

9/13/17

ORDINANCE NO. 30653

An ordinance amending the following chapters of the Dallas City Code: Chapter 2, "Administration," by amending Section 2-168; Chapter 6, "Alcoholic Beverages," by amending Section 6-10; Chapter 6A, "Amusement Centers," by amending Section 6A-5; Chapter 9A, "Billiard Halls," by amending Section 9A-4; Chapter 14, "Dance Halls," by amending Section 14-4; Chapter 17, "Food Establishments," by amending Sections 17-2.2, 17-8.2, 17-9.2, and 17-10.2; Chapter 18, "Municipal Solid Wastes," by amending Section 18-9; Chapter 41A, "Sexually Oriented Businesses," by amending Section 41A-6; and Chapter 49, "Water and Wastewater," by amending Sections 49-18.1, 49-18.2, 49-18.4, 49-18.5, and 49-18.9; adjusting the stormwater fees; providing for fees as authorized by the Texas Alcoholic Beverage Code; adjusting the amusement center fee; adjusting the billiard halls fee; adjusting the dance hall fees; adjusting food service manager registration fees; permitting certain food trailers as mobile food preparation vehicle; clarifying and providing requirements for temporary food establishments; adjusting fees for temporary food establishments; adjusting fees for plans review for a mobile food preparation vehicle; adjusting the reinspection fee for food establishments; adjusting inspection fees for mobile and fixed facility food establishments; adjusting various service fees for food establishments; deleting certain fees related to food establishments; adjusting fees for a food establishment variance and providing for a period of validity; adjusting fees for sanitation collection services; adjusting the fee for a sexually oriented business license; adjusting rates and charges for treated water service, wastewater service, wholesale water, and wastewater service to governmental entities, untreated water service, and fire hydrant usage; making certain conforming, semantic, grammatical, and structural changes; providing for a penalty not to exceed \$2,000 for a person

violating a provision of this ordinance governing fire safety, zoning, or public health and sanitation and a penalty not to exceed \$500 for all other provisions; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Subsection (b), “Stormwater Drainage Utility Rates,” of Section 2-168, “Definitions; Stormwater Drainage Utility Rates; Exemptions; Incentives for Residential-Benefitted Properties; Billing and Collection Procedures,” of Article XXVIII, “Stormwater Drainage Utility,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

“(b) Stormwater drainage utility rates.

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

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

(2) The stormwater drainage charge for all other benefitted properties not defined as residential-benefitted property is an amount equal to \$1.92 [~~1.75~~] per month for each 1,000 square feet, or parts thereof, of impervious area of the benefitted property, with a minimum charge of \$5.49 [~~5.00~~] per month for non-residential-benefitted property.

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

SECTION 2. That Section 6-10, “Reserved,” of Chapter 6, “Alcoholic Beverages,” of the Dallas City Code is amended to read as follows:

“**SEC. 6-10. LOCAL FEES** [~~RESERVED~~].

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

SECTION 3. That Section 6A-5, "Fee," of Chapter 6A, "Amusement Centers," of the Dallas City Code is amended to read as follows:

**"SEC. 6A-5. FEE.**

The annual fee for an amusement center license is \$48 [22] for each coin-operated amusement device located in the center. Amusement center licenses expire one year from the date of issuance. The fee for issuing a replacement license for one lost, destroyed, or mutilated is \$2. The fee is payable to the city upon approval of the license by the chief of police. No refund of license fees will be made."

SECTION 4. That Section 9A-4, "Fees," of Chapter 9A, "Billiard Halls," of the Dallas City Code is amended to read as follows:

**"SEC. 9A-4. FEE.**

A nonrefundable fee of \$75 [40] per billiard table will be charged annually."

SECTION 5. That Subsection (a) of Section 14-4, "Fees," of Chapter 14, "Dance Halls," of the Dallas City Code is amended to read as follows:

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

- (1) For a Class A dance hall, the annual license fee is \$851 [634].
- (2) For a Class B dance hall, the annual license fee is \$851 [634].
- (3) For a Class C dance hall, the daily license fee is \$852 [634].
- (4) For a Class E dance hall, the annual license fee is \$926 [688].

(5) For a late-hours permit, the annual fee is \$926 [673] in addition to the license fee for a Class A, B, or C dance hall, whichever is applicable."

SECTION 6. That Paragraph (6), "Food Service Manager Registration Fees," of Subsection (c), "Registered Food Service Managers Required," of Section 17-2.2, "Additional

Requirements,” of Article II, “Management and Personnel,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

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

SECTION 7. That Paragraph (3), “Mobile Food Preparation Vehicle,” of Subsection (b), “Categories of Mobile Food Establishments,” of Section 17-8.2, “Additional Requirements,” of Article VIII, “Mobile Food Establishments,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

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

SECTION 8. That Section 17-9.2, “Requirements for Temporary Food Establishments,” of Article IX, “Temporary Food Establishments and Catering Services,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

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

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

- (1) director finds that the operation will not result in a health or safety hazard or a nuisance;
- (2) operation is limited to a single, fixed location, which may include one or more facilities at the location;

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

(A) A [an out-of-town] vendor must submit a copy of:

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

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

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

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

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

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

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

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

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

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

(2) upon expiration of a concession agreement executed by the city in conjunction

with the temporary food service establishment permit for an activity or event on property owned or operated by the city; or

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

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

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

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

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

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

(B) stored at a temperature of:

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

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

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

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

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

(B) precooked;

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

30653

- (6) permit consumption of ice or contact of ice with food unless the ice is:
- (A) obtained from a source that is approved as safe by the director;
  - (B) in chipped, crushed, or cubed form;
  - (C) obtained in single-use plastic or wet-strength paper bags that are sealed by the manufacturer and unopened until used by the establishment; and
  - (D) dispensed from a container that is continuously drained into a waste receptacle approved by the director;
- (7) store food in contact with water or undrained ice, except that wet storage of a beverage in a pressurized container is permitted if the water used:
- (A) contains not less than 50 mg/l of available chlorine; and
  - (B) is maintained in a clean condition; or
- (8) use water from a source that is not approved as safe by the director.

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

- (1) Limit the booth size to a maximum 15 x 15 square foot space, unless the event planner provides fixed structures as temporary booths, or as otherwise approved by the director.
- (2) Protect each food and food-contact surface from contamination, including, but not limited to, complying with the following requirements:
  - (A) All condiments, including, but not limited to, onions, relish, peppers, catsup, and mustard, that are available for customer self-service must be available in individual packets or from an approved dispenser.
  - (B) All foods, food containers, utensils, napkins, straws, and other single service articles must be stored at least six inches off the floor and adequately protected from splash, dust, insects, weather, and other contamination.
  - (C) When self-service ice dispensers are not used, ice scoops are required.
  - (D) Effective hair restraints (such as nets and caps) are required in food preparation and service areas. Food, beverage, and tobacco consumption is prohibited inside food booths, food preparation areas, and food service areas. Gum chewing is prohibited in food preparation and food service areas.

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

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

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

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

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

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

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

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

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

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

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

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



30653

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

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

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

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

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

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

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

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

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

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

SECTION 9. That Subsection (d), “Permit Application Fee,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

30653

“(d) Permit application fee.

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

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

	<b>Fixed Facility</b>	<b>Mobile Food Preparation Vehicle</b>
<u>Application Fee</u>	<u>\$121</u>	<u>\$286</u>
<del>[Cessation of operation of existing facility or vehicle for 12 or more months</del>	<del>\$70</del>	<del>\$86</del>
<del>Change of ownership of existing facility or vehicle</del>	<del>\$131</del>	<del>\$86</del>
<del>Change of ownership of newly constructed facility or vehicle or extensively remodeled facility</del>	<del>\$131</del>	<del>\$86</del>
<del>Newly constructed facility or vehicle or extensively remodeled facility under same ownership</del>	<del>\$120</del>	<del>\$86]</del>
Reinstatement fee after lapse of permit for failure to pay annual inspection fee by due date: existing facility or vehicle under same ownership	<u>\$111 [236]</u>	<u>\$111 [236]</u>

(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.”

SECTION 10. That Paragraph (1) of Subsection (e), “Plans and Specifications,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“(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

30653

temporary food service establishment) before a copy of plans and specifications of the construction or remodeling are approved, in writing, by the director. A request for approval of plans and specifications must be accompanied by a nonrefundable plans review fee of [~~\$66 for a fixed facility or~~] \$205 [66] for a mobile food preparation vehicle.”

SECTION 11. That Paragraph (4), “Periodic Inspections,” of Subsection (f), “Inspections,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“(4) Periodic inspections. The director shall periodically inspect each separate and distinct facility and vehicle from which a food establishment operates to determine whether the establishment complies with this chapter and other applicable city ordinances and state and federal law. The director shall conduct the periodic inspection as often as the director considers necessary to enforce this chapter or other applicable law, but at least once each six-month period. Whenever a food establishment is inspected by the director and a violation of this chapter or other applicable law is found, the director shall, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, reinspect the food establishment to determine that the violation has been eliminated. A \$71 [~~110~~] fee will be charged for each reinspection that must be conducted before the violation is determined to be eliminated.”

SECTION 12. That Subsection (g), “Annual Inspection Fees: Catering Services and Mobile Food Establishments,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

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

(1) Catering service. A catering service shall pay the city a nonrefundable annual inspection fee of \$125 [~~120~~] for each vehicle used to operate the service inside the city.

(2) Mobile food establishment.

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

Type of Operation	Each Vehicle
General service	\$240 [ <del>236</del> ]

Limited service (produce trucks, ice cream carts, grocery trucks)	\$238 [137]
<del>Vegetable or fruit vendor</del>	<del>\$109</del>
Mobile food preparation vehicle	\$185 [218]

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

SECTION 13. That Subsection (h), “Annual Inspection Fee: Fixed Facilities,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“(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):

Area in square feet	Annual fee
1 to 2,000	\$280 [284]
2,001 or more	\$318 [313]

(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:

Area in square feet	Annual fee
1 to 2,000	\$280 [284]
2,001 or more	\$318 [313]

(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

30653

establishments subject to the preclosure process shall pay the city a nonrefundable fee of \$87 and may receive citations for operating without a valid permit.

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

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

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

or

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

SECTION 14. That Subsection (i), “Temporary Food Service Fee,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“(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 \$121 [~~156~~], plus \$13 [~~7~~] for each day of operation for each facility from which the establishment is operated.

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

(3) A maximum nonrefundable annual fee of \$187 [~~124~~] for each facility will be collected from concessionaires operating under contract with the city park and recreation department. A maximum nonrefundable annual fee of \$75 [~~132~~] for each facility will be collected from concessionaires operating at a school stadium. A maximum nonrefundable annual fee of \$123 for each booth or stall valid at a single market location and \$228 for each booth or stall valid at more than one market location [~~the first market location and \$120 for each booth or stall at each additional market location~~] will be collected from a vendor operating at a neighborhood farmers market permitted under Chapter 29A of this code, as amended.

(4) [~~2~~] Section 17-10.2(i)(1) does not apply to a temporary food service establishment that:

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

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

30653

SECTION 15. That Subsection (j), "Registration of Food Establishments Outside the City; Fee," of Section 17-10.2, "Additional Requirements," of Article X, "Compliance and Enforcement," of Chapter 17, "Food Establishments," of the Dallas City Code is amended to read as follows:

"(j) Registration of food establishments outside the city[: fee].

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

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

(B) [~~pays to the city a nonrefundable registration fee of \$10 and other applicable fees; and~~] furnishes the department with:

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

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

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

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

SECTION 16. That Subsection (l), "Service Fees," of Section 17-10.2, "Additional Requirements," of Article X, "Compliance and Enforcement," of Chapter 17, "Food Establishments," of the Dallas City Code is amended to read as follows:

"(l) Service fees.

(1) If a food establishment changes its name, continuing under the same ownership, the establishment shall inform the director in writing of the change and pay the city a service fee of \$127 [48], not more than seven days after the change.

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

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

(B) pay to the city a nonrefundable service fee of \$106 [200].”

SECTION 17. That Subsection (s), “Variances,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code is amended to read as follows:

“(s) Variances.

(1) A food establishment may apply to the director for a variance modifying or waiving the requirements of the Texas Food Establishment Rules or the requirements of this chapter. The food establishment shall apply for the variance on a form provided by the director and shall include in the application all of the information required by Subsection 229.171(c)(2) of the Texas Food Establishment Rules. The application must be accompanied by a nonrefundable application fee of \$264.

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

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

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

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

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

(4) A variance granted under this section is nontransferable. 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 ~~[expires two years after the date it is~~

~~granted by the director,~~] unless it is sooner revoked by the director or terminated by the food establishment. A variance may be renewed through the application process set forth in Paragraph (1) of this subsection.

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

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

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

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

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

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

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

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

(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 [~~inches high~~] in contrasting colors; and
- (iii) displayed in a landscape orientation.

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

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

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

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

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

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

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

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

(8) If, pursuant to this section, the director grants a variance to Section 17-8.2(h)(2)(C) of this chapter (which allows only fast-cooked food items to be prepared on a mobile food preparation vehicle and prohibits raw poultry or raw seafood from being prepared or cooked on the vehicle) to allow raw poultry, raw seafood, and non-fast-cooked food items to be prepared, cooked, and served from a mobile food preparation vehicle, then the food establishment shall comply with the following conditions and standards in addition to any other conditions and standards established by the director for the variance:

(A) The applicant must submit to the director detailed plans regarding the preparation, cooking, and service of the raw poultry, raw seafood, and non-fast-cooked food items on the mobile food preparation vehicle. The plans must include all of the following information:

(i) A description of the raw poultry, raw seafood, and non-fast-cooked food items and how they will be prepared, cooked, and served.

(ii) Details of how the raw poultry, raw seafood, and non-fast-cooked food items will be stored on the vehicle.

(iii) Any other information or documentation the director deems necessary to determine whether or not a health hazard or nuisance will result from granting the variance.

(B) The food establishment must not have committed more than a total of three violations of this chapter or the Texas Food Establishment Rules within the preceding 12-month period that involved any mobile food preparation vehicle or fixed food facility operated by the food establishment, regardless of whether such violations were committed by an owner, officer, operator, manager, other person in charge, or employee of the food establishment.

(C) The food establishment must not have had any confirmed foodborne illnesses at any of its locations within the preceding 24 months.

(D) The food establishment must not have scored less than 80 on two separate graded food inspections within the preceding 24 months.

(E) Cutting of raw poultry or raw seafood is prohibited on a mobile food preparation vehicle, except for seafood intended to be consumed raw.

(9) An owner, officer, manager, or other person in charge of a food establishment commits an offense if he, either personally or through an employee or agent, violates, allows a violation of, or fails to comply with a term or condition of a variance granted under this section.”

SECTION 18. That Paragraph (1) of Subsection (c), "Schedule of Service Charges," of Section 18-9, "Specifying Charges for Sanitation Service," of Article I, "Collection and Disposal," of Chapter 18, "Municipal Solid Wastes," of the Dallas City Code is amended to read as follows:

"(1) The collection service charge for a residence or duplex is as follows:

(A) Alley or curb collection service for municipal solid waste - \$25.18 [~~24.32~~] per dwelling unit per month for one rollcart, plus \$10.56 per month for each additional garbage rollcart requested by the owner or occupant of the premises.

(B) Packout or drive-in collection service for municipal solid waste - \$87.69 [~~84.69~~] per dwelling unit per month."

SECTION 19. That Paragraph (2) of Subsection (c), "Schedule of Service Charges," of Section 18-9, "Specifying Charges for Sanitation Service," of Article I, "Collection and Disposal," of Chapter 18, "Municipal Solid Wastes," of the Dallas City Code is amended to read as follows:

"(2) The collection service charge for an apartment or a mobile home park that receives manual collection service from the sanitation services of the city is as follows:

(A) Alley, curb, or drive-in collection service for municipal solid waste - \$25.18 [~~24.32~~] per apartment unit or mobile home space per month.

(B) Packout collection service for municipal solid waste - \$87.69 [~~84.69~~] per apartment unit or mobile home space per month."

SECTION 20. That Subsection (a) of Section 41A-6, "Fees," of Chapter 41A, "Sexually Oriented Businesses," of the Dallas City Code is amended to read as follows:

"(a) The annual fee for a sexually oriented business license is \$1,097 [~~808~~]."

SECTION 21. That Subsection (c), "Rate Tables," of Section 49-18.1, "Rates for Treated Water Service," of Article II, "Rates, Charges and Collections," of Chapter 49, "Water and Wastewater," of the Dallas City Code is amended to read as follows:

"(c) Rate tables. The director shall charge customers for treated water service in accordance with the following tables:

(1) Water Service Customer Charges.

<u>METER SIZE</u>	<u>RATE PER METER</u>
5/8-inch meter	<u>\$5.33</u> [ <del>5.25</del> ]
3/4-inch meter	<u>7.40</u> [ <del>7.26</del> ]
1-inch meter	<u>10.78</u> [ <del>10.56</del> ]
1-1/2-inch meter	<u>20.00</u> [ <del>19.66</del> ]
2-inch meter	<u>32.54</u> [ <del>31.98</del> ]
3-inch meter	<u>77.00</u> [ <del>74.90</del> ]
4-inch meter	<u>126.62</u> [ <del>124.44</del> ]
6-inch meter	<u>251.45</u> [ <del>247.11</del> ]
8-inch meter	<u>418.53</u> [ <del>411.31</del> ]
10-inch meter or larger	<u>642.66</u> [ <del>631.58</del> ]

(2) Usage Charge - Rate Per 1,000 Gallons.TYPE OF USAGE

## (A) Residential:

(i) Up to 4,000 gallons	<u>\$1.92</u> [ <del>1.90</del> ]
(ii) 4,001 to 10,000 gallons	<u>4.34</u> [ <del>4.25</del> ]
(iii) 10,001 to 15,000 gallons	<u>6.20</u> [ <del>6.03</del> ]
(iv) Above 15,000 gallons	<u>8.75</u> [ <del>8.55</del> ]

## (B) General service:

(i) Up to 10,000 gallons	<u>3.76</u> [ <del>3.65</del> ]
(ii) Above 10,000 gallons	<u>4.08</u> [ <del>3.91</del> ]
(iii) Above 10,000 gallons and 1.4 times annual average monthly usage	<u>6.20</u> [ <del>5.94</del> ]"

SECTION 22. That Paragraph (1) of Subsection (f), "Election for Certain General Water Service Customers," of Section 49-18.1, "Rates for Treated Water Service," of Article II, "Rates, Charges and Collections," of Chapter 49, "Water and Wastewater," of the Dallas City Code is amended to read as follows:

30653

“(1) The customer must agree to pay each year:

(A) the monthly customer charge provided in Subsection (c);

(B) \$2,231.50 [~~2,192.92~~] per month as a usage charge on the first 1,000,000 gallons used in a billing period; and

(C) \$3.15 [~~3.03~~] per 1,000 gallons used in excess of 1,000,000 gallons per month.”

SECTION 23. That Subsection (g), “Adjusted Rates for Hidden Water Leaks,” of Section 49-18.1, “Rates for Treated Water Service,” of Article II, “Rates, Charges and Collections,” of Chapter 49, “Water and Wastewater,” of the Dallas City Code is amended to read as follows:

“(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:

<u>TYPE OF USAGE</u>	<u>RATE PER 1,000 GALLONS</u>
(A) Residential	<u>\$1.92</u> [ <del>1.90</del> ]
(B) General service	<u>3.76</u> [ <del>3.65</del> ]
(C) Optional general service	<u>3.15</u> [ <del>3.03</del> ]
(D) Municipal service	<u>2.47</u> [ <del>2.42</del> ]

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.”

SECTION 24. That Subsection (i), “Rates for Municipal Purpose Water Service,” of Section 49-18.1, “Rates for Treated Water Service,” of Article II, “Rates, Charges and

Collections,” of Chapter 49, “Water and Wastewater,” of the Dallas City Code is amended to read as follows:

“(i) Rates for municipal purpose water service. Water service to property owned by the city of Dallas that is used solely for municipal purposes may be charged \$2.47 [~~2.42~~] per 1,000 gallons of water used.”

SECTION 25. That Section 49-18.2, “Rates for Wastewater Service,” of Article II, “Rates, Charges and Collections,” of Chapter 49, “Water and Wastewater,” of the Dallas City Code is amended to read as follows:

**“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

<u>METER SIZE</u>	<u>RATE PER METER</u>
5/8-inch meter	\$ <u>4.78</u> [ <del>4.70</del> ]
3/4-inch meter	<u>6.55</u> [ <del>6.44</del> ]
1-inch meter	<u>9.45</u> [ <del>9.35</del> ]
1-1/2-inch meter	<u>18.30</u> [ <del>17.99</del> ]
2-inch meter	<u>28.50</u> [ <del>28.35</del> ]
3-inch meter	<u>69.50</u> [ <del>68.52</del> ]
4-inch meter	<u>111.42</u> [ <del>109.56</del> ]
6-inch meter	<u>219.31</u> [ <del>215.64</del> ]
8-inch meter	<u>366.09</u> [ <del>359.97</del> ]
10-inch meter or larger	<u>575.21</u> [ <del>565.59</del> ]

(2) Monthly residential usage charge: \$5.38 [~~5.34~~] per 1,000 gallons of the average water consumption billed in the months of December, January, February, and March, or of the actual Month's water consumption, whichever is less, up to a maximum charge of 40,000 gallons per month.

(3) Monthly general service usage charge: \$4.17 [~~4.08~~] per 1,000 gallons of water used.

(4) Monthly usage charge for Section 49-18.1(f) customer: \$3.75 [~~3.65~~] per 1,000 gallons of water used.

(5) Monthly general service usage charge for wastewater separately metered: \$3.80 [~~3.73~~] per 1,000 gallons of wastewater discharged.

(6) Monthly surcharge for excessive concentrations of waste: a[~~A~~]n amount calculated in accordance with Sections 49-18.12, 49-48 and 49-49 of this chapter.

(7) Monthly surcharge for excessive concentrations of waste for wastewater separately metered: An amount calculated in accordance with Sections 49-18.12, 49-48 and 49-49 of this chapter.

(d) Where residential water service is not used. If a residential customer does not receive water service solely from the city, the director shall estimate water used per month to determine the usage charge in Subsection (c).

(e) Where general water service is not used. If a general service customer does not receive water service solely from the city, the customer must install and maintain, at the customer's expense, adequate meters that measure total water usage from other sources and that meet American Water Works Association standards. The customer must pay an additional customer charge of \$10.00 per month for each meter, regardless of size, installed under this subsection. When a meter is inaccurate, the director may estimate water usage.

(f) Rates for municipal purpose wastewater service. Wastewater service to property owned by the city of Dallas that is used solely for municipal purposes may be charged \$2.65 [~~2.58~~] per 1,000 gallons of water used."

SECTION 26. That Subsection (b), "Rate Table," of Section 49-18.4, "Rates for Wholesale Water and Wastewater Service to Governmental Entities," of Article II, "Rates, Charges and Collections," of Chapter 49, "Water and Wastewater," of the Dallas City Code is amended to read as follows:

“(b) Rate table. The director shall charge a governmental entity for wholesale water service in accordance with the following:

(1) The volume charge for treated water is \$0.4565 [~~0.4416~~] per 1,000 gallons of water used, and the annual water year demand charge is \$280,458 [~~262,058~~] 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 of flow controller, the charge is \$2.2094 [~~2.0795~~] per 1,000 gallons of treated water used.

(3) A monthly readiness-to-serve charge will be assessed for any standby service point. The monthly fee, based on size of connection, is as follows:

<u>Size of Connection</u>	<u>Monthly Standby Fee</u>
3-inch	<u>\$77.00</u> [ <del>74.90</del> ]
4-inch	<u>126.62</u> [ <del>124.44</del> ]
6-inch	<u>251.45</u> [ <del>247.11</del> ]
8-inch	<u>418.53</u> [ <del>411.31</del> ]
10-inch or larger	<u>642.66</u> [ <del>631.58</del> ]

(4) The rate for regular untreated water service to a governmental entity is \$1.0225 [~~0.9120~~] per 1,000 gallons of untreated water used. The rate for interruptible untreated water service to a governmental entity is \$0.4761 [~~0.4265~~] per 1,000 gallons of untreated water used.”

SECTION 27. That Subsection (e), “Wholesale Wastewater Rates,” of Section 49-18.4, “Rates for Wholesale Water and Wastewater Service to Governmental Entities,” of Article II, “Rates, Charges and Collections,” of Chapter 49, “Water and Wastewater,” of the Dallas City Code is amended to read as follows:

“(e) Wholesale wastewater rates. The director may provide wholesale wastewater service to other governmental entities by contract, in accordance with the following rules:

(1) The monthly rate for wholesale wastewater service is \$2.7451 [~~2.4647~~] per 1,000 gallons of wastewater discharged. The director is authorized to compensate those governmental entities located within the boundaries of the city for the city’s use of integrated facilities owned by those governmental entities.

(2) An infiltration and inflow adjustment factor of 5.3 [~~4.4~~] percent will be added to the average water consumption for the months of December, January, February, and



March to determine billable volume for a governmental entity with unmetered wholesale wastewater service.

(3) If the BOD or suspended solids concentration of waste discharged exceeds 250 mg/L, the governmental entity must pay a surcharge calculated in accordance with Section 49-18.12(1)(A) or (B), whichever applies.”

SECTION 28. That Subsection (f), “Treatment of Water Owned By Another Governmental Entity,” of Section 49-18.4, “Rates for Wholesale Water and Wastewater Service to Governmental Entities,” of Article II, “Rates, Charges and Collections,” of Chapter 49, “Water and Wastewater,” of the Dallas City Code is amended to read as follows:

“(f) Treatment of water owned by another governmental entity. The director may provide treatment services at the Elm Fork water treatment plant to water owned by another governmental entity in accordance with a written contract. The volume charge for treating water owned by another governmental entity is \$0.3005 [~~0.3128~~] per 1,000 gallons of water treated, and the annual water year demand charge is \$36,062 [~~49,207~~] per each mgd, as established by the maximum demand capacity set forth in the contract.”

SECTION 29. That Subsection (a), “Regular Rate,” of Section 49-18.5, “Rate for Untreated Water,” of Article II, “Rates, Charges and Collections,” of Chapter 49, “Water and Wastewater,” of the Dallas City Code is amended to read as follows:

“(a) Regular rate. The charge for untreated water is \$1.0225 [~~0.9120~~] per 1,000 gallons of water used.”

SECTION 30. That Subsection (b), “Interruptible Rate,” of Section 49-18.5, “Rate for Untreated Water,” of Article II, “Rates, Charges and Collections,” of Chapter 49, “Water and Wastewater,” of the Dallas City Code is amended to read as follows:

“(b) Interruptible rate. The charge for interruptible service is \$0.4761 [~~0.4265~~] per 1,000 gallons of water used.”

SECTION 31. That Section 49-18.9, “Charges for Use of Fire Hydrants,” of Article II, “Rates, Charges and Collections,” of Chapter 49, “Water and Wastewater,” of the Dallas City Code is amended to read as follows:

**“SEC. 49-18.9. CHARGES FOR USE OF FIRE HYDRANTS.**

A person requesting use of water from a fire hydrant pursuant to Section 49-27 shall pay the following application charges:

- (1) a deposit of \$1,500 to be refunded when the service is discontinued and the meter is returned to the city by the person or the person’s authorized representative, less any unpaid fees for services and any costs to repair damage in excess of normal wear;
- (2) a monthly fire hydrant service charge of \$77.00 [~~74.90~~]; and
- (3) a usage charge for water that will be billed at the general service rate prescribed in Section 49-18.1(c)(2)(B).”

SECTION 32. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance governing fire safety, zoning, or public health and sanitation, is, upon conviction, punishable by a fine not to exceed \$2,000 and that a person violating any other provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 33. That Chapters 2, 6, 6A, 9A, 14, 17, 18, 41A, and 49 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

SECTION 34. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 35. 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 36. That this ordinance shall take effect on October 1, 2017, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By  \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_ SEP 20 2017



## 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 20 2017

ORDINANCE NUMBER 30653

DATE PUBLISHED SEP 23 2017

ATTESTED BY: