (Museum Crossing, Concert Lights, and Fountain Plaza) and provides continuity in a development framework for public institutions and private owners. Similarly, Ross Avenue is defined as the primary mixed-use commercial corridor and is another focus area for development in the district. Ross Avenue is a high-quality streetscape that complements Flora Street with active street frontages that accommodate pedestrians and transit.

The sign regulations in this division have been developed with the following objectives in mind:

~~(1) To protect the character of Flora Street and the Arts District from inappropriate signs in terms of number (clutter), size, style, color, and materials.~~

(1) To protect the character of Flora Street, Ross Avenue, and the Arts District from inappropriate signs in terms of number (clutter), size, style, color, and materials.

(2) To enhance the image and liveliness of the Arts District by encouraging compatible signs that are colorful, decorative, entertaining, and artistic in style, while being functional and informative in purpose.

(3) To promote the commercial success of each individual tenant in the Arts District and, in turn, the commercial success of all the tenants in the district collectively.

(4) To create a sense of design uniformity between signs and the other streetscape elements of the Arts District.

(5) To help make the Arts District an

attractive place for the public to frequent by providing ease of direction to specific cultural institutions.

~~(6) To create a means of identifying the various types or categories of retail establishments along Flora Street.~~

(6) To create a means of identifying the various types or categories of retail establishments along Flora Street and Ross Avenue.

(7) To identify and promote cultural events and activities consistent with the purposes of the Arts District.

(8) To recognize that sign hardware is a part of the overall visual design of a sign, and to ensure that investments in signs and other structures in the Arts District are not devalued by inappropriate or poor quality sign hardware. (Ord. Nos. 20345, 33252)

SEC. 51A-7.1203. DEFINITIONS.

(a) In this division:

~~(1) ARTS DISTRICT means Planned Development District No. 145 (the Dallas Arts District).~~

~~(2) ARTS DISTRICT OFFICIAL LOGO means the official logo of the Arts District as depicted in Exhibit A, which is attached to Ordinance No. 20345, passed by the Dallas City Council on June 14, 1989.~~

~~(3) AWNING SIGN means a sign that is or appears to be part of an awning.~~

~~(4) BLOCK means an area bounded by streets on all sides.~~

(5) BLOCKFACE means all of the lots on one side of a block.

(6) BUILDING CORNICE AREA means that portion of a building facade above the highest story, but below the actual roof structure.

(7) BUILDING IDENTIFICATION SIGN means any sign composed of one or more characters that identify a specific building's name.

(8) CANOPY means a permanent non-fabric architectural element projecting from the face of a building.

(9) CANOPY FASCIA SIGN means a sign with a digital display that is attached to, applied on, or supported by the fascia or soffit of a canopy.

(10) CBD STREETSCAPE PLAN means the Dallas Central Business District Streetscape Guidelines approved by the Dallas City Council on April 15, 1981, by Resolution No. 81-1118.

(11) CHARACTER means a symbol, as a letter or number, that represents information.

(12) CONSTRUCTION BARRICADE SIGN means a sign that is affixed to a construction barricade.

(13) CULTURAL INSTITUTION means any facility used primarily for the visual or performing arts; open to the public, such as a museum, concert hall, theater, or similar facility; and established by a public or philanthropic entity.

(14) CULTURAL INSTITUTION DIGITAL SIGN means a monument sign with a digital display that identifies the cultural institution; the district; a sponsor of the cultural institution, district, or arts organization; or an arts organization such as a symphony, dance troupe, or theatre group that uses that cultural institution.

(15) CULTURAL INSTITUTION IDENTIFICATION SIGN means a premise sign that identifies the cultural institution or the primary arts organization such as a symphony, dance troupe, or theater group that uses that cultural institution.

(16) DETACHED PREMISE SIGN means a sign that is both a detached sign and a premise sign as defined in Section 51A-7.102.

(17) FLAT ATTACHED SIGN means an attached sign projecting four inches or less from a building.

(18) FLORA STREET FRONTAGE AREA means the "Flora Street Frontage Area" as defined in the Arts District PD ordinance (Ordinance No. 17710, as amended).

(19) FREESTANDING IDENTIFICATION SIGN means a monument sign that identifies the cultural institution; the district; a sponsor of the cultural institution, district, or arts organization; or an arts organization such as a symphony, dance troupe, or theater group that uses that cultural institution.

(20) GENERIC RETAIL IDENTIFICATION SIGN means a sign identifying a type or category of retail establishment without identifying a specific establishment.

(21) GOVERNMENTAL TRAFFIC SIGN means a sign, signal, or other traffic control device installed by a governmental agency for the purpose of regulating, warning, or guiding vehicular or pedestrian traffic on a public highway. Examples of these signs include stop signs, one-way signs, no parking signs, and electronic pedestrian and vehicular signalization devices and their fixtures.

(22) INSTITUTIONAL MOVEMENT INFORMATION SIGN means a sign showing the location of or route to a specific cultural institution or a parking area serving that institution.

~~(23) INTEGRATED SIGN means a premise sign within Subdistrict A, Subdistrict B, or Subdistrict C that is integrated into the design of the building and may be a monument sign.~~

~~(24) KIOSK means a small structure with one or more open sides used to display artwork or temporary signs.~~

~~(25) MARQUEE SIGN means a sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building, and consisting primarily of changeable panels, words, or characters.~~

~~(26) MONUMENT SIGN means a detached sign applied directly onto a grade level support structure (instead of a pole support) with no separation between the sign and grade.~~

~~(27) PLAQUE means a permanent tablet, the contents of which are either commemorative or identifying.~~

~~(28) PREMISE means the entire Arts District Sign District land area as defined in 51A-7.1201(a).~~

~~(29) PRIVATE SIGNS means those signs that are not "public signs" as defined in this section.~~

~~(30) PROJECTING ATTACHED SIGN means an attached sign projecting more than four inches from a building.~~

~~(31) PROMOTIONAL SIGN means a sign that promotes a cultural event or activity.~~

~~(32) PUBLIC SIGNS means governmental traffic signs, institutional movement control signs, generic retail identification signs, promotional signs, or plaques as defined in this section.~~

~~(33) RESTAURANT/RETAIL IDENTITY SIGN means an attached premise sign located on a building in Subdistrict B or Subdistrict C that has a restaurant, retail, or personal service use located on the ground floor and that identifies that specific restaurant, retail, or personal service tenant.~~

~~(34) SASAKI PLAN means the urban design plan prepared by Sasaki Associates, Inc. in August, 1982 to serve as the guideline for development in the Dallas Arts District. The Sasaki Plan is attached to and made a part of the Arts District PD ordinance (Ordinance No. 17710, as amended).~~

~~(35) SIGN HARDWARE means the structural support system for a sign, including the fastening devices that secure a sign to a building facade or pole.~~

~~(36) SPONSORSHIP CONTENT means goods and services sold by the sponsor of the cultural institution, district, or arts organization whether sold on or off the premises.~~

~~(37) TENANT IDENTITY SIGN means an attached premise sign within Subdistrict A or Subdistrict B located on a building that is primarily used for office uses that identifies a specific office tenant.~~

~~(38) THIS DISTRICT means the Arts District Sign District.~~

~~(39) WINDOW SIGN means a sign temporarily or permanently attached to, applied on, or supported by a window.~~

(1) ARTS DISTRICT means Planned Development District No. 145 (the Dallas Arts District) and Planned Development District No. 708 (the Dallas Arts District Extension Area).

(2) ARTS DISTRICT OFFICIAL LOGO means the official logo of the Arts District as depicted in Exhibit A, shown in Section 31 of Ordinance No. 33252, passed by the Dallas City Council on September 24, 2025.

(3) AWNING SIGN means an attached sign that is or appears to be part of an awning.

(4) BLOCK means an area bounded by streets on all sides.

(5) BLOCKFACE means all of the lots on

one side of a block.

(6) BUILDING CORNICE AREA means that portion of a building facade above the highest story, but below the actual roof structure.

(7) BUILDING IDENTIFICATION SIGN means an attached or detached sign composed of one or more characters that identify a specific building's name.

(8) BUILDING PLAZA AREA means an open area near a building featuring amenities, such as walkways, trees and shrubs, and seating.

(9) CANOPY means a permanent non-fabric architectural element projecting from the face of a building.

(10) CANOPY FASCIA SIGN means an attached sign with a digital display that is attached to, applied on, or supported by the fascia or soffit of a canopy.

(11) CHARACTER means a symbol, as a letter or number, that represents information.

(12) CONNECT MASTER PLAN means the urban design plan adopted by Dallas City Council on January 27, 2021. The Connect Master Plan is intended to serve as a guide and should be consulted for goals, objectives, policy statements, and recommendations for development in the Dallas Arts District.

(13) CONSTRUCTION BARRICADE SIGN means a temporary detached sign that is affixed to a construction barricade.

(14) CULTURAL INSTITUTION means any facility used primarily for the visual or performing arts; open to the public, such as a museum, concert hall, theater, or similar facility; and established by a public or philanthropic entity.

(15) CULTURAL INSTITUTION SIGN means cultural institution identification signs, district information signs, facade mounted banner signs, and pole mounted banner signs.

(16) CULTURAL INSTITUTION IDENTIFICATION SIGN means an attached or detached premise sign that identifies the cultural institution; the district; an arts organization such as a symphony, dance company, or theatre group that uses that cultural institution; or otherwise promotes cultural events or cultural activities in this district.

(17) DETACHED PREMISE SIGN means a sign that is both a detached sign and a premise sign as defined in Section 51A-7.102.

(18) DIGITAL CULTURAL INSTITUTION SIGN means a cultural institution sign with a digital display.

(19) DISTRICT INFORMATION means words or symbols that identify the district; a cultural institution in the district; an arts organization such as a symphony, dance company, or theatre group that uses a cultural institution in the district; or otherwise promotes cultural events or cultural activities in the district.

(20) FACADE MOUNTED BANNER SIGN means a sign that promotes a cultural event or activity and that is attached to a building facade.

(21) FLAT ATTACHED SIGN means an attached sign that is parallel to the building facade.

(22) FLORA STREET FRONTAGE AREA means the "Flora Street Frontage Area" as defined in the Arts District PD ordinance (Ordinance No. 17710, as amended).

(23) GENERIC RETAIL IDENTIFICATION SIGN means an attached or detached sign identifying a type or category of retail establishment without identifying a specific establishment.

(24) GOVERNMENTAL TRAFFIC SIGN means a detached sign, signal, or other traffic control device installed by a governmental agency for the purpose of regulating, warning, or guiding vehicular or pedestrian traffic on a public highway. Examples of these signs include stop signs, one-way signs, no parking signs, and electronic pedestrian and vehicular signalization devices and their fixtures.

(25) INTEGRATED SIGN means a sign that is integrated into the design of the building.

(26) KIOSK means a detached non-premise sign with one or more sides and may include digital capabilities.

(27) MARQUEE SIGN means an attached

sign that is affixed to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building, and consisting primarily of changeable panels, words, or characters.

(28) MONUMENT SIGN means a detached sign applied directly onto a grade level support structure (instead of a pole support) with no separation between the sign and grade.

(29) MOVEMENT INFORMATION SIGN means an attached or detached sign showing the location of or route to a specific cultural institution or a parking area serving that institution.

(30) PLAQUE means an attached or detached tablet, the contents of which are either commemorative or identifying.

(31) POLE MOUNTED BANNER SIGN means a sign that promotes a cultural institution or cultural event or activity and that is mounted to a streetlight pole.

(32) PREMISE means the entire Arts District Sign District land area as defined in Section 51A-7.1201(a).

(33) PRIVATE SIGNS means those signs that are not "public signs" as defined in this section.

(34) PROJECTING ATTACHED SIGN means an attached sign that is perpendicular to a building facade.

(35) PUBLIC ART means art created with the intention of being viewed by the public. Public art is not a sign.

(36) PUBLIC SIGNS means governmental traffic signs, movement information signs, generic retail identification signs, plaques, or construction barricade signs as defined in this section.

(37) RETAINING WALL SIGN means a sign that is integrated into a retaining wall.

(38) ROSS AVENUE FRONTAGE AREA means the area of each building site within 50 feet of Ross Avenue.

(39) SIGN HARDWARE means the structural support system for a sign, including the fastening devices that secure a sign to a building facade or pole.

(40) SPONSORSHIP INFORMATION means goods and services sold by the sponsor of the cultural institution, district, or arts organization whether sold on or off the premises.

(41) TENANT IDENTITY SIGN means an attached premise sign that identifies a specific tenant of the premise on which the sign is located.

(42) THIS DISTRICT means the Arts District Sign District.

(43) WINDOW SIGN means a sign temporarily or permanently attached to, applied on, or supported by a window.

(b) Except as otherwise provided in this section, the definitions contained in Sections 51A-2.102 and 51A-7.102 apply to this division. In the event of a conflict, this section controls. (Ord. Nos. 20345; 26768; 28071; 28471; 30731; 31079; 33252)

SEC. 51A-7.1204. ARTS DISTRICT SIGN PERMIT REQUIREMENT.

(a) A person shall not alter, place, maintain, expand, or remove a sign in this district without first obtaining a sign permit from the city, except that no sign permit is required for:

~~(1) governmental traffic signs; and~~

~~(2) promotional signs other than banners.~~

(1) governmental traffic signs;

(2) cultural institution identification signs or district information signs no larger than 30 inches by 40 inches;

(3) plaques;

(4) facade-mounted banner signs; and

(5) pole-mounted banner signs.

(b) The procedure for obtaining a sign permit is outlined in this section. Section 51A-7.602 does not apply to signs in this district.

(c) No sign permit may be issued to authorize a sign in this district unless the director has first issued a certificate of appropriateness in accordance with this section.

(d) There is hereby created a committee to be known as the Arts District Sign Review Committee ("the committee"). The committee shall be composed of five members appointed by the city plan commission. One member of the committee must be an architect or graphic designer. The commission shall solicit a list of nominees from entities operating in the Arts District. Appointments to the committee shall be for a term of two years ending on September 1 of each odd-numbered year, and the members shall serve without compensation. The commission may appoint up to three alternate members to the committee who serve in the absence of one more regular members when requested to do so by the chairperson or by the city manager. The alternate members serve for the same period and are subject to removal the same as regular members. The commission shall fill vacancies occurring in the alternate membership the same as in the regular membership.

(e) The committee shall meet upon the call of the chair or a simple majority of the committee members. A simple majority of members present shall constitute a quorum, and issues shall be decided by a simple majority vote of the members present. The department shall furnish staff support to the committee.

(f) The function of the committee shall be to familiarize itself thoroughly with the character, special conditions, and economics of the Arts District. In addition, the committee shall provide guidance, advice, and assistance to the director in reviewing applications for permits to authorize signs in this district.

(g) Section 51A-7.504, which establishes the special sign district advisory committee for special provision sign districts in the city generally, does not apply to this district. The Arts District Sign Review Committee is the exclusive advisory committee for reviewing and making recommendations to the director concerning applications for permits to authorize signs in this district.

(h) Upon receipt of an application for a permit to authorize a sign in this district, the building official shall refer the application and plans to the director for a review to determine whether the work complies with this ordinance. The director shall conduct his or her review so that a decision on issuance of the permit can be made within 30 calendar days from the date the completed application is submitted to the building official.

(i) The director shall solicit a recommendation from the committee before making a decision to approve or disapprove a certificate of appropriateness. The recommendation of the committee is not binding upon the director, and the director may decide a matter contrary to the recommendation of the committee.

(j) A decision by the director to grant a certificate of appropriateness may be appealed by the committee only. A decision to deny the certificate may be appealed by either the applicant or the committee. An appeal is made by filing a written request with the director for review by the city plan commission. An appeal must be made within 10 days after notice is given to the applicant of the director's decision. In considering the appeal, the sole issue shall be whether or not the director erred in making the decision, and, in this connection, the commission shall consider the same standards that were required to be considered by the director in making the decision. Decisions of the commission are final as to available administrative remedies and are binding on all parties.

appeal is filed with the director, the application shall be considered approved subject to compliance with all other applicable city codes, ordinances, rules, and regulations.

(l) A person who violates Subsection (a) or any other provision in this division is guilty of a separate offense for each day or portion of the day during which the violation is continued. (Ord. Nos. 20345; 20927; 25047; 28073; 33252)

SEC. 51A-7.1205. SPECIAL PROVISIONS FOR ALL SIGNS.

(a) This division does not apply to signs that are not visible from outside the premise on which they are located.

(b) Signs in this district are permitted in or overhanging the public way subject to city franchise requirements.

~~(c) Except in Subdistrict A, Subdistrict B, and Subdistrict C, no sign may obscure a window or a significant architectural element of a building.~~

~~(d) Sign hardware may be visible if its structural elements have been specifically devised for their intrinsic contribution to an overall visual effect. Utilitarian hardware intended only for functional purposes must be concealed from normal view.~~

(c) No sign may obscure a window or a significant architectural element of a building.

(d) Sign hardware may be visible if its structural elements have been specifically devised for their intrinsic contribution to an overall artistic or architectural effect. Utilitarian hardware intended only for functional purposes must be concealed from normal view.

(e) Mounting devices supporting a projecting attached sign must be fully integrated with the overall design of the sign.

(f) Materials, fasteners, and anchors used to manufacture and install signs must be resistant to corrosion.

(g) Paints and coatings must contain a UV inhibitor to retard the discoloration and fading effects of ultraviolet light. In addition to finish coats, bare metals must have a primer coat or other surface pretreatment as recommended by the paint or coating manufacturer.

(h) Electrical power required for signs must be supplied by means of concealed conduit from an appropriate power source to the sign in accordance with city codes and accepted practices of the trade. Electrical disconnects, transformers, and related apparatus, including wiring and conduit, must be concealed from normal view.

~~(i) No signs may be illuminated by an independent external light source.~~

~~(j) Burned out or defective lights in signs must be replaced within a reasonable time. Failure to comply with this provision may result in sign permit revocation.~~

~~(k) Banners are only allowed as promotional signs.~~

(i) No signs may be illuminated by an independent external light source, unless the external light source is located on the ground and within four feet of the sign.

(j) Burned out or defective lights in signs must be replaced within a reasonable time. Failure to comply with this provision may result in sign permit revocation.

(k) Only those signs exempt from the Highway Beautification Act are permitted within 660 feet of a regulated highway. (Ord. Nos. 20345; 28471; 30731; 31079; 33252)

SEC. 51A-7.1205.1. OPERATIONAL REQUIREMENTS FOR SIGNS WITH DIGITAL DISPLAYS.

(a) Display. All signs with digital display:

(1) must contain a default mechanism that freezes the image in one position in case of a

malfunction;

~~(2) must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:~~

(2) must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the standards required in the central business district, or the following formula, whichever is less:

(A) the ambient light level measured in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then

(B) the dimming level, multiplied by .0039 equals the brightness level; then

(C) the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed sign brightness, measured in nits. For example:

32768	= natural ambient light conditions
÷ 256	
128	= dimming level
x .0039	
.4992	= brightness level
x 9000	= (maximum brightness of the example sign)
4492.8	= allowed brightness in nits;

(3) may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance;

(4) must have a full color display able to display a minimum of 281 trillion color shades; and

(5) must be able to display a high quality image with a minimum resolution equivalent to the following table:

Digital Display Sign Resolution Chart	
Size of LED Panel	**Maximum Pixel Size**
100 s/f to 125 s/f	16 mm
Greater than 126 s/f	19 mm

(b) Light intensity. Before the issuance of a sign permit for a sign with a digital display, the applicant shall provide written certification from the sign manufacturer that:

(1) the light intensity has been factory programmed to comply with the maximum brightness and dimming standards in the formula in Subparagraph (a)(2); and

(2) the light intensity is protected from end-user manipulation by password-protected software, or other method satisfactory to the building official.

(c) Change of message. Except as provided in this section, changes of message must comply with the following:

(1) Each message must be displayed for a minimum of eight seconds.

(2) Changes of message must be accomplished within two seconds.

(3) Changes of message must occur simultaneously on the entire sign face.

(4) No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.

(d) Streaming information. If a special events permit has been issued for district activities, ticker tape streaming and streaming video are permitted.

(e) Malfunction. Digital display sign operators must respond to a malfunction or safety issue within one hour after notification. (Ord. Nos. 28071; 33252)

SEC. 51A-7.1206. PUBLIC SIGNS.

(a) Generic retail identification signs.

~~(1) This subsection applies only to generic retail identification signs as defined in Section 51A-7.1203.~~

(1) These signs are only permitted on Flora Street.

(2) These signs must be one-eighth inch thick aluminum disks that are 12 inches in diameter.

(3) Messages on these signs must consist entirely of graphic symbols or glyphs designed to identify a type or category of retail facility. They may not identify specific retail establishments.

(4) These signs must be mounted on streetlight poles. No more than six signs are allowed on a pole. When there is more than one sign, the second sign must be the same height as the first sign and located on the other side of the pole. Additional signs must be similarly paired and located immediately beneath the first two signs. Thus, the proper maximum configuration will be symmetrical

and consist of three pairs of signs, with the second and third pairs being located immediately below the first pair.

~~(b) Governmental traffic signs.~~

~~(1) This subsection applies only to governmental traffic signs as defined in Section 51A-7.1203.~~

~~(2) Notwithstanding any other provision in this division, these signs must comply with applicable statutory specifications.~~

~~(3) On Flora and Crockett Streets these signs must be mounted on streetlight poles, or on white cylindrical poles. On other streets they must be mounted on white cylindrical poles or on other fixtures recommended in the CBD Streetscape Plan.~~

~~(c) Institutional movement information signs.~~

~~(1) This subsection applies only to institutional movement information signs as defined in Section 51A-7.1203.~~

~~(2) On Flora and Crockett Streets these signs must be mounted on streetlight poles, or on white cylindrical poles. On other streets they must be mounted on white cylindrical poles or on other fixtures recommended in the CBD Streetscape Plan.~~

~~(3) The backs of these signs must be white in color and incorporate the Arts District official logo.~~

~~(d) Plaques. Plaques must be made of bronze or stone and contain an inscription that relates to the Arts District.~~

~~(e) Promotional signs.~~

~~(1) This subsection applies only to promotional signs as defined in Section 51A-7.1203.~~

~~(2) These signs must promote cultural events and activities. The portion of a sign devoted to sponsor identification, if any, must not exceed 10 percent of its effective area. No sign or portion of a sign may be used to advertise a specific product or service other than the cultural event or activity.~~

~~(3) Banners must be either flat against a building facade or mounted on streetlight poles. All other signs must be affixed to city-franchised kiosks.~~

~~(4) No sign other than a banner may be larger than 30 inches by 40 inches.~~

~~(5) No sign may be permanent in nature. Each sign must be removed no later than 30 days after its specific advertised event or activity has ended.~~

(b) Governmental traffic signs.

(1) Notwithstanding any other provision in this division, these signs must comply with applicable statutory specifications.

(2) On Flora and Crockett Streets these signs must be mounted on streetlight poles, or on white cylindrical poles.

(3) The backs of these signs must be white in color.

(c) Movement information signs.

(1) On Flora and Crockett Streets these signs must be mounted on streetlight poles or on white cylindrical poles. On other streets, they must be mounted on white cylindrical poles.

(2) The backs of these signs must be white in color and incorporate the Arts District official logo.

(3) Movement information signs may include district information.

(d) Plaques.

(1) Permanent plaques must be made of bronze or stone and contain an inscription that relates to the Arts District.

(2) Temporary plaques are only permitted in conjunction with public art, and must contain an inscription that relates to the public art.

(e) Construction barricade signs.

(1) A minimum 10 percent of the effective area of the sign must display the names of the owner,

occupant, district sponsor, district activity, and/or Klyde Warren Park name or activity.

(2) Non-premise messages are permitted, provided only one non-premise message consisting of a business name or logo may be located along each street frontage.

(3) Construction barricade signs must be removed when the construction barricade is removed.

(4) The message area on a construction barricade sign may be fully decorated or graphically designed if:

(A) no decoration or graphic horizontally projects more than two inches from the surface of the barricade; and

(B) no decoration or graphic vertically projects more than four feet above the top of the barricade. (Ord. Nos. 20345, 33252)

SEC. 51A-7.1207. ATTACHED PRIVATE SIGNS.

~~(a) In general.~~

~~(1) This section applies to all attached private signs except building identification signs, cultural institution identification signs, canopy fascia signs, and tenant identity signs within Subdistrict A, Subdistrict B, and Subdistrict C. For the regulations governing building identification signs, see Section 51A-7.1209. For the regulations governing cultural institution identification signs, see Section 51A-7.1210. For the regulations governing canopy fascia signs, see Section 51A-7.1211. For the regulations governing tenant identity signs within Subdistrict A, see Section 51A-7.1214.1. For the regulations governing tenant identity and restaurant/retail identity signs within Subdistrict B, see Section 51A-7.1214.2. For the regulations governing restaurant/retail identity signs within Subdistrict C, see Section 51A-7.1214.3.~~

~~(2) These signs are only allowed on building facades that are in the Flora Street Frontage Area.~~

(3) No sign may project above the building cornice area.

(4) At grade structural supports are prohibited.

(5) No establishment may have a mix of awning signs, projecting attached signs, flat attached signs, and/or marquee signs, except that awning signs may be mixed with flat attached signs.

(b) Awning signs.

(1) This subsection applies only to awning signs as defined in Section 51A-7.1203.

(2) Letters and numbers on these signs must:

(A) be parallel or perpendicular to the front building facade; and

(B) not exceed 18 inches in height.

(3) No letters or numbers are allowed on the sloped top of an awning except as part of an official corporate logo or registered trademark. No more than 50 percent of the total sloped awning surface area may contain graphics.

(4) No words, other than those which are part of the basic awning design pattern, are permitted on awnings located above the second story.

(5) No sign may have flashing or sequenced lighting.

(c) Flat attached signs.

(1) This subsection applies only to flat attached signs as defined in Section 51A-7.1203.

(2) These signs are not permitted above the third story of a building.

(3) No sign may have a length that exceeds 70 percent of the length of the frontage of the establishment with which it is associated. Signs associated with the same establishment must be spaced at least 30 feet apart. No sign may exceed 60 square feet in effective area.

(4) The maximum character heights allowed on these signs are:

(A) 18 inches for signs located below the third story; and

(B) 24 inches for third-story signs.

(5) No sign cabinets are permitted. Adequate clear space for staging characters must be provided. In no event may the character height exceed 60 percent of the vertical dimension of the sign. The sides of three-dimensional characters, if any, must be the same color as their faces.

(6) No sign may contain more than five words.

(7) Sources of sign illumination that are an integral part of the design of the sign, such as neon or small individual incandescent lamps, are permitted. These signs may be protected by transparent covers.

(8) Internally-lit plastic translucent signs are prohibited.

(9) No sign may have flashing or sequenced lighting.

(d) Marquee signs.

(1) This subsection applies only to marquee signs as defined in Section 51A-7.1203.

(2) These signs are only allowed in conjunction with establishments that have as their major use movies or live entertainment productions.

(3) The permanent canopy of which this sign is a part must:

(A) project no more than six feet from the building facade;

(B) be a minimum of ten feet above the sidewalk grade;

(C) have a vertical dimension that does not exceed four feet; and

(D) have a horizontal dimension along the building facade that does not exceed 30 feet.

(4) The total effective area of signs on the permanent canopy must not exceed 120 square feet.

(5) No sign may:

(A) project more than three feet from the permanent canopy;

(B) extend vertically more than 30 feet above the canopy height; or

(C) be more than three feet in width.

(6) Messages with characters over eight inches in height are limited to a maximum of five words on each canopy facade. Messages with characters under eight inches in height have no limit on the number of words. Character height must not exceed 60 percent of the vertical dimension of the permanent canopy, or 24 inches, whichever is less.

(7) Only the name of the establishment with which the sign is associated may appear on that portion of the sign located above the permanent canopy.

(8) Display panels that announce a show or event may have plastic characters on an internally-lit background.

(9) These signs may turn on or off or change their brightness. The restrictions contained in Section 51A-7.303(b)(1) do not apply to these signs. Flashing and sequenced lighting are permitted.

(e) Projecting attached signs.

(1) This subsection applies only to projecting attached signs as defined in Section 51A-7.1203.

(2) These signs must be a minimum of ten feet above grade.

(3) These signs must be located in either the bottom, top, or combined envelope depicted graphically in the diagram that is attached to and made a part of this ordinance as Exhibit B. Restrictions on the size and location of each sign depend on which envelope the sign is located in as follows:

	Bottom Envelope	Top Envelope	Combined Envelope
Maximum projection allowed from building facade	6 ft.	3 ft.	3 ft.
Maximum vertical dimension allowed	10 ft.	20 ft.	30 ft.
Maximum effective area allowed for each sign face*	30 sq. ft.	40 sq. ft.	45 sq. ft.

*Double this amount to compute the total effective area allowed for both sides of the sign.

(4) If their characters are eight inches or less in height, these signs are not restricted as to the number of words permitted. Signs with characters more than eight inches in height are limited to five words. No character may exceed 12 inches in height if the message area exceeds 60 percent of the sign surface area.

(5) One sign is allowed above each entrance provided that signs associated with the same establishment are spaced at least 30 feet apart.

(6) No sign may be more than 12 inches thick. All messages on these signs must be located on

~~a sign face that is perpendicular to the front building facade.~~

~~(7) No illuminated sign or element of a sign may turn on or off or change its brightness.~~

~~(8) Sources of sign illumination that are an integral part of the design of the sign, such as neon or small individual incandescent lamps, are permitted. These signs may be protected by transparent covers.~~

~~(9) Internally-lit plastic translucent signs are prohibited.~~

~~(f) Window signs.~~

~~(1) This subsection applies only to window signs as defined in Section 51A-7.1203.~~

~~(2) No character on these signs may exceed 12 inches in height.~~

~~(3) The maximum amount of window area that may be utilized as sign space varies depending on the location of the window as follows:~~

~~Window Location~~	~~Maximum Window Coverage Allowed~~
~~First Story~~	~~8 sq. ft. or 15 percent, whichever is less~~
~~Second Story~~	~~10 sq. ft. or 20 percent, whichever is less~~
~~Third Story~~	~~12 sq. ft. or 25 percent, whichever is less~~

~~(4) No establishment may have more than four window signs.~~

~~(5) Hanging neon signs are allowed if their transformers are concealed from normal view.~~

~~(6) Opaque painted backgrounds on windows are prohibited.~~

(a) In general.

(1) No sign may project above the building cornice area.

(2) Except for retaining wall signs, at grade structural supports for attached signs are prohibited.

(3) No establishment may have a mix of awning signs, projecting attached signs, flat attached signs, and/or marquee signs, except that awning signs may be mixed with flat attached signs.

(4) The total effective area of all private signs on one facade may not exceed 30 percent of the facade area. Projecting attached signs are not included in these effective area calculations.

(b) Awning signs.

(1) Letters and numbers on these signs must:

(A) be parallel or perpendicular to the front building facade; and

(B) not exceed 18 inches in height.

(2) No letters or numbers are allowed on the sloped top of an awning except as part of an official corporate logo or registered trademark. No more than 50 percent of the total sloped awning surface area may contain graphics.

(3) No words, other than those which are part of the basic awning design pattern, are permitted on awnings located above the second story.

(4) No sign may have flashing or sequenced lighting.

(c) Flat attached signs.

(1) This subsection applies only to flat attached signs located at or below the third story of a facade of a building with frontage on the Flora Street Frontage Area.

(2) These signs may project a maximum of four inches from a building.

(3) Except for flat attached signs located at or above the highest leasable floor, these signs are not permitted above the third story of a building.

(4) No sign may have a length that exceeds 70 percent of the length of the frontage of the establishment with which it is associated. Signs

associated with the same establishment must be spaced at least 30 feet apart. No sign may exceed 60 square feet in effective area.

(5) The maximum character heights allowed on these signs are:

(A) 18 inches for signs located below the third story; and

(B) 24 inches for third-story signs.

(6) No sign cabinets are permitted. Adequate clear space for staging characters must be provided. The character height may not exceed 60 percent of the vertical dimension of the sign. The sides of three-dimensional characters, if any, must be the same color as their faces.

(7) No sign may contain more than five words.

(8) Sources of sign illumination that are an integral part of the design of the sign, such as neon or small individual incandescent lamps, are permitted. These signs may be protected by transparent covers.

(9) Internally lit plastic translucent signs are prohibited.

(10) No sign may have flashing or sequenced lighting.

(d) Marquee signs.

(1) These signs are only allowed in conjunction with establishments that have as their major use movies or live entertainment productions.

(2) The permanent canopy of which this sign is a part must:

(A) project no more than six feet from the building facade;

(B) be a minimum of 10 feet above the sidewalk grade;

(C) have a vertical dimension that does not exceed four feet; and

(D) have a horizontal dimension along the building facade that does not exceed 30 feet.

(3) The total effective area of signs on the permanent canopy must not exceed 120 square feet.

(4) No sign may:

(A) project more than three feet from the permanent canopy;

(B) extend vertically more than 30 feet above the canopy height; or

(C) be more than three feet in width.

(5) Messages with characters over eight inches in height are limited to a maximum of five words on each canopy facade. Messages with characters under eight inches in height have no limit on the number of words. Character height must not exceed 60 percent of the vertical dimension of the permanent canopy, or 24 inches, whichever is less.

(6) Only the name of the establishment with which the sign is associated may appear on that portion of the sign located above the permanent canopy.

(7) Display panels that announce a show or event may have plastic characters on an internally-lit background.

(8) These signs may turn on or off or change their brightness. The restrictions contained in Section 51A-7.303(b)(1) do not apply to these signs. Flashing and sequenced lighting are permitted.

(e) Projecting attached signs.

(1) These signs must be a minimum of 10 feet above grade.

(2) These signs must be located in either the bottom, top, or combined envelope depicted graphically in the diagram that is attached to and made a part of this ordinance as Exhibit B. Restrictions on the size and location of each sign depend on which envelope the sign is located in as follows:

	Bottom Envelope	Top Envelope	Combined Envelope
Maximum projection allowed from building facade	6 ft.	3 ft.	3 ft.
Maximum vertical dimension allowed	10 ft.	20 ft.	30 ft.
Maximum effective area allowed for each sign face*	30 sq. ft.	40 sq. ft.	45 sq. ft.
*Double this amount to compute the total effective area allowed for both sides of the sign.			

(3) If their characters are eight inches or less in height, these signs are not restricted as to the number of words permitted. Signs with characters more than eight inches in height are limited to five words. No character may exceed 12 inches in height if the message area exceeds 60 percent of the sign surface area.

(4) One sign is allowed above each entrance provided that signs associated with the same establishment are spaced at least 30 feet apart.

(5) No sign may be more than 12 inches thick. All messages on these signs must be located on a sign face that is perpendicular to the front building facade.

(6) No illuminated sign or element of a sign may turn on or off or change its brightness.

(7) Sources of sign illumination that are an integral part of the design of the sign, such as neon or small individual incandescent lamps, are permitted. These signs may be protected by transparent covers.

(8) Internally lit plastic translucent signs are prohibited.

(f) Window signs.

(1) This subsection applies only to window signs as defined in Section 51A-7.1203.

(2) Window signs may only consist of a business name, business logo, cultural institution information, or address.

(3) No character of a window sign may exceed 12 inches in height.

(4) The maximum amount of window area that may be utilized as sign space varies depending on the location of the window as follows:

Window Location	Maximum Window Coverage Allowed
First Story	15 percent
Second Story	20 percent
Third Story	25 percent

(5) No establishment may have more than four window signs.

(6) Hanging neon signs are allowed if their transformers are concealed from normal view.

(7) Opaque painted backgrounds on windows are permitted during permitted construction.

(g) Canopy fascia signs.

(1) Canopy fascia signs must comply with the operational requirements in Section 51A-7.1205.1.

(2) Canopy fascia signs may only be located on buildings with frontage on Flora Street.

(3) A maximum of two canopy fascia signs are allowed per building. Only one canopy fascia sign is allowed on a building facade.

(4) Maximum height of a canopy fascia sign is four feet.

(5) [Reserved.]

(6) Maximum length of a canopy fascia sign is 74 feet.

(7) Maximum effective area of a canopy fascia sign is 296 square feet.

(8) Canopy fascia signs may only display premise and sponsorship content.

(h) Integrated signs.

(1) The following four integrated signs are the only integrated signs permitted:

(A) One integrated sign may be located on Ross Avenue a minimum of 10 feet from Olive Street and 260 feet from Harwood Street.

(B) One integrated sign that may only identify the building may be located on Ross Avenue a minimum of 280 feet from Olive Street and 20 feet from Harwood Street.

(C) One integrated sign may be a monument sign located on Pearl Street a minimum of 15 feet from Woodall Rodgers Freeway and 100 feet from Munger Avenue. The portion of the sign that contains the address and that does not contain tenant names must have a clear or transparent appearance.

(D) One integrated sign may be attached to a wall or a monument sign and must be located on a building site on Crockett Street and Leonard Street, east of Ross Avenue.

(i) If the integrated sign is attached to a wall, it must be located on Crockett Street.

(ii) If the integrated sign is a monument sign, it may be two-sided but must be located in a building plaza area.

(2) The maximum height for an integrated sign is eight feet, measured from the bottom of the sign face to the top of the sign face.

(3) The maximum effective area for an integrated sign is 60 square feet.

(4) A single contiguous integrated sign that is able to be viewed from more than one street is considered one integrated sign.

(5) Integrated signs may be located at the building line or within five feet of a public right-of-way.

(6) All elements of an integrated sign must be consistent in color and material.

(i) Tenant identity signs.

(1) Tenant identity signs are prohibited on facades with frontage on the following:

(A) Munger Avenue.

(B) Crockett Street, unless the building site is adjacent to the Ross Avenue Frontage Area.

(C) Leonard Street, unless the building site is adjacent to the Flora Street Frontage Area.

(2) Tenant identity signs must be the same color and composed of individual letters or symbols only.

(3) Illumination of tenant identity signs, if any, must be internal to illuminate the building facade and produce a "halo" around the characters. No illuminated sign or element of a sign may turn on or off or change its brightness.

(4) Tenant identity signs may not exceed four percent of the facade to which it is affixed.

(j) Building identification signs.

(1) On each facade, one building identification sign is permitted:

(A) below the third story of a building, provided the sign is located above a building entrance and contains only the building name and/or street address.

(B) at or above the highest leasable floor of a building.

(2) Building identification signs are prohibited on facades with frontage on the following:

(A) Munger Avenue.

(B) Crockett Street, unless the building site is adjacent to the Ross Avenue Frontage Area.

(C) Leonard Street, if the building site is adjacent to the Flora Street Frontage Area.

(3) A building identification sign located below the third story of a building may have a maximum of 50 square feet of effective area allocated to the building name, and a maximum of 25 square feet of effective area allocated to the building address. The maximum permitted heights of characters on these signs are 24 inches for the building name, and 12 inches for the building address.

(4) A building identification sign located at or above the highest leasable floor of a building may not exceed four percent of the facade to which it is affixed.

(5) Building identification signs must be the same color and composed of individual letters or symbols only.

(6) Illumination of building identification signs, if any, must be internal to illuminate the

building facade and produce a "halo" around the characters. No illuminated sign or element of a sign may turn on or off or change its brightness. (Ord. Nos. 20345; 26768; 28071; 28471; 30731; 31079; 33252)

SEC. 51A-7.1208. DETACHED ~~PRIVATE~~ SIGNS.

~~(a) Detached non-premise signs. Detached non-premise private signs are prohibited in this district. This provision does not apply to:~~

~~(1) sponsorship messages on canopy fascia signs, cultural institution digital signs, and freestanding identification signs; or~~

~~(2) non-premise messages allowed on construction barricade signs.~~

~~(b) Detached premise signs.~~

~~(1) This subsection applies to all detached premise signs except building identification signs, cultural institution identification signs, cultural institution identification signs, cultural institution digital signs, freestanding identification signs, construction barricade signs, and integrated signs within Subdistrict A, Subdistrict B, and Subdistrict C. For the regulations governing building identification signs, see Section 51A-7.1209. For the regulations governing cultural institution identification signs, see Section 51A-7.1210. For the regulations governing cultural institution digital signs, see Section 51A-7.1212. For the regulations governing freestanding identification signs, see Section 51A-7.1213. For the regulations governing construction barricade signs, see Section 51A-7.1214. For the regulations governing integrated signs within Subdistrict A, see Section 51A-7.1214.1. For the regulations governing integrated signs within Subdistrict B, see Section 51A-7.1214.2. For the regulations governing integrated signs within Subdistrict C, see Section 51A-7.1214.3.~~

~~(2) No detached premise sign may exceed 20 square feet in effective area.~~

~~(3) Each premise may have no more than one sign on each blockface.~~

~~(4) The pole support element of these signs must be a cylindrical metal column that is six inches in diameter and white in color.~~

~~(5) No sign may exceed 13 feet 6 inches in height.~~

~~(6) The face of these signs must be flat. Vacuum-formed sign faces are prohibited.~~

~~(7) No sign may move or rotate.~~

~~(8) No sign may be more than 12 inches thick.~~

~~(9) No illuminated sign or element of a sign may turn on or off or change its brightness.~~

(a) Detached non-premise signs. Detached non-premise signs are prohibited in this district. This provision does not apply to:

(1) kiosks that are located in the public right-of-way or on a private building site; or

(2) non-premise messages allowed on construction barricade signs.

(b) Detached premise signs.

(1) Maximum number. Each premise may have no more than one detached premise sign on each blockface.

(2) Size. No detached premise sign may exceed 30 square feet in effective area, a maximum height of 13 feet six inches, and a maximum depth of 12 inches.

(3) Lighting. Illumination of detached premise signs, if any, must be from within to illuminate the building facade or monument and produce a "halo" around the characters. No illuminated sign or element of a sign may turn on or off or change its brightness.

(4) Monument signs.

(A) A maximum of two monument signs are permitted per building site.

(B) Monument signs must be freestanding.

(C) Monument signs may be two sided but must be located in a building plaza area.

(D) Monument signs may identify a building's original owner, architect and developer and/or a building's multiple current tenants.

(E) Monument signs may be located at the building line.

(F) Monument signs may be located within five feet of the public right-of-way.

(G) The maximum height for a monument sign is eight feet measured to the top of the sign face.

(H) Except as otherwise provided, the maximum effective area for a monument sign is 50 square feet.

(I) All elements of a monument sign must be consistent in color and material.

(5) Retaining wall signs.

(A) A maximum of two retaining wall signs are permitted per building site.

(B) Retaining wall signs must be mounted on a perimeter retaining wall facing a right-of-way.

(C) Retaining wall signs may identify the building's owner or developer and multiple tenants.

(D) Retaining wall signs may be located within five feet of the public right-of-way.

(E) The maximum height for a retaining wall sign is eight feet measured to the top of the sign face.

(F) The maximum effective area for a retaining wall sign is 50 square feet.

(G) All elements of a retaining wall sign must be consistent in color and material. (Ord. Nos. 20345; 26768; 28071; 28471; 30731; 31079; 33252)

SEC. 51A-7.1209. BUILDING

IDENTIFICATION SIGNS.

~~(a) This section applies only to building identification signs as defined in Section 51A-7.1203.~~

~~(b) Illumination of these signs, if any, must be from within to illuminate the building facade or monument and produce a "halo" around the characters. No illuminated sign or element of a sign may turn on or off or change its brightness.~~

~~(c) These signs must be located:~~

~~(1) on a building facade above an entrance;~~

~~(2) in the building cornice area; or~~

~~(3) on a monument in a landscaped area between a building facade and the property line.~~

~~(d) Signs located above building entrances are limited to the building name and/or street address. A maximum of 50 square feet of effective area of each sign may be allocated to the building name, and a maximum of 25 square feet of effective area of each sign may be allocated to the building address. The maximum permitted heights of characters on these signs are 24 inches for the building name, and 12 inches for the building address. These signs are not allowed above the third story of the building.~~

~~(e) No facade may have more than one sign in the building cornice area.~~

~~(f) Signs on monuments must conform to the setback and area regulations of detached premise signs in this chapter generally. These signs must be composed of individual characters made of bronze, brass, or stainless steel, or be engraved in stone.~~

(a) This subsection applies to building identification signs that are part of a landscape design that creates a base for the sign in conjunction with a retaining wall or an open space created with the use of water or planting material.

(1) A building identification sign must be located on a monument in a landscaped area between a building facade and the property line.

(2) The maximum effective area of a building identification sign is 50 square feet.

(3) A maximum of one building identification sign is permitted per building site.

(4) These signs must be composed of individual characters made of bronze, brass, or stainless steel, or be engraved in stone.

(5) A building identification sign may be located within five feet of a public right-of-way.

(b) This subsection applies to freestanding building identification signs.

(1) A maximum of three freestanding building identification signs are allowed in the district.

(2) Maximum height is 20 feet.

(3) Maximum width is eight feet.

(4) A freestanding building identification sign may be located within the public right-of-way if a license has been granted by the city.

(5) Freestanding building identification signs may be double-sided.

(6) Freestanding building identification signs may only display the building name. (Ord. Nos. 20345; 33252)

~~*[Exhibit A appears on page 598]*~~

SEC. 51A-7.1210. CULTURAL INSTITUTION ~~IDENTIFICATION SIGN~~ SIGNS.

~~(a) This section applies only to cultural institution identification signs.~~

~~(b) Signs may only be located on:~~

~~(1) a building facade;~~

~~(2) a lower-level roof line as shown on Exhibit C; or~~

~~(3) a monument in a landscaped area between a building facade and the property line.~~

~~(c) Signs on a building facade may not have an effective area greater than five percent of that building facade.~~

~~(d) Signs on a lower-level roof line may not have an effective area greater than five percent of the facade segment located beneath that lower-level roof line. (See Exhibit C).~~

~~(e) No portion of a sign on a lower-level roof line may project above the structures' highest roof-line.~~

~~(f) Sign cabinets are not permitted.~~

~~(g) Illuminated signs and illuminated sign elements may not turn on or off, but may go through cycles of dimming and brightening to create a slow pulsing effect. Each cycle of dimming and brightening must exceed five seconds.~~

~~(h) Signs must be compatible with the architectural design and contribute to the visual effect of the building.~~

~~(i) Characters may not exceed 24 inches in height.~~

~~(j) Monument signs must comply with the setback and effective area regulations for detached premise signs in this chapter.~~

~~(k) Signs shall not be considered a business identification sign.~~

~~(l) Signs may not have a changeable message.~~

(a) In general.

(1) Cultural institution identification signs may only be located on:

(A) a building facade;

(B) a lower-level roof line as shown on Exhibit B; or

(C) a monument in a landscaped area between a building facade and the property line.

(2) Cultural institution identification signs on a building facade may not have an effective area greater than five percent of that building facade.

(3) Cultural institution identification signs on a lower-level roof line may not have an effective area greater than five percent of the facade segment located beneath that lower-level roof line. No portion of the sign on a lower-level roof line may project above the structure's highest roof line.

(4) Cultural institution identification signs that are monument signs must comply with the setback and effective area regulations for detached premise signs in this chapter.

(5) Sign cabinets are not permitted.

(6) Cultural institution identification signs may be illuminated, provided the illuminated sign elements do not turn on or off, but may go through cycles of dimming and brightening to create a slow pulsing effect. Each cycle of dimming and brightening must exceed five seconds.

(7) Cultural institution identification signs must be compatible with the architectural design and contribute to the visual effect of the building.

(8) Characters may not exceed 24 inches in height.

(9) Cultural institution identification signs are not considered a business identification sign.

(10) Cultural institution identification signs may not have a changeable message.

(b) Digital cultural institution signs.

(1) Digital cultural institution signs must comply with the operational requirements in Section 51A-7.1205.1.

(2) The following six digital cultural institution signs are the only digital cultural institution signs allowed:

(A) One digital cultural institution sign is allowed at the southwest corner of the intersection of Woodall Rodgers Freeway and Jack Evans Street.

(i) Maximum height is 50 feet.

(ii) Maximum width is 20 feet.

(iii) Total maximum effective area is 1,000 square feet per side. Maximum effective area for identification of sponsor is 400 square feet per side.

(iv) Minimum setback from back of curb is 12 feet.

(B) One digital cultural institution sign is allowed at the northeast corner of the intersection of Ross Avenue and Leonard Street.

(i) Maximum height is 35 feet.

(ii) Maximum width is 12 feet.

(iii) Total maximum effective area is 420 square feet, per side. Maximum effective area for identification of sponsor is 144 square feet, per side.

(iv) Minimum setback from back of curb is 35 feet.

(C) Four digital cultural institution signs are allowed along Flora Street.

(i) Maximum height is seven feet.

(ii) Maximum width is three feet six inches.

(iii) Total maximum effective area is eight square feet, per side. Maximum effective area for identification of sponsor is 1.25 square feet, per side.

(iv) Minimum setback from back of curb is 30 feet.

(3) Digital cultural institution signs may only display premise and sponsorship information.

(c) Facade mounted banner signs.

(1) Facade mounted banner signs may not exceed 2,205 square feet in effective area.

(2) Facade mounted banner signs may include sponsorship information. The portion of a sign devoted to sponsorship information, if any, must not exceed 10 percent of its effective area. No sign or portion of a sign may be used to advertise a specific product or service other than the cultural event or activity.

(3) A banner must be flat against a building facade.

(4) A facade mounted banner sign must be removed no later than 30 days after its specific advertised event or activity has ended.

(d) Pole mounted banner signs.

(1) Pole mounted banner signs may not exceed 20 square feet in effective area.

(2) Pole mounted banner signs may include sponsorship information. The portion of a sign devoted to sponsorship information, if any, must not exceed 10 percent of its effective area. No sign or portion of a sign may be used to advertise a specific product or service other than the cultural event or activity.

(3) A pole mounted banner sign must be removed no later than 30 days after its specific advertised event or activity has ended. (Ord. Nos. 26768; 33252)

~~*[Exhibit C appears on page 600]*~~

SEC. 51A-7.1211. ~~**CANOPY FASCIA SIGNS**~~ **APPLICATION OF THE HIGHWAY BEAUTIFICATION ACTS.**

~~(a) This section applies only to canopy fascia signs as defined in Section 51A-7.1203.~~

~~(b) Canopy fascia signs must comply with the operational requirements in Section 51A-7.1205.1.~~

~~(c) Canopy fascia signs may only be located on buildings fronting on Flora Street.~~

~~(d) A maximum of two canopy fascia signs per building is allowed. Only one canopy fascia sign is allowed on a building facade.~~

~~(e) Maximum height of a canopy fascia sign is four feet.~~

~~(f) Maximum length of a canopy fascia sign is 74 feet.~~

~~(g) Maximum effective area of a canopy fascia sign is 496 square feet.~~

~~(h) Canopy fascia signs may only display premise and sponsorship content.~~

For purposes of applying the Federal and Texas Highway Beautification Acts, this district is considered to be a commercial zone. (Ord. Nos. 28071; 33252)

~~**SEC. 51A-7.1212.** **CULTURAL INSTITUTION DIGITAL SIGNS.**~~

~~(a) This section applies only to cultural institution digital signs as defined in Section 51A-7.1203.~~

~~(b) Cultural institution digital signs must comply with the operational requirements in Section 51A-7.1205.1.~~

~~(c) A maximum of six cultural institution digital signs are allowed.~~

~~(1) One cultural institution digital sign is allowed at the southwest corner of the intersection of Woodall Rodgers Freeway and Jack Evans Street.~~

~~(A) Maximum height is 50 feet.~~

~~(B) Maximum width is 20 feet.~~

~~(C) Total maximum effective area is 1,000 square feet, per side. Maximum effective area for identification of sponsor is 400 square feet, per side.~~

~~(D) Minimum setback is 12 feet from back of curb.~~

~~(2) One cultural institution digital sign is allowed at the northeast corner of the intersection of Ross Avenue and Leonard Street.~~

~~(A) Maximum height is 35 feet.~~

~~(B) Maximum width is 12 feet.~~

(C) Total maximum effective area is 420 square feet, per side. Maximum effective area for identification of sponsor is 144 square feet, per side.

(D) Minimum setback is 35 feet from back of curb.

(3) Four cultural institution digital signs are allowed along Flora Street.

(A) Maximum height is 7 feet.

(B) Maximum width is 3.5 feet.

(C) Total maximum effective area is 8 square feet, per side. Maximum effective area for identification of sponsor is 1.25 square feet, per side.

(D) Minimum setback is 30 feet from back of curb.

(d) Cultural institution digital signs may only display premise and sponsorship content. (Ord. Nos. 28071; 28553)

SEC. 51A-7.1213. FREESTANDING IDENTIFICATION SIGNS.

(a) This section applies only to freestanding identification signs as defined in Section 51A-7.1203.

(b) A maximum of three freestanding identification signs are allowed only along Flora Street.

(c) Maximum height is 20 feet.

(d) Maximum width is 8 feet.

(e) Maximum effective area is 160 square feet, per side.

(f) Minimum setback is 30 feet from back of curb.

(g) Freestanding identification signs may only display premise and sponsorship content. (Ord. 28071)

SEC. 51A-7.1214. CONSTRUCTION BARRICADE SIGNS.

(a) This section applies only to construction barricade signs as defined in Section 51A-7.1203.

(b) A minimum 10 percent of the effective area of the sign must display the names of the owner, occupant, district sponsor, district activity, and/or Woodall Rodgers Park name or activity.

(c) Non-premise messages are allowed. Only one non-premise message along a street frontage is allowed.

(d) Construction barricade signs must be removed when the construction barricade is removed.

(e) The message area on a construction barricade sign may be fully decorated or graphically designed if:

(1) no decoration or graphic horizontally projects more than two inches from the surface of the barricade; or

(2) no decoration or graphic vertically projects more than four feet above the top of the barricade. (Ord. Nos. 28071; 28553)

SEC. 51A-7.1214.1. SUBDISTRICT A.

(a) In general. Except as provided in this division, the provisions of the Arts District Sign District apply in this subdistrict.

(b) Tenant identity signs and building identification signs.

(1) Only one tenant identity sign or building identification sign is permitted per facade, except that a tenant identity sign or building identification sign is not permitted on the Leonard Street facade.

(2) Except as provided in this paragraph, tenant identity signs must be located above the highest leasable floor. On the Ross Avenue facade, a tenant identity sign may be located at any floor.

(3) Tenant identity signs must be composed of individual letters only and illumination of these signs, if any, must be internal to each letter. No illuminated sign or element of a sign may turn on or off or change its brightness.

(4) All tenant identity signs and building identification signs must be the same color.

(c) Integrated sign.

(1) Only one integrated sign is permitted.

(2) This sign must be either an attached sign or a monument sign.

(A) If the sign is an attached sign, it must be attached to a wall and face Crockett Street.

(B) If the sign is a monument sign, it may be two sided, but must be located in the building plaza area.

(3) This sign may identify the building's owner or developer and multiple tenants.

(4) This sign may be located at the building line.

(5) This sign may be located within five feet of a public right-of-way.

(6) The maximum height for the sign is eight feet measured from the bottom of the sign face to the top of the sign face.

(7) The maximum effective area for the sign is 50 square feet.

(8) All elements of an integrated sign must be consistent in color and materials.

(d) Detached premise sign. Detached premise signs may not exceed 30 square feet. (Ord. Nos. 28471; 29339)

SEC. 51A-7.1214.2. SUBDISTRICT B.

(a) In general. Except as provided in this division, the provisions of the Arts District Sign District apply in this subdistrict.

(b) Tenant identity signs and building identification signs.

(1) Number.

(A) Two tenant identity signs or building identification signs are permitted on the Woodall Rodgers Freeway facade and must be located at or above the third story.

(B) Tenant identity signs are prohibited on the Munger Avenue and Crockett Street facades.

(2) Composition and illumination. Tenant identity signs must be composed of individual letters only and illumination of these signs, if any, must be internal to each letter. No illuminated sign or element of a sign may turn on or off or change its brightness.

(3) Color. All tenant identity signs and building identification signs must be the same white and silver color.

(4) Facade coverage. Tenant identity signs and building identification signs may not exceed four percent of the facade to which it is affixed.

(c) Restaurant/retail identity signs.

(1) Two restaurant/retail identity signs are allowed on the Pearl Street facade and two restaurant/retail signs are allowed on the Woodall Rodgers Freeway facade.

(2) Restaurant/retail identity signs must be composed of individual letters only and illumination of these signs, if any, must be internal to each letter. No illuminated sign or element of a sign may turn on or off or change its brightness.

(3) All restaurant/retail signs must be the same white and silver color.

(4) Restaurant/retail identity signs may not exceed four percent of the facade to which it is affixed.

(5) Restaurant/retail identity signs may be located a maximum of 24 feet above grade.

(d) Integrated sign.

(1) Only one integrated sign is permitted.

(2) This sign must be a monument sign.

(3) This sign may be located at the building line.

(4) This sign may be located within five feet of a public right-of-way. This sign must be located on Pearl Street a minimum of 15 feet from Woodall Rodgers Freeway and 100 feet from Munger Avenue.

(5) The maximum height for the sign is eight feet measured from the bottom of the sign face to the top of the sign face.

(6) The maximum effective area for the sign is 175 square feet. Tenant names are limited to a maximum effective area of 60 square feet. The portion of the sign that contains the address and that does not contain tenant names must have a clear or transparent appearance.

(7) All elements of an integrated sign must be a consistent color and materials to the building. (Ord. 30731)

SEC. 51A-7.1214.3. SUBDISTRICT C.

(a) In general. Except as provided in this division, the provisions of the Arts District Sign District apply in this subdistrict.

(b) Restaurant/retail identity signs.

(1) Two restaurant/retail identity signs are allowed on the Ross Avenue facade.

(2) Restaurant/retail identity signs must be composed of individual letters only and illumination of these signs, if any, must be internal to each letter. No illuminated sign or element of a sign may blink, flash, or change its brightness.

(3) The maximum effective area for a restaurant/retail identity sign is 50 square feet.

(4) Restaurant/retail identity signs may be located a maximum of 24 feet above grade.

(5) Restaurant/retail identity signs may be located on or behind glass facades.

(c) Building identification sign.

(1) In this subdistrict, a building identification sign includes a sign that is part of a landscape design that creates a base for the sign in conjunction with a retaining wall or an open space created with the use of water or planting material.

(2) The maximum effective area for a building identification sign is 40 square feet.

(3) One building identification sign may be located on Ross Avenue a minimum of 10 feet from Olive Street and 290 feet from Harwood Street.

(4) A building identification sign may be located within five feet of a public right-of-way.

~~(d) Integrated sign.~~

~~(1) A maximum of two integrated signs are permitted.~~

~~(A) One integrated sign must be located on Ross Avenue a minimum of 10 feet from Olive Street and 260 feet from Harwood Street. The maximum effective area for the integrated sign at this location is 40 square feet.~~

~~(B) One integrated sign that may only identify the building must be located on Ross Avenue a minimum of 280 feet from Olive Street and 20 feet from Harwood Street. The maximum effective area for the integrated sign at this location is 30 square feet.~~

~~(2) An integrated sign may be located within five feet of a public right-of-way.~~

~~(3) A single contiguous sign, able to be viewed from more than one street, is considered one integrated sign.~~

~~(4) The maximum height for an integrated sign is eight feet, measured from the bottom of the sign face to the top of the sign face.~~

~~(5) The characters on an integrated sign must be a minimum of four inches in height.~~

~~(6) All integrated signs must have consistent color, materials, and fonts. (Ord. 31079)~~

~~SEC. 51A-7.1215. APPLICATION OF HIGHWAY BEAUTIFICATION ACTS.~~

~~For purposes of applying the Federal and Texas Highway Beautification Acts, this district is considered to be a commercial zone. (Ord. 28071)~~

SECS. 51A-7.1212 THRU 51A-7.1215. RESERVED.

(Repealed by Ord. No. 33252)

EXHIBIT A - ORD. ~~20345~~ 33252

~~[REPLACE EXISTING GRAPHIC]~~

~~EXHIBIT C - ORD. 26768~~

~~[DELETE IMAGE]~~

Division 51A-7.2100. ~~Provisions for the Arts District Extension Area Sign District~~ Reserved.

(Repealed by Ord. No. 33252)

~~SEC. 51A-7.2101. DESIGNATION OF THE ARTS DISTRICT EXTENSION AREA SIGN DISTRICT.~~

~~(a) A sign district is hereby created to be known as the Arts District Extension Area Sign District. The boundaries of the Arts District Extension Area Sign District are the same as those of the Dallas Arts District Extension Area (Planned Development District No. 708).~~

~~(b) The property described in Subsection (a), which was formerly part of the Downtown Special Provision Sign District, is no longer considered to be part of that district. This division completely supersedes Division 51A-7.900 with respect to the property described in Subsection (a).~~

~~(c) The Arts District Extension Area Sign District has the following three subdistricts:~~

~~(1) The One Arts Plaza Subdistrict is all of Lot 1A, Block A/305, Arts Plaza Phase 1, Revised, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, as filed under City Plan File Number S078-070 and recorded as Instrument No. 20080165687, Map Records of Dallas County, Texas.~~

~~(2) The Two Arts Plaza and Three Arts Plaza Subdistrict is all of Lot 2, Block A/305, Arts Plaza Phase 2, Final Plat, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof situated in the John Grigsby Survey, Abstract No. 495, consisting of City of Dallas Blocks 304, 305, 568 and 570, Dallas County, Texas, as filed under City Plan File Number S045-232 D and recorded as Instrument No. 20080358602, Map Records of Dallas County, Texas.~~

~~(3) The Dallas Black Dance Theatre Subdistrict is a tract of land in City Block No. 566 in the City of Dallas, Dallas County, Texas, and being more particularly described as follows:~~

~~BEGINNING at the intersection of the northwest line of Ross Avenue (as widened) with the northeast line of Arts Plaza (formerly known as Boll Street as street name changed per City of Dallas Ordinance No. 26921, passed on September 12, 2007 by the City Council of the City of Dallas);~~

~~THENCE North 44°46'00" West 348.00 feet along the northeast line of Arts Plaza to the southeast line of Flora Street;~~

~~THENCE North 45°26'00" East 114.00 feet along the southeast line of Flora Street;~~

~~THENCE South 44°46'00" East 100.00 feet along a line 114.00 feet northeast of and parallel to the northeast line of Arts Plaza;~~

~~THENCE North 45°26'00" East 3.00 feet;~~

~~THENCE South 44°46'00" East 248.00 feet along a line 117.00 feet northeast of and parallel to the northeast line of Arts Plaza to the northwest line of Ross Avenue;~~

~~THENCE South 45°26'00" West 117.00 feet along the northwest line of Ross Avenue to the point of beginning and containing 40,416 square feet of land more or less. (Ord. Nos. 25920; 28933)~~

~~SEC. 51A-7.2102. PURPOSE.~~

~~(a) The Dallas Arts District Extension Area (Planned Development District No. 708) was established on March 9, 2005, to complement the adjacent Arts District (Planned Development District No. 145). This approximately 17.4-acre area in the northeast section of the central business district, generally bounded by Woodall Rodgers Freeway, North Central Expressway, Routh Street, and Ross~~

Avenue, represents a concerted effort on the part of the city and arts organizations to consolidate major art institutions in one mixed-use area.

(b) The guideline for development in the Arts District Extension Area is an urban design plan known as the "Sasaki Plan." This plan is based on district-wide design and land use concepts, which include the creation of a pedestrian-oriented environment and a distinctive visual image for the district. Flora Street is defined as the major pedestrian spine and focus of development in the district. As a wide, tree-lined environment, Flora Street connects three subdistricts (Museum Crossing, Concert Lights, and Fountain Plaza) and provides continuity in a development framework for public institutions and private owners.

(c) The sign regulations in this division have been developed with the following objectives in mind:

(1) To protect the character of Flora Street and the Arts District Extension Area from inappropriate signs in terms of number (clutter), size, style, color, and materials.

(2) To enhance the image and liveliness of the Arts District Extension Area by encouraging compatible signs that are colorful, decorative, entertaining, and artistic in style while being functional and informative in purpose.

(3) To promote the commercial success of each individual tenant in the Arts District Extension Area and, in turn, the commercial success of all the tenants in the district collectively.

(4) To create a sense of design uniformity between signs and the other streetscape elements of the Arts District Extension Area and the Arts District.

(5) To help make the Arts District Extension Area an attractive place for the public to frequent by providing ease of direction to specific cultural institutions.

(6) To create a means of identifying the various types or categories of retail establishments along Flora Street.

(7) To identify and promote cultural events and activities consistent with the purposes of the Arts District Extension Area.

(8) To recognize that sign hardware is a part of the overall visual design of a sign, and to ensure that investments in signs and other structures in the Arts District Extension Area are not devalued by inappropriate or poor quality sign hardware. (Ord. 25920)

SEC. 51A-7.2103. DEFINITIONS.

(a) In this division:

(1) ARTS DISTRICT means Planned Development District No. 145, established by Ordinance No. 17710, passed by the Dallas City Council on February 16, 1983 (the Dallas Arts District).

(2) ARTS DISTRICT EXTENSION AREA means Planned Development District No. 708 (the Dallas Arts District Extension Area).

(3) ARTS DISTRICT OFFICIAL LOGO means the official logo of the Arts District and the Arts District Extension Area, as depicted in Exhibit A in Division 51A-7.1200, "Provisions for Arts District Sign District."

(4) AWNING SIGN means a sign that is or appears to be part of an awning.

(5) BLOCK means an area bounded by streets on all sides.

(6) BLOCKFACE means all of the lots on one side of a block.

(7) BUILDING CORNICE AREA means that portion of a building facade above the highest story, but below the actual roof structure.

(8) BUILDING IDENTIFICATION SIGN means any sign composed of one or more characters that identify a specific building's name.

(8.1) BUILDING PLAZA AREA means an open area near a building often featuring walkways, trees and shrubs, and places to sit.

(9) CBD STREETSCAPE PLAN means the Dallas Central Business District Streetscape Guidelines approved by the Dallas City Council on April 15, 1981, by Resolution No. 81-1118.

(10) CHARACTER means a symbol, as a letter or number, that represents information.

(11) DETACHED PREMISE SIGN means a sign that is both a detached sign and a premise sign as defined in Section 51A-7.102.

(12) DISTRICT ACTIVITY SIGN means a sign that promotes cultural events or cultural activities in this sign district, with no portion of the sign devoted to sponsorship.

(13) FLAT ATTACHED SIGN means an attached sign projecting four inches or less from a building.

(14) FLORA STREET FRONTAGE AREA means the "Flora Street Frontage Area" as defined in the Arts District Extension Area PD.

(15) GENERIC RETAIL IDENTIFICATION SIGN means a sign identifying a type or category of retail establishment without identifying a specific establishment.

(16) GOVERNMENTAL TRAFFIC SIGN means a sign, signal, or other traffic control device installed by a governmental agency for the purpose of regulating, warning, or guiding vehicular or pedestrian traffic on a public highway. Examples of these signs include stop signs, one-way signs, no parking signs, and electronic pedestrian and vehicular signalization devices and their fixtures.

(17) INSTITUTIONAL MOVEMENT INFOR-MATION SIGN means a sign showing the location of or route to a specific cultural institution or a parking area serving that institution.

(18) KIOSK means a small structure with one or more open sides used to display artwork or temporary signs.

(19) MARQUEE SIGN means a sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building, and consisting primarily of changeable panels, words, or characters.

(19.1) MONUMENT SIGN means a detached sign applied directly to a ground-level support structure (instead of a pole support) with no separation between the sign and the ground, or mounted on a fence.

(20) PLAQUE means a permanent tablet, the contents of which are either commemorative or identifying.

(21) PRIVATE SIGNS means those signs that are not "public signs" as defined in this section.

(22) PROJECTING ATTACHED SIGN means an attached sign projecting more than four inches from a building.

(23) PROMOTIONAL SIGN means a sign that promotes a cultural event or activity.

(24) PUBLIC SIGNS means governmental traffic signs, institutional movement control signs, generic retail identification signs, promotional signs, or plaques or district activity signs as defined in this section.

(24.1) RETAINING WALL SIGN means an attached premise sign within the One Arts Plaza Subdistrict or the Two Arts Plaza and Three Arts Plaza Subdistrict that is integrated into a retaining wall.

(25) SASAKI PLAN means the urban design plan prepared by Sasaki Associates, Inc. in August, 1982 to serve as the guideline for development in the Dallas Arts District and Arts District Extension Area. The Sasaki Plan is attached to and made a part of the Arts District PD ordinance (Ordinance No. 25508).

(26) SIGN HARDWARE means the structural support system for a sign, including the fastening devices that secure a sign to a building facade or pole.

(26.1) TENANT IDENTITY SIGN means an attached premise sign within the Two Arts Plaza and Three Arts Plaza Subdistrict located on a building that is primarily used for office uses and that identifies a specific office tenant.

(27) THIS DISTRICT means the Arts District Extension Area Sign District.

(28) WINDOW SIGN means a sign temporarily or permanently attached to, applied on, or supported by a window.

(b) Except as otherwise provided in this section, the definitions contained in Sections 51A-2.102 and 51A-7.102 apply to this division. In the event of a conflict, this section controls. (Ord. Nos. 25920; 28933)

SEC. 51A-7.2104. ARTS DISTRICT EXTENSION AREA SIGN PERMIT REQUIREMENT.

(a) A person shall not alter, place, maintain, expand, or remove a sign in this district without first obtaining a sign permit from the city, except that no sign permit is required for:

(1) governmental traffic signs; and

(2) promotional signs other than banners.

(b) The procedure for obtaining a sign permit is outlined in this section. Section 51A-7.602 does not apply to signs in this district.

(c) No sign permit may be issued to authorize a sign in this district unless the director has first issued a certificate of appropriateness in accordance with this section.

(d) Section 51A-7.504, which establishes the special sign district advisory committee for special provision sign districts in the city generally, does not apply to this district. City planning personnel are responsible for reviewing and making recommendations to the director concerning applications for permits to authorize signs in this district.

(e) Upon receipt of an application for a permit to authorize a sign in this district, the building official shall refer the application and plans to the director for a review to determine whether the work complies with this division. The director shall conduct his or her review so that a decision on issuance of the permit can be made within 30 calendar days from the date the completed application is submitted to the building official.

(f) The director shall solicit a recommendation from the planning staff before making a decision to approve or disapprove a certificate of appropriateness. The recommendation of the staff is not binding upon the director, and the director may decide a matter contrary to the recommendation of the committee.

(g) A decision by the director to grant a certificate of appropriateness may not be appealed. A decision to deny the certificate may be appealed by the applicant. An appeal is made by filing a written request with the director for review by the city plan commission. An appeal must be made within 10 days after notice is given to the applicant of the director's decision. In considering the appeal, the sole issue shall be whether or not the director erred in making the

decision, and, in this connection, the commission shall consider the same standards that were required to be considered by the director in making the decision, specifically, whether the work complies with this division. Decisions of the commission are final as to available administrative remedies and are binding on all parties.

(h) If the city plan commission fails to make a decision on an appeal by the applicant within 30 calendar days of the date the written request for an appeal is filed with the director, the application shall be considered approved subject to compliance with all other applicable city codes, ordinances, rules, and regulations. (Ord. Nos. 25920; 28073)

SEC. 51A-7.2105. SPECIAL PROVISIONS FOR ALL SIGNS.

(a) This division does not apply to signs that are not visible from outside the premise on which they are located.

(b) Signs in this district are permitted in or overhanging the public way subject to city franchise requirements.

(c) No sign may obscure a window or a significant architectural element of a building.

(d) Sign hardware may be visible if its structural elements have been specifically devised for their intrinsic contribution to an overall visual effect. Utilitarian hardware intended only for functional purposes must be concealed from normal view.

(e) Mounting devices supporting a projecting attached sign must be fully integrated with the overall design of the sign.

(f) Materials, fasteners, and anchors used to manufacture and install signs must be resistant to corrosion.

(g) Paints and coatings must contain a UV inhibitor to retard the discoloration and fading effects of ultraviolet light. In addition to finish coats, bare metals must have a primer coat or other surface pretreatment as recommended by the paint or coating manufacturer.

(h) Electrical power required for signs must be supplied by means of concealed conduit from an appropriate power source to the sign in accordance with city codes and accepted practices of the trade. Electrical disconnects, transformers, and related apparatus, including wiring and conduit, must be concealed from normal view.

(i) No signs may be illuminated by an independent external light source.

(j) Burned out or defective lights in signs must be replaced within a reasonable time. Failure to comply with this provision may result in sign permit revocation.

(k) Banners are only allowed as promotional signs.

(l) Only those signs exempt from the Highway Beautification Act are permitted within 660 feet of a regulated highway. (Ord. 25920)

SEC. 51A-7.2106. PUBLIC SIGNS.

(a) Generic retail identification signs.

(1) This subsection applies only to generic retail identification signs as defined in Section 51A-7.2103.

(2) These signs are only permitted on Flora Street.

(3) These signs must be one-eighth inch thick aluminum disks that are 12 inches in diameter.

(4) Messages on these signs must consist entirely of graphic symbols or glyphs designed to

identify a type or category of retail facility. They may not identify specific retail establishments.

(5) These signs must be mounted on streetlight poles. No more than six signs are allowed on a pole. When there is more than one sign, the second sign must be the same height as the first sign and located on the other side of the pole. Additional signs must be similarly paired and located immediately beneath the first two signs. Thus, the proper maximum configuration will be symmetrical and consist of three pairs of signs, with the second and third pairs being located immediately below the first pair.

(b) Governmental traffic signs.

(1) This subsection applies only to governmental traffic signs as defined in Section 51A-7.2103.

(2) Notwithstanding any other provision in this division, these signs must comply with applicable statutory specifications.

(3) On Flora Street, these signs must be mounted on streetlight poles or on white cylindrical poles. On other streets, they must be mounted on white cylindrical poles or on other fixtures recommended in the CBD Streetscape Plan.

(4) The backs of these signs must be white.

(c) Institutional movement information signs.

(1) This subsection applies only to institutional movement information signs as defined in Section 51A-7.2103.

(2) On Flora Street, these signs must be mounted on streetlight poles or on white cylindrical poles. On other streets, they must be mounted on white cylindrical poles or on other fixtures recommended in the CBD Streetscape Plan.

(3) The backs of these signs must be white and incorporate the Arts District official logo.

(d) Plaques. Plaques must be made of bronze or stone and contain an inscription that relates to the Arts District or the Arts District Extension Area.

(e) Promotional signs.

(1) This subsection applies only to promotional signs as defined in Section 51A-7.2103.

(2) These signs must promote cultural events and activities. The portion of a sign devoted to sponsor identification, if any, must not exceed 10 percent of its effective area. No sign or portion of a sign may be used to advertise a specific product or service other than the cultural event or activity.

(3) Banners must be either flat against a building facade or mounted on streetlight poles. All other promotional signs must be affixed to city-franchised kiosks.

(4) No promotional sign other than a banner may be larger than 30 inches by 40 inches.

(5) No promotional sign may be permanent. Each sign must be removed no later than 30 days after its specific advertised event or activity has ended.

(f) District activity signs.

(1) This subsection applies only to district activity signs as defined in Section 51A-7.2103.

(2) District activity signs are permitted only on the first two floors in that portion of Flora Street Frontage area, at least 660 feet away from a regulated highway under the Highway Beautification Act.

(3) District activity signs are permitted up to any size as the display contained within the transparent portion of the street wall along Flora Street. (Ord. 25920)

SEC. 51A-7.2107. ATTACHED PRIVATE SIGNS.

(a) In general.

(1) This section applies to all attached private signs, except retaining wall signs and tenant identity signs. The only provision of this section that applies to building identification signs is Paragraph (5) of this subsection. For the regulations governing building identification signs, see Section 51A-7.2109. For the regulations governing retaining wall signs in the One Arts Plaza Subdistrict, see Section 51A-7.2110. For the regulations governing retaining wall signs and tenant identity signs in the Two Arts Plaza and Three Arts Plaza Subdistrict, see Section 51A-7.2111.

(2) No sign may project above the building cornice area.

(3) At-grade structural supports are prohibited.

(4) No establishment may have a mix of awning signs, projecting attached signs, flat attached signs, and/or marquee signs, except that awning signs may be mixed with flat attached signs.

(5) The total effective area of all attached private signs on a facade may not exceed 30 percent of the facade area. Projecting attached signs are not included in these effective area calculations.

(b) Awning signs.

(1) This subsection applies only to awning signs as defined in Section 51A-7.2103.

(2) Letters and numbers on these signs must:

(A) be parallel or perpendicular to the front building facade; and

(B) not exceed 18 inches in height.

(3) No letters or numbers are allowed on the sloped top of an awning except as part of an official corporate logo or registered trademark. No more than 50 percent of the total sloped awning surface area may contain graphics.

(4) No words, other than those which are part of the basic awning design pattern, are permitted on awnings located above the second story.

(5) No sign may have flashing or sequenced lighting.

(c) Flat attached signs.

(1) This subsection applies only to flat attached signs as defined in Section 51A-7.2103.

(2) These signs are not permitted above the third story of a building.

(3) No sign may have a length that exceeds 70 percent of the length of the frontage of the establishment with which it is associated. Signs associated with the same establishment must be spaced at least 30 feet apart. No sign may exceed 60 square feet in effective area.

(4) The maximum character heights allowed on these signs are:

(A) 18 inches for signs located below the third story; and

(B) 24 inches for third-story signs.

(5) No sign cabinets are permitted. Adequate clear space for staging characters must be provided. In no event may the character height exceed 60 percent of the vertical dimension of the sign. The sides of three-dimensional characters, if any, must be the same color as their faces.

(6) No sign may contain more than five words.

(7) Sources of sign illumination that are an integral part of the design of the sign, such as neon or small individual incandescent lamps, are permitted. These signs may be protected by transparent covers.

(8) Internally-lit plastic translucent signs are prohibited.

(9) No sign may have flashing or sequenced lighting.

(d) Marquee signs.

(1) This subsection applies only to marquee signs as defined in Section 51A-7.2103.

(2) These signs are only allowed in conjunction with establishments that have as their major use movies or live entertainment productions.

(3) The permanent canopy of which this sign is a part must:

(A) project no more than six feet from the building facade;

(B) be a minimum of ten feet above the sidewalk grade;

(C) have a vertical dimension that does not exceed four feet; and

(D) have a horizontal dimension along the building facade that does not exceed 30 feet.

(4) The total effective area of signs on the permanent canopy must not exceed 120 square feet.

(5) No sign may:

(A) project more than three feet from the permanent canopy;

(B) extend vertically more than 30 feet above the canopy height; or

(C) be more than three feet in width.

(6) Messages with characters over eight inches in height are limited to a maximum of five words on each canopy facade. Messages with characters under eight inches in height have no limit on the number of words. Character height must not exceed 60 percent of the vertical dimension of the permanent canopy, or 24 inches, whichever is less.

(7) Only the name of the establishment with which the sign is associated may appear on that portion of the sign located above the permanent canopy.

(8) Display panels that announce a show or event may have plastic characters on an internally-lit background.

(9) These signs may turn on or off or change their brightness. The restrictions contained in Section 51A-7.303(b)(1) do not apply to these signs. Flashing and sequenced lighting are permitted.

(e) Projecting attached signs.

(1) This subsection applies only to projecting attached signs as defined in Section 51A-7.2103.

(2) These signs must be a minimum of ten feet above grade.

(3) These signs must be located in either the bottom, top, or combined envelope depicted graphically in the diagram that is Exhibit B in Division 51A-7.1200. Restrictions on the size and location of each sign depend on which envelope the sign is located in as follows:

	Bottom Envelope	Top Envelope	Combined Envelope
Maximum projection allowed from building facade	6 ft.	3 ft.	3 ft.
Maximum vertical dimension allowed	10 ft.	20 ft.	30 ft.
Maximum effective area allowed for each sign face*	30 sq. ft.	40 sq. ft.	45 sq. ft.

*Double this amount to compute the total effective area allowed for both sides of the sign.

(4) If their characters are eight inches or less in height, these signs are not restricted as to the number of words permitted. Signs with characters more than eight inches in height are limited to five words. No character may exceed 12 inches in height if the message area exceeds 60 percent of the sign surface area.

(5) One sign is allowed above each entrance provided that signs associated with the same establishment are spaced at least 30 feet apart.

(6) No sign may be more than 12 inches thick. All messages on these signs must be located on a sign face that is perpendicular to the front building facade.

(7) No illuminated sign or element of a sign may turn on or off or change its brightness.

(8) Sources of sign illumination that are an integral part of the design of the sign, such as neon or small individual incandescent lamps, are permitted. These signs may be protected by transparent covers.

(9) Internally-lit plastic translucent signs are prohibited.

(f) Window signs.

(1) This subsection applies only to window signs as defined in Section 51A-7.2103.

(2) No character on these signs may exceed 12 inches in height.

(3) The maximum amount of window area that may be utilized as sign space varies depending on the location of the window as follows:

Window Location	Maximum Window Coverage Allowed
First Story	8 sq. ft. or 15 percent, whichever is less
Second Story	10 sq. ft. or 20 percent, whichever is less
Third Story	12 sq. ft. or 25 percent, whichever is less

(4) No establishment may have more than four window signs.

(5) Hanging neon signs are allowed if their transformers are concealed from normal view.

(6) Opaque painted backgrounds on windows are prohibited. (Ord. Nos. 25920; 28933)

SEC. 51A-7.2108. DETACHED PRIVATE SIGNS.

(a) Detached non-premise signs. Detached non-premise private signs are prohibited in this district.

(b) Detached premise signs.

(1) This subsection applies to all detached premise signs except building identification signs. For the regulations governing building identification signs, see Section 51A-7.2109.

(2) Except in the One Arts Plaza Subdistrict, the Two Arts Plaza and Three Arts Plaza Subdistrict, and the Dallas Black Dance Theatre Subdistrict, no detached premise sign may exceed 20 square feet in effective area.

(3) Each premise may have no more than one sign on each blockface.

(4) The pole support element of these signs must be a cylindrical metal column that is six inches in diameter and white in color.

(5) Except in the One Arts Plaza Subdistrict, the Two Arts Plaza and Three Arts Plaza Subdistrict, and the Dallas Black Dance Theatre Subdistrict, no sign may exceed 13 feet, 6 inches in height.

(6) The face of these signs must be flat. Vacuum-formed sign faces are prohibited.

(7) No sign may move or rotate.

(8) No sign may be more than 12 inches thick.

(9) No illuminated sign or element of a sign may turn on or off or change its brightness. (Ord. Nos. 25920; 28933)

SEC. 51A-7.2109. BUILDING IDENTIFICATION SIGNS.

(a) This section applies only to building identification signs as defined in Section 51A-7.2103.

(b) Illumination of these signs, if any, must be from within to illuminate the building facade or monument and produce a "halo" around the characters. No illuminated sign or element of a sign may turn on or off or change its brightness.

(c) These signs must be located:

(1) on a building facade above an entrance;

(2) in the building cornice area; or

(3) on a monument in a landscaped area between a building facade and the property line.

(d) Signs located above building entrances are limited to the building name and/or street address.

(1) Lower-level building identification signs. A maximum of 50 square feet of effective area of each sign may be allocated to the building name, and a maximum of 25 square feet of effective area of each sign may be allocated to the building address. The maximum permitted heights of characters on these signs are 24 inches for the building name, and 12 inches for the building address. These signs are not allowed above the third story of the building.

(2) Upper-level flat attached building identification signs.

(A) Each upper-level flat attached building identification sign may have a maximum of eight words that contain any character of a height equal to or exceeding four inches.

(B) Upper-level flat attached signs must be wholly located within the portion of a facade more than 36 feet above grade and within the top 12 feet of a facade on buildings 18 stories or less, or within the top 36 feet of a facade on buildings more than 18 stories.

(e) No facade may have more than one sign in the building cornice area.

(f) Signs on monuments must conform to the setback and area regulations of detached premise signs in this chapter generally. These signs must be composed of individual characters made of bronze, brass, or stainless steel, or be engraved in stone. (Ord. 25920)

SEC. 51A-7.2110. ONE ARTS PLAZA SUBDISTRICT.

(a) In general. Except as provided in this division, the provisions of the Arts District Extension Area Sign District apply in this subdistrict.

(b) Monument signs.

(1) Only two monument signs are permitted.

(2) Monument signs must be freestanding.

(3) Monument signs may be two sided, but must be located in a building plaza area.

(4) Monument signs may identify a building's owner or developer and multiple tenants.

(5) Monument signs may be located at the building line.

(6) Monument signs may be located within five feet of the public right-of-way.

(7) The maximum height for a monument sign is eight feet measured to the top of the sign face.

(8) The maximum effective area for a monument sign is 50 square feet.

(9) All elements of a monument sign must be consistent in color and material.

(c) Retaining wall signs.

(1) Only two retaining wall signs are permitted.

(2) Retaining wall signs must be mounted on a perimeter retaining wall facing a right-of-way.

(3) Retaining wall signs may identify the building's owner or developer and multiple tenants.

(4) Retaining wall signs may be located within five feet of the public right-of-way.

(5) The maximum height for a retaining wall sign is eight feet measured to the top of the sign face.

(6) The maximum effective area for a retaining wall sign is 20 square feet.

(7) All elements of a retaining wall sign must be consistent in color and material. (Ord. 28933)

SEC. 51A-7.2111. TWO ARTS PLAZA AND THREE ARTS PLAZA SUBDISTRICT.

(a) In general. Except as provided in this division, the provisions of the Arts District Extension Area Sign District apply in this subdistrict.

(b) Monument signs.

(1) A maximum of four monument signs are permitted.

(2) Only two monument signs are permitted per building site.

(3) Monument signs must be freestanding.

(4) Monument signs may be two sided, but must be located in a building plaza area.

(5) Monument signs may identify a building's owner or developer and multiple tenants.

(6) Monument signs may be located at the building line.

(7) Monument signs may be located within five feet of the public right-of-way.

(8) The maximum height for a monument sign is eight feet measured to the top of the sign face.

(9) The maximum effective area for a monument sign is 50 square feet.

(10) All elements of a monument sign must be consistent in color and material.

(c) Retaining wall signs.

(1) A maximum of four retaining wall signs are permitted.

(2) Only two retaining wall signs are permitted per building site.

(3) Retaining wall signs must be mounted on a perimeter retaining wall facing a right-of-way.

(4) Retaining wall signs may identify the building's owner or developer and multiple tenants.

(5) Retaining wall signs may be located within five feet of the public right-of-way.

(6) The maximum height for a retaining wall sign is eight feet measured to the top of the sign face.

(7) The maximum effective area for a retaining wall sign is 20 square feet.

(8) All elements of a retaining wall sign must be consistent in color and material.

(d) Tenant identity signs and building identification signs.

(1) Except as provided in this subsection, only one tenant identity sign or building identification sign is permitted per facade.

(2) North of the One Arts Plaza Subdistrict, tenant identity signs and building identification signs are prohibited on the southern facade of a structure.

(3) East of the One Arts Plaza Subdistrict, tenant identity signs and building identification signs are prohibited on the western facade of a structure.

(4) Tenant identity signs must be located above the highest leasable floor.

(5) Tenant identity signs must be composed of individual letters only and illumination of these signs, if any, must be internal to each letter. No illuminated sign or element of a sign may turn on or off or change its brightness.

(6) All tenant identity signs and building identity signs must be the same color. (Ord. 28933)

SEC. 51A-7.2112. DALLAS BLACK DANCE THEATRE SUBDISTRICT.

(a) In general.

(1) Except as provided in this division, the provisions of the Arts District Extension Area Sign District apply in this subdistrict.

(2) For the purposes of this section, the entire subdistrict is considered one building site.

(b) Monument signs.

(1) Only two monument signs are permitted.

(2) Monument signs must be freestanding.

(3) Monument signs may be two sided, but must be located in a building plaza area.

(4) Monument signs may identify a building's owner or developer and multiple tenants.

(5) Monument signs may be located at the building line.

(6) Monument signs may be located within five feet of the public right-of-way.

(7) The maximum height for a monument sign is eight feet measured to the top of the sign face.

(8) The maximum effective area for a monument sign is 50 square feet.

(9) All elements of a monument sign must be consistent in color and material. (Ord. 28933)

SEC. 51A-8.511. CONSERVATION EASEMENT.

(a) The owner of the property to be platted may provide an easement on all or part of the property to conserve trees and other natural features, subject to acceptance by the city, to the city or jointly to the city and a nonprofit association dedicated to the conservation of land. Before the city may consider accepting the easement, or consider approving the acceptance of an easement with a nonprofit association as the joint grantee of a conservation easement, the owner shall provide the building official with a list of the protected trees by name (both common and scientific) and caliper or an estimate thereof calculated and documented in a manner approved by the city arborist, written consent by any lienholder of the property to subordination of the lienholder's interest to the conservation easement area, and a preservation strategy for the easement. The grantee of a conservation easement, if not the city, should be an eligible grantee such that the grantor will have the option of receiving a property tax benefit on the assessed value of the conservation easement area. The conservation easement area should be accessible to the public for walking, upon trails if the area exceeds 30 acres, unless this activity poses a risk to endangered species.

(b) The easement must be approved by the building official and approved as to form by the city attorney.

(c) The owner may offer a conservation easement to the city through the city arborist, or to a nonprofit association approved by the city (a list of such associations may be obtained from the city arborist). (Ord. Nos. 22053; 23384; 24843)

SEC. 51A-8.512. SHARED ACCESS DEVELOPMENT.

See Section 51A-4.411 for regulations concerning shared access developments. (Ord. 26333)

Division 51A-8.600. Infrastructure Design and Construction.

SEC. 51A-8.601. GENERAL STANDARDS.

(a) Infrastructure design and construction for water and wastewater mains must comply with Chapter 49 of the Dallas City Code, as amended, and all other applicable requirements of the water utilities department. All other infrastructure design and construction must comply with this section.

(b) All street paving, storm drainage, bridge, and culvert design and construction must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation, except that the design criteria in effect on the date the commission approves the preliminary plat must be used to design the infrastructure.

~~(1) The Thoroughfare Plan for the city of Dallas.~~

~~(2) The Central Business District Streets and Vehicular Circulation Plan.~~

~~(3) The Long Range Physical Plan for Parks and Recreational Facilities.~~

~~(4) The Street Design Manual of the city of Dallas.~~

~~(5) The storm drainage policy of the city of Dallas.~~

~~(6) The Drainage Design Manual of the city of Dallas.~~

~~(7) The Plan Development Checklist of the department.~~

~~(8) The Standard Construction Details of the department of transportation and public works.~~

~~(9) The Texas Uniform Traffic Control Device Manual.~~

~~(10) The Dallas Central Business District Pedestrian Facilities Plan.~~

~~(11) The most recently adopted Dallas Bike Plan.~~

~~(12) The City of Dallas Planning Policies.~~

~~(13) All other codes and ordinances of the city of Dallas.~~

(1) The Thoroughfare Plan for the city of Dallas, as amended.

(2) The Central Business District Streets and Vehicular Circulation Plan, as amended.

(3) The Long Range Physical Plan for Parks and Recreational Facilities.

(4) The Street Design Manual of the city of Dallas.

(5) The Drainage Design Manual of the city of Dallas.

(6) The latest version of the Drainage, Paving, and Traffic Engineering Checklist of the planning and development department.

(7) The Standard Construction Details of the department of transportation and public works.

(8) The Texas Uniform Traffic Control Device Manual, as amended.

(9) The most recently adopted Dallas Bike Plan.

(c) If the infrastructure construction is not included in a city-approved private development contract within two years from the preliminary plat approval date, then the infrastructure must be redesigned using the most current criteria. (Ord. Nos. 20092; 21186; 23384; 25047; 28073; 28424; 30239; 30654; 31314; 32864; 33070)

SEC. 51A-8.602. DEDICATIONS.

(a) Generally. The owner of the property to be platted must provide an easement or fee simple dedication of all property needed for the construction of streets, thoroughfares, alleys, sidewalks, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, and any other property necessary to serve the plat and to implement the requirements of this article. Dedications shown on plats are irrevocable offers to dedicate the property shown. Once the offer to dedicate is made, it may be accepted by an action by the city council, by acceptance of the improvements in the dedicated areas for the purposes intended, or by actual use by the city. No improvements may be accepted until they are constructed according to the approved plans, details, and specifications, and the final plat is filed for record in the office of the county clerk of the county in which the property is located.

(b) Apportionment of exactions. See Section 51A-1.109 for regulations and procedures concerning apportionment of exactions.

(c) Streets.

(1) The percentage of right-of-way dedication required for streets is as follows:

(A) When the full right-of-way width of a street is contained within the boundaries of a proposed plat, the entire required right-of-way contained within the boundaries of the plat must be dedicated.

(B) When a thoroughfare is along the perimeter of a proposed plat, sufficient right-of-way must be dedicated to provide one-half of the thoroughfare plan requirement, measured from the centerline of the existing right-of-way or, if there is no existing right-of-way, the proposed right-of-way as determined by the director and the chief planning officer. If the property on the side of the thoroughfare opposite the property to be platted is railroad right-of-way or a utility or floodway easement, or if some physical or topographical condition makes the property on that side of the street undesirable for street right-of-way, the commission may require a correspondingly greater dedication.

Code Comparative Table - Part I of the Dallas Development Code (Chapter 51)

Ordinance Number	Passage Date	Specified Effective Date	Ordinance Section	51 Section
32441	4-12-23		1	Amends 51-4.212(13)(A)
			2	Amends 51-4.212(13)(F)
			3	Amends 51-4.217(b)(18)
32465	5-24-23		1	Amends 51-4.217(b)(20)(E)(iii)
32482	6-14-23		1	Adds 51-4.216.1(5)
32659	2-14-24		1	Amends 51-4.204(4)
			2	Amends 51-4.204(6)
			3	Amends 51-4.217(b)(10)
			4	Amends 51-4.402
			6	Amends 51-4.403
			7	Amends 51-4.407(a)
			8	Amends 51-4.408(a)(1)
32864	9-18-24		34	Amends 51-2.102(19)
			35	Amends 51-4.206(1)(C)(v)
			36	Amends 51-4.217(b)(8)(E)(i)
			37	Amends 51-4.217(b)(8)(E)(iv)
			38	Amends 51-4.217(b)(20)(E)(iii)
			39	Amends 51-4.803(e)(1)
			40	Amends 51-4.803(f)(2)(A)
32907	10-23-24		1	Adds 51-2.102(91.1)
			2	Adds 51-2.102(91.2)
			3	Adds 51-2.102(121.1)
			4	Amends 51-4.212(2)
			5	Amends 51-4.212(18)(E)(i)
			6	Amends 51-4.217(b)(9)
33112	5-14-25		1	Amends 51-1.102(b)(1)
			2	Amends 51-2.102(8.1)
			3	Adds 51-2.102(8.2)
			4	Adds 51-2.102(8.3)
			5	Deletes 51-2.102(23.1)
			6	Deletes 51-2.102(23.2)
			7	Amends 51-4.201(b)(1)(C)
			8	Amends 51-4.201(b)(1.1)(C)
			9	Amends 51-4.201(b)(2)(C)
			10	Amends 51-4.201(b)(3)(C)
			11	Amends 51-4.201(b)(3)(D)
			12	Amends 51-4.201(b)(3.1)(C)
			13	Amends 51-4.201(b)(6)(C)
			14	Amends 51-4.201(b)(7)(C)
			15	Amends 51-4.202(1)(C)
			16	Amends 51-4.202(2)(C)

Ordinance Number	Passage Date	Specified Effective Date	Ordinance Section	51 Section
33112 (Cont'd)			17	Amends 51-4.202(3)(C)
			18	Amends 51-4.202(4)(C)
			19	Amends 51-4.202(5)(C)
			20	Amends 51-4.202(6)(C)
			21	Amends 51-4.202(8)(C)
			22	Amends 51-4.202(9)(C)
			23	Amends 51-4.202(10)(C)
			24	Amends 51-4.202(11)(C)
			25	Amends 51-4.202(12)(C)
			26	Amends 51-4.203(1)(C)
			27	Amends 51-4.203(2)(C)
			28	Amends 51-4.203(3)(C)
			29	Amends 51-4.203(3)(D)
			30	Amends 51-4.203(5)(C)
			31	Amends 51-4.203(6)(C)
			32	Amends 51-4.203(7)(C)
			33	Amends 51-4.203(8)(C)
			34	Amends 51-4.203(9)(C)
			35	Amends 51-4.203(10)(C)
			36	Amends 51-4.203(11)(C)
			37	Amends 51-4.203(12)(C)
			38	Amends 51-4.204(1)(C)
			39	Amends 51-4.204(2)(C)
			40	Amends 51-4.204(3)(C)
			41	Amends 51-4.204(4)(C)
			42	Amends 51-4.204(4)(D)
			43	Amends 51-4.204(5)(C)
			44	Amends 51-4.204(5)(D)
			45	Amends 51-4.205(1)(C)
			46	Amends 51-4.205(3)(C)
			47	Amends 51-4.205(5)(C)
			48	Amends 51-4.205(6)(C)
			49	Amends 51-4.205(7)(C)
			50	Amends 51-4.205(8)(C)
			51	Amends 51-4.205(9)(C)
			52	Adds 51-4.205(9)(E)
			53	Amends 51-4.206(1)(C)(i)
			54	Amends 51-4.206(3)(C)
			55	Amends 51-4.206(4)(C)
			56	Amends 51-4.207(1)(C)
			57	Amends 51-4.207(3)(C)

Ordinance Number	Passage Date	Specified Effective Date	Ordinance Section	51 Section
33112 (Cont'd)			58	Amends 51-4.207(4)(C)
			59	Amends 51-4.207(5)(C)
			60	Amends 51-4.207(6)(C)
			61	Amends 51-4.207(7)(C)
			62	Amends 51-4.207(8)(C)
			63	Amends 51-4.208(2)(C)
			64	Amends 51-4.208(3)(C)
			65	Amends 51-4.208(4)(C)
			66	Amends 51-4.208(5)(C)
			67	Amends 51-4.208(6)(C)
			68	Amends 51-4.208(7)(C)
			69	Amends 51-4.208(8)(C)
			70	Amends 51-4.208(9)(C)
			71	Amends 51-4.208(10)(C)
			72	Amends 51-4.208(11)(C)
			73	Amends 51-4.208(13)(C)
			74	Amends 51-4.209(1)(C)
			75	Amends 51-4.209(2)(C)
			76	Amends 51-4.209(3)(C)
			77	Amends 51-4.209(5)(C)
			78	Amends 51-4.209(6)(C)
			79	Amends 51-4.210(1)(C)
			80	Amends 51-4.210(3)(C)
			81	Amends 51-4.210(4)(C)
			82	Amends 51-4.210(5)(C)
			83	Amends 51-4.210(6)(C)
			84	Amends 51-4.210(7)(C)
			85	Amends 51-4.210(8)(C)
			86	Amends 51-4.210(9)(C)
			87	Amends 51-4.210(10)(C)
			88	Amends 51-4.210(11)(C)
			89	Amends 51-4.210(12)(C)
			90	Amends 51-4.210(13)(C)
			91	Amends 51-4.210(14)(C)
			92	Amends 51-4.210(15)(C)
			93	Amends 51-4.210(16)(C)
			94	Amends 51-4.210(17)(C)
			95	Amends 51-4.210(18)(C)
			96	Amends 51-4.210(19)(C)
			97	Amends 51-4.210(20)(C)
			98	Amends 51-4.210(21)(C)

Ordinance Number	Passage Date	Specified Effective Date	Ordinance Section	51 Section
33112 (Cont'd)			99	Amends 51-4.210(22)(C)
			100	Amends 51-4.210(23)(C)
			101	Amends 51-4.210(24)(C)
			102	Amends 51-4.210(25)(C)
			103	Amends 51-4.211(1)(C)
			104	Amends 51-4.211(2)(C)
			105	Amends 51-4.211(3)(C)
			106	Amends 51-4.211(4)(C)
			107	Amends 51-4.211(5)(C)
			108	Amends 51-4.211(6)(C)
			109	Amends 51-4.211(7)(C)
			110	Amends 51-4.211(8)(C)
			111	Amends 51-4.211(9)(C)
			112	Amends 51-4.211(10)(C)
			113	Amends 51-4.211(11)(C)
			114	Amends 51-4.211(12)(C)
			115	Amends 51-4.211(13)(C)
			116	Amends 51-4.211(14)(C)
			117	Amends 51-4.211(15)(C)
			118	Amends 51-4.211(16)(C)
			119	Amends 51-4.211(17)(C)
			120	Amends 51-4.211(18)(C)
			121	Amends 51-4.211(19)(C)
			122	Amends 51-4.211(20)(C)
			123	Amends 51-4.211(21)(C)
			124	Amends 51-4.211(22)(C)
			125	Amends 51-4.211(23)(C)
			126	Amends 51-4.211(24)(C)
			127	Amends 51-4.212(1)(C)
			128	Amends 51-4.212(1)(E)
			129	Amends 51-4.212(2)(C)
			130	Amends 51-4.212(2)(E)
			131	Amends 51-4.212(3)(C)
			132	Adds 51-4.212(3)(E)
			133	Amends 51-4.212(4)(C)
			134	Amends 51-4.212(5)(C)
			135	Amends 51-4.212(6)(C)
			136	Amends 51-4.212(7)(C)
			137	Amends 51-4.212(7)(E)
			138	Amends 51-4.212(8)(C)
			139	Amends 51-4.212(8)(E)

Ordinance Number	Passage Date	Specified Effective Date	Ordinance Section	51 Section
33112 (Cont'd)			140	Amends 51-4.212(9)(C)
			141	Amends 51-4.212(10)(C)
			142	Amends 51-4.212(11)(C)
			143	Amends 51-4.212(12)(C)
			144	Adds 51-4.212(12)(E)
			145	Amends 51-4.212(13)(C)
			146	Adds 51-4.212(13)(F)(viii)
			147	Amends 51-4.212(14)(C)
			148	Amends 51-4.212(15)(C)
			149	Amends 51-4.212(16)(C)
			150	Amends 51-4.212(18)(A)
			151	Amends 51-4.212(18)(B)
			152	Amends 51-4.213(1)(C)
			153	Amends 51-4.213(2)(C)
			154	Amends 51-4.213(3)(C)
			155	Amends 51-4.213(4)(C)
			156	Amends 51-4.213(5)(C)
			157	Amends 51-4.213(6)(C)
			158	Amends 51-4.213(7)(C)
			159	Amends 51-4.213(8)(C)
			160	Amends 51-4.213(9)(C)
			161	Amends 51-4.213(10)(C)
			162	Amends 51-4.213(11)(C)
			163	Amends 51-4.213(13)(C)
			164	Amends 51-4.213(14)(C)
			165	Amends 51-4.213(15)(C)
			166	Amends 51-4.213(16)(C)
			167	Amends 51-4.4.213(17)(C)
			168	Amends 51-4.213(18)(C)
			169	Amends 51-4.213(20)(C)
			170	Amends 51-4.213(21)(C)
			171	Amends 51-4.213(22)(C)
			172	Amends 51-4.213(23)(C)
			173	Amends 51-4.213(24)(C)
			174	Amends 51-4.213(27)(C)
			175	Amends 51-4.213(28)(C)
			176	Amends 51-4.214(1)(C)
			177	Amends 51-4.214(2)(C)
			178	Amends 51-4.214(5)(C)
			179	Amends 51-4.214(6)(C)
			180	Amends 51-4.214(7)(C)

Ordinance Number	Passage Date	Specified Effective Date	Ordinance Section	51 Section
33112 (Cont'd)			181	Amends 51-4.214(8)(C)
			182	Amends 51-4.214(11)(C)
			183	Amends 51-4.214(12)(C)
			184	Amends 51-4.215(1)(C)
			185	Amends 51-4.215(2)(C)
			186	Amends 51-4.215(3)(C)
			187	Amends 51-4.215(4)(C)
			188	Amends 51-4.215(5)(C)
			189	Amends 51-4.215(6)(C)
			190	Amends 51-4.215(7)(C)
			191	Amends 51-4.215(8)(C)
			192	Amends 51-4.215(9)(C)
			193	Amends 51-4.215(10)(C)
			194	Amends 51-4.215(11)(C)
			195	Amends 51-4.216(2)(C)
			196	Amends 51-4.216(4)(C)
			197	Amends 51-4.216(5)(C)
			198	Amends 51-4.216(6)(C)
			199	Amends 51-4.216(7)(C)
			200	Amends 51-4.216(8)(C)
			201	Amends 51-4.216(9)(C)
			202	Amends 51-4.216(10)(C)
			203	Amends 51-4.216(11)(C)
			204	Amends 51-4.216(12)(C)
			205	Amends 51-4.216(13)(C)
			206	Amends 51-4.216(14)(C)
			207	Amends 51-4.216(15)(C)
			208	Amends 51-4.216.1(1)(C)
			209	Amends 51-4.216.1(2)(C)
			210	Amends 51-4.216.1(3)(C)
			211	Amends 51-4.216.1(4)(C)
			212	Amends 51-4.216.1(5)(C)
			213	Amends 51-4.217(b)(1)(C)
			214	Amends 51-4.217(b)(6)(C)
			215	Amends 51-4.217(b)(15)(C)
33233	9-17-25		16	Amends 51-4.217(b)(20)(E)(iii)

Ordinance Number	Passage Date	Specified Effective Date	Ordinance Section	51A Section
30994 (Cont'd)			30	Amends 51A-8.611(c)(6)
			31	Amends 51A-8.611(d)(1)
			32	Amends 51A-8.611(d)(2)(D)
			33	Amends 51A-8.611(d)(2)(F)
			34	Amends 51A-8.611(d)(3)(B)
31040	11-14-18		2	Amends 51A-1.105(l)
			3	Adds Div. 51A-9.500, 51A-9.501 thru 51A-9.507
31041	11-14-18		2	Adds 51A-4.217(8.1)
31079	12-12-18		1	Amends 51A-7.1201
			2	Amends 51A-7.1203(a)(23)
			3	Amends 51A-7.1203(a)(33)
			4	Amends 51A-7.1205(c)
			5	Amends 51A-7.1207(a)(1)
			6	Amends 51A-7.1208(b)(1)
			7	Adds 51A-7.1214.3
31109	1-23-19		1	Amends 51A-5.102(a)(3)
31152	3-27-19		7	Amends 51A-4.116(a)(4)
			8	Amends 51A-4.116(b)(4)
			9	Amends 51A-4.116(c)(4)
			10	Amends 51A-4.125(d)(4)
			11	Amends 51A-4.125(e)(4)
			12	Amends 51A-4.125(f)(4)
			13	Adds Div. 51A-4.1110
31174	4-10-19		1	Adds 51A-4.511
31191	4-24-19		1	Amends 51A-7.901.1(a)
			2	Adds 51A-7.901.1(j)
			3	Adds 51A-7.903(21.1)
			4	Adds 51A-7.903(21.2)
			5	Amends title preceding 51A-7.907
			6	Amends 51A-7.911(a)(3)
			7	Adds 51A-7.911(h)
31203	5-8-19		1	Amends 51A-7.1007.2(c)(6)
31204	5-8-19		1	Amends 51A-7.1007.1(c)(6)
31229	5-22-19		1	Adds 51A-7.930(a)(3.1)
			2	Amends 51A-7.930(a)(4)
			3	Amends 51A-7.930(b)(4)
			4	Amends 51A-7.930(g)
			5	Amends 51A-7.930(h)
			6	Amends 51A-7.930(l)
			7	Amends 51A-7.930(m)

Ordinance Number	Passage Date	Specified Effective Date	Ordinance Section	51A Section
33012 (Cont'd)			5	Amends 51A-4.704(a)(1)
			6	Amends 51A-4.704(a)(3)
33060	3-26-25		1	Adds 51A-7.1101.1
			2	Amends 51A-7.1104(a)
			3	Amends 51A-7.1105(a)
			4	Amends 51A-7.1105(d)(2)
33070	4-9-25		1	Amends 51A-8.601(b)
33112	5-14-25		216	Amends 51A-1.102(b)(1)
			217	Amends 51A-2.102(9.1)
			218	Adds 51A-2.102(9.2)
			219	Adds 51A-2.102(9.3)
			220	Deletes 51A-2.102(23.1)
			221	Deletes 51A-2.102(23.2)
			222	Amends 51A-4.124(a)(5)
			223	Amends 51A-4.124(b)(5)
			224	Amends 51A-4.126(f)(8)(A)
			225	Amends 51A-4.127(a)
			226	Amends 51A-4.127(c)(5)
			227	Amends 51A-4.201(1)(C)
			228	Amends 51A-4.201(2)(C)
			229	Amends 51A-4.201(3)(C)
			230	Amends 51A-4.202(1)(C)
			231	Amends 51A-4.202(2)(C)
			232	Adds 51A-4.202(2)(E)
			233	Amends 51A-4.202(3)(C)
			234	Amends 51A-4.202(4)(C)
			235	Amends 51A-4.202(5)(C)
			236	Amends 51A-4.202(6)(C)
			237	Amends 51A-4.202(7)(C)
			238	Amends 51A-4.202(8)(C)
			239	Amends 51A-4.202(8.1)(C)
			240	Amends 51A-4.202(9)(C)
			241	Amends 51A-4.202(10)(C)
			242	Adds 51A-4.202(10)(E)
			243	Amends 51A-4.202(11)(C)
			244	Amends 51A-4.202(12)(C)
			245	Amends 51A-4.202(13)(C)
			246	Amends 51A-4.202(14)(C)
			247	Adds 51A-4.202(14)(E)
			248	Amends 51A-4.203(b)(0)(C)
			249	Amends 51A-4.203(b)(1)(C)

Ordinance Number	Passage Date	Specified Effective Date	Ordinance Section	51A Section
33112 (Cont'd)			250	Amends 51A-4.203(b)(1.1)(C)
			251	Amends 51A-4.203(b)(2)(C)
			252	Amends 51A-4.203(b)(2.1)(C)
			253	Amends 51A-4.203(b)(3)(C)
			254	Amends 51A-4.203(b)(3.3)(C)
			255	Amends 51A-4.203(b)(4)(C)
			256	Amends 51A-4.203(b)(4.1)(C)
			257	Amends 51A-4.203(b)(5)(C)
			258	Amends 51A-4.203(b)(5.1)(C)
			259	Amends 51A-4.203(b)(6)(C)
			260	Amends 51A-4.204(2)(C)
			261	Amends 51A-4.204(3)(C)
			262	Amends 51A-4.204(3)(D)
			263	Amends 51A-4.204(4)(C)
			264	Amends 51A-4.204(5)(C)
			265	Amends 51A-4.204(7)(C)
			266	Amends 51A-4.204(8)(C)
			267	Amends 51A-4.204(9)(C)
			268	Amends 51A-4.204(11)(C)
			269	Amends 51A-4.204(13)(C)
			270	Amends 51A-4.204(13)(D)
			271	Amends 51A-4.204(14)(C)
			272	Amends 51A-4.204(16)(C)
			273	Amends 51A-4.204(17)(C)
			274	Amends 51A-4.205(1)(C)
			275	Amends 51A-4.205(1)(D)
			276	Amends 51A-4.205(1.1)(C)
			277	Amends 51A-4.205(1.1)(D)
			278	Amends 51A-4.205(2)(C)
			279	Amends 51A-4.205(2.1)(C)
			280	Amends 51A-4.205(3)(C)
			281	Amends 51A-4.206(2)(C)
			282	Amends 51A-4.206(2)(E)(i)
			283	Amends 51A-4.206(4)(C)
			284	Amends 51A-4.207(1)(C)
			285	Amends 51A-4.207(2)(C)
			286	Amends 51A-4.207(3)(C)
			287	Amends 51A-4.207(4)(C)
			288	Amends 51A-4.207(5)(C)
			289	Amends 51A-4.208(1)(C)
			290	Amends 51A-4.208(2)(C)

Ordinance Number	Passage Date	Specified Effective Date	Ordinance Section	51A Section
33112 (Cont'd)			291	Amends 51A-4.209(b)(1)(C)
			292	Amends 51A-4.209(b)(2)(C)
			293	Amends 51A-4.209(b)(3)(C)
			294	Amends 51A-4.209(b)(3.1)(C)
			295	Amends 51A-4.209(b)(4)(C)
			296	Amends 51A-4.209(b)(5)(C)
			297	Amends 51A-4.209(b)(5)(D)
			298	Amends 51A-4.209(b)(5.1)(C)
			299	Amends 51A-4.209(b)(5.2)(C)
			300	Amends 51A-4.209(b)(6)(C)
			301	Amends 51A-4.210(b)(1)(C)
			302	Adds 51A-4.210(b)(1)(E)
			303	Amends 51A-4.210(b)(2)(C)
			304	Amends 51A-4.210(b)(3)(C)
			305	Adds 51A-4.210(b)(3)(E)(iii)
			306	Amends 51A-4.210(b)(4)(C)
			307	Amends 51A-4.210(b)(5)(C)
			308	Amends 51A-4.210(b)(6)(C)
			309	Amends 51A-4.210(b)(7)(C)
			310	Amends 51A-4.210(b)(8)(C)
			311	Amends 51A-4.210(b)(9)(A)
			312	Amends 51A-4.210(b)(9)(B)
			313	Amends 51A-4.210(b)(9.1)(C)
			314	Amends 51A-4.210(b)(10)(C)
			315	Amends 51A-4.210(b)(11)(C)
			316	Amends 51A-4.210(b)(12)(C)
			317	Amends 51A-4.210(b)(13)(C)
			318	Amends 51A-4.210(b)(14)(C)
			319	Amends 51A-4.210(b)(14.1)(C)
			320	Amends 51A-4.210(b)(15)(C)
			321	Amends 51A-4.210(b)(16)(C)
			322	Amends 51A-4.210(b)(17)(C)
			323	Amends 51A-4.210(b)(18)(C)
			324	Amends 51A-4.210(b)(19)(C)
			325	Amends 51A-4.210(b)(20)(C)
			326	Amends 51A-4.210(b)(21)(C)
			327	Amends 51A-4.210(b)(21.1)(C)
			328	Amends 51A-4.210(b)(22)(C)
			329	Amends 51A-4.210(b)(23)(C)
			330	Amends 51A-4.210(b)(24)(C)
			331	Amends 51A-4.210(b)(25)(C)

Ordinance Number	Passage Date	Specified Effective Date	Ordinance Section	51A Section
33112 (Cont'd)			332	Amends 51A-4.210(b)(27)(C)
			333	Amends 51A-4.210(b)(28)(C)
			334	Amends 51A-4.210(b)(29)(C)
			335	Amends 51A-4.210(b)(29)(E)(i)
			336	Amends 51A-4.210(b)(30)(C)
			337	Amends 51A-4.210(b)(30.1)(C)
			338	Amends 51A-4.210(b)(31)(C)
			339	Adds 51A-4.210(b)(31)(E)(iv)
			340	Amends 51A-4.211(1)(C)
			341	Amends 51A-4.211(2)(C)
			342	Amends 51A-4.211(2)(D)
			343	Amends 51A-4.211(3)(C)
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			360	Amends 51A-4.212(11)(C)
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			366	Amends 51A-4.213(5)(C)
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			374	Amends 51A-4.213(12)(C)
			375	Amends 51A-4.213(13)(C)
			376	Adds 51A-4.213(14)(E)(x)
			377	Amends 51A-4.213(15)(C)
			378	Amends 51A-4.217(b)(1)(C)
			379	Amends 51A-4.217(b)(2)(C)
			380	Amends 51A-4.217(b)(5)(C)
			381	Amends 51A-4.217(b)(8.1)(C)
			382	Adds 51A-4.219(a)(7)
			383	Amends 51A-4.301(a)
			384	Deletes 51A-4.301(b)
			385	Deletes 51A-4.301(c)
			386	Amends 51A-4.301(d)(7)
			387	Amends 51A-4.303(b)
			388	Amends 51A-4.306(e)
			389	Amends 51A-4.312
			390	Amends 51A-4.313(a)
			391	Amends 51A-4.314(a)
			392	Amends 51A-4.314(b)
			393	Amends 51A-4.320, title
			394	Amends 51A-4.321
			395	Amends 51A-4.322
			396	Amends 51A-4.323, title
			397	Amends 51A-4.323(a)
			398	Amends 51A-4.323(b)
			399	Amends 51A-4.323(c)(1)(A)
			400	Amends 51A-4.323(c)(1)(B)
			401	Amends 51A-4.324
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			409	Amends 51A-4.331(b)
			410	Amends 51A-4.333(a)
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			412	Amends 51A-4.702(a)(6)(B)
			413	Amends 51A-4.802(4)

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			415	Amends 51A-4.803(a)(2)
			416	Amends 51A-4.803 Table 1
			417	Deletes 51A-4.803(c)
			418	Amends 51A-4.803(e)(1)
			419	Amends 51A-4.803(e)(2)
			420	Amends 51A-4.803(f)(2)(A)
			421	Amends 51A-4.1107(a)(4)
			422	Amends 51A-4.1107(c)(2)
			423	Deletes 51A-4.1107(c)(3)
			424	Amends 51A-13.301(a)(4)
			425	Amends 51A-13.301(b)(4)
			426	Amends 51A-13.304(a)(3)(D)
			427	Amends 51A-13.306(a)(6)(B)(viii)
			428	Deletes 51A-13.401(c)
			429	Amends 51A-13.402
			430	Amends 51A-13.403(a)
			431	Amends 51A-13.403(c)
			432	Amends 51A-13.403(e)
33113	5-14-25		1	Amends 51A-4.504(b)(2)
33233	9-17-25		17	Amends 51A-4.217(b)(11.1)(E)(iii)
			18	Amends 51A-4.908
			19	Amends 51A-4.909(d)
			20	Amends 51A-4.1002(c)
			21	Amends 51A-4.1105(d)(3)
			22	Amends 51A-4.1105(f)(2)
33234	9-24-25		1	Adds 51A-7.205(c)
33252	9-24-25		1	Amends 51A-7.901.1(a)
			2	Deletes 51A-7.901.1(k)
			3	Deletes 51A-7.903(15.1)
			4	Amends 51A-7.911(a)(3)
			5	Amends 51A-7.911(c)(1)
			6	Amends 51A-7.911(d)(1)
			7	Amends 51A-7.911(e)(1)(B)
			8	Amends 51A-7.911(g)(1)(B)
			9	Deletes 51A-7.911(i)
			10	Deletes 51A-7.912(i)
			11	Deletes 51A-7.919(e)
			12	Amends 51A-7.1201
			13	Amends 51A-7.1202
			14	Amends 51A-7.1203(a)

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			16	Amends 51A-7.1205
			17	Amends 51A-7.1205.1(a)
			18	Amends 51A-7.1206
			19	Amends 51A-7.1207
			20	Amends 51A-7.1208
			21	Amends 51A-7.1209
			22	Amends 51A-7.1210
			23	Amends 51A-7.1211
			24	Repeals 51A-7.1212
			25	Repeals 51A-7.1213
			26	Repeals 51A-7.1214
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