

9-16-16

ORDINANCE NO. 30239

An ordinance amending Chapter 2, "Administration," by amending Sections 2-44, 2-48, 2-49, 2-139.1, and 2-139.2; amending Chapter 28, "Motor Vehicles and Traffic," by amending Sections 28-24, 28-29, 28-194, 28-201, 28-203, 28-130.7, and 28-130.12; amending Chapter 29A, "Neighborhood Farmers Market," by amending Section 29A-5; amending Chapter 30, "Noise," by amending Section 30-2; amending Chapter 36, "Poles and Wires," by amending Section 36-45; amending Chapter 39, "Railroads," by amending Section 39-4; amending Chapter 42A, "Special Events," by amending Section 42A-7; amending Chapter 43, "Streets and Sidewalks," by amending Sections 43-63, 43-121, 43-126.5, 43-135; amending Chapter 49, "Water and Wastewater," by amending Section 49-27; amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," by amending Section 51-2.102; amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," by amending Sections 51A-2.102, 51A-4.502, 51A-5.209, 51A-6.108, 51A-7.212, 51A-7.1720, 51A-8.201, 51A-8.507, 51A-8.508, 51A-8.601, 51A-8.602, 51A-8.604, 51A-8.607, 51A-8.608, 51A-8.612, 51A-8.615, 51A-9.305, 51A-10.125, 51A-10.140, 51A-12.203, 51A-12.204; and amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by amending Sections, 51P-1.104, and 51P-193.104; changing the name of street services to mobility and street services, eliminating the department of public works, and folding public works into mobility and street services; providing a saving clause; providing a severability clause; and providing an effective date.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 2-44, "Duties of the Director of Equipment and Building Services," of Article V-a, "Department of Equipment and Building Services," of Chapter 2, "Administration," of the Dallas City Code is amended to read as follows:

"SEC. 2-44. DUTIES OF THE DIRECTOR OF EQUIPMENT AND BUILDING SERVICES.

The director of the department of equipment and building services shall perform the following duties:

- (1) Supervise and administer the department of equipment and building services.
- (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) Provide for security in and around all public buildings, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.
- (5) Maintain and repair all automotive and heavy motor-driven equipment owned by the city and used in municipal operations, except as otherwise provided by the city manager.
- (6) Maintain an inventory control over all automotive and heavy motor-driven equipment and parts owned by the city, except as otherwise provided by the city manager, and make reports as may be required by the city manager.
- (7) Control all automotive and heavy motor-driven equipment used for municipal purposes with the advice and assistance of the using department, except as otherwise provided by the city manager.
- (8) Provide advice and assistance to all departments and agencies of the city government in the purchase of all automotive and heavy motor-driven equipment to be used for municipal purposes.
- (9) Perform such other duties as may be required by the city manager or by ordinance of the city council."

SECTION 2. That Article V-c, "Department of Public Works," of Chapter 2, "Administration," of the Dallas City Code is amended to read as follows:

"ARTICLE V-c

RESERVED. [DEPARTMENT OF PUBLIC WORKS.]

SEC. 2-48. RESERVED. [CREATED; DIRECTOR OF PUBLIC WORKS.]

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

(b) ~~Whenever the director or department of public works and transportation is referred to in this code or any other city ordinance, rule, or regulation, the term means the director or department of public works, or any other director or department of the city to which certain former public works and transportation functions or duties have been transferred by the city council or city manager.]~~

SEC. 2-49. RESERVED. [DUTIES OF THE DIRECTOR OF PUBLIC WORKS.]

~~The director of public works shall perform the following duties:~~

(1) ~~Supervise the engineering, opening, construction, and paving of all streets, boulevards, alleys, sidewalks, and public ways, except when the work is being done by a private developer.~~

(2) ~~Supervise the engineering and construction of the storm sewers and storm drainage systems associated with a paving project, except when the work is being done by a private developer.~~

(3) ~~Approve the location of equipment and facilities installed under, on, or above the public right of way.~~

(4) ~~Have responsibility for the design and construction 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.~~

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

SECTION 3. That Section 2-53, "Duties of the Chief Planning Officer," of Article V-e, "Department of Planning and Urban Design," of Chapter 2, "Administration," of the Dallas City Code is amended to read as follows:

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

The chief planning officer shall perform the following duties:

- (1) Supervise and administer the department of planning and urban design.
- (2) Advise the city manager, in cooperation with others designated by the city manager, on matters affecting the urban design and physical development of the city.
- (3) Develop and recommend to the city manager a comprehensive plan for the city.
- (4) Review and make recommendations regarding proposed actions implementing the comprehensive plan.
- (5) ~~[Supervise the Thoroughfare Plan amendment process and supervise the implementation of the Dallas Bike Plan.~~
- (6)] Participate in the preparation and revision of the capital improvement program.
- (6[7]) Coordinate all planning relating to urban redevelopment, urban rehabilitation, and conservation intended to alleviate or prevent slums, obsolescence, blight, or other conditions of urban deterioration.
- (7[8]) Perform such other duties as may be required by the city manager or by ordinance of the city council."

SECTION 4. That Section 2-139.1, "Created; Director of Street Services," of Article XVII-a, "Department of Street Services," of Chapter 2, "Administration," of the Dallas City Code is amended to read as follows:

"SEC. 2-139.1. CREATED; DIRECTOR OF MOBILITY AND STREET SERVICES.

There is hereby created the department of mobility and street services of the city of Dallas, at the head of which shall be the director of mobility and street services who shall be

appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department, and must be an engineer registered to practice in the State of Texas. The department will be composed of the director of mobility and street services and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. The department of mobility and street services was formerly named the department of street services and the department of public works. Any reference to these departments is a reference to the department of mobility and street services.

SECTION 5. That Section 2-139.2, "Duties of the Director of Street Services," of Article XVII-a, "Department of Mobility and Street Services," of Chapter 2, "Administration," of the Dallas City Code is amended to read as follows:

"SEC. 2-139.2. DUTIES OF THE DIRECTOR OF MOBILITY AND STREET SERVICES.

The director of the department of mobility and street services shall perform the following duties:

- (1) Supervise and administer the department of mobility and street services.
- (2) Provide for the maintenance and repair of streets, alleys, medians, and public rights-of-way, as designated by the city manager.
- (3) Provide for street hazard and emergency response.
- (4) Plan, design, construct, maintain, and operate, by contract or with city employees, the public lighting system that illuminates highways, streets, parks, and other public ways in the city, except as provided otherwise by the city manager, the city charter, or ordinance or resolution of the city council.
- (5) Supervise the engineering, planning, opening, construction, and paving of all streets, boulevards, alleys, sidewalks, and public ways, except when the work is being done by a private developer.
- (6) Supervise the engineering and construction of the storm sewers and storm drainage systems associated with a paving project, except when the work is being done by a private developer.
- (7) Approve the location of equipment, facilities, and landscaping installed under, on, or above the public right- of-way.
- (8) Coordinate with DART for the planning, construction, and maintenance of all transportation.

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

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

SECTION 6. That Section 28-24, “Authority to Install,” of Article V, “Traffic-Control Devices,” of Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code is amended to read as follows:

“SEC. 28-24. AUTHORITY TO INSTALL.

(a) The traffic engineer shall conduct studies and investigations of the public streets and highways within the city and shall determine those places on public streets and highways where a particular danger or hazard exists to motor vehicle traffic and pedestrian traffic and shall place and maintain traffic control signs, signals, and devices in accordance with these studies and determinations as required under this chapter and other traffic laws. In addition, the city manager, [~~the director of public works,~~] the director of mobility and street services, the chief of police, the chief of fire-rescue, or personnel acting under their authority, and public contractors or their employees performing work pursuant to any federal, state, county, road district, or city contract, may place and maintain barricades, detour signs, or other warning devices at places where danger becomes apparent as a result of hazards caused by the weather or natural phenomena, defects, or obstructions in or near streets, alleys, sidewalks, parkways, parks, or other public places, as a result of building construction or demolition, or where street, alley, or sidewalk construction or repair is underway.

(b) The traffic engineer shall conduct studies and investigations of the public streets and highways within the city and, in accordance with these studies, recommend to the city council those places on public streets and highways where permanent traffic diverters should be located. After the city council approves a location, the department of mobility and street services is authorized to install and maintain permanent traffic diverters at the approved location.”

SECTION 7. That Section 28-29, “Existing Devices Affirmed and Ratified,” of Article V, “Traffic-Control Devices,” of Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code is amended to read as follows:

“SEC. 28-29. EXISTING DEVICES AFFIRMED AND RATIFIED.

Traffic control signs, signals, devices, and markings previously placed or erected by the police department or department of mobility and street services, or any predecessor department, and now in use for the purpose of regulating, warning, or guiding traffic are affirmed, ratified, and declared to be official traffic control devices, provided that these traffic control devices are not inconsistent with the provisions of state law or this chapter.”

SECTION 8. That Section 28-194, “Authority of the Director of Public Works” of Article XVII, “Streetcar Regulations,” of Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code is amended to read as follows:

“SEC. 28-194. AUTHORITY OF THE DIRECTOR OF MOBILITY AND STREET SERVICES [PUBLIC WORKS].

The director of mobility and street services [~~public works~~] shall administer and enforce this article and otherwise exercise direction and control over the operation of all streetcars in the city in accordance with city ordinances, the city charter, and other applicable law and with any license issued to a streetcar company by the city.”

SECTION 9. That Subsection (c) of Section 28-201, “Operation of Vehicles in the Transitway Mall and Transit Corridor,” of Article XVIII, “Light Rail Transit System,” of Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code is amended to read as follows:

“(c) It is a defense to prosecution under Subsection (b)(1) or (2) of this section that the vehicle was:

- (1) being operated by an employee of the city or DART in the performance of official duties;
- (2) an authorized emergency vehicle;
- (3) a mobility and street services [~~public works~~], maintenance, utility, or service vehicle authorized by the city and DART to operate within the transit mall or transit corridor; or
- (4) being operated in compliance with a valid permit issued by the city and approved by DART.”

SECTION 10. That Paragraph (4), “Department,” of Section 28-203, “Definitions,” of Division 1, “Generally,” of Article XIX, “Photographic Enforcement and Administrative

Adjudication of Red Light Violations,” of Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code is amended to read as follows:

“(4) DEPARTMENT means the city department of mobility and street services [~~public works~~].”

SECTION 11. That Subsection (e) of Section 28-130.7, “Hearings for Disposition of a Parking Citation; Parking Citation as Prima Facie Evidence,” of Division 7, “Administrative Adjudication of Parking Violations,” of Article XI, “Stopping, Standing, and Parking Generally,” of Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code is amended to read as follows:

“(e) An order of a hearing officer must be filed with the city department of court and detention services [~~public works~~], in a separate index and file. The order may be recorded using computer printouts, microfilm, microfiche, or other digital retention methods [~~similar data processing techniques~~].”

SECTION 12. That Subsection (a) of Section 28-130.12, “Appeal from Hearing,” of Division 7, “Administrative Adjudication of Parking Violations,” of Article XI, “Stopping, Standing, and Parking Generally,” of Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code is amended to read as follows:

“(a) A person determined by a hearing officer, at either an instant or scheduled administrative adjudication hearing or by failure to answer a parking citation or appear at a hearing in the time required, to be liable for a parking violation may appeal this determination to the municipal court by filing a petition, along with a filing fee of \$15, with the municipal court clerk or a deputy clerk within 30 calendar days after the hearing officer’s order is filed with the department of court and detention services [~~public works~~]. If the hearing officer’s order is reversed, the \$15 filing fee shall be returned by the city to the appellant.”

SECTION 13. That Subsection (c) of Section 29A-5, “Application; Issuance,” of Article II, “Neighborhood Farmers Market Permits,” of Chapter 29A, “Neighborhood Farmers Markets,” of the Dallas City Code is amended to read as follows:

“(c) Upon receipt of the completed application, the director shall forward a copy of the application to the building official and the departments of police, fire- rescue, risk management, code compliance, and mobility and street services [~~and public works~~]. The building official and each department shall review the application and return it, with any comments, to the director within 10 working days after receipt.”

SECTION 14. That Paragraph (8) of Section 30-2, “Loud and Disturbing Noises and Vibrations Presumed Offensive,” of Chapter 30, “Noise,” of the Dallas City Code is amended to read as follows:

“(8) Any construction activity related to the erection, excavation, demolition, alteration, or repair of any building on or adjacent to a residential use, as defined in the Dallas Development Code, other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturdays and legal holidays, except that the director of mobility and street services [~~public works~~] may issue a written permit to exceed these hours in the case of urgent necessity in the interest of public safety or for other reasons determined by the director of mobility and street services [~~public works~~] to be necessary for the public health, safety, or welfare. For purposes of this paragraph, “legal holidays” include New Year’s Day (January 1), Memorial Day (observed date), Fourth of July (July 4), Labor Day (observed date), Thanksgiving Day (observed date), and Christmas Day (December 25).”

SECTION 15. That Section 36-45, “Inspection of Poles and Wires; Notice to Remove, Replace, or Alter,” of Article II, “Poles and Wires – Reports, Records, and Inspections,” of Chapter 36, “Poles and Wires,” of the Dallas City Code is amended to read as follows:

“SEC. 36-45. INSPECTION OF POLES AND WIRES; NOTICE TO REMOVE, REPLACE, OR ALTER.

The police chief, fire-rescue chief, and director of mobility and street services [~~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.”

SECTION 16. That Subsection (a), "Creation of the Railroad Subcommittee," of Section 39-4, "The Subcommittee," of Article II, "Enforcement, Decision Making, Reporting Duties," of Chapter 39, "Railroads," of the Dallas City Code is amended to read as follows:

"(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 mobility and street services [~~public works~~] of the city to serve as ex officio members of the subcommittee."

SECTION 17. That Subsection (c) of Section 42A-7, "Application; Issuance," of Article II, "Special Event Permits," of Chapter 42A, "Special Events," of the Dallas City Code is amended to read as follows:

"(c) Upon receipt of the completed application, the special event manager shall forward a copy of the application to the building official, to the departments of police, fire-rescue, equipment and building services, [~~public works,~~] risk management, mobility and street services, sanitation services, and code compliance, and to Dallas area rapid transit (DART). If any part of the special event is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the special event manager shall also forward a copy of the application to the department that manages or controls the exempt property. Each department and DART shall review the application and return it, with any comments, to the special event manager within 10 working days of receipt."

SECTION 18. That Section 43-63, "Repair of Defective Sidewalks or Driveways by Abutting Property Owners," of Subdivision I, "In General," of Division 1, "Generally," of Article III, "Construction and Repair of Sidewalks, Curbs and Driveway Approaches," of Chapter 43, "Streets and Sidewalks," of the Dallas City Code is amended to read as follows:

"SEC. 43-63. REPAIR OF DEFECTIVE SIDEWALKS OR DRIVEWAYS BY ABUTTING PROPERTY OWNERS.

(a) When a sidewalk, driveway, or any appurtenance to a sidewalk or driveway becomes defective, unsafe, or hazardous, the abutting property owner shall reconstruct or repair the sidewalk, driveway, or appurtenance, and the expense of such work must be borne by the abutting property owner.

(b) When a sidewalk, driveway, or appurtenance to a sidewalk or driveway is found to be defective, unsafe or hazardous, the director of mobility and street services or the director of code compliance shall notify the owner of the abutting property to reconstruct or repair the sidewalk, driveway, or appurtenance.

(c) Any owner who fails to reconstruct or repair a defective, unsafe, or hazardous condition within 30 days after the date of the written notice from the director of mobility and street services or the director of code compliance to do so, or any owner who fails to begin such reconstruction or repair within 15 days after the date of such notice, is guilty of an offense.”

SECTION 19. That Subsection (c) of Section 43-121, “License Required; Application; Issuance,” of Division 2, “Bicycle Parking Devices,” of Article VI, “License for the Use of Public Right-of-Way,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“(c) The director shall forward a copy of any completed application to the departments of mobility and street services, sanitation services, code compliance, [~~public works,~~] planning and urban design, and sustainable development and construction, and to any utility company that might be affected by the proposed installation and operation of a bicycle parking device. Each department, and any utility company notified, shall review the application and return it, with any comments, to the director within 30 days of receipt.”

SECTION 20. That Subsection (d) of Section 43-126.5, “License Required; Application; Issuance,” of Division 3, “Valet Parking Services,” of Article VI, “License for the Use of Public Right-of-Way,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“(d) The director shall forward a copy of any completed application to any person required to be notified under Subsection (c)(7) and to the departments of mobility and street services, sanitation services, code compliance, sustainable development and construction, [~~public works,~~] planning and urban design, and risk management, and to any other department that might be affected by the proposed operation of a valet parking service. Each department, and any other notified persons, shall review the application and return it, with any comments, to the director within 30 days of receipt.”

SECTION 21. That Paragraph (7), “Director,” of Section 43-135, “Definitions,” of Article VIII, “Certain Uses of Public Right-of-Way,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“(7) DIRECTOR means the director of mobility and street services [~~public works~~] or any designated representative.”

SECTION 22. That Subsection (a), “Permission to Use,” of Section 49-27, “Fire Hydrants,” of Article III, “Water and Wastewater Generally,” of Chapter 49, “Water and Wastewater,” of the Dallas City Code is amended to read as follows:

“(a) Permission to use. Fire hydrants are used in extinguishing fires and are to be opened only by authorized employees of the department and the city’s fire department, department of mobility and street services, and department of sanitation services. Any other person who wishes to use a fire hydrant must seek written permission from the director under the following conditions:

(1) A person requesting use of a fire hydrant must make written application for a permit and must pay charges in accordance with Section 49-18.9.

(2) The permittee must:

(A) use a water meter furnished by the department;

(B) connect the meter directly to the fire hydrant and include in the connection an approved reduced pressure zone backflow prevention device provided by the department;

(C) make the meter readily available for reading by the department each month it is used; and

(D) return the meter immediately after finishing use of the hydrant or upon request of the director.

(3) If water is to be hauled from the hydrant, the permittee must display a decal issued by the department on each vehicle used in hauling water from the hydrant.

(4) A permittee authorized to open a fire hydrant must only use an approved spanner wrench and must replace the caps on the outlets when not in use.”

SECTION 23. That Section 51-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended by adding a new Paragraph (99.1) to read as follows:

“(99.1) PUBLIC WORKS AND TRANSPORTATION means mobility and street services. Any reference to public works and transportation is a reference to mobility and street services.”

SECTION 24. That Section 51-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended by adding a new Paragraph (116.1) to read as follows:

“(116.1) STREET SERVICES means mobility and street services. Any reference to street services is a reference to mobility and street services.”

SECTION 25. That Paragraph (20), “Center Line,” of Section 51A-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(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 mobility and street services [~~public works~~].”

SECTION 26. That Section 51A-2.102, “Definitions,” of Article II, “Interpretations and Definitions,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (112.1) to read as follows:

“(112.1) PUBLIC WORKS AND TRANSPORTATION means mobility and street services. Any reference to public works and transportation is a reference to mobility and street services.”

SECTION 27. That Section 51A-2.102, "Definitions," of Article II, "Interpretations and Definitions," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Paragraph (134.1), to read as follows:

"(134.1) STREET SERVICES means mobility and street services. Any reference to street services is a reference to mobility and street services."

SECTION 28. That Paragraph (6), "Departmental Review," of Subsection (e), "Site Plan Process," of Section 51A-4.502, "Institutional Overlay District," of Division 51A-4.500, "Overlay and Conservation District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance 19455, as amended," of the Dallas City Code is amended to read as follows:

"(6) Departmental review. The director shall forward the information to the departments of sustainable development and construction, mobility and ~~[public works,]~~ street services, sanitation services, Trinity watershed management, and code compliance, and to any other appropriate departments. Within 30 days following receipt of a completed application for site plan approval, or for a longer time agreed to by the applicant, the departments shall review the proposed development and forward their comments, if any, in writing to the director. Upon conclusion of the departmental review, the director shall forward to the commission the application for site plan approval and the written information provided by the departments.

(A) The directors of the departments of mobility and ~~[public works,]~~ street services, Trinity watershed management, and water utilities shall prepare a written statement evaluating the impact of the proposed institutional uses on public facilities including sewers, water utilities, and streets.

(B) The director of Trinity watershed management shall prepare a written statement describing any known drainage or topography problems."

SECTION 29. That Subsection (a) of Section 51A-5.209, "Escarpment Area Review Committee," of Division 51A-5.200, "Escarpment Regulations," of Article V, "Flood Plain and Escarpment Zone Regulations," of Chapter 51A, "Dallas Development Code: Ordinance 19455, as amended," of the Dallas City Code is amended to read as follows:

“(a) In order to assist the director and the board of adjustment in the administration and interpretation of these escarpment regulations, and to establish an efficient forum for city input and review of proposed developments in geologically similar areas, an escarpment area review committee (“the committee”) shall be established. The committee shall be advisory in nature and be comprised of at least one representative from the departments of sustainable development and construction, parks and recreation, planning and urban design, and mobility and street services [~~public works~~]. Members of the committee shall be appointed by the heads of the departments they represent. At least two representatives must be present to constitute a quorum.”

SECTION 30. That Paragraph (1) of Subsection (e), “Staff Review,” of Section 51A-6.108, “Municipal Setting Designation Ordinance,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(1) The director shall distribute a copy of the complete application to the city attorney, the department of sustainable development and construction, the office of management services, the department of Trinity watershed management, the park and recreation department, the department of mobility and street services [~~public works~~], and the Dallas water utilities department for review and comment. The director shall also send a copy of the application to the TCEQ.”

SECTION 31. That Paragraph (2), “Director,” of Subsection (a), “Definitions,” of Section 51A-7.212, “Street Construction Alleviation Signs,” of Division 51A-7.200, “Provisions for All Zoning Districts,” of Article VII, “Sign Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(2) DIRECTOR means the director of mobility and street services of the city or the director’s designated representative, including but not limited to the city’s traffic engineer.”

SECTION 32. That Paragraph (2), “Director,” of Subsection (a), “Definitions,” of Section 51A-7.1720, “Street Construction Alleviation Signs,” of Division 51A-7.1700,

“Provisions for Victory Sign District,” of Article VII, “Sign Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(2) DIRECTOR means the director of mobility and street services [~~public works~~] of the city or his or her designated representative.”

SECTION 33. That Subsection (33), “Nonstandard Materials,” of Section 51A-8.201, “Definitions,” of Division 51A-8.200, “Definitions,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(33) NONSTANDARD MATERIALS mean any materials not specified in the Standard Construction Details of the department of mobility and street services [~~public works~~] or the North Central Texas Standard Specifications for Public Works Construction of the North Central Texas Council of Governments.”

SECTION 34. That Paragraph (8) of Subsection (b), “Regulations,” of Section 51A-8.507, “Alleys,” of Division 51A-8.500, “Subdivision Layout and Design,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(8) Alleys must be designed and constructed according to the requirements of the Paving Design Manual and the Standard Details for Public Works Construction of the department of mobility and street services [~~public works~~].”

SECTION 35. That Subsection (b), “Proper Access,” of Section 51A-8.508, “Parks and Common Areas,” of Division 51A-8.500, “Subdivision Layout and Design,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(b) Proper access. Land reserved for recreation sites and parks is considered to have proper access and visibility if:

(1) the property has frontage of at least 100 feet on an improved public street;
or

(2) the property has a high degree of visibility and has paved public vehicular access to an improved public street. The paved access must be at least 20 feet in width and must comply with the construction standards of the department of mobility and street services [~~public works~~].”

SECTION 36. That Subsection (b) of Section 51A-8.601, “General Standards,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(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 Paving Design Manual of the department of mobility and street services [~~public works~~].
- (5) The storm drainage policy of the city of Dallas.
- (6) The Drainage Design Manual of the department of mobility and street services [~~public works~~].
- (7) The Plan Development Checklist of the department.
- (8) The Standard Construction Details of the department of mobility and street services [~~public works~~].

- (9) The Texas Uniform Traffic Control Device Manual.
- (10) The Dallas Central Business District Pedestrian Facilities Plan.
- (11) The 1985 Dallas Bike Plan.
- (12) The City of Dallas Planning Policies.
- (13) All other codes and ordinances of the city of Dallas.”

SECTION 37. That Paragraph (2) of Subsection (d), “Corner Clips and Sight Easements,” of Section 51A-8.602, “Dedications,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(2) Sight easements must be provided if required by the [~~Public Works~~] Paving Design Manual of the department of mobility and street services.”

SECTION 38. That Subsection (a), “Generally,” of Section 51A-8.604, “Street Engineering Design and Construction,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(a) Generally. Streets, whether dedicated to the public use or privately owned, must be designed in accordance with the Paving Design Manual of the department of mobility and street services [~~public works~~]. The geometrics of streets must be designed to provide appropriate access for passenger, delivery, emergency, and maintenance vehicles.”

SECTION 39. That Subsection (a), “Generally,” of Section 51A-8.607, “Median Openings, Extra Lanes, and Driveways,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(a) Generally. All median openings, driveway approaches, driveways, and extra lanes including left turn lanes, right turn lanes, acceleration/deceleration lanes, and other extra lanes must be located, designed, and constructed in accordance with the current standards of the department of mobility and street services [~~public works~~].”

SECTION 40. That Subsection (b), “Street Lights,” of Section 51A-8.608, “Street Appurtenances,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(b) Street lights. The engineering, material, installation, and activation of street lights must be provided as required by the approved street lighting plans. All plan approvals, construction scheduling, and reimbursements must be coordinated through the director of mobility and street services.”

SECTION 41. That Subsection (d), “Traffic Signs and Street Name Blades,” of Section 51A-8.608, “Street Appurtenances,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(d) Traffic signs and street name blades. All of the required traffic signs and street name blades must be provided as determined by the traffic engineer. All signs must meet the standards of the department of mobility and street services and may be obtained from the department of mobility and street services or any other source if city standards are met. All necessary posts, hardware, and concrete required to complete the sign assembly installation must be provided as determined by the traffic engineer. A maintenance bond sufficient in amount to maintain all developer installed traffic signs and street name blades for one year must be posted by the owner.”

SECTION 42. That Subsection (f), “Traffic Control During Construction,” of Section 51A-8.608, “Street Appurtenances,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(f) Traffic control during construction. The owner is responsible for installing and maintaining all necessary barricades, temporary signs, pavement transitions, and pavement markings to safely convey traffic through the construction area in accordance with the Texas Manual on Uniform Traffic Control Devices, State Department of Highways and Public Transportation, and the Barricade Manual of the department of mobility and street services. The owner is also responsible for the removal of all barricades, temporary signs, pavement transitions, and pavement markings.”

SECTION 43. That Subsection (g), “Material Testing,” of Section 51A-8.612, “Private Development Contracts,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(g) Material testing. Before the approval of a private development contract, the name of a local materials testing company that is:

- (1) competent in the field of testing pertinent to the contract; and
- (2) under contract with the owner; must be submitted to and approved by the director. Materials testing and certification must comply with the standard specifications for mobility and street services ~~[public works]~~ construction.”

SECTION 44. That Section 51A-8.615, “Nonstandard Materials,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“SEC. 51A-8.615. NONSTANDARD MATERIALS.

(a) Generally. Nonstandard materials may be used in the public right-of-way for paving, parkway, sidewalk, driveway, and other street enhancement if the criteria in this section are met.

(b) Plans. Plans indicating the nonstandard materials must be approved by the director of mobility and street services ~~[public works]~~.

(c) Samples. Samples of each material used for a walking or traveling surface in the public right-of-way must be submitted to and approved by the director of mobility and street services ~~[public works]~~.

(d) Standards. All street paving, sidewalk, driveway, curb, and gutter construction must conform to the Standard Construction Details and the Standard Specifications for Mobility and Street Services [~~Public Works~~] Construction of the department of mobility and street services [~~public works~~].

(e) Sidewalks. Sidewalks must be designed barrier-free to the handicapped.

(f) Landscaping. Proposed landscaping in the public right-of-way must conform to the park and recreation beautification plan or be approved by the director of mobility and street services [~~public works~~], and must not interfere with utilities or any authorized use of the public right-of-way.

(g) Central business district. If the proposed plat is within the central business district, the nonstandard materials must meet all provisions of the Dallas Central Business District Pedestrian Facilities Plan Update.

(h) Written approval. Written approval must be obtained from the director of mobility and street services [~~public works~~] before any work is done.

(i) Liability. The responsibility and liability for all claims or damages resulting from injury or loss due to the use or presence of nonstandard work or materials is governed by Sections 43-33 and 43-34 of the Dallas City Code, as amended, and no liability is assumed by the city for approving plans including nonstandard materials.

(j) Agreements required. A written agreement must be executed between the owner of the property to be platted and the city for the use of nonstandard materials in the public right-of-way. The agreement must be executed before the construction of any improvement consisting of nonstandard materials. If the nonstandard material is to be located in a street or alley, or is otherwise intended for vehicular travel, a covenant agreement is required which provides a plan of perpetual maintenance at no cost to the city. If the nonstandard material is for a driveway, a sidewalk, or for another surface outside of the area between street curbs, or is not intended for vehicular travel, a written agreement is required between the owner of the property to be platted and the city. The owner is responsible for securing all required sidewalk, driveway, or street cut permits.

(k) Maintenance of nonstandard material in public rights-of-way. All improvements in the public rights-of-way exist at the pleasure of the city and must be maintained to the satisfaction of the city. The owner of the property to be platted is responsible for all maintenance and replacement of nonstandard materials and all preparatory work, including subgrade and base maintenance and replacement necessary due to work performed by the city or utility companies in the discharge of their responsibilities. Failure to maintain and replace defective nonstandard materials and workmanship constitutes just cause for the city to remove any portion or all of the nonstandard work and replace it with standard materials.”

SECTION 45. That Section 51A-8.620, "Retaining Walls," of Division 51A-8.600, "Infrastructure Design and Construction," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance 19455, as amended," of the Dallas City Code is amended to read as follows:

"SEC. 51A-8.620 RETAINING WALLS

All retaining walls located on private property along public rights-of-way or easements must be constructed of reinforced concrete or other materials determined to be sufficiently durable by the director. Retaining wall design must be approved by director of mobility and street services [~~public works~~] to ensure site conditions are adequately addressed by the design. Engineer certification and building permits may be required by other applicable regulations."

SECTION 46. That Subsection (a) of Section 51A-9.305, "Review of Application," of Division 51A-9.300, "Street Naming and Name Change Process," of Article IX, "Thoroughfares," of Chapter 51A, "Dallas Development Code: Ordinance 19455, as amended," of the Dallas City Code is amended to read as follows:

"(a) Within 10 working days after receipt of a complete application for a street name change, the subdivision administrator shall request comment regarding the potential impacts of the name change on the operations of the following city departments and other affected entities:

- (1) Department of mobility and street services.
- (2) Office of financial services.
- (3) Fire-rescue department.
- (4) Department of sustainable development and construction.
- (5) Police department.
- (6) [~~Public works department.~~
- (7)] Water utilities department.
- (7[8]) Department of sanitation services
- (8[9]) Department of code compliance.

(9[10]) Contiguous municipalities if any property abutting the street is within the contiguous municipality.

(10[11]) Dallas County Historical Commission.

(11[12]) TXU Electric, or its successor.

(12[13]) TXU Gas, or its successor.

(13[14]) Southwestern Bell Telephone Company, or its successor.

(14[15]) U.S. Postal Service.”

SECTION 47. That Paragraph (4), “Street Trees,” of Subsection (b), “Other Uses,” of Section 51A-10.125, “Mandatory Landscaping Requirements,” of Division 51A-10.120, “Landscaping,” of Article X, “Landscape and Tree Preservation Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(4) Street trees. A large tree must be provided for each 50 feet of frontage, with a minimum of two trees being provided. These trees must be located within 30 feet of the projected street curb. The trees may be located in the public right-of-way provided that all private licensing requirements of the city code and charter are met. For purposes of this paragraph, “projected street curb” means the future location of the street curb consistent with the city thoroughfare plan as determined by the director of mobility and street services [public works].”

SECTION 48. That Subsection (b) of Section 51A-10.140, “Criminal Responsibility, and Defenses to Prosecution,” of Division 51A-10.130, “Tree Preservation, Removal, and Replacement,” of Article X, “Landscape and Tree Preservation Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(b) It is a defense to prosecution under this section that the act is included in one of the enumerated categories listed in this section. No approval of a tree removal application is required if the tree:

(1) was dead and the death was not caused by an intentional or negligent act of the owner or an agent of the owner;

(2) had a disease or injury that threatened the life of the tree and was not caused by an intentional act of the owner or an agent of the owner;

(3) was in danger of falling or had partially fallen and the danger or the fall was not due to an intentional act of the owner or an agent of the owner;

(4) was in a visibility triangle (unless the owner was legally required to maintain the tree there) or obstructed a traffic sign;

(5) interfered with service provided by a public utility within a public right-of-way;

(6) threatened public health or safety, as determined by one of the following city officials:

(A) the chief of the police department;

(B) the chief of the fire-rescue department;

(C) ~~the director of public works;~~

~~(D)]~~ the director of mobility and street services;

~~(D[E])~~ the director of sanitation services;

~~(E[F])~~ the director of code compliance;

~~(F[G])~~ the director of park and recreation; or

~~(G[H])~~ the director of sustainable development and construction;

(7) was designated for removal in a landscape plan approved by the city council, city plan commission, or board of adjustment;

(8) interfered with construction or maintenance of a public utility;

(9) was removed or seriously injured to allow construction, including the operation of construction equipment in a normal manner, in accordance with infrastructure engineering plans approved under Article V of Chapter 49 or Section 51A-8.404; or

(10) was removed or seriously injured to allow construction of improvements in accordance with a building permit.”

SECTION 49. That Paragraph (3) of Subsection (h), “Road Repair Security Instrument,” of Section 51A-12.203, “Insurance and Security Instruments,” of Division II, “Gas Drilling,” of Article XII, “Gas Drilling and Production,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(3) The performance bond or irrevocable letter of credit must remain in effect for at least six months after the department of mobility and street services [~~public works~~] completes the final inspection of the right-of-way.”

SECTION 50. That Paragraph (4) of Subsection (h), “Road Repair Security Instrument,” of Section 51A-12.203, “Insurance and Security Instruments,” of Division II, “Gas Drilling,” of Article XII, “Gas Drilling and Production,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(4) The department of mobility and street services [~~public works~~] shall determine the amount of the performance bond or irrevocable letter of credit based upon, among other factors, the estimated cost to the city of restoring the right-of-way.”

SECTION 51. That Subparagraph (D) of Paragraph (1), “In General,” of Subsection (g), “Fresh-water Fracture Ponds,” of Section 51A-12.204, “Operations,” of Division II, “Gas Drilling,” of Article XII, “Gas Drilling and Production,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(D) The fresh-water fracture pond must comply with the Drainage Design Manual of the Department of Mobility and Street Services [~~Public Works~~] and all other city, state, and federal rules and regulations.”

SECTION 52. That Subsection (p), “Rights-of-Way,” of Section 51A-12.204, “Operations,” of Division II, “Gas Drilling,” of Article XII, “Gas Drilling and Production,” of Chapter 51A, “Dallas Development Code: Ordinance 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(p) Rights-of-way. For purposes of this subsection, rights-of-way means those rights-of-way located along the truck routes shown on the operator’s approved transportation plan and incorporated by reference into the gas well permit.

(1) Periodic inspections. The operator shall periodically inspect the rights-of-way to determine if damage has occurred.

(2) City notifying operator. If the department of mobility and street services [~~public works~~] determines that the rights-of-way have been damaged, the gas inspector shall notify the operator in writing of the damage.

(3) Repairs. The operator shall repair the damage to the rights-of-way within 10 days after discovering or receiving notice of the damage. Repairs must be made in accordance with the current standards of the department of mobility and street services [~~public works~~]. At least two days before making the repairs, the operator shall notify the department of mobility and street services [~~public works~~] of the operator’s intent to begin repairs. The operator shall have all necessary permits before repairing the rights-of-way.

(4) City making repairs and invoicing operator.

(A) If the operator fails to make repairs within 10 days after discovering or receiving notice of the damage, the director of mobility and street services [~~public works~~] may make the necessary repairs and invoice the operator. The operator shall pay the amount due within 30 days after the invoice date.

(B) If the director of mobility and street services [~~public works~~] determines that the damages to the rights-of-way affect the immediate health and safety of the public, the director of mobility and street services [~~public works~~] may make the repairs without first requesting that the operator make the repairs. The director of mobility and street services [~~public works~~] shall invoice and the operator shall pay the amount due within 30 days after the invoice date.

(C) If required by state law, the director of mobility and street services [~~public works~~] shall employ a competitive bidding process before making the repairs to the rights-of-way.

(5) Final inspection. After the gas inspector approves the abandonment and restoration of the operation site, the operator shall notify the director of mobility and street services [~~public works~~] and request an inspection of the rights-of-way. After inspection, the director of mobility and street services [~~public works~~] shall notify the operator of any needed repairs. Repairs must be made in accordance with this article.”

SECTION 53. That Section PRE. 51P-1.104, “Definitions,” of the Preface of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended by adding a new Paragraph (4.1) to read as follows:

“(4.1) “PUBLIC WORKS AND TRANSPORTATION” means mobility and street services. Any reference to public works and transportation in this chapter is a reference to mobility and street services.”

SECTION 54. That Section PRE. 51P-1.104, “Definitions,” of the Preface of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended by adding a new Paragraph (4.2) to read as follows:

“(4.2) “STREET SERVICES” means mobility and street services. Any reference to street services in this chapter is a reference to mobility and street services.”

SECTION 55. That Subdistrict (a), “Definitions,” of Section 51P-193.104, “Definitions and Interpretations,” of Part I, “General Regulations,” of Article 193, “PD 193,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended by adding a new Paragraph (31.1), to read as follows:

“(31.1) PUBLIC WORKS AND TRANSPORTATION means mobility and street services. Any reference to public works and transportation in this district or its subdistricts is a reference to mobility and street services.”

SECTION 56. That Subdistrict (a), “Definitions,” of Section 51P-193.104, “Definitions and Interpretations,” of Part I, “General Regulations,” of Article 193, “PD 193,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended by adding a new Paragraph (42.1) to read as follows:

“(42.1) STREET SERVICES means mobility and street services. Any reference to street services in this district or its subdistricts is a reference to mobility and street services.”

SECTION 57. That Chapters 2, 28, 29A, 30, 36, 39, 42A, 43, 49, 51, 51A, and 51P of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 58. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 59. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By 
Assistant City Attorney

Passed SEP 28 2016



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL SEP 28 2016

ORDINANCE NUMBER 30239

DATE PUBLISHED OCT 01 2016

ATTESTED BY: