

CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME I

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CHAPTER 1

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SEC. 1-1. HOW CODE DESIGNATED AND CITED.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated "The Revised Code of Civil and Criminal Ordinances of the City of Dallas" and may be so cited. Such code may also be cited as the "Dallas City Code."

SEC. 1-2. PROVISIONS CONSIDERED AS CONTINUATION OF EXISTING ORDINANCES.

The provisions appearing in this and the following chapters and sections, so far as they are the same as those of ordinances existing at the time of the adoption of "The Revised Code of Civil and Criminal Ordinances of the City of Dallas", shall be considered as a continuation thereof and not as new enactments.

SEC. 1-3. CATCHLINES OF SECTIONS.

The catchlines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

SEC. 1-4. SEVERABILITY OF PARTS OF CODE.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses, and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code, since the same would have been enacted by the city council without the incorporation in this code, of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

SEC. 1-5. RULES OF CONSTRUCTION.

In the construction of this code, and of all ordinances and resolutions passed by the city council, the following rules contained in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the council:

BOND. When a bond is required, an undertaking in writing is sufficient if properly drafted and executed.

CITY. The words "city," "the city," or "this city" mean the city of Dallas, Texas.

records of _____ County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.”

(b) The notice described in Subsection (a) must be delivered in person or by certified mail, return receipt requested.

(c) If the city sends a notice to the owner of the property to which the notice relates, as shown by the real property records of the county in which the property is located on or after the 10th day before the date the notice is sent, and the record owner no longer owns the property, the record owner shall execute an affidavit provided by the city with the notice stating:

(1) that the record owner no longer owns the property; and

(2) the name and last known address of the person who acquired the property from the record owner.

(d) The record owner shall deliver the affidavit in person or by certified mail, return receipt requested, to the city not later than the 20th day after the date the record owner receives the notice.

(e) If the city receives an affidavit under Subsection (d), the city shall send the appropriate notice to the person named in the affidavit as having acquired the property. A notice sent under this subsection must include the statement authorized by Subsection (a).

(f) Upon receiving an affidavit under Subsection (d), the city shall:

(1) maintain the affidavit on file for at least two years after the date the affidavit was received; and

(2) deliver a copy of the affidavit to the chief appraiser of the appraisal district in which the property is located.

(g) The city is considered to have provided notice to a property owner if the city complies with the statute, rule, regulation, or ordinance under which the notice is sent and if the city complies with:

(1) Subsection (a) and does not receive an affidavit from the record owner; or

(2) Subsection (e) and does not receive an affidavit from the person to whom the notice was sent under Subsection (e).

(h) If the city complies with this section and does not receive an affidavit under Subsection (d), the record owner is presumed to be the owner of the property for all purposes to which the notice relates.

(i) For purposes of this section, “real property” does not include a mineral interest or royalty interest. (Ord. 21025)

SEC. 1-10. OFFICIAL CITY NEWSPAPER RESERVED.

(Ord. No. 31872)

~~—(a) In this section, DISTRIBUTION POINT means any place from which newspapers are lawfully sold, offered for sale, or distributed free of charge, including, but not limited to, a store, an open-air stall, a news rack, or a coin-operated machine.~~

~~—(b) A person awarded a contract as the official newspaper of the city in accordance with Chapter XXIV, Section 11 of the city charter shall maintain copies of the newspaper available to the public at not~~

~~less than 280 distribution points located as evenly as may be practicable throughout the city.~~

~~—(c) The official newspaper of the city must be selected every 24 months, after competitive bidding, in accordance with Chapter XXIV, Section 11 of the city charter. (Ord. Nos. 22402; 23519)~~

SEC. 1-11. STANDARD OF JUDICIAL REVIEW FOR CITY BOARD AND COMMISSION DECISIONS.

Whenever this code or another city ordinance provides that a person may appeal a decision of a city board or commission to district court, the appeal is limited to a hearing under the substantial evidence rule unless expressly provided otherwise by this code, another city ordinance, the city charter, or state or federal law. (Ord. 23227)

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an instrument, approved as to form by the city attorney, exercising against the land the city’s possibility of reverter with right to reentry.

(c) The director shall file notice of the reverter and reentry of the land by the city in the real property records of the county in which the land is located, which notice must specify the reason for the reverter and reentry. The director shall provide a copy of the notice to the nonprofit organization in person or by mailing the notice to the nonprofit organization’s post office address as shown on the tax rolls of the city or of the county in which the land is located. (Ord. Nos. 23713; 25443)

SEC. 2-26.13. RELEASE OF REVERTER RIGHTS AND DEED RESTRICTIONS.

The city manager is authorized to execute instruments, approved as to form by the city attorney, releasing the city’s possibility of reverter with right of reentry and terminating the deed restrictions to the land upon compliance with all terms and conditions of this division and the nonprofit organization’s proposal. (Ord. 23713)

SEC. 2-26.14. APPEALS.

(a) A nonprofit organization may appeal a decision of the director rejecting the nonprofit organization’s proposal to purchase land under this division if the nonprofit organization requests an appeal in writing, delivered to the city manager not more than 10 calendar days after notice of the director’s decision is received.

(b) The city manager or a designated representative shall act as the appeal hearing officer in an appeal hearing under this section. The hearing officer shall give the appealing party an opportunity to present evidence and make argument. The formal rules of evidence do not apply to an appeal hearing under this section, and the hearing officer shall make a ruling based on a preponderance of the evidence presented at the hearing.

(c) The hearing officer may affirm, modify, or reverse all or part of the decision of the director being appealed. The decision of the hearing officer is final as to available administrative remedies. (Ord. 23713)

ARTICLE IV.

PURCHASING ~~PROCUREMENT~~.

Division 1. Purchasing and Contracting Generally.

SEC. 2-27. DEFINITIONS.

In this article:

(1) ALTERNATIVE DELIVERY METHOD means one of the methods authorized by Chapter 2269 of the Texas Government Code, as amended, for contracting for facility construction.

(2) CITY EXPENDITURE means the payment of money by the city directly to a vendor or contractor pursuant to a city-awarded contract in consideration of goods furnished to or services performed on behalf of the city, or in consideration of the accomplishment of some other lawful public or municipal purpose, regardless of the source or nature of the funds used by the city to make payment and regardless of the form of contract used.

(3) COMMUNITY DEVELOPMENT ITEM means the purchase, by competitive sealed proposal as required in Section 252.021(d) of the Texas Local Government Code, as amended, of goods or services pursuant to a community development program established under Chapter 373 of the Texas Local Government Code, as amended, in which the source of the city expenditure for the purchase is derived exclusively from an appropriation, loan, or grant of funds from the federal or state government for community development purposes.

(4) DIRECTOR means the director of the department designated by the city manager to

administer this chapter or the director's authorized representatives.

(5) FACILITY has the meaning given that term in Chapter 2269 of the Texas Government Code, as amended.

(6) GENERAL SERVICES means insurance (including insurance-related services such as claims adjustment and policy administration), technical services related to the purchase of a high technology item, or other types of manual, physical, or intellectual labor performed on behalf of the city and purchased for a lawful municipal purpose. The term does not include personal services, professional services, planning services, or facility construction.

(7) GOODS means supplies, equipment, or other personal property, including but not limited to high technology items, purchased and used for a lawful municipal purpose.

(8) GOVERNMENTAL CONTRACT has the meaning given that term in Chapter 2252, Subchapter A, Texas Government Code, as amended.

(9) HIGH TECHNOLOGY ITEM means an item of equipment, goods, or services of a highly technical nature, including but not limited to:

(A) data processing equipment and software and firmware used in conjunction with data processing equipment;

(B) telecommunications equipment and radio and microwave systems;

(C) electronic distributed control systems, including building energy management systems; and

(D) technical services related to those items listed in Paragraphs (A) through (C) of this subsection.

(10) LOCAL BUSINESS means a business with a principal place of business within the city.

(11) NONRESIDENT BIDDER has the meaning given that term in Chapter 2252, Subchapter A, Texas Government Code, as amended.

(12) PERSONAL SERVICES means any service personally performed by the individual with whom the city has contracted.

(13) PLANNING SERVICES has the meaning given that term in Section 252.001, Texas Local Government Code, as amended.

(14) PRINCIPAL PLACE OF BUSINESS means:

(A) the headquarters of a business or the primary executive or administrative office of a business from which the operations and activities of the business are directed, controlled, and coordinated by its officers or owners; or

(B) an established office, plant, store, warehouse, or other facility where the majority of the business' operations and activities are conducted and located, except that a location solely used as a message center, post office box, mail drop, or similar service or activity that provides no substantial function to the business is not a principal place of business.

~~(15) PROFESSIONAL SERVICES means those services defined as professional services under state law applicable to municipal purchases or contracts, including but not limited to services provided by accountants, architects, artists, attorneys, auditors, court reporters, doctors, engineers, optometrists, real estate appraisers, land surveyors, scientists, and teachers.~~

(15) PROFESSIONAL SERVICES means those services defined as professional services under state law applicable to municipal purchases or contracts, including but not limited to services provided by accountants, architects, artists, attorneys, auditors, construction managers, court reporters, doctors, engineers, interior designers, optometrists, real estate appraisers, registered nurses, land surveyors, scientists, and teachers.

(16) SERVICE ORDER means an

authorization to make a payment under \$3,000, without the requirement of a contract, and on a form approved by the city attorney. (Ord. Nos. 24243; 24410; 25047; 25819; 27697; 28705; 30654; 30828; 31872)

SEC. 2-28. OFFICE OF PROCUREMENT SERVICES; POWERS AND DUTIES OF THE DIRECTOR AS CITY PURCHASING AGENT.

(a) There is hereby created a division of the city manager's office to be known as the office of procurement services, the head of which shall be the director of procurement services who shall be appointed by the city manager and who shall be a person professionally competent by experience and training to manage the office. The office will be composed of the director of procurement services and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.

(b) The director of procurement services shall perform the following duties:

(1) Direct and administer the office of procurement services.

(2) Serve, or designate a person to serve, as the city purchasing agent.

(3) Except where otherwise directed in this code, supervise all purchases by the city, other than real property, in accordance with this article and state law.

(4) Sell personal property of the city not needed for public use.

(5) Keep accurate inventories of all property under the director's supervision.

(6) Maintain the store rooms and warehouses placed under the director's supervision.

(7) Perform such other duties as are assigned by the city manager. (Code 1941, Art. 27-1; Ord. Nos. 13104; 17157; 18094; 19312; 21674; 24243; 24410; 25047; 25819; 27697; 30654)

SEC. 2-29. APPROVAL OF PLANS AND SPECIFICATIONS.

~~— If the director determines that preparation of plans and specifications is necessary and practical for the purchase of goods, general services, or facility construction, the director shall require the preparation of the plans and specifications in cooperation with the department concerned. The plans and specifications must be approved by both the director and the director of the department concerned. If the plans and specifications are approved, the director shall keep a copy of the plans and specifications on file in the director's office and make the copy available for public inspection for five years after the date of approval of the plans and specifications. Subject to state law requirements governing the retention and disposal of records, the director may dispose of any plans and specifications that have been on file in the director's office longer than five years after the date of their approval.~~

(a) Except as provided in this section, if the director determines that preparation of plans and specifications is necessary and practical for the purchase of goods, general services, or facility construction, the director shall require the preparation of the plans and specifications in cooperation with the department concerned. The plans and specifications must be approved by the director of the department concerned. If the plans and specifications are approved, the director shall keep a copy of the plans and specifications on file in the director's office and make the copy available for public inspection in accordance with the state law requirements governing the retention of records. The director may dispose of any plans and specifications that have been on file in the director's office in accordance with the state law requirements governing the disposal of records.

(b) This section does not apply to plans and specifications for facility construction. (Ord. Nos. 12755; 13104; 14885; 17700; 18850; 19312; 20061; 24243; 25819; 30828; 31872)

SEC. 2-30. GENERAL DELEGATION OF CONTRACTING AUTHORITY.

(a) Pursuant to Chapter XXII, Section 2(b) of the city charter, the city council shall, by ordinance, establish rules under which a contract may be let

(1) the city's furnishing of ambulance service; water, wastewater, storm water drainage, or sanitation utility service; or any other similar municipal service to customers inside or outside of the city;

(2) a contract, contract amendment, or other legal instrument for which approval authority is separately delegated by the city charter or another section of this code; or

(3) the city's grant of, or other action relating to, any license, franchise, permit, or other authorization pursuant to its regulatory powers.

~~— (d) The city manager is authorized to approve the following by administrative action, without further city council action:~~

~~— (1) A contract for the purchase of goods, general services, or facility construction, or for any other lawful municipal purpose not specifically described in this subsection, that requires a city expenditure not exceeding \$50,000.~~

~~— (2) A contract requiring a city expenditure exceeding \$50,000, but not exceeding \$70,000, for:~~

~~— (A) the purchase of goods or general services required to be procured through competitive bid or competitive sealed proposal in accordance with Chapter 252, Texas Local Government Code, as amended, including purchases made utilizing a cooperative purchasing program; or~~

~~— (B) facility construction required to be procured through competitive bid or competitive sealed proposal in accordance with Chapter 252, Texas Local Government Code, as amended, or through an alternative delivery method in accordance with Chapter 2269, Texas Government Code, as amended.~~

~~— (3) A change order to a contract required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method that increases or decreases the contract price by \$50,000 or less, provided that the original contract price may never be increased by more than 25 percent. This~~

~~paragraph does not delegate authority to the city manager to approve a change order amending a contract provision or a specification for the purpose of altering an existing payment schedule, payment method, time or date of payment, or interest rate on a payment, regardless of whether the payment obligation under the contract belongs to the contractor or the city and regardless of the amount of the increase or decrease in the contract price.~~

~~— (4) A contract for personal, professional, or planning services requiring a city expenditure not exceeding \$50,000, except that no formal administrative action is required to execute a contract for real estate appraisal services requiring a city expenditure not exceeding \$50,000.~~

~~— (5) An amendment to a contract not required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method, which amendment increases the contract price by \$50,000 or less or causes any decrease in the contract price, except that approval of the city council is required on an amendment that increases the contract price by \$50,000 or less if:~~

~~— (A) the original contract price does not exceed \$50,000 and the amendment increases the total contract price to an amount greater than \$50,000; or~~

~~— (B) the original contract price exceeds \$50,000 and the amendment increases the original contract price by more than 25 percent.~~

~~— (6) The exercise of a renewal option of a contract required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method, if the city expenditure required during the renewal term does not exceed \$70,000.~~

~~— (7) The exercise of a renewal option of a contract not required by state law to be procured through competitive bid or competitive sealed proposal, if the city expenditure required during the renewal term does not exceed \$50,000.~~

~~(8) A contract with an intergovernmental agency pursuant to Chapter 791 of the Texas Government Code, as amended, that generates less than \$50,000 of revenue and does not require a city expenditure of upfront costs or other types of funding in excess of \$50,000.~~

(d) The city manager is authorized to approve the following by administrative action, without further city council action:

(1) A contract for the purchase of goods, general services, or facility construction, or for any other lawful municipal purpose not specifically described in this subsection, that requires a city expenditure not exceeding \$100,000, except that no formal administrative action is required for the purchase of non-legal advertising placement (media buys).

(2) Except as provided in Paragraph (3), a change order to a contract required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method that increases or decreases the contract price by \$50,000 or less, provided that the original contract price may never be increased by more than 25 percent.

(3) A change order to a contract for facility construction (public works project) required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method that increases or decreases the contract price by \$100,000 or less, provided that the original contract price may never be increased by more than 25 percent.

(4) A contract for personal, professional, or planning services requiring a city expenditure not exceeding \$100,000, except that no formal administrative action is required to execute a contract for real estate appraisal services requiring a city expenditure not exceeding \$50,000.

(5) An amendment to a contract not required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method, which amendment increases the contract price by \$100,000 or less or causes any decrease in the contract price, except that approval of the city council is required on an amendment that increases the contract price by \$100,000 or less if:

(A) the original contract price does not exceed \$100,000 and the amendment increases the total contract price to an amount greater than \$100,000; or

(B) the original contract price exceeds \$100,000 and the amendment increases the original contract price by more than 25 percent.

(6) The exercise of a renewal option of a contract required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method, if the city expenditure required during the renewal term does not exceed \$100,000 or the renewal amount specified in the resolution approving the original contract.

(7) The exercise of a renewal option of a contract not required by state law to be procured through competitive bid or competitive sealed proposal, if the city expenditure required during the renewal term does not exceed \$100,000 or the renewal amount specified in the resolution approving the original contract.

(8) A contract with an intergovernmental agency pursuant to Chapter 791 of the Texas Government Code, as amended, that generates less than \$100,000 of revenue and does not require a city expenditure of upfront costs or other types of funding in excess of \$100,000.

(e) All contracts, contract amendments, or other legal instruments (except purchase orders for supplies and equipment and change orders as described by Chapter XXII, Section 1 of the city charter) must be signed by the city manager and approved as to form by the city attorney. Purchase orders for supplies and equipment must be signed by the director. Subject to the restrictions provided by this code, the city charter, or state law, change orders may be approved by formal administrative action or may, as the city manager directs, be signed by the director of the department designated by the city manager to administer the contract that is the subject of the change.

(f) The city manager may delegate the authority granted under this section to the extent allowed by this code, the city charter, or state law. The city manager may make rules and procedures, which are not in conflict with this code, the city charter, or state law, concerning the form and substance of administrative

actions and the administration of contracting and change order processes.

(g) Purchases for the park and recreation department must be made in compliance with Chapter XVII, Section 4 of the city charter and this division. (Ord. Nos. 24243; 25819; 28705; 30828; 31049; 31872)

SEC. 2-31. RULES REGARDING EXPENDITURES NOT EXCEEDING \$50,000.

(a) Except as otherwise provided by this section, all purchases of goods, general services, or facility construction under this section must be made by the director after giving reasonable opportunity for competition under procedures that are established by the director, with city manager approval, and that are consistent with the purpose of this section.

(b) If the city expenditure for the purchase of goods, general services, or facility construction exceeds \$3,000, price quotations from not less than three independent vendors or contractors, if available, must be secured. If three independent vendors or contractors are not available, the director shall secure such price quotations as will, in the director's judgment, ensure that the city is purchasing the property or contracting for the best quality at the lowest possible cost. If the city expenditure for the purchase of goods, general services, or facility construction exceeds \$3,000, the director shall follow the procedures for contacting disadvantaged businesses prescribed in Section 252.0215 of the Texas Local Government Code, as amended.

(c) The director may, with prior authorization by city council resolution, purchase goods, including high technology items, through a cooperative purchasing program established pursuant to Chapter 271, Subchapter D, F, or G, Texas Local Government Code, as amended, or through a cooperative purchasing program established by interlocal agreement pursuant to Chapter 791, Texas Government Code, as amended. Authorized participation in a cooperative purchasing program satisfies the requirements of this section.

(d) The city manager may establish procedures for purchasing goods, general services, or facility construction under this section through electronic means, including but not limited to the Internet, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code.

(e) A contract for facility construction that requires a city expenditure not exceeding \$50,000 must provide that, in lieu of requiring performance and payment bonds, no money will be paid to the contractor for any work under the contract until the final completion and acceptance of the work by the city.

(f) The director may use a service order for minor services under \$3,000, including mail and delivery services, repair, restoration, and remediation

services necessary for a timely and efficient response to equipment failure or facility damage. (Ord. Nos. 12755; 13104; 14885; 15279; 16801; 17700; 17777; 18850; 19312; 20061; 22434; 24243; 25819; 28705; 30828)

SEC. 2-32. RULES REGARDING EXPENDITURES EXCEEDING \$50,000.

~~— (a) Advertisement.— No city expenditure exceeding \$50,000 may be made without advertising for competitive bids or competitive sealed proposals pursuant to Chapter 252, Texas Local Government Code, as amended, and this division, or without following the advertisement requirements in Chapter 2269, Texas Government Code, as amended, and this division, for alternative delivery methods, except in cases of an immediate emergency, or where competitive bidding, sealed proposal, or an alternative delivery method is not otherwise required by state law or the city charter.~~

~~— (b) Emergency expenditures.— In cases of immediate emergency, the director may make the necessary emergency expenditure, subject to the approval of the city manager or a designee. If an emergency expenditure is made, a written report setting out the emergency purchase, accompanied by a definite statement of the occasion and the reasons for the purchase, must be submitted by the director to the city manager for presentation to the city council for its approval prior to payment for the purchase.~~

~~— (c) Administratively authorized purchases. The following rules govern purchases authorized administratively as described in Section 2-30(d)(2) of this division:~~

~~— (1) If the purchase is for goods, the director or the director's designee, or the city council if the purchase is being considered under Subsection (b)(6), shall tabulate the bids or sealed proposals and shall select the vendor or contractor with the lowest responsible bid (or with the most advantageous proposal if the purchase is by competitive sealed proposal under Chapter 252, Texas Local Government~~

~~Code, as amended), or the vendor or contractor who provides the best value if the bid specifications or requirements indicate contract selection on a best value basis.~~

~~— (2) If the purchase is for general services, the director or the director's designee shall tabulate the bids or sealed proposals and present to the city manager a recommendation as to the lowest responsible bidder (or as to the most advantageous proposal if the purchase is allowed by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended), or present a recommendation as to who provides the best value if the bid specifications or requirements indicate contract selection on a best value basis. The city manager, or the city council if the contract is being considered under Subsection (b)(6), shall select the contractor that provides the lowest responsible bid, the most advantageous proposal, or the best value, whichever applies.~~

~~— (3) If the purchase is for facility construction, and an alternative delivery method is not being used, the director or the director's designee shall tabulate the bids or sealed proposals and present to the city manager a recommendation as to the lowest responsible bidder or proposer. The city manager, or the city council, if the contract is being considered under Subsection (b)(6), shall select the contractor with the lowest responsible bid or the most advantageous proposal.~~

~~— (4) If the purchase is for facility construction, and an alternative delivery method is being used, the director or the director's designee shall present to the city manager a recommendation based on the applicable standard in Chapter 2269, Texas Government Code, as amended.~~

~~— (5) If, in the opinion of the city manager or the city council, if the purchase is being considered under Subsection (b)(6) and no bid or sealed proposal is satisfactory or it is otherwise in the best interest of the city, the city manager or the city council may reject all bids or sealed proposals, and the director may~~

(a) Advertisement. No city expenditure exceeding \$50,000 may be made without advertising for competitive bids or competitive sealed proposals pursuant to Chapter 252, Texas Local Government

Code, as amended, and this division, or without following the advertisement requirements in Chapter 2269, Texas Government Code, as amended, and this division, for alternative delivery methods, except in cases of an immediate emergency, or where competitive bidding, sealed proposal, or an alternative delivery method is not otherwise required by state law or the city charter.

(b) Emergency expenditures. In cases of immediate emergency, the director may make the necessary emergency expenditure, subject to the approval of the city manager or a designee. If an emergency expenditure is made, a written report setting out the emergency purchase, accompanied by a definite statement of the occasion and the reasons for the purchase, must be submitted by the director to the city manager for presentation to the city council for its approval prior to payment for the purchase.

(c) Administratively authorized purchases. The following rules govern purchases authorized administratively as described in Section 2-30(d)(1) of this division:

(1) If the purchase is for goods, the director or the director's designee, or the city council if the purchase is being considered under Subsection (c)(6), shall tabulate the bids or sealed proposals and shall select the vendor or contractor with the lowest responsible bid (or with the most advantageous proposal if the purchase is by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended), or the vendor or contractor who provides the best value if the bid specifications or requirements indicate contract selection on a best value basis.

(2) If the purchase is for general services, the director or the director's designee shall tabulate the bids or sealed proposals and present to the city manager a recommendation as to the lowest responsible bidder (or as to the most advantageous proposal if the purchase is allowed by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended), or present a recommendation as to who provides the best value if the bid specifications or requirements indicate contract selection on a best value basis. The city manager, or the city council if the contract is being considered under Subsection (c)(6), shall select the contractor that provides the lowest responsible bid, the most advantageous proposal, or the best value, whichever applies.

(3) If the purchase is for facility construction, and an alternative delivery method is not being used, the director or the director's designee shall tabulate the bids or sealed proposals and present to the city manager a recommendation as to the lowest responsible bidder or proposer. The city manager, or the city council, if the contract is being considered under Subsection (c)(6), shall select the contractor with the lowest responsible bid or the most advantageous proposal.

(4) If the purchase is for facility construction, and an alternative delivery method is being used, the director or the director's designee shall present to the city manager a recommendation based on the applicable standard in Chapter 2269, Texas Government Code, as amended.

(5) If, in the opinion of the city manager or the city council, if the purchase is being considered under Subsection (c)(6) and no bid or sealed proposal is satisfactory or it is otherwise in the best interest of the city, the city manager or the city council may reject all bids or sealed proposals, and the director may readvertise for competitive bids or competitive sealed proposals.

readvertise for competitive bids or competitive sealed proposals.

~~———— (6) A member of the city council may request that a purchase or contract be brought before the city council for consideration any time before 48 hours have elapsed after bid or proposal opening.~~

~~———— (c) Contracts requiring council approval. The following rules govern competitive bid or sealed proposal contracts requiring a city expenditure exceeding \$70,000:~~

~~———— (1) The director or the director's designee shall tabulate the bids or sealed proposals.~~

~~———— (2) If the purchase is for goods or general services, the city manager shall recommend to the city council who, in the city manager's opinion, provides the lowest responsible bid; the most advantageous proposal if the purchase is by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended; or the best value to the city if the bid specifications or requirements indicate contract selection on a best value basis. The city council shall determine which bidder provides the lowest responsible bid, the most advantageous proposal, or the best value, whichever applies, and, if that bidder or proposer is acceptable, approve the contract. If, in the judgment of the city council, no bid or sealed proposal is satisfactory or it is in the best interest of the city, then the city council may reject all bids or sealed proposals.~~

~~———— (3) If the purchase is for facility construction, and an alternative delivery method is not being used, the city manager shall recommend who, in the city manager's opinion, is the lowest responsible bidder. The city council shall determine the lowest responsible bidder and, if that bidder is acceptable, approve the contract. If, in the judgment of the city council, no bid or sealed proposal is satisfactory or it is in the best interest of the city, then the city council may reject all bids.~~

~~———— (4) If the purchase is for facility construction, and an alternative delivery method is~~

~~being used, the director shall present to the city manager a recommendation. The city manager shall then present a recommendation to the city council. If, in the judgment of the city council, no bid, proposal, or other offer is satisfactory or it is in the best interest of the city, then the city council may reject all bids. All recommendations and determinations under this subsection must be made according to the criteria set out in Chapter 2269 of the Texas Government Code, as amended.~~

~~———— (5) If all bids or sealed proposals are rejected, the city council may authorize the director to readvertise or proceed otherwise, as may be determined at the discretion of the city council, in accordance with state law. The original specifications, as amended or changed, must be kept on file in the office of the director in accordance with Section 2-29 of this division.~~

~~———— (d) Additional rules for competitive bids. The following additional rules govern all purchases made by competitive bid, including purchases on a best value basis, in accordance with Subsections (b) and (c) of this section:~~

~~———— (1) If there is a single responsive bid, the director, the city manager, or the city council may consider the bid as the lowest responsible bid.~~

~~———— (2) A nonresponsive bid has the effect of being a no bid and may not be considered for any purpose.~~

~~———— (3) A bid that has been opened is not subject to amendment, alteration, or change for the purpose of correcting an error in the bid price. This restriction is not intended to alter, amend, or revoke the common law right of a bidder to withdraw a bid due to a material mistake in the bid.~~

~~———— (e) Competitive sealed proposals. For the purchase of goods and general services (including but not limited to community development items, high technology items, and insurance) requiring a city expenditure exceeding \$50,000, the director may~~

(6) A member of the city council may request that a purchase or contract be brought before the city council for consideration any time before 48 hours have elapsed after bid or proposal opening.

(d) Contracts requiring council approval. The following rules govern competitive bid or sealed proposal contracts requiring a city expenditure exceeding \$100,000:

(1) The director or the director's designee shall tabulate the bids or sealed proposals.

(2) If the purchase is for goods or general services, the city manager shall recommend to the city council who, in the city manager's opinion, provides the lowest responsible bid; the most advantageous proposal if the purchase is by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended; or the best value to the city if the bid specifications or requirements indicate contract selection on a best value basis. The city council shall determine which bidder provides the lowest responsible bid, the most advantageous proposal, or the best value, whichever applies, and, if that bidder or proposer is acceptable, approve the contract. If, in the judgment of the city council, no bid or sealed proposal is satisfactory or it is in the best interest of the city, then the city council may reject all bids or sealed proposals.

(3) If the purchase is for facility construction, and an alternative delivery method is not being used, the city manager shall recommend who, in the city manager's opinion, is the lowest responsible bidder. The city council shall determine the lowest responsible bidder and, if that bidder is acceptable, approve the contract. If, in the judgment of the city council, no bid or sealed proposal is satisfactory or it is in the best interest of the city, then the city council may reject all bids.

(4) If the purchase is for facility construction, and an alternative delivery method is being used, the director shall present to the city manager a recommendation. The city manager shall then present a recommendation to the city council. If, in the judgment of the city council, no bid, proposal, or other offer is satisfactory or it is in the best interest of the city, then the city council may reject all bids. All recommendations and determinations under this subsection must be made according to the criteria set out in Chapter 2269 of the Texas Government Code, as amended.

(5) If all bids or sealed proposals are rejected, the city council may authorize the director to readvertise or proceed otherwise, as may be determined at the discretion of the city council, in accordance with state law. The original specifications,

as amended or changed, must be kept on file in the office of the director in accordance with Section 2-29 of this division.

(e) Additional rules for competitive bids. The following additional rules govern all purchases made by competitive bid, including purchases on a best value basis, in accordance with Subsections (c) and (d) of this section:

(1) If there is a single responsive bid, the director, the city manager, or the city council may consider the bid as the lowest responsible bid.

(2) A nonresponsive bid has the effect of being a no bid and may not be considered for any purpose.

(3) A bid that has been opened is not subject to amendment, alteration, or change for the purpose of correcting an error in the bid price. This restriction is not intended to alter, amend, or revoke the common law right of a bidder to withdraw a bid due to a material mistake in the bid.

~~follow the competitive sealed proposal procedures authorized in this division and in Chapter 252, Texas Local Government Code, as amended. If the director chooses not to follow the competitive sealed proposal process, the purchase must be competitively bid as required by this division and by Chapter 252, Texas Local Government Code, as amended.~~

~~— (f) Electronic procurement and reverse auctions. The city manager may establish procedures for purchasing goods, general services, or facility construction under this section through electronic means, including but not limited to the Internet, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code. The city manager may also establish procedures for purchasing goods or general services pursuant to the reverse auction method defined in Section 2155.062(d), Texas Government Code, as amended, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code.~~

~~— (g) The director may, with prior authorization by city council resolution, purchase goods, including high technology items, through a cooperative purchasing program established pursuant to Chapter 271, Subchapter D, F, or G, Texas Local Government Code, as amended, or through a cooperative purchasing program established by interlocal agreement pursuant to Chapter 791, Texas Government Code, as amended. Authorized participation in a cooperative purchasing program satisfies the requirements of this section.~~

~~— (h) Local preferences.~~

~~— (1) Where a contract is required to be awarded to the lowest responsible bidder and a competitive bid is received from a nonresident bidder, the city may not award a governmental contract to the nonresident bidder unless the nonresident's bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located. This requirement does not apply to a contract involving federal funds.~~

~~— (2) In a purchase for goods, general services, or facility construction through competitive bid, if one or more bids are received from a local business whose bid is within five percent of the lowest responsible bid received from a bidder who is not a local business, a contract for facility construction in an amount less than \$100,000 or a contract for goods or general services in an amount less than \$500,000 may be awarded to:~~

~~— (A) the bidder with the lowest responsible bid; or~~

~~— (B) the local business if the city council determines, in writing, that the bid submitted by the local business offers the city the best combination of contract price and additional economic development opportunities for the city created by the contract award, including employment of residents of the city and increased tax revenue to the city.~~

~~— (3) In a purchase for goods through competitive bid, if one or more bids are received from a local business whose bid is within three percent of the lowest responsible bid received from a bidder who is not a local business, a contract in an amount of \$500,000 or more may be awarded to:~~

~~— (A) the bidder with the lowest responsible bid; or~~

~~— (B) the local business if the city council determines, in writing, that the bid submitted by the local business offers the city the best combination of contract price and additional economic development opportunities for the city created by the contract award, including employment of residents of the city and increased tax revenue to the city.~~

~~— (4) Subsection (h)(2) of this section does not apply to the purchase of telecommunication services or information services, as those terms are defined by 47 U.S.C. Section 153, as amended.~~

~~— (5) Subsections (h)(2) and (h)(3) of this section do not prohibit the city from rejecting all bids.~~

(f) Competitive sealed proposals. For the purchase of goods and general services (including but not limited to community development items, high technology items, and insurance) requiring a city expenditure exceeding \$50,000, the director may

follow the competitive sealed proposal procedures authorized in this division and in Chapter 252, Texas Local Government Code, as amended. If the director chooses not to follow the competitive sealed proposal process, the purchase must be competitively bid as required by this division and by Chapter 252, Texas Local Government Code, as amended.

(g) **Electronic procurement and reverse auctions.** The city manager may establish procedures for purchasing goods, general services, or facility construction under this section through electronic means, including but not limited to the Internet, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code. The city manager may also establish procedures for purchasing goods or general services pursuant to the reverse auction method defined in Section 2155.062(d), Texas Government Code, as amended, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code.

(h) **Competitive purchasing programs.** The director may, with prior authorization by city council resolution, purchase goods, including high technology items, through a cooperative purchasing program established pursuant to Chapter 271, Subchapter D, F, or G, Texas Local Government Code, as amended, or through a cooperative purchasing program established by interlocal agreement pursuant to Chapter 791, Texas Government Code, as amended. Authorized participation in a cooperative purchasing program satisfies the requirements of this section.

(i) **Local preferences.**

(1) Where a contract is required to be awarded to the lowest responsible bidder and a competitive bid is received from a nonresident bidder, the city may not award a governmental contract to the nonresident bidder unless the nonresident's bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located. This requirement does not apply to a contract involving federal funds.

(2) In a purchase for goods, general services, or facility construction through competitive bid, if one or more bids are received from a local business whose bid is within five percent of the lowest responsible bid received from a bidder who is not a local business, a

contract for facility construction in an amount less than \$100,000 or a contract for goods or general services in an amount less than \$500,000 may be awarded to:

(A) the bidder with the lowest responsible bid; or

(B) the local business if the city council determines, in writing, that the bid submitted by the local business offers the city the best combination of contract price and additional economic development opportunities for the city created by the contract award, including employment of residents of the city and increased tax revenue to the city.

(3) In a purchase for goods through competitive bid, if one or more bids are received from a local business whose bid is within three percent of the lowest responsible bid received from a bidder who is not a local business, a contract in an amount of \$500,000 or more may be awarded to:

(A) the bidder with the lowest responsible bid; or

(B) the local business if the city council determines, in writing, that the bid submitted by the local business offers the city the best combination of contract price and additional economic development opportunities for the city created by the contract award, including employment of residents of the city and increased tax revenue to the city.

(4) Subsection (i)(2) of this section does not apply to the purchase of telecommunication services or information services, as those terms are defined by 47 U.S.C. Section 153, as amended.

(5) Subsections (i)(2) and (i)(3) of this section do not prohibit the city from rejecting all bids. (Ord. Nos. 24243; 25819; 28705; 30828; 31872)

for city purposes rather than sold. If the city manager believes that it is in the best interests of the city, he may authorize the director to remove specific items from the list of property subject to sale and to convert the items to use for city purposes. (Ord. Nos. 15519; 19312)

SEC. 2-37.4. METHOD OF SALE.

(a) Except as otherwise provided in Subsection (h) or (i), the director shall sell unclaimed property and surplus, obsolete, worn out, or useless property by public auction or by accepting sealed bids, to the highest bidder. The property may be auctioned, each piece individually or in assembled lots, whichever the director determines will bring the best price obtainable, except for motor vehicles which must be sold individually unless in accordance with Subsection (b). If in the opinion of the director the highest bid on a particular item is not sufficient, the director may refuse the bid and hold the item for sale at another time.

(b) Unclaimed motor vehicles and motor vehicle parts on which the vehicle identification numbers have been destroyed, mutilated, or removed may be sold in assembled lots in accordance with this section if the following requirements are met:

(1) The vehicles and vehicle parts must be sold as scrap metal only and may not be reconstructed or made operable after the sale.

(2) The vehicles and vehicle parts must be sold to a demolisher who owns an auto crusher located within the city.

(3) A representative of the city auto pound must witness the demolition of the vehicle and vehicle parts to ensure that no parts are removed for use or resale.

(4) All notification and other requirements of Chapter 683, Texas Transportation Code, as

amended, that are applicable to the disposal of abandoned motor vehicles must be met.

(c) If the director receives a group of 10 or more identical items for sale, the director may sell a minimum of three of the items at public auction and then advertise in the official newspaper of the city and sell the remaining items at a price not less than the average price obtained for the auctioned items.

(d) When sale is to be by acceptance of sealed bids, the bids must remain in the office of the city secretary for public inspection at least 48 hours after the bids are opened.

(e) Except as provided in Subsection (f), the director may accept the following in exchange for the sale of items by any method of sale:

(1) cash money;

(2) personal or business checks if proper identification is shown;

(3) a bank credit card that the city honors pursuant to contractual arrangements with a bank; or

(4) new property of the same general type, if the items are city-owned property declared surplus or obsolete by the head of the department holding the property and recommended by the city manager for use as trade-ins on the new property.

(f) The director may only accept new property of the same general type in exchange for the sale of city-owned firearms or firearm accessories or ammunition that the chief of police has declared surplus or obsolete and has recommended for use as trade-ins on the new property.

~~(g) If the highest bid for property is \$20,000 or less (or the equivalent in trade-in value when applicable), the property may be sold to the highest bidder by the director subject to the approval of the~~

city manager. If the highest bid for property is more than \$20,000 (or the equivalent in trade-in value when applicable), the sale to the highest bidder must be confirmed by the city council.

(g) If the highest bid for property is \$100,000 or less (or the equivalent in trade-in value when applicable), the property may be sold to the highest bidder by the director subject to the approval of the city manager. If the highest bid for property is more than \$100,000 (or the equivalent in trade-in value when applicable), the sale to the highest bidder must be confirmed by the city council.

(h) The director may, in lieu of conducting a sale by public auction or sealed bids, return surplus, obsolete, worn out, or useless property to the contract vendor or original manufacturer and accept a refund or a credit toward the purchase of new property of the same general type if the contract with the vendor or manufacturer requires the acceptance of returns or trade-ins at a price or refund rate of not less than the current fair market value of the property.

(i) The director may, in lieu of conducting a sale by public auction or sealed bids, sell unclaimed property and surplus, obsolete, worn out, or useless property at the city store in accordance with Section 2-37.15 of this article. (Ord. Nos. 15519; 19312; 19640; 21877; 22153; 22403; 25819; 31872)

SEC. 2-37.5. TIME AND PLACE OF SALE; NOTICE.

(a) After determining the time and place for a public auction, acceptance of sealed bids, or sale of identical items, the director shall give notice of the auction, acceptance, or sale, by:

(1) advertising in the official newspaper of the city for three consecutive days, the last publication date to be not less than seven days before the date of the auction, acceptance, or beginning of sale; and

(2) sending by certified mail to the last known address of the owner of unclaimed property, if the name of the owner is known, 14 days before the date of auction, acceptance, or beginning of sale.

(b) The notice must contain the time and place of auction, acceptance, or sale and a general listing of the

property to be sold. (Ord. Nos. 15519; 17672; 19312)

(b) Appointment and duties of acting department director.

(1) In the event a department director is absent from the city for an extended period of time, or is deemed by the city council, city manager, board or commission that has the appointing authority with respect to the department director, to be unable to perform his duties by reason of any illness or disability, the appointing authority may appoint a temporary successor, with the title of acting department director, to perform the duties of the department director until his return to the city, or his recovery from such illness or disability.

(2) In the event a department director's position is vacated by reason of termination or dismissal, or if a new department is established, the appointing authority may appoint an acting department director to exercise the duties of the position pending the selection and appointment of the department director on a permanent basis.

(3) Appointments to positions of acting department director made by the appointing authority shall be by memorandum and a copy of such memorandum shall promptly be furnished the city manager, in cases of action by the council, a commission or board, the city secretary, the city auditor and the city attorney. The city secretary shall retain in an official file a signed copy of every such memorandum for a period of five years from the date thereof.

(4) During the term of such appointment, the acting department director shall have the same powers and duties of the department director, as set forth in the charter, ordinances and resolutions. During such term of appointment, the department director shall be relieved of his authority and responsibilities. (Ord. 13015)

ARTICLE XII.

~~RESERVED~~ ENVIRONMENTAL COMMISSION.

SEC. 2-120. ENVIRONMENTAL COMMISSION - CREATED; FUNCTION; TERMS; MEETINGS.

(a) There is hereby created an environmental commission of the city, which shall be composed of 15 voting members of the general public and eight non-voting technical expert members. Each city council member shall appoint one voting member to the commission. The mayor shall appoint the commission chair; and the full council shall appoint the vice-chair. The non-voting technical experts shall be appointed by the full council from each sector of the comprehensive environmental and climate action plan ("CECAP"). Two of the general public members must have public health experience. All other general public members must have a minimum of two years environmental experience or a minimum of two years of neighborhood environmental advocacy.

(1) Public health experience may be demonstrated through documented experience which meets the Center for Disease Control's definition of public health that includes promoting healthy lifestyles, researching disease and injury prevention, and detecting, preventing, and responding to infectious diseases. This qualification may include employment with a health-related entity such as a hospital, clinic, a public health organization, or a non-profit focused on improving local public health.

(2) Environmental experience may be demonstrated through documented education, professional registrations or certifications, or expertise in one or more areas of the CECAP. This qualification may include, but is not limited to, citizen-science certifications, or a bachelor of science or arts in related engineering, environmental sciences, environmental management systems, natural sciences, architecture, landscape architecture, agriculture, and other documented backgrounds related to local, state, and federal laws, or environmental regulations.

(3) Neighborhood environmental advocacy may be demonstrated through documented residency in neighborhoods negatively impacted by

environmental issues, with related experience with local neighborhood issues including, but not limited to, transportation, water and waste management, zoning and land use issues, or experience relevant to one or more sections of the CECAP.

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

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

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

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

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

(g) This article expires on June 14, 2023, unless reenacted with an amendment prior to that date. The city council shall review this section and hold a public hearing on the matter prior to that date. (Ord. 31847)

SEC. 2-121. TECHNICAL RESOURCE PANEL.

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

members of the commission.

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

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

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

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

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

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

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

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

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

(h) Nothing in this section prohibits the commission from seeking additional outside technical expertise and advice, as necessary. (Ord. 31847)

SEC. 2-122. ENVIRONMENTAL HEALTH COMMITTEE.

(a) There is hereby created a committee of the environmental commission to be known as the environmental health committee, hereinafter called the "committee", composed of five members. The committee shall be appointed within 60 days following the effective date of the establishment of the commission. The committee shall be composed of the two general public members of the commission having public health experience and three additional members from general public not currently serving on the commission, appointed by the chairman of the commission. Initial appointments to the committee shall expire on June 14, 2023. Subsequent appointments shall be made in September of each odd-numbered year for a two-year term beginning October 1 and members shall serve without compensation. The chairman of the commission shall designate a chairman and vice-chairman of the committee from the members of the commission having public health experience. The commission chairman may appoint up to three alternate members to the committee who serve in the absence of one or more regular members when requested to do so by the chairman or by the city manager. The alternate members serve for the same period and are subject to removal the same as regular members. The commission chairman shall fill vacancies occurring in the alternate membership the same as in the regular membership.

(b) The committee shall meet at least once per quarter with additional meetings upon call by the committee chairman or a simple majority of the committee members. A simple majority of the members present shall constitute a quorum and issues shall be decided by a simple majority vote of the members present. The Office of Environmental Quality and Sustainability shall furnish support to the committee.

(c) The function of the committee shall be to advise the commission on environmental health issues as they arise across the city, including, but not limited to, potential health aspects of environmental policy recommendations from the commission to the city council and to address specific community public health concerns with an identified environmental

origin. (Ord. 31847)

SECS. 2-120-2-123 THRU 2-124. RESERVED.

(Repealed by Ord. 24316)

ARTICLE XIII.

**MARTIN LUTHER KING, JR.
COMMUNITY CENTER BOARD.**

SEC. 2-125. DEFINITIONS.

In this article:

(1) MARTIN LUTHER KING, JR. COMMUNITY CENTER means the group of buildings located in the 2900 block of Forest Avenue in the city that are in proximity to one another and in which the city and other agencies or organizations offer a consolidation of various community services into a single delivery system in response to the needs of the community.

(2) SERVICES means the functions and work performed by community agencies concerned with the health, education, social, physical, economic and other related needs to improve the quality of the urban environment. Such services may be provided by privately or publicly sponsored organizations and agencies.

(3) SERVICE AREA means the geographical area within the city primarily served by the Martin Luther King, Jr. community center, as shall be delineated by the city council.

(4) BOARD means the Martin Luther King, Jr. community center board. (Ord. Nos. 13384; 14941; 15574; 15955)

CHAPTER 12B

CONVENIENCE STORES

ARTICLE I.

GENERAL PROVISIONS.

- Sec. 12B-1. Purpose of chapter.
- Sec. 12B-2. Definitions.
- Sec. 12B-3. Authority of chief of police, fire department, and department of code compliance.
- Sec. 12B-4. Delivery of notices.
- Sec. 12B-5. Violations; penalty.

ARTICLE II.

REGISTRATION OF CONVENIENCE STORES.

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ARTICLE I.

GENERAL PROVISIONS.

SEC. 12B-1. PURPOSE OF CHAPTER.

The purpose of this chapter is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. To this end, this chapter establishes a registration program for convenience stores and provides requirements relating to surveillance camera systems, video recording and storage systems, alarm systems, drop safes, security signs, height markers, store visibility, safety training programs, and trespass affidavits. (Ord. 27293)

SEC. 12B-2. DEFINITIONS.

~~—In this chapter:~~

~~————(1) CERTIFICATE OF REGISTRATION means a certificate of registration issued by the chief under this chapter to the owner or operator of a convenience store.~~

~~————(2) CHIEF means the chief of the police department of the city or the chief's authorized representative.~~

~~————(3) CIGARBAR 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, or smoking accessories for on-premises consumption.~~

~~————(4) CONVENIENCE GOODS means basic food, household, tobacco products, paraphernalia, and pharmaceutical items.~~

~~————(5) CONVENIENCE STORE means any business that is primarily engaged in the retail sale of~~

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(4) CONVENIENCE GOODS means basic food, household, tobacco products, paraphernalia, and pharmaceutical items.

convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space. A convenience store does not include any business that has no retail floor space accessible to the public.

—————(6) ~~DROP SAFE~~ means a cash management device in which money can be deposited without the depositor having access to the contents.

—————(7) ~~EMPLOYEE~~ means any person listed on the payroll of a convenience store as an employee, whether part-time, full-time, permanent, or temporary. The term does not include a person providing only janitorial or security services to the convenience store.

—————(8) ~~HEIGHT MARKER~~ means a measuring strip that may be attached on or near a door frame of a convenience store to aid in identifying the height of a person suspected of committing a crime.

—————(9) ~~MANAGER~~ means the person designated in the registration application filed under this chapter as being responsible for the daily operation of a convenience store.

—————(10) ~~PARAPHERNALIA~~ means "illegal smoking paraphernalia" as that term is defined in Chapter 31 of the Dallas City Code or any other smoking paraphernalia that is commonly used, or commonly known to be used, for the inhalation of tobacco or illegal substances. For purposes of this definition, rolling papers, tobacco cigarettes, and tobacco cigars are not considered paraphernalia.

—————(11) ~~PERSON~~ means any individual, corporation, organization, partnership, association, or any other legal entity.

—————(12) ~~REGISTERED AGENT~~ means the person identified in the registration application filed under this chapter who is authorized to receive on behalf of the convenience store any legal process or notice required or provided for in this chapter.

—————(13) ~~REGISTRANT~~ means a person issued a certificate of registration for a convenience store under this chapter and includes all owners, operators, or the person in the care, custody, or control of the convenience store.

—————(14) ~~TOBACCO PRODUCT~~ means a tobacco product as defined in Chapter 155 of the Texas Tax Code, as amended.

—————(15) ~~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 or tobacco products.

(5) **CONVENIENCE STORE** means any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space. A convenience store does not include any business that has no retail floor space accessible to the public.

(6) **DIRECTOR** means the director of the department of code compliance or the director's authorized representative.

(7) **DROP SAFE** means a cash management device in which money can be deposited without the depositor having access to the contents.

(8) **EMPLOYEE** means any person listed on the payroll of a convenience store as an employee, whether part-time, full-time, permanent, or temporary. The term does not include a person providing only janitorial or security services to the convenience store.

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tobacco or illegal substances. For purposes of this definition, rolling papers, tobacco cigarettes, and tobacco cigars are not considered paraphernalia.

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(16) 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 or tobacco products. (Ord. Nos. 27293; 30472; 31867)

SEC. 12B-3. AUTHORITY OF CHIEF OF POLICE, FIRE DEPARTMENT, AND DEPARTMENT OF CODE COMPLIANCE.

~~—(a) Except as provided in this section, the chief of police shall implement and enforce this chapter and may by written order establish such rules, regulations, or procedures, not inconsistent with this chapter, as the chief determines are necessary to discharge any duty under or to effect the policy of this chapter.~~

~~—(b) The chief of police, the chief of the fire department, and the director of the department of code compliance, including representatives, agents, or city employees designated by the chief of police, the chief of the fire department, and the director of the department of code compliance, shall enforce the registration requirement in Section 12B-6.~~

(a) Except as provided in this section, the chief of police shall implement and enforce this chapter in collaboration with the director and may by written order establish such rules, regulations, or procedures,

not inconsistent with this chapter, as the chief determines are necessary to discharge any duty under or to affect the policy of this chapter.

(b) In addition to the chief of police and the director, the chief of the fire department, including representatives, agents, or city employees designated by the chief of the fire department, shall enforce the registration requirement in Section 12B-6. (Ord. Nos. 27293; 30472; 31867)

SEC. 12B-4. DELIVERY OF NOTICES.

~~—Any written notice that the chief is required to give a registrant under this chapter is deemed to be delivered.~~

Any written notice that the chief or director is required to give a registrant under this chapter is deemed to be delivered:

~~_____ (1) on the date the notice is hand delivered to the registrant or the registrant's registered agent;~~

~~_____ (2) three days after the date the notice is placed in the United States mail with proper postage and properly addressed to the registrant or the registrant's registered agent at the address provided for the registrant or the registered agent in the most recent registration application; or~~

~~_____ (3) on the date the notice is sent electronically to the electronic mailing address of the registrant listed on the application.~~

(1) on the date the notice is hand delivered to the registrant or the registrant's registered agent;

(2) three days after the date the notice is placed in the United States mail with proper postage and properly addressed to the registrant or the registrant's registered agent at the address provided for the registrant or the registered agent in the most recent registration application; or

(3) on the date the notice is sent electronically to the electronic mailing address of the registrant listed on the application. (Ord. Nos. 27293; 30472; 31867)

SEC. 12B-5. VIOLATIONS; PENALTY.

(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) An offense under this chapter is punishable by a fine of not less than \$250 or more than \$500.

(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.

(d) The penalties provided for in Subsection (b) are in addition to any other enforcement remedies that the city may have under city ordinances and state law.

(e) It is a defense to prosecution under this section that an establishment is operating as a cigar bar

or tobacco shop as defined in this chapter. (Ord. Nos. 27293; 30472)

ARTICLE II.

REGISTRATION OF CONVENIENCE STORES.

SEC. 12B-6. REGISTRATION REQUIRED; FEES.

(a) A person commits an offense if the person owns or operates a convenience store without a valid certificate of registration. A separate certificate of registration is required for each physically separate convenience store.

(b) It is a defense to prosecution under Subsection (a) that at the time of the alleged offense:

(1) the convenience store had been open for business less than 45 days;

(2) the majority ownership of the convenience store had changed and the store had been open for business under the new ownership for less than 45 days; or

(3) the establishment is operating as a cigar bar or tobacco shop as defined in this chapter.

(c) No fee is required for registration of a convenience store under this chapter. (Ord. Nos. 27293; 30472)

SEC. 12B-7. REGISTRATION APPLICATION.

(a) To obtain a certificate of registration for a convenience store, a person must submit an application on a form provided for that purpose to the chief. The applicant must be the person who will own or operate the convenience store. The application must contain all of the following information:

(1) The name, street address, mailing address, electronic mailing address, and telephone number of the applicant.

(2) The name, street address, mailing address, facsimile number, and telephone number of the convenience store.

(3) The names, street addresses, mailing addresses, electronic mailing addresses, and telephone numbers of all owners of the convenience store and any lien holders and other persons with a financial interest in the convenience store, and the nature and extent of each person's interest in the convenience store.

(4) The name, street address, mailing address, electronic mailing address, and telephone number of the manager of the convenience store.

(5) The name, street address, mailing address, electronic mailing address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week, in the event of an emergency condition involving the convenience store.

(6) The name, street address, mailing address, electronic mailing address, and telephone number of the registered agent for the convenience store.

(7) A statement that the applicant understands that notices may be issued and delivered to the registrant via hand delivery, United States mail, or electronic mail in accordance with Section 12B-4.

(8) The total area in square feet of the convenience store.

(9) Such additional information as the applicant desires to include or that the chief deems necessary to aid in the determination of whether the requested certificate of registration should be granted.

(b) A registrant shall notify the director within 45 days after any material change in the information contained in the application for a certificate of registration for a convenience store, including, but not limited to, any changes in ownership of the property and any changes in the registered agent, manager, or emergency contact person for the property. (Ord. Nos. 27293; 30472)

SEC. 12B-8. ISSUANCE, DENIAL, AND DISPLAY OF CERTIFICATE OF REGISTRATION; REGISTRATION COMPLIANCE DECAL.

(a) The chief shall issue to the applicant a certificate of registration for a convenience store, along with a registration compliance decal, if the chief determines that:

(1) the applicant has complied with all requirements for issuance of the certificate of registration; and

(2) the applicant has not made a false statement as to a material matter in an application for a certificate of registration.

(b) If the chief determines that the requirements of Subsection (a) have not been met, the chief shall deny a certificate of registration to the applicant.

(c) If the chief determines that an applicant should be denied a certificate of registration, the chief shall deliver written notice to the applicant that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.

~~—(d) A certificate of registration issued under this section must be displayed to the public in a manner and location approved by the chief. The certificate of registration must be presented upon request to the chief or any other peace officer for examination.~~

(d) A certificate of registration issued under this section must be displayed to the public in a manner and location approved by the chief. The certificate of registration must be presented upon request to the director, chief of the fire department, chief, or any other peace officer for examination.

(e) A registration compliance decal must be continuously and conspicuously displayed above the

main public entrance door to the convenience store.
(Ord. Nos. 27293; 31867)

SEC. 12B-9. REVOCATION OF REGISTRATION.

(a) The chief shall revoke a certificate of registration for a convenience store if the chief determines that the registrant:

(1) failed to comply with any provision of this chapter or any other city ordinance or state or federal law applicable to the convenience store; or

(2) intentionally made a false statement as to a material matter in the application or in a hearing concerning the certificate of registration.

(b) Before revoking a certificate of registration under Subsection (a), the chief shall deliver written notice to the registrant that the certificate of registration is being considered for revocation. The notice must include the reason for the proposed revocation, action the registrant must take to prevent the revocation, and a statement that the registrant has 10 days after the date of delivery to comply with the notice.

(c) If, after 10 days from the date the notice required in Subsection (b) is delivered, the registrant has not complied with the notice, the chief shall revoke the certificate of registration and deliver written notice of the revocation to the registrant. The notice must include the reason for the revocation, the date the chief orders the revocation, and a statement informing the registrant of the right of appeal. (Ord. 27293)

SEC. 12B-10. APPEALS.

If the chief denies issuance or renewal of a certificate of registration or revokes a certificate of registration, this action is final unless the applicant or registrant files an appeal with the permit and license appeal board in accordance with Section 2-96 of this code. (Ord. 27293)

SEC. 12B-11. EXPIRATION AND RENEWAL OF REGISTRATION.

(a) A certificate of registration for a convenience store expires one year after the date of issuance.

(b) A certificate of registration may be renewed by making application in accordance with Section 12B-7. A registrant shall apply for renewal at least 30

days before the expiration of the certificate of registration. (Ord. 27293)

SEC. 12B-12. NONTRANSFERABILITY.

A certificate of registration for a convenience store is not transferable. (Ord. 27293)

SEC. 12B-13. PROPERTY INSPECTIONS.

An applicant or registrant shall permit, at reasonable times upon request, representatives of the police department to inspect the interior and exterior of the convenience store, including but not limited to surveillance camera systems, for the purpose of ensuring compliance with this chapter and other city ordinances and state and federal laws applicable to convenience stores. The applicant or registrant commits an offense if, either personally or through an agent or employee, the applicant or registrant refuses to permit a lawful inspection of the convenience store as required by this section. (Ord. 27293)

ARTICLE III.

SAFETY REQUIREMENTS FOR CONVENIENCE STORES.

SEC. 12B-14. SURVEILLANCE CAMERA SYSTEM; VIDEO RECORDING AND STORAGE.

~~—(a) A registrant shall provide, maintain, and operate at least two color digital high-resolution surveillance cameras in the convenience store in compliance with this subsection.~~

~~—(1) Each camera must be capable of providing a digital image that clearly depicts the facial features of the person being filmed. The recorded image must be of such clarity, quality, and detail that it is useful in identifying a person suspected of committing a crime.~~

~~————— (2) One camera must be positioned to provide coverage of the cash register or other area where money is exchanged. The other camera must be positioned to provide a clear and identifiable full frame view of the face of each individual filmed entering or exiting the main public entrance or exit of the store. The coverage of the cameras required by this paragraph must remain unobstructed by any display, sign, or other item.~~

~~————— (3) Each camera must be operating at all times, including hours when the store is not open for business. Each camera must be operated in a fixed position and not in a panning motion.~~

~~————— (4) Each camera must display the date and time of each recording.~~

~~————— (5) A sign stating "STORE IS UNDER CAMERA SURVEILLANCE," in letters at least two inches high, must be posted at each public entrance and exit of the convenience store and must be readable from inside and outside the store.~~

~~———— (b) A registrant shall provide for video recording and storage in compliance with this subsection:~~

~~————— (1) One or more digital video recording devices must be used to record images from each surveillance camera in the convenience store. Each recording device must be kept in a secured location that is remote from the surveillance cameras.~~

~~————— (2) The video recording devices must be designed, equipped, and operated, at a minimum, to digitally record images from the surveillance cameras every time motion occurs in the convenience store, whether or not the store is open for business.~~

~~————— (3) All digital video recordings must be maintained for at least 30 days.~~

~~————— (4) A digital video recording must be made available to the chief or any other peace officer for viewing as soon as possible after being requested. A copy of a digital video recording must be provided to~~

the chief or any other peace officer within 72 hours after being requested.

(a) A registrant shall provide, maintain, and operate at least three color digital high-resolution surveillance cameras in the convenience store in compliance with this subsection.

(1) Each camera must be capable of providing a digital image with a minimum resolution of two megapixels, a minimum aspect ratio of 1920 horizontal pixels by 1080 vertical pixels, and a minimum frame rate of 15 frames per second.

(2) One camera must be positioned to provide coverage of the cash register or other area where money is exchanged. The second camera must be positioned to provide a clear and identifiable full frame view of the face of each individual filmed entering the main public entrance of the store. The third camera must be positioned to provide a clear and identifiable full frame of view of the face of each individual filmed exiting the main public exit of the store. The coverage of the cameras required by this paragraph must remain unobstructed by any display, sign, or other item.

(3) Each camera must be operating at all times, including hours when the store is not open for business. Each camera must be operated in a fixed position and not in a panning motion.

(4) Each camera must display the date and time of each recording.

(5) A sign stating "STORE IS UNDER CAMERA SURVEILLANCE," in letters at least two inches high, must be posted at each public entrance and exit of the convenience store and must be readable from inside and outside the store.

(b) A registrant shall provide for video recording and storage in compliance with this subsection.

(1) One or more digital video recording devices must be used to record images from each surveillance camera in the convenience store. Each recording device must be kept in a secured location that is remote from the surveillance cameras.

(2) The video recording devices must be

designed, equipped, and operated, at a minimum, to digitally record images from the surveillance cameras every time motion occurs in the convenience store, whether or not the store is open for business.

(3) All digital video recordings must be maintained for at least 30 days.

(4) A digital video recording must be made available to the director and to the chief or any other peace officer for viewing as soon as possible after being requested. A copy of a digital video recording must be provided to the director and to the chief or any other peace officer within 72 hours after being requested. (Ord. Nos. 27293; 31867)

(a) A registrant shall provide, post, and maintain security signs and height markers in the convenience store in compliance with this section.

SEC. 12B-15. ALARM SYSTEM.

(a) A registrant shall provide, maintain, and operate an alarm system in the convenience store in compliance with this section.

(b) A convenience store must have a silent panic or holdup alarm system for which a valid alarm permit is held in compliance with Article I, Chapter 15C of this code. The system must, at a minimum, include a panic button located within reach of the cash register and out of view of the customer. The panic button must generate an alarm signal indicating a holdup or other life-threatening emergency requiring a police department response.

(c) A sign indicating that an alarm system is in use must be posted at each public entrance and exit of the convenience store. (Ord. 27293)

SEC. 12B-16. DROP SAFES.

(a) A registrant shall provide and maintain drop safes and signs in the convenience store in compliance with this section.

(b) A drop safe or similar device must be bolted to the floor of the convenience store.

(c) A sign indicating that employees cannot open the drop safe must be posted at each public entrance and exit of the convenience store. (Ord. 27293)

SEC. 12B-17. SECURITY SIGNS; HEIGHT MARKERS.

(b) Signs stating "NOSOLICITATION" and "NO TRESPASSING," in letters at least two inches high, must be posted at each public entrance and exit of a convenience store. The signs may contain additional language as required by law and must be in a format approved by the chief.

(c) A height marker must be posted at each public exit of a convenience store. (Ord. 27293)

SEC. 12B-18. STORE VISIBILITY.

(a) A registrant shall provide for and maintain visibility in a convenience store in compliance with this section.

(b) An unobstructed line of sight that allows a clear view of and from the cash register and sales transaction area through all windows and public entrance and exit doors must be maintained in the convenience store at all times. The unobstructed line of sight must, at a minimum, extend from three feet above the ground to at least six feet above the ground.

(c) Store windows and doors must be maintained clear of all items that would obstruct a clear view, including, but not limited to, signage, advertisements, shelving, and merchandise.

(d) All public entrance and exit doors of a convenience store must be made of glass or another transparent material, except that a convenience store lawfully operating in the city on October 15, 2008 is not required to comply with this subsection until there is a change in the majority ownership of the store. (Ord. 27293)

SEC. 12B-19. EMPLOYEE SAFETY TRAINING; TELEPHONE ACCESS.

(a) A registrant shall ensure that safety training is provided for and completed by employees of the convenience store in compliance with this section.

(1) Each employee of a convenience store shall annually complete a safety training program offered by the city or otherwise approved by the chief. The safety training program must include, but is not limited to, the following subjects:

- (A) Behavior before, during, and after a robbery.
- (B) Opening and closing the store.
- (C) Making a bank deposit.
- (D) Operation of security devices.
- (E) Physical deterrents and preventative measures.
- (F) Knowledge of store policies and training requirements.

(2) Each employee must complete the safety training program within 10 days after beginning employment with the convenience store.

~~—————(3) Each employee shall sign a statement indicating the date, time, and place of completion of the safety training program. Copies of each employee's statements must be maintained on file in the convenience store for as long as the employee is employed by the convenience store. The statements must be made available to the chief or any other peace officer immediately upon request.~~

(3) Each employee shall sign a statement indicating the date, time, and place of completion of the safety training program. Copies of each employee's statements must be maintained on file in the convenience store for as long as the employee is employed by the convenience store. The statements must be made available to the director and to the chief or any other peace officer immediately upon request.

(b) Telephone access must be provided at each convenience store for use by employees. (Ord. Nos. 27293; 31867)

SEC. 12B-20. TRESPASS AFFIDAVITS.

A registrant shall execute a trespass affidavit, on a form provided by the chief for that purpose, that

SEC. 12B-21. COIN-OPERATED AMUSEMENT DEVICES PROHIBITED.

Coin-operated amusement devices, as defined in Chapter 6A, are prohibited in a convenience store, including the sales floor, office, storage room, and back room areas, whether open or closed to the public.
(Ord. 31620)

SEC. 12B-22. EXTERIOR LIGHTING.

Exterior lighting that illuminates all sides of the main building, parking areas, and fuel pump islands must be provided and maintained. Exterior lighting must be turned on daily between sunset and sunrise. In this section SUNSET and SUNRISE mean the time of day published on the weather page of the *Dallas Morning News* as the time for sunset and sunrise on that day in the city. (Ord. 31867)

SEC. 12B-23. AUTOMATIC TELLER MACHINES.

Automatic teller machines must be:

- (1) secured to the floor of the convenience store using bolts or other similar hardware; and
- (2) located more than 12 feet away from glass windows and doors. (Ord. 31867)

(48) TRASH (OR RUBBISH). Municipal solid wastes other than garbage and further categorized as:

(A) BRUSH AND BULKY TRASH. Has the meaning as defined in Section 18-2(3) of this chapter.

~~(B) YARD TRASH. Consisting of bagged leaves, grass, twigs, and other similar objects.~~

(B) YARD TRIMMINGS. Consisting of bagged organic yard waste such as leaves, grass, twigs, and other small organic waste. Yard trimmings placed in paper lawn bags or compostable bags is considered brush and yard trimmings placed in plastic bags is considered bulky trash.

(C) HOUSEHOLD TRASH. Paper, wood, glass, metal, cans, rags, cartons, rubber, plastic, and other similar materials.

(D) CONTAINERIZED TRASH. Household or yard trash in containers not exceeding a combined weight of 50 pounds.

(49) UNPAVED ALLEY. Any alley not paved with concrete or asphalt.

(50) VEGETATION. Any plant growth.

(51) VEHICLES. Every wheeled conveyance or any other device in, or by which any property may be transported or drawn upon a public street or highway, including devices used exclusively on stationary rails or tracks.

(52) WALKWAY. Any area, paved or unpaved, normally used as a pedestrian right-of-way.

(53) WET SOLID WASTE. Any putrescible animal or vegetable waste materials, other than waterborne waste material, resulting from the handling, preparation, cooking, or consumption of food, including waste material from markets, storage facilities, or the handling or sale of produce or other food products. (Ord. Nos. 16367; 19409; 21058; 21186; 22026; 23694; 24743; 26960; 27697; 29879; 29881; 30879; 31231)

SEC. 18-3. REGULATING CONTAINERS FOR MUNICIPAL SOLID WASTE MATERIALS.

(a) Containers for residences and duplexes. Every occupant of a residence or duplex shall provide the premises with a sufficient number of solid waste containers to provide for the peak output of municipal solid wastes from those premises without overloading the containers. The containers must be rollcars and must meet the requirements of this subsection.

(1) At a residence or duplex, a person shall use only city owned and provided rollcars as solid waste containers, except that blue rollcars may be used as solid waste containers for recyclable materials.

(2) A person shall comply with the following requirements when using a rollcart or a blue or clear recycling bag as a solid waste container:

(A) A container must not be overloaded to the point where spillage occurs from overflow, wind, or handling.

(B) A container must be closed or secured at the top to prevent spillage.

(C) Glass and other wastes that are dangerous to handle must be securely wrapped, and the container must be labeled to warn of the need for careful handling.

(D) Ashes must be cold before being placed in a container.

(E) Non-recyclable materials must not be placed in a container (rollcart) designated for recyclable materials. A recycling rollcart that is used for non-recyclable materials may be removed from the premises at the direction of the director of sanitation.

(3) Unless otherwise specified by the director of sanitation, and in addition to the requirements of Subsection (a)(3), a person shall comply with the following requirements when using a rollcart as a solid waste container:

(1) Where garbage or recyclable materials are collected from the street curblin adjacent to the property, a container must be placed there no earlier than 6:00 p.m. of the afternoon preceding the collection day and must be removed to a point at the side or rear of the structure not later than 8:00 a.m. of the day following collection.

(2) A container must be placed in a manner that protects it from overturn and spillage.

(3) A container may not be placed in a rack, and any rack on the premises may not extend into the street or sidewalk or interfere with solid waste collection service.

(d) Placement of garbage and recycling containers for packout or drive-in collection service. Garbage containers and recycling containers must be placed at locations and under such conditions approved by the director of sanitation for packout or drive-in collection service by the sanitation services of the city.

(e) Placement of brush and bulky trash. Brush and bulky trash must be placed just behind the curb line of the street abutting the property from which the brush and trash originated, or as otherwise designated by the director of sanitation, but must not be placed:

(1) in the street, on the sidewalk, or in any manner that will interfere with vehicular or pedestrian traffic or with solid waste collection service;

(2) out for collection earlier than the Thursday preceding the collection week or later than 7:00 a.m. on the Monday of the collection week;

(3) within five feet from a rollcart, mailbox, fence or wall, water meter, telephone connection box, or parked cars;

(4) under low hanging tree limbs or power lines;

(5) in an alley either paved or unpaved; or

(6) in front of a vacant lot or business.

~~(f) Placement of bundled or containerized brush and yard or household containerized trash. Bundled or containerized brush and yard or household containerized trash must be placed adjacent to the normal place for collection of garbage or as designated by the director of sanitation, but must not be placed in the street, on the sidewalk, or in any manner that will interfere with vehicular or pedestrian traffic or with solid waste collection service.~~

~~(1) Where the quantity of brush set out for collection is excessive, the director of sanitation shall determine the amount of brush to be collected at any one time, the day of its collection, and any other matters pertaining to brush collection in order not to disrupt normal service to other premises.~~

~~(2) Rubbish or trash consisting of small, loose items must be placed in an approved container as specified in Section 18-3(a).~~

~~(3) Bulky trash and oversized brush may not be placed out for collection in an alley, whether paved or unpaved, but must be placed at the street as specified in this section.~~

~~(4) All boxes and cartons must be broken down and bundled where specified by the director of sanitation, and no bundle may exceed 50 pounds in weight for collection by sanitation services crews of the city.~~

~~(5) Brush or trash collection service may not be rendered as a packout collection service. [eff. through 6/30/20]~~

~~(f) Allowable quantity of brush and bulky trash.~~

~~(1) The quantity of brush and bulky trash set out during a collection week may not exceed 10 cubic yards, unless the service unit has designated their monthly collection as their one time per year oversized collection.~~

~~———— (2) Limits may be temporarily lifted at the discretion of the director of sanitation for matters concerning public health and safety. [eff. 7/1/20]~~

~~———— (g) Oversized brush and bulky trash collection:~~

~~———— (1) In general. The occupant of a residence or duplex may request one oversized brush and bulky trash collection per year to occur during one of their normal collection months. This oversized collection will take the place of one of the 12 monthly brush and bulky trash collections.~~

~~———— (2) Dimensions. An oversized collection may not exceed 20 cubic yards or consist of more than 10 cubic yards of bulky trash.~~

~~———— (3) Request. An occupant of a residence or duplex must submit, either online or by phone, an oversized collection service request through the city's 311 services requests systems before the beginning of an occupant's normally scheduled collection week in order to avoid an excessive volume service fee.~~

~~———— (4) Fee. Where the quantity of the oversized brush and bulky trash set out for collection exceeds 20 cubic yards, the set out may be collected and a fee will be assessed on the dwelling unit's water bill pursuant to a fee schedule that will be adopted in the 2019-2020 fee ordinance. [eff. 7/1/20]~~

~~———— (h) Excessive and non-compliant brush and bulky trash service fees:~~

~~———— (1) Excessive brush and bulky trash service fees. Where the quantity of brush and bulky trash set out for collection exceeds 10 cubic yards and a request for an oversized brush and bulky trash collection was not submitted, the set out may be collected and a fee will be assessed on the dwelling unit's water bill. The fee will be assessed at a rate of \$60 per five cubic yards, billed in five cubic yard increments.~~

~~———— (2) Non-compliant brush and bulky trash service fees. A dwelling unit is subject to a service charge for a collection of a non-compliant brush and bulky trash set out which contains excluded items as defined in Section 18-2(3), that are with or on top of the set out, or if such items are~~

~~placed so close to the set out pile that the items cannot reasonably be removed from the pile to be collected. A service charge will be placed on the dwelling unit's water bill. The fee will be assessed at a rate of \$60 per five cubic yards, billed in five cubic yard increments.~~

~~———— (3) Violations. Nothing in this subsection prevents the city from issuing a citation for a violation described in this section. [eff. 7/1/20]~~

(f) Allowable quantity of brush and bulky trash.

(1) The quantity of brush and bulky trash set out during a collection week may not exceed 10 cubic yards, unless the service unit has designated their monthly collection as their one time per year oversized collection.

(2) Limits may be temporarily lifted at the discretion of the director of sanitation for matters concerning public health and safety.

(g) Oversized brush and bulky trash collection.

(1) In general. The occupant of a residence or duplex may request one oversized brush and bulky trash collection per year to occur during one of their normal collection months. This oversized collection will take the place of one of the 12 monthly brush and bulky trash collections.

(2) Dimensions. An oversized collection may not exceed 20 cubic yards or consist of more than 10 cubic yards of bulky trash.

(3) Request. An occupant of a residence or duplex must submit, either online or by phone, an oversized collection service request through the city's 311 services requests systems before the beginning of an occupant's normally scheduled collection week in order to avoid an excessive volume service fee.

(4) Fee. Where the quantity of the oversized brush and bulky trash set out for collection exceeds 20 cubic yards, the set out may be collected and a fee will be assessed on the dwelling unit's water bill pursuant to a fee schedule that will be adopted in the 2019-2020 fee ordinance.

(h) Excessive and non-compliant brush and bulky trash service fees.

(1) Excessive brush and bulky trash service fees. Where the quantity of brush and bulky trash set out for collection exceeds 10 cubic yards and a request for an oversized brush and bulky trash collection was not submitted, the set out may be collected and a fee will be assessed on the dwelling unit's water bill. The fee will be assessed at a rate of \$60 per five cubic yards, billed in five cubic yard increments.

(2) Non-compliant brush and bulky trash service fees. A dwelling unit is subject to a service charge for a collection of a non-compliant brush and bulky trash set out which contains excluded items as defined in Section 18-2(3), that are with or on top of the set out, or if such items are placed so close to the set out pile that the items cannot reasonably be removed from the pile to be collected. A service charge will be placed on the dwelling unit's water bill. The fee will be assessed at a rate of \$60 per five cubic yards, billed in five cubic yard increments.

(3) Violations. Nothing in this subsection prevents the city from issuing a citation for a violation described in this section. (Ord. Nos. 16367; 19172; 19991; 21058; 21632; 22295; 24000; 24142; 24299; 26960; 28019; 31231; 31332, eff. 7/1/20)

(d) Solid waste collection from an apartment, institution, commercial establishment, or mobile home park may be performed by a person who has a solid waste collection license as provided in Article IV of this chapter.

SEC. 18-5. REGULATING THE COLLECTION AND REMOVAL OF SOLID WASTE MATERIALS FROM APARTMENTS, INSTITUTIONS, COMMERCIAL ESTABLISHMENTS, AND MOBILE HOME PARKS.

(a) The manual collection of dry or wet solid waste from an apartment, institution, commercial establishment, or mobile home park shall be performed by a sanitation services employee only where each container conforms to the requirements of Section 18-3(b) of this chapter.

(b) Brush or trash collection from an apartment, institution, commercial establishment, or mobile home park shall not be rendered as a packout service by a sanitation services employee.

(c) No person other than a sanitation services employee in the performance of official duties, shall collect dry or wet solid waste, including salvageable cardboard, from an area designated by this chapter or by the director of sanitation as a city waste collection location at an apartment, institution, commercial establishment, or mobile home park.

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>
31745 (Cont'd)			18	Amends 34-13(c)
			19	Amends 34-15(a)
			20	Amends 34-18(a)
			21	Amends 34-20(a)
			22	Adds 34-20(d)
			23	Amends 34-21(a)
			24	Amends 34-22(i)
			25	Adds 34-22(v)
			26	Adds 34-22(w)
			27	Amends 34-23(d)
			28	Amends 34-24(a)
			29	Amends 34-24.1
			30	Amends 34-27(a)
			31	Amends 34-28(b)
			32	Amends 34-30(c)
			33	Amends 34-32(c)
			34	Amends 34-35(a)
			35	Amends 34-36(b)(3)
			36	Amends 34-36(b)(5)
			37	Amends 34-36(b)(7)
			38	Amends 34-36(b)(9)
			39	Amends 34-36(b)(12)
			40	Amends 34-36(b)(16)(B)
			41	Amends 34-38(b)
			42	Amends 34-38(c)(5)
			43	Amends 34-38(c)(15)
			44	Amends 34-38(c)(16)
			45	Amends 34-38(h)(5)
			46	Amends 34-38(i)(1)
			47	Amends 34-40(f)(2)
31746	1-27-21		1	Adds ch. 2, art. XXIX, 2-170, 2-171
31747	1-27-21		1	Amends ch. 50, art. XI, 50-144 thru 50-151.7
31770	2-10-21		1	Amends 28-45(a)
			2	Amends 28-50(c)
31841	4-28-21		1	Amends 42A-12(j)
			2	Amends 42A-12(l)
31847	4-28-21		1	Amends ch. 2, art. XII, 2-120 thru 2-124

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>
31867	5-26-21		1	Amends 12B-2
			2	Amends 12B-3
			3	Amends 12B-4
			4	Amends 12B-8(d)
			5	Amends 12B-14
			6	Amends 12B-19(a)(3)
			7	Adds 12B-22
			8	Adds 12B-23
31872	5-26-21		1	Amends 1-10
			2	Retitles ch. 2, art. IV
			3	Amends 2-27(15)
			4	Amends 2-29
			5	Amends 2-30(d)
			6	Amends 2-32
			7	Amends 2-37.4(g)

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CITY OF DALLAS, TEXAS

CODE OF ORDINANCES

VOLUME III

Contains ~~1/21~~ 4/21 7/21 Supplement current through
Ordinance 31707, passed 11-11-20

AMERICAN LEGAL PUBLISHING CORPORATION

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established and familiar visual feature of a neighborhood, community or the city that is a source of pride or cultural significance.

(8) Archaeological: Archaeological or paleontological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.

(9) National and state recognition: Eligible for or designated as a National Historic Landmark, Recorded Texas Historic Landmark, State Archeological Landmark, American Civil Engineering Landmark, or eligible for inclusion in the National Register of Historic Places.

(10) Historic education: Represents an era of architectural, social, or economic history that allows an understanding of how the place or area was used by past generations.

(c) Historic designation procedure and predesignation moratorium.

~~(1) Purpose. Temporary preservation of the status quo upon initiation of the historic designation procedure is necessary to allow time to evaluate each proposed historic overlay district, to consider appropriate preservation criteria, and to prevent circumvention of the purposes of this section. Relief from the predesignation moratorium may be obtained by applying for a predesignation certificate of appropriateness or certificate for demolition or removal.~~

~~(2) Initiation of historic designation procedure. The procedure for adopting an ordinance to establish or amend a historic overlay district may be initiated by the city council, the city plan commission, the landmark commission, or by the owner(s) of the property. The director shall provide property owners with notice of a public hearing to initiate the historic designation procedure at least 10 days before the date set for the hearing using the procedure outlined in Section 51A-4.701(a)(1). No permits to alter or demolish the property may be issued after provision of this notice until action is taken at that hearing by the city council, city plan commission, or landmark commission. The historic designation procedure is considered to be initiated immediately when the city~~

~~council, the city plan commission, or the landmark commission votes to initiate it or, in the case of initiation by the property owner(s), when the zoning change application is filed with the director.~~

~~(3) Appeal. If the historic designation procedure is initiated by the landmark commission or city plan commission, the property owner may appeal the initiation to the city council by filing a written notice with the director within 10 days after the action of the landmark commission or city plan commission. Within 180 days after the filing of the appeal, the director shall prepare, and the landmark commission shall adopt, a designation report and submit it to the city council. After submission of the designation report, the city council shall hold a public hearing on the appeal. The sole issue on appeal is whether the landmark commission or city plan commission erred in evaluating the significance of the property based on the characteristics listed in Section 51A-4.501(b). Appeal to the city council constitutes the final administrative remedy.~~

~~(4) Enforcement. Upon initiation of the historic designation procedure, the historic preservation officer shall immediately notify the building official. The building official shall not accept any application for a permit to alter, demolish, or remove the structure or site subject to the predesignation moratorium, unless a predesignation certificate of appropriateness or certificate for demolition or removal has been issued.~~

~~(5) Designation report. Upon initiation of the historic designation procedure, the historic preservation officer shall coordinate research to compile a written report regarding the historical, cultural, and architectural significance of the place or area proposed for historic designation. This report must include a statement on each of the following to the extent that they apply:~~

~~(A) A listing of the architectural, archaeological, paleontological, cultural, economic, social, ethnic, political, or historical characteristics upon which the nomination is based;~~

~~(B) A description of the historical, cultural, and architectural significance of the structures and site;~~

(1) Purpose. Temporary preservation of the status quo upon initiation of the historic designation procedure is necessary to allow time to evaluate each

proposed historic overlay district, to consider appropriate preservation criteria, and to prevent circumvention of the purposes of this section. Relief from the predesignation moratorium may be obtained by applying for a predesignation certificate of appropriateness or certificate for demolition or removal.

(2) Initiation of historic designation procedure.

(A) The procedure for adopting an ordinance to establish or amend a historic overlay district may be initiated by five members of the city council, three members of the city plan commission, one member of the landmark commission for an individual property and three members of the landmark commission for an expansion of an existing district or creation of a new district, or by the owner(s) of the property.

(i) Statement of intent for historic designation. The five city council members, three city plan commissioners, or one landmark commissioner if it is an individual property, or three landmark commissioners if it is an expansion of an existing district or creation of a new district, must prepare and present a statement of intent for historic designation at the public hearing to initiate the historic designation procedure. The purpose of the statement of intent for historic designation is to provide justification of the action under consideration. The statement of intent must be provided to the property owner(s) at the time the agenda for the meeting is posted. The statement of intent of historic designation must contain the following:

(aa) List of characteristics on which the initiation is based;

(bb) A brief description of the historical significance of the potential building, site, district or expansion;

(cc) Purpose of the proposed designation; and

(dd) For district expansions, a statement including the history and timeline of the existing district designation process and information on why the expansion area was not originally included with the initial district designation, if available.

(ii) Procedure for individual properties. The procedure to designate an individual property requires a minimum of one public hearing of the initiating body. The purpose of the hearing is to

determine whether sufficient information is presented to initiate the historic designation procedure.

(iii) Procedures for expansions and new districts.

(aa) The procedure to expand an existing district or create a new district involves a minimum of two public hearings and a community meeting. The purpose of the first public hearing is to determine whether enough information is presented to consider a historic designation. This first public hearing does not initiate the historic designation procedure. If the city council, the city plan commission, or the landmark commission determines that sufficient information has been presented in the statement of intent for historic designation for consideration, the department shall conduct a community meeting. The purpose of the community meeting is for the proposing commissioners or city council members to present the statement of intent for historic designation to the property owners, neighbors, and interested parties to the proposed initiation, and to provide an opportunity for public comment. The meeting must be held at a facility open to the public within the neighborhood of the proposed historic district. The information presented must include the following:

(I) Statement of intent for historic designation;

(II) List of potential impacts of historic preservation;

(III) List of neighborhood planning concerns and goals; and

(IV) Any other information that may be relevant.

(bb) Prior to the second public hearing to initiate the historic designation procedure, the proposing commissioners or city council members must revise the statement of the intent for historic designation. The revised statement of intent must include the following, as applicable:

(I) original statement of intent;

(II) transcription of the community meeting;

(III) benefits and incentives of preservation;

(IV) additional neighborhood planning goals;

(V) concepts for additional development incentives paired with historic preservation;

(VI) summary of concerns; and

(VII) summary of economic incentives available to the property owners such as city of Dallas historic tax exemption, tax increment financial districts, and federal or state opportunities.

(VIII) statement reflecting the property owner(s) position, if available.

The purpose of the second public hearing is to review the revised statement of intent and determine whether sufficient information is presented to initiate the historic designation procedure.

(B) The director shall provide property owners with notice of a public hearing to initiate the historic designation procedure, a statement that describes the impact that a historic designation of the owner's property may have on the owner and the owner's property, and information about the process at least 15 days before the date set for the initial hearing using the procedure outlined in Section 51A-4.701(a)(1). The historic designation impact statement must include the following:

(i) regulations that may be applied to any structure on the property after the designation;

(ii) procedures for the designation;

(iii) tax benefits that may be applied to the property after the designation; and

(iv) rehabilitation or repair programs that the city offers for a property designated as historic.

(C) No permits to alter or demolish the property may be issued after provision of this notice until action is taken at that initial hearing by the city council, city plan commission, or landmark commission.

(D) The historic designation procedure is considered to be initiated immediately when the city council, the city plan commission, or the landmark commission votes to initiate it or, in the case of initiation by the property owner(s), when the zoning

change application is filed with the director.

(3) Appeal. If the historic designation procedure is initiated by the landmark commission or the city plan commission, the property owner may appeal the initiation to the city council by filing a written notice with the director within 15 days after the action of the landmark commission or city plan commission. The written notice must include why the property owner thinks the criteria used to justify the initiation does not apply. Within 90 days after the filing of the appeal or 180 days after filing the appeal, if a 90 day extension is requested by the property owner within 45 days of filing the initial written notice of appeal with the director, the director and the chair of the landmark commission shall present the statement of intent for historic designation if it is an individual property, or the revised statement of intent for historic designation if it is an expansion or new district to the city council. After submission of the statement of intent for historic designation if it is an individual property, or revised statement of intent for historic designation if it is an expansion or new district, the city council shall hold a public hearing on the appeal. The sole issue on appeal is whether the landmark commission or city plan commission erred in evaluating the significance of the property based on the characteristics listed in Section 51A-4.501(b). Appeal to the city council constitutes the final administrative remedy.

(4) Enforcement. Upon initiation of the historic designation procedure, the historic preservation officer shall immediately notify the building official. The building official shall not accept any application for a permit to alter, demolish, or remove the structure or site subject to the predesignation moratorium, unless a predesignation certificate of appropriateness or certificate for demolition or removal has been issued.

Division 51A-7.1300. Provisions for Deep Ellum/Near East Side Sign District.

SEC. 51A-7.1301. DESIGNATION OF SIGN DISTRICT.

A special provision sign district is hereby created to be known as the Deep Ellum/Near East Side Sign District. The boundaries of the Deep Ellum/Near East Side Sign District are the same as those of the Deep Ellum/Near East Side District (Planned Development District No. 269). (Ord. 20596)

SEC. 51A-7.1302. PURPOSE.

The purpose of this division is to promote signage that is compatible with the architectural character and design guidelines of the Deep Ellum/Near East Side Planned Development District while encouraging artistic, creative, and innovative signs which are reflective of themes that have grown and developed in the Deep Ellum area. (Ord. 20596)

SEC. 51A-7.1303. DEFINITIONS.

~~(a) In this division:~~

~~(1) ARTWORK means any pictorial or image presentation or design.~~

~~(2) BANNER means a sign attached to or applied on a strip of cloth and temporarily attached to a building or structure. Canopy signs and political flags are not banners.~~

~~(3) CANOPY SIGN means a sign attached to or applied on a canopy or awning.~~

~~(4) FLAT ATTACHED SIGN means an attached sign projecting 18 inches or less from a building and parallel to the building facade.~~

~~(5) MARQUEE SIGN means a sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building, and consisting primarily of changeable panels or words.~~

~~(6) PROJECTING ATTACHED SIGN means an attached sign projecting 18 or more inches from a building.~~

~~(7) THIS DISTRICT means the Deep Ellum/Near East Side Sign District.~~

~~(8) WALLSCAPE SIGN means a sign meeting the requirements set forth in Section 51A-7.1308.~~

~~(9) WINDOW SIGN means a sign painted or affixed onto a window.~~

(a) In this division:

(1) A-FRAME SIGN means a premise sign that is a portable detached structure that is hinged at the top and is made of durable, rigid materials such as wood, plastic, or metal.

(2) ARTWORK means any pictorial or image presentation or design.

(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) DISTRICT IDENTIFICATION SIGN means an attached or detached sign identifying only this district.

(6) MARQUEE SIGN means a sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building, and consisting primarily of changeable panels or words.

(7) PAINTED APPLIED SIGN means a sign that is painted, or that is made to look painted, directly onto the face of the exterior facade of a building not including doors and windows. Signs of this type must

naturally conform to the textured surface of the facade.

(8) **THIS DISTRICT** means the Deep Ellum/
Near East Side Sign District.

(9) **WALLSCAPE SIGN** means a sign
meeting the requirements set forth in Section
51A-7.1306(g).

(10) **WINDOW SIGN** means a sign painted or
affixed onto a window.

(b) Except as otherwise provided in this section,
the definitions contained in Sections 51A-2.102 and
51A-7.102 apply to this division. In the event of a
conflict, this section controls. (Ord. Nos. 20596; 24984;
31494)

**SEC. 51A-7.1304. SIGN PERMIT
REQUIREMENTS.**

(a) No person may alter, place, maintain, expand,
or remove a sign in this district without first obtaining
a sign permit from the city. This section does not apply
to government signs described in Section 51A-7.207.

(b) Except as otherwise provided in Section 51A-
7.1306(f), the procedure for obtaining a sign permit is
outlined in Section 51A-7.505.

(c) Section 51A-7.602 does not apply to signs in
this district. (Ord. Nos. 20596; 24984)

SEC. 51A-7.1305. SPECIAL PROVISIONS FOR ALL SIGNS.

~~—(a) Signs in this district are permitted to overhang the public right-of-way subject to city franchising requirements.~~

~~—(b) Except as otherwise provided in Subsections (c) and (d), the maximum effective area of all signs combined on a premise is 10 percent of the total area of all building facades facing public right-of-way that is adjacent to the premise.~~

~~—(c) When more than 50 percent of the total effective area of all signs combined on a premise is devoted to artwork, and there is no wallscape sign on the premise, the maximum effective area of all signs combined on a premise is 15 percent of the total area of all building facades facing public right-of-way that is adjacent to the premise.~~

~~—(d) When there is a wallscape sign on the premise, the maximum effective area of all signs combined on a premise is 90 percent of the total area of all building facades facing public right-of-way that is adjacent to the premise.~~

~~—(e) Except for wallscape signs, all signs must be premise signs or convey a noncommercial message.~~

~~—(f) Special purpose signs may be erected on a premise no more than once each calendar year. The maximum number of consecutive days that a special purpose sign may be maintained is 15.~~

~~—(g) The use of neon or single incandescent bulbs is permitted.~~

~~—(h) No portions of a sign other than the words themselves may be illuminated by back-lighting.~~

~~—(i) No portion of a sign may have a luminance greater than 200 footlamberts.~~

~~—(j) The following materials are suggested, but not required, for signs in this district:~~

~~—(1) Metal.~~

~~—(2) Glass.~~

~~—(3) Wood.~~

(a) Signs in this district are permitted to overhang the public right-of-way subject to city franchising requirements.

(b) Except for wallscape signs, painted applied signs, and district identification signs, no sign may exceed 150 square feet unless it is located more than 65 feet above grade, at which point no sign may exceed 300 square feet.

(c) Except as otherwise provided in Subsections (d) and (e), the maximum effective area of all signs combined on a premise, not including A-frame signs, painted applied signs on certain facades, and district identification signs, is 10 percent of the total area of all building facades facing public right-of-way that is adjacent to the premise, not to exceed 1,200 square feet. Where a premise has only one facade facing an adjacent public right-of-way, the maximum effective area can be increased to 15 percent of that facade, not to exceed 500 square feet.

(d) Excluding A-frame signs, painted applied signs on certain facades, and district identification signs, when more than 50 percent of the total effective area of all signs combined on a premise is devoted to artwork, and there is no wallscape sign on the premise, the maximum effective area of all signs combined on a premise is 15 percent of the total area of all building facades facing public right-of-way that is adjacent to the premise, not to exceed 1,400 square feet. Where a premise has only one facade facing an adjacent public right-of-way, the maximum effective area can be increased to 20 percent of that facade, not to exceed 600 square feet.

(e) When there is a wallscape sign on the premise, the maximum effective area of all signs combined on a premise is 90 percent of the total area of all building facades facing a public right-of-way that is adjacent to the premise.

(f) Except for wallscape signs, all signs must be premise signs or convey a noncommercial message.

(g) Special purpose signs may be erected on a premise no more than twice each calendar year. The maximum number of consecutive days that a special purpose sign may be maintained is 45. Special purpose signs may not exceed 10 percent of the facade to which they are attached. Detached special purpose signs are prohibited.

(h) The use of neon or single incandescent bulbs is permitted.

(i) Digital displays are prohibited.

(j) No portions of a sign other than the words themselves may be illuminated by back-lighting.

(k) No portion of a sign may have a luminance greater than 200 footlamberts.

(l) The following materials are suggested, but not required, for signs in this district:

(1) Metal.

(2) Glass.

(3) Wood. (Ord. Nos. 20596; 24984; 31494)

SEC. 51A-7.1306. SPECIAL PROVISIONS FOR ATTACHED SIGNS.

~~The regulations relating to the erection of attached signs in this district are hereby expressly modified as follows:~~

~~(a) Attached signs in general:~~

~~(1) No portion of an attached sign may be located:~~

~~(A) more than 10 feet from the facade to which it is attached; or~~

~~(B) less than two feet from the back of a street curb.~~

~~(2) Although not required, the use of three-dimensional projecting attached signs is encouraged.~~

~~(b) Banners:~~

~~(1) Banners are permitted in this district to promote cultural events or activities.~~

~~(2) If the cultural event or activity has a sponsor, no more than 10 percent of the effective area of the banner may be utilized for sponsor identification.~~

~~(3) No portion of a banner may be used to advertise a specific product or service other than the cultural event or activity.~~

~~(c) Canopy signs. Canopy signs must be flat-attached or painted directly onto the surface of the canopy.~~

~~— (d) Marquee signs:~~

~~— (1) No premise may have more than one marquee sign.~~

~~— (2) The length of a marquee sign must not exceed two-thirds of the length of the facade to which it is attached.~~

~~— (3) Marquee signs may incorporate moving patterns or bands of light, except that the use of illumination to produce apparent motion of a visual image, such as expanding or contracting shapes, rotation, or similar effects of animation, is prohibited.~~

~~— (e) Window sign. No window sign may cover more than 25 percent of the window surface area.~~

~~— (f) Wallscape signs:~~

~~— (1) Definitions. In this section:~~

~~— (A) SUPERGRAPHIC SIGN means an attached premise or non-premise sign on a mesh-type surface.~~

~~— (B) WALLSCAPE SIGN means a supergraphic sign or an attached premise or non-premise sign painted directly onto the face of a building.~~

~~— (2) Visual display and coverage:~~

~~— (A) A wallscape sign must have at least 84 percent non-textual graphic content (a maximum of 16 percent of the effective area of the sign may contain text).~~

~~— (B) A wallscape sign must have a single message; it may not have multiple messages or function as multiple signs.~~

~~— (C) The lower 15 feet of the face may not be covered.~~

~~— (3) Minimum area. A wallscape sign must exceed 3,000 square feet.~~

~~— (4) Location. The building to which a wallscape sign is attached or applied must be more than 80 feet in height, and only those portions of a building covering at least 1,100 square feet in floor area may be used to determine the height of the building for the purpose of this paragraph. No wallscape sign may be attached to a building or structure erected after June 1, 2005.~~

~~— (5) Number of signs permitted, and spacing requirement. One wallscape sign per face is permitted in this district. The signs may be spaced immediately adjacent to each other on different faces of the building.~~

~~— (6) Removal of wallscape sign. If a wallscape sign is proposed that will be painted onto the face of a building, the applicant must provide a bond in the amount of the cost of removal of the wallscape sign, that provides that the wallscape sign will be removed within 30 days of the expiration of the permitted message duration.~~

~~— (7) Sign permit application review. All applications for sign permits for wallscape signs shall be reviewed using the director procedure in Division 51A-7.500.~~

~~— (8) Mandatory removal in 2018. All wallscape signs must be removed on or before July 1, 2018. This section does not confer a nonconforming or vested right to maintain a wallscape sign after July 1, 2018, and all permits authorizing wallscape signs shall automatically expire on that date.~~

~~— (9) Sunset. This section expires on July 1, 2018, unless reenacted with amendment prior to that date. The city plan commission and city council shall review this section prior to its expiration date.~~

The regulations relating to the erection of attached signs in this district are hereby expressly modified as follows:

(a) Attached signs in general.

(1) No portion of an attached sign may be located:

(A) more than 10 feet from the facade to which it is attached; or

(B) less than two feet from the back of a street curb.

(2) Although not required, the use of three-dimensional projecting attached signs is encouraged.

(b) Cultural event or activity signs.

(1) Cultural event or activity signs are permitted in this district to promote cultural events or activities happening within the district and within one-half mile of the district.

(2) Cultural event or activity signs are temporary signs that may only be displayed up to 45 days prior to the event or activity being promoted and must be removed no later than 45 after the event or activity.

(3) If the cultural event or activity has a sponsor, no more than 10 percent of the effective area of a cultural event or activity sign may be utilized for sponsor identification.

(4) No portion of a cultural event or activity sign may be used to advertise a specific product or service other than the cultural event or activity.

(c) Awning signs. Awning signs must be flat attached, imprinted, painted on the face of an awning, or attached to and hanging from the bottom of an awning. Signs hanging from the bottom of an awning must meet the following requirements:

(1) The bottom of the awning sign must be a minimum of 10 feet above the ground surface when projecting over a private or public walkway.

(2) Awning signs must project no more than five feet into a public right-of-way and must project no closer than two feet from the face of the curb line without projecting past the edge of the awning. All necessary city licenses and permits must be obtained.

(d) Marquee signs.

(1) No premise may have more than one marquee sign.

(2) The length of a marquee sign must not exceed two-thirds of the length of the facade to which it is attached.

(3) Marquee signs may incorporate moving patterns or bands of light, except that the use of illumination to produce apparent motion of a visual image, such as expanding or contracting shapes, rotation, or similar effects of animation, is prohibited.

(e) Window sign. No window sign may cover more than 25 percent of the window surface area.

(f) Painted applied signs.

(1) On facades where less than 10 percent of the facade is comprised of windows, painted applied signs may cover up to 40 percent of the facade.

(2) No portion of a painted applied sign, on any facade, may cover a significant decorative feature of the facade.

(g) Wallscape signs.

(1) Definitions. In this section, WALLSCAPE SIGN means an attached premise or non-premise sign on a mesh type surface or painted directly onto the face of a building.

(2) Visual display and coverage.

(A) A wallscape sign must have at least 84 percent of non-textual graphic content (a maximum of 16 percent of the effective area of the sign may contain text).

(B) A wallscape sign must have a single message; it may not have multiple messages or function as multiple signs.

(C) The lower 15 feet of the face may not be covered.

(3) Minimum effective area. Minimum effective area of a wallscape sign is 1,200 square feet.

(4) Location. The building to which a wallscape sign is attached or applied must be more than 80 feet in height, and only those portions of a building covering at least 1,100 square feet in floor area may be used to determine the height of the building for the purpose of this paragraph. No wallscape sign

may be attached to a building or structure erected after June 1, 2005.

(5) Number of signs permitted, and spacing requirement. One wallscape per face is permitted in this district. The signs may be spaced immediately adjacent to each other on different faces of the building.

(6) Removal of wallscape sign. If a wallscape sign is proposed that will be painted onto the face of a building, the applicant must provide a bond in the amount of the cost of removal of the wallscape sign, that provides that the wallscape sign will be removed within 30 days of the expiration of the permitted message duration.

(7) Sign permit application review. All applications for sign permits for wallscape signs shall be reviewed using the director procedure in Division 51A-7.500.

(8) Mandatory removal in 2030. All wallscape signs must be removed on or before July 1, 2030. This section does not confer a nonconforming or vested right to maintain a wallscape sign after July 1, 2030, and all permits authorizing wallscape signs shall automatically expire on that date.

(9) Sunset. This section expires on July 1, 2030, unless reenacted with amendment prior to that date. The city plan commission and city council shall review this section prior to its expiration date.

(h) District identification signs.

(1) Recognizing the historical, cultural, artistic, and architectural importance and significance of this district to the citizens of the City of Dallas, the provisions in this subsection are specifically tailored to preserve and enhance the district, and to strengthen district identity.

(2) There is no limit to the number of attached district identification signs. (Ord. Nos. 20596; 24984; 25996; 27284; 31494)

SEC. 51A-7.1307. SPECIAL PROVISIONS FOR DETACHED SIGNS.

The regulations relating to the erection of detached signs in this district are hereby expressly modified as follows:

(1) No premise having an attached sign of any type, except for banners, may have a detached sign.

(2) A premise that has no attached signs other than banners, and that has frontage along more than one street, may have one detached sign along each street frontage.

(3) No detached sign support may be located in the public right-of-way.

The regulations relating to the erection of detached signs in this district are hereby expressly modified as follows:

(1) No premise having an attached sign of any type, except for cultural event or activity signs, special purpose signs, or district identification signs, may have a detached sign, except for A-frame signs, unless the maximum effective area for all signs on the premise, as established in 51A-7.1305(c), 51A-7.1305(d), or 51A-7.1305(e), is reduced by 25 percent for each detached sign located on the premise not to exceed a total reduction of 75 percent of the maximum effective area. Where the premise has only one facade facing an adjacent public right-of-way, the maximum effective area is to be reduced by 75 percent.

(2) A premise may have no more than one detached sign along each street frontage.

(3) No detached sign support may be located in the public right-of-way.

(4) A-frame signs.

(A) Only one A-frame sign is permitted for each business use.

(B) The maximum size of an A-frame sign is 32 inches wide and 36 inches tall.

(C) An A-frame sign may only be displayed when the business it identifies is open.

(D) A-frame signs may be located on the sidewalk if a minimum of four feet of unobstructed sidewalk area is provided and all necessary city licenses and permits have been obtained.

(E) A-frame signs may not be located within 25 feet of an intersection or within a visibility triangle.

(5) District identification signs. Recognizing the historical, cultural, artistic, and architectural importance and significance of this district to the citizens of the City of Dallas, the provisions in this paragraph are specifically tailored to preserve and enhance the district, and to strengthen district identity.

(A) The maximum number of district identification signs is nine.

(B) Except as otherwise provided in this paragraph, district identification signs may only be located in or over and span across the rights-of-way at the following locations:

(i) Four of the district identification signs are limited to 1,000 square feet in effective area and may be located at any of the following locations:

(aa) Along Hall Street, between Crutcher Street and Elm Street.

(bb) Main Street & Deep Ellum Trailhead.

(cc) Exposition Avenue & 1st Avenue.

(dd) Malcolm X Boulevard & Hall Street.

(ee) Elm Street & Interstate-345.

(ii) Four other district identification signs are limited to 250 square feet in effective area and may be located at any of the previously stated locations that do not already have a district identification sign or at any of the following

locations:

(aa) Canton Street & Henry Street.

(bb) Main Street & Malcolm X Boulevard.

(cc) Main Street & Good-Latimer Expressway.

(iii) The final district identification sign is limited to 250 square feet in effective area and may be located at any location within the district that does not already have a district identification sign.

(C) Minimum clearance for a district identification sign located in or over and spanning across a right-of-way must be determined by the director before a district identification sign permit may be issued and all necessary city licenses and permits are obtained.

(D) A district identification sign that is located over and spanning across a right-of-way may not resemble or obstruct traffic control devices.

(E) A district identification sign may not be located in or visually obstruct a visibility triangle as defined in the visual obstructions regulations in Section 51A-4.602(d). (Ord. Nos. 20596; 31494)

~~SEC. 51A-7.1308. — PARKING AD SIGNS.~~

~~(1) Definition. In this section, PARKING AD SIGN means a standardized detached sign that meets the requirements of this section.~~

~~(2) Content:~~

~~(A) Parking ad signs may display premise or non-premise messages.~~

~~(B) Parking ad signs must display a standardized parking emblem.~~

~~(C) Parking ad signs must display a standardized district identification.~~

~~(D) Parking ad signs must display way-finding information at pedestrian level.~~

~~(3) Location:~~

~~(A) Parking ad signs may only be located on a lot containing a commercial parking lot or garage use or a surface parking use.~~

~~—————(B) Parking ad signs may only be located on a lot with frontage on Main Street, Elm Street, or Commerce Street.~~

~~—————(4) Size and effective area.~~

~~—————(A) Parking ad signs may not exceed 20 feet in height.~~

~~—————(B) Parking ad signs may not exceed 40 square feet in total effective area. Way-finding information does not count toward the total effective area.~~

~~—————(C) The premise or non-premise message on a parking ad sign may not exceed 25 square feet in effective area.~~

~~—————(5) Lighting. Parking ad signs may not be illuminated by a detached, independent light source.~~

~~—————(6) Landscaping. Lots with parking ad signs must have a landscaped area located within 20 feet of the street right-of-way of a minimum of 150 square feet or three percent of the lot area, whichever is greater, and containing a combination of ground cover, shrubs, or trees.~~

~~—————(7) Number.~~

~~—————(A) Lots with parking ad signs may only have one detached sign.~~

~~—————(B) A maximum of 20 parking ad signs are allowed in this district.~~

~~—————(8) HBA prohibition. Parking ad signs may not be Highway Beautification Act (HBA) signs.~~

~~—————(9) Mandatory removal. All permits authorizing parking ad signs automatically expire on September 1, 2015. All parking ad signs must be removed by September 1, 2015. This section shall not be construed to confer nonconforming or vested rights to maintain parking ad signs after September 1, 2015.~~

~~_____ (10) Sunset. This section expires on September 1, 2015, unless reenacted with amendment prior to that date. The city plan commission and city council shall review this section prior to its expiration.~~

SEC. 51A-7.1308. COMMERCIAL PARKING LOTS.

For commercial parking lots, one sign is permitted for each street frontage. Commercial parking lot signs are limited to 20 square feet in effective area and 15 feet in height. (Ord. Nos. 26066; 31494)

**Division 51A-7.1400.
Jefferson Boulevard Sign District.**

SEC. 51A-7.1401. DESIGNATION OF SIGN DISTRICT.

A special provision sign district is hereby created to be known as the Jefferson Boulevard Sign District. The Jefferson Boulevard Sign District is that area within the following described boundaries:

BEGINNING at a point being the northwestern corner of Lot 9A, Block 189/3248;

THENCE easterly along the northern lot line of Lot 9A, Block 189/3248, crossing Polk Street and extending along the center line of the alley between Sunset Street and Jefferson Boulevard to the center line of the alley between Polk Street and Tyler Street;

THENCE northerly along the alley center line to the projected northern lot line of Lot 3, Block 178/3237;

THENCE easterly along the northern lot line of Lot 3, Block 178/3237 crossing Tyler Street and extending along the northern lot lines of Lots 11 and 12, Block 157/3226 and extending along the center line of the alley between Sunset Street and Jefferson Boulevard to the center line of the alley between Zang Boulevard and Beckley Avenue;

THENCE northerly along the center line of the alley between Zang Boulevard and Beckley Avenue to the projected northern lot line of Lot 10, Block 49/3169;

THENCE easterly along the northern lot line of Lot 10, Block 49/3169 to the center line of Beckley Avenue;

THENCE southerly along the center line of Beckley Avenue to the projected northern lot line of Lot 12, Block 50/3170;

THENCE westerly along the northern lot line of Lot 12, Block 50/3170 and continuing along the center line of the alley between Jefferson Boulevard and Center

Code Comparative Table - Part I of the Dallas Development Code (Chapter 51)

<u>Ordinance Number</u>	<u>Passage Date</u>	<u>Specified Effective Date</u>	<u>Ordinance Section</u>	<u>51 Section</u>
30654	9-20-17	10-1-17	35	Amends 51-2.102(75)
			36	Amends 51-2.102(99.1)
			37	Amends 51-2.102(116.1)
30890	6-13-18		1	Amends 51-4.201(b)(1)(C)
			2	Amends 51-4.202(12)(C)
			3	Amends 51-4.213(12)(C)
			4	Amends 51-4.213(19)(C)
30894	6-13-18		1	Amends 51-4.217(b)(11)(F)
			2	Amends 51-4.217(b)(11)(H)
30895	6-13-18		1	Amends 51-4.401(a)(1)
			2	Amends 51-4.401(a)(4)
			3	Amends 51-4.402(a)
			4	Amends 51-4.402(b)(3)
			5	Amends 51-4.403(a)(4)
			6	Amends 51-4.403(b)(2)
			7	Amends 51-6.102(a)(5)
30930	6-27-18		1	Amends 51-4.201(b)(1)(E)
30931	6-27-18		1	Adds 51-4.509
30932	6-27-18		1	Amends 51-2.102(9)
			2	Adds 51-2.102(9.1)
			3	Amends 51-4.401(a)(6)
			4	Amends 51-4.401(b)(3)
			5	Amends 51-4.401(c)(4)(A)(i)
31040	11-14-18		1	Adds Div. 51-9.500
31041	11-14-18		1	Adds 51-4.217(b)(19)
31152	3-27-19		1	Amends 51-4.201(b)(7)(E)(ii)
			2	Adds 51-4.404(a)(3)
			3	Adds 51-4.407(c)(2)
			4	Adds 51-4.408(b)(2)
			5	Amends 51-4.409(a)
			6	Adds Div. 51-4.900
31607	8-12-20		1	Amends 51-4.201(b)(1)(E)(viii)(ff)
31608	8-12-20		1	Amends 51-4.201(b)(3)(C)
31705	11-11-20		1	Adds 51-4.217(b)(19)
31916	6-23-21		1	Renumbers 51-4.217(b)(19) as 51-4.217(b)(20)

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>
31410 (Cont'd)			9	Amends 51A-7.1729(a)(8)
			10	Deletes 51A-7.1729(a)(11)
			11	Amends 51A-7.1729(a)(12)
			12	Deletes 51A-7.1729(a)(13)
			13	Amends 51A-7.1729(b)(3)(B)
31433	1-8-20		1	Amends 51A-4.501(c)
31471	2-26-20		1	Amends 51A-4.701(b)(5)
			2	Amends 51A-4.701(c)
			3	Amends 51A-4.701(g)(5)(A)
31494	3-25-20		1	Amends 51A-7.1303(a)
			2	Amends 51A-7.1305
			3	Amends 51A-7.1306
			4	Amends 51A-7.1307
			5	Amends 51A-7.1308
31607	8-12-20		2	Adds 51A-2.102(140.1)
			3	Amends 51A-4.127(c)(8)(F)(i)
			4	Amends 51A-4.127(c)(8)(F)(iii)
			5	Amends 51A-4.209(b)(6)(E)(vii)(ff)
			6	Amends 51A-4.217(b)(12)(F)(xii)
			7	Adds 51A-4.217(b)(12)(G)(vii)
			8	Amends 51A-4.345(k)
			9	Amends 51A-4.605(a)(6)
			10	Amends 51A-4.906(b)(3)
			11	Amends 51A-13.201(34)
			12	Amends 51A-13.304(b)(6)
			13	Amends 51A-13.304(c)(6)
31608	8-12-20		2	Amends 51A-4.209(b)(5)(C)
			3	Adds 51A-13.403(j)
31657	9-23-20	10-1-20	29	Amends 51A-1.105(j)(4)
31658	9-23-20	10-1-20	3	Amends 51A-9.305(a)
31694	11-11-20		1	Amends 51A-11.401
31705	11-11-20		2	Adds 51A-4.217(b)(11.1)
31707	11-11-20		1	Amends 51A-5.104(b)(6)
			2	Amends 51A-5.104(c)(5)

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