

# CITY OF DALLAS, TEXAS

## CODE OF ORDINANCES

### VOLUME I

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

In this chapter:

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

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

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

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

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

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

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

~~———— (6) MEMBER means a duly appointed or elected member of a board.~~

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

(4) CONSIDERATION means the process by which a board disposes of a motion.

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

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

(7) ITEM means a particular subject of public business listed on a posted agenda that requires consideration from the board during the public meeting.

(8) MEMBER means a duly appointed or elected member of a board. (Ord. Nos. 14180; 19924; 20488; 30555; 31350)

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

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

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

(2) a table of contents;

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

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

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

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

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

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

## ARTICLE II.

### MEETINGS.

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

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

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

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

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

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

(a) At the beginning of each regular or special meeting, the chair shall determine whether or not a quorum exists in order to properly transact business of the board. Unless otherwise provided by another city ordinance, the city charter, or state law, a quorum exists when there are physically present a simple majority of the number of members officially appointed to the

board, regardless of the total number of members actually provided for the board, except that no board required to be composed of 15 or more members may have a quorum of fewer than six members. If a quorum does not exist 30 minutes after the time for which the meeting was called, the chair shall adjourn the meeting and may call a special meeting in accordance with the Texas Open Meetings Act, as amended.

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

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

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

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

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

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

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

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

~~—(d) Compliance with this section shall be the responsibility of the city department designated to provide staff support to the board. The city secretary shall be responsible for establishing guidelines for the security of all tapes on which board executive sessions are recorded pursuant to Subsection (b).~~

(d) A board that has rulemaking or quasi-judicial power shall allow any member of the public to address the board regarding any item on the board's posted agenda at a designated time before or during the board's consideration of the item. A board may adopt reasonable rules regarding the public's right to address the body, including rules that limit the total amount of time that a member of the public may address the body.

(e) If a board that has rulemaking or quasi-judicial power adopts a rule placing a time limit on public comments, any member of the public requiring the use of a translator to relay public comments shall be afforded twice the amount of time as a member of the public who does not require a translator.

(f) Compliance with this section shall be the responsibility of the city department designated to provide staff support to the board. The city secretary shall be responsible for establishing guidelines for the security of all tapes on which board executive sessions are recorded pursuant to Subsection (b). (Ord. Nos. 14180; 20302; 20488; 30555; 31350)

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

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

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

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

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

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

### ARTICLE III.

#### OFFICERS AND THEIR DUTIES.

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

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

## CHAPTER 9

## BICYCLES

## ARTICLE I.

## GENERAL.

- Sec. 9-1. Applicability of traffic regulations to bicycle and electric bicycle riders.
- Sec. 9-2. [Reserved.]
- Sec. 9-3. [Reserved.]
- Sec. 9-4. Removal, etc., of serial numbers on bicycles; authorizing the chief of police to confiscate same.
- Sec. 9-5. Responsibility of parent or guardian.
- Sec. 9-6. Bicycles prohibited on enumerated streets.

## ARTICLE II.

## BICYCLE HELMETS.

- Sec. 9-7. Definitions.
- Sec. 9-8. Bicycle helmet required.
- Sec. 9-9. Sale or lease of bicycles.
- Sec. 9-10. Penalty.

## ARTICLE I.

## GENERAL.

(Title - Ord. 22764, eff. 9/1/96)

**SEC. 9-1. APPLICABILITY OF TRAFFIC REGULATIONS TO BICYCLE AND ELECTRIC BICYCLE RIDERS.**

— Every person riding a bicycle upon the streets of the city shall be subject to provisions of all laws and ordinances applicable to the driver of any other vehicle,

except those provisions of laws and ordinances which, by their very nature, can have no application; provided, however, it shall not be unlawful to ride a bicycle on a public sidewalk anywhere in the city outside of the central business district; said district being formed by the following street lines:

(a) In this section, ELECTRIC BICYCLE has the same meaning as it does in Section 664.001 of the Texas Transportation Code.

(b) Every person riding a bicycle and an electric bicycle upon the streets of the city shall be subject to provisions of all laws and ordinances applicable to the driver of any other vehicle, except those provisions of laws and ordinances which, by their very nature, can have no application; provided, however, it shall not be unlawful to ride a bicycle or an electric bicycle on a public sidewalk anywhere in the city outside of the central business district; said district being formed by the following street lines:

The south line of Young Street from Houston Street to Hawkins Street.

The west line of Hawkins Street from Young Street to Pacific Avenue.

The north line of Pacific Avenue from Hawkins Street to Pearl Street.

The east line of Pearl Street from Pacific Avenue to Ross Avenue.

The north line of Ross Avenue from Pearl Street to Austin Street.

The west line of Austin Street from Ross Avenue to Pacific Avenue.

The north line of Pacific Avenue from Austin Street to Houston Street.

The west line of Houston Street from Pacific Avenue to Young Street.

— This provision which permits bicycles to be operated on public sidewalks is not meant to apply to any motor propelled vehicle of any type, but shall apply only to bicycles without motors. Any person riding a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

This provision which permits bicycles and electric bicycles to be operated on public sidewalks is not meant to apply to any motor propelled vehicle of any other type, but shall apply only to bicycles and electric bicycles. Any person riding a bicycle or an electric bicycle upon a sidewalk shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (Ord. Nos. 13686; 31403)



**SEC. 9-4. REMOVAL, ETC., OF SERIAL NUMBERS ON BICYCLES; AUTHORIZING THE CHIEF OF POLICE TO CONFISCATE SAME.**

It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the serial number on the frame of a bicycle. The chief of police is hereby authorized to confiscate any bicycle found to have a serial number on the frame which has been removed, altered or mutilated and he is further authorized to stamp new serial numbers on the frames of those bicycles on which no serial number can be found, or on which the number is illegible or insufficient for identification purposes. (Ord. 13686)

**SEC. 9-5. RESPONSIBILITY OF PARENT OR GUARDIAN.**

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward who would not be subject to prosecution in the municipal court to violate any of the provisions of this chapter. (Ord. 13686)

**SEC. 9-6. BICYCLES PROHIBITED ON ENUMERATED STREETS.**

~~No person shall operate, ride, push, pull, or walk a bicycle on any of the following freeways or expressways:~~

No person shall operate, ride, push, pull, or walk a bicycle, other than an electric bicycle, as defined in Section 664.001 of the Texas Transportation Code, on any of the following freeways or expressways:

<u>STREET</u>	<u>LIMITS</u>
Central Expressway	Live Oak north to city limits
Central Expressway	Grand south to city limits
C. F. Hawn Freeway	All portions within the city limits
John W. Carpenter Freeway	All portions within the city limits
Lyndon B. Johnson Freeway	All portions within the city limits
Marvin D. Love Freeway	All portions within the city limits
R. L. Thornton Freeway	All portions within the city limits
Stemmons Freeway	All portions within the city limits
Walton Walker Boulevard	All portions within the city limits
Interstate 345	All portions within the city limits

(Ord. Nos. 13875; 31403)

**ARTICLE II.**

**BICYCLE HELMETS.**

**SEC. 9-7. DEFINITIONS.**

(a) In this article:

(1) DEALER means any commercial establishment that sells or leases new or used bicycles, whether as its principal business activity or in connection with the selling or leasing of other merchandise, from a place of business within the city.

(2) GUARDIAN means:

(A) a person who, under court order, is the guardian of the person of a minor; or

(B) a public or private agency with whom a minor has been placed by a court.

(3) HELMET means a properly-fitted bicycle helmet that:

(A) is not structurally damaged; and

(B) conforms to current standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation, or any federal agency having regulatory jurisdiction over bicycle helmets.

(4) MINOR means any person under 18 years of age.

(5) PARENT means a person who is the natural parent, adoptive parent, or step-parent of another person.

(6) PUBLIC WAY means any property located within the city that is publicly owned or maintained, including but not limited to a publicly

**CHAPTER 13****COURTS, FINES AND IMPRISONMENTS****ARTICLE I.****IN GENERAL.**

- Sec. 13-1. General penalty; continuing violations.
- Sec. 13-1.1. Authority to issue citations to appear in municipal court.
- Sec. 13-1.2. Compliance not a defense to prosecution.
- Sec. 13-2. Liability of corporate officers for penalty.

**ARTICLE II.****MUNICIPAL COURT OF RECORD.**

- Sec. 13-3. Municipal court of record; created and designated; jurisdiction; session.
- Sec. 13-4. Other terms and laws applicable to the municipal court of record.
- Sec. 13-5. Powers and duties of municipal judges.
- Sec. 13-5.1. Judicial nominating commission created.
- Sec. 13-5.2. Judicial nominating commission duties and responsibilities; selection of municipal judges.
- Sec. 13-6. Bailiffs of the municipal court of record.
- Sec. 13-7. Department of court and detention services created; director.
- Sec. 13-8. Duties of the municipal clerk; court administrator and director; deputy clerks.
- Sec. 13-9. Office of the city marshal.
- Sec. 13-10. Duties of the city marshal.
- Sec. 13-11. City marshal's authority; eligibility for pension.
- Sec. 13-12. Fidelity bonds.

- Sec. 13-13. Collection of fines.
- Sec. 13-14. Minutes of the municipal court of record.
- Sec. 13-15. Disposition of court records.
- Sec. 13-16. Recording of proceedings; fees.
- Sec. 13-17. Appeals from the municipal court of record.
- Sec. 13-18. Record of case on appeal; ~~record preparation fee.~~
- Sec. 13-19. Reserved.
- Sec. 13-20. Form of appearance bonds.
- Sec. 13-21. Delivery of appearance bonds to municipal clerk; destruction of certain records.
- Sec. 13-22. Alternative methods for payment of fines; imprisonment for default in payments.
- Sec. 13-23. Appeal bonds.
- Sec. 13-24. Recognizance before trial.
- Sec. 13-25. Return of deposits made with recognizance agreements.
- Sec. 13-26. City officials or employees not to recommend attorneys or sureties.
- Sec. 13-27. Traffic citations and complaints to be delivered to the municipal clerk.
- Sec. 13-28. Violation of promise to appear.
- Sec. 13-28.1. ~~Municipal court building security fund~~ **Local consolidated fee.**
- Sec. 13-28.2. ~~Municipal court technology fund~~ **Reserved.**
- Sec. 13-28.3. ~~Convenience charge~~ **Reimbursement fee** for certain payments through the internet or an interactive voice response telephone system.
- ~~Sec. 13-28.4. Municipal court juvenile case manager fund.~~

**ARTICLE III.****RESERVED.**

- Sec. 13-29. Reserved.

municipal court of record and maintained on file in the city secretary's office. (Code 1941, Art. 28-5; Ord. Nos. 8215; 19181; 19802)

**SEC. 13-16. RECORDING OF PROCEEDINGS; FEES.**

(a) The municipal court of record shall comply with the recording procedures set forth in Chapter 30 of the Texas Government Code.

(b) Upon request of the municipal judge or upon written request of one of the parties to a trial, proceedings of the municipal court of record, limited to trial testimony and motions before the court, shall be recorded. The proceedings shall primarily be recorded electronically, but may be recorded by a qualified court reporter. The defendant may, at his expense, have a court reporter present in the courtroom during the proceedings.

(c) The recording of municipal court of record proceedings shall be kept and stored for not less than 20 days beginning the day after the last day of the court proceeding, trial, or denial of motion for new trial, whichever occurs last. The proceedings that are appealed shall be transcribed from the recording by a court reporter or other person authorized to transcribe the court of record proceedings. The court reporter or other person transcribing the recorded proceedings is not required to have been present at the proceedings when they were recorded.

(d) The defendant shall pay for any transcription of the recorded proceedings unless the court finds, after a hearing in response to an affidavit by the defendant, that the defendant is unable to pay or give security for the transcription.

(e) Before the recorded proceedings are transcribed, the defendant shall, unless found by the court to be unable to pay for the transcription, post a cash deposit with the municipal clerk for the estimated

cost of the transcription. The cash deposit shall be based on the length of the proceedings, as indicated by the amount of tape used to electronically record the proceedings, and the costs of court reporter, typing, and other incidental services. The municipal clerk shall post a current schedule of charges for transcription fees, including deposits. If the cash deposit exceeds the actual cost of the transcription, the municipal clerk shall refund the difference to the defendant. If the cash deposit is insufficient to cover the actual cost of the transcription, the defendant must pay the additional amount before he is given the transcription. If a case is reversed on appeal, the municipal clerk shall refund to the defendant any amounts paid for a transcription. (Ord. Nos. 19802; 24946)

**SEC. 13-17. APPEALS FROM THE MUNICIPAL COURT OF RECORD.**

A defendant who pleads not guilty has the right of appeal from a judgment of conviction in the municipal court of record under the procedures prescribed by Chapter 30 of the Texas Government Code. A defendant who pleads guilty or nolo contendere waives the right of appeal from a judgment in the municipal court of record. An appeal from the municipal court of record may not be by trial de novo. All appeals from the municipal court of record must comply with the requirements and procedures set forth in Chapter 30 of the Texas Government Code and other applicable law. (Ord. Nos. 19802; 24946)

**SEC. 13-18. RECORD OF CASE ON APPEAL; RECORD PREPARATION FEE.**

~~—(a) If a case is appealed from the municipal court of record to the county criminal court, or other court to which an appeal may be made, the municipal clerk shall cause a record of the case to be prepared from the transcript and the statement of facts, which must conform to the requirements of Chapter 30 of the Texas Government Code. After approval of the record~~

~~by the municipal judge, the municipal clerk shall deliver the record and the appeal bond in the case to the county clerk, or deputy county clerk, authorized by law to receive such appeals. The municipal clerk shall procure from the county clerk or deputy county clerk a receipt showing that the appeal in the particular case was received. A full copy of the record on appeal must be kept in the office of the municipal clerk.~~

~~— (b) At the time of requesting preparation of a record on appeal, a defendant shall pay to the municipal clerk a \$25 record preparation fee, unless the court finds after a hearing in response to an affidavit timely and personally filed and signed by the defendant, that the defendant is unable to pay the fee. If the case is reversed on appeal, the municipal clerk shall refund the record preparation fee to the defendant.~~

If a case is appealed from the municipal court of record to the county criminal court, or other court to which an appeal may be made, the municipal clerk shall cause a record of the case to be prepared from the transcript and the statement of facts, which must conform to the requirements of Chapter 30 of the Texas Government Code. After approval of the record by the municipal judge, the municipal clerk shall deliver the record and the appeal bond in the case to the county clerk, or deputy county clerk, authorized by law to receive such appeals. The municipal clerk shall procure from the county clerk or deputy county clerk a receipt showing that the appeal in the particular case was received. A full copy of the record on appeal must be kept in the office of the municipal clerk. (Code 1941, Art. 28-3; Ord. Nos. 8215; 19802; 24946; 31395, eff. 1/1/20)

#### SEC. 13-19. RESERVED.

(Repealed by Ord. 24978)

#### SEC. 13-20. FORM OF APPEARANCE BONDS.

Appearance bond forms, approved by any municipal judge, shall be printed and retained in the office of the city jail, available without charge for use of anyone desiring to submit an appearance bond and being released from jail pending his appearance in the municipal court of record. Appearance bond forms shall also be retained in the office of the municipal

clerk, available without charge for use of anyone desiring to submit an appearance bond in order to have an alias case redocketed for trial. Each form of bond must be filled out showing the signature of the official before whom the bond is executed, the face amount of the bond, the names and addresses of the principal and sureties, and the date. Any other bond approved by a municipal judge, or pursuant to any order by a municipal judge complying with state law, may be

case, with any balance to be returned to the person. (Code 1941, Art. 28-10; Ord. Nos. 8215; 15279; 17029; 19802)

**SEC. 13-25. RETURN OF DEPOSITS MADE WITH RECOGNIZANCE AGREEMENTS.**

If any sum is returnable to a person who has made an escrow deposit with the execution of a recognizance agreement, it shall be returned by the municipal clerk who shall obtain an appropriate receipt from the person. (Code 1941, Art. 28-11; Ord. Nos. 8215; 17029; 19802)

**SEC. 13-26. CITY OFFICIALS OR EMPLOYEES NOT TO RECOMMEND ATTORNEYS OR SURETIES.**

No appointive official of the city or employee of the city in any capacity may recommend to any person charged with a violation of any provision of this code or other city ordinance a lawyer for representing the person in the matter or a person for serving as surety on any bond for the person in the matter. The penalty for a violation of this section by an official or employee of the city, in addition to any other penalty which may be now or hereafter provided for, shall include, at the option of the appointive power and after a determination that a violation of this section has occurred, immediate discharge of the official or employee in the manner provided for in the city personnel rules. (Code 1941, Art. 28-12; Ord. Nos. 8215; 19802)

**SEC. 13-27. TRAFFIC CITATIONS AND COMPLAINTS TO BE DELIVERED TO THE MUNICIPAL CLERK.**

The chief of police and the directors of other city departments authorized to issue citations to the municipal court of record shall deliver to the municipal

clerk, at least once every 24 hours, the court copy of every citation issued by the department. (Code 1941, Art. 28-14; Ord. Nos. 8215; 15279; 17029; 19802)

**SEC. 13-28. VIOLATION OF PROMISE TO APPEAR.**

(a) A person lawfully released from custody, whether by posting of bond or by signing a written notice to appear, on condition that he subsequently appear in the municipal court of record, commits an offense if he fails to appear in the municipal court of record in accordance with the terms of his release.

(b) The requirement for appearance in the municipal court of record is met if counsel appears on behalf of a person required to appear.

(c) For purposes of this section, "custody" means an arrest or a detention for purposes of issuing a written citation by a police officer or by a person authorized to issue citations under Section 13-1.1 of this chapter.

(d) An offense committed under this section is punishable by a fine of not less than \$50 nor more than \$500. (Ord. Nos. 17030; 17226; 19802)

**SEC. 13-28.1. ~~MUNICIPAL COURT BUILDING~~ ~~SECURITY FUND-LOCAL~~ ~~CONSOLIDATED FEE.~~**

~~—(a) In this section:~~

~~—(1) CONVICTED has the meaning given that term in Article 102.017(c) of the Texas Code of Criminal Procedure, as amended.~~

~~—(2) FEE means the municipal court building security fee established under this section.~~

~~—(3) FUND means the municipal court building security fund established under this section.~~

~~———— (4) SECURITY DEVICES AND SECURITY SERVICES means all devices and services described in Article 102.017(d) of the Texas Code of Criminal Procedure, as amended.~~

~~———— (b) Pursuant to Article 102.017 of the Texas Code of Criminal Procedure, as amended, there is hereby established the municipal court building security fund, which will be a separate fund in the city treasury to be administered by or under the direction of the city council.~~

~~———— (c) Each defendant convicted for a misdemeanor offense in the municipal court of record shall pay a municipal court building security fee of \$3, in addition to any other fines, penalties, or court costs required by city ordinance or state or federal law. A separate fee must be paid for each separate conviction of a misdemeanor offense.~~

~~———— (d) The fee is not required of a defendant charged with a misdemeanor offense who, by mail or at the municipal clerk's office, disposes of the charge by:~~

~~———— (1) entering a plea of guilty or no contest; and~~

~~———— (2) requesting and submitting proof of successfully completing an approved defensive driving course.~~

~~———— (e) The municipal clerk shall collect the fee and pay it to the city treasury for deposit in the fund. The fund may be used only to finance security devices and security services for any building housing a municipal court of record of the city.~~

(a) Pursuant to Chapter 134 of the Texas Local Government Code, as amended, the municipal clerk shall collect a local consolidated fee of \$14 for each misdemeanor offense conviction, in addition to any other fines, penalties, or court costs required by city ordinance or state or federal law.

(b) The local consolidated fee collected under this section must be deposited in the general fund of the city and allocated in accordance with Section 134.103(b) of the Texas Local Government Code. (Ord. Nos. 22669; 23263; 31395, eff. 1/1/20)

## TECHNOLOGY FUND-RESERVED.

(Repealed by Ord. No. 31395)

~~———— (a) In this section:~~

~~———— (1) CONVICTED has the meaning given that term in Article 102.0172(b) of the Texas Code of Criminal Procedure, as amended.~~

~~———— (2) FEE means the municipal court technology fee established under this section.~~

~~———— (3) FUND means the municipal court technology fund established under this section.~~

~~———— (4) TECHNOLOGICAL ENHANCEMENTS means all devices and services described in Article 102.0172(d) of the Texas Code of Criminal Procedure, as amended.~~

~~———— (b) Pursuant to Article 102.0172 of the Texas Code of Criminal Procedure, as amended, there is hereby established the municipal court technology fund, which will be a separate fund in the city treasury to be administered by or under the direction of the city council.~~

~~———— (c) Each defendant convicted of a misdemeanor offense in the municipal court of record shall pay a municipal court technology fee of \$4, in addition to any other fines, penalties, or court costs required by city ordinance or state or federal law. A separate fee must be paid for each separate conviction of a misdemeanor offense.~~

~~———— (d) The municipal clerk shall collect the fee and pay it to the city treasury for deposit in the fund. The fund may be used only to finance the purchase of or to maintain technological enhancements for any municipal court of record of the city. (Ord. 26967)~~

**SEC. 13-28.3. ~~CONVENIENCE CHARGE~~  
~~REIMBURSEMENT FEE FOR~~  
~~CERTAIN PAYMENTS THROUGH~~  
~~THE INTERNET OR AN~~  
~~INTERACTIVE VOICE RESPONSE~~  
~~TELEPHONE SYSTEM.~~**

~~———— (a) Pursuant to Chapter 132 of the Texas Local Government Code, as amended, the municipal clerk~~

shall collect a convenience charge of \$3.50 for each payment of fines, penalties, court costs, or other fees assessed by the municipal court made through:

\_\_\_\_\_ (1) the internet, when the payment is made by check, debit card, or credit card; or

\_\_\_\_\_ (2) an interactive voice response telephone system, when the payment is made by credit card.

\_\_\_\_\_ (b) The convenience charge collected under this section must be deposited in the general fund of the city.

(a) Pursuant to Chapter 132 of the Texas Local Government Code, as amended, the municipal clerk shall collect a reimbursement fee of \$3.50 for each payment of fines, penalties, court costs, or other fees assessed by the municipal court made through:

(1) the internet, when the payment is made by check, debit card, or credit card; or

(2) an interactive voice response telephone system, when the payment is made by credit card.

(b) The reimbursement fee collected under this section must be deposited in the general fund of the city. (Ord. Nos. 27362; 28423; 29149; 31395, eff. 1/1/20)

#### **~~SEC. 13-28.4. MUNICIPAL COURT JUVENILE CASE MANAGER FUND.~~**

\_\_\_\_\_ (a) In this section:

\_\_\_\_\_ (1) ~~CONVICTED~~ has the meaning given that term in Article 102.0174(e) of the Texas Code of Criminal Procedure, as amended.

\_\_\_\_\_ (2) ~~FEE~~ means the juvenile case manager fee established under this section.

\_\_\_\_\_ (3) ~~FUND~~ means the municipal court juvenile case manager fund established under this section.

\_\_\_\_\_ (4) ~~JUVENILE CASE MANAGER~~ means a municipal court employee that:

\_\_\_\_\_ (A) assists in administering the juvenile docket of the municipal court of record;

\_\_\_\_\_ (B) supervises court orders in juvenile cases; and

\_\_\_\_\_ (C) works primarily on cases brought under Sections 25.093 and 25.094 of the Texas Education Code, as amended.



~~—(b) Pursuant to Article 102.0174 of the Texas Code of Criminal Procedure, as amended, there is hereby established the municipal court juvenile case manager fund, which will be a separate fund in the city treasury to be administered by or under the direction of the city council.~~

~~—(c) Each defendant convicted of a fine-only misdemeanor offense in the municipal court of record shall pay a municipal court juvenile case manager fee of \$5, in addition to any other fines, penalties, or court costs required by city ordinance or state or federal law. A separate fee must be paid for each separate conviction of a fine-only misdemeanor offense.~~

~~—(d) The judge of the municipal court of record may waive the municipal court juvenile case manager fee required under Subsection (c) of this section if the judge finds that paying the fee would result in financial hardship to the defendant.~~

~~—(e) The municipal clerk shall collect the fee and pay it to the city treasury for deposit in the fund. The fund may be used only to finance the salary and benefits of juvenile case managers employed by the municipal court of record of the city under Article 45.056 of the Texas Code of Criminal Procedure, as amended. (Ord. 27695)~~

### ARTICLE III.

#### RESERVED.

#### SEC. 13-29. RESERVED.

(Repealed by Ord. 19802)

Section 17-10.2(p), the term refers only to the director of the department.

(6) EXTENSIVELY REMODELED means the expenditure of at least \$25,000 or an amount equal to at least 10 percent of the assessed value of the facility, whichever is more, for the purpose of repairs or remodeling, but does not include:

(A) expenditures for the replacement of movable equipment; or

(B) remodeling that does not affect the construction or operation of food storage or food preparation areas or areas used to store or clean utensils and equipment used in food storage or food preparation.

(7) FOOD ESTABLISHMENT:

(A) The term means an operation that:

(i) sells, stores, prepares, packages, serves, or otherwise provides food for human consumption such as: a food service establishment; retail food store; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; remote catered operations; conveyance used to transport people; institution; or food bank; and

(ii) relinquishes possession of food to a consumer directly, or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(B) The term includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; a restaurant; a grocery store; an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is

on or off premises; and regardless of whether there is a charge for the food.

(C) The term does not include a produce stand that only offers whole, uncut fresh fruits and vegetables or an establishment that offers only prepackaged foods that are not time/temperature control for safety, except that the term does include an establishment that sells ice cream, frozen custard, soft serve dairy products, gelato, or other frozen desserts.

(D) The term does not include a stand that only offers the occasional sale of lemonade or other nonalcoholic beverages on private property or in a public park by an individual younger than 18 years of age.

(8) MOBILE FOOD ESTABLISHMENT means a vehicle-mounted food establishment that is designed to be readily moveable and from which food is distributed, sold, or served to an ultimate consumer. The term includes, but is not limited to, mobile food preparation vehicles and pushcarts.

(9) NON-FOOD CONTACT SURFACE means a surface (including, but not limited to, a shelf, counter, fan, or an exterior part of equipment) that does not normally come into contact with food in the operation of a food establishment.

(10) PERMIT means the document issued by the department that authorizes a person to operate a food establishment.

(11) PERSON IN CHARGE means the individual present in a food establishment who is the apparent supervisor of the food establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

(12) PREMISES means:

(A) the physical facility, its contents, and the contiguous land or property under the control of the permit holder; or

(B) the physical facility, its contents, and the contiguous land or property and its facilities and contents that are under the control of the permit holder that may impact food establishment personnel,

(13) RECONSTITUTED means the recombining of dehydrated food products with water or other liquids.

(14) REGULATORY AUTHORITY means the director.

(15) RISK LEVEL ONE ESTABLISHMENT means an establishment with no cooking processes of any kind, no heat holding, no open exposed food handling (including handling mixed drinks), or only holds refrigerated and frozen foods packaged from the manufacture.

(16) RISK LEVEL THREE ESTABLISHMENT means an establishment that cooks time and temperature control products from the raw state, heat hold, and reheat food items. These establishments may have an extensive menu and/or extensive handling of food ingredients. This includes food establishments that engage in special processes, have a hazard analysis critical control point (HACCP) plan, or serves a highly susceptible population.

(17) RISK LEVEL TWO ESTABLISHMENT means an establishment that has a limited menu selection, serves only commercially processed time and temperature control foods, heats and serves food items with no cooking or reheating process, or has minimal heat holding.

(18) SAFE TEMPERATURE means a temperature of not more than 41 degrees Fahrenheit if held cold (5 degrees Centigrade) or not less than 135 degrees Fahrenheit if held hot (60 degrees Centigrade). The symbols "°F." and "°C." are used in this chapter to refer, respectively, to degrees Fahrenheit and degrees Centigrade.

(19) SEAL means to close the junction between surfaces in a way that prevents entry of moisture.

(20) TEMPORARY FOOD SERVICE ESTABLISHMENT means:

(A) a food establishment that operates at a fixed location for a limited period of time in conjunction with:

(i) a plaza event for which a permit has been issued by the city under Chapter 35;

(ii) a special event for which a permit has been issued by the city under Chapter 42A;

(iii) a special event conducted with written permission of the city on property under the control of the park and recreation board, on property of the "convention center" or "reunion arena" as defined in Section 43-127 of this code, or on property of the "Neighborhood Farmers Market" as defined in Section 29A-2(6) of this code;

(iv) a temporary carnival or circus conducted with written authorization of the building official under Section 51A-4.206(2) of the Dallas Development Code;

(v) an activity or event conducted entirely inside a facility that is primarily and routinely used to hold exhibitions, conventions, concerts, symphonies, plays, sporting events, or similar activities or events at which food is customarily served or offered for sale;

(vi) a single event or celebration conducted on any nonresidential premises as an accessory use under Section 51A-4.217 of the Dallas Development Code; or

(vii) a neighborhood farmers market for which a permit has been issued under Chapter 29A of this code; or

(B) a concessionaire operating under a seasonal contract with the city on property owned or operated by the city.

(21) TEXAS FOOD ESTABLISHMENT RULES means the rules of the Texas Department of State Health Services found in Title 25 Texas Administrative Code, Chapter 228, as amended. (Ord. Nos. 26023; 26556; 28046; 30134; 30938; 31375)

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

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

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

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

(i) Temporary food service fee.

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

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

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

(3) A maximum nonrefundable annual fee of \$187 for each facility will be collected from concessionaires operating under contract with the city park and recreation department. A maximum nonrefundable annual fee of \$75 for each facility will be collected from concessionaires operating at a school stadium. A maximum nonrefundable annual fee of

\$100 for each booth or stall valid at a single market location or at more than one market location will be collected from a vendor operating at a neighborhood market permitted under Chapter 42A of this code, as amended.

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

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

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

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

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

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

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

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

## ARTICLE XI.

### HEIMLICH MANEUVER POSTER.

#### SEC. 17-11.1. ADOPTION OF SECTION 229.173, TEXAS FOOD ESTABLISHMENT RULES.

Section 229.173 of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference. (Ord. 26023)

#### SEC. 17-11.2. ADDITIONAL REQUIREMENTS.

(a) General. All food establishments that provide dining areas shall post the Heimlich maneuver sign in a place conspicuous to employees and customers.

(b) Specifications: The sign shall:

(1) be no smaller than 11 inches wide by 17 inches long;

(2) be printed in English and Spanish and in at least two conspicuous contrasting colors on a white background;

(3) provide major title and figure blocks in contrasting color to remaining copy blocks;

(4) provide major headings with a minimum bold 72 point font;

(5) provide initial subheadings with a minimum bold italic 60 point font;

(6) provide secondary subheadings with a minimum bold 24 point font; and

(7) provide a body copy in bold 14 point font. (Ord. 30134)

(B) Commercial pickups - \$51 per load.

(C) Trucks or trailers with a cargo bed length of less than 15 feet - \$203 per load.

(D) Trucks or trailers with a cargo bed length of not less than 15 feet but less than 25 feet - \$254 per load.

(b) The following disposal service charges are established for disposing of municipal solid waste at city landfill sites:

(1) Passenger cars, station wagons, pickups, and trailers less than 15 feet long that are used by Dallas city residents to haul their own waste from their residences to a city landfill site - no charge. (A current, valid Texas driver's license showing a Dallas address or a current Dallas water utilities bill is required as proof of residency.)

~~————— (2) Except as provided in Subsection (b)(3), the charge for all materials accepted at a city landfill site is \$28.50 per ton based on the landfill weighing system, with a minimum charge of \$28.50 for any load that is less than one ton.~~

(2) Except as provided in Subsection (b)(3), the charge for all materials accepted at a city landfill site is \$28.50 per ton based on the landfill weighing system, with a minimum charge of \$28.50 for any load that is less than one ton. Each ton shall be assessed an additional \$2.00 per ton customer processing fee for each individual load paid and processed by a cashier upon entering the landfill.

(3) Whenever the landfill weighing system is inoperable, the following fees will be charged for materials accepted at a city landfill:

(A) Passenger cars, station wagons, and pickups that are used by persons other than Dallas city residents to haul their own waste from their residences to a city landfill site - \$43.00 per load.

(B) Commercial pickups - \$43.00 per load.

(C) Trucks or trailers with a cargo bed length of less than 15 feet - \$100.00 per load.

(D) Trucks or trailers with a cargo bed

length of 15 feet or greater - \$214.50 per load.

(f) A person who refuses to pay a disposal service charge required by this section or who breaches a term or condition of a disposal service contract entered into under Subsection (c) may not deposit any waste at a city transfer station or landfill site. (Ord. Nos. 16367; 16697; 17133; 18876; 19300; 20448; 20838; 21058; 21431; 21819; 22206; 22565; 24743; 25754; 26960; 27092; 27203; 27353; 27934; 28019; 29039; 29477; 30215; 30993; 31332, ~~eff. 10/1/19~~; 31396, eff. 1/1/20)

**SEC. 18-12. REGULATING THE COLLECTION AND REMOVAL OF ILLEGALLY DUMPED SOLID WASTE MATERIALS ON PRIVATE PREMISES.**

(a) In this section:

(1) DIRECTOR means the director of the department designated by the city manager to enforce and administer this section or the director's authorized representative.

(2) PREMISES means the lot, plot, or parcel of land, plus the front or side parkway between the property line or sidewalk and the curb or traveled way, and the rear or side parkway between the property line and the center line of an adjacent alley.

(b) An owner, occupant, or person in control of private premises commits an offense if he places, deposits, or throws; permits to accumulate; or permits or causes to be placed, deposited, or thrown, solid waste material on those premises in a manner or location that is in violation of this article.

(c) City authorized to collect and remove solid waste materials. Upon the failure of the owner, occupant, or person in control of private premises to comply with Subsection (b) of this section, or upon the written request and authorization of the owner after notification under Subsection (d) of this section, or upon a determination by the city health officer that the conditions constitute an immediate health hazard, the director shall have the solid waste materials collected and removed from the premises.

(d) Notice to remove.

(1) Before removing illegally-deposited solid waste material from private premises, the director must notify the owner of the premises to remove the solid waste material within seven days. This notice must be in writing and may be served by handing it to the owner in person or by sending it United States regular mail, addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the premises are located.

(2) If personal service to the owner cannot be obtained, then the owner may be notified by:

(A) publication at least once in the official newspaper adopted by the city council;

(B) posting the notice on or near the front door of each building on the premises to which the violation relates; or

(C) posting the notice on a placard attached to a stake driven into the ground on the premises to which the violation relates.

(3) If the director mails a notice to a property owner in accordance with Subsection (d)(1) and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

(4) In a notice provided under this section, the director may, by regular mail and by a posting on the property, inform the owner of the property on which the violation exists that, if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city may, without further notice, correct the violation at the owner's expense and then assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city has not been informed in writing by the owner



- Sec. 28-149. Giving false address upon arrest for traffic violations.
- Sec. 28-150. Violation of written promise to appear.
- Sec. 28-151. Procedure upon failure of traffic violator to appear.
- Sec. 28-152. Payment of fines; when pleading guilty.
- Sec. 28-153. Disposition of fines and forfeitures.
- Sec. 28-154. Authority to arrest without warrant for violations of chapter.
- Sec. 28-155. Reserved.

#### ARTICLE XIV.

##### FREEWAY REGULATIONS.

- Sec. 28-156. Vehicular access to enumerated streets to be designated.
- Sec. 28-157. Pedestrians prohibited from crossing enumerated streets.
- Sec. 28-158. Hitchhiking prohibited on freeways.
- Sec. 28-158.1. Reserved.
- Sec. 28-159. Animal-drawn vehicles, motor driven cycle and pushcarts prohibited from using enumerated streets.
- Sec. 28-159.1. Drivers prohibited from stopping on enumerated streets; defenses.

#### ARTICLE XV.

##### MOTOR VEHICLE ESCORTS FOR HIRE.

- Sec. 28-160. Definitions.
- Sec. 28-161. Escort license required.
- Sec. 28-162. Same - Minimum age of person obtaining.
- Sec. 28-163. Same - Application; information required.
- Sec. 28-164. Same - Investigation; issuance.
- Sec. 28-165. Same - Refusal to issue or renew.

- Sec. 28-166. Same - Revocation.
- Sec. 28-167. Same - Appeal.
- Sec. 28-168. Same - Insurance.
- Sec. 28-169. Same - One year term.
- Sec. 28-170. Escort license - Fee; transferability.
- Sec. 28-171. Same - Posting.
- Sec. 28-172. Functions, powers and duties of police department.
- Sec. 28-173. Chauffeur's license - Required; application.
- Sec. 28-174. Same - Issuance; denial.
- Sec. 28-175. Same - Revocation.
- Sec. 28-176. Same - Appeal from refusal to issue or renew; from decision to revoke.
- Sec. 28-177. Same - Fee, fingerprints and photograph; nontransferable.
- Sec. 28-178. Same - To be carried on person.
- Sec. 28-179. Employment of qualified operators responsibility of owner.
- Sec. 28-180. Police officers may furnish escorts.
- Sec. 28-181. Escorts for funeral cortege not required.
- Sec. 28-182. Requirements for motor vehicles used in escort service.
- Sec. 28-183. Funeral escort guides; uniform and equipment requirements.
- Sec. 28-184. Operating procedures.
- Sec. 28-185. Advertisements; limitations.

#### ARTICLE XVI.

##### PARADES.

- Sec. 28-186. Definitions.
- Sec. 28-187. Permit required; exceptions.
- Sec. 28-188. Application for parade permit; fee.
- Sec. 28-189. Issuance of parade permit.
- Sec. 28-190. Denial of parade permit.
- Sec. 28-191. Revocation of parade permit.
- Sec. 28-192. Appeal of denial or revocation of parade permit.



## ARTICLE XVII.

## STREETCAR REGULATIONS.

- Sec. 28-193. Definitions.
- Sec. 28-194. Authority of the director of transportation.
- Sec. 28-195. Operation of streetcars and other vehicles.
- Sec. 28-196. Unlawful conduct on or near a streetcar.
- Sec. 28-197. Smoking, eating, and drinking prohibited on a streetcar.
- Sec. 28-198. Obstructing tracks; defacing or disturbing property.
- Sec. 28-199. Police assistance required.

## ARTICLE XVIII.

## LIGHT RAIL TRANSIT SYSTEM.

- Sec. 28-200. Definitions.
- Sec. 28-201. Operation of vehicles in the transitway mall and transit corridor.
- Sec. 28-202. Transitway mall safety quadrants.

## ARTICLE XIX.

**RESERVED.**

**Secs. 28-203  
thru 28-219.**

**Reserved.**

~~PHOTOGRAPHIC ENFORCEMENT AND  
ADMINISTRATIVE ADJUDICATION OF  
RED LIGHT VIOLATIONS.~~

~~Division 1. Generally.~~

- ~~Sec. 28-203. Definitions.~~
- ~~Sec. 28-204. General authority and duties of the director and department.~~
- ~~Sec. 28-205. Enforcement officers - Powers, duties, and functions.~~
- ~~Sec. 28-206. Hearing officers - Powers, duties, and functions.~~

~~Division 2. Enforcement of Red Light Violations  
as Civil Offenses.~~

- ~~Sec. 28-207. Red light violations as civil offenses; defenses; presumptions.~~
- ~~Sec. 28-208. Civil red light citations; form.~~
- ~~Sec. 28-209. Service of a civil red light citation.~~
- ~~Sec. 28-210. Answering a civil red light citation.~~
- ~~Sec. 28-211. Adjudication by mail.~~
- ~~Sec. 28-212. Hearings for disposition of a red light citation; citation and photographic recorded images as prima facie evidence.~~
- ~~Sec. 28-213. Failure to answer a civil red light citation or appear at a hearing.~~
- ~~Sec. 28-214. Civil fines for red light violations; penalties and other costs.~~
- ~~Sec. 28-215. Appeal from hearing.~~
- ~~Sec. 28-216. Effect of liability; exclusion of civil remedy; enforcement.~~
- ~~Sec. 28-217. Disposition of civil fines; penalties, and costs assessed for red light violations.~~

~~Division 3. Automated Red Light Enforcement  
Commission.~~

- ~~Sec. 28-218. Automated red light enforcement commission created.~~
- ~~Sec. 28-219. Duties and functions.~~

## ARTICLE XX.

PHOTOGRAPHIC ENFORCEMENT AND  
ADMINISTRATIVE ADJUDICATION OF  
SCHOOL BUS STOP ARM VIOLATIONS.

## Division 1. Generally.

- Sec. 28-220. Definitions.
- Sec. 28-221. General authority and duties of the director and department.
- Sec. 28-222. Enforcement officers - powers, duties, and functions.

SEC. 28-41.1. RESTRICTIONS ON THE USE  
OF MOTOR ASSISTED  
SCOOTERS, POCKET BIKES,  
AND MINIMOTORBIKES.

*[This section takes effect on November 29, 2019, unless  
Section 28-41.1.1 of this article has been re-enacted  
with amendment on or before November 28, 2019.]*

*[This section takes effect on April 1, 2020, unless  
Section 28-41.1.1 of this article has been re-enacted  
with amendment on or before March 31, 2020.]*

\_\_\_\_\_ (a) In this section:

\_\_\_\_\_ (1) ADULT means any individual 17 years  
of age or older.

\_\_\_\_\_ (2) CHILD means any individual younger  
than 17 years of age.

\_\_\_\_\_ (3) HELMET means a properly fitted bicycle  
helmet that:

\_\_\_\_\_ (A) is not structurally damaged; and

\_\_\_\_\_ (B) conforms to current standards of the  
American National Standards Institute, the American  
Society for Testing and Materials, the Snell Memorial  
Foundation, or any federal agency having regulatory  
jurisdiction over bicycle helmets.

\_\_\_\_\_ (4) MOTOR ASSISTED SCOOTER:

\_\_\_\_\_ (A) means a self-propelled device with:

\_\_\_\_\_ (i) at least two wheels in contact  
with the ground during operation;

\_\_\_\_\_ (ii) a braking system capable of  
stopping the device under typical operating conditions;

\_\_\_\_\_ (iii) a gas or electric motor not  
exceeding 40 cubic centimeters;

\_\_\_\_\_ (iv) a deck designed to allow a  
person to stand or sit while operating the device; and

\_\_\_\_\_ (v) the ability to be propelled by  
human power alone; and

\_\_\_\_\_ (B) does not include:

\_\_\_\_\_ (i) a pocket bike or mini-  
motorbike;

\_\_\_\_\_ (ii) a moped or motorcycle;

\_\_\_\_\_ (iii) an electric bicycle or motor-  
driven cycle, as defined by Section 541.201 of the Texas  
Transportation Code, as amended;

\_\_\_\_\_ (iv) a motorized mobility device,  
as defined by Section 542.009 of the Texas  
Transportation Code, as amended;

\_\_\_\_\_ (v) an electric personal assistive  
mobility device, as defined by Section 551.201 of the  
Texas Transportation Code, as amended; or

\_\_\_\_\_ (vi) a neighborhood electric  
vehicle, as defined by Section 551.301 of the Texas  
Transportation Code, as amended.

\_\_\_\_\_ (5) NIGHTTIME means the period  
beginning one-half hour after sunset and ending  
one-half hour before sunrise, as determined using the  
times for sunset and sunrise published in a newspaper  
of general circulation in the city for a particular day.

\_\_\_\_\_ (6) PARENT means a person who is the  
natural parent, adoptive parent, step-parent, or court-  
appointed guardian or conservator of a child.

\_\_\_\_\_ (7) PASSENGER means any person riding  
upon or attached to a motor assisted scooter who is not  
the primary operator of the vehicle.

\_\_\_\_\_ (8) POCKET BIKE or MINIMOTORBIKE:

\_\_\_\_\_ (A) means a self-propelled vehicle that:

\_\_\_\_\_ (i) is equipped with an electric  
motor or internal combustion engine having a piston  
displacement of less than 50 cubic centimeters;

(a) In this section:

(1) ADULT means any individual 17 years  
of age or older.

(2) CHILD means any individual younger  
than 17 years of age.

(3) HELMET means a properly-fitted bicycle helmet that:

(A) is not structurally damaged; and

(B) conforms to current standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation, or any federal agency having regulatory jurisdiction over bicycle helmets.

(4) MOTOR ASSISTED SCOOTER:

(A) means a self-propelled device with:

(i) at least two wheels in contact with the ground during operation;

(ii) a braking system capable of stopping the device under typical operating conditions;

(iii) a gas or electric motor not exceeding 40 cubic centimeters;

(iv) a deck designed to allow a person to stand or sit while operating the device; and

(v) the ability to be propelled by human power alone; and

(B) does not include:

(i) a pocket bike or minimotor-bike;

(ii) a moped or motorcycle;

(iii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;

(iv) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;

(v) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended; or

(vi) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended.

(5) NIGHTTIME means the period beginning one-half hour after sunset and ending one-half hour before sunrise, as determined using the times for sunset and sunrise published in a newspaper of general circulation in the city for a particular day.

(6) PARENT means a person who is the natural parent, adoptive parent, step-parent, or court-appointed guardian or conservator of a child.

(7) PASSENGER means any person riding upon or attached to a motor assisted scooter who is not the primary operator of the vehicle.

(8) POCKET BIKE or MINIMOTORBIKE:

(A) means a self-propelled vehicle that:

(i) is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters;

\_\_\_\_\_ (ii) ~~is designed to propel itself with not more than two wheels in contact with the ground;~~

\_\_\_\_\_ (iii) ~~has a seat or saddle for the use of the operator;~~

\_\_\_\_\_ (iv) ~~is not designed for use on a highway; and~~

\_\_\_\_\_ (v) ~~is ineligible for a certificate of title under Chapter 501 of the Texas Transportation Code, as amended; and~~

\_\_\_\_\_ (B) ~~does not include:~~

\_\_\_\_\_ (i) ~~a moped or motorcycle;~~

\_\_\_\_\_ (ii) ~~an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;~~

\_\_\_\_\_ (iii) ~~a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;~~

\_\_\_\_\_ (iv) ~~an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended;~~

\_\_\_\_\_ (v) ~~a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended; or~~

\_\_\_\_\_ (vi) ~~a motor assisted scooter, as defined in this subsection:~~

\_\_\_\_\_ (9) ~~WEARING A HELMET means that a helmet is properly attached to a person's head with the chin straps of the helmet securely fastened and tightened.~~

\_\_\_\_\_ (b) ~~A person commits an offense if he:~~

\_\_\_\_\_ (1) ~~operates or rides a motor assisted scooter on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or trail set aside for the exclusive use of bicycles;~~

\_\_\_\_\_ (2) ~~is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or trail set aside for the exclusive use of bicycles;~~

\_\_\_\_\_ (3) ~~is a child and operates or rides a motor assisted scooter without wearing a helmet while on a public path or trail set aside for the exclusive use of bicycles;~~

\_\_\_\_\_ (4) ~~is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on a public path or trail set aside for the exclusive use of bicycles when the child is not wearing a helmet;~~

\_\_\_\_\_ (5) ~~operates or rides a motor assisted scooter at nighttime on a public path or trail set aside for the exclusive use of bicycles;~~

\_\_\_\_\_ (6) ~~transports any passenger on a motor assisted scooter while on a public path or trail set aside for the exclusive use of bicycles, unless the scooter is equipped with a seat and a set of foot rests for the passenger; or~~

\_\_\_\_\_ (7) ~~while operating a motor assisted scooter on a public path or trail set aside for the exclusive use of bicycles, fails to yield the right-of-way to any pedestrian on the path or trail.~~

\_\_\_\_\_ (c) ~~A person commits an offense if he operates or rides a pocket bike or minimotorbike on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city.~~

(ii) is designed to propel itself with not more than two wheels in contact with the ground;

(iii) has a seat or saddle for the use

of the operator;

(iv) is not designed for use on a highway; and

(v) is ineligible for a certificate of title under Chapter 501 of the Texas Transportation Code, as amended; and

(B) does not include:

(i) a moped or motorcycle;

(ii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;

(iii) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;

(iv) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended;

(v) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended; or

(vi) a motor assisted scooter, as defined in this subsection.

(9) WEARING A HELMET means that a helmet is properly attached to a person's head with the chin straps of the helmet securely fastened and tightened.

(b) A person commits an offense if he:

(1) operates or rides a motor assisted scooter on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or trail set aside for the exclusive use of bicycles;

(2) is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or trail set aside for the exclusive use of bicycles;

(3) is a child and operates or rides a motor assisted scooter without wearing a helmet while on a public path or trail set aside for the exclusive use of bicycles;

(4) is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on a public path or trail set aside for the exclusive use of bicycles when the child is not wearing a helmet;

(5) operates or rides a motor assisted scooter at nighttime on a public path or trail set aside for the exclusive use of bicycles;

(6) transports any passenger on a motor assisted scooter while on a public path or trail set aside for the exclusive use of bicycles, unless the scooter is equipped with a seat and a set of foot rests for the passenger; or

(7) while operating a motor assisted scooter on a public path or trail set aside for the exclusive use of bicycles, fails to yield the right-of-way to any pedestrian on the path or trail.

(c) A person commits an offense if he operates or rides a pocket bike or minimotorbike on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city.

~~—(d) An offense under this section is punishable by a fine not to exceed \$200. Except as specifically provided otherwise in this section, a culpable mental state is not required for the commission of an offense under this section.~~

(d) An offense under this section is punishable by a fine not to exceed \$200. Except as specifically provided otherwise in this section, a culpable mental state is not required for the commission of an offense under this section. (Ord. Nos. 26265; 30935; 31048; 31383)

to Pearl Street.

**SEC. 28-41.1.1. RESTRICTIONS ON THE USE  
OF MOTOR ASSISTED  
SCOOTERS, POCKET BIKES,  
AND MINIMOTORBIKES.**

(a) In this section:

(1) ADULT means any individual 17 years of age or older.

(2) CENTRAL BUSINESS DISTRICT means the area bounded by:

The south line of Young Street from Houston Street to Lamar Street.

The west line of Lamar Street from Young Street to the DART Rail Corridor.

The north line of the DART Rail Corridor from Lamar Street to Interstate 45.

The west line of Interstate 45 from the DART Rail Corridor to Interstate 30.

The north line of Interstate 30 from Interstate 45 to Exposition Avenue.

The east line of Exposition Avenue from Interstate 30 to CBD Fair Park Link.

The east line of the CBD Fair Park Link from Exposition Avenue to Gaston Avenue.

The north line of Gaston Avenue from the CBD Fair Park Link to Pacific Avenue.

The north line of Pacific Avenue from Gaston Avenue

state is not required for the commission of an offense under this section.

~~—(e) This section expires on November 28, 2019, unless re-enacted with amendment on or before that date. The city council shall review this section before its expiration date. The provisions of Section 28-41.1 of this article take effect if this section is not re-enacted on or before November 28, 2019.~~

(e) This section expires on March 31, 2020, unless re-enacted with amendment on or before that date. The city council shall review this section before its expiration date. The provisions of Section 28-41.1 of this article take effect if this section is not re-enacted on or before March 31, 2020. (Ord. Nos. 30935; 31048; 31383)

**SEC. 28-41.2. REGULATING THE USE OF  
HAND-HELD MOBILE  
TELEPHONES AND MOBILE  
COMMUNICATION DEVICES  
IN SCHOOL ZONES.**

(a) In this section:

(1) ENGAGING IN A CALL means talking into, dialing, or listening on a hand-held mobile telephone, but does not include holding a mobile telephone to activate or deactivate the telephone.

(2) HAND-HELD MOBILE TELEPHONE means a mobile telephone with which a user engages in a call using at least one hand (or prosthetic device or aid in the case of a physically disabled person).

(3) HANDS-FREE MOBILE TELEPHONE means a mobile telephone that has an internal feature or function or that is equipped with an attachment or addition, whether or not permanently part of the mobile telephone, by which a user engages in a call without the use of either hand (or prosthetic device or aid in the case of a physically disabled person) whether or not the use of either hand (or prosthetic device) is necessary to activate or deactivate the mobile telephone.

(4) MOBILE COMMUNICATION DEVICE means a text-messaging device or other electronic, two-way communication device that is designed to receive and transmit voice communication, text communica-

tion, or both. The term includes a mobile telephone and a personal digital assistant (PDA).

operator of any vehicle traveling on any of the following streets or highways, or if, as the operator of a vehicle traveling on any of the following streets or highways, he stops to give a ride to another person:

<u>STREET</u>	<u>EXTENT</u>
Central Expressway	Live Oak Street, north to the city limits, and Park Row to Overton Road
Central Expressway (Elevated Bypass)	Central Expressway (north) at approximately Woodall Rodgers Freeway to Central Expressway (south) at approximately Grand Avenue
C. F. Hawn Freeway	All portions within the city
John W. Carpenter Freeway	All portions within the city
Julius Schepps Freeway	All portions within the city
Lyndon B. Johnson Freeway	All portions within the city
Marvin D. Love Freeway	All portions within the city
R. L. Thornton Freeway	All portions within the city
Stemmons Freeway	All portions within the city
Walton Walker Boulevard	Stemmons Freeway to Irving, Texas, city limits

(Ord. Nos. 14585; 15194)

#### **SEC. 28-158.1. RESERVED.**

(Repealed by Ord. 29543)

#### **SEC. 28-159. ANIMAL-DRAWN VEHICLES, MOTOR DRIVEN CYCLE, AND PUSHCARTS PROHIBITED FROM USING ENUMERATED STREETS.**

~~—A person commits an offense if he operates, drives, or permits to be driven an animal-drawn vehicle, bicycle, other device propelled wholly or in part by~~

~~human power, or a motor driven cycle on any of the following described streets or freeways:~~

A person commits an offense if he operates, drives, or permits to be driven an animal-drawn vehicle, bicycle, other device propelled wholly or in part by human power, or a motor driven cycle, other than an electric bicycle, as defined in Section 664.001 of the Texas Transportation Code, on any of the following described streets or freeways:

<u>STREET</u>	<u>EXTENT</u>
Central Expressway	Live Oak Street, north to the city limits, and Park Row to Overton Road
Central Expressway (Elevated Bypass)	Central Expressway (north) at approximately Woodall Rodgers Freeway to Central Expressway (south) at approximately Grand Avenue
C. F. Hawn Freeway	All portions within the city
John W. Carpenter Freeway	All portions within the city
Julius Schepps Freeway	All portions within the city
Lyndon B. Johnson Freeway	All portions within the city
Marvin D. Love Freeway	All portions within the city
R. L. Thornton Freeway	All portions within the city
Stemmons Freeway	All portions within the city
Walton Walker Boulevard	Stemmons Freeway to Irving, Texas, city limits

(Ord. Nos. 14585; 15194; 31403)

#### **SEC. 28-159.1. DRIVERS PROHIBITED FROM STOPPING ON ENUMERATED STREETS; DEFENSES.**

(a) A person commits an offense if he stops, parks or stands a vehicle on the main traveled portion of the roadway of the following described streets or freeways:

<u>STREET</u>	<u>EXTENT</u>
Central Expressway	Live Oak Street, north to the city limits, and Park Row to Overton Road
Central Expressway (Elevated Bypass)	Central Expressway (north) at approximately Woodall Rodgers Freeway to Central Expressway (south) at approximately Grand Avenue



**SEC. 28-202. TRANSITWAY MALL SAFETY QUADRANTS.**

(a) A person commits an offense if, within a safety quadrant, he:

(1) erects, places, or maintains any structure, berm, plant life, or other item; or

(2) sells, offers for sale, or distributes any goods or services, including, but not limited to, food, drinks, flowers, plants, tickets, souvenirs, or handbills.

(b) It is a defense to prosecution under Subsection (a)(1) that the item was:

(1) a directional, warning, traffic control, or other official sign or device authorized under city, state, or federal law; or

(2) street hardware authorized by the city and DART, including, but not limited to, street lights, benches, garbage receptacles, and other existing and planned transitway mall design elements. (Ord. 22763)

**ARTICLE XIX.**

**RESERVED.**

**SECS. 28-203 THRU 28-219. RESERVED.**

(Repealed by Ord. 31359)

~~PHOTOGRAPHIC ENFORCEMENT AND  
ADMINISTRATIVE ADJUDICATION OF  
RED LIGHT VIOLATIONS.~~

~~Division 1. Generally.~~

**SEC. 28-203. DEFINITIONS.**

In this article:

(1) ~~AUTOMATED RED LIGHT ENFORCEMENT PROGRAM~~ means the installation of one or more photographic traffic signal enforcement

systems to reduce red light violations and collisions citywide.

~~(2) CAMERA-ENFORCED INTERSECTION~~ means an intersection toward which a photographic traffic signal enforcement system is directed and in operation.

~~(3) DATE OF ISSUANCE~~ means the date that a civil red light citation is mailed in accordance with this article.

~~(4) DEPARTMENT~~ means the city department of transportation.

~~(5) DIRECTOR~~ means the director of the department or the director's authorized representative.

~~(6) INTERSECTION~~ means the point or area where two or more intersecting streets meet.

~~(7) OWNER~~ means:

~~(A) the owner of a motor vehicle as shown on the motor vehicle registration records of the Texas Department of Transportation or the analogous department or agency of another state or country;~~

~~(B) the person named under Section 28-207(d) or (g) as the lessee of the motor vehicle at the time of a red light violation; or~~

~~(C) the person named under Sections 28-207(h) as holding legal title to the motor vehicle at the time of a red light violation.~~

~~(8) PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM~~ means a system that:

~~(A) consists of a camera system and a vehicle sensor installed to exclusively work in conjunction with an electronically-operated traffic control signal; and~~

~~\_\_\_\_\_ (B) is capable of producing at least two recorded images depicting the license plate attached to the front or the rear of a motor vehicle that is not operated in compliance with the instructions of the traffic-control signal.~~

~~\_\_\_\_\_ (9) RECORDED IMAGE means a photographic or digital image recorded by a photographic traffic signal enforcement system that depicts the front or the rear of a motor vehicle.~~

~~\_\_\_\_\_ (10) RED LIGHT VIOLATION means a violation of Section 28-207 of this article.~~

~~\_\_\_\_\_ (11) RED LIGHT CITATION or CIVIL RED LIGHT CITATION means a citation for a red light violation issued under this article.~~

~~\_\_\_\_\_ (12) TRAFFIC-CONTROL SIGNAL means a traffic-control device that displays red, amber, and green lights successively to direct traffic when to stop at or proceed through an intersection. (Ord. Nos. 26305; 26988; 28424; 30239; 30654)~~

#### **SEC. 28-204. GENERAL AUTHORITY AND DUTIES OF THE DIRECTOR AND DEPARTMENT.**

~~\_\_\_\_\_ (a) The director of court and detention services shall implement and enforce the provisions of this division relating to hearing officers, administrative adjudication hearing procedures, and appeals. The director shall implement and enforce this article and may by written order establish such rules or regulations, not inconsistent with this article, as the director determines are necessary to discharge the director's duties under or to effect the policy of this article.~~

~~\_\_\_\_\_ (b) The director of transportation shall implement and enforce the provisions of this division relating to the issuance, service, and enforcement of red light citations and the collection of fines and costs and~~

~~may by written order establish such rules or regulations, not inconsistent with this division, as the director determines are necessary to discharge the duty of the director of transportation under or to effect the policy of this division. (Ord. Nos. 26305; 26988; 27697; 30654)~~

#### **SEC. 28-205. ENFORCEMENT OFFICERS- POWERS, DUTIES, AND FUNCTIONS.**

~~\_\_\_\_\_ (a) The city manager or a designated representative shall appoint enforcement officers to issue civil red light citations.~~

~~\_\_\_\_\_ (b) An enforcement officer shall have the following powers, duties, and functions:~~

~~\_\_\_\_\_ (1) To review recorded images from the photographic traffic signal enforcement system to determine whether a red light violation has occurred.~~

~~\_\_\_\_\_ (2) To order a red light citation to be issued based on evidence from the recorded images.~~

~~\_\_\_\_\_ (3) To void recorded images due to lack of evidence or due to knowledge that a defense described in Section 28-207 applies.~~

~~\_\_\_\_\_ (4) To issue warnings in lieu of citations during acceptance testing of the photographic traffic signal enforcement system equipment or at any other time prescribed by the chief of police. (Ord. Nos. 26305; 26988; 27697)~~

#### **SEC. 28-206. HEARING OFFICERS- POWERS, DUTIES, AND FUNCTIONS.**

~~\_\_\_\_\_ (a) The city council shall designate hearing officers from a list of persons recommended by the city~~

manager, or a designated representative, to administratively adjudicate all red light violations for which a civil red light citation has been issued.

(b) A hearing officer shall have the following powers, duties, and functions:

(1) To administer oaths.

(2) To accept admissions to, and to hear and determine contests of, red light violations under this article.

(3) To issue orders compelling the attendance of witnesses and the production of documents, which orders may be enforced by a municipal court.

(4) To assess civil fines, penalties, and other costs for a red light violation in accordance with Section 28-214 of this article.

(5) To waive penalties assessed for a red light violation in accordance with Section 28-214 of this article. (Ord. Nos. 26305; 26988)

#### **~~Division 2. Enforcement of Red Light Violations as Civil Offenses.~~**

#### **~~SEC. 28-207. RED LIGHT VIOLATIONS AS CIVIL OFFENSES; DEFENSES; PRESUMPTIONS.~~**

(a) The owner of a motor vehicle that is operated in violation of Section 544.007(d), Texas Transportation Code at a camera-enforced intersection commits a civil offense and is liable for a civil fine under this article.

(b) It is a defense to a charge of a red light violation under this section that:

(1) the traffic signal was not in proper position or sufficiently visible to an ordinarily observant person;

(2) the operator of the motor vehicle was acting in compliance with the lawful order or direction of a peace officer;

(3) the operator of the motor vehicle was lawfully making a right turn while a red signal was being emitted from the traffic signal;

(4) the operator of the motor vehicle was lawfully making a left turn from a one-way street onto another one-way street while a red signal was being emitted from the traffic signal;

(5) the operator of the motor vehicle was completing a left turn after having entered the intersection before a red signal was emitted from the traffic signal;

(6) the operator of the motor vehicle violated the instructions of the traffic signal so as to yield the right of way to an immediately approaching authorized emergency vehicle;

(7) the motor vehicle was being operated as an authorized emergency vehicle under Chapter 546 of the Texas Transportation Code and the operator was acting in compliance with that chapter;

(8) the motor vehicle was a stolen vehicle being operated by a person other than the vehicle's owner without the consent of the vehicle owner and proof is submitted to the hearing officer that the theft of the motor vehicle had been timely reported to the appropriate law enforcement agency;

(9) the license plate depicted in the recorded image of the red light violation was a stolen plate being displayed on a motor vehicle other than the motor vehicle for which the plate had been issued and proof is submitted to the hearing officer that the theft

of the license plate had been timely reported to the appropriate law enforcement agency; or

~~—— (10) the presence of ice, snow, unusual amounts of rain, or other unusually hazardous road conditions existed that would have made compliance with this section more dangerous under the circumstances than non-compliance.~~

~~—— (c) It is presumed that the registered owner of the vehicle depicted in the recorded image of a red light violation for which a red light citation is issued is the person who committed the red light violation. Proof of ownership may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Transportation showing the name of the person to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued.~~

~~—— (d) A vehicle owner who is in the business of selling, renting, or leasing vehicles will not be liable for the civil red light fines, penalties, and costs imposed by the city on a vehicle for sale or a rented or leased vehicle if the vehicle owner presents evidence establishing that the vehicle depicted in the recorded image was at the time of the alleged violation being rented, leased, or test driven by another person. Evidence sufficient to establish that the vehicle was being rented, leased, or test driven includes:~~

~~—— (1) the true name, address, and driver's license number and state of issuance of the person renting, leasing, or test driving the vehicle at the time the recorded image of the red light violation was taken; or~~

~~—— (2) a true copy of the lease or rental agreement in effect at the time the recorded image of the red light violation was taken.~~

~~—— (e) Evidence presented under Subsection (d) of this section must be presented through oral testimony~~

~~or by affidavit under penalty of perjury. Evidence through oral testimony must be presented at the administrative adjudication hearing. Evidence by affidavit under penalty of perjury may be presented by mail.~~

~~—— (f) If the owner of a vehicle presents evidence under Subsections (d) and (e) of this section establishing that the vehicle depicted in the recorded image was being rented, leased, or test driven at the time of the violation, the owner may not be held liable for civil red light fines, penalties, and costs, and the chief of police shall send the red light citation to the test driver or lessee who is presumed to have committed the red light violation. An owner of a vehicle who fails to comply with Subsections (d) or (e) of this section will be treated as any other vehicle owner and will be liable for the red light violation charge.~~

~~—— (g) If, at the time the recorded image of the red light violation was taken, the vehicle depicted in the recorded image was owned by a person in the business of renting or leasing motor vehicles and the vehicle was being rented or leased to an individual, the vehicle owner shall, within 30 calendar days after the date the red light citation is received, provide to the chief of police the name and address of the individual who was renting or leasing the motor vehicle depicted in the recorded image and a statement of the period during which that individual was renting or leasing the vehicle. This information must be provided regardless of whether the person provides evidence under Subsections (d) and (e) of this section that the vehicle was being rented, leased, or test driven at the time of the red light violation.~~

~~—— (h) A registered owner named in the red light citation who did not hold legal title to the motor vehicle at the time of a red light violation will not be liable for the civil red light fines, penalties, and costs imposed by the city on that vehicle if the registered owner presents evidence establishing that another person held legal title to the vehicle at the time the recorded image of the red light violation was taken.~~

Evidence sufficient to establish that the vehicle was owned by another person at the time of the red light violation includes:

—— (1) the true name, address, and driver's license number and state of issuance of the person who held legal title to the vehicle at the time the recorded image of the red light violation was taken; or

—— (2) a true copy of any purchase or sale documentation (including proof of transfer of title) showing the name of the person who held title to the vehicle at the time the recorded image of the red light violation was taken (that person's address must also be provided if not contained in the documentation);

—— (i) Evidence presented under Subsection (h) of this section must be presented through oral testimony or by affidavit under penalty of perjury. Evidence through oral testimony must be presented at the administrative adjudication hearing. Evidence by affidavit under penalty of perjury may be presented by mail.

—— (j) If the registered owner named in the violation complies with Subsections (h) and (i) of this section, the registered owner may not be held liable for civil red light fines, penalties, and costs, and the chief of police shall send the red light citation to the person who held legal title to the vehicle at the time the recorded image of the red light violation was taken. A registered owner named in the red light citation who fails to comply with Subsections (h) and (i) of this section will be treated as any other vehicle owner and will be liable for the red light violation charge. (Ord. Nos. 26305; 26988; 27697)

**SEC. 28-208. ~~CIVIL RED LIGHT~~  
~~CITATIONS; FORM.~~**

—— (a) A civil red light citation serves as the summons and complaint for purposes of this article.

—— (b) The red light citation must be on a form prescribed by the director of transportation and must include the following information:

—— (1) The name and address of the owner of the vehicle involved in the violation.

—— (2) A description of the violation alleged.

—— (3) The date and time of the violation and the location of the intersection where the violation occurred.

—— (4) The citation issuance date.

—— (5) The registration number displayed on the license plate of the vehicle involved in the violation.

—— (6) A copy of a recorded image of the violation limited solely to a depiction of the area of the registration number displayed on the license plate of the vehicle involved in the violation.

—— (7) The amount of the civil fine to be imposed for the violation.

—— (8) The date by which the civil fine must be paid or the request for an administrative adjudication hearing must be made.

—— (9) A statement that, in lieu of requesting an administrative adjudication hearing, the person named in the red light citation may pay the civil fine in person or by mail at an address designated on the citation.

—— (10) A notification that the vehicle owner has the right to contest the imposition of the civil fine in an administrative adjudication hearing by submitting a written request for an administrative adjudication hearing within 30 calendar days after the date the red light citation is issued.

~~———— (11) A notification that any request by the vehicle owner to have the enforcement officer, or other authorized person who issued the citation, present at the hearing must be made in writing as part of the written request for an administrative adjudication hearing under Paragraph (10) of this subsection and that failure to timely make this request constitutes a waiver of the vehicle owner's right to require the presence of the enforcement officer or other authorized person at the hearing.~~

~~———— (12) A notification that failure to pay the civil fine or to timely request an administrative adjudication hearing is considered an admission of liability for the red light violation charge, is a waiver of the person's right to appeal the imposition of the civil fine, and will result in the assessment of appropriate civil fines, penalties, and costs.~~

~~———— (13) A statement that the person will incur a late payment penalty if the person fails to pay the civil fine or request an administrative adjudication hearing within 30 calendar days after the date of issuance of the red light citation.~~

~~———— (14) A notification that an arrest warrant may not be issued for failure to timely pay the civil fines, penalties, and costs and that the imposition of the civil penalty may not be recorded on the vehicle owner's driving record.~~

~~———— (c) The original or any copy of a civil red light citation is a record kept in the ordinary course of city business and is prima facie evidence of the facts contained in the citation. (Ord. Nos. 26305; 26988; 27697; 30654)~~

#### **SEC. 28-209. SERVICE OF A CIVIL RED LIGHT CITATION.**

~~———— (a) In order to impose a civil fine under this article, the chief of police shall send a red light citation to the owner of the motor vehicle involved in the red light violation within 30 calendar days after the date the~~

~~violation is alleged to have occurred. The citation must be sent, by United States mail, to:~~

~~———— (1) the owner's address as shown on the registration records of the Texas Department of Transportation;~~

~~———— (2) if the vehicle is registered in another state or country, the owner's address as shown on the motor vehicle registration records of the department or agency of the other state or country analogous to the Texas Department of Transportation;~~

~~———— (3) if the owner presents evidence or information under Section 28-207(d) or (g) that the vehicle was being rented, leased, or test driven at the time of the red light violation, the address provided by the seller or lessor under Section 28-207(d) or (g); or~~

~~———— (4) if the registered owner presents evidence under Section 28-207(h) that another person had legal title to the vehicle at the time of the red light violation, the address provided under Section 28-207(h).~~

~~———— (b) A red light citation is presumed to have been received on the fifth day after the date the citation is mailed. (Ord. Nos. 26305; 26988; 27697)~~

#### **SEC. 28-210. ANSWERING A CIVIL RED LIGHT CITATION.**

~~———— (a) A vehicle owner who has been issued a civil red light citation shall, either personally or through a representative, answer to the charge of the red light violation by the date shown on the citation, which date may not be earlier than the 30th day after the date the citation is issued. An answer may be made in any of the following ways:~~

~~———— (1) An admission of liability with a payment of the applicable civil fine, and any additional penalties and costs.~~

~~—— (2) A request to schedule an administrative adjudication hearing to either deny liability or admit liability with an explanation before a hearing officer.~~

~~—— (3) A denial of liability accompanied by an affidavit under penalty of perjury presenting evidence under Section 28-207 that the vehicle depicted in the recorded image was at the time of the red light violation being rented, leased, or test driven.~~

~~—— (4) A denial of liability accompanied by an affidavit under penalty of perjury presenting evidence under Section 28-207 that the person named in the red light citation was not the owner of the vehicle depicted in the recorded image at the time of the violation.~~

~~—— (5) A request for permission from a hearing officer to adjudicate by mail.~~

~~—— (b) Payment of the civil fine and any additional penalties and costs may be made in person or by mailing to the chief of police the red light citation accompanied by payment of the amount shown on the citation. Payment by mail may be made only by money order or check made out to the city. Payment of the civil fine and all penalties and costs assessed under this article operates as a final disposition of the red light violation charge, except when payment is made to reset a scheduled hearing as allowed under Section 28-212. (Ord. Nos. 26305; 26988; 27697)~~

#### **SEC. 28-211. ADJUDICATION BY MAIL.**

~~—— (a) If a vehicle owner charged with a red light violation shows good cause for not attending a hearing, either personally or through a representative, the hearing officer may permit the matter to be adjudicated by mail, which adjudication must be completed within 90 calendar days after the date of issuance of the red light citation.~~

~~—— (b) Letters, memoranda, affidavits, photographs, and other documentary materials will be admissible as evidence for the purposes of adjudication by mail. The hearing officer may exclude from consideration any material that is not relevant to the adjudication of the alleged violation.~~

~~—— (c) Failure of the vehicle owner to proceed with an adjudication by mail after requesting and receiving permission to adjudicate by mail is an admission of liability for the red light violation and will subject the owner to the appropriate civil fines, penalties, and costs assessed by the hearing officer.~~

~~—— (d) If a hearing officer determines that adjudication cannot proceed by mail, the hearing officer shall advise the vehicle owner by first class mail that the owner must appear to answer the charge at a hearing. (Ord. Nos. 26305; 26988)~~

#### **SEC. 28-212. HEARINGS FOR DISPOSITION OF A RED LIGHT CITATION; CITATION AND PHOTOGRAPHIC RECORDED IMAGES AS PRIMA FACIE EVIDENCE.**

~~—— (a) Every hearing for the adjudication of a red light violation charge under this article must be held before a hearing officer not later than the 30th day after the department receives a request for an administrative adjudication hearing. The director shall notify, in writing, the person requesting a hearing of the date, time, and location of the hearing.~~

~~—— (b) A person may make a request to reset a scheduled administrative adjudication hearing. A scheduled administrative adjudication hearing may not be reset more than once unless the vehicle owner pays to the director of transportation an amount equal to the applicable civil fine for the red light violation, with any additional penalties and costs. The director of transportation shall issue a receipt for any amounts paid under this subsection. After presentation of the~~

receipt, all amounts paid will be refunded to the vehicle owner if the hearing officer, or a municipal court on appeal, finds that the owner is not liable for the red light violation.

— (c) — At a hearing, the civil red light citation and the recorded images produced by the photographic traffic signal enforcement system are prima facie proof of the red light violation, and the enforcement officer or other authorized person who issued the citation is not required to be present unless requested by the vehicle owner charged or by the hearing officer. A vehicle owner's request to have the enforcement officer, or other authorized person who issued the citation, present at the hearing must be in writing and received by the hearing officer as part of the person's request for an administrative adjudication hearing. Failure to timely make this request constitutes a waiver of the vehicle owner's right to require the presence of the enforcement officer or other authorized person at the hearing.

— (d) — At a hearing, the hearing officer shall hear and consider evidence presented by the city and by the vehicle owner. The formal rules of evidence do not apply to a hearing under this article, and the hearing officer shall make a decision based upon a preponderance of the evidence presented at the hearing, after giving due weight to all presumptions and prima facie evidence established by this article or other applicable law.

— (e) — At a hearing, the reliability of the photographic traffic signal enforcement system used to produce the recorded image of the red light violation may be attested to by affidavit of an officer or employee of the city, or of the entity with which the city contracts to install or operate the system, who is responsible for inspecting and maintaining the system. An affidavit of an officer or employee of the city that alleges a red light violation based on an inspection of the pertinent recorded image is admissible in a proceeding under this article, is evidence of the facts contained in the affidavit, and is prima facie evidence of the violation alleged in the red light citation.

— (f) — At the conclusion of the hearing, the hearing officer shall immediately render an order or decision, either by:

— (1) — finding the vehicle owner liable for the red light violation, assessing the applicable civil fine and any penalties and other costs in accordance with this article, and notifying the owner of the right to appeal to municipal court; or

— (2) — finding the vehicle owner not liable for the red light violation.

— (g) — An order of a hearing officer must be in writing, signed, and dated by the hearing officer and filed with the department in a separate index and file. The order may be recorded using computer printouts, microfilm, microfiche, or similar data processing techniques. (Ord. Nos. 26305; 26988; 27697; 30654)

#### **SEC. 28-213. — FAILURE TO ANSWER A CIVIL RED LIGHT CITATION OR APPEAR AT A HEARING.**

— (a) — The failure of a vehicle owner charged with a red light violation to answer to the charge within 30 calendar days after the date of issuance of the red light citation or to appear at any hearing, including a hearing on appeal, when required to appear is an admission of liability for the red light violation, and the hearing officer, or the municipal court in the case of an appeal, shall issue an order of liability and assess against the owner the appropriate civil fines, penalties, and other costs.

— (b) — Within seven calendar days after filing an order of liability issued under this section, a hearing officer or the entity with which the city contracts, shall notify the vehicle owner in writing of the order. The notice must be sent by United States mail to the address required for service of a citation under Section 28-209 or to the address of the vehicle owner last known to the hearing officer. The notice must include a statement of:



~~———— (1) the amount of the civil fines, penalties, and costs assessed; and~~

~~———— (2) the right to appeal to municipal court.~~

~~—— (c) Regardless of any other provision of this article, a person who receives a red light citation and who fails to timely pay the civil fine or fails to timely request an administrative adjudication hearing is still entitled to an administrative adjudication hearing if:~~

~~———— (1) the person submits to the hearing officer a written request for a hearing, accompanied by an affidavit, that attests to the date on which the person received the red light citation; and~~

~~———— (2) the written request and affidavit are submitted to the hearing officer within 30 calendar days after the date the person received the red light citation. (Ord. Nos. 26305; 26988)~~

**SEC. 28-214. ~~CIVIL FINES FOR RED LIGHT VIOLATIONS; PENALTIES AND OTHER COSTS.~~**

~~—— (a) If a civil fine is assessed under this article, it must be in accordance with this section. A fine may not be waived or modified by a hearing officer, or by a municipal court on appeal, when a vehicle owner is found liable for a red light violation, except that additional penalties and other costs may be added in accordance with this section.~~

~~—— (b) The owner of a motor vehicle liable for a red light violation shall pay a civil fine of \$75 for each violation.~~

~~—— (c) An additional \$25 late payment penalty will be assessed if the vehicle owner fails to:~~

~~———— (1) answer a red light citation within 30 calendar days after its date of issuance;~~

~~———— (2) appear at a hearing scheduled to adjudicate the red light violation charge; or~~

~~———— (3) after being found liable, pay all civil fines, penalties, fees, and costs assessed for a red light violation within the time designated by the hearing officer, or by the municipal court on appeal.~~

~~—— (d) A penalty assessed under Subsection (c) of this section may be waived by a hearing officer, or by a municipal court on appeal, if the vehicle owner can establish that:~~

~~———— (1) through no fault of the owner:~~

~~———— (A) no notice of the red light violation was received as required by this article;~~

~~———— (B) no notice of the hearing officer's order was received as required by this article; or~~

~~———— (C) payment of the civil fine assessed for the red light violation was not posted in a timely manner; or~~

~~———— (2) the penalty was assessed in error. (Ord. Nos. 26305; 26988)~~

**SEC. 28-215. ~~APPEAL FROM HEARING.~~**

~~—— (a) A vehicle owner determined by a hearing officer at an administrative adjudication hearing to be liable for a red light violation may appeal this determination to the municipal court by filing an appeal petition, along with a filing fee of \$15, with the municipal court clerk or a deputy clerk before the 31st calendar day after the date the hearing officer's order is entered with the department. If the hearing officer's order is reversed, the \$15 filing fee will be returned by the city to the appellant.~~

~~—— (b) Upon receipt of an appeal petition, the municipal court clerk or deputy clerk shall schedule an~~

appeal hearing and notify all parties of the date, time, and location of the hearing. The enforcement officer or other authorized person who issued the civil red light citation is not required to be present at the appeal hearing unless requested by the vehicle owner charged. A vehicle owner's request to have the enforcement officer, or other authorized person who issued the citation, present at the appeal hearing must be in writing and made as part of the appeal petition. Failure to timely make this request constitutes a waiver of the vehicle owner's right to require the presence of the enforcement officer or other authorized person at the appeal hearing.

— (c) The appeal hearing must be a trial de novo in municipal court and is a civil proceeding. The decision of the municipal court is final.

— (d) Service of notice of appeal under this section stays the enforcement and collection of any civil fines, penalties, and costs ordered by the hearing officer. An appeal petition must be accompanied by a notarized statement in which the vehicle owner agrees to pay all civil fines, penalties, and costs ordered by the hearing officer, if the person is still found liable by the municipal court upon appeal.

— (e) At an appeal hearing, the civil red light citation and the recorded images produced by the photographic traffic signal enforcement system are prima facie proof of the red light violation, and the enforcement officer or other authorized person who issued the citation is not required to be present unless requested by the vehicle owner.

— (f) At an appeal hearing, the reliability of the photographic traffic signal enforcement system used to produce the recorded image of the red light violation may be attested to by affidavit of an officer or employee of the city, or of the entity with which the city contracts to install or operate the system, who is responsible for inspecting and maintaining the system. An affidavit of an officer or employee of the city that alleges a red light violation based on an inspection of the pertinent

recorded image is admissible in a proceeding under this article, is evidence of the facts contained in the affidavit, and is prima facie evidence of the violation alleged in the red light citation. (Ord. Nos. 26305; 26988; 27697)

**SEC. 28-216. — EFFECT OF LIABILITY;  
EXCLUSION OF CIVIL  
REMEDY; ENFORCEMENT.**

— (a) The imposition of a civil fine under this article is not a conviction or criminal offense and may not be considered a conviction or criminal offense for any purpose. Failure to timely pay a civil fine under this article may not result in an arrest warrant being issued for the vehicle owner and may not be recorded on the owner's driving record.

— (b) A civil fine may not be imposed under this article on the owner of a motor vehicle if the operator of the vehicle was arrested or was issued a criminal citation by a peace officer under Section 544.007(d) of the Texas Transportation Code for the red light violation recorded by the photographic traffic signal enforcement system.

— (c) The city attorney is authorized to file suit or take other action to collect any civil fines, penalties, and costs assessed under this article. (Ord. Nos. 26305; 26988)

**SEC. 28-217. — DISPOSITION OF CIVIL  
FINES, PENALTIES, AND  
COSTS ASSESSED FOR RED  
LIGHT VIOLATIONS.**

— Not later than November 29 of each year, after deducting amounts the city is authorized to retain under Section 707.008(b) of the Texas Transportation Code, 50 percent of the revenue derived from the civil fines and late payment penalties assessed under this article each fiscal year must be remitted to the Office of

the Texas State Comptroller for deposit to the credit of the regional trauma account and 50 percent must be paid into the city's fund dedicated to traffic safety programs, including pedestrian safety programs, public safety programs, intersection improvements, and traffic enforcement. (Ord. Nos. 26305; 26988)

~~Division 3. Automated Red Light  
Enforcement Commission.~~

**SEC. 28-218. ~~AUTOMATED RED LIGHT  
ENFORCEMENT  
COMMISSION CREATED.~~**

~~(a) There is hereby created the automated red light enforcement commission of the city, which shall be an advisory body of 15 members. Each city council member shall appoint one member to the commission. The mayor shall appoint the chair, and the full city council shall appoint the vice chair.~~

~~(b) Each member shall be appointed for a two-year term beginning on October 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified.~~

~~(c) The traffic engineer of the city or a designated representative shall serve as an ex officio, nonvoting member of the commission. (Ord. Nos. 27102; 29645)~~

**SEC. 28-219. ~~DUTIES AND FUNCTIONS.~~**

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

~~(1) make recommendations relating to the city's automated red light enforcement program;~~

~~(2) make recommendations relating to the installation and operation of photographic traffic signal enforcement systems in the city;~~

~~(3) review results of traffic engineering studies for camera-enforced intersections;~~

~~(4) review the placement of photographic traffic signal enforcement systems to help ensure that camera-enforced intersections are selected without regard to the ethnic or socioeconomic characteristics of the area in which the intersections are located; and~~

~~(5) perform other duties assigned by the city council or requested by the city manager.~~

~~(b) The city manager shall provide staff to assist the commission in performing its duties and functions.~~

~~(c) The city manager shall present the recommendations of the commission, along with any recommendations of the city manager, to the city council. (Ord. 27102)~~

**ARTICLE XX.**

**PHOTOGRAPHIC ENFORCEMENT AND  
ADMINISTRATIVE ADJUDICATION OF  
SCHOOL BUS STOP ARM VIOLATIONS.**

**Division 1. Generally.**

**SEC. 28-220. ~~DEFINITIONS.~~**

In this article:

(1) **AUTOMATED SCHOOL BUS STOP ARM ENFORCEMENT PROGRAM** means the installation of photographic school bus stop arm enforcement systems on school buses operated within the city for the purpose of reducing school bus stop arm violations and injuries to students citywide.

(2) **CAMERA-ENFORCED SCHOOL BUS** means a school bus equipped with a photographic school bus stop arm enforcement system.

(E) inside any building, including but not limited to a recreational center;

(F) in a parking lot that serves a city park or another area under the control of the park and recreation board; or

(G) in a way that obstructed a public street or sidewalk;

(4) was selling, distributing, or offering for sale only periodicals from a coin-operated machine by authority of a license to operate the machine in that area, unless such sale, distribution, or offering for sale was prohibited in the area by another city ordinance or a city contract;

(5) was selling or offering for sale the services of a vehicle for hire that was being operated by that person;

(6) did not receive remuneration from the person being given the services or goods; did not use any type of vehicle or stand, any part of which touched the ground, when distributing the services or goods; and did not interfere with traffic flow on a public street or sidewalk when distributing the services or goods; or

(7) was selling, distributing, offering for sale, or delivering the services or goods to a person qualifying for any defense described in Paragraphs (1) through (6) of this subsection.

(c) In addition to any enforcement action by a peace officer or the director of the park and recreation department, or an authorized representative, for a violation of this section, any person who is a victim of an act prohibited under this section, or who witnesses a violation of this section, may file a complaint with the city attorney. Evidence to support a conviction for a violation of this section may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence.

(d) This section does not apply to the occasional sale of lemonade or other nonalcoholic beverages from a stand in a public park by an individual younger than 18 years of age. (Ord. Nos. 8019; 28241; 31375)

## **SEC. 32-11. PROMULGATION AND POSTING OF RULES AND REGULATIONS.**

The park board shall adopt such rules and regulations as it deems best for the management of the public parks and where such rules have been adopted for a specific park area and posted within the specific park so regulated, any person found guilty of violating such rules is guilty of an offense. (Ord. Nos. 8019; 19963)

### **SEC. 32-11.1. PUBLIC SHOOTING RANGES.**

Public shooting ranges may be constructed and operated in parks owned by the city in accordance with the following provisions:

(a) Such public shooting ranges shall at all times be subject to the control of the park board and shall be in accordance with the rules and regulations adopted and promulgated by the park board.

(b) It shall be unlawful for any person to have in his possession or to consume or be under the influence of any intoxicating beverage while on any such public shooting range.

(c) It shall be unlawful for any person to shoot any type of weapon named in Section 31-11 on such a public shooting range, unless such range is open for the purpose of shooting and under the immediate supervision of qualified personnel present on such range.

(d) In event any such public shooting range is leased to a private operator, such lease agreement shall contain a provision whereby the concessionaire shall agree to save and hold the city and its park board whole and harmless from any and all claims of every character whatsoever that may be made against it by reason of the maintenance and operations of such concession, and such concessionaire shall at the time of the execution of this contract, furnish a public liability

(4) CIGAR BAR means a bar that derives 15 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or rental of tobacco, tobacco products, smoking implements, or smoking accessories for on-premises consumption.

(5) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter, or the director's designated representative.

(6) EATING ESTABLISHMENT means any establishment that prepares or serves food or beverages, regardless of whether the establishment provides seating or facilities for on-premises consumption. The term includes, but is not limited to, restaurants, coffee shops, cafeterias, short order cafes, fast food establishments, luncheonettes, lunchrooms, soda fountains, food carts, food vending vehicles, and catering establishments.

(7) EMPLOYEE means any person who works for hire at an indoor or enclosed area including an independent contractor with an assigned indoor location.

(8) EMPLOYER means any person who employs one or more employees.

(9) ENCLOSED means an area that:

(A) is closed in overhead by a roof or other covering of any material, whether permanent or temporary; and

(B) has 40 percent or more of its perimeter closed in by walls or other coverings of any material, whether permanent or temporary.

(10) HOSPITAL means any institution that provides medical, surgical, and overnight facilities for patients.

~~———— (11) MINOR means any individual under 18 years of age.~~

(11) MINOR means an individual:

(A) under 21 years of age; or

(B) at least 18 years of age and presenting a valid military identification card of the

United States military forces or the state military forces.

(12) PARK PARTNER means any entity that contracts with the city for the operation, maintenance, or management of park property.

(13) PARK PROPERTY means property under the control and jurisdiction of the park board.

(14) PERSON means an individual, firm, partnership, association, or other legal entity.

(15) R E T A I L     O R     S E R V I C E ESTABLISHMENT means any establishment that sells goods or services to the general public, including but not limited to any eating establishment, bar, hotel, motel, department store, grocery store, drug store, shopping mall, laundromat, bingo parlor, bowling center, billiard hall, or hair styling salon.

(16) SECOND-HAND SMOKE means ambient smoke resulting from the act of smoking.

(17) SMOKE OR SMOKING means inhaling, exhaling, possessing, or carrying any lighted or burning cigar or cigarette, or any pipe or other device that contains lighted or burning tobacco or tobacco products.

(18) TOBACCO SHOP means a retail or service establishment that derives 90 percent or more of its gross revenue on a quarterly (three-month) basis from the sale of tobacco, tobacco products, or smoking implements.

(19) WORKPLACE means any indoor or enclosed area where an employee works for an employer. (Ord. Nos. 18961; 19648; 25168; 27440; 30258; 31360)

**ARTICLE III.****RESERVED.****SECS. 41-6 THRU 41-8. RESERVED.**

(Repealed by Ord. 27440)

**ARTICLE IV.****ENFORCEMENT.****SEC. 41-9. PENALTIES.**

(a) A person who violates a provision of this chapter, or who fails to perform an act required of the person by this chapter, commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted, or continued.

(b) Unless specifically provided otherwise in this chapter, an offense under this chapter is punishable by a fine of \$200.

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code. (Ord. Nos. 18961; 19648; 21540; 25168; 27440)

**ARTICLE V.****TOBACCO-PRODUCT VENDING MACHINES.****SEC. 41-10. DEFINITIONS.**

In this article:

(1) TOBACCO-PRODUCT VENDING MACHINE means any self-service device that, upon insertion of any coin, paper currency, token, card, key,

or other item, dispenses one or more tobacco products. The term does not include any machine that is in storage, in transit, or otherwise not set up for use and operation, nor does it include any machine that is situated on a train, bus, or other public conveyance.

(2) RESTAURANT BAR means any area of an eating establishment, excluding the dining area:

(A) that is primarily devoted to the serving of alcoholic beverages for consumption by guests on the premises; and

(B) in which food service, if any, is only incidental to the consumption of alcoholic beverages. (Ord. Nos. 21540; 21613; 25168; 27440)

**SEC. 41-11. TOBACCO-PRODUCT VENDING MACHINES PROHIBITED; DEFENSES.**

(a) A person commits an offense if he owns or allows the display or use of any tobacco-product vending machine upon any property within the city.

~~(b) It is a defense to prosecution under Subsection (a) that the tobacco-product vending machine was:~~

~~\_\_\_\_\_ (1) situated in a premises where entry by a minor is prohibited by law;~~

~~\_\_\_\_\_ (2) situated in a hotel, motel, bar, or restaurant bar;~~

~~\_\_\_\_\_ (3) located in a workplace with the permission of the employer, provided that:~~

~~\_\_\_\_\_ (A) the employer usually has no person under 18 years of age employed at the workplace; and~~

~~\_\_\_\_\_ (B) the tobacco-product vending machine is situated at a location within the workplace to which no person other than an employee of the workplace is usually permitted to have access; or~~

**(b) It is a defense to prosecution under Subsection (a) that the tobacco-product vending machine was:**

**(1) situated in a premises where entry by a**

person under 21 years of age is prohibited by law;

(2) situated in a hotel, motel, bar, or restaurant bar;

(3) located in a workplace with the permission of the employer; provided that:

(A) the employer usually has no person under 21 years of age employed at the workplace; and

(B) the tobacco-product vending machine is situated at a location within the workplace to which no person other than an employee of the workplace is usually permitted to have access; or

(4) located in an eating establishment and equipped with a lock-out device that was installed, maintained, and operated in compliance with Section 41-12.



~~———— (4) located in an eating establishment and equipped with a lock-out device that was installed, maintained, and operated in compliance with Section 41-12.—(Ord. Nos. 21540; 21613; 25168; 27440; 31360)~~

#### SEC. 41-12. LOCK-OUT DEVICES.

(a) A lock-out device on a tobacco-product vending machine located in an eating establishment must be installed, maintained, and operated in compliance with this section.

(b) A lock-out device may be electrical or mechanical and must be approved by the director.

~~———— (c) An owner, operator, employee, or other person in charge of an eating establishment who is at least 18 years of age shall:~~

~~———— (1) install and continuously maintain a lock-out device on a tobacco-product vending machine in good working order;~~

~~———— (2) require identification from any potential customer of the tobacco-product vending machine who appears to be under 18 years of age;~~

~~———— (3) physically observe all transactions in which the tobacco-product vending machine is used; and~~

~~———— (4) physically release the lock-out device before each sale from a tobacco-product vending machine:~~

**(c) An owner, operator, employee, or other person in charge of an eating establishment who is at least 21 years of age shall:**

**(1) install and continuously maintain a lock-out device on a tobacco-product vending machine in good working order;**

**(2) require identification from any potential customer of the tobacco-product vending machine who appears to be under 30 years of age;**

**(3) physically observe all transactions in which the tobacco-product vending machine is used; and**

**(4) physically release the lock-out device before each sale from a tobacco-product vending machine. (Ord. Nos. 21613; 25168; 27440; 31360)**

(C) directs attention to or advertises a meeting, performance, exhibition, or event, for which an admission fee is charged for the purpose of private gain or profit, unless an admission fee is charged or a collection is taken up at the meeting, performance, exhibition, or event only for the purpose of defraying the expenses; or

(D) while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as the advertiser or distributor.

(6) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article or the director's authorized representative.

(7) FOOD ESTABLISHMENT means a "food establishment" as defined in Chapter 17 of this code.

(8) GOODS means property of every kind.

(9) LICENSEE means a person issued a CBD concession license under this article.

(10) MOBILE FOOD ESTABLISHMENT means a "mobile food establishment" as defined in Chapter 17 of this code.

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

(12) PUBLIC PROPERTY means any property open or devoted to public use or owned by the city, including, but not limited to, sidewalks, streets, parkways, or esplanades.

(13) SERVICES means any work done for the benefit of another.

~~(14) STREET VENDOR or VENDOR means a person who, personally or through an agent, engages~~

~~in a business of selling or offering for sale goods or services from any structure or vehicle that is not affixed to the ground or from no structure or vehicle. The term does not include any person operating, or employed in the operation of, a licensed taxicab, limousine, bus, shuttle, non-motorized passenger transport vehicle, or motor vehicle tow service.~~

**(14) STREET VENDOR or VENDOR means a person who, personally or through an agent, engages in a business of selling or offering for sale goods or services from any structure or vehicle that is not affixed to the ground or from no structure or vehicle. The term does not include any person operating, or employed in the operation of, a licensed taxicab, limousine, bus, shuttle, non-motorized passenger transport vehicle, or motor vehicle tow service. The term does not include a stand that only offers the occasional sale of lemonade or other nonalcoholic beverages on private property or in a public park by an individual younger than 18 years of age.**

(15) VEHICLE means every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power.

(16) WEST END DISTRICT means the area of the city bounded by Woodall Rogers Freeway on the north; Lamar Street on the east; the MKT railroad tracks on the west; and a southern boundary consisting of and extending along Commerce Street from Lamar Street west to Austin Street, then along Austin Street north to Main Street, then along Main Street west to the MKT railroad tracks. (Ord. Nos. 16309; 17226; 17675; 18702; 29023; **31375**)

## **Division 2. Vending on Public Property.**

### **SEC. 50-158. VENDORS ON PUBLIC PROPERTY.**

(a) A person commits an offense if the person, either personally or through an agent, occupies public property in the city for the purpose of selling, distributing, or offering for sale services or goods, including, but not limited to, food, drinks, flowers, plants, tickets, or souvenirs.

(b) It is a defense to prosecution under this section that the person selling, distributing, or offering

(3) is selling, distributing, or offering for sale only periodicals from a coin-operated machine by authority of a license to operate the machine;

(4) is selling, distributing, or offering for sale goods or services from a vehicle by authority of and in compliance with a CBD concession license as provided for in this article;

(5) is selling, distributing, or offering for sale vegetables, produce, or other perishable commodities at the Dallas Farmers Market (as defined in Section 29A-2 of this code), in compliance with Chapter 29A of this code and with the market's agreements and covenants with the city;

(6) is selling, distributing, or offering for sale a food or beverage from a mobile food establishment in accordance with Section 50-159 of this code;

(7) is selling, distributing, or offering for sale goods or services as authorized by and in compliance with a special event permit;

(8) is selling, distributing, or offering for sale only printed matter that is not commercial printed matter, including, but not limited to, newspapers and magazines, and the selling, distributing, or offering for sale is not being conducted from machines or other structures that occupy public property;

(9) is operating a vehicle for hire;

(10) is selling, distributing, offering for sale, or delivering the goods or services to a person in a structure or vehicle that is affixed to the ground, or to a person who possesses a special event permit or a CBD concession license; or

(11) is not receiving remuneration from the person being given the goods or services, and the person distributing the goods or services does not use any type of vehicle or stand, any part of which touches the ground, when distributing the goods or services, and the method of distribution does not interfere with traffic flow on public streets or sidewalks.

(c) In addition to any enforcement action by a peace officer or the director for a violation of this section, any person who is a victim of an act prohibited under this section, or who witnesses a violation of this section, may file a complaint with the city attorney. Evidence to support a conviction for a violation of this section may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence.

**(d) This section does not apply to the occasional sale of lemonade or other nonalcoholic beverages from a stand in a public park by an individual younger than 18 years of age.** (Ord. Nos. 16309; 16835; 17675; 18702; 19517; 19895; 25213; 29023; **31375**)

#### **SEC. 50-159. RESTRICTIONS FOR MOBILE FOOD ESTABLISHMENTS.**

(a) A mobile food establishment shall not occupy public or private property in the central business district for the purpose of serving, selling, or distributing any food or beverage unless the establishment is operating under the authority of and in compliance with:

(1) a valid CBD concession license issued under this article; and

(2) a valid mobile food establishment permit issued under Chapter 17 of this code.

(b) A general service mobile food establishment, as described in Section 17-8.2 of this code, shall not occupy public property located outside the central business district for the purpose of serving, selling, or distributing any food or beverage.

(c) It is a defense to prosecution under Subsections (a) and (b) of this section that the mobile food establishment was serving, selling, or distributing a food or beverage as authorized by and in compliance with:

(1) a special event permit issued by the city; or

(2) a contract with the city to operate a concession on designated areas of public property.

(d) A mobile food establishment shall not sell, distribute, or offer for sale any goods or services within two city blocks or 600 feet, whichever is greater, of the grounds of any public, private, parochial, elementary, or secondary school located outside the central business district between the hours of 7:30 a.m. and 4:30 p.m. on days when the school is in session. (Ord. Nos. 17675; 29023)

### **Division 3. Vending on Private Property.**

#### **SEC. 50-160. VENDORS ON PRIVATE PROPERTY.**

(a) A person commits an offense if he occupies any privately-owned property within the city for the purpose of conducting business as a street vendor.

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

(1) the business was authorized by a valid certificate of occupancy or was otherwise specifically allowed under the Dallas Development Code or another city ordinance;

(2) the person was conducting the street vending business in the central business district and:

(A) possessed a valid CBD concession license issued under this article;

(B) possessed a valid mobile food establishment permit issued under Chapter 17 of this code, if the person was a mobile food establishment;

(C) had the written permission of an owner of the private property on which the business was conducted; and

(D) was not conducting the business operation or using any structure in the business operation in violation of any applicable city ordinance or state or federal law or regulation; or

(3) the person was a mobile food establishment conducting the street vending business outside the central business district and:

(A) possessed a valid mobile food establishment permit issued under Chapter 17 of this code;

(B) had the written permission of an owner of the private property on which the business was conducted; and

(C) was not conducting the business operation or using any structure in the business operation in violation of any applicable city ordinance or state or federal law or regulation.

**(c) This section does not apply to the occasional sale of lemonade or other nonalcoholic beverages from a stand on private property by an individual younger than 18 years of age.** (Ord. Nos. 29023; 31375)

### **Division 4. Entertainment in the Central Business District.**

#### **SEC. 50-161. ENTERTAINMENT PERFORMANCES IN THE CENTRAL BUSINESS DISTRICT.**

(a) A person who engages or wishes to engage solely in providing entertainment performances for the public free of charge in the central business district is not required to obtain a CBD concession license so long as no fees or monies are solicited from the public as remuneration for the entertainment and no goods or services are sold in connection with the performances. Voluntary contributions from members of the public may be accepted. A CBD concession license must be obtained if fees or monies are solicited from the public or if goods or services are sold in connection with the performances.

(b) A person who wishes to provide entertainment in any portion of Stone Place, the public area surrounding Thanksgiving Square, Four-Way Place, or the Bullington Street Mall must obtain a permit from the chief of police as required in Section 31-22 of this code. (Ord. 29023)

the suspension or revocation constitutes an imminent and serious threat to the public health or safety, in which case the director shall take or cause to be taken such action as is necessary to immediately enforce the suspension, revocation, or order. (Ord. 29023)

**Division 6. Miscellaneous Requirements for Street Vendors in the Central Business District.**

**SEC. 50-168. IDENTIFICATION BADGES REQUIRED.**

(a) An identification badge must be conspicuously displayed on the clothing of the upper body of each licensee and agent of a licensee at all times when selling, distributing, or offering for sale goods or services on public or private property in the central business district. A licensee or an agent of a licensee shall allow the director or a peace officer to examine the identification badge upon request.

(b) An identification badge must be obtained from the director and must include the following:

(1) The name of the person to whom the badge is issued and a photograph clearly depicting the person's facial features.

(2) The name and license number of the licensee under whose CBD concession license the person is conducting vending activities.

(3) The vending location site at which the person is authorized to conduct vending activities.

(4) A description of the type of goods or services the person is authorized to sell, distribute, or offer for sale at the site.

(5) The number and expiration date of the identification badge.

(c) An identification badge expires on whichever of the following dates occurs first:

(1) the date of revocation or expiration of the CBD concession license under which the badge is authorized; or

(2) the date the person to whom the badge is issued is no longer an agent of the licensee.

(d) An identification badge is not transferable from one person to another or from one license to another.

(e) One identification badge will be included with each issuance or renewal of a CBD concession license. The fee for each additional new or renewal identification badge is \$20. The fee for replacement of an identification badge that is lost, damaged, or stolen is \$5.

(f) Within 10 days after terminating an agent, a licensee shall collect and surrender to the director the agent's identification badge. (Ord. 29023)

**SEC. 50-169. DUTIES AND CONDUCT OF STREET VENDORS.**

~~— A person who, either personally or through an agent, sells, distributes, or offers for sale goods or services on public or private property in the central business district shall:~~

~~— (1) possess a license and an identification badge authorizing the activity as provided for in this article;~~

~~— (2) situate any vehicle used in connection with the sale or distribution of goods and services so that it does not occupy any portion of a public roadway;~~

~~— (3) if vending on public property, operate the business so as to offer the least physical or visible obstruction to pedestrian and vehicular traffic, including, but not limited to, refraining from placing boxes on any public street or sidewalk;~~

**(a) A person who, either personally or through an agent, sells, distributes, or offers for sale goods or services on public or private property in the central business district shall:**

(1) possess a license and an identification badge authorizing the activity as provided for in this article;

(2) situate any vehicle used in connection with the sale or distribution of goods and services so that it does not occupy any portion of a public roadway;

(3) if vending on public property, operate the business so as to offer the least physical or visible obstruction to pedestrian and vehicular traffic, including, but not limited to, refraining from placing boxes on any public street or sidewalk;

~~\_\_\_\_\_ (4) not enter a public roadway to solicit or conduct a sale;~~

~~\_\_\_\_\_ (5) not sell, distribute, or offer for sale goods or services to a person on a public roadway;~~

~~\_\_\_\_\_ (6) if vending on public property, stay within five feet of the vendor's vehicle except for periodic breaks not to exceed 10 minutes and for emergencies;~~

~~\_\_\_\_\_ (7) take reasonable steps to keep the area around which the business is being conducted free from litter and waste, including, but not limited to:~~

~~\_\_\_\_\_ (A) maintaining a waste receptacle for public use on the vending vehicle;~~

~~\_\_\_\_\_ (B) maintaining the vending location site in a clean and hazard-free condition;~~

~~\_\_\_\_\_ (C) at the close of business each day, collecting and disposing of all litter and waste accumulating on the vending location site or within 15 feet of any vending vehicle; and~~

~~\_\_\_\_\_ (D) not disposing of liquid waste or grease on the sidewalks, streets, grounds, tree pits, city trash receptacles, or other public property;~~

~~\_\_\_\_\_ (8) if vending on public property, operate the business only during the following times, unless special operating hours are approved by the director:~~

~~\_\_\_\_\_ (A) 6:00 a.m. to 10:00 p.m., Monday through Thursday;~~

~~\_\_\_\_\_ (B) 8:00 a.m. to midnight, Friday and Saturday; and~~

~~\_\_\_\_\_ (C) 10:00 a.m. to 10:00 p.m., Sunday;~~

~~\_\_\_\_\_ (9) sell, distribute, or offer for sale only those goods or services that the director has approved as not endangering the public health, safety, or welfare; the director may withdraw a previous approval of any~~

~~goods or services by serving a written notice upon the seller or distributor to cease selling, distributing, or offering for sale the goods or services within 10 days;~~

~~\_\_\_\_\_ (10) remove any equipment, sales aids, or vehicle from public property at the close of operation each day;~~

~~\_\_\_\_\_ (11) not smoke while conducting vending activities at the vending location site;~~

~~\_\_\_\_\_ (12) comply with the noise regulations set forth in Chapter 30 of this code;~~

~~\_\_\_\_\_ (13) not do business except on a vending location site designated by the director;~~

~~\_\_\_\_\_ (14) allow an inspection of the business operation as authorized in this article;~~

~~\_\_\_\_\_ (15) comply with all rules and regulations promulgated by the director under this article;~~

~~\_\_\_\_\_ (16) post the applicable license or copy of the license in a conspicuous place on the vehicle from which goods or services are being sold, distributed, or offered for sale so that it may be easily read at any time or, if the person does not use a vehicle from which to sell goods or services, display the license or copy on the person's clothing at any time the goods or services are being sold, distributed, or offered for sale on public or private property;~~

~~\_\_\_\_\_ (17) establish policy and take action to discourage, prevent, or correct violations of this chapter by agents;~~

~~\_\_\_\_\_ (18) prohibit an agent from operating under a CBD concession license if the person knows or has reasonable cause to suspect that the agent does not have a valid identification badge issued under this article or has otherwise failed to comply with this article, the rules and regulations established by the director, or any other applicable city ordinance or state or federal law; and~~

**(4) not enter a public roadway to solicit or conduct a sale;**

**(5) not sell, distribute, or offer for sale goods or services to a person on a public roadway;**



(6) if vending on public property, stay within five feet of the vendor's vehicle except for periodic breaks not to exceed 10 minutes and for emergencies;

(7) take reasonable steps to keep the area around which the business is being conducted free from litter and waste, including, but not limited to:

(A) maintaining a waste receptacle for public use on the vending vehicle;

(B) maintaining the vending location site in a clean and hazard-free condition;

(C) at the close of business each day, collecting and disposing of all litter and waste accumulating on the vending location site or within 15 feet of any vending vehicle; and

(D) not disposing of liquid waste or grease on the sidewalks, streets, grounds, tree pits, city trash receptacles, or other public property;

(8) if vending on public property, operate the business only during the following times, unless special operating hours are approved by the director:

(A) 6:00 a.m. to 10:00 p.m., Monday through Thursday;

(B) 8:00 a.m. to midnight, Friday and Saturday; and

(C) 10:00 a.m. to 10:00 p.m., Sunday;

(9) sell, distribute, or offer for sale only those goods or services that the director has approved as not endangering the public health, safety, or welfare; the director may withdraw a previous approval of any goods or services by serving a written notice upon the seller or distributor to cease selling, distributing, or offering for sale the goods or services within 10 days;

(10) remove any equipment, sales aids, or vehicle from public property at the close of operation each day;

(11) not smoke while conducting vending activities at the vending location site;

(12) comply with the noise regulations set forth in Chapter 30 of this code;

(13) not do business except on a vending location site designated by the director;

(14) allow an inspection of the business operation as authorized in this article;

(15) comply with all rules and regulations promulgated by the director under this article;

(16) post the applicable license or copy of the license in a conspicuous place on the vehicle from which goods or services are being sold, distributed, or offered for sale so that it may be easily read at any time or, if the person does not use a vehicle from which to sell goods or services, display the license or copy on the person's clothing at any time the goods or services are being sold, distributed, or offered for sale on public or private property;

(17) establish policy and take action to discourage, prevent, or correct violations of this chapter by agents;

(18) prohibit an agent from operating under a CBD concession license if the person knows or has reasonable cause to suspect that the agent does not have a valid identification badge issued under this article or has otherwise failed to comply with this article, the rules and regulations established by the director, or any other applicable city ordinance or state or federal law; and

(19) comply with all other applicable laws, ordinances, or regulations of the city.



~~\_\_\_\_\_ (19) comply with all other applicable laws, ordinances, or regulations of the city.~~

(b) This section does not apply to the occasional sale of lemonade or other nonalcoholic beverages from a stand on private property or in a public park by an individual younger than 18 years of age. (Ord. Nos. 16309; 17675; 29023; 31375)

#### SEC. 50-170. DRESS STANDARDS FOR STREET VENDORS.

Each licensee shall have company dress standards for vendors employed by or contracting with the licensee. These standards must be kept on file with the director and must include the following:

(1) A vendor may not wear:

(A) cut-offs;

(B) apparel with offensive or suggestive language, pictures, or symbols;

(C) tank tops or halter tops; or

(D) outer apparel made of fishnet or undergarment material.

(2) Shoes must be worn at all times in the manner for which they were designed.

(3) A vendor and the vendor's clothing must conform to basic standards of hygiene and be neat, clean, and sanitary at all times.

(4) A vendor's hair must be clean and neatly groomed. Facial hair must be neatly trimmed. (Ord. 29023)

#### SEC. 50-171. VEHICLES AND EQUIPMENT.

(a) Any non-motorized vehicle used by a street vendor to sell, distribute, or offer for sale goods or services in the central business district must:

(1) have operable wheels;

(2) not exceed six feet in length (including any handles measuring six inches or more in length and

any permanently attached trailer hitches), three feet in width (exclusive of wheels), or four feet in height (exclusive of wheels);

(3) not occupy any portion of a public roadway in the central business district;

(4) not be attached to any tree, utility pole, sign pole, streetscape, or public property; and

(5) not be stored, parked, or left overnight on any street, sidewalk, public parking space, or other public property.

(b) All equipment required for operation of the business and all goods being offered for sale must be confined to or within the vehicle or, if no vehicle is used, the vending location site.

(c) Only one small stool or chair is allowed at the vending location site for the vendor. No seating may be provided for customers.

(d) Any umbrella on a vehicle must be properly secured and must be removed during high winds.

(e) No electrical power cords are allowed to be used by a vendor on public property. (Ord. 29023)

#### SEC. 50-172. SIGNS AND ADVERTISING DEVICES.

(a) A vendor shall not place any sign or other advertising device on public property other than those signs affixed to the vehicle or equipment and not extending beyond the basic dimension of the vehicle or equipment.

(b) A vendor shall prominently display a sign that contains city of Dallas contact information to which customers may report service or health concerns or complaints.

(c) No free standing signs are permitted as part of the vending operation.

(d) Prices for goods or services must be conspicuously displayed on the vending vehicle, the individual items offered for sale, or the display surface or container.

(e) This section does not apply to the occasional sale of lemonade or other nonalcoholic beverages from a stand on private property or in a public park by an individual younger than 18 years of age. (Ord. Nos. 29023; 31375)

## Code Comparative Table

<u>Ordinance Number</u>	<u>Specified Passage Date</u>	<u>Effective Date</u>	<u>Ordinance Section</u>	<u>City Code Section</u>
31332 (Cont'd)			48	Amends 50-82
			49	Amends 50-101
			50	Amends 50-116
			51	Amends 50-137(a)
			52	Amends 50-149(a)(6)
31333	9/18/19	10/1/19	1	Amends 2-37.12
			2	Amends 2-105(a)
			3	Amends Ch. 2, Art. XVI, 2-136 thru 2-137
			4	Amends Ch. 2, Art. XXVI-a, 2-162.1 thru 2-162.4
31350	10-23-19		1	Amends 8-1
			2	Amends 8-6
31359	10-23-19		1	Amends Ch. 28, Art. XIX, 28-203 thru 28-219
31360	10-23-19		1	Amends 41-1(11)
			2	Amends 41-11(b)
			3	Amends 41-12(c)
31375	11-13-19		1	Adds 17-1.5(b)(7)(D)
			2	Adds 32-10(d)
			3	Amends 50-157(14)
			4	Adds 50-158(d)
			5	Adds 50-160(c)
			6	Amends 50-169
			7	Adds 50-172(e)
31376	11-13-19		1	Amends 17-10.2(i)(3)
31383	11-13-19		1	Amends 28-41.1
			2	Amends 28-41.1.1(e)
31395	12-11-19	1/1/20	1	Amends 13-18
			2	Amends 13-28.1
			3	Amends 13-28.2
			4	Amends 13-28.3
			5	Deletes 13-28.4
31396	12-11-19	1/1/20	1	Amends 18-11(b)(2)
31403	12-11-19		1	Amends 9-1
			2	Amends 9-6
			3	Amends 28-159

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# CITY OF DALLAS, TEXAS

## CODE OF ORDINANCES

### VOLUME III

Contains ~~10/19~~ **1/20** Supplement current through  
Ordinance ~~31314~~ **31374** **31410**, passed ~~9-11-19~~ **10-23-19** **12-11-19**

AMERICAN LEGAL PUBLISHING CORPORATION

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**SPECIAL PROVISIONS FOR SIGNS WITHIN  
THE GENERAL CBD, MAIN STREET,  
CONVENTION CENTER, RETAIL, AND  
DISCOVERY SUBDISTRICTS**

**SPECIAL PROVISIONS FOR SIGNS WITHIN  
THE GENERAL CBD, MAIN STREET,  
CONVENTION CENTER, RETAIL, DISCOVERY,  
AND CHASE TOWER SUBDISTRICTS**

- Sec. 51A-7.907. General provisions.
- Sec. 51A-7.908. Videoboard sign.
- Sec. 51A-7.909. Attached non-premise district activity videoboard signs.
- Sec. 51A-7.910. Operational requirements for attached videoboard signs.

(3) This section does not authorize the board to grant a change in the use of a building or structure. (Ord. 21183)

#### SEC. 51A-1.108. COMPREHENSIVE PLAN.

(a) Adoption. The comprehensive plan was adopted following review by the department and the city plan commission, and following a hearing at which the public was given the opportunity to give testimony and present written evidence.

(b) Purpose. The purpose of this comprehensive plan is to promote sound development of the city and promote the public health, safety, and welfare. The comprehensive plan is a plan for the long-range development of the city. The comprehensive plan sets forth policies to govern the future physical development of the city. The comprehensive plan shall serve as a guide to all future city council action concerning land use and development regulations, urban conservation and rehabilitation programs, and expenditures for capital improvements.

(c) Components. The comprehensive plan is composed of the following components:

(1) Vision component. This component expresses the ideas, ideals, and goals residents have for the future of the city, and includes a vision illustration showing possible general locations of building blocks or development patterns.

(2) Policy plan. This plan provides the overall policy framework to guide decisions over time toward achieving the vision.

(3) Implementation plan. This plan provides timelines for accomplishing goals outlined in the vision statement and policy plan. Goals are divided into the implementation plan, which are long-term projects, and action plans, which are short-term projects.

(4) Monitoring program. This program gives the city and citizens a framework for tracking progress toward implementation of the vision.

(5) Other plans. All other area plans and programmatic plans, as existing, amended, or created in the future, are incorporated into the comprehensive plan.

(d) Amendment.

(1) The vision, policy plan, area plans, and programmatic plans may be amended if authorized by city council and by following the procedure for city council authorized amendments as set out in Section 51A-4.701, "Zoning Amendments," of Article IV, "Zoning Regulations," of the Dallas Development Code, as amended.

(2) The implementation plan and monitoring program may be amended by ordinance of the city council.

(e) Relation to zoning. The relationship between the comprehensive plan and development regulations is that the comprehensive plan serves merely as a guide for rezoning requests rather than as a mandatory restriction on the city's authority to regulate land use. The comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. The comprehensive plan does not limit the ability of the city to prepare other plans, policies, or strategies as required. (Ord. Nos. 26371; 28073)

#### SEC. 51A-1.109. APPORTIONMENT OF EXACTIONS.

~~—(a) Exactions must be related and proportionate.~~

~~—(1) No exactions may be imposed unless the exactions are:~~

~~—(A) related to the needs created by the property development project; and~~

**(a) Exactions must be related and proportionate.**

**(1) No exactions may be imposed unless the exactions are:**

**(A) related to the needs created by the**

property development project; and

~~————— (B) roughly proportionate to the impact of the property development project.~~

~~————— (2) No precise mathematical calculation is required, but the city must make an individualized determination that the required exaction is related both in nature and extent to the impact of the property development.~~

~~————— (b) Developer report. If the director determines that a developer report is necessary, the developer shall submit a report prepared by a professional engineer licensed to practice in Texas to the director containing an analysis of existing municipal infrastructure, including streets capacity and condition, alleys, street lighting, street signals, water service, wastewater service, fire hydrants, storm water drainage system, solid waste collection, and sanitary sewer; an analysis of the need for municipal infrastructure additions or improvements; and any other information related to the property development project that the director deems necessary.~~

~~————— (c) Waiver. The director may waive the developer report if:~~

~~————— (1) The developer will bear the total cost of the exactions, such as infrastructure improvement necessitated solely by, and internal to, the property development project.~~

~~————— (2) The developer has volunteered to pay a greater proportion of the costs of the exactions.~~

~~————— (3) The director determines that the developer report is unnecessary.~~

~~————— (d) Apportionment determination.~~

~~————— (1) Within 30 days after submission of the developer report, the director shall notify the developer that the report is complete or notify the developer in writing of any deficiencies in the report and of any additional documentation required.~~

~~————— (2) A professional engineer licensed to practice in Texas and retained by the city shall evaluate the complete developer report and make the apportionment determination.~~

~~————— (3) The apportionment determination is a determination of the proportion of exactions to be borne by the developer. For example, if the total cost of the municipal infrastructure additions or improvements is \$10,000, and the need for the municipal infrastructure additions or improvements is related to the needs created by the property development project, and the property development project accounts for 80 percent of the impact on the municipal infrastructure additions or improvements, then the developer's portion is 80 percent of the cost of the municipal infrastructure additions or improvements, or \$8,000.~~

~~————— (4) The director shall notify the developer of the apportionment determination within 60 days after deeming the developer report complete, prior to approval of any related zoning district classification or boundary change, prior to final release of any related plat, or prior to execution of any related private development contract, whichever is earliest.~~

~~————— (5) Cost sharing of municipal infrastructure additions or improvements between the developer and the city shall be documented in a cost sharing contract pursuant to Section 51A-8.614.~~

~~————— (e) Appeal.~~

~~————— (1) No waiver. A developer shall not be required to waive the right of appeal as a condition for approval of a development project.~~

~~————— (2) City plan commission. A developer may appeal the director's apportionment determination to the city plan commission by filing written notice with the director within 30 days after the date of the determination. If an appeal is filed, the city plan commission shall hear the appeal within 60 days after the date of its filing. The director shall forward to the city plan commission the complete record of the matter~~

**(B) roughly proportionate to the impact of the property development project.**

**(2) No precise mathematical calculation is**

required, but the city must make an individualized determination that the required exaction is related both in nature and extent to the impact of the property development.

(b) **Request for apportionment determination.** Except as provided in this section, a request for an apportionment determination will not be processed until the developer submits an application on a form provided by the director including a complete developer report.

(c) **Developer report.** The developer shall submit a report prepared by a professional engineer licensed to practice in Texas to the director containing an analysis of existing municipal infrastructure, including streets capacity and condition, alleys, street lighting, street signals, water service, wastewater service, fire hydrants, storm water drainage system, solid waste collection, and sanitary sewer; an analysis of the need for municipal infrastructure additions or improvements; and any other information related to the property development project that the director deems necessary.

(d) **Waiver.** The director may waive the developer report if:

(1) The developer will bear the total cost of the exactions, such as infrastructure improvement necessitated solely by, and internal to, the property development project.

(2) The developer has volunteered to pay a greater proportion of the costs of the exactions.

(3) The director determines that the developer report is unnecessary.

(e) **Apportionment determination.**

(1) Within 15 days after submission of the developer report, the director shall notify the developer that the report is complete or notify the developer in writing of any deficiencies in the report and of any additional documentation required.

(2) A professional engineer licensed to practice in Texas and retained by the city shall evaluate the complete developer report and make the apportionment determination.

(3) The apportionment determination is a determination of the proportion of exactions to be

borne by the developer. For example, if the total cost of the municipal infrastructure additions or improvements is \$10,000, and the need for the municipal infrastructure additions or improvements is related to the needs created by the property development project, and the property development project accounts for 80 percent of the impact on the municipal infrastructure additions or improvements, then the developer's portion is 80 percent of the cost of the municipal infrastructure additions or improvements, or \$8,000.

(4) The director shall notify the developer of the apportionment determination within 30 days after deeming the application and developer report complete, prior to approval of any related zoning district classification or boundary change, prior to final release of any related plat, or prior to execution of any related private development contract, whichever is earliest.

(5) Cost sharing of municipal infrastructure additions or improvements between the developer and the city shall be documented in a cost sharing contract pursuant to Section 51A-8.614.

(f) **Appeal.**

(1) **No waiver.** A developer shall not be required to waive the right of appeal as a condition for approval of a development project.

(2) **City plan commission.** A developer may appeal the director's apportionment determination to the city plan commission by filing written notice with the director within 30 days after the date of the determination. If an appeal is filed, the city plan commission shall hear the appeal within 60 days after the date of its filing. The director shall forward to the city plan commission the complete record of the matter being appealed, including the developer report, if any, and the apportionment determination. The city plan commission shall hold a public hearing where the developer and director may present evidence and testimony under procedures adopted by the city plan commission. The developer shall have the burden of proof at the public hearing. The city plan commission shall have the same authority as the director and may affirm, in whole or in part, modify the apportionment determination, or remand the apportionment determination back to the director for further consideration. In reviewing the apportionment determination, the city plan commission shall use the standard in Subsection (a). The city plan commission

shall make its determination within 30 days after the hearing.

being appealed, including the developer report, if any, and the apportionment determination. The city plan commission shall hold a public hearing where the developer and director may present evidence and testimony under procedures adopted by the city plan commission. The developer shall have the burden of proof at the public hearing. The city plan commission shall have the same authority as the director and may affirm, in whole or in part, modify the apportionment determination, or remand the apportionment determination back to the director for further consideration. In reviewing the apportionment determination, the city plan commission shall use the standard in Subsection (a). The city plan commission shall make its determination within 30 days after the hearing.

————— (3) City council. A developer may appeal the city plan commission's decision to the city council by filing a written notice with the director within 30 days after the date of the city plan commission's decision. If an appeal is filed, the city council shall hear the appeal within 60 days after the date of its filing. The director shall forward to the city council the complete record of the matter being appealed, including the developer report, if any, the apportionment determination, and the record of the city plan commission hearing. City council shall hold a public hearing where the developer and the director may present evidence and testimony under procedures adopted by city council. The developer shall have the burden of proof at the public hearing. The city council shall have the same authority as the director and may affirm, in whole or in part, modify the apportionment determination, or remand the apportionment determination back to the director for further consideration. In reviewing the apportionment determination, the city council shall use the standard in Subsection (a). The city council shall make its determination within 30 days after the hearing.

————— (4) County or district court. A developer may appeal the city council's decision to a county or district court of the county where the development project is located within 30 days after the date of the city council's final determination. The sole issue on appeal is whether the city council erred in its review of the city plan commission determination.

(3) City council. A developer may appeal the city plan commission's decision to the city council by filing a written notice with the director within 30 days after the date of the city plan commission's decision. If an appeal is filed, the city council shall hear the appeal within 60 days after the date of its filing. The director shall forward to the city council the complete record of the matter being appealed, including the developer report, if any, the apportionment determination, and the record of the city plan commission hearing. City council shall hold a public hearing where the developer and the director may present evidence and testimony under procedures adopted by city council. The developer shall have the burden of proof at the public hearing. The city council shall have the same authority as the director and may affirm, in whole or in part, modify the apportionment determination, or remand the apportionment determination back to the director for further consideration. In reviewing the apportionment determination, the city council shall use the standard in Subsection (a). The city council shall make its determination within 30 days after the hearing.

(4) County or district court. A developer may appeal the city council's decision to a county or district court of the county where the development project is located within 30 days after the date of the city council's final determination. The sole issue on appeal is whether the city council erred in its review of the city plan commission determination. (Ord. Nos. 26530; 31358)



J/384 and a closed portion of Griffin and Ashland Streets, with the shortest line connecting to a point on the southeast line of Ashland Street and the northeast line of an alley in Block G/385;

THENCE northeasterly with said southeast lines of Ashland Street, crossing Summer Street and extending to a point for a corner on the NE line of Wesley Alley;

THENCE southeasterly along said NE line of Wesley Alley to the SE line of Block I/354, a point for a corner;

THENCE northeasterly along the southeast line of Block I/354 and along the northwest line of Cedar Springs Road to a point for a corner on the southwest line of 24 feet wide Yates Alley;

THENCE northeasterly with the northwest lines of Cedar Springs Road, crossing Yates Alley, old Field Street, Alamo Street, right of way for new extension of Field Street, and Caroline Street and extending said northwest line of Cedar Springs Road across Akard Street to a point for a corner on the east line of Cedar Springs Road;

THENCE with the east line of Cedar Springs Road northerly to the south line of Harwood Street, a point for a corner;

THENCE easterly with said south line of Harwood Street and extending same to a point for a corner on the easterly line of McKinney Avenue extended;

THENCE northeasterly along said extension line and the easterly line of McKinney Avenue to a point for a corner on the southwest line of Olive Street;

THENCE crossing Olive Street to a point for a corner on the southeast line of Thomas Street;

THENCE northeasterly along the southeast lines of Thomas Street, crossing Pearl Street, Crockett Court, Leonard Street, Fairmount Street, Routh Street, Boll Street, Worthington Street, Clay Alley, Allen Street, Clyde Alley, Clark Street, Ellis Street and Hugo Street

and continuing to the southwest line of Hall Street and the point of beginning.

(b) Other special provision sign districts created in accordance with this article are not controlled by this division even though such districts may be wholly or partially located within the boundaries described in Subsection (a). (Ord. Nos. 19455; 20167; 21404; 24606)

#### SEC 51A-7.901.1. DESIGNATION OF SUBDISTRICTS.

~~—(a) This district is divided into nine subdistricts: Retail Subdistrict A, Retail Subdistrict B, the General CBD Subdistrict, the Downtown Perimeter Subdistrict, the Main Street Subdistrict, the Convention Center Subdistrict, the Akard Station Subdistrict, the Whitacre Tower Subdistrict, and the Discovery Subdistrict.~~

**(a) This district is divided into 10 subdistricts: Retail Subdistrict A, Retail Subdistrict B, the General CBD Subdistrict, the Downtown Perimeter Subdistrict, the Main Street Subdistrict, the Convention Center Subdistrict, the Akard Station Subdistrict, the Whitacre Tower Subdistrict, the Discovery Subdistrict, and the Chase Tower Subdistrict.**

(b) Retail Subdistrict A is that central area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

(c) Retail Subdistrict B is that central area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

(d) The General CBD Subdistrict is that area of the district within the Freeway Loop, more particularly described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

(e) The Downtown Perimeter Subdistrict is that area outside of the freeway loop within the downtown sign district.

(f) The Main Street Subdistrict is that area of downtown near Main Street described in Exhibit A attached to Ordinance No. 30685, passed by the Dallas

(g) The Convention Center Subdistrict is that area of downtown near the convention center, more particularly described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

(h) The Akard Station Subdistrict is that area of downtown that is more particularly described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

(i) The Whitacre Tower Subdistrict is that area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. 30685 passed by the Dallas City Council on October 25, 2017.

(j) The Discovery Subdistrict is that area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. 31191, passed by the Dallas City Council on April 24, 2019.

(k) The Chase Tower Subdistrict is that area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. 31374 passed by the Dallas City Council on October 23, 2019. (Ord. Nos. 24606; 24925; 28346; 29227; 29751; 30685; 31191; 31374)

#### SEC. 51A-7.902. PURPOSE.

The purpose of this division is to regulate both the construction of new signs and the alterations of existing signs with a view towards enhancing, preserving, and developing the unique character of the downtown area while addressing the diversity of businesses and promoting the economy of downtown. The general objectives of this division include those listed in Section 51A-7.101 as well as aesthetic considerations to ensure that signs are appropriate to the architecture of the district, do not obscure significant architectural features of its buildings, and lend themselves to the developing retail and residential uses and the pedestrian character of the area. The district regulations are in large part inspired by the high level of pedestrian activity and the need to maximize effective orientation of signage toward the walking public. (Ord. Nos. 19455; 20167; 21404; 24606)

#### SEC. 51A-7.903. DEFINITIONS.

In this division:

(1) ACTIVITY DISTRICT means a group of entertainment, cultural, performance, retail, or restaurant establishments that generate pedestrian activity within a particular geographic area, and that has a known name as a destination such as, but not limited to, the Farmers Market, Main Street, or the Arts District.

(2) ARCADE SIGN means any sign that is mounted under a canopy or awning and is perpendicular to the building to which the canopy or awning is attached. This sign is intended to be read from the pedestrian walkway that the canopy or awning covers.

(3) AWNING means a fabric or vinyl surface supported by a metal structure, which is applied to the face of a building.

(4) AWNING SIGN means a sign attached to, painted on, or otherwise applied to an awning.

(5) BANNER means a sign applied on a strip of cloth, vinyl, or similar material and attached to a building or structure. Awning, canopy signs, and flags are not banners.

(6) CANOPY means a permanent, non-fabric architectural element projecting from the face of a building.

(7) CANOPY SIGN means a sign attached to, applied on, or supported by a canopy, with no changeable message area.

(8) CHANGEABLE MESSAGE SIGN means a sign composed of LED/LCD elements, slide lettering, slated rotating surfaces, or other changeable message technology that displays different designs or advertisements.

(B) for signs placed on a fence, non enclosing wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure may not be computed, and the effective area must be measured by the rule for effective area for attached signs; and

(C) for an attached sign, the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word. If a design, outline, illustration, or interior illumination surrounds or attracts attention to a word, then it is included in the calculation of effective area.

(12) ENTERTAINMENT FACILITY means a structure or building for sports events or the performing arts, including indoor motion picture theaters, theaters for live musical or dramatic performances, indoor and outdoor concert halls, and exhibition halls.

(13) FACADE means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space, chimneys, roof-mounted equipment, mounted antennas, or water towers. Where separate faces are oriented in the same direction or in directions within 45 degrees of one another, they are to be considered as part of a single facade. A roof is not a facade or part of a facade. Multiple buildings on the same lot will each be deemed to have separate facades.

(14) FLAT ATTACHED SIGN means an attached sign projecting 12 inches or less from a building, and the face of which is parallel to the building facade.

(15) FREEWAY LOOP means the area of the city within Woodall Rogers Freeway, R.L. Thornton Freeway, Central Expressway (elevated bypass), and Stemmons Freeway.

**(15.1) GATEWAY SIGN means an attached sign located on an access gate or a vertical clearance structure/access gate.**

(16) GENERIC GRAPHICS means any pattern of shapes, colors, or symbols that does not commercially advertise.

other similar technology, and that is mounted to the exterior of a building.

(35) WELCOME MESSAGE means a message that identifies and greets heads of state, foreign dignitaries, groups using city property in accordance with a contract, license, or permit, or government organizations.

(36) WINDOW ART DISPLAY means an exhibit or arrangement placed within a storefront window of a building and designed to be viewed from a street or public area.

(37) WINDOW SIGN means a sign painted or affixed to a window.

(38) WORD: For purposes of this division, each of the following is considered to be one word:

(A) Any word in any language found in any standard unabridged dictionary or dictionary of slang.

(B) Any proper noun or any initial or series of initials.

(C) Any separate character, symbol, or abbreviation such as "&", "\$", "%", and "Inc."

(D) Any telephone number, street number, or commonly used combination of numerals and symbols such as "\$5.00" or "50%",

(E) Any Internet website, network, or protocol address, domain name, or universal record locator.

(F) Any symbol or logo that is a registered trademark but which itself contains no word or character.

(G) A street address is not considered to be a word. (Ord. Nos. 20167; 21404; 22425; 24606; 24925; 27795; 28346; 28347; 29227; 31191; 31374)

#### **SEC. 51A-7.904. DETACHED NON-PREMISE SIGNS.**

Except as provided in this division, no person may erect a detached non-premise sign in this district. (Ord. Nos. 19455; 20167; 21404; 24606; 24925)

#### **SEC. 51A-7.905. SIGN PERMIT REQUIREMENT.**

(a) Except as provided in Sections 51A-7.908, 51A-7.914, and 51A-7.915, a person shall not alter, place, maintain, expand, or remove a sign in this district without first obtaining a sign permit from the city.

(b) The procedure for obtaining a sign permit is outlined in Section 51A-7.505 of this article. Section 51A-7.602 of this article does not apply to signs in this district.

(c) A person who violates Subsection (a) is guilty of a separate offense for each day or portion of a day during which the violation is continued. (Ord. Nos. 20167; 21404; 24606; 24925)

#### **SEC. 51A-7.906. GENERAL PROVISIONS FOR ALL SIGNS IN THE DOWNTOWN SIGN DISTRICT.**

(a) Except as provided in Subsection (b), the regulations of Section 51A-7.303 apply in this district.

(b) For retail and personal service uses within the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B, the measurements of luminance are taken from any premise or public right-of-way other than an alley outside the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B, respectively.

(c) Illuminated signs in this district must comply with Section 51A-6.104 of the Dallas Development Code, as amended. (Ord. Nos. 24606; 24925; 27795; 29227)

**SPECIAL PROVISIONS FOR SIGNS WITHIN THE  
GENERAL CBD, MAIN STREET, CONVENTION  
CENTER, RETAIL, AND DISCOVERY  
SUBDISTRICTS.**

**SPECIAL PROVISIONS FOR SIGNS WITHIN THE  
GENERAL CBD, MAIN STREET, CONVENTION  
CENTER, RETAIL, DISCOVERY, AND CHASE  
TOWER SUBDISTRICTS.**

**SEC. 51A-7.907. GENERAL PROVISIONS.**

(a) Signs over the right-of-way.

(1) Signs may be located within the public right-of-way subject to the franchise requirements of Chapter XIV of the City Charter, Article VI of Chapter 43 of the Dallas City Code, as amended, Chapter 45 of the Dallas Building Code, and the requirements of all other applicable laws, codes, ordinances, rules, and regulations.

(2) The director shall review the location of any sign located in or overhanging the public right-of-way to ensure that the sign will not pose a traffic hazard or visibility obstruction.

(3) No portion of a sign may be located less than two feet from the back of a street curb.

(b) Signs in general.

(1) Except as provided in Division 51A-7.900 of Article VII, all applications for certificates of appropriateness for detached signs in this district must be reviewed by the special sign district advisory committee using the permit procedures set forth in Division 51A-7.500. The director procedure in Division 51A-7.500 is not available for detached signs in this district. All applications for certificates of appropriateness for other types of signs in this district must be in accordance with Division 51A-7.500 of Article VII.

(2) Unless otherwise provided, all signs in this district must be premise signs.

(3) All wind devices except for flags and banners are prohibited in this district unless allowed

under a special events permit issued under Chapter 42A of the Dallas City Code, as amended. (Ord. Nos. 24606; 24925; 25047; 28073)

**SEC. 51A-7.908. VIDEOBOARD SIGN.**

(a) One videoboard sign may be attached to a building adjacent to the Main Street Subdistrict.

(b) The videoboard sign may display any message.

(c) A certificate of appropriateness is required for approval of the specific size and location of the videoboard sign.

(d) The videoboard sign may not be placed on a landmark structure. (Ord. 24925)

**SEC. 51A-7.909. ATTACHED NON-  
PREMISE DISTRICT  
ACTIVITY VIDEOBOARD  
SIGNS.**

(a) Content. Non-premise district activity videoboard signs must display district activity messages a minimum of three minutes of every operational hour and must display either district activity messages or premise messages for an additional minimum of nine minutes of every operational hour.

(b) Location and number.

(1) A maximum of 15 non-premise district activity videoboard signs are permitted and may only be erected on buildings with frontage on streets within Retail Subdistrict A and Retail Subdistrict B bounded by Jackson Street, Lamar Street, Pacific Avenue, and Cesar Chavez Boulevard.

(2) A maximum of one non-premise district activity videoboard sign is permitted per block face.

video and audio is permitted, except that ticker tape streaming is permitted at all times when the videoboard sign is operating. Ticker tape streaming must be located within the bottom 10 percent of the effective area.

(e) Malfunction. Videoboard sign operators must respond to a malfunction or safety issue within one hour after notification. (Ord. Nos. 27481; 27572)

#### SEC. 51A-7.911. ATTACHED PREMISE SIGNS.

##### (a) Attached signs in general.

(1) Attached signs must be securely attached.

(2) Attached signs overhanging the public way are permitted, except that no sign may project closer than two feet to the vertical plane extending through the back of a street curb.

~~—————(3) The total effective area for all signs on a facade, excluding media wall signs in the Discovery Subdistrict, may not exceed:~~

~~—————(A) 30 percent of the area in the lower level sign area;~~

~~—————(B) 20 percent of the area in the middle level sign area; and~~

~~—————(C) 30 percent of the area in the upper level sign area.~~

~~Projecting attached signs are not included in these effective area calculations. See additional restrictions on sign area in the provisions for specific sign types.~~

**(3) The total effective area for all signs on a facade, excluding media wall signs in the Discovery Subdistrict and gateway signs in the Chase Tower Subdistrict, may not exceed:**

**(A) 30 percent of the area in the lower level sign area;**

**(B) 20 percent of the area in the middle level sign area; and**

**(C) 30 percent of the area in the upper level sign area.**

**Projecting attached signs are not included in these effective area calculations. See additional restrictions on sign area in the provisions for specific sign types.**

(4) Except as provided in this paragraph, attached signs may not project more than four feet above the roof line. Attached signs in the Convention Center Subdistrict may not project more than nine feet above the roof line.



(5) Attached premise signs may be videoboard signs, provided that the message content concerns businesses on the premise which are open for business for a minimum of 50 weeks per year with employees present a minimum of 30 hours per week. For operational and maintenance requirements, see Section 51A-7.910.

(b) Arcade signs.

(1) An arcade sign must be located at least 15 feet from any other arcade sign.

(2) No arcade sign may exceed six square feet in effective area.

(3) No arcade sign may be lower than 10 feet above grade.

(c) Awning signs.

~~———— (1) Awning signs in the general CBD and convention center subdistricts.~~

~~———— (A) No awning sign may:~~

~~———— (i) project more than two inches from the surface of the awning; or~~

~~———— (ii) be lower than 10 feet above grade.~~

~~———— (B) The total effective area for any one awning sign may not exceed six square feet.~~

~~———— (C) The total effective area for all awning signs combined on each street frontage may not exceed 150 square feet.~~

(1) Awning signs in the general CBD, convention center, and Chase Tower subdistricts.

(A) No awning sign may:

(i) project more than two inches from the surface of the awning; or

(ii) be lower than 10 feet above grade.

(B) The total effective area for any one awning sign may not exceed six square feet.

(C) The total effective area for all awning

signs combined on each street frontage may not exceed 150 square feet.

(2) Awning Signs in the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B.

(A) No awning sign may:

(i) project more than two inches from the surface of the awning; or

(ii) be lower than 10 feet above grade.

(B) The total effective area for each awning sign may not exceed eight square feet.

(C) The total effective area for all awning signs combined on each premise may not exceed 180 square feet on each street frontage.

(d) Canopy signs.

~~\_\_\_\_\_ (1) Canopy signs in the general CBD and convention center subdistricts.~~

~~\_\_\_\_\_ (A) No canopy sign may:~~

~~\_\_\_\_\_ (i) exceed 50 percent of the length of the canopy facade to which it is attached;~~

~~\_\_\_\_\_ (ii) project horizontally more than two inches from the surface of the canopy; or~~

~~\_\_\_\_\_ (iii) be lower than 10 feet above grade.~~

~~\_\_\_\_\_ (B) The total effective area for all canopy signs combined on each street frontage may not exceed 150 square feet.~~

~~\_\_\_\_\_ (C) No canopy sign may project vertically above the surface of the canopy if a lower level flat attached sign is maintained at that occupancy on the same facade.~~

~~\_\_\_\_\_ (D) No canopy sign may project vertically above the surface of the canopy more than 15 percent of the overall length of the sign.~~

~~\_\_\_\_\_ (E) A canopy sign may only be located over a pedestrian entrance to a premise.~~

(1) Canopy signs in the general CBD, convention center, and Chase Tower subdistricts.

(A) No canopy sign may:

(i) exceed 50 percent of the length

of the canopy facade to which it is attached;

(ii) project horizontally more than two inches from the surface of the canopy; or

(iii) be lower than 10 feet above grade.

(B) The total effective area for all canopy signs combined on each street frontage may not exceed 150 square feet.

(C) No canopy sign may project vertically above the surface of the canopy if a lower level flat attached sign is maintained at that occupancy on the same facade.

(D) No canopy sign may project vertically above the surface of the canopy more than 15 percent of the overall length of the sign.

(E) A canopy sign may only be located over a pedestrian entrance to a premise.



(2) Canopy Signs in the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B.

more than 15 feet from the right-of-way.

(A) No canopy sign may:

- (i) exceed 60 percent of the length of the canopy facade to which it is attached;
- (ii) project horizontally more than 12 inches from the surface of the canopy; or
- (iii) be lower than 10 feet above grade.

(B) The total effective area for all canopy signs combined on each street frontage may not exceed 180 square feet.

(C) No canopy sign may project vertically above the surface of the canopy if a lower level flat attached sign is maintained at that occupancy on the same facade.

(D) No canopy sign may project vertically above the surface of the canopy more than 20 percent of the overall length of the sign.

(E) Canopy signs may only be located over a pedestrian entrance to a premise.

(e) Flat attached signs.

(1) Lower level flat attached signs.

(A) Except as provided in this paragraph, the maximum number of lower level flat attached signs permitted on a facade is the sum obtained by counting all of the street entrances and first floor occupants with windows on that facade with no street entrances.

~~—————(B) In the general CBD and convention center subdistricts, the maximum effective area for a lower level flat attached sign is:~~

(B) In the general CBD, convention center, and Chase Tower subdistricts, the maximum effective area for a lower level flat attached sign is:

(i) 30 square feet if the sign is within 15 feet of the right-of-way; and

(ii) 50 square feet if the sign is

(6) Only an entertainment facility may have a marquee sign.

(g) Projecting attached signs.

(1) Lower projecting attached signs.

(A) No premise may have more than one lower projecting attached sign per pedestrian entrance.

~~————— (B) No lower projecting attached sign may exceed 15 square feet in effective area in the general CBD and convention center subdistricts, or 30 square feet in effective area in the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B.~~

(B) No lower projecting attached sign may exceed 15 square feet in effective area in the general CBD, convention center, and Chase Tower subdistricts, or 30 square feet in effective area in the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B.

(C) No lower projecting attached sign may be lower than 10 feet above grade, or project vertically above the roof of a building, or 25 feet above grade, whichever is lower.

(D) No lower projecting attached sign may project more than five feet into the public right-of-way.

(2) Upper projecting attached signs.

(A) No premise may have more than one upper projecting attached sign.

(B) No upper projecting attached sign may project more than five feet into the public right-of-way.

(C) An upper projecting attached sign:

(i) may be located outside the upper level sign area; and

(ii) may not be lower than 12 feet above grade.

(D) The lowest point of an upper

projecting attached sign must be located within 36 feet above grade.

and dimming formula in Section 51A-7.911(h)(7)(B);  
and

(B) the light intensity is protected from end-user manipulation by password-protected software, or other method satisfactory to the building official.

(9) Media wall sign operators must respond to a malfunction or safety issue within one hour after notification.

(i) Gateway signs.

(1) Two gateway signs are permitted in the Chase Tower Subdistrict only.

(2) Minimum setback is five feet from any public right-of-way.

(3) The combined maximum total effective area for both gateway signs is 65 square feet. (Ord. 20927; 21404; 21694; 24606; 24925; 27481; 27795; 28346; 29227; 30685; 31191; 31374)

**SEC. 51A-7.912. DETACHED PREMISE SIGNS.**

(a) Unless otherwise provided, all detached premise signs must be monument signs or landscape signs.

(b) No detached premise sign may be located within five feet of a public right-of-way, except for monument signs or landscape signs, which may be located at the building line.

(c) Except as provided in this section, detached premise signs located within 15 feet of a public right-of-way may not exceed 20 square feet in effective area, or five feet in height.

(d) Except as provided in this section, detached premise signs with a setback of 15 feet or greater from a public right-of-way may not exceed 50 square feet in effective area, or 15 feet in height.

(e) A detached premise sign may contain only the name, logo, and address of the premise building

and its occupants.

(5) Illumination.

(A) Except as provided in this paragraph, internal sources of illumination may only be used if the internal source is an integral part of the sign's design, such as the use of light emitting diodes (LED) or small individual incandescent lamps.

(B) Except as provided in this paragraph, detached premise signs must not have a plastic translucent cover.

(C) Retaining wall signs and pedestrian-oriented concession signs may be externally lit, or internally lit with a translucent or transparent cover, without limitation to the type of lighting or cover materials.

(i) The following additional regulations apply in the Chase Tower Subdistrict.

(1) The following two detached premise signs are permitted only along the Pearl Street frontage: one monument sign and one landscape sign.

(2) The landscape sign may not exceed 50 square feet in effective area or 15 feet in height.

(3) The minimum setback for the monument sign is 10 feet from the public right-of-way. The monument sign may not exceed 80 square feet in effective area or 12 feet in height. (Ord. Nos. 20167; 21404; 22425; 24606; 24925; 29227; 31374)

## SEC. 51A-7.913.

CONSTRUCTION  
BARRICADE SIGNS.

(a) The director shall review all construction barricade signs for consistency with the construction fence requirements of the Dallas Central Business District Streetscape plan. Upon approval of the signs by the director, a sign permit for the signs may be issued. This review is a condition precedent for any permit issued for a construction barricade. No additional sign permits for the barricade may be issued after the barricade permit is issued.

(b) A construction barricade sign may not project more than two inches from the surface of the

construction barricade.

(c) A construction barricade sign may neither be lighted nor contain any moving parts.

(d) A construction barricade sign must be removed when the construction barricade is removed.

(e) A minimum of ten percent of the effective area of a construction barricade sign must display city park names, city activities, district activities, or the

(d) The following additional regulations apply in Retail Subdistrict B.

(1) Movement control signs cannot include the name or logo of any premise located in this subdistrict or adjacent subdistricts.

(2) Pedestrian movement control signs may:

(A) be attached or detached signs;

(B) not exceed 10 square feet in effective area;

(C) not exceed a message area of 75 percent;

(D) not exceed a maximum letter height of five inches;

(E) not be located in a public right-of-way; and

(F) be erected anywhere in this subdistrict without limitation as to number.

(3) Vehicular movement control signs may:

(A) be attached or detached signs;

(B) not exceed two square feet in effective area;

(C) not be located in a public right-of-way; and

(D) be erected anywhere in this subdistrict without limitation as to number.

(e) The following regulations apply in the Chase Tower Subdistrict:

(1) A movement control sign may only be a detached sign.

(2) A movement control sign may not exceed eight square feet in effective area.

(3) An unlimited number of movement control signs may be erected anywhere within the

subdistrict.

(4) A movement control sign may not be located in the public right-of-way. (Ord. Nos. 24606; 24925; 29227; 31374)

SEC. 51A-7.920.

DISTRICT  
IDENTIFICATION SIGNS.

(a) A district identification sign may only:

**Division 51A-7.1700.  
Provisions for Victory Sign District.**

**SEC. 51A-7.1701.            DESIGNATION OF  
                                     VICTORY SIGN  
                                     DISTRICT.**

(a) A special provision sign district is hereby created to be known as the Victory Sign District.

(b) Any portion of this district that was formerly part of the Downtown Special Provision Sign District is no longer considered to be part of that district. This division completely supersedes Division 51A-7.900 with respect to the property within this district.

(c) This district is that area of the city within the boundaries described in Exhibit A attached to Ordinance No. 30043, passed by the Dallas City Council on March 23, 2016. (Ord. Nos. 24348; 25918; 30043)

**SEC. 51A-7.1702.            DESIGNATION OF  
                                     SUBDISTRICTS.**

~~—(a) This district is hereby divided into four subdistricts: Subdistricts A, B, C, and D. Subdistrict B has three subareas, B-1, B-2, and B-3. Subdistrict C has two tracts. Subdistrict D has one subarea, D-1.~~

~~—(b) The subdistrict boundaries are described in Exhibit B attached to Ordinance No. 30043, passed by the Dallas City Council on March 23, 2016.~~

(a) This district is hereby divided into four subdistricts: Subdistricts A, B, C, and D. Subdistrict B has three subareas, B-1, B-2, and B-3. Subdistrict C has two tracts and one subarea, C-1. Subdistrict D has two subareas, D-1 and D-2.

(b) The subdistrict boundaries are described in Exhibit A attached to Ordinance No. 31410, passed by the Dallas City Council on December 11, 2019. (Ord. Nos. 24348; 25918; 30043; 31410)

**SEC. 51A-7.1703.            PURPOSE.**

(a) The purpose of these sign regulations is to encourage and regulate the erection and display of

signs that will create a unique, lively, and commercially-active environment that is bright and safe, and that incorporates diverse, state-of-the-art graphic technologies.

**SEC. 51A-7.1706. VICTORY DISTRICT SIGN PERMIT REQUIREMENTS.**

(a) In general. Except as provided in this subsection, a person shall not alter, place, maintain, expand, or remove a sign in this district without first obtaining a sign permit from the city. A sign permit is not required to:

(i) Erect an illuminated projection sign in accordance with Section 51A-7.1727(i).

(ii) change the text on a changeable message sign or a kiosk.

(iii) Erect or replace a banner using the existing sign hardware. A sign permit is required to install sign hardware for a banner.

(b) Sign permit procedures. Except as provided in Subsection (c) below, the procedures for obtaining a sign permit in Division 51A-7.600 apply in this district.

(c) Roof Signs in Subdistrict B and Subarea D-2.

(i) Certificate of appropriateness required. No sign permit may be issued to authorize a roof sign in Subdistrict B unless the commission has first issued a certificate of appropriateness in accordance with this subsection.

~~———— (ii) Application for a roof sign. When applying for a roof sign in Subdistrict B, the applicant shall submit an application to the building official. After determining that the proposed roof sign conforms with all building, electrical, and mechanical codes and all sign regulations in this ordinance, the building official shall forward a copy of the application to the director within five working days of its receipt. The applicant shall provide the building official and the director with specific information in the form of perspectives, renderings, photographs, models, or other representations sufficient to show the nature of the proposed sign and its effect on the building on which it is located as well as its effect on surrounding premises.~~

~~Any applicant may request a meeting with the director before submitting an application and may consult with the director during the review of the permit application.~~

(ii) Application for a roof sign. When applying for a roof sign in Subdistrict B or Subarea D-2, the applicant shall submit an application to the building official. After determining that the proposed roof sign conforms with all building, electrical, and mechanical codes and all sign regulations in this ordinance, the building official shall forward a copy of the application to the director within five working days of its receipt. The applicant shall provide the building official and the director with specific information in the form of perspectives, renderings, photographs, models, or other representations sufficient to show the nature of the proposed sign and its effect on the building on which it is located as well as its effect on surrounding premises. Any applicant may request a meeting with the director before submitting an application and may consult with the director during the review of the permit application.

(iii) Review of application by director. The director shall review the application and make a recommendation within 10 days of its receipt. In reviewing an application, he shall first consider whether the applicant has submitted sufficient information to allow an informed decision. If he finds that the proposed roof sign is consistent with the special character of this district, he shall make a recommendation of approval to the commission. The director shall consider the proposed sign in terms of its appropriateness for this district without regard to any consideration of the message conveyed by the sign. After consideration of these factors, the director shall recommend approval or denial of the application and forward that recommendation to the commission.

(iv) City plan commission review. Upon receipt of a recommendation by the director, the commission shall hold a public hearing to consider the application. At least 10 days before the hearing, notice of the date, time, and place of the hearing, the name of the applicant, and the location of the proposed roof sign must be published in the official newspaper of the city. In addition, the building official shall serve, by hand-delivery or mail, a written notice to the applicant that contains a reference to this subsection, and the date, time, and location of the hearing. A notice sent

not deny the application within 60 days of its receipt by the building official, the building official shall issue a certificate of appropriateness to the applicant.

(v) Authority of building official not affected. Nothing in this subsection shall affect or modify the authority of the building official to refuse to grant a sign permit when the proposed roof sign does not conform to the height, effective area, setback, or similar restrictions established by this ordinance or the structural requirements of the construction codes of the city.

(vi) Appeal to council. A decision to deny the certificate may be appealed by the applicant. An appeal is made by filing a written request with the director for review by the city council. An appeal must be made within 10 days after notice is given to the applicant of the commission's decision. In considering the appeal, the sole issue shall be whether or not the commission erred in making its decision, and in this connection, the city council shall consider the same standards that were required to be considered by the commission. Decisions of the city council are final as to available administrative remedies. (Ord. Nos. 24348; 25918; 30892; [31410](#))

**SEC. 51A-7.1707. IMITATION OF TRAFFIC AND EMERGENCY SIGNS PROHIBITED.**

No person shall cause to be erected or maintained any sign using any combination of forms, words, colors, or lights that imitate standard public traffic regulatory, emergency signs, or signals. (Ord. Nos. 24348; 25918)

**SEC. 51A-7.1708. OTHER CODES NOT IN CONFLICT, APPLICABLE.**

All signs erected or maintained pursuant to the provisions of this division shall be erected and maintained in compliance with all applicable state laws and with the building code, electrical code, and other applicable ordinances of the city. In the event of conflict

between this division and other laws, the most restrictive standard applies. (Ord. Nos. 24348; 25918)

**SEC. 51A-7.1709. CREATION OF SITE.**

Except for signs located wholly within the public right-of-way, the building official shall not issue a permit for construction, erection, placement, or maintenance of a sign until a site is established in one of the following ways:

(1) A lot is part of a plat which is approved by the city plan commission and filed in the plat records of Dallas County, Texas.

(2) Tracts that are governed by a detached sign unity agreement in accordance with Section 51A-7.1710. (Ord. Nos. 24348; 25918)

**SEC. 51A-7.1710. DETACHED SIGN UNITY AGREEMENTS.**

(a) The building official may authorize the dissolution of common boundary lines between lots for the limited purpose of allowing those lots to be considered one premise for the erection of detached signs if a written agreement is executed in accordance with this section on a form provided by the city.

(b) The agreement must:

(1) contain legal descriptions of the properties sharing the common boundary line(s);

(2) set forth adequate consideration between the parties;

(3) state that all parties agree that the properties sharing the common boundary line(s) may be collectively treated as one lot for the limited purpose of erecting detached signs;

(4) state that the dissolution of the common boundary line(s) described in the agreement is only for



(1) Number of permitted signs.

(A) Each premise or non-residential occupancy is entitled to one attached sign per facade.

(B) In addition to the signs permitted in Subparagraph (A), the following flat attached non-premise signs are permitted on expressway-facing facades in this subdistrict:

(i) On three expressway-facing facades, two non-premise signs with a maximum number of 10 words each, regardless of the size of any character in the word, are permitted. No sign may exceed 672 square feet in effective area or be a changeable message sign. One of the two signs on each facade is limited to advertising district activities.

(ii) In lieu of one of the three facades permitted attached non-premise signs in Subparagraph (i) above and one 1,500-square-foot detached non-premise sign permitted in Subsection (b) of this section, one expressway-facing facade may have an unlimited number of non-premise signs. The cumulative effective area of all non-premise signs on that facade, however, may not exceed 22 percent of the area of the building facade below 66 feet in height. There is no limit on the number of words permitted on a sign. Only one marquee sign and one other changeable message sign, not to exceed 500 square feet in effective area, are permitted on that facade. These signs are limited to advertising district activities.

(iii) For purposes of calculating the maximum effective area of a non-premise attached sign in this subdistrict, the building official shall draw a minimum imaginary rectangle of vertical and horizontal lines around all extremities of the attached non-premise sign. The area within the minimum imaginary rectangle is the effective area of the sign.

(C) In addition to the signs permitted in Subparagraphs (A) and (B), a non-residential occupancy wholly located within Subarea C-1 is entitled to one additional attached sign per facade, up to a maximum of two signs per facade. For a facade located partially within Subarea C-1 and partially outside of Subarea C-1, the maximum number of attached premise signs per non-residential occupancy located on that part of the facade located within Subarea C-1 is two, limited to

four attached premise signs total for the entire facade.

(2) Number of words or characters generally.

(A) Except as otherwise provided in this paragraph or in Paragraph (1), no person may erect a sign which contains more than 10 words consisting of

to one for each 100 feet of frontage on a public street or private access easement. If attached to a window, the maximum effective area of the sign is 16 square feet; if attached to other portions of a facade, the maximum effective area is 32 square feet. No detached sign may exceed 128 square feet in effective area or 16 feet in height. (Ord. Nos. 24348; 25918; 31410)

**SEC. 51A-7.1729. SIGN REGULATIONS FOR SUBDISTRICT D (OFFICE AND RESIDENTIAL SUBDISTRICT).**

(a) Permanent attached signs. The only permanent attached signs permitted in this subdistrict are signs provided for in this subsection.

~~\_\_\_\_\_ (1) Number of permitted signs. Each premise or non-residential occupancy is entitled to one attached sign per facade.~~

(1) Number of permitted signs.

(A) Except as provided in this paragraph, each premise or non-residential occupancy is entitled to one attached sign per facade.

(B) In addition to the signs allowed in Subparagraph (A), each non-residential occupancy located wholly within Subarea D-2 is allowed:

(i) one projecting attached sign per facade;

(ii) one marquee sign, canopy sign, or awning sign per facade; and

(iii) one additional attached sign per facade.

(C) For a facade located partially within Subarea D-2 and partially outside of Subarea D-2:

(i) The maximum number of attached premise signs per non-residential occupancy located on that part of the facade located within Subarea D-2 is four, limited to four attached premise signs total for the entire facade.

(ii) The maximum total number of

attached premise signs per non-residential occupancy on a facade wholly or partially located in Subarea D-2 is four.

(2) Number of words or characters.

(A) Except as otherwise provided in this paragraph, no person may erect a sign which contains more than 10 words consisting of any characters of a height equal to or exceeding four inches on any building facade. Words consisting of characters less than four inches in height may be used without limit.

(B) There is no limit as to the number of words containing characters of a height equal to or exceeding four inches on a marquee or other changeable message sign.

~~\_\_\_\_\_ (C) No more than six words are permitted at a point on the facade above 66 feet in height.~~

(3) Premise and non-premise signs. All attached permanent signs in this subdistrict must be premise signs or convey a noncommercial message.

~~————— (4) Effective area limitations for certain attached signs.~~

~~————— (A) With the exception of a marquee sign, the maximum effective area of a changeable message sign is 1,000 square feet.~~

~~————— (B) The maximum effective area of a marquee sign is 250 square feet.~~

~~————— (C) The maximum effective area of an awning or canopy sign is 250 square feet.~~

~~————— (D) There is no maximum effective area for a parapet sign.~~

~~————— (E) The maximum effective area for all other projecting attached signs is 250 square feet.~~

(4) Effective area limitations for certain attached signs.

(A) With the exception of a marquee sign, the maximum effective area of a changeable message sign is 1,000 square feet.

(B) The maximum effective area of a marquee sign is 250 square feet.

(C) The maximum effective area of an awning or canopy sign is 150 square feet.

(D) There is no maximum effective area for a parapet sign.

(E) The maximum effective area for a roof sign is 800 square feet.

(F) The maximum effective area for all other projecting attached signs is 250 square feet.

~~————— (5) Cumulative effective area limitations for all attached signs. The cumulative effective area of all permanent attached signs on a facade may not exceed 10 percent of the building facade on which the signs are located. No more than 50 percent of the maximum effective area may be located at a point on the facade above 66 feet in height.~~

(5) Cumulative effective area limitations for all attached signs. The cumulative effective area of all permanent attached signs on a building facade may not exceed 20 percent of the total area of the building facade on which the signs are located.

(6) Signs overhanging or projecting into the public right-of-way.

(A) Attached signs overhanging the public right-of-way are permitted as long as each sign is a minimum of 10 feet above the sidewalk grade.

(B) No portion of a marquee sign may:

(i) project more than eight feet into the public right-of-way; or

(ii) be located less than two feet from the back of a street curb.

(C) For all other projecting attached signs, no portion of the signs may:

(i) project more than four feet into the public right-of-way; or

(ii) be located less than two feet from the back of the street curb.

(7) Parapet signs. Parapet signs are permitted in this subdistrict. No parapet sign may project more than four feet above the edge of the roof, regardless of whether the sign is attached to a parapet wall or the roof's edge.

~~———— (8) Roof signs. Roof signs are prohibited in this subdistrict.~~

(8) Roof signs. A maximum of two roof signs are permitted in Subarea D-2 only.

(A) A roof sign may only be erected on the roof of a main building.

(B) One roof sign per building is permitted.

(C) Roof signs may not exceed a height of 30 feet above the building or one-third of the building height, whichever is less, measured from the highest point of the roofline of the building upon which the sign is attached.

(D) The support for a roof sign must be constructed of open, exposed metal framing. The metal must be painted or coated, or be composed of a material that will not rust or corrode.

(E) A roof sign may not be a changeable message sign.

(9) No limitation on projecting attached signs. Projecting attached signs are permitted on premises with detached signs.

(10) Limitation on changeable message signs.

(A) A premise is entitled to only one marquee sign per facade, except that one additional marquee sign is permitted on that facade if the width of the facade is more than 300 feet.

(B) A premise is entitled to two additional changeable message signs per facade as long

as the signs are not marquee signs.

(C) No portion of a changeable message sign is permitted at a point on the facade above 66 feet in height.

~~———— (11) Location limitations. Only two facades per building may have a sign or portion of a sign at a point on the facade above 66 feet in height.~~

~~———— (12) Signs projecting over the roof line. Except for a parapet sign, no attached sign may project over a building.~~

(11) Signs projecting over the roof line. A projecting attached sign, other than a roof sign in Subarea D-2, may project up to a maximum of five feet above a building. No changeable message sign may project above a building.

~~———— (13) Location limitation on projecting attached signs. Except for a parapet sign, no portion of a projecting attached sign may be located at a point on the facade above 66 feet in height.~~

access easement, other than an alley, may have not more than one additional monument sign for each additional 250 feet of frontage or fraction thereof. No monument sign may exceed 250 square feet in effective area or 10 feet in height.

(3) All other detached signs. The following additional detached signs are permitted:

(A) Non-premise detached signs may be located in private access easements. No such sign may exceed 30 feet in height or have a sign face that exceeds six feet in height. Each such sign must have a minimum clearance of 14 feet above the ground. Signs permitted under this subparagraph must be spaced at least 250 feet apart.

~~————— (B) The owner or operator of a surface parking lot may erect one non-premise detached sign for each vehicular entrance to the parking lot, and one additional non-premise detached sign for each 40,000 square feet of parking surface. Signs permitted under this subparagraph:~~

~~————— (i) — may not exceed 30 square feet in effective area or 20 feet in height;~~

~~————— (ii) — must be spaced at least 100 feet apart; and~~

~~————— (iii) — must be located at least five feet from the lot line or public right-of-way line, whichever creates the greater setback.~~

~~A minimum of 30 percent of the effective area of each sign must identify a district activity.~~

(B) The owner or operator of a parking lot or parking garage (regardless of whether the parking garage stands alone or is part of a building that houses another use) may erect one non-premise detached sign in Subarea D-2 only, which may be a changeable message sign for each vehicular entrance to the parking lot or parking garage, and one additional non-premise detached sign for each 40,000 square feet of parking surface. Signs permitted under this subparagraph:

(i) may not exceed 30 square feet in effective area or 20 feet in height;

(ii) must be spaced at least 100 feet apart; and

(iii) must be located at least five feet from the lot line or public right-of-way line, whichever creates the greater setback.

A minimum of 30 percent of the effective area of each sign must identify a district activity.

(4) Vent stack signs prohibited. No sign may be located on a vent stack in this subdistrict.

(c) Temporary signs. The only temporary signs permitted in this subdistrict are special purpose signs, temporary protective signs, temporary signs on construction fencing, and “for sale,” “for lease,” “remodeling,” and “under construction” signs. These

(C) No sign may project more than three inches from the vertical surface of, or six inches above the top of, the fence.

(D) The signs may be illuminated.

(E) The signs may only identify the project under construction and its owners, developers, future tenants, lenders, architects, engineers, project consultants, and contractors.

(F) The signs must be removed upon completion of the construction.

(3) “For Sale,” “For Lease,” “Remodeling,” and “Under Construction” signs. Signs that relate exclusively to the sale, lease, construction, or remodeling of the premises on which they are located are permitted. There is no limit to the number of attached signs permitted. Detached signs are limited to one for each 100 feet of frontage on a public street or private access easement. If attached to a window, the maximum effective area of the sign is 16 square feet; if attached to other portions of a facade, the maximum effective area is 32 square feet. No detached sign may exceed 128 square feet in effective area or 16 feet in height.

(f) Additional signs in Subarea D-1: Parking structure screening signs.

(1) Visual display and coverage.

(A) The maximum effective area of text may not exceed 20 percent. The effective area of text is the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word.

(B) Multiple displays giving an appearance of multiple signs are prohibited.

(C) A parking structure screening sign must be at least 10 feet above adjacent average grade.

(D) A parking structure screening sign may be internally or externally illuminated. If internally illuminated, a parking structure screening sign may consist of translucent materials, but not transparent materials. Illumination must be turned off between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday.

(E) Minimum permitted effective area of a parking structure screening sign is 750 square feet.

(2) Location and construction.

(A) The sign may not be an HBA sign.

(B) A parking structure screening sign may only be located on a blank wall face or on the facade of a parking structure facing north, east, or south.

(C) The parking structure must comply with the Dallas Building Code parking structure ventilation requirements.

(D) No parking structure screening sign may cover any window or architectural or design feature of the building to which it is attached.

(E) A parking structure screening sign may wrap around the edge of a building if both building facades to which the parking structure screening sign is attached are otherwise eligible facades and the parking structure screening sign is one continuous image. (Ord. Nos. 24348; 25918; 30043; 31410)

#### SEC. 51A-7.1730.

#### NON-CONFORMANCE AND BOARD OF ADJUSTMENT AUTHORITY.

(a) Purpose of section. It is the declared purpose of this division that, in time, all privately owned signs shall either conform to the provisions of this division



(1.1) Resubmission application. An applicant seeking approval of a preliminary plat that was previously disapproved by the commission may submit a resubmission application to the subdivision administrator on a form available at the subdivision administrator's office. If the subdivision administrator determines that the application is complete, the subdivision administrator shall accept it and route it to all affected departments. If the subdivision administrator determines that the application is incomplete, the subdivision administrator shall return it to the applicant with a description of its deficiencies. If the subdivision administrator determines that the resubmitted plat contains changes that are not required to address the commission's reasons for disapproval, the subdivision administrator shall reject the application and the applicant must submit a new preliminary plat application. The resubmitted plat application must be submitted with all required fees and contain the following unless the subdivision administrator determines that an item listed is not applicable and may be omitted:

(A) A copy of the previously disapproved preliminary plat.

(B) A copy of the disapproval letter sent by the subdivision administrator.

(C) An explanation of corrections made on the resubmitted plat to bring the plat in to compliance with the provisions of the Dallas City Code and state or federal law cited in the disapproval letter sent by the subdivision administrator.

(D) All information required in Paragraph (1)(A)(ii) through (xxvi).

(2) Staff review.

~~— (A) All affected departments shall review the preliminary plat application and forward their comments, in writing, to the subdivision administrator within 14 days after the date a complete application is received. (Holiday scheduling may require an extension of the review period.) The subdivision administrator shall formulate a staff recommendation from the comments received in the interdepartmental review process, and submit the plat to the commission within 30 days after the date a complete application is accepted by the city (unless it is~~

~~an approved administrative plat and the applicant does not appeal any of the conditions). If the staff recommendation is for denial of the application, the subdivision administrator must provide the reasons for denial to the commission.~~

(A) All affected departments shall review the initial preliminary plat application and forward their comments, in writing, to the subdivision administrator within 14 days after the date a complete application is received. (Holiday scheduling may require an extension of the review period.) The subdivision administrator shall formulate a staff recommendation from the comments received in the interdepartmental review process, and submit the initial plat application to the commission within 30 days after the date a complete application is accepted by the city (unless it is an approved administrative plat and the applicant does not appeal any of the conditions). The subdivision administrator shall formulate a staff recommendation and forward a preliminary plat application that has been resubmitted under Subsection (a)(1.1) of this section to the commission with 15 days after the date a complete application is accepted by the city. If the staff recommendation is for disapproval of the application, the subdivision administrator must provide the reasons for disapproval to the commission.

(B) The subdivision administrator shall approve an administrative plat within 18 days after the date a complete application is accepted by the city if the subdivision administrator finds that it complies with the policies and purposes of this article. If the subdivision administrator refuses to approve an administrative plat, the subdivision administrator shall refer the plat to the commission for consideration within 30 days after the date a complete application is accepted by the city. The subdivision administrator shall provide reasons for refusing to approve the plat to the commission.

(C) An applicant may appeal staff recommendations on an administrative plat or on any other plat to the subdivision review committee of the commission before the plat is considered by the commission, provided the request for appeal is made in sufficient time to allow staff and commission compliance with the 30-day action requirement and applicable posting and notice requirements.

(D) If, after city staff or commission

review, it is determined that a minor plat does not comply with the minor plat definition, the application must be considered as a preliminary plat. The increase in fee must be paid before the application is processed.

(E) If, after city staff review, it is determined that an administrative plat does not comply with the administrative plat definition, if city staff refuses to approve an administrative plat, if the applicant appeals any administrative plat conditions, or if the subdivision administrator refers the plat to the commission, the application must be considered as a preliminary plat.

~~—————(3) Commission action. The commission must hold a public hearing for all replats, and act upon all plat applications, other than approved administrative plats where the conditions are not appealed, within 30 days after the date a complete application is accepted by the city. The commission shall approve the application if it finds that it complies with the policies and purposes of this article. If the commission denies an application, the reasons for denial must be stated in the motion for denial.~~

(3) Commission action.

(A) Initial application. The commission must hold a public hearing for all replats, and act upon all plat applications, other than approved administrative plats where the conditions are not appealed, within 30 days after the date a complete application is accepted by the city. The commission shall approve the application if it finds that it complies with the policies and purposes of this article. If the commission disapproves an application, the reasons for disapproval must be stated in the motion for disapproval, along with a citation to the relevant section of the Dallas City Code or state or federal law.

(B) Resubmission application. If the commission disapproves a plat application under Subparagraph (A), the applicant may file a resubmission application to correct the reasons for disapproval. The commission must hold a public hearing on all resubmitted applications within 15 days after the date a complete resubmission application is accepted by the city. The commission shall approve the application if it finds that it adequately addresses each condition for disapproval of the previous plat application.

(4) Effect of preliminary plat approval and effective period.

(A) Approval of a preliminary plat by the commission or the subdivision administrator is not final approval of the plat, but is an expression of approval of the layout shown subject to satisfaction of specified conditions. The preliminary plat serves as a



again by the commission under this paragraph, new notices must be issued for a residential replat, and a new public hearing must be held.

(D) Except as provided in this subparagraph, a preliminary plat approved by the commission expires five years after the commission action date approving the plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005. An approved minor plat, amending plat (minor), or an administrative plat expires two years after the commission action date approving the plat or within two years after the date of the subdivision administrator's action letter approving the administrative plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005.

(5) Action letter.

~~————— (A) Commission-approved plats. Within seven days after the commission action date, the subdivision administrator shall send an action letter to the applicant. If the commission denied the application, the letter must contain the reasons for denial. If the commission approved the application, the letter must contain all conditions of approval.~~

~~————— (B) Administrative plats. Within two days after the subdivision administrator approves an administrative plat, the subdivision administrator shall send an action letter to the applicant with all conditions of approval.~~

(A) Commission-approved plats. Within seven days after the commission action date, the subdivision administrator shall send an action letter to the applicant. If the commission disapproved the application, the letter must contain the reasons for disapproval. If the commission approved the application, the letter must contain all conditions of approval. The letter must contain a citation to the relevant section of the Dallas City Code or state or federal law for each reason for disapproval or condition of approval.

(B) Administrative plats. Within two days after the subdivision administrator approves an administrative plat, the subdivision administrator shall send an action letter to the applicant with all conditions

of approval. The letter must contain a citation to the relevant section of the Dallas City Code or state or federal law for each condition of approval.

(6) Satisfaction of conditions required. The subdivision administrator shall endorse the administrative plat or submit the plat for endorsement pursuant to Paragraph (8) as soon as the owner has complied with the following requirements: (Any proposed change to a preliminary plat condition must be resubmitted to the commission as a preliminary plat.)

(A) All conditions to approval must be satisfied, including:

(3) An approved vacation plat must be recorded with the vacated plat and operates to destroy the effect of recording the vacated plat and to divest all public rights to the streets, alleys, and other public areas laid out or described in the vacated plat.

(4) Vacation of a park is prohibited unless approved as required by state law. (Ord. Nos. 20092; 21186; 22053; 22026; 23384; 24843; 25047; 26529; 26530; 27495; 28073; 28424; 31394)

#### SEC. 51A-8.404. ENGINEERING PLAN APPROVAL PROCEDURE.

~~(a) Generally. A person seeking approval of engineering plans for infrastructure must not submit those plans until a preliminary plat has been approved for the property which the infrastructure is to serve. After approval of the preliminary plat, plans for the infrastructure must be submitted to the department. The director shall review the plans submitted under this section for completeness.~~

~~(b) Contents of engineering plans. Plans submitted must include the following:~~

~~(1) All required fees.~~

~~(2) A completed private development checklist on a form provided by the department. The form must be signed by the professional engineer responsible for the plans.~~

~~(3) A completed fee receipt on a form approved by the director.~~

~~(4) Two blueline prints of the approved preliminary plat.~~

~~(5) Two sets of infrastructure plans.~~

~~(6) A copy of any specific use permit or planned development district ordinance regulating the property.~~

~~(7) A copy of any deed restrictions regulating the property in which the city of Dallas is an enforcing party.~~

~~(c) Staff review of engineering plans. All affected divisions of the department shall review the engineering plans against the established criteria and forward their comments to the director. Changes or corrections in the design or right-of-way requirements must be itemized and forwarded, in writing, to the responsible engineer and the owner as those persons are reflected on the private development checklist.~~

~~(d) Required off-site easements. If off-site easements or rights-of-way are required to accomplish the construction shown in the engineering plans, field notes describing the easements or rights-of-way, sketches showing the required easements or rights-of-way, copies of recorded deeds for all affected property, and agreements from the owners of the off-site property must be submitted before approval of the plans. The agreements are acceptable only if they are from the current owners and were executed less than one year before the time they are submitted.~~

~~(e) Infrastructure plans approval. Upon approval of the infrastructure engineering plans, the applicant shall be notified by the director and advised of the documents needed to secure a final release from the department.~~

~~(f) Extension of infrastructure plan approval. An extension of the approval of the street paving, storm drainage, bridge, and culvert plans will be considered upon a formal request by the owner to the director of sustainable development and construction. Six-month extensions may be granted only if the conditions surrounding the plat, as well as the standards, criteria, and requirements listed in Section 51A-8.601 do not require a redesign of the infrastructure improvements.~~

(a) Generally. A person seeking approval of engineering plans for infrastructure must not submit those plans until a preliminary plat has been approved for the property which the infrastructure is to serve. After approval of the preliminary plat, plans for the infrastructure must be submitted to the department. The director shall review the plans submitted under this section for completeness.

(b) Contents of engineering plans. Plans submitted must include the following:

- (1) All required fees.
- (2) A completed private development checklist on a form provided by the department. The form must be signed by the professional engineer responsible for the plans.
- (3) A completed fee receipt on a form approved by the director.
- (4) Two blueline prints of the approved preliminary plat.
- (5) Two sets of infrastructure plans.
- (6) A copy of any specific use permit or planned development district ordinance regulating the property.
- (7) A copy of any deed restrictions regulating the property in which the city of Dallas is an enforcing party.

(c) Staff review of engineering plans. All affected divisions of the department shall review the engineering plans against the established criteria and forward their comments to the director. Changes or corrections in the design or right-of-way requirements must be itemized and forwarded, in writing, to the responsible engineer and the owner as those persons are reflected on the private development checklist.

(d) Required off-site easements. If off-site easements or rights-of-way are required to accomplish the construction shown in the engineering plans, field notes describing the easements or rights-of-way, sketches showing the required easements or rights-of-way, copies of recorded deeds for all affected property, and agreements from the owners of the off-site property must be submitted before approval of the plans. The agreements are acceptable only if they are from the current owners and were executed less than one year before the time they are submitted.

(e) Director action. The director shall approve, approve with conditions, or disapprove engineering plans within 30 days after the date a complete application is filed under Subsection (b). The director shall not approve engineering plans that do not comply with the requirements of this article, the Dallas City

Code, or state and federal law.

(f) Action letter. The director shall send an action letter to the applicant within 30 days after the date a complete application is filed under Subsection (b). If the director disapproved the engineering plans, the letter must contain the reasons for disapproval. If the director approved the engineering plans, the letter must contain all conditions of approval. The letter must contain a citation to the relevant section of the Dallas City Code or state or federal law for each reason for disapproval or condition of approval.

(g) Resubmission application.

(1) If the director approves an engineering plan with conditions or disapproves an engineering plan under Subsection (e), the applicant may file a resubmission application to address the conditions for approval or correct the reasons for disapproval. If the director determines that the application is complete, the director shall accept it and route it to all affected departments. If the director determines that the application is incomplete, the director shall return it to the applicant with a description of its deficiencies. If the director determines that the resubmitted engineering plan contains changes that are not required to address the conditions of approval or reasons for disapproval, or that the resubmitted application creates new conditions that do not comply with this article, the Dallas City Code, or state or federal law, the director shall reject the application and the applicant must submit a new engineering plan application. The director must approve, approve with conditions, or disapprove all resubmitted applications within 15 days after the date a complete resubmission application is accepted by the city. The director shall approve the application if he finds that it adequately addresses each condition for approval or reason for disapproval of the previous engineering plan application.

(2) The resubmission engineering plan application must contain all required fees and the following unless the director determines that an item listed is not applicable and may be omitted:

(A) A copy of the conditionally approved or previously disapproved engineering plan.

(B) A copy of the action letter sent by the director.

(C) An explanation of corrections made on the resubmitted engineering plan to bring the plan in to compliance with the provisions of the Dallas City Code and state or federal law cited in the disapproval letter sent by the director.

(D) All information required in Subsection (b)(2) through (7).

(h) Infrastructure plans approval. Upon approval of the infrastructure engineering plans, the applicant shall be notified by the director and advised of the documents needed to secure a final release from the department.

(i) Extension of infrastructure plan approval. An extension of the approval of the street paving, storm drainage, bridge, and culvert plans will be considered upon a formal request by the owner to the director of sustainable development and construction. Six-month extensions may be granted only if the conditions surrounding the plat, as well as the standards, criteria, and requirements listed in Section 51A-8.601 do not require a redesign of the infrastructure improvements. (Ord. Nos. 20092; 23384; 25047; 28073; 28424; 31394)

(c) Estate in expectancy. Any property dedicated to the city as an estate in expectancy must be clearly indicated graphically, and labeled on the plat.

(d) Revocation of offer to dedicate through platting. Property previously offered for public dedication by the filing of a plat but not developed in any manner may be revoked through the filing of a replat of the property or a vacation plat if:

(1) the dedicated property was never used for the public purpose indicated on the plat dedicating the property or for utility or communication facilities; and

(2) no formal acceptance of the dedication was made by the city council or any city department. (Ord. Nos. 20092; 23384)

#### SEC. 51A-8.503. LOTS.

~~—(a) Lot size. The area of each platted lot must comply with the minimum regulations for the zoning district in which the lot is located. Lots must conform in width, depth and area to the pattern already established in the adjacent areas, having due regard to the character of the area, its particular suitability for development, and taking into consideration the natural topography of the ground, drainage, wastewater facilities, and the proposed layout of streets.~~

(a) Residential lot size. The size of each platted lot must comply with the minimum regulations for the zoning district in which the lot is located. Lots must conform in width, depth, and area to the pattern already established in adjacent areas, having due regard to the character of the area, its particular suitability for development, and taking into consideration the natural topography of the ground, drainage, wastewater facilities, and the proposed layout of streets.

(b) Frontage.

(1) All lots must front upon either a dedicated public street or a private street, unless this requirement is waived by an ordinance establishing a planned development district in which adequate access is provided by access easement. Platted lots may front upon a private street only if that street has been

approved in accordance with the requirements of this chapter.

(2) For the purposes of this subsection:

thoroughfare, driveway access to the thoroughfare is prohibited unless, upon recommendation of the director and the chief planning officer, the commission finds that the extraordinary topography or shape of the property unduly limits the development potential of the property, and the proposed development is consistent with the spirit and intent of this chapter. If the commission permits access under this subsection, the traffic barrier otherwise required in Section 51A-8.618 is waived.

(d) Municipal boundary lines. Plats divided by municipal boundary lines must be approved by the appropriate body of each affected municipality to be effective. Any building permit issued based on a plat divided by a municipal boundary line is void if the requisite approval has not been obtained.

(e) Lot lines and existing structures.

(1) No plat may be approved if an existing improvement on the property would encroach upon a proposed lot line or setback line, unless the existing improvement is to be removed or relocated, or unless the encroachment is authorized by the Dallas Building Code.

(2) No plat may be approved if the location of a proposed lot line would create a structure not in strict compliance with the Dallas Building Code, as amended, or the Dallas Development Code, as amended, unless the existing structure is to be removed, relocated, or altered to comply.

(3) Notwithstanding Paragraphs (1) and (2), dedications for public infrastructure may be accomplished even if a structure encroaches, provided appropriate language is executed to convey an estate in expectancy. (Ord. Nos. 20092; 21186; 23384; 24731; 25047; 28073; 29478, ~~eff. 10/1/14~~; 31394)

#### SEC. 51A-8.504. BLOCKS.

(a) Block length. Block lengths in plats for single family lots should not exceed 1200 feet measured from

block corner to block corner. The length may be extended if, upon recommendation from the director and the chief planning officer, the commission finds that the extraordinary topography or shape of the property unduly limits the development potential of the property, and that the proposed development is consistent with the spirit and intent of this chapter.

(b) Other considerations. Block length and width must be designed to accommodate the type of use anticipated and must provide for safe and convenient access and circulation. Block design must take into account the physical characteristics of the topography. (Ord. Nos. 20092; 23384; 25047; 28073; 29478, ~~eff. 10/1/14~~)

#### SEC. 51A-8.505. BUILDING LINES.

(a) Building lines that establish a minimum front, side, or rear yard setback greater than the current zoning setback requirements, building lines for lots that border a natural creek channel, and building lines established by Section 51A-4.401(a)(3) must be shown on the plat.

(b) A building line may establish a minimum front, side, or rear yard setback greater than the minimum front yard setback required by zoning regulation only if the building line is part of a plan for the orderly development of a subdivision. Except as provided in Section 51A-8.510, a building line may not establish a minimum front, side, or rear yard setback less than the minimum front, side, or rear yard setback required by zoning regulation. The building line for lots that border a natural creek channel must provide the setback required by Section 51A-5.106. No other building lines may be shown on the plat.

(c) If an existing platted building line establishes a minimum front, side, or rear yard setback greater than the minimum front, side, or rear yard setback required by zoning regulation, relief from the platted building line must be sought through a replat submitted to the commission. The commission may approve a relocation or removal of the platted building

**Division 51A-8.700. Administration.****SEC. 51A-8.701. NOTHING DEEMED  
SUBMITTED UNTIL FEES  
PAID.**

Whenever a requirement exists for the submission of plans and a fee exists for the processing of the plans, no submission is complete until all required fees have been paid. (Ord. Nos. 20092; 23384)

**SEC. 51A-8.702. EARLY RELEASE OF  
BUILDING OR  
FOUNDATION PERMIT.**

~~—(a) Generally. No building or foundation permit may be issued before the completion and filing for record of a final plat except in accordance with this section. The recipient of an early release permit bears the entire risk that improvements may need to be modified or removed based on engineering plan review or final plat denial. No certificate of occupancy shall be issued until the final plat is properly filed for record as required by this article and state law, and all conditions of preliminary plat approval and all other applicable rules and regulations have been satisfied.~~

(a) Generally. No building or foundation permit may be issued before the completion and filing for record of a final plat except in accordance with this section. The recipient of an early release permit bears the entire risk that improvements may need to be modified or removed based on engineering plan review or final plat disapproval. No certificate of occupancy shall be issued until the final plat is properly filed for record as required by this article and state law, and all conditions of preliminary plat approval and all other applicable rules and regulations have been satisfied.

(b) Application. An application for an early release must be submitted to the building official. The building official shall review the application and determine whether an early release is appropriate. If the building official recommends the early release, a building or foundation permit may be issued. The application for early release must include:

(2) a copy of the approved preliminary plat;

(3) the file number assigned to the plat application by the city;

(1) the number of copies required for circulation and review;



(5) the proposed building site has adequate all-weather access through public or private right-of-way;

(6) adequate storm drainage outfall exists to safely discharge on-site drainage of a one-percent annual chance flood;

(7) adequate assurance has been received that off-site easements necessary for infrastructure to serve the plat have been secured;

(8) the proposed site has adequate water facilities for emergency fire service;

(9) infrastructure plans for the proposed plat have been submitted to the department and are in general conformance with city standards;

(10) if required by the director, private development contracts and bonds have been submitted;

(11) the application complies with all applicable laws;

(12) the only requirement preventing the building or foundation permit from being issued is the completion and filing for record of the plat;

(13) the building or foundation permit clearly states that no certificate of occupancy will be issued for the property or, for residential applications, no final inspection will be made until all platting requirements have been met;

(14) the owner acknowledges in writing concurrence with the conditions under which the permit is issued; and

(15) the fee required by Subsection (c) is paid to the building official. (Ord. Nos. 20092; 21431; 23384; 25047; 26529; 28073; 31314; [31394](#))

#### SEC. 51A-8.703.

#### CIRCUMVENTION OF REGULATIONS PROHIBITED.

(a) Recording of plat. All plats must be signed by the property owners and filed and recorded with the county clerk of the county in which the property is located in accordance with the requirements of state law. No person may file or cause to be filed for record with the county clerk a proposed plat before the final plat of the property has been endorsed by the commission chair or the subdivision administrator in accordance with this article.

(b) Building permit. No building permit may be issued for the construction of any building or structure located on a tract that was not created in accordance with this article, except that building permits may be issued for:

(1) remodeling or repair of existing structures on such a tract; and

(2) infrastructure construction.

(c) No public or private improvements. No construction of any public or private improvements may be commenced or continued except in conformity with this article.

(d) Certificates of occupancy. No certificate of occupancy may be issued and no final inspection for residential property may be made for property which was not developed in strict compliance with this article, or for property upon which all conditions of plat approval have not been met. The fact that a building permit was issued for the property does not excuse compliance with all regulations, and a certificate of occupancy may be denied if a building permit is issued in error. (Ord. Nos. 20092; 23384; 26529)



**Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)**

<u>Ordinance Number</u>	<u>Passage Date</u>	<u>Specified Effective Date</u>	<u>Ordinance Section</u>	<u>51A Section</u>
31314 (Cont'd)			7	Amends 51A-8.507(b)(8)
			8	Amends 51A-8.601(b)
			9	Amends 51A-8.602(d)
			10	Amends 51A-8.604(a)
			11	Amends 51A-8.604(c)
			12	Amends 51A-8.606(b)
			13	Amends 51A-8.611(a)(2)
			14	Amends 51A-8.611(a)(5)
			15	Amends 51A-8.611(c)
			16	Amends 51A-8.611(d)(1)
			17	Amends 51A-8.611(e)(2)
			18	Amends 51A-8.702(d)
			19	Amends 51A-10.101
			20	Amends 51A-10.132(b)(4)(B)
			21	Amends 51A-12.204(g)(1)(D)
31358	10-23-19		1	Amends 51A-1.109
31374	10-23-19		1	Amends 51A-7.901.1(a)
			2	Adds 51A-7.901.1(k)
			3	Adds 51A-7.903(15.1)
			4	Amends title preceding 51A-7.907
			5	Amends 51A-7.911(a)(3)
			6	Amends 51A-7.911(c)(1)
			7	Amends 51A-7.911(d)(1)
			8	Amends 51A-7.911(e)(1)(B)
			9	Amends 51A-7.911(g)(1)(B)
			10	Adds 51A-7.911(i)
			11	Adds 51A-7.912(i)
			12	Adds 51A-7.919(e)
31394	12-11-19		1	Adds 51A-8.403(a)(1.1)
			2	Amends 51A-8.403(a)(2)(A)
			3	Amends 51A-8.403(a)(3)
			4	Amends 51A-8.403(a)(5)
			5	Amends 51A-8.404
			6	Amends 51A-8.503(a)
			7	Amends 51A-8.702(a)
31410	12-11-19		1	Amends 51A-7.1702
			2	Retitles 51A-7.1706(c)
			3	Amends 51A-7.1706(c)(ii)
			4	Adds 51A-7.1728(a)(1)(C)
			5	Amends 51A-7.1729(a)(1)
			6	Deletes 51A-7.1729(a)(2)(C)
			7	Amends 51A-7.1729(a)(4)
			8	Amends 51A-7.1729(a)(5)
			9	Amends 51A-7.1729(a)(8)
			10	Deletes 51A-7.1729(a)(11)
			11	Amends 51A-7.1729(a)(12)

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Deletes 51A-7.1729(a)(13)

13

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