

# CITY OF DALLAS, TEXAS

## CODE OF ORDINANCES

### VOLUME I

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**SEC. 2-17. PAYMENT OF COST OF PUBLISHING ORDINANCE GRANTING FRANCHISE OR CLOSING STREET.**

The payment of the costs of publishing the ordinance, in the amount of \$20, shall be made a condition precedent to the granting of any request by the city council for any franchise or the clearing of title by the abandoning or closing of any street or alley. Such sum shall be paid in advance by the person seeking such special privilege or franchise or the abandoning or closing of any street or alley within five days after the granting of the request and prior to the publication of the ordinance making the request effective. (Code 1941, Art. 117-3; Ord. 3756)

**SEC. 2-17.1. FISCAL NOTES.**

(a) The city manager shall prepare a fiscal note to accompany any proposed project or program presented to the city council if the project or program increases or decreases revenues or causes the expenditure or diversion of funds and the project or program is:

- (1) to be considered by ordinance or resolution as an unbudgeted item;
- (2) new and is to be considered as a part of the adoption of the annual budget; or
- (3) to be considered as part of the adoption of a bond program.

(b) A fiscal note shall include a statement of estimated revenues and expenditures that will result from a proposed project or program in the current and at least two future fiscal years.

(c) The city manager or his designee shall develop procedures and standardized formats in which to present fiscal impact information. (Ord. No. 17938)

**SEC. 2-17.2. SELECTION OF CITY AUDITOR; NOMINATING COMMISSION.**

~~—(a) Before the end of each term of a city auditor, or at such other times when a vacancy occurs or is anticipated to occur in the office of city auditor, the city council shall appoint a nominating commission to select a city auditor in accordance with Chapter IX, Section 1 of the city charter. The commission shall be composed of five members, including a chair and vice-chair, meeting the following qualifications:~~

~~—(1) One member must be a representative selected by the board of directors of the Dallas Chapter/Texas Society of Certified Public Accountants.~~

~~—(2) One member must be the Dallas regional director of the United States Government Accountability Office, or the highest ranking auditor of the Dallas division of the United States Government Accountability Office.~~

~~—(3) Three members must meet any one of the following qualifications:~~

~~—(A) Be a managing partner of a multi-national public accounting firm with offices located in the city, excluding any firm under current contract with the city to provide external audit services.~~

~~—(B) Be one of the following persons associated with a publicly-traded company headquartered in Dallas County that has at least one billion dollars in annual revenue:~~

~~—(i) the current chief financial officer;~~

\_\_\_\_\_ (ii) the current chief auditor of an internal audit group; or

\_\_\_\_\_ (iii) the current chief executive officer or a person who has served as the chief executive officer within the preceding three years.

\_\_\_\_\_ (C) Be a former mayor or council member of the city.

\_\_\_\_\_ (D) Be a current or former city auditor of the city.

\_\_\_\_\_ (b) Notwithstanding the general board qualifications of Section 8-1.4(a)(1) and (2) of this code, a person appointed to the city auditor nominating commission under Subsection (a)(2) or (a)(3)(B) of this section is not required to be a resident or qualified voter of the city of Dallas.

\_\_\_\_\_ (c) The commission shall, within 15 days after being appointed, hold its first meeting to consider nomination of a person to serve as city auditor. Within 180 days after its first meeting, the commission shall nominate to the city council one or more candidates for city auditor selected by a majority of the commission members. The city council shall, within 30 days after receipt of the nomination, accept one of the nominated candidates or reject all of the candidates.

\_\_\_\_\_ (d) If the city council rejects all candidates nominated for city auditor, it shall immediately notify the commission and request the nomination of different candidates. Commission members shall serve until the city council accepts a candidate nominated by them to be city auditor.

\_\_\_\_\_ (e) The director of human resources of the city shall assist the commission, when necessary, in seeking and screening applicants for the position of city auditor.

\_\_\_\_\_ (f) Notwithstanding Subsections (a) through (e) of this section, at the end of a city auditor's term (including any period in which a city auditor is holding over), the city council finance and audit committee may, on its own initiative or at the direction of the city

council, act as a nominating commission and, by a majority vote, nominate the incumbent city auditor for reappointment by the full city council. If a majority of the finance and audit committee does not vote to nominate the incumbent city auditor for another term, or if, upon receiving the nomination from the finance and audit committee, a majority of the city council does not vote to reappoint the incumbent city auditor for another term, then the nominating process described in Subsections (a) through (e) must be followed.

(a) Before the end of each term of a city auditor, or at such other times when a vacancy occurs or is anticipated to occur in the office of city auditor, the city council shall appoint a nominating commission to select a city auditor in accordance with Chapter IX, Section 1 of the city charter. The commission shall be composed of five members, including a chair and vice-chair, meeting the following qualifications:

(1) One member must be a representative selected by the board of directors of the Dallas Chapter of one of the following professional organizations, including the: Texas Society of Certified Public Accountants (TSCPA); Institute for Internal Auditors (IIA); Information Systems Audit and Control Association, Inc. (ISACA); Financial Executives International (FEI); Association of Government Accountants (AGA); or other such organizations experienced in accounting and auditing.

(2) Four members must meet any one of the following qualifications:

(A) Be a current or former managing or founding partner of a multi-national public accounting firm with offices located in the city, excluding any firm under current contract with the city to provide external audit services.

(B) Be one of the following persons associated with a publicly-traded company headquartered in Dallas County that has at least 500 million dollars in annual revenue:

(i) the current or former chief financial officer;

(ii) the current or former chief auditor of an internal audit group; or

(iii) the current or former chief executive officer.

(C) Be a former mayor or council member of the city.

(D) Be a current or former city auditor of the city.

(b) A person appointed to the city auditor nominating commission under Subsection (a)(2) or (a)(3)(B) of this section is not required to be a resident or qualified voter of the city of Dallas.

(c) The commission shall, within 15 days after being appointed, hold its first meeting to consider nomination of a person to serve as city auditor. Within 180 days after its first meeting, the commission shall nominate to the city council one or more candidates for city auditor selected by a majority of the commission members. The city council shall, within 30 days after receipt of the nomination, accept one of the nominated candidates or reject all of the candidates.

(d) If the city council rejects all candidates nominated for city auditor, it shall immediately notify the commission and request the nomination of different candidates. Commission members shall serve until the city council accepts a candidate nominated by them to be city auditor.

(e) The director of human resources of the city shall assist the commission, when necessary, in seeking and screening applicants for the position of city auditor.

(f) Notwithstanding Subsections (a) through (e) of this section, at the end of a city auditor's term (including any period in which a city auditor is holding over), the city council government performance and financial management committee may, on its own initiative or at the direction of the city council, act as a nominating commission and, by a majority vote, nominate the incumbent city auditor for reappointment by the full city council. If a majority of the government performance and financial management committee does not vote to nominate the incumbent city auditor for another term, or if, upon receiving the nomination from the finance and audit committee, a majority of the city council does not vote to reappoint the incumbent city auditor for another term, then the nominating process described in Subsections (a) through (e) must be followed. (Ord. Nos. 20457; 21157; 22026; 22277; 22414; 25495; 25808; 30969)

### **SEC. 2-17.3. NONDISCRIMINATION IN THE PROVISION OF CITY SERVICES.**

(a) The city of Dallas will not discriminate because of a person's race, color, age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, political opinions, or affiliations in the provision of services to the general public.

(b) This section does not create a private cause of action, nor does it create any right or remedy that is the same or substantially equivalent to the remedies provided under federal or state law. (Ord. Nos. 25041; 30828)

## **ARTICLE II.**

### **ASSISTANT CITY ATTORNEYS.**

### **SEC. 2-18. QUALIFICATIONS AND APPOINTMENT.**

The city attorney shall select and nominate such assistants, including those assigned to the municipal courts, as the city council shall determine are necessary. Each position must be filled by a licensed attorney at law and must be confirmed by the city council. (Code 1941, Art. 20-1; Ord. Nos. 7956; 13439; 22026; 24410)

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.

(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)

**SEC. 2-28. OFFICE OF BUSINESS DEVELOPMENT AND 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 business development and procurement services, the head of which shall be the director of business development and 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 business development and 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 business development and procurement services shall perform the following duties:~~

~~—(1) Direct and administer the office of business development and 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.~~

**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)

political subdivision or agency of the state or to an entity of the federal government.

(b) The price of any city personal property sold under this section shall be not less than the fair market value of the property as determined by the director.

(c) The director shall keep an accurate record of every sale under this section and shall submit reports to the city controller containing the following information:

(1) the time, place, and method of sale; and

(2) a copy of each receipt given for the sale that describes:

(A) the item sold;

(B) the governmental entity purchasing the item; and

(C) the price received by the city for the item.

(d) The director shall keep every sales ticket covering a sale under this section for 36 months, at which time the sales ticket may be destroyed.

(e) The director shall deposit all proceeds received from a sale under this section to the credit of the appropriate city fund. (Ord. 20559)

#### SEC. 2-37.15. SALE OF UNCLAIMED AND SURPLUS PROPERTY AT THE CITY STORE.

(a) In this section:

(1) CITY STORE means a location designated by the director where unclaimed property and surplus, obsolete, worn out, or useless property is offered for sale to the public.

(2) DIRECTOR means the “director” as defined in Section 2-27 of this article.

(b) Unclaimed property and surplus, obsolete, worn out, or useless property may be sold, exchanged, or otherwise disposed of at the city store in accordance with this section.

(c) The director shall direct and control the sale, exchange, or other disposition of unclaimed property and surplus, obsolete, worn out, or useless property at the city store.

(d) Unclaimed property and surplus, obsolete, worn out, or useless property must be sold or exchanged for not less than its present market value. The director shall determine the present market value of all property offered for sale at the city store. In determining present market value, the director may refer to prices at which similar property is offered for retail sale at other locations throughout the United States.

(e) The director shall keep accurate records of all sales of unclaimed property and surplus, obsolete, worn out, or useless property at the city store. The records must include:

(1) the date, time, and place of sale; and

(2) copies of receipts given for all sales that describe the items sold and show the price paid or other value given for the items. (Ord. Nos. 22873; 25819)

#### SEC. 2-37.16. SALE OF SURPLUS CITY-OWNED ANIMALS.

~~(a) In this section, SURPLUS CITY-OWNED ANIMAL means an animal owned by the city that is no longer needed by the city.~~

(a) In this section, SURPLUS CITY-OWNED ANIMAL means an animal owned by the city that is no longer needed by the city.

~~— (b) A surplus city-owned animal may be sold, exchanged, or otherwise disposed of in accordance with this section.~~

~~— (c) The director of the department holding a surplus city-owned animal shall, in the place of the director of business development and procurement services, direct and control the sale, exchange, or other disposition of the animal.~~

~~— (d) A surplus city-owned animal must be sold, exchanged, or otherwise disposed of for not less than its present market value. The director of the department holding the surplus city-owned animal, with the approval of the director of business development and procurement services, shall determine the present market value of the surplus city-owned animal.~~

~~— (e) The director of the department holding a surplus city-owned animal shall keep an accurate record of the disposition of the animal. The record must include:~~

~~— (1) the date, time, place, and method of sale, exchange, or other disposition; and~~

~~— (2) a copy of each receipt given for the sale, exchange, or other disposition that describes the animal and shows the price paid or other value given to the city for the animal.~~

~~— (f) The director of the department holding a surplus city-owned animal shall deposit all proceeds received from the sale, exchange, or other disposition of the animal in a fund designated for that purpose.~~

~~— (g) Section 2-37.9 of this article, which places restrictions on who may submit a bid for, purchase, or acquire ownership of personal property sold under this article, does not apply to a surplus city-owned animal disposed of in accordance with this section.~~

(b) A surplus city-owned animal may be sold, exchanged, or otherwise disposed of in accordance with this section.

(c) The director of the department holding a surplus city-owned animal shall, in the place of the director of procurement services, direct and control the sale, exchange, or other disposition of the animal.

(d) A surplus city-owned animal must be sold, exchanged, or otherwise disposed of for not less than its present market value. The director of the department holding the surplus city-owned animal, with the approval of the director of procurement services, shall determine the present market value of the surplus city-owned animal.

(e) The director of the department holding a surplus city-owned animal shall keep an accurate record of the disposition of the animal. The record must include:

(1) the date, time, place, and method of sale, exchange, or other disposition; and

(2) a copy of each receipt given for the sale, exchange, or other disposition that describes the animal and shows the price paid or other value given to the city for the animal.

(f) The director of the department holding a surplus city-owned animal shall deposit all proceeds received from the sale, exchange, or other disposition of the animal in a fund designated for that purpose.

(g) Section 2-37.9 of this article, which places restrictions on who may submit a bid for, purchase, or acquire ownership of personal property sold under this article, does not apply to a surplus city-owned animal disposed of in accordance with this section. (Ord. Nos. 24588; 25047; 30654)

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

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

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

#### ARTICLE V-c.

#### ~~RESERVED.~~

#### DEPARTMENT OF PUBLIC WORKS.

~~SECS. 2-48 THRU 2-49. (Repealed by Ord. 30239)~~

#### SEC. 2-48. CREATED; DIRECTOR OF PUBLIC WORKS.

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

(b) Whenever the director or department of public works and transportation is referred to in this code or any other city ordinance, rule, or regulation, the term means the director or department of public works, or any other director or department of the city to which certain former public works and transportation functions or duties have been transferred by the city council or city manager. (Ord. 30654)

#### SEC. 2-49. DUTIES OF THE DIRECTOR OF

#### PUBLIC WORKS.

The director of public works shall perform the following duties:

(1) Supervise and administer the department of public works.

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

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

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

(5) Provide for the maintenance and repairs of streets, alleys, medians, and public rights-of-way, as designated by the city manager.

(6) Provide for street hazard and emergency response.

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

(8) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. 30654)

## ARTICLE V-d.

## WATER UTILITIES DEPARTMENT.

## SEC. 2-50. CREATED; DIRECTOR OF WATER UTILITIES.

There is hereby created the water utilities department of the city of Dallas, at the head of which shall be the director of water utilities who shall be appointed by the city manager. The department shall be composed of the director of water utilities and such other assistants and employees as the council may provide by ordinance upon recommendation of the city manager. (Ord. 14215)

## SEC. 2-51. DUTIES OF THE DIRECTOR OF WATER UTILITIES.

~~The director of water utilities shall perform the following duties:~~

~~(1) Supervise the water and waste (municipal and industrial) water collection systems, mains, filtration plants, sanitary waste water treatment plants, reservoirs and all plants, properties, and appliances incident to the operation of the water and municipal and industrial waste water utilities of the city.~~

~~(2) Make recommendations to the city manager concerning the need for acquisition of additional water rights, appear before the Water Rights Commission, legislative committees and such other bodies as may be necessary for the acquisition of water rights; negotiate with the proper departments of the federal and state governments for the maintenance and acquisition of additional water rights; plan and program a waterworks system for the future growth of the city; conduct negotiations with customer cities, other public entities and industries for the furnishing of~~

~~raw water and treated water; conduct negotiations with customer cities, other public entities and industries for the furnishing of treated waste water for irrigation and industrial use; and conduct negotiations with federal, state and local agencies for obtaining supplies of raw water.~~

~~(3) Make recommendations to the city manager concerning the need for expansion and improvements of the waste water collection and treatment system; and conduct negotiations with customer cities for the treatment of waste water.~~

~~(4) Make recommendations to the city manager as to rates and connection charges for the water utilities department necessary to defray the costs of proper maintenance, operation, expansion, and extension of the water or municipal and industrial waste water systems and facilities, treatment plants, reservoirs, appurtenances, facilities, and land owned and operated by the water utilities department.~~

~~(5) Supervise and administer special collections.~~

~~(6) Supervise and administer vital statistics.~~

~~(7) Perform other duties as may be required by the city manager or by ordinance of the city council.~~

The director of water utilities shall perform the following duties:

(1) Supervise the water and waste (municipal and industrial) water collection systems, mains, filtration plants, sanitary waste water treatment plants, reservoirs and all plants, properties, and appliances incident to the operation of the water and municipal and industrial waste water utilities of the city.

(2) Make recommendations to the city manager concerning the need for acquisition of additional water rights, appear before the Water Rights Commission, legislative committees and such other bodies as may be necessary for the acquisition of water rights; negotiate with the proper departments of the federal and state governments for the maintenance and acquisition of additional water rights; plan and program a waterworks system for the future growth of the city; conduct negotiations with customer cities, other public entities and industries for the furnishing

of raw water and treated water; conduct negotiations with customer cities, other public entities and industries for the furnishing of treated waste water for irrigation and industrial use; and conduct negotiations with federal, state, and local agencies for obtaining supplies of raw water.

(3) Make recommendations to the city manager concerning the need for expansion and improvements of the waste water collection and treatment system; and conduct negotiations with customer cities for the treatment of waste water.

(4) Make recommendations to the city manager as to rates and connection charges for the water utilities department necessary to defray the costs of proper maintenance, operation, expansion, and extension of the water or municipal and industrial waste water systems and facilities, treatment plants, reservoirs, appurtenances, facilities, and land owned and operated by the water utilities department.

(5) Supervise and administer special collections.

(6) Perform other duties as may be required by the city manager or by ordinance of the city council.  
(Ord. Nos. 14215; 27697; 30675)

#### **ARTICLE V-e.**

#### **DEPARTMENT OF PLANNING AND URBAN DESIGN.**

#### **SEC. 2-52. CREATED; CHIEF PLANNING OFFICER.**

There is hereby created the department of planning and urban design, the head of which shall be the chief planning officer who shall be appointed by

which shall be the director of code compliance who shall be appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department. The department will be composed of the director of code compliance and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.

(b) Whenever the director or department of streets, sanitation, and code enforcement services is referred to in relation to a code enforcement responsibility in this code or in any other city ordinance, the term means the director or department of code compliance. (Ord. 23666)

**SEC. 2-72. DUTIES OF THE DIRECTOR OF CODE COMPLIANCE.**

The director of the department of code compliance shall perform the following duties:

(1) Supervise and administer the department of code compliance.

(2) Supervise and administer code enforcement programs of the city, except as otherwise provided by the city manager.

(3) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 23666; 28424; 30240)

**ARTICLE VII-a.**

**OFFICE OF MANAGEMENT SERVICES.**

**SEC. 2-73. CREATED; DIRECTOR OF MANAGEMENT SERVICES.**

There is hereby created a division of the city manager's office to be known as the office of management services, the head of which shall be the director of management services who shall be appointed by the city manager. The office of management services will be composed of the director of management services and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. Nos. 25517; 27697)

**SEC. 2-74. DUTIES OF THE DIRECTOR OF MANAGEMENT SERVICES.**

~~The director of management services shall perform the following duties:~~

~~(1) Supervise and administer the office of management services.~~

~~(2) Perform such other duties as may be required by the city manager or by ordinance of the city council.~~

The director of management services shall perform the following duties:

(1) Supervise and administer the office of management services.

(2) Supervise and administer vital statistics.

(3) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 25517; 27697; 30675)

**ARTICLE VII-b.**

**DEPARTMENT OF TRINITY WATERSHED MANAGEMENT.**

(c) Whenever the director of finance is referred to in the city charter, this code, or any other city ordinance, the term means the chief financial officer.

(d) Whenever the director of public utilities or the director of consumer services is referred to in a franchise granted by the city, those terms mean the chief financial officer. (Ord. Nos. 22026; 23694; 24410; 27697)

# ARTICLE XV-a.

## CITY CONTROLLER'S OFFICE.

### SEC. 2-135. CREATED; CITY CONTROLLER AS HEAD OF OFFICE.

There is hereby created a division of the city manager's office to be known as the city controller's office of the city, the head of which shall be the city controller who shall be appointed by the city manager. The city controller must be a person professionally competent by experience and training to manage the office. The office shall be composed of the city controller and such other assistants and employees as the city council may provide upon recommendation of the city manager. (Ord. 27697)

### SEC. 2-135.1. DUTIES OF THE CITY CONTROLLER.

The city controller shall perform the following duties:

(1) Supervise and administer the city controller's office.

(2) Direct the accounting function of the city and specifically:

(A) establish and maintain an adequate and efficient accounting and financial information system for the city;

(B) maintain comprehensive accounts of all real, personal, and mixed property of the city; and

(C) maintain comprehensive accounts of all receipts and disbursements of money, separating under proper headings each source of receipt and the cause of each disbursement.

(3) Prepare and transmit regular reports detailing the activities of all city departments, including but not limited to:

(A) a summary statement of the revenues and expenses of the preceding period, transmitted to the city manager, detailed as to the appropriations and funds, in such manner as to show the financial condition of the city and of such department, division, and office as of the last day of the period, reflecting the condition of each of the city funds, showing the budget appropriation, the amount expended to the date of the report, and the unexpended balance; and

(B) periodic and annual financial reports, including an annual balance sheet.

(4) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. 27697)

# ARTICLE XV-b.

## ~~OFFICE OF FINANCIAL SERVICES.~~

## OFFICE OF BUDGET.

### ~~SEC. 2-135.2. CREATED; DIRECTOR OF FINANCIAL SERVICES.~~

~~There is hereby created a division of the city manager's office to be known as the office of financial~~

~~services of the city of Dallas, at the head of which shall be the director of financial 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 financial services and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.~~

**SEC. 2-135.2. CREATED; DIRECTOR OF BUDGET.**

There is hereby created a division of the city manager's office to be known as the office of budget of the city of Dallas, at the head of which shall be the director of budget, 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 budget and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. Nos. 27697; 30654)

**SEC. 2-135.3. DUTIES OF THE DIRECTOR OF FINANCIAL SERVICES.**

~~The director of financial services shall perform the following duties:~~

~~(1) Supervise and administer the office of financial services.~~

~~(2) Perform such other duties as may be required by the city manager or by ordinance of the city council.~~

**SEC. 2-135.3. DUTIES OF THE DIRECTOR OF BUDGET.**

The director of budget shall perform the following duties:

(1) Supervise and administer the office of budget.

(2) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 27697; 29478; 30654)

**OFFICE OF RISK MANAGEMENT.**

**SEC. 2-135.4. CREATED; DIRECTOR OF RISK MANAGEMENT.**

There is hereby created a division of the city manager's office to be known as the office of risk management of the city of Dallas, at the head of which shall be the director of risk management, 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 risk management and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. 28424)

**SEC. 2-137. DUTIES OF DIRECTOR OF COMMUNICATION AND INFORMATION SERVICES.**

The director of communication and information services shall perform the following duties:

(1) Provide all information services for administration of the affairs of the city of Dallas to be used in the municipal operations of the city and make such reports as may be required by the city manager.

(2) Acquire, maintain, and operate all telephone and radio communications systems used in municipal operations.

(3) Obtain and maintain radio licenses from the Federal Communications Commission on behalf of all city departments and ensure compliance with all applicable regulations of the Federal Communications Commission.

(4) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 13718; 19312; 19679; 22026; 23694)

**ARTICLE XVII.**

**DEPARTMENT OF SANITATION SERVICES.**

**SEC. 2-138. ~~CREATED; DIRECTOR OF SANITATION SERVICES.~~**

There is hereby created the department of sanitation services of the city of Dallas, at the head of which shall be the director of sanitation services who shall be appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department. The department will be composed of the director of sanitation services and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. Nos. 13718; 15004; 22026; 23666; 23694)

**SEC. 2-139. DUTIES OF THE DIRECTOR OF SANITATION SERVICES.**

The director of the department of sanitation services shall perform the following duties:

(1) Supervise and administer the department of sanitation services.

(2) Supervise and administer the city's solid waste collection and disposal system, which is a utility of the city and includes, but is not limited to, all facilities, equipment, services, and programs relating to the collection, removal, disposal, and processing of solid waste.

(3) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 13718; 14385; 15004; 17226; 22026; 23666; 23694; 29881)

**ARTICLE XVII-a.**

**~~DEPARTMENT OF STREET SERVICES.~~  
DEPARTMENT OF TRANSPORTATION.**

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

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

~~reference to the department of mobility and street services.~~

**SEC. 2-139.1. CREATED; DIRECTOR OF TRANSPORTATION.**

There is hereby created the department of transportation of the city of Dallas, at the head of which shall be the director of transportation who shall be appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department, and must be an engineer registered to practice in the State of Texas, a planner, or possess an equivalent combination of education and experience. The department will be composed of the director of transportation and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. Nos. 23694; 30239; 30654)

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

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

~~(1) Supervise and administer the department of mobility and street services.~~

~~(2) Provide for the maintenance and repair of streets, alleys, medians, and public rights-of-way, as designated by the city manager.~~

~~(3) Provide for street hazard and emergency response.~~

~~(4) Plan, design, construct, maintain, and operate, by contract or with city employees, the public lighting system that illuminates highways, streets, parks, and other public ways in the city, except as provided otherwise by the city manager, the city charter, or ordinance or resolution of the city council.~~

~~(5) Supervise the engineering, planning, opening, construction, and paving of all streets, boulevards, alleys, sidewalks, and public ways, except when the work is being done by a private developer.~~

~~(6) Supervise the engineering and construction of the storm sewers and storm drainage~~

~~systems associated with a paving project, except when the work is being done by a private developer.~~

~~(7) Approve the location of equipment, facilities, and landscaping installed under, on, or above the public right-of-way.~~

~~(8) Coordinate with DART for the planning, construction, and maintenance of all transportation.~~

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

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

**SEC. 2-139.2. DUTIES OF THE DIRECTOR OF TRANSPORTATION.**

The director of the department of transportation shall perform the following duties:

(1) Supervise and administer the department of transportation.

(2) Provide for the maintenance and repair of traffic control devices and street lights, as designated by the city manager.

(3) Manage neighborhood traffic calming, construction zone traffic, and block parties.

(4) Plan, design, construct, maintain, and operate, by contract or with city employees, the public lighting system that illuminates highways, streets, and other public ways in the city, except as provided otherwise by the city manager, the city charter, or ordinance or resolution of the city council.

(5) Supervise the engineering, planning, and construction, of all traffic signals, school flashers, dynamic message signs, striping, and signing on public rights-of-way.

(6) Develop and recommend to the city manager a comprehensive transportation plan for the city.

(7) Review and make recommendations regarding proposed actions implementing the transportation plan.

(8) Coordinate with DART, TxDOT, and other entities for the planning, construction, and maintenance of all transportation-related improvements within the city.

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

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

council. (Ord. Nos. 23694; 27697; 28424; 30239; 30654)

**ARTICLE XVIII.**

**SENIOR AFFAIRS COMMISSION.**

**SEC. 2-140. SENIOR AFFAIRS COMMISSION - CREATED; TERMS; MEMBERSHIP; MEETINGS.**

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

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

(c) Members must be at least 55 years of age and must be chosen, as far as practicable, in a manner that will represent the entire community. Members should be persons who are concerned about senior affairs in the community. Disqualification of an appointee under the minimum age requirement of this subsection may be waived by the city council after a review of the specific circumstances.

(d) The commission must meet at least once each month and may hold additional meetings at the call of the chair. (Ord. Nos. 20216; 20665; 21153; 21514; 24194; 25478; 29645)

# **SEC. 2-141. SENIOR AFFAIRS COMMISSION - FUNCTIONS.**

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

(1) recommend the role of the city and the commission in ensuring the provision of services to the elderly;

(2) advise the city council as requested on elderly issues;

(3) provide access for citizen comment on elderly issues;

(4) assist the city in the identification of programs for the elderly that are needed in the community; and

(5) perform other duties assigned by the city council.

(b) Staff liaison responsibilities to the commission shall be designated by the city manager. (Ord. 20216)

## **ARTICLE XIX.**

### ~~DEPARTMENT OF HOUSING/COMMUNITY SERVICES.~~

#### **DEPARTMENT OF HOUSING & NEIGHBORHOOD REVITALIZATION.**

### ~~SEC. 2-142. CREATED; DIRECTOR OF HOUSING/COMMUNITY SERVICES.~~

~~There is hereby created the department of housing/community services of the city, the head of which shall be the director of housing/community services who shall be appointed by the city manager. The department will be composed of the director of housing/community services and such other assistants~~

~~and employees as the city council may provide upon recommendation of the city manager.~~

### **SEC. 2-142. CREATED; DIRECTOR OF HOUSING & NEIGHBORHOOD REVITALIZATION.**

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

### ~~SEC. 2-143. DUTIES OF THE DIRECTOR OF HOUSING/COMMUNITY SERVICES.~~

~~The director of housing/community services shall perform the following duties:~~

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

~~(2) Perform such other duties as may be required by the city manager or by ordinance of the city council.~~

### **SEC. 2-143. DUTIES OF THE DIRECTOR OF HOUSING & NEIGHBORHOOD REVITALIZATION.**

The director of housing & neighborhood revitalization shall perform the following duties:

(1) Supervise and administer the department of housing & neighborhood revitalization.

(2) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 17226; 22026; 27697; 30654)

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

(Repealed by Ord. Nos. 15562; 27697)

(5) DRAINAGE SYSTEM has the meaning assigned in Subchapter C, Chapter 552 of the Texas Local Government Code, as amended.

(6) IMPERVIOUS AREA means any surface that prevents or substantially impedes the natural infiltration of stormwater into the ground, and includes, but is not limited to, roads, parking areas, buildings, patios, sheds, driveways, sidewalks, and surfaces made of asphalt, concrete, and roofing materials.

(7) RESIDENTIAL - BENEFITTED PROPERTY means a benefitted property that contains one of the following structures: single family (including townhouse), duplex, or multifamily with four or fewer dwelling units, as those terms are defined in the Dallas Development Code, as amended.

(8) STORMWATER means rainfall runoff, snow or ice melt runoff, or surface runoff and drainage.

(b) Stormwater drainage utility rates.

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

IMPERVIOUS AREA- (in square feet)	MONTHLY RATE
up to 2,000	\$3.57
2,000 - 3,500	\$5.68
3,501 - 5,500	\$8.51
more than 5,500	\$13.91
IMPERVIOUS AREA (in square feet)	MONTHLY RATE
up to 2,000	\$3.73
2,001 - 3,500	\$5.94
3,501 - 5,500	\$8.89
more than 5,500	\$14.54

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

~~(3) If information regarding the impervious area square footage of a particular lot or tract of benefitted property is unavailable or inadequate, the~~

~~director may make a reasonable estimate of impervious~~

~~area square footage and levy the drainage charge on that basis.~~

(2) The stormwater drainage charge for all other benefitted properties not defined as residential-benefitted property is an amount equal to \$2.01 per month for each 1,000 square feet, or parts thereof, of impervious area of the benefitted property, with a minimum charge of \$5.74 per month for non-residential-benefitted property.

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

(c) Exemptions. All of the real property that requires an exemption under Subchapter C, Chapter 552 of the Texas Local Government Code, as amended, as well as the real property owned by the following are exempt from the charges prescribed in this section:

- (1) the city if used for municipal purposes;
- (2) the State of Texas; and
- (3) a public or private institution of higher education.

(d) Residential-benefitted property incentives.

(1) A customer of record may be eligible for an incentive in the form of a reduction to the customer of record's monthly rate as follows:

(A) the monthly rate for the customer of record's impervious area shall be charged at the next lower monthly rate; or

(B) if the customer of record's monthly rate is the lowest monthly rate, the customer of record shall be charged 60 percent of the lowest monthly rate.

(2) To be eligible, the:

(A) customer of record must use a pond, bioswale, cistern, gravel paving, or other stormwater storage method, as approved by the director;

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

(C) stormwater storage method must store more than 134 cubic feet or 1,000 gallons of stormwater.

(3) To apply for an incentive under this subsection, a customer of record must make application to the director, on a form approved by the director, and include the following: stormwater storage method used, amount of stormwater stored, zoning district in which the customer of record's residential-benefitted property is located, and any other information the director deems necessary.

(4) The director shall approve the incentive if the customer of record meets all of the eligibility criteria in Paragraph (2) of this subsection. If approved by the director, an incentive in the form of a reduction to the customer of record's monthly stormwater drainage charge will be effective on the next full billing cycle after approval.

(5) The director may periodically inspect and review approved incentives, and may invalidate an incentive if the customer of record no longer meets the eligibility criteria in Paragraph (2) of this subsection. If the incentive is invalidated, the director will send the customer of record a letter stating the basis of invalidation, and the monthly rate adjustment shall apply to the next full billing cycle after invalidation.

(e) Billing and collection procedures. Stormwater drainage charges will be billed and collected in accordance with the following procedures:

(1) The water utilities department shall bill the customer of record in the regular water and wastewater service bill or, if no water or wastewater service account exists, the true owner of record as shown in the current city tax rolls.

(2) In cases involving occupancy of a lot or tract by two or more tenants who are customers of record, the water utilities department may either prorate the charges on an equitable basis between all the customers of record or may instead bill the property owner for stormwater drainage service under a separate account. In addition, if a lot or tract of land receives water or wastewater service under two or more service accounts and the service accounts are all in the name of the same customer of record, the water

utilities department may bill the entire drainage charge due through one service account.

(3) If more than one person is named in the current city tax rolls as the true owner of record of benefitted property, each person is jointly and severally liable for stormwater drainage charges on the property. The water utilities department may bill any or all of the joint owners through one service account.

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

(g) Except as otherwise provided in this section, the provisions of Sections 49-3, 49-7, 49-8, 49-12, 49-15, and 49-16 of this code, as amended, will govern in all matters regarding the application for stormwater drainage service, payment and collection of stormwater drainage charges, the liability of persons for charges, and the remedies of the city in the event of nonpayment. (Ord. Nos. 21060; 21429; 21823; 22207; 22563; 22665; 24411; 25384; 25754; 27353; 27695; 30215; 30653; 30993)

## **SEC. 2-169. SERVICE AREA.**

The service area of the stormwater drainage utility shall be defined by the corporate boundaries of the city, as those boundaries are altered from time to time in accordance with state law and the charter and ordinances of the city. (Ord. Nos. 21060; 30215)

**CHAPTER 12****CITY YOUTH PROGRAM  
STANDARDS OF CARE****ARTICLE I.****GENERAL.**

- Sec. 12-1. Purpose.
- Sec. 12-2. Expiration date.
- Sec. 12-3. Definitions.
- Sec. 12-4. Administration.
- Sec. 12-5. Inspection; monitoring; enforcement.
- Sec. 12-6. Enrollment.
- Sec. 12-7. Suspected abuse.

**ARTICLE II.****STAFFING: RESPONSIBILITIES AND  
TRAINING.**

- Sec. 12-8. Youth program coordinator: qualifications and responsibilities.
- Sec. 12-9. Youth program leaders: qualifications and responsibilities.
- Sec. 12-10. Training and orientation.

**ARTICLE III.****OPERATIONS.**

- Sec. 12-11. Staff-participant ratio.
- Sec. 12-12. Discipline.
- Sec. 12-13. Programming.
- Sec. 12-14. Communication.
- Sec. 12-15. Transportation.
- Sec. 12-16. Release of participants.

**ARTICLE IV.****FACILITY STANDARDS.**

- Sec. 12-17. Safety.
- Sec. 12-18. Fire.
- Sec. 12-19. Health.

**ARTICLE I.****GENERAL.****SEC. 12-1. PURPOSE.**

This chapter and the standards of care established by this chapter are adopted by the city council of the city of Dallas, Texas in compliance with Section 42.041(b)(14) of the Texas Human Resources Code, as amended, in order to exempt city youth programs from state child-care licensing requirements. These standards of care are intended to be minimum standards by which the city will operate its youth programs. The programs operated by the city are recreational in nature and are not child-care facilities. Although this chapter establishes standards of care for city youth programs for children of ages five through 13 years, nothing in this chapter requires the city to provide any youth programs, or prevents the city from limiting youth programs to specific age groups within the five- through 13-year-old range. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 30106; 30650)

**SEC. 12-2. EXPIRATION DATE.**

~~—This chapter and the youth program standards of care established in this chapter expire on September 16, 2018, unless sooner terminated or extended by ordinance of the city council.~~

This chapter and the youth program standards of care established in this chapter expire on September 12, 2019, unless sooner terminated or extended by ordinance of the city council. (Ord. Nos. 23159; 23534; 23907; 24281; 24611; 24943; 25269; 25628; 25998; 26376; 26800; 27222; 27565; 27911; 28217; 28670; 29036; 29358; 30106; 30650; 30976)

employees before the city employee ends their employment with the city.

(c) The city secretary shall provide all lobbying registrants with ethics information within 30 days after registration. Each registrant shall provide their individual lobbyists with a copy of the ethics information.

(d) At least annually, the ethics advisory commission shall, with the assistance of the city attorney's office, distribute a plain-language guide to the code of ethics to all city officials, employees, and registered lobbyists.

~~—(e) The Business Development and Procurement Services Office shall publish on the city's website information as to how this chapter applies to consultants or contractors and to city officials and city employees who work with consultants or contractors.~~

(e) The Procurement Services Office shall publish on the city's website information as to how this chapter applies to consultants or contractors and to city officials and city employees who work with consultants or contractors.

(f) This ethics training and information required by this section shall be made available in a format and medium as determined by the city ethics officer. The ethics training and information required by this section shall be subject to approval as to form by the City Attorney. Ethics training and information must be structured to ensure that participants have the necessary knowledge to accomplish the statement of purpose in this chapter and comply with all applicable ethics laws.

(g) Failure to receive ethics training, documents, or notices required by this section does not waive that person's duty to comply with this code of ethics or waive enforcement of this chapter. (Ord. Nos. 30391; eff. 7/1/17; 30654)

accordance with rules and regulations established by the chief of police.

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

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

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

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

(2) The reason for removal of the vehicle.

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

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

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

(6) The fee paid to the licensee or wrecker driver for removal of the vehicle and a copy of the

receipt given to the owner or operator of the towed vehicle, which receipt must be signed by, and list the telephone number of, the vehicle's owner or operator.

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

(b) A licensee or wrecker driver shall obtain from the chief of police impounded vehicle receipt forms on which to record the information required in Subsection (a) and any other information determined necessary by the director or the chief of police. A licensee or wrecker driver shall complete a separate impounded vehicle receipt for each vehicle removed by the licensee or wrecker driver under this article. The licensee or wrecker driver shall return copies of all completed impounded vehicle receipts to the police department in a manner and on a schedule required by the chief of police. (Ord. Nos. 24661; 27487)

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

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

**Division 6. Fee Schedule.**

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

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

~~—(1) \$121 for towage of a vehicle with a manufacturer's gross vehicle weight rating of not more~~

than 10,000 pounds, plus a fee of \$64 for each hour over two hours that is required to complete the tow, with partial hours paid in quarter hour increments.

————— (2) ~~\$191 for towage of a vehicle with a manufacturer's gross vehicle weight rating of more than 10,000 pounds but not more than 26,000 pounds, plus a fee of \$95 for each hour over two hours that is required to complete the tow, with partial hours paid in quarter hour increments.~~

————— (3) ~~\$445 for towage of a vehicle with a manufacturer's gross vehicle weight rating of more than 26,000 pounds, plus a fee of \$159 for each hour over two hours that is required to complete the tow, with partial hours paid in quarter hour increments.~~

————— (4) ~~\$64 for any service a wrecker operator or driver performs that renders a vehicle operable, including, but not limited to, removing or straightening a bumper or fender, or another similar service.~~

————— (5) ~~When dispatched by the chief of police to a location more than 100 yards outside the corporate limits of the city to tow a vehicle from the dispatched location to a location inside the corporate limits of the city, \$3 for each loaded one-way mile that the wrecker travels, measured from the dispatched location to the nearest point of the corporate limits of the city using the most direct and expeditious route.~~

————— (6) ~~When dispatched by the chief of police to a location inside the corporate limits of the city to tow a vehicle to a location more than 100 yards outside the corporate limits of the city, \$3 for each loaded one-way mile that the wrecker travels, measured from the nearest point of the corporate limits of the city to the vehicle delivery location using the most direct and expeditious route.~~

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

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

(1) \$139 for towage of a vehicle with a manufacturer's gross vehicle weight rating of not more than 10,000 pounds, plus a fee of \$73 for each hour over

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

(2) \$219 for towage of a vehicle with a manufacturer's gross vehicle weight rating of more than 10,000 pounds but not more than 26,000 pounds, plus a fee of \$109 for each hour over two hours that is required to complete the tow, with partial hours paid in quarter hour increments.

(3) \$509 for towage of a vehicle with a manufacturer's gross vehicle weight rating of more than 26,000 pounds, plus a fee of \$182 for each hour over two hours that is required to complete the tow, with partial hours paid in quarter hour increments.

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

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

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

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

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

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

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

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

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

## **Division 7. Vehicles and Equipment.**

### **SEC. 15D-58. VEHICLES AND EQUIPMENT.**

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

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

(2) if used for towing a vehicle with a manufacturer's gross vehicle weight rating of more than 10,000 pounds but not more than 26,000 pounds, meet the requirements for a medium duty wrecker;

**SEC. 17-1.4. CHAPTER CUMULATIVE.**

The provisions of this chapter and other city ordinances are cumulative law, and this chapter does not prevent enforcement of another city ordinance that regulates an area covered by this chapter and is otherwise applicable. (Ord. 26023)

**SEC. 17-1.5. DEFINITIONS.**

(a) Except for the terms defined in Subsection (b), the definitions set forth in Section 228.2 of the Texas Food Establishment Rules are hereby adopted and made a part of this chapter by reference.

~~(b) In addition to the definitions adopted in Subsection (a), the following terms have the following meanings in this chapter:~~

~~(1) ADULTERATED means the condition of food that:~~

~~(A) contains a poisonous or deleterious substance in a quantity that may render it injurious to health; or~~

~~(B) contains an added poisonous or deleterious substance;~~

~~(i) for which no safe tolerance has been established or accepted by a governmental agency; or~~

~~(ii) in excess of a safe tolerance, established or accepted by a governmental agency; or~~

~~(C) consists in whole or part of a filthy, putrid, or decomposed substance; or~~

~~(D) is unsafe for human consumption; or~~

~~(E) was processed, prepared, or otherwise handled under an unsanitary condition that may have contaminated the food or rendered it injurious to health; or~~

~~(F) is in whole or part the product of a diseased animal or an animal that did not die by slaughter; or~~

~~(G) the container of which is composed in whole or part of a poisonous or deleterious substance that may render the food injurious to health; or~~

~~(H) is not in a safe, sound condition, free from spoilage, filth, and other contamination.~~

~~(2) CATERING SERVICE means a food establishment, other than a mobile food preparation vehicle, that:~~

~~(A) prepares or serves food on premises in control of another; or~~

~~(B) prepares food on the premises of a fixed food establishment and delivers the food to a different location to be served.~~

~~(3) COMMISSARY means a food establishment that serves as an operating base for a mobile food establishment and where:~~

~~(A) food, containers, or supplies are kept, handled, prepared, packaged, or stored for use by a mobile food establishment; and~~

~~(B) a mobile food establishment is stored, parked, serviced, cleaned, supplied, and maintained.~~

~~(4) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.~~

~~(5) DIRECTOR means the director of the department, the city health authority, or the environmental health officer and includes representatives, agents, or city employees designated by the director of the department, the city health authority, or the environmental health officer to enforce or administer this chapter; except that, in~~

**(b) In addition to the definitions adopted in Subsection (a), the following terms have the following meanings in this chapter:**

**(1) ADULTERATED means the condition**

of food that:

(A) contains a poisonous or deleterious substance in a quantity that may render it injurious to health; or

(B) contains an added poisonous or deleterious substance:

(i) for which no safe tolerance has been established or accepted by a governmental agency; or

(ii) in excess of a safe tolerance, established or accepted by a governmental agency; or

(C) consists in whole or part of a filthy, putrid, or decomposed substance; or

(D) is unsafe for human consumption; or

(E) was processed, prepared, or otherwise handled under an unsanitary condition that may have contaminated the food or rendered it injurious to health; or

(F) is in whole or part the product of a diseased animal or an animal that did not die by slaughter; or

(G) the container of which is composed in whole or part of a poisonous or deleterious substance that may render the food injurious to health; or

(H) is not in a safe, sound condition, free from spoilage, filth, and other contamination.

(2) CATERING SERVICE means a food establishment, other than a mobile food preparation vehicle, that:

(A) prepares or serves food on premises in control of another; or

(B) prepares food on the premises of a fixed food establishment and delivers the food to a different location to be served.

(3) COMMISSARY means a food establishment that serves as an operating base for a mobile food establishment and where:

(A) food, containers, or supplies are kept, handled, prepared, packaged, or stored for use by a mobile food establishment; and

(B) a mobile food establishment is stored, parked, serviced, cleaned, supplied, and maintained.

(4) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.

(5) DIRECTOR means the director of the department, the city health authority, or the environmental health officer and includes representatives, agents, or city employees designated by the director of the department, the city health authority, or the environmental health officer to enforce or administer this chapter; except that, in Section 17-10.2(p), the term refers only to the director of the department.

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

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

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

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

~~————— (7) FOOD ESTABLISHMENT:~~

~~————— (A) The term means an operation that:~~

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

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

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

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

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

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

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

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

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

~~————— (12) PREMISES means:~~

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

~~————— (B) the physical facility, its contents, and the contiguous land or property and its facilities and contents that are under the control of the permit holder that may impact food establishment personnel, facilities, or operations, if a food establishment is only one component of a larger operation.~~

**(6) EXTENSIVELY REMODELED means the expenditure of at least \$25,000 or an amount equal to at least 10 percent of the assessed value of the facility, whichever is more, for the purpose of repairs**

or remodeling, but does not include:

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

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

(7) **FOOD ESTABLISHMENT:**

(A) The term means an operation that:

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

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

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

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

(8) **MOBILE FOOD ESTABLISHMENT** means a vehicle-mounted food establishment that is designed to be readily moveable and from which food is distributed, sold, or served to an ultimate consumer.

The term includes, but is not limited to, mobile food preparation vehicles and pushcarts.

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

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

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

(12) **PREMISES** means:

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

(B) the physical facility, its contents, and the contiguous land or property and its facilities and contents that are under the control of the permit holder that may impact food establishment personnel, facilities, or operations, if a food establishment is only one component of a larger operation.

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

~~————— (14) REGULATORY AUTHORITY means the director.~~

~~————— (15) SAFE TEMPERATURE means a temperature of not more than 41 degrees Fahrenheit if held cold (5 degrees Centigrade) or not less than 135 degrees Fahrenheit if held hot (60 degrees Centigrade). The symbols "°F." and "°C." are used in this chapter to refer, respectively, to degrees Fahrenheit and degrees Centigrade.~~

~~————— (16) SEAL means to close the junction between surfaces in a way that prevents entry of moisture.~~

~~————— (17) TEMPORARY FOOD SERVICE ESTABLISHMENT means:~~

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

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

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

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

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

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

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

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

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

~~————— (18) TEXAS FOOD ESTABLISHMENT RULES means the rules of the Texas Department of State Health Services found in Title 25 Texas Administrative Code, Chapter 228, as amended.~~

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

(14) REGULATORY AUTHORITY means the director.

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

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

(17) RISK LEVEL TWO ESTABLISHMENT means an establishment that has a limited menu selection, serves only commercially processed time

and temperature control foods, heats and serves food items with no cooking or reheating process, or has minimal heat holding.

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

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

(20) **TEMPORARY FOOD SERVICE ESTABLISHMENT** means:

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

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

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

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

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

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

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

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

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

(21) **TEXAS FOOD ESTABLISHMENT RULES** means the rules of the Texas Department of State Health Services found in Title 25 Texas Administrative Code, Chapter 228, as amended. (Ord. Nos. 26023; 26556; 28046; 30134, eff. 7-1-16; 30938)

#### **SEC. 17-1.6. DEFENSES FOR CERTAIN TYPES OF ACTIVITIES.**

(a) It is a defense to prosecution under this chapter that, at the time of the offense, the person charged was:

(1) conducting food operations that are licensed, and inspected at least once a year, under federal or state law (as illustrated by, but not limited to, milk producers, day care facilities, nursing homes, and meat processors);

(2) selling, distributing, transporting, or storing a raw agricultural commodity (including, but not limited to, raw vegetables and fruit, and pure honey) by the original producer, provided that the sale, distribution, transportation, or storage is on property owned or leased by the original producer;

(F) used one of the following methods of sanitizing hands before preparing, serving, or distributing food for the homeless:

(i) a hand sanitizer containing at least 70 percent alcohol or another substance capable of killing 99.9 percent of the bacteria on hands within 30 seconds of application;

(ii) disposable gloves; or

(iii) handwashing equipment that included at a minimum:

(aa) a sink, or a five-gallon container with a spigot that provides free-flowing water and a catch bucket to collect wastewater from handwashing; and

(bb) soap and individual paper towels;

(G) properly disposed of any wastewater generated from any handwashing equipment used in the preparation, service, or distribution of food to the homeless into a sanitary sewer system and did not dispose of the wastewater on the ground or into the stormwater drainage system; and

(H) brought a sufficient number of trash bags to dispose of the solid waste generated by the food provided by the servers and used best efforts to remove or cause the removal of all trash or debris from the feeding site that was generated by the service or distribution of food to the homeless, and deposited the trash or debris in a public trash receptacle, or in a private trash receptacle if permission from the receptacle owner was obtained. (Ord. Nos. 26023; 26556; 29595; 30134, ~~eff. 7-1-16~~)

## ARTICLE II.

### MANAGEMENT AND PERSONNEL.

#### SEC. 17-2.1. ADOPTION OF SUBCHAPTER B, TEXAS FOOD ESTABLISHMENT RULES.

Subchapter B of the Texas Food Establishment Rules is hereby adopted and made a part of this chapter by reference, except that Section 228.32 and Subsection 228.38(c) are not adopted. (Ord. Nos. 26023; 26556; 30134, eff. 7-1-16)

#### SEC. 17-2.2. ADDITIONAL REQUIREMENTS.

(a) In addition to the requirements adopted in Section 17-2.1 of this chapter, the requirements contained in this section govern the management and personnel of food establishments.

(b) Demonstration of knowledge by person in charge of a food establishment. Based on the risks of foodborne illness inherent to the food operation, the person in charge shall, during inspections and upon request, demonstrate to the director knowledge of foodborne disease prevention, application of the Hazard Analysis Critical Control Point principles, and the requirements of this chapter. The person in charge shall demonstrate this knowledge by compliance with this chapter, by being a registered food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program and by responding correctly to the inspector's questions as they relate to the specific food operation. The person in charge may demonstrate such knowledge by:

(1) describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee;

(2) explaining the responsibility of the person in charge for preventing the transmission of

(3) Section 17-10.2(d) does not apply to:

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

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

(4) The permit application and reinstatement fees required to be paid under this section are in addition to the annual inspection fees required to be paid under Section 17-10.2(g) or (h), whichever applies.

(e) Plans and specifications.

(1) A person shall not begin constructing a fixed facility or constructing a mobile food preparation vehicle (whether by manufacturing, retrofitting, or converting), or extensively remodeling a fixed facility, intended for use in the operation of a food establishment (other than a temporary food service establishment) before a copy of plans and specifications of the construction or remodeling are approved, in writing, by the director. A request for approval of plans and specifications must be accompanied by a nonrefundable plans review fee of \$205 for a mobile food preparation vehicle.

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

(A) 18 months after the date of approval, for new construction of a fixed facility or construction of a mobile food preparation vehicle;

(B) six months after the date of approval, for extensive remodeling of an existing facility; or

(C) completion of construction and issuance of a food establishment permit.

(3) Before construction or remodeling may be continued or recommenced after an approval of plans and specifications lapses:

(A) a new permit application must be made, and an application fee paid, in accordance with Section 17-10.2(d); and

(B) the plans and specifications must be resubmitted to and approved by the director and a new plans review fee must be paid.

(4) Approval of the plans and specifications by the director does not prevent the director from enforcing an ordinance or other law applicable to the construction or remodeling.

(5) Plans and specifications submitted under this section for a fixed facility must conform to the requirements for plans and specifications in the Dallas Building Code.

(6) If plans and specifications are approved by all affected departments of the city and construction has been in accordance with the plans and specifications, before an inspecting officer from any department may require a change, written notice must be served to the food establishment in accordance with Section 17-10.2(n). The notice must state:

(A) the required change in the plans and specifications;

(B) the reason for the change; and

(C) the establishment's right to appeal the order of change.

(7) A food establishment may appeal a change ordered under this section following the procedures of Section 17-10.2(q).

~~(f) Inspections.~~

~~(1) Consent to inspection. Application for and operation of a food establishment inside the city constitutes consent for the director to inspect the food establishment to determine whether the establishment complies with all conditions of the permit and applicable requirements of this chapter and other city ordinances and state and federal law.~~

~~————— (2) Inspection procedure. An inspection will be conducted in the following manner:~~

~~————— (A) The director may inspect during business hours or at any other reasonable time.~~

~~————— (B) An inspecting officer shall present official identification to the manager or person in charge before conducting the inspection.~~

~~————— (C) An inspecting officer shall wear appropriate clothing and hair restraint when entering food preparation or equipment and utensil washing areas of a food establishment.~~

~~————— (D) Upon authorization of the director, photographs of any part of a food establishment, or of any food handling activities conducted inside or outside of a food establishment, may be taken during an inspection.~~

~~————— (3) Pre-operation inspection. Before issuing a permit under this article, the director shall inspect a food establishment to determine whether the establishment complies with applicable requirements of this chapter and other city ordinances and state and federal law. If the food establishment does not comply, the director shall notify the permit applicant of the nonconformance in the manner prescribed by this article.~~

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

~~reinspection that must be conducted before the violation is determined to be eliminated.~~

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

~~————— (6) Nothing in this chapter authorizes the entry of persons other than the director and the director's authorized representatives into food preparation or equipment and utensil washing areas of a food establishment.~~

**(f) Inspections.**

(1) **Consent to inspection.** Application for and operation of a food establishment inside the city constitutes consent for the director to inspect the food establishment to determine whether the establishment complies with all conditions of the permit and applicable requirements of this chapter and other city ordinances and state and federal law.

(2) **Inspection procedure.** An inspection will be conducted in the following manner:

(A) The director may inspect during business hours or at any other reasonable time.

(B) An inspecting officer shall present official identification to the manager or person in charge before conducting the inspection.

(C) An inspecting officer shall wear appropriate clothing and hair restraint when entering food preparation or equipment and utensil washing areas of a food establishment.

(D) Upon authorization of the director, photographs of any part of a food establishment, or of any food handling activities conducted inside or outside of a food establishment, may be taken during an inspection.

(3) **Pre-operation inspection.** Before issuing a permit under this article, the director shall inspect a food establishment to determine whether the establishment complies with applicable requirements of this chapter and other city ordinances and state and federal law. If the food establishment does not comply, the director shall notify the permit applicant of the nonconformance in the manner prescribed by

this article.

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

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

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

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

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

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

(2) Mobile food establishment.

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

Type of Operation	Each Vehicle
General service	\$240
Limited service (produce trucks, ice cream carts, grocery trucks)	\$238
Mobile food preparation vehicle	\$185

(h) Annual inspection fee: fixed facilities.

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

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

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

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

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

<u>Area in square feet</u>	<u>Annual fee</u>
1 to 2,000	\$280
2,001 or more	\$318

Risk Level One Establishment:

<u>Area in square feet</u>	<u>Annual fee</u>
1 to 2,000	\$77
2,001 or more	\$87

Risk Level Two Establishment:

<u>Area in square feet</u>	<u>Annual fee</u>
1 to 2,000	\$155
2,001 or more	\$174

Risk Level Three Establishment:

<u>Area in square feet</u>	<u>Annual fee</u>
1 to 2,000	\$280
2,001 or more	\$318

~~(B) If a food establishment is being operated from more than one separate and distinct facility in the same building, for each facility in excess of one:~~

<u>Area in square feet</u>	<u>Annual fee</u>
1 to 2,000	\$280
2,001 or more	\$318

(B) If a food establishment is being operated from more than one separate and distinct facility in the same building, for each facility in excess of one:

Risk Level One Establishment:

<u>Area in square feet</u>	<u>Annual fee</u>
1 to 2,000	\$77
2,001 or more	\$87

Risk Level Two Establishment:

<u>Area in square feet</u>	<u>Annual fee</u>
1 to 2,000	\$155
2,001 or more	\$174

Risk Level Three Establishment:

<u>Area in square feet</u>	<u>Annual fee</u>
1 to 2,000	\$280
2,001 or more	\$318

(3) No later than December 31 of each year, a food establishment shall pay the annual inspection fee for the following calendar year. Failure to pay all fees by December 31 of the year can result in the establishment being subject to the preclosure process. Food establishments subject to the preclosure process shall pay the city a nonrefundable fee of \$87 and may receive citations for operating without a valid permit.

(4) The annual inspection fee for a new

(j) Registration of food establishments outside the city.

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

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

(B) furnishes the department with:

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

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

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

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

(k) Payment of fee. Except as expressly provided by this article, a fee prescribed by this article is payable on the date and in the manner prescribed by the director. If in a particular year a food establishment fails to pay the annual inspection fee required on or before the due date, the permit of that establishment lapses and the establishment must pay the reinstatement fee required by Section 17-10.2(d)(2), and all other outstanding fees owed to the city under this chapter, before the permit will be renewed. Fee payments will be applied to oldest outstanding balance first, if any.

(l) Service fees.

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

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

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

~~(B) pay to the city a nonrefundable service fee of \$106.~~

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

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

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

(m) Violations; notification and order to correct.

(1) Authority to order correction. If the director determines that a food establishment is in violation of this chapter or other law, the director may notify the establishment in writing of the violation and by written order direct the establishment to correct the violation within a definite period of time. In setting the time for correction the director shall consider the degree of danger to the public health or safety and the period of time reasonably necessary to make the correction.

(2) Immediate corrections. Upon determining that a violation constitutes an imminent and serious threat to the public health or safety, the director may order the establishment to correct the violation immediately or cease food operations to the extent the director determines is necessary to abate the threat until the violation is corrected.

(3) Contents of notice. The director shall

(D) the date of the citation; and

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

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

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

(s) Variances.

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

(1) A food establishment may apply to the director for a variance modifying or waiving the requirements of the Texas Food Establishment Rules or the requirements of this chapter. The food establishment shall apply for the variance on a form provided by the director and shall include in the application all of the information required by Subsection 228.243(c)(2) of the Texas Food Establishment Rules. The application must be accompanied by a nonrefundable application fee of \$264.

(2) The director may grant a variance by modifying or waiving the requirements of Subchapter

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

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

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

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

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

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

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

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

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

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

(6) If the director denies or revokes a

variance, the director shall notify the applicant in writing by personal service or regular United States

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) There will be no proration of service charges for a portion of a billing period. The initial billing will be made concurrent with the initial water billing. The final billing for sanitation charges will be for a full billing period.

(3) Except as otherwise set forth in this article, collection service must be provided by the sanitation services of the city for all residences and duplexes and for all manual collection from apartments and mobile home parks, and such service may not be contracted or performed by other than the city's sanitation services.

(4) A commercial property in the city cannot receive service for more than 10 recycling rollcars.

(A) A commercial property has the option to apply for an exemption to receive more than 10 recycling rollcars upon written approval from the director of sanitation. Approval of the exemption will be at the discretion of the director of sanitation.

(B) The director of sanitation has the discretion to limit a commercial property to fewer than 10 recycling rollcars if the property does not have adequate space or if the property cannot reasonably be provided with recycling service.

(5) A commercial property in the city cannot receive service for more than 10 garbage rollcars.

(A) A commercial property has the option to apply for an exemption to receive more than 10 garbage rollcars upon written approval from the director of sanitation. Approval of the exemption will be at the discretion of the director of sanitation.

(B) The director of sanitation has the discretion to limit a property to fewer than 10 garbage rollcars if the property does not have adequate space or if the property cannot reasonably be provided with garbage service.

(6) Commercial establishments that are located within a 1.5-mile radius of Dallas City Hall may

receive more than one garbage and recycling collection per week by sanitation services. Commercial establishments that are located outside of a 1.5-mile radius of Dallas City Hall may receive more than one garbage and recycling collection per week by the sanitation services of the city only if the director of sanitation agrees in writing.

(7) A commercial property shall comply with the following requirements when using a recycling rollcart:

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

(B) The rollcart must be closed or secured at the top to prevent spillage.

(C) Only recyclable materials may be placed in a recycling rollcart. A recycling rollcart that is used for non-recyclable materials or that contains a significant amount of non-recyclable materials may be removed from the premises at the direction of the director of sanitation.

(D) A recycling rollcart must be placed on the curb in accordance with Section 18-3(a)(4) and Section 18-4(c). A recycling rollcart that is not kept clean or that causes a nuisance may be removed from the premises at the direction of the director of sanitation.

(8) The director may provide for alternative solid waste collection service to a customer, if the director determines that the customer cannot be adequately serviced with the standard collection service.

(c) Schedule of service charges.

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

~~\_\_\_\_\_ (A) Alley or curb collection service for municipal solid waste - \$25.18 per dwelling unit per~~

~~month for one rollcart, plus \$10.56 per month for each additional garbage rollcart requested by the owner or occupant of the premises:~~

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

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

(A) Alley or curb collection service for municipal solid waste - \$27.29 per dwelling unit per month for one rollcart, plus \$10.56 per month for each additional garbage rollcart requested by the owner or occupant of the premises.

(B) Packout or drive-in collection service for municipal solid waste - \$95.04 per dwelling unit per month.

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

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

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

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

(A) Alley, curb, or drive-in collection service for municipal solid waste - \$27.29 per apartment unit or mobile home space per month.

(B) Packout collection service for municipal solid waste - \$95.04 per apartment unit or mobile home space per month.

(3) A monthly collection service charge will be made for all commercial establishments for collection service provided by the sanitation services of the city as follows:

#### TABLE OF MONTHLY CHARGES

(Garbage & Recycling, per Section 18-9(b)(6), more than once a week)

	NUMBER OF COLLECTIONS PER WEEK*						
96-gallon RollCarts	1	2	3	4	5	6	7
1	\$30.33	\$59.59	\$88.85	\$118.11	\$147.37	\$176.63	\$205.89
2	\$60.66	\$119.18	\$177.70	\$236.22	\$294.73	\$353.25	\$ 411.77
3	\$90.99	\$178.77	\$266.54	\$354.32	\$442.10	\$529.88	\$617.66
4	\$121.32	\$238.36	\$355.39	\$472.43	\$589.47	\$706.51	\$823.54
5	\$151.65	\$297.95	\$444.24	\$590.54	\$736.84	\$883.13	\$1,029.43
6	\$181.98	\$357.54	\$533.09	\$708.65	\$884.20	\$1,059.76	\$1,235.32

(4) A monthly recycling-only collection service charge will be made for all commercial properties for weekly collection service provided by the sanitation services of the city as follows:

#### TABLE OF MONTHLY CHARGES

(Recycling-Only Service, Outside of the Central Business District)

NUMBER OF 96-GALLON RECYCLING ROLL CARTS									
1	2	3	4	5	6	7	8	9	10
\$19.83	\$39.66	\$59.49	\$79.32	\$99.15	\$118.98	\$138.81	\$158.64	\$178.47	\$198.30

(5) Extraordinary collection and removal service: A cost plus rate determined by the director of sanitation for materials not included in the regular collection service as described in Section 18-8, as amended.

(6) Miscellaneous collection service charges will be as follows:

(A) Public housing may be charged as apartments.

(B) Churches, clinics, hospitals, public buildings, and schools will be charged as commercial locations.

(7) The service charge for the collection and removal of grass cuttings from any premises is:

(A) \$1.50 per bag, if the service is performed by city sanitation services; and

(B) an amount specified by city contract, if the service is performed by a contractor selected by the city under Section 18-8(b)(3), as amended.

(8) Packout or drive-in service for certain handicapped persons meeting uniform requirements specified by the director of sanitation will be provided at the rate for alley or curb collection service. Any applicant for a reduced rate under this subparagraph who intentionally makes any misrepresentation in any written statement required by such uniform requirements is guilty of an offense and, upon conviction, is punishable by a fine not to exceed \$500.

(9) The fee for replacement of a rollcart that is lost or damaged due to a customer's negligence is \$49.59 for a garbage rollcart or \$52.94 for a recycling rollcart.

(10) Large dead animals, including but not limited to horses, cattle, and other animals of similar size, will be picked up by the city for a fee of \$100 per animal.

(d) A person claiming entitlement to a refund of sanitation services paid to the city must notify the director of sanitation of the claim within 180 days from the date the disputed payment was received by the city. (Ord. Nos. 16367; 16435; 16697; 17133; 17545; 17987; 19300; 19409; 19963; 19991; 20736; 21058; 21431; 21632; 21819; 22206; 22306; 22565; 22906; 24743; 25048; 25384; 25754; 26134; 26478; 26960; 27353; 27695; 28019; 29149; 29477; 29879; 30215; 30653; 30993)

residents to haul their own waste from their residences to the station - \$40 per load.

(B) Commercial pickups - \$47 per load.

(C) Trucks or trailers with a cargo bed length of less than 15 feet - \$187 per load.

(D) Trucks or trailers with a cargo bed length of not less than 15 feet but less than 25 feet - \$234 per load.

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

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

~~———— (2) Except as provided in Subsection (b)(3), the charge for all materials accepted at a city landfill site is \$25.00 per ton based on the landfill weighing system, with a minimum charge of \$25.00 for any load that is less than one ton.~~

(2) Except as provided in Subsection (b)(3), the charge for all materials accepted at a city landfill site is \$26.25 per ton based on the landfill weighing system, with a minimum charge of \$26.25 for any load that is less than one ton.

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

(A) Passenger cars, station wagons, and pickups that are used by persons other than Dallas city residents to haul their own waste from their residences to a city landfill site - \$39.50 per load.

(B) Commercial pickups - \$39.50 per load.

(C) Trucks or trailers with a cargo bed length of less than 15 feet - \$92.15 per load.

(D) Trucks or trailers with a cargo bed length of 15 feet or greater - \$197.50 per load.

(E) Roll-off containers, whether open top or compactor - \$210.60 per load.

(F) Compactor trucks - \$263.25 per load.

(4) A fee of \$46.80 per load will be charged for the use of city equipment, when available, to off-load bundled waste by pulling it with cables, chains, or other devices. City equipment will be used at the customer's own risk, with the city assuming no liability for any resulting damage. Non-city vehicles are prohibited from pulling loads off of other vehicles at a city landfill site.

(5) The fee for use of the city's mechanical tipper to off-load tractor trailer loads is \$87.75 per use.

(6) Collection vehicles not constructed with an enclosed transport body must use nets, tarpaulins, or other devices to prevent accidental spillage. A cover fee of \$10 will be charged for any collection vehicle (other than a pickup truck) that enters the landfill without being so equipped.

(7) Tires exceeding 25 inches in diameter will not be accepted at a city landfill site.

(c) The director of sanitation may enter into a disposal service contract with a solid waste collection service (as defined in Section 18-29 of this chapter) to provide for volume delivery of solid waste to the landfill on an annual basis for a discounted disposal service charge, subject to the following rules and conditions:

(1) The disposal service contract must be in writing, on a form approved by the director of sanitation and the city attorney's office. The term of the contract may not be longer than five years. The contract must be authorized by administrative action

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

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

(a) In this section:

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

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

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

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

(d) Notice to remove.

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

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

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

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

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

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

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

**Division 6B. Bullington Street Truck Terminal.**

- Sec. 28-128.8. Area designated.
- Sec. 28-128.9. Purpose.
- Sec. 28-128.10. Operating hours.
- Sec. 28-128.11. Certain vehicles prohibited during normal operating hours.
- Sec. 28-128.12. Stopping, standing, or parking prohibited.
- Sec. 28-128.13. Permission from director; defenses.
- Sec. 28-128.14. Reserved.
- Sec. 28-128.15. Authority to remove vehicles and issue citations.
- Sec. 28-128.16. Traffic control.

**Division 7. Administrative Adjudication of Parking Violations.**

- Sec. 28-129. Parking violations made civil offenses.
- ~~Sec. 28-130. General authority and duty of director and chief of police.~~
- Sec. 28-130. General authority and duty of director.**
- Sec. 28-130.1. Hearing officers; powers, duties, and functions.
- Sec. 28-130.2. Parking citations; form.
- Sec. 28-130.3. Service of a parking citation; presumption of service.
- Sec. 28-130.4. Liability of the vehicle owner and operator; presumption of liability.
- Sec. 28-130.5. Answering a parking citation.
- Sec. 28-130.6. Adjudication by mail.
- Sec. 28-130.7. Hearings for disposition of a parking citation; parking citation as prima facie evidence.
- Sec. 28-130.8. Failure to answer a parking citation or appear at a hearing.
- Sec. 28-130.9. Fine schedule; other fees.
- Sec. 28-130.10. Enforcement of order.
- Sec. 28-130.11. Immobilization/impoundment hearing.
- Sec. 28-130.12. Appeal from hearing.
- Sec. 28-130.13. Disposition of fines, penalties, and costs.

**ARTICLE XII.**

**SPECIAL PROVISIONS FOR LOVE FIELD AND DALLAS EXECUTIVE AIRPORT.**

- Sec. 28-131. Definitions.
- Sec. 28-132. Speed restrictions; reasonable and prudent.
- Sec. 28-133. Designation of one-way roads.
- Sec. 28-134. Erection of "do not enter" signs; obedience to "do not enter" signs.
- Sec. 28-135. Erection of stop signs; obedience to stop signs.
- Sec. 28-136. Erection of turn signs; obedience to turn signs.
- Sec. 28-137. Authorization to establish no parking, stopping, or standing signs.
- Sec. 28-138. Authorization to establish passenger loading zones.
- Sec. 28-139. Authorization to establish loading zones.
- Sec. 28-140. Authorization to establish special use zones, call box stands, etc.
- Sec. 28-141. Designation of public parking areas.
- Sec. 28-142. Vehicles not to block roads, driveways, ramps, taxiways, or entrances.
- Sec. 28-143. Restricted areas.
- Sec. 28-144. Removal of illegally parked vehicles.
- Sec. 28-145. Throwing of bottles, etc., on streets, roads, etc.
- Sec. 28-146. Issuance of traffic tickets or notices to violators of this article.

**ARTICLE XIII.**

**VIOLATIONS AND PENALTIES.**

- Sec. 28-147. Procedure upon arrest for violation of chapter.
- Sec. 28-148. Giving false name upon arrest for traffic violations.

**ARTICLE XVII.****STREETCAR REGULATIONS.**

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

**ARTICLE XVIII.****LIGHT RAIL TRANSIT SYSTEM.**

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

**ARTICLE XIX.****PHOTOGRAPHIC ENFORCEMENT AND ADMINISTRATIVE ADJUDICATION OF RED LIGHT VIOLATIONS.****Division 1. Generally.**

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

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

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

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

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

**ARTICLE XX.****PHOTOGRAPHIC ENFORCEMENT AND ADMINISTRATIVE ADJUDICATION OF SCHOOL BUS STOP ARM VIOLATIONS.****Division 1. Generally.**

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

but generally parallel to, the freeway through roadway, which serves to collect and distribute traffic from several access connections between selected points of ingress to and egress from the through traffic lanes.

(6) COMMERCIAL VEHICLE means any vehicle that displays a valid commercial, truck, or truck-tractor state license plate.

(7) CURB means the lateral lines of a roadway, whether constructed above grade or not, which are not intended for vehicular travel.

~~(8) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter, and includes representatives, agents, and department employees designated by the director, except that, for purposes of enforcing and implementing parking regulations under this chapter, director means the chief of police and the chief's designated representatives.~~

(8) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter, and includes representatives, agents, and department employees designated by the director.

(9) DIVIDED ROADWAY or DIVIDED HIGHWAY means a roadway or highway divided into two roadways by leaving an intervening space or by a physical barrier, or clearly indicated dividing section between the two roadways.

(10) HORSE means any saddle or harness animal.

(11) IMMOBILIZE means to place a boot on a parked vehicle to prevent the operation of the vehicle until the boot is unlocked and removed.

(12) LIMIT LINES means boundaries of parking areas, loading zones, safety or danger zones, crosswalks, and lines marked for the purpose of excluding traffic and parking.

(13) LOADING ZONE means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(14) METER AND PARKING BAN HOLIDAYS include only the following days:

(A) New Years Day (January 1);

(B) Martin Luther King's Birthday (third Monday in January);

(C) President's Day (third Monday in February);

(D) Memorial Day (last Monday in May);

(E) Independence Day (July 4);

(F) Labor Day (first Monday in September);

(G) Thanksgiving Day (fourth Thursday in November); and

(H) Christmas Day (December 25).

(15) ONE-WAY STREET means any street or highway on which traffic is restricted to movement in one direction only.

(16) OPERATOR means any person in control of a vehicle, including a railroad train or vehicle being towed.

(17) PARK or PARKING means the standing of vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(18) PARKING BAN means certain hours during the day at which time standing, parking, or stopping of a vehicle is prohibited along the curb of designated streets as indicated by signs authorized by the traffic engineer.

(19) PARKING VIOLATION means a violation of any provision of this chapter governing the stopping, standing, or parking of a vehicle.

(20) PARKWAY means that portion of a street or highway between the curb lines or the lateral lines of a roadway and the adjacent property lines, not intended for the use of pedestrians; also, the intervening space between the roadways of a divided street or highway or any island or area, whether or not clearly defined by curbs or markings, which divides any portion of any street, highway, or intersection into separate lanes for vehicular traffic.

(21) PUBLIC PLACE means any place where the general public has a right to assemble, or to which people commonly resort for purposes of business, amusement, recreation or other lawful purpose.

(22) SERVICE ROAD means an auxiliary roadway adjacent to a freeway, expressway, or arterial that is used by traffic desiring access to abutting property and by traffic seeking ingress to or egress from the adjacent freeway, expressway, or arterial.

(23) STAND or STANDING means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

(24) STOP or STOPPING, when prohibited, means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

(25) TIME STANDARD (OFFICIAL), for purposes of designating certain hours in this chapter, means central standard time or central daylight-saving time as may be in current use in the city.

(26) TRAFFIC DIVISION means the traffic division of the police department of the city.

(27) TRAFFIC ENGINEER means the person designated by the city manager to perform the functions of traffic engineer or his authorized representative.

(28) VIADUCT means a bridge-like structure to carry a roadway over a valley or ravine, or across another roadway.

(b) All other words used in this chapter shall have the meanings assigned to them by the state vehicle laws or their ordinary and commonly accepted meanings as set forth in Webster's New International Dictionary (Unabridged), and other dictionaries of recognized standing. (Ord. Nos. 14584; 15004; 16577; 17226; 19173; 20012; 20269; 20965; 21186; 21194; 27697; 30654)

#### SEC. 28-3.

#### APPLICABILITY OF TRAFFIC REGULATIONS IN PARKS, PUBLIC HOUSING PROJECTS AND PUBLIC HOSPITAL GROUNDS.

(a) The regulation of vehicular and pedestrian traffic on all ways, roads, streets, alleys, and places, whether named or not, open to the public, whether dedicated or not, in all public parks owned or controlled by the city, in all the public housing projects owned, controlled, or operated by the housing authority of the city, or any other housing project whose streets or ways are open to the public, and in all public hospital grounds located in the city, shall be controlled and regulated in accordance with this chapter.

(b) All traffic-control devices installed within the public parks or public housing projects, including all parking, stop, speed, and directional signs, and any other kind of a traffic control sign, shall be obeyed as provided in this chapter. This section shall be cumulative of other traffic ordinances now in effect concerning traffic regulations in public parks. (Ord. 14584)

Department or any other licensing agency showing the name of the person to whom the license plates were issued. This proof shall constitute prima facie evidence of the fact that the person to whom such certificate of registration was issued was the driver of the automobile. This presumption may be rebutted by competent evidence. (Ord. 14584)

## ARTICLE V.

### TRAFFIC-CONTROL DEVICES.

#### SEC. 28-24. AUTHORITY TO INSTALL.

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

—(b) ~~The traffic engineer shall conduct studies and investigations of the public streets and highways within the city and, in accordance with these studies, recommend to the city council those places on public streets and highways where permanent traffic diverters should be located. After the city council approves a~~

~~location, the department of mobility and street services is authorized to install and maintain permanent traffic diverters at the approved location.~~

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

(b) The traffic engineer shall conduct studies and investigations of the public streets and highways within the city and, in accordance with these studies, recommend to the city council those places on public streets and highways where permanent traffic diverters should be located. After the city council approves a location, the department of transportation is authorized to install and maintain permanent traffic diverters at the approved location. (Ord. Nos. 14584; 14900; 22026; 23694; 28424; 30239; 30654)

#### SEC. 28-24.1. TRAFFIC BARRICADE MANUAL.

(a) The traffic engineer is authorized to prescribe a traffic barricade manual, conforming to the *Texas Manual on Uniform Traffic Control Devices approved by the Texas Transportation Commission*, for providing barricades, warning signs, and other traffic control devices that alert the public to hazards caused by construction, repair, pavement excavation or cuts, or other uses requiring closure of any portion of a public street or public right-of-way.

**SEC. 28-26. PARKING DESIGNATIONS;  
AUTHORITY TO INSTALL.**

(a) The traffic engineer shall conduct studies and investigations of the public streets and highways within the city and shall study:

(1) the needs of the public for parking vehicles on public streets;

(2) the width and length of public streets where parking is desired;

(3) the availability of parking space and frequency of parking on the public streets; and

(4) the needs of business and commercial establishments to have regulated parking on the public streets.

(b) After making such studies, the traffic engineer shall:

(1) designate those areas on public streets and highways in the city where parking, stopping, or standing should be allowed, or parking bans should be in effect, and regulate parking, stopping, standing, or parking bans by installing appropriate signs, by installing parking meters (when authorized by Section 28-103 of this chapter), or by marking curbs, giving notice that parking, stopping, or standing is allowed or parking bans are in effect and for what period of time; and

(2) determine when parking, stopping, or standing motor vehicles should be prohibited on public streets or highways in the city and regulate such prohibition by installing appropriate signs, by providing individual signs or information on each parking meter so affected, or by marking curbs, giving notice that parking, stopping, or standing, is prohibited.

(c) The traffic engineer shall make changes in the parking, stopping, standing, or parking ban regulations

from time to time as required by the studies and investigations. The traffic engineer shall also keep accurate records of all parking designations, prohibitions, and sign installations.

(d) The traffic engineer is authorized to erect signs prohibiting or restricting parking on one or both sides of any roadway that is on public school property as conditions require to facilitate the flow of traffic.

(e) When an official sign, curb marking, or street marking prohibits parking for an interval of two hours or less, the prohibition is in effect between the hours of 7:00 a.m. and 6:00 p.m. of every day except Sundays and meter and parking ban holidays, unless otherwise indicated by the sign or marking.

~~(f) The traffic engineer may, upon application by a person whose property abuts a residential roadway, install or remove signs prohibiting or restricting parking on one or both sides of the roadway. The application must be made on a form provided by the traffic engineer and be accompanied by a nonrefundable application fee of \$50. The traffic engineer may approve or deny the application in accordance with departmental policy. If an application for the installation of signs is approved, the applicant must pay a fee of \$25 for each sign installed.~~

(f) The traffic engineer may, upon application by a person whose property abuts a roadway, install or remove signs prohibiting or restricting parking on one or both sides of the roadway. The application must be made on a form provided by the traffic engineer and accompanied by a nonrefundable application fee of \$240. The traffic engineer may approve or deny the application in accordance with departmental policy. If an application for the installation of signs is approved, the applicant must pay a fee of \$197 for each sign installed. (Ord. Nos. 14584; 14974; 15194; 19300; 21194; 22762; 30993)

**SEC. 28-26.1. BUS LANE DESIGNATIONS;  
AUTHORITY TO INSTALL;  
PROHIBITION; EXCEPTION.**

(a) The traffic engineer shall conduct studies and investigations of the public streets and highways within the city and shall study the needs of the public for areas on the public streets for the exclusive use of busses during certain hours of the day, the width and

(A) is no larger than 14 inches wide and 20 inches tall;

(B) states, in white lettering on a blue background, "THIS NEIGHBORHOOD PATROLLED BY VOLUNTEERS IN PATROL"; and

(C) does not contain any other message or any identification of a neighborhood, neighborhood group, or other person or organization on the sign. (Ord. Nos. 17167; 17225; 23822)

#### **SEC. 28-28. TESTING UNDER ACTUAL CONDITIONS OF TRAFFIC.**

The traffic engineer may test all forms of traffic control devices under actual conditions of traffic. (Ord. 14584)

#### **SEC. 28-29. EXISTING DEVICES AFFIRMED AND RATIFIED.**

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

Traffic control signs, signals, devices, and markings previously placed or erected by the police department or department of transportation, or any predecessor department, and now in use for the purpose of regulating, warning, or guiding traffic are affirmed, ratified, and declared to be official traffic control devices, provided that these traffic control devices are not inconsistent with the provisions of state law or this chapter. (Ord. Nos. 14584; 22026; 28424; 30239; 30654)

#### **SEC. 28-30. DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS.**

(a) A person commits an offense if he places, maintains, or displays, upon or in view of a highway,

any unauthorized sign, signal, marking, or device which purports to be, is an imitation of, or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or

loading or unloading passengers when stopping does not interfere with a bus or taxicab about to enter the zone. (Ord. 14584)

**SEC. 28-102. STOPPING OF BUSSES  
WITHIN INTERSECTION  
OR CROSSWALK.**

The operator of a bus shall not stop within an intersection or crosswalk for the purpose of receiving or discharging passengers. (Ord. 14584)

**Division 4. Parking Meters.**

**SEC. 28-103. AUTHORITY TO INSTALL  
METERS; WHERE INSTALLED.**

~~—(a) The traffic engineer is authorized to install parking meters only in the following metered parking areas:~~

(a) The director of transportation or his designee is authorized to install parking meters only in the following metered parking areas:

<u>METERED PARKING AREA</u>	<u>BOUNDARIES</u>
Baylor	<del>Gaston Avenue to Washington Avenue to Swiss Avenue on the north; Haskell Avenue on the east; Elm Street to Hall Street to Indiana Boulevard on the south; and Oakland Avenue to Junius Street to Oak Street on the west.</del> Gaston Avenue to Washington Avenue to Swiss Avenue on the north; Haskell Avenue on the east; Elm Street to Hall Street to Indiana Boulevard on the south; and Malcolm X Boulevard to Junius Street to Oak Street on the west.

<u>METERED PARKING AREA</u>	<u>BOUNDARIES</u>
Deep Ellum	Indiana Boulevard on the north; Exposition Avenue on the east; Canton Street on the south; and Good-Latimer Expressway on the west.

Central Business District (includes West End Historical District and Klyde Warren Park)

Woodall Rodgers Freeway on the north; Julius Schepps Freeway on the east; R. L. Thornton Freeway on the south; and Stemmons Freeway on the west. (West End is bounded by Woodall Rodgers Freeway on the north; Field Street on the east; Elm Street on the south; and Stemmons Freeway on the west.) (Klyde Warren Park is bounded by the Woodall Rodgers Freeway westbound service road on the north; Pearl Street on the east; the Woodall Rodgers Freeway eastbound service road on the south; and St. Paul Street on the west.)

Infomart Stemmons Freeway north service road on the north; Oak Lawn Avenue on the east; Stemmons Freeway south service road on the south; and Market Center Boulevard on the west.

Jefferson Sunset Avenue on the north; Crawford Street on the east; Twelfth Street on the south; and Willomet Avenue on the west.

Park Central	Merit Drive on the north; the east side of Park Central Drive on the east; Forest Lane on the south; and the west side of Park Central Drive on the west.
Parkland	<del>Harry Hines Boulevard on the north; Motor Street on the east; Stemmons Freeway on the south; and Inwood Road on the west.</del> Harry Hines Boulevard on the north; Medical District Drive on the east; Stemmons Freeway on the south; and Inwood Road on the west.
Cedars	R. L. Thornton Freeway on the north; Ervay Street on the east; Corinth Street on the south; and Lamar Street on the west.
Uptown/Victory	Stemmons Freeway from Woodall Rodgers Freeway to the Dallas North Tollway; Mckinnon Street from the Dallas North Tollway to Pearl Street; Pearl Street from McKinnon Street to Woodall Rodgers Freeway; and Woodall Rodgers Freeway from Pearl Street to Stemmons Freeway.

~~—(b) No parking meter may be installed in any area of the city other than a metered parking area described in Subsection (a), unless approved by city council ordinance.~~

~~—(c) The total number of parking meters in any metered parking area described in Subsection (a), as that number is determined on October 1 of each fiscal~~

~~year, may not be increased by more than 10 percent within that fiscal year, unless the installation of each excess parking meter is approved by city council resolution.~~

~~— (d) At least four weeks before installing any parking meter in a metered parking area described in Subsection (a), the director shall give written notice of the proposed installation to each city council member.~~

~~— (e) The traffic engineer shall place and maintain all parking meters. Meters must be placed upon the curb alongside of designated parking stalls or in an area that is central to several parking stalls assigned to a multi-space metered unit. The meters must indicate the time limit in effect in each stall, the hours the limit is operative, the appropriate payment that is required to be deposited, and the method of payment accepted by the meter.~~

~~— (f) All parking meters installed in the city before May 22, 1996 are considered to have been installed with city council authorization and approval.~~

(b) No parking meter may be installed in any area of the city other than a metered parking area described in Subsection (a), unless approved by city council ordinance.

(c) The total number of parking meters in any metered parking area described in Subsection (a), as that number is determined on October 1 of each fiscal year, may not be increased by more than 10 percent within that fiscal year, unless the installation of each excess parking meter is approved by city council resolution.

(d) At least four weeks before installing any parking meter in a metered parking area described in Subsection (a), the director shall give written notice of the proposed installation to each city council member.

(e) The department of transportation shall place and maintain all parking meters. Meters must be placed upon the curb alongside of designated parking stalls or in an area that is central to several parking stalls assigned to a multi-space metered unit. The meters must indicate the time limit in effect in each stall, the hours the limit is operative, the appropriate payment that is required to be deposited, and the method of payment accepted by the meter.

(f) All parking meters installed in the city before May 22, 1996 are considered to have been installed with city council authorization and approval. (Ord. Nos. 14584; 22762; 24882; 25756; 27210; 28831; 30654)

#### SEC. 28-104. INDICATION OF EXPIRATION OF PARKING TIME.

(a) Except as provided in Subsection (b) this section, each parking meter shall display an indicator showing legal parking upon the deposit of an appropriate payment. The parking time allowed by the payment amount must be clearly indicated on the meter. Each meter shall continue operation from the time payment is made until expiration of the appropriate parking time. At the end of that parking time, the meter shall indicate by the display of a signal that the lawful parking period has expired.

(b) Parking time is not required to be displayed on the meter if payment has been made by telephone or the Internet. A person who pays for metered parking by

**SEC. 28-113. COLLECTION AND  
DISPOSITION OF MONEY  
DEPOSITED.**

~~—The chief of police shall designate persons to make regular collections of the money deposited in parking meters, which must be deposited to the credit of the city the same as funds that are collected through the municipal courts. The deposits must be made in a special account called "parking meter funds," which must be disbursed on order of the city council. The persons designated by the chief of police to make the collections shall furnish a good and sufficient bond to the city to ensure the city the collection and safe handling of the funds arising from the operation of parking meters.~~

The director of transportation shall designate persons to make regular collections of the money deposited in parking meters, which must be deposited to the credit of the city the same as funds that are collected through the municipal courts. The deposits must be made in a special account called "parking meter funds," which must be disbursed on order of the city council. The persons designated by the director of transportation to make the collections shall furnish a good and sufficient bond to the city to ensure the city the collection and safe handling of the funds arising from the operation of parking meters. (Ord. Nos. 14584; 15626; 17964; 22026; 27210; 27697; 30654)

**SEC. 28-114. CONVENIENCE FEE FOR  
PARKING PAYMENTS BY  
TELEPHONE OR THE  
INTERNET.**

A convenience fee of \$0.35 will be assessed, in addition to the parking fee, for payment of metered parking by use of a telephone or the Internet. (Ord. 28792)

**SEC. 28-114.1. ZONES WITHIN THE  
CENTRAL BUSINESS  
DISTRICT.**

(a) One dollar fifty cents an hour zones. A person shall pay an hourly rate of \$1.50 for the use of a metered parking space upon the following streets or portions of streets within the central business district during the following effective times:

(1) Monday through Sunday from 7:00 a.m. until 6:00 p.m. only.

**SEC. 28-114.12. PARKING METER HOODING AND TEMPORARY REMOVAL FEES; EXCEPTIONS.**

~~— (a) A person requiring the hooding or removal of a parking meter shall pay to the chief of police a daily charge, excluding official parking meter holidays, of 70 percent of the maximum hourly capacity of each meter hooded times the prevailing rate on the meter.~~

(a) A person requiring the hooding or removal of a parking meter shall pay to the director of transportation a daily charge, excluding official parking meter holidays, of 70 percent of the maximum hourly capacity of each meter hooded times the prevailing rate on the meter.

(b) In addition to the fee required in Subsection (a), a person requiring the hooding of a parking meter shall pay a labor charge of \$55, plus one dollar for each meter hooded.

(c) In addition to the fee required in Subsection (a), a person requiring the temporary removal of a parking meter shall pay a labor charge of \$75 for each meter removed. A person requiring temporary removal of a parking meter shall also pay the costs of labor and materials incurred in reinstalling the meter after temporary removal. The minimum reinstallation charge is \$104 per meter.

(d) This section does not apply to:

(1) a utility company engaged in construction or repair activities for any city, county, state, or federal agency;

(2) a contractor performing work under a city, county, state, or federal contract; or

(3) any city, county, state, or federal agency requiring the hooding or temporary removal of a parking meter in the performance of its governmental functions.

(e) The fees required by Subsection (a) of this section will not be assessed against a person requiring the hooding or temporary removal of parking meters to reconstruct, repair, or replace an existing street, sidewalk, curb, or other city infrastructure in the public right-of-way if:

(1) the reconstruction, repair, or replacement of the infrastructure is performed in compliance with all applicable city ordinances and state and federal laws; and

(2) the infrastructure is, in the opinion of the city, restored to better than its former condition.

(f) Fees will only be waived under Subsection (e) for the period of time reasonably necessary to complete the reconstruction, repair, or replacement of the infrastructure, not to exceed 30 days. (Ord. Nos. 17964; 19521; 21612; 21789; 22026; 27210; 27553; 27697; 30654)

**Division 5. Restricted or Prohibited in Certain Areas.**

**SEC. 28-115. PARKING, STOPPING, AND STANDING VEHICLES IN PRIVATE PARKING AREAS - AUTHORITY TO REGULATE; APPLICATION OF SECTION.**

(a) A person commits an offense if he parks, stops or stands a vehicle in violation of an official sign, curb marking, or street marking that prohibits, regulates, or restricts the stopping, standing, or parking of a vehicle in a private parking area located within a shopping center, office center, industrial center, or medical center in the city.

(b) The owner or operator of a shopping center, office center, industrial center, or medical center shall have the authority to designate by appropriate signs and markings that have been approved by the traffic engineer:

(1) restrictions on the stopping, standing, and parking of vehicles;

(2) the areas in which the stopping, standing, or parking of vehicles is permitted;

**SEC. 28-130. ~~GENERAL AUTHORITY AND DUTY OF DIRECTOR AND CHIEF OF POLICE.~~**

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

~~—(b) The chief of police shall implement and enforce the provisions of this division relating to the issuance, service, and enforcement of parking citations and the collection of fines and costs and may by written order establish such rules or regulations, not inconsistent with this division, as the director [chief of police] determines are necessary to discharge the duty of the chief of police under or to effect the policy of this division.~~

**SEC. 28-130. GENERAL AUTHORITY AND DUTY OF DIRECTOR.**

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

(b) The director of transportation shall implement and enforce the provisions of this division relating to the issuance, service, and enforcement of parking citations and the collection of fines and costs and may by written order establish such rules or regulations, not inconsistent with this division, as the director determines are necessary to discharge the duty of the director under or to effect the policy of this division. (Ord. Nos. 14584; 20012; 21612; 27697; 30654)

**SEC. 28-130.1. HEARING OFFICERS; POWERS, DUTIES, AND FUNCTIONS.**

(a) Hearing officers shall be appointed by the city manager, or a designated representative, to

administratively adjudicate all parking violations for which a parking citation has been issued under this chapter or under Chapter 32 of this code.

(b) Hearing officers shall have the following powers, duties, and functions:

(1) To administer oaths.

(2) To accept admissions to, and to hear and determine contests of, parking violations under this chapter.

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

(4) To assess fines, penalties, and other costs for a parking violation in accordance with Section 28-130.9 of this chapter.

(5) To waive penalties assessed for a parking violation in accordance with Section 28-130.9 of this chapter.

(6) To preside over, hear evidence, and make findings at immobilization/impoundment hearings in accordance with this chapter. (Ord. Nos. 20012; 21612)

## **SEC. 28-130.2. PARKING CITATIONS; FORM.**

(a) A parking citation serves as the summons and complaint for purposes of this division.

~~(b) A parking citation must be on a form prescribed by the chief of police and must include the following information:~~

~~———— (1) the nature, date, time, and location of the alleged parking violation and the meter number, if applicable;~~

~~———— (2) the state license plate number of the illegally parked vehicle, or if not visible or legible, the vehicle identification number or the brake inspection tag number;~~

~~———— (3) the make of the illegally parked vehicle;~~

~~———— (4) the date, time, and location of the administrative adjudication hearing, to be set not later than 15 calendar days after the date of issuance of the parking citation;~~

(b) A parking citation must be on a form prescribed by the director of transportation and must include the following information:

(1) the nature, date, time, and location of the alleged parking violation and the meter number, if applicable;

(2) the state license plate number of the illegally parked vehicle, or if not visible or legible, the vehicle identification number or the brake inspection

tag number;

(3) the make of the illegally parked vehicle;

(4) the date, time, and location of the administrative adjudication hearing, to be set not later than 15 calendar days after the date of issuance of the parking citation;

~~\_\_\_\_\_ (5) a notification that the person charged with the parking violation has the right to an instanter hearing any business day before the scheduled administrative adjudication hearing; and~~

~~\_\_\_\_\_ (6) a notification that failure to timely appear at either an instanter hearing or a scheduled administrative adjudication hearing is considered an admission of liability for the parking violation charge and will result in the assessment of appropriate fines, penalties, and costs and may result in the immobilization, towing, and impoundment of the vehicle for which the citation was issued.~~

(5) a notification that the person charged with the parking violation has the right to an instanter hearing any business day before the scheduled administrative adjudication hearing; and

(6) a notification that failure to timely appear at either an instanter hearing or a scheduled administrative adjudication hearing is considered an admission of liability for the parking violation charge and will result in the assessment of appropriate fines, penalties, and costs and may result in the immobilization, towing, and impoundment of the vehicle for which the citation was issued.

(c) The original or any copy of a parking citation is a record kept in the ordinary course of city business and is prima facie evidence of the facts contained in the parking citation. (Ord. Nos. 20012; 20269; 21612; 27697; 30654)

### **SEC. 28-130.3. SERVICE OF A PARKING CITATION; PRESUMPTION OF SERVICE.**

(a) A parking citation must be served personally upon the operator of a vehicle who is present at the time of service. If the operator is not present, or cannot otherwise be personally served, the parking citation must be served upon the registered owner of the vehicle by affixing the parking citation to the vehicle in a conspicuous place.

(b) An operator of a vehicle who is not the vehicle's owner, but who uses or operates the vehicle with the express or implied permission of the owner, shall be considered the owner's agent authorized to receive a parking citation required to be served upon

the registered owner or operator of a vehicle in accordance with the provisions of this section.

(c) If the owner or operator of a vehicle drives the vehicle away from or in any manner leaves the site of the parking violation while the issuing officer is preparing the parking citation, or refuses service of the

vehicle owner and shall be liable with the vehicle operator for a parking violation charge.

(d) It is a defense to any charge of a parking violation that, at the time of the violation, the illegally parked vehicle was reported to a police department as having been stolen prior to the time of the violation and had not yet been recovered.

(e) In any hearing to administratively adjudicate a parking citation, it is presumed that the registered owner of the vehicle for which the citation was issued is the person who stopped, stood, or parked the vehicle at the time and place of the parking violation. Proof of ownership may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Transportation showing the name of the person to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued. (Ord. Nos. 20012; 21612)

#### SEC. 28-130.5. ANSWERING A PARKING CITATION.

~~(a) A person who has been issued a parking citation shall answer to the charge of the parking violation by the date shown on the citation. An answer may be made in any of the following ways:~~

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

~~(2) A denial of liability made before a hearing officer at an administrative adjudication hearing on a date specified in the parking citation or at an instant hearing before that date.~~

~~(3) An admission of liability with an explanation made before a hearing officer at an administrative adjudication hearing on a date specified~~

~~in the parking citation or at an instant hearing before that date.~~

~~(4) A request for permission from a hearing officer to adjudicate by mail.~~

~~(5) A request to reset a scheduled administrative adjudication hearing from the date shown on the parking citation. A scheduled hearing may not be reset more than once unless the person charged pays to the chief of police an amount equal to the applicable civil fine for the parking violation, with any additional penalties and costs. The chief of police shall issue a receipt for any amounts paid under this paragraph. After presentation of the receipt, all amounts paid will be refunded to the person charged if the hearing officer, or a municipal court on appeal, finds that the person is not liable for the parking violation.~~

~~(b) Payment of the civil fine and any additional penalties and costs may be made in person or by mailing to the chief of police the parking citation accompanied by payment of the amount shown on the citation. Payment by mail may be made only by money order or check made out to the city. Payment of the civil fine and all penalties and costs assessed pursuant to this division shall operate as a final disposition of the parking violation charge, except when payment is made to reset a scheduled hearing or to file an appeal.~~

(a) A person who has been issued a parking citation shall answer to the charge of the parking violation by the date shown on the citation. An answer may be made in any of the following ways:

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

(2) A denial of liability made before a hearing officer at an administrative adjudication hearing on a date specified in the parking citation or at an instant hearing before that date.

(3) An admission of liability with an explanation made before a hearing officer at an administrative adjudication hearing on a date specified in the parking citation or at an instant hearing before that date.

(4) A request for permission from a hearing officer to adjudicate by mail.

(5) A request to reset a scheduled administrative adjudication hearing from the date shown on the parking citation. A scheduled hearing may not be reset more than once unless the person charged pays to the director of transportation an amount equal to the applicable civil fine for the parking violation, with any additional penalties and costs. The director of transportation shall issue a receipt for any amounts paid under this paragraph. After presentation of the receipt, all amounts paid will be refunded to the person charged if the hearing officer, or a municipal court on appeal, finds that the person is not liable for the parking violation.

(b) Payment of the civil fine and any additional penalties and costs may be made in person, by mail, or by other payment options to the director of transportation. Payment of the civil fine and all penalties and costs assessed pursuant to this division shall operate as a final disposition of the parking violation charge, except when payment is made to reset a scheduled hearing or to file an appeal. (Ord. Nos. 20012; 21612; 27697; 30654)

#### **SEC. 28-130.6. ADJUDICATION BY MAIL.**

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

(b) Letters, memoranda, affidavits, photographs, and other documentary materials shall

(3) through no fault of the owner, notice of the unresolved parking violations was never received as required by this article;

(4) one or more citations for the unresolved parking violations are defective and, if dismissed, would leave no more than two unresolved parking violations within the calendar year; or

(5) at the time of immobilization or impoundment of the vehicle, the registered owner had no more than two unresolved parking violations within the calendar year.

(f) The determination of the hearing officer at the immobilization/impoundment hearing is final and is not subject to appeal.

(g) If the hearing officer determines that immobilization or impoundment of a vehicle was not valid, all fees paid for immobilization, towage, storage, and impoundment of the vehicle and any other amount paid to redeem the vehicle shall be refunded, including any fines, penalties, and costs for any parking violation that the hearing officer determines should not have been considered in counting parking violations for the purposes of immobilizing or impounding the vehicle. Any fines, penalties, and costs paid for a parking violation for which the registered owner was liable will not be refunded. (Ord. 21612)

#### SEC. 28-130.12. APPEAL FROM HEARING.

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

(b) Upon receipt of an appeal petition, the municipal court clerk or deputy clerk shall schedule an appeal hearing and notify all parties of the date, time, and location of the hearing. The officer or other authorized person who issued the parking citation is not required to be present at the appeal hearing unless requested by the person charged or by the municipal court.

(c) The appeal hearing must be a trial de novo in municipal court and is a civil proceeding for the purpose of affirming or reversing the hearing officer's order. The person filing the appeal may request that the hearing be held before a jury. The decision from the municipal court is final.

~~—(d) Service of notice of appeal under this section does not stay the enforcement and collection of any order of a hearing officer, unless the person filing the appeal pays to the chief of police an amount equal to all civil fines, penalties, and costs assessed against the person charged. The chief of police shall issue a receipt for any amounts paid under this subsection. After presentation of the receipt, all amounts paid will be refunded if the hearing officer's order is overturned on appeal.~~

(d) Service of notice of appeal under this section does not stay the enforcement and collection of any order of a hearing officer, unless the person filing the appeal pays to the director of transportation an amount equal to all civil fines, penalties, and costs assessed against the person charged. The director of transportation shall issue a receipt for any amounts paid under this subsection. After presentation of the receipt, all amounts paid will be refunded if the hearing officer's order is overturned on appeal. (Ord. Nos. 20012; 21194; 21612; 22026; 27697; 28424; 30239; 30654)

#### SEC. 28-130.13. DISPOSITION OF FINES, PENALTIES, AND COSTS.

(a) Except as provided in Subsection (b) of this section, all fines, penalties, and costs assessed under this division must be paid into the city's general fund for the use and benefit of the city.

(b) All court costs assessed under Section 28-130.9(f) of this chapter must be deposited into the municipal child safety fund established under Chapter

manager a written appeal. The city manager shall, within 24 hours after the appeal is filed, consider all the evidence in support of or against the action appealed and render a decision either sustaining or reversing the denial or revocation. The decision of the city manager shall be final. (Ord. Nos. 14584; 19869)

## ARTICLE XVII.

### STREETCAR REGULATIONS.

#### SEC. 28-193. DEFINITIONS.

In this article:

(1) **LOADING AND UNLOADING** means the transfer of persons or property between a vehicle or streetcar and the curb, or between a vehicle or streetcar and a nearby building.

(2) **MOTORMAN** means an employee of a streetcar company who controls the movement of a streetcar.

(3) **STREETCAR** means a self-powered vehicle used for transporting persons or property that is operated upon rails within a public right-of-way.

(4) **STREETCAR COMPANY** means any person licensed by the city to operate a streetcar within the city.

(5) **STREETCAR STOP** means an area in the public right-of-way reserved for the exclusive use of streetcars during the loading or unloading of passengers or property.

(6) **STREET RAILROAD** means any rail or appurtenance located within a public right-of-way that is authorized by the city to be used for streetcars. (Ord. 20329)

#### ~~SEC. 28-194. AUTHORITY OF THE DIRECTOR OF MOBILITY AND STREET SERVICES.~~

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

#### SEC. 28-194. AUTHORITY OF THE DIRECTOR OF TRANSPORTATION.

The director of transportation shall administer and enforce this article and otherwise exercise direction and control over the operation of all streetcars in the city in accordance with city ordinances, the city charter, and other applicable law and with any license issued to a streetcar company by the city. (Ord. Nos. 20329; 22026; 28424; 30239; 30654)

#### SEC. 28-195. OPERATION OF STREETCARS AND OTHER VEHICLES.

(a) When overtaking and passing on the right side of a streetcar that is approaching or stopped at a designated streetcar stop, a driver of a vehicle shall stop at least five feet from the rear of the streetcar and proceed only when safe, allowing pedestrians the right-of-way.

(b) A person commits an offense if he stops, stands, or parks any vehicle other than a streetcar at a designated streetcar stop or between the right curb and a designated streetcar stop.

(c) An operator of a streetcar may not stop the streetcar at any location other than a designated streetcar stop, except in an emergency or when complying with other traffic regulations. Streetcar passengers shall be loaded and unloaded only at a designated streetcar stop. (Ord. 20329)

#### SEC. 28-196. UNLAWFUL CONDUCT ON OR NEAR A STREETCAR.

(a) A person commits an offense if he:

(7) TRANSIT CORRIDOR means the light rail transit system alignment known as the South Oak Cliff Line that operates within the center median of Lancaster Road from approximately 800 feet north of Illinois Avenue to Ledbetter Drive, after which point it crosses the southbound lane of Lancaster Road and ends at the light rail transit station located on the southwest corner of the intersection of Lancaster Road and Ledbetter Drive.

(8) TRANSITWAY MALL means the light rail transit system alignment in the central business district that is located within the right-of-way lines of the following described streets:

(A) Hawkins Street from approximately 150 feet north of Routh Street to Bryan Street;

(B) Bryan Street from Hawkins Street to Akard Street; and

(C) Pacific Avenue from Akard Street to approximately 50 feet west of Houston Street.

(9) SAFETY QUADRANT means that portion of each corner lot located within or abutting the transitway mall, whether composed of public or private property or both, that is contained within an area forming a quadrant of a circle having a 30-foot radius when measured from the point of intersection of adjacent street curb lines or, if there are not street curbs, what would be the normal street curb lines. (Ord. 22763)

**SEC. 28-201. OPERATION OF VEHICLES IN THE TRANSITWAY MALL AND TRANSIT CORRIDOR.**

(a) The transitway mall and the transit corridor are for the exclusive use of light rail vehicles. The right-of-way on each side of the transit corridor will be used for the operation of other vehicles.

(b) A person commits an offense if he:

(1) stops, stands, or parks any vehicle, other than a light rail vehicle, within the transitway mall or transit corridor; or

(2) operates any vehicle, other than a light rail transit vehicle, in any area within the transitway mall or transit corridor.

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

~~—(1) being operated by an employee of the city or DART in the performance of official duties;~~

~~—(2) an authorized emergency vehicle;~~

~~—(3) a mobility and street services, maintenance, utility, or service vehicle authorized by the city and DART to operate within the transit mall or transit corridor; or~~

~~—(4) being operated in compliance with a valid permit issued by the city and approved by DART.~~

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

(1) being operated by an employee of the city or DART in the performance of official duties;

(2) an authorized emergency vehicle;

(3) a department of transportation, maintenance, utility, or service vehicle authorized by the city and DART to operate within the transit mall or transit corridor; or

(4) being operated in compliance with a valid permit issued by the city and approved by DART.

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

(1) crossing the transitway mall or transit corridor on a street designated for through traffic; or

(2) entering or exiting a private parking area with direct ingress or egress to or from the transitway mall, if the vehicle:

(A) was being operated in compliance with all speed, directional, and traffic control signs, devices, laws, and regulations applicable to the transitway mall; and

(B) at no time was operated on or across the fixed guideway of the transitway mall. (Ord. Nos. 22763; 30239; 30654)

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

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

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

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

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

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

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

**ARTICLE XIX.**

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

**Division 1. Generally.**

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

In this article:

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

systems to reduce red light violations and collisions citywide.

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

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

~~(4) **DEPARTMENT** means the city department of mobility and street services.~~

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

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

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

(7) **OWNER** means:

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

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

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

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

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

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

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

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

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

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

**SEC. 28-204. — GENERAL AUTHORITY AND DUTIES OF THE DIRECTOR AND DEPARTMENT AND THE CHIEF OF POLICE.**

— (a) The department is responsible for the enforcement and administration of this article relating to hearing officers, administrative adjudication hearing procedures, and appeals. The director shall implement and enforce this article and may by written order establish such rules or regulations, not inconsistent with this article, as the director determines are necessary to discharge the director's duties under or to effect the policy of this article.

— (b) The chief of police shall implement and enforce the provisions of this division relating to the issuance, service, and enforcement of red light citations

and the collection of fines and costs and may by written order establish such rules or regulations, not inconsistent with this division, as the director [chief of police] determines are necessary to discharge the duty of the chief of police under or to effect the policy of this division.

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

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

(b) The director of transportation shall implement and enforce the provisions of this division relating to the issuance, service, and enforcement of red light citations and the collection of fines and costs and may by written order establish such rules or regulations, not inconsistent with this division, as the director determines are necessary to discharge the duty of the director of transportation under or to effect the policy of this division. (Ord. Nos. 26305; 26988; 27697; 30654)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~— (4) The citation issuance date.~~

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

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

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

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

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

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

~~— (11) A notification that any request by the vehicle owner to have the enforcement officer, or other~~

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

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

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

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

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

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

(2) A description of the violation alleged.

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

(4) The citation issuance date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Letters, memoranda, affidavits, photographs, and other documentary materials will be admissible as

evidence for the purposes of adjudication by mail. The hearing officer may exclude from consideration any material that is not relevant to the adjudication of the alleged violation.

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

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

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

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

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

~~the hearing officer, or a municipal court on appeal, finds that the owner is not liable for the red light violation.~~

(b) A person may make a request to reset a scheduled administrative adjudication hearing. A scheduled administrative adjudication hearing may not be reset more than once unless the vehicle owner pays to the director of transportation an amount equal to the applicable civil fine for the red light violation, with any additional penalties and costs. The director of transportation shall issue a receipt for any amounts paid under this subsection. After presentation of the receipt, all amounts paid will be refunded to the vehicle owner if the hearing officer, or a municipal court on appeal, finds that the owner is not liable for the red light violation.

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

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

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

an officer or employee of the city that alleges a red light violation based on an inspection of the pertinent recorded image is admissible in a proceeding under this article, is evidence of the facts contained in the affidavit, and is prima facie evidence of the violation alleged in the red light citation.

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

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

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

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

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

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

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

(10) If the applicant is a corporation, copies of a current certificate of account status issued by the Texas Comptroller's Office and a current certificate of existence issued by the Texas Secretary of State's Office, or, if the corporation is not incorporated in or holding a certificate of authorization in the State of Texas, copies of similar current certificates from the state in which the corporation is incorporated.

(11) A description (including but not limited to the name, date, location, and size) of each neighborhood farmers market that the applicant conducted or sponsored, or participated in conducting or sponsoring, within the preceding two years.

(12) Any other information the director determines necessary for the administration and enforcement of this chapter.

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

(c) Upon receipt of the completed application, the director shall forward a copy of the application to the building official and the departments of police, fire-rescue, risk management, code compliance, and transportation. The building official and each department shall review the application and return it, with any comments, to the director within 10 working days after receipt.

(d) The building official, departments, and the director may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of a neighborhood farmers market, to be incorporated into the permit before issuance.

(e) After reviewing the application and comments, the director shall issue the neighborhood farmers market permit unless denial is required by Section 29A-8. A neighborhood farmers market permit expires one year after issuance and may be renewed by applying in accordance with this section. (Ord. Nos. 28046; 28424; 29016; 29691; 30239; 30654)

**CHAPTER 30****NOISE**

- Sec. 30-1. Loud and disturbing noises and vibrations.
- Sec. 30-2. Loud and disturbing noises and vibrations presumed offensive.
- Sec. 30-2.1. Presumption.
- Sec. 30-3. Use of bell, siren, compression, or exhaust whistle on vehicles.
- Sec. 30-3.1. Noise from the idling of commercial motor vehicles.
- Sec. 30-3.2. Use of engine compression brakes prohibited.
- Sec. 30-4. Loudspeakers and amplifiers.
- Sec. 30-5. Penalties.

**SEC. 30-1. LOUD AND DISTURBING NOISES AND VIBRATIONS.**

A person commits an offense if he makes or causes to be made any loud and disturbing noise or vibration in the city that is offensive to the ordinary sensibilities of the inhabitants of the city. (Ord. Nos. 13744; 24835; 26022)

**SEC. 30-2. LOUD AND DISTURBING NOISES AND VIBRATIONS PRESUMED OFFENSIVE.**

The following loud and disturbing noises and vibrations are presumed to be offensive to the ordinary sensibilities of the inhabitants of the city:

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle, except as a danger signal, as required by state law.
- (2) The playing of any radio, phonograph, television, or musical instrument with such volume as to disturb the peace, quiet, comfort, or repose of

persons in any dwelling, apartment, hotel, or other type of residence.

(3) The continuous barking, howling, crowing, or making of other loud noises by an animal for more than 15 minutes near a private residence that the animal's owner or person in control of the animal has no right to occupy.

(4) The loud grating, grinding, or rattling noise caused by the use of any automobile, motorcycle, bus, streetcar, or vehicle that is out of repair or poorly or improperly loaded.

(5) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

(6) The discharge into the open air of the exhaust of any stationary steam engine, stationary internal combustion engine, or motor boat engine, except through a muffler or other device that will effectively and efficiently prevent loud and disturbing noises or vibrations.

(7) The discharge into the open air of the exhaust from any motor vehicle, except through a muffler or other device that will effectively and efficiently prevent loud and disturbing noises or vibrations.

~~————— (8) Any construction activity related to the erection, excavation, demolition, alteration, or repair of any building on or adjacent to a residential use, as defined in the Dallas Development Code, other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturdays and legal holidays, except that the director of mobility and street services may issue a written permit to exceed these hours in the case of urgent necessity in the interest of public safety or for other reasons determined by the director of mobility and street services to be necessary for the public health, safety, or welfare. For purposes of this~~

paragraph, "legal holidays" include New Year's Day (January 1), Memorial Day (observed date), Fourth of July (July 4), Labor Day (observed date), Thanksgiving Day (observed date), and Christmas Day (December 25).

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

(9) The shouting and crying of peddlers, hawkers, and vendors that disturb the quiet and peace of the neighborhood.

(10) The use of any drum or other instrument or sound amplifying equipment for the purpose of attracting attention by the creation of noise, to any performance, show, sale, or display of merchandise as to attract customers to any place of business.

(11) The use of mechanical loudspeakers or sound amplifiers on trucks or other moving vehicles for the purpose of advertising any show, sale, or display of merchandise.

(12) The collection of garbage, waste, or refuse between the hours of 10:00 p.m. and 7:00 a.m. on or within 300 feet of any residential use, as defined in the Dallas Development Code.

(13) The operation of sound equipment, including a car stereo, in a motor vehicle in such a manner that the noise is so audible or causes such a vibration as to unreasonably disturb the peace, quiet, or comfort of another person. (Ord. Nos. 13744; 22026; 24835; 26022; 28424; 30239; 30654)

#### SEC. 30-2.1. PRESUMPTION.

Whenever a violation of Section 30-2(11) of this chapter occurs, it is presumed that the registered owner of the vehicle for which the citation was issued is the person who committed the violation, either personally or through an agent or employee. Proof of ownership may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Transportation showing the name of the person to

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

~~—The police chief, fire-rescue chief, and director of mobility and street services, or their designated representatives, shall each have the power and duty to examine and inspect from time to time all poles and every wire or cable in the streets, alleys, highways, or public places within the city when such wire is designed to carry an electric current. They shall notify each person owning or using such poles when any pole is unsafe, and notify each person owning or operating any such wire or cable whenever its attachments, insulation, supports, or appliances are unsuitable or unsafe, and require that such poles, wires, or cables must be properly replaced, renewed, altered, or constructed. They shall require the owner of any pole or wire abandoned for use to remove the pole or wire.~~

The police chief, fire-rescue chief, and director of transportation, or their designated representatives, shall each have the power and duty to examine and inspect from time to time all poles and every wire or cable in the streets, alleys, highways, or public places within the city when such wire is designed to carry an electric current. They shall notify each person owning or using such poles when any pole is unsafe, and notify each person owning or operating any such wire or cable whenever its attachments, insulation, supports, or appliances are unsuitable or unsafe, and require that such poles, wires, or cables must be properly replaced, renewed, altered, or constructed. They shall require the owner of any pole or wire abandoned for use to remove the pole or wire. (Code 1941, Art. 106-7; Ord. Nos. 22026; 28424; 30239; 30654)

**SEC. 36-46. ARTICLE NOT A GRANT OF ADDITIONAL PRIVILEGES.**

Nothing in this article grants any privilege or authority for any other term than already vested in persons now using and occupying the streets, alleys, and public places of the city. (Code 1941, Art. 106-9; Ord. 28424)

**SEC. 36-47. EFFECT OF ARTICLE ON OTHER ORDINANCES.**

Nothing in this article relieves any person of any

condition, restriction, or requirement imposed by the ordinance in which it has been authorized to place in the streets, highways, alleys, or public places of the city its conduits, poles, wires, or other apparatus or imposed by this code or other ordinances previously enacted by the city. (Code 1941, Art. 106-10; Ord. 28424)

(12) RAILROAD COMPANY means a person owning or operating trains on a railroad line within the city.

(13) SLOW ORDER means a written or verbal instruction to a railroad company from the FRA, the city or the railroad company itself requiring the railroad company to reduce the speed of its trains on the portion of track referred to in the order because of conditions adversely affecting the safe operation of railroad traffic on that track.

(14) SWITCH OR SPUR RAILROAD LINE means any railroad line within the city, not designated as a main railroad line.

(15) TRAIN means any of the following:

(A) Any number of railroad engines, cars, or service vehicles operated as a unit.

(B) Railroad engines operated singly.

(C) Self-powered railroad cars.

(16) SHIFTABLE LOAD MATERIAL means brick, lumber, pipes, or other material capable of shifting within or falling from a railroad car as a result of the movement of the railroad car or the failure of load securing devices. (Ord. Nos. 18100; 22026)

## ARTICLE II.

### ENFORCEMENT, DECISION MAKING, REPORTING DUTIES.

#### SEC. 39-3. ENFORCEMENT.

(a) Enforcement authority. The provisions of this chapter shall be administered and enforced by the director. For this purpose, the director shall have police power necessary to secure compliance with the provisions of this chapter.

(b) Designation of local railroad company official. Each railroad company shall designate a local official who is an employee of the railroad company to be available for notification by the director. This designation shall be in writing to the director and shall include the information necessary to enable the director to contact the designated official in emergencies. The designated official shall be available at all times.

(c) Notification of violations by the director. The director shall notify, in writing, the FRA and the responsible railroad company of any violation of the provisions of this chapter. This written notification shall list all particulars of the alleged violation with sufficient detail to enable the United States Attorney General to seek prosecution under federal regulations.

(d) Penalty for violation. Upon conviction, a person who violates a provision of this chapter is punishable by a fine not to exceed \$500. A person who violates a provision of this chapter is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted.

(e) Repeat violations. Whenever three or more violations are committed in any calendar year by the same railroad company, the director shall notify, in writing, the chairman of the committee and the responsible railroad company.

(f) Exception. This chapter does not apply to a public transportation authority chartered by the state or to any railroad tracks owned or operated by a public transportation authority chartered by the state. (Ord. Nos. 18100; 19963)

#### SEC. 39-4. THE SUBCOMMITTEE.

~~—(a) Creation of the railroad subcommittee. The chair of the committee is authorized to form a railroad subcommittee to provide better communication between the railroad companies and the city. If~~

~~formed, the committee chair is authorized to appoint a representative from each railroad company and from the police department, fire-rescue department, and department of mobility and street services of the city to serve as ex officio members of the subcommittee.~~

(a) Creation of the railroad subcommittee. The chair of the committee is authorized to form a railroad subcommittee to provide better communication between the railroad companies and the city. If formed, the committee chair is authorized to appoint a representative from each railroad company and from the police department, fire-rescue department, and department of transportation of the city to serve as ex officio members of the subcommittee.

(b) Powers and duties of the subcommittee. The subcommittee has the following powers and duties:

(1) To review railroad operations for public safety.

(2) To recommend revisions to this chapter relating to the safety of rail operations. (Ord. Nos. 18100; 22026; 28424; 30239; 30654)

#### **SEC. 39-5. REPORTING DUTIES AND REQUESTS FOR CITY ACTION.**

(a) Reports to the director. Beginning January 1984, each railroad company shall furnish to the director complete operating and engineering data as specified by the director, including, but not limited to, the following information:

(1) main lines in operation;

(2) spurs being served;

(3) a copy of the latest FRA inspection report for each main line;

(4) a copy of the latest United States Department of Transportation's AAR crossing inventory form for each grade crossing;

(5) an outline of any major maintenance or rehabilitation projects undertaken;

(6) the number of through trains each day of

the week and their average speed and length for each main line;

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

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

(d) The departments, DART, and the special event manager may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of a special event, to be incorporated into the permit before issuance.

(e) After reviewing the application and comments, the special event manager shall issue the special event permit unless denial is required by Section 42A-13. A special event permit will be issued for a period not to exceed 10 consecutive days. A special event permit may be renewed, without payment of the application fee, for additional consecutive 10-day periods during which a special event will be conducted, unless the time limitations set forth in Section 42A-13(a)(12) of this chapter would be exceeded. (Ord. Nos. 18702; 19312; 19869; 20612; 21934; 22026; 23694; 24554; 26136; 27697; 28126; 28424; 30239; 30654)

#### SEC. 42A-8. FEES.

(a) An applicant for a special event permit shall pay the following fees to conduct the special event:

(1) A nonrefundable application fee of:

(2) any other information the director deems necessary.

(d) If, after reviewing the application, the director determines that the proposed indented parking meets the requirements of Subsections (b)(1) and (b)(2), but is located within 200 feet of a single family district, then the director shall send written notice of the indented parking proposal to all property owners located within 200 feet of the proposed indented parking. The notice must be given by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll.

(e) After receiving a notice under Subsection (d), a property owner has 14 days from the date the notice is mailed to file an objection to the indented parking proposal with the director. If any property owner notified under Subsection (d) timely files an objection with the director, then the director shall deny the application for indented parking.

(f) If the only basis for director's denial is that an objection was timely filed under Subsection (e), then the applicant may appeal the denial to the city plan commission. A written request for an appeal must be signed by the applicant or its legal representative and filed with the director within 15 days after the date the director's decision is issued. The appeal request must be accompanied by an appeal filing fee of \$800.

(g) The city plan commission shall hold a public hearing to allow interested parties to express their views regarding the appeal. The director shall give notice of the public hearing in a newspaper of general circulation in the city at least 10 days before the hearing. In addition, the director shall send written notice of the hearing to all property owners located within 200 feet of the proposed indented parking. The notice must be given not less than 10 days before the date set for the hearing by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll.

(h) At the public hearing, the city plan commission shall determine whether the requested parking would detrimentally affect neighboring property. The city plan commission may reverse or affirm, in whole or in part, or modify the decision of the director based upon testimony presented at the public hearing, technical information provided by city staff, and the standards contained in this section. The decision of the commission is final.

(i) For purposes of this section, measurements must be made in a straight line, without regard to intervening structures or objects, from the nearest point of any proposed indented parking space to the nearest point of the boundary of a single-family district or other property required to receive notice under Subsection (d) or (g).

(j) Nothing in this section limits the authority of the city traffic engineer to approve parking under Chapter 28 of this code. (Ord. Nos. 8590; 11283; 27227)

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

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

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

~~—(c) Any owner who fails to reconstruct or repair a defective, unsafe, or hazardous condition within 30 days after the date of the written notice from the director of mobility and street services or the director~~

~~of code compliance to do so, or any owner who fails to begin such reconstruction or repair within 15 days after the date of such notice, is guilty of an offense.~~

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

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

(c) Any owner who fails to reconstruct or repair a defective, unsafe, or hazardous condition within 30 days after the date of the written notice from the director of public works or the director of code compliance to do so, or any owner who fails to begin such reconstruction or repair within 15 days after the date of such notice, is guilty of an offense. (Ord. Nos. 8590; 13898; 19963; 22026; 23694; 30239; 30654)

**SEC. 43-64. MIXING CONCRETE OR MORTAR ON EXISTING PAVEMENT; UNUSED MIXTURE TO BE IMMEDIATELY REMOVED.**

No person shall mix concrete or mortar or any mixture or substance containing cement on any existing pavement on public property nor leave or cause to be left any excess concrete or mortar or any mixture or substance containing cement on any existing pavement on public property, nor allow same to leak or fall from any container or receptacle onto pavement on public property. If any concrete, mortar or any mixture or substance containing cement is accidentally dropped or placed upon any pavement on public property within the city, the person responsible shall immediately remove same before such substance hardens or sets on the pavement. (Ord. 8590)

**SEC. 43-65. SIDEWALK DRAINAGE OPENINGS TO HAVE METAL COVERS.**

Wherever water from roofs of adjacent buildings

is drained or conducted under sidewalks from downspout drains to the street gutters through aqueducts or concrete troughs, these openings in the sidewalk shall be fitted with strong metal covers, which shall be securely held in place with screws or other fasteners which will not rust or corrode. Such cover shall be set flush with the surface of the sidewalk and securely bolted, fastened or so constructed that it cannot slip, shift or become out of alignment with the surface of the sidewalk. (Ord. 8590)

## Division 2. Bicycle Parking Devices.

### SEC. 43-120. DEFINITIONS.

In this division:

(1) BICYCLE PARKING DEVICE means a device, approved as to size and design by the director, to which a bicycle may be secured by a lock either provided by the user or provided on the device.

(2) CITY means the city of Dallas, Texas.

(3) DIRECTOR means the director of the department designated by the city manager to enforce and administer this division, or the director's designated representative. (Ord. Nos. 18838; 22026)

### SEC. 43-121. LICENSE REQUIRED; APPLICATION; ISSUANCE.

(a) A person commits an offense if he installs or operates a bicycle parking device on a public right-of-way within the city without a license issued by the director.

(b) A person who desires to install or operate a bicycle parking device on a public right-of-way abutting his property shall apply in writing to the director for a bicycle parking device license. The application must contain the following information:

(1) the names, addresses, and telephone numbers of:

(A) the applicant;

(B) if the applicant is a lessee, the property owner; and

(C) the manufacturer of each bicycle parking device to be installed or operated;

(2) the number of bicycle parking devices to be installed or operated;

(3) the proposed location of each bicycle parking device;

(4) the dimensions of each bicycle parking device, measured with and without bicycles parked in the device;

(5) the proposed method of securing each bicycle parking device to the public right-of-way; and

(6) if the applicant is a lessee, written consent from the property owner to install or operate any bicycle parking device on public right-of-way abutting his property.

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

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

(d) After reviewing the application and departmental comments, the director may issue a bicycle parking device license unless denial is required by Section 43-122. (Ord. Nos. 18838; 22026; 23694; 25047; 27697; 28424; 29478; 29882; 30239; 30654)

### SEC. 43-122. DENIAL OR REVOCATION OF LICENSE.

(a) The director shall deny a bicycle parking device license if:

(1) the applicant fails to comply with the requirements of this division or other applicable law;

(A) the applicant;

(B) if the applicant is a lessee, the property owner; and

(C) any independent contractor the applicant will use to provide valet parking service;

(2) the proposed location of the valet parking service and any valet parking service stands;

(3) the number of spaces requested to be reserved for the valet parking service, each space being 22 feet long, if parallel to the curb, or nine feet wide, if head in to the curb; as a rule, three spaces must be reserved unless the director determines that, because of special traffic conditions, a greater or lesser number of spaces is needed to efficiently operate the valet parking service;

(4) the proposed hours and days of operation of the valet parking service;

(5) the location of off-street parking to be used in connection with the valet parking service and a signed agreement or other documentation showing that the applicant has a legal right to park vehicles at that location;

(6) proof of insurance required by Section 43-126.12; and

(7) a list of names and addresses of all property owners, or their representatives, located within 50 feet of, on the same side of the street as, and within the same block as the valet parking service location, either:

(A) with signatures showing consent to the operation of a valet parking service by the applicant; or

(B) without signatures, in which case the director shall notify the listed persons of the valet parking service application and obtain comments.

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

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

(e) After reviewing the application and comments of the departments and of any person notified in accordance with Subsection (c)(7), and upon receiving payment of all fees required by this division, the director may issue a valet parking service license unless denial is required by Section 43-126.7.

(f) A licensee desiring to change the location or hours of operation of a valet parking service must submit a new application to the director in accordance with this section. (Ord. Nos. 19190; 22026; 23694; 25047; 27697; 28424; 29478; 29882; 30239; 30654)

#### SEC. 43-126.6. FEES.

(a) A nonrefundable application fee of \$25 must accompany each application for a valet parking service license.

(b) The annual fee for a valet parking service license is:

(1) if the valet parking service is being conducted inside the central business district, \$250 per space for the first six spaces reserved by the valet

established by the director for the placement, installation, collocation, replacement, and repair of network nodes, as that term is defined in Chapter 284 of the Texas Local Government Code, as amended, and any related infrastructure, including poles, in the public right-of-way.

~~———— (9) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter or the director's designee.~~

(9) DIRECTOR means the director of public works or any designated representative.

(10) EMERGENCY ACTIVITY means circumstances requiring immediate construction or operations by a public service provider to:

(A) prevent imminent damage or injury to the health or safety of any person or to the public right-of-way;

(B) restore service; or

(C) prevent the loss of service.

(11) EXCAVATION means the removal of dirt, fill, or other material in the public right-of-way, including but not limited to the methods of open trenching, boring, tunneling, or jacking.

(12) FACILITIES means the plant, equipment, buildings, structures, poles, wires, cables, lines, conduit, mains, pipes, vaults, above ground utility structures, and appurtenances of a public service provider and includes property owned, operated, leased, licensed, used, controlled, or supplied for, by, or in connection with the business of the public service provider.

(13) MAJOR PROJECT means any construction that requires a pavement cut of a length of 300 linear feet or greater within any single street or alley or any construction in an area that the director determines occurs in an area of high vehicular traffic.

(14) PAVEMENT CUT means a cut made into the paved surface of the public right-of-way.

(15) PAVEMENT CUT AND REPAIR STANDARDS MANUAL means a manual published by the city of Dallas that contains engineering, technical, and other special criteria and standards established by the director for pavement cut, excavation, backfill, restoration, and repair activities in the public right-of-way.

(16) PERMITTEE means the person applying for or receiving a permit to perform construction within the city's right-of-way under the terms and conditions of this article. The term includes:

(A) any officer, director, partner, manager, superintendent, or other authorized person exercising control over or on behalf of the permittee; and

(B) any contractor or subcontractor of the permittee, for purposes of compliance with the *City of Dallas Pavement Cut and Repair Standards Manual* and the traffic control, construction, and maintenance requirements of this article.

(17) PERSON means a natural person, a corporation, a public service provider, a governmental entity or agency (including the city), a limited liability company, a joint venture, a business trust, an estate, a trust, a partnership, an association, or any other legal entity.

(18) PUBLIC RIGHT-OF-WAY means any area of land within the city that is acquired by, dedicated to, or claimed by the city in fee simple, by easement, or by prescriptive right and that is expressly or impliedly accepted or used in fact or by operation of law as a public roadway, highway, street, sidewalk, alley, or utility access easement. The term includes the area on, below, and above the surface of the public right-of-way. The term applies regardless of whether the public right-of-way is paved or unpaved. The term does not include airwaves above the public right-of-way that fall under the exclusive jurisdiction of the United States government.

(19) PUBLIC SERVICE PROVIDER means any wholesale or retail electric utility, gas utility,

telecommunications company, cable company, water utility, storm water utility, or wastewater utility, regardless of whether the public service provider is publicly or privately owned or required to operate within the city pursuant to a franchise, including a network provider as that term is defined in Chapter 284 of the Texas Local Government Code, as amended.

(20) SPOILS or EXCAVATED MATERIAL means construction waste, construction supplies, or excavated dirt, fill, or other similar material that is stored or placed upon the surface of a public right-of-way.

(21) SUBDIVISION means "subdivision" as defined in Article VIII, "Plat Regulations," of the Dallas Development Code, as amended.

(22) THOROUGHFARE means:

(A) a public traffic arterial, as designated in the city's thoroughfare plan;

(B) a nonresidential collector street, as defined in the *City of Dallas Paving Design Manual*; and

(C) all streets within the central business district.

(23) UTILITY STRUCTURE:

(A) means any structure, cabinet, or other appurtenance (other than a pole or a device attached to a pole) that is owned or used by a public service provider to provide service; and

(B) does not include:

(i) a device or structure used to control or direct pedestrian or vehicular traffic on an adjacent roadway; or

(ii) any infrastructure that provides water used for fire suppression. (Ord. Nos. 24495; 26263; 28424; 30239; 30620; 30654)

#### SEC. 43-136. DIRECTOR'S AUTHORITY; ENFORCEMENT; OFFENSES.

(a) The director is authorized to administer and enforce the provisions of this article, and to promulgate regulations, including but not limited to engineering, technical, and other special criteria and standards, to aid in the administration and enforcement of this article that are not in conflict with this article, this code, or state or federal law. To further aid in the administration and enforcement of this article, the director is also authorized to promulgate regulations and operational standards governing the shared use of the public right-of-way by transportation uses (including but not limited to streetcars) and public service providers, so long as those regulations and standards are not in conflict with this article, this code, or state or federal law.

(b) The director is authorized to enter upon a construction site for which a permit is granted under this article or, where necessary, upon private property adjacent to the construction site, for purposes of inspection to determine compliance with the permit or this article.

(c) A person commits an offense if he:

(1) performs, authorizes, directs, or supervises construction without a valid permit issued under this article;

(2) violates any other provision of this article;

(3) fails to comply with restrictions or requirements of a permit issued under this article; or

(4) fails to comply with an order or regulation of the director issued pursuant to this article.

(d) A person commits an offense if, in connection with the performance of construction in the public right-of-way, he:

(2) a wholesale service contract involving a governmental entity;

(3) a contract by which the city receives water or wastewater service; and

(4) any service contract otherwise required by state law, city charter, or other provisions of this chapter, to be approved by city council.

(b) Consideration. The consideration received by the city for a service contract must be based on the rates prescribed in this chapter. However, the city council may approve a special-rate contract for wholesale water or wastewater service where it determines rates in this chapter to be discriminatory or unreasonable under the circumstances. (Ord. 19201)

#### SEC. 49-18.1. RATES FOR TREATED WATER SERVICE.

(a) Form of rate. The monthly rate for treated water service to a customer consists of:

(1) a customer charge; and

(2) a usage charge.

(b) Billing cycle. In this section, water used per month is based upon the billing cycle of the department.

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

#### (1) Water Service Customer Charges.

<u>METER SIZE</u>	<u>RATE PER METER</u>
5/8-inch meter	\$5.33
3/4-inch meter	7.40
1-inch meter	10.78
1-1/2-inch meter	20.00
2-inch meter	32.54
3-inch meter	77.00
4-inch meter	126.62
6-inch meter	251.45
8-inch meter	418.53
10-inch meter or larger	642.66

#### (2) Usage Charge—Rate Per 1,000 Gallons.

<u>TYPE OF USAGE</u>		
(A)	<u>Residential:</u>	
(i)	Up to 4,000 gallons	\$1.92
(ii)	4,001 to 10,000 gallons	4.34
(iii)	10,001 to 15,000 gallons	6.20
(iv)	Above 15,000 gallons	8.75
(B)	<u>General service:</u>	
(i)	Up to 10,000 gallons	3.76
(ii)	Above 10,000 gallons	4.08
(iii)	Above 10,000 gallons and 1.4 times annual average monthly usage	6.20

<u>TYPE OF USAGE</u>		
(A)	<u>Residential:</u>	
(i)	Up to 4,000 gallons	\$1.86
(ii)	4,001 to 10,000 gallons	4.00
(iii)	10,001 to 20,000 gallons	6.50
(iv)	20,001 to 30,000 gallons	9.30
(v)	Above 30,000 gallons	10.70
(B)	<u>General service:</u>	
(i)	Up to 10,000 gallons	3.73
(ii)	Above 10,000 gallons	4.05

(iii)	Above 10,000 gallons and 1.4 times annual average monthly usage	6.15
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(d) Applicability of rates to meters. The charges for water service in Subsection (c) of this section apply to each meter that exists at a customer's premises. A customer may request removal of inactive meters to combine services through a single meter. If, within one year, a customer requests removal and restoration of a meter that is used for lawn sprinkling, air conditioning, or other seasonal purposes, the customer shall pay a reconnection charge that is equal to the monthly customer charge in Subsection (c) of this section multiplied by the number of months the service was discontinued.

(e) Rates where no meter exists. If a customer is without a meter, the minimum usage charge per month is based upon the average monthly usage for a customer in the same service class at the rate specified in Subsection (c) of this section. The customer charge is based upon the size of the service line at the property.

(f) Election for certain general water service customers. A general water service customer inside the city who uses at least 1,000,000 gallons of water per month may elect, in writing, to be assessed the special charges under this subsection instead of the regular general service rate, according to the following conditions:

~~\_\_\_\_\_ (1) The customer must agree to pay each year:~~

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

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

~~\_\_\_\_\_ (C) \$3.15 per 1,000 gallons used in excess of 1,000,000 gallons per month.~~

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

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

(B) \$2,287.29 per month as a usage charge on the first 1,000,000 gallons used in a billing period; and

(C) \$3.24 per 1,000 gallons used in excess

of 1,000,000 gallons per month.

(2) The customer must agree that consumption billed during any billing period ending in May, June, July, August, September, and October will not exceed 1.5 times the average monthly consumption billed in the previous winter months of December through March.

(3) To be eligible for the special rate, a customer's maximum hourly water usage during a seven-day period must not be greater than seven times the average hourly usage rate for the same seven-day period.

(4) If a customer's usage of water exceeds the amounts allowed under Subsection (f)(2) or (f)(3), the customer will be notified that the customer will be billed at the regular usage charge stated in Subsection (c) for a minimum of 12 months, and such additional time until the customer can demonstrate to the satisfaction of the director that the requirements of Subsection (f)(2) and (f)(3) can be maintained.

(5) The director may grant a variance to Subsection (f)(4) where special circumstances warrant.

~~(g) Adjusted rates for hidden water leaks. When a customer experiences a substantial increase in water or wastewater usage from a hidden water leak and the customer meets the requirements of Section 49-9(e), the director will adjust the account and bill the customer:~~

~~(1) an estimated amount of normal water usage for the period at the regular rate;~~

~~(2) the excess water usage caused by the hidden leak at the following applicable rate:~~

(g) Adjusted rates for hidden water leaks. When a customer experiences a substantial increase in water or wastewater usage from a hidden water leak and the customer meets the requirements of Section 49-9(e), the director will adjust the account and bill the customer.

(1) an estimated amount of normal water usage for the period at the regular rate;

(2) the excess water usage caused by the hidden leak at the following applicable rate:

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

TYPE OF USAGE	RATE PER 1,000 GALLONS
(A) Residential	\$1.86
(B) General service	3.73

(C) Optional general service	3.24
(D) Municipal service	2.51

and

~~(3) the applicable wastewater rate prescribed in Section 49-18.2(c), based on an adjustment of wastewater volume to estimated normal volume, where adjustment is appropriate.~~

(3) the applicable wastewater rate prescribed in Section 49-18.2(c), based on an adjustment of wastewater volume to estimated normal volume, where adjustment is appropriate.

(h) Billing based on full month. If a customer requests discontinuance of service at an address where uninterrupted service was provided for a period of time so short that the only bill for services rendered would be the final bill, such billing will be computed as though service had been furnished for a full billing month.

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

(i) Rates for municipal purpose water service. Water service to property owned by the city of Dallas that is used solely for municipal purposes may be charged \$2.51 per 1,000 gallons of water used. (Ord. Nos. 19201; 19300; 19682; 20077; 20449; 20737; 21061; 21430; 21824; 22208; 22564; 23289; 23670; 24050; 24744; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479; 29879; 30215 ; 30653; 30993)

## SEC. 49-18.2. RATES FOR WASTEWATER SERVICE.

(a) Form of rate. The monthly rate for wastewater service to a customer consists of:

- (1) a customer charge;
- (2) a usage charge; and
- (3) a surcharge for excessive concentration of wastes, if applicable.

(b) Billing cycle. In this section, water used per month is based upon the billing cycle of the department.

(c) Rate tables. The director shall charge a customer for wastewater service in accordance with the following tables:

### Wastewater Service Charges.

#### (1) Monthly customer charges

<u>METER SIZE</u>	<u>RATE PER METER</u>
5/8-inch meter	\$4.78
3/4-inch meter	6.55
1-inch meter	9.45
1-1/2-inch meter	18.30
2-inch meter	28.50
3-inch meter	69.50
4-inch meter	111.42
6-inch meter	219.31
8-inch meter	366.09
10-inch meter or larger	575.21

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

(2) Monthly residential use charge: \$5.36 per 1,000 gallons of the average water consumption billed in the months of December, January, February, and March or of the actual month's water consumption, whichever is less, up to a maximum charge of 40,000 gallons per month.

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

(3) Monthly general service usage charge: \$4.11 per 1,000 gallons of water used.

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

(4) Monthly usage charge for Section 49-18.1(f) customer: \$3.86 per 1,000 gallons of water used.

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

(5) Monthly general service usage charge for wastewater separately metered: \$3.91 per 1,000 gallons of wastewater discharged.

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

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

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

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

(f) Rates for municipal purpose wastewater service. Wastewater service to property owned by the city of Dallas that is used solely for municipal purposes may be charged \$2.74 per 1,000 gallons of water used. (Ord. Nos. 19201; 19300; 19682; 20077; 20737; 21061; 21430; 21824; 22208; 22564; 23289; 23670; 24050; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479; 29879; 30215; 30653; 30993)

#### SEC. 49-18.3. GENERAL SERVICE: SEPARATE BILLING.

(a) Conditions of separate billing. A general service customer inside the city may receive separate bills for water service and wastewater service if he installs and maintains, at his expense, meters or other liquid measuring devices that are accurate and approved by the director to measure:

(1) total wastewater discharged directly into the wastewater system from the premises; or

(2) water losses from activities involving evaporation, irrigation or water consumed in products, as illustrated by, but not limited to, cooling towers, boilers, lawn watering systems, or food products.

(b) Customer charge. A customer who chooses to be billed under this section must pay an additional customer charge of \$40.00 per month for each meter installed pursuant to this section, regardless of the size of the meter.

(c) Where meter is inaccurate. When a meter installed pursuant to this subsection is inaccurate, the director may estimate usage or discharge. If a customer fails to repair or replace an inaccurate meter, the director shall bill the customer for the usage charge in Section 49-18.2(c)(3) or (4), whichever is applicable. (Ord. Nos. 19201; 21430; 25385; 26961; 28795)

#### SEC. 49-18.4. RATES FOR WHOLESALE WATER AND WASTEWATER SERVICE TO GOVERNMENTAL ENTITIES.

(a) Form of rate. The director may provide wholesale water service to governmental entities. The service will be furnished in accordance with a written contract at the rates prescribed in this section and under such other terms and conditions as the city council deems reasonable. The rate for wholesale water service to a governmental entity will consist of:

- (1) a volume charge and a demand charge;
- or
- (2) a flat rate charge.

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

~~— (1) The volume charge for treated water is \$0.4565 per 1,000 gallons of water used, and the annual water year demand charge is \$280,458 per each mgd, as established by the highest rate of flow controller setting.~~

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

- (1) The volume charge for treated water is

\$0.3650 per 1,000 gallons of water used, and the annual water year demand charge is \$276,434 per each mgd, as established by the highest rate of flow controller setting.

~~———— (2) If a flat rate charge for treated water is provided by contract, or in the absence of a rate of flow controller, the charge is \$2.2094 per 1,000 gallons of treated water used.~~

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

(2) If a flat rate charge for treated water is provided by contract, or in the absence of a rate flow controller, the charge is \$2.0749 per 1,000 gallons of treated water used.

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

<u>Size of Connection</u>	<u>Monthly Standby Fee</u>
3-inch	\$77.00
4-inch	126.62
6-inch	251.45
8-inch	418.53
10-inch or larger	642.66

<u>Size of Connection</u>	<u>Monthly Standby Fee</u>
3-inch	\$77.00
4-inch	126.62
6-inch	251.45
8-inch	418.53
10-inch or larger	642.66

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

(4) The rate for regular untreated water service to a governmental entity is \$0.8572 per 1,000 gallons of untreated water used. The rate for interruptible untreated water service to a governmental entity is \$0.3440 per 1,000 gallons of untreated water used.

the boundaries of the city for the city's use of integrated facilities owned by those governmental entities.

(c) Revisions. Unless otherwise provided in this chapter, if the written contract for wholesale service between the city and a governmental entity provides for revision of rates, the charges under the written contract must comply with the charges provided in this section.

(d) Emergency exchanges. The director may, in the interest of the city and its customers, make connection agreements with other governmental entities for emergency exchange of water.

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

~~———— (1) The monthly rate for wholesale wastewater service is \$2.7451 per 1,000 gallons of wastewater discharged. The director is authorized to compensate those governmental entities located within~~

~~———— (2) An infiltration and inflow adjustment factor of 5.3 percent will be added to the average water~~

consumption for the months of December, January, February, and March to determine billable volume for a governmental entity with unmetered wholesale wastewater service.

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

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

(1) The monthly rate for wholesale wastewater service is \$2.8601 per 1,000 gallons of wastewater discharged. The director is authorized to compensate those governmental entities located within the boundaries of the city for the city's use of integrated facilities owned by those governmental entities.

(2) An infiltration and inflow adjustment factor of 3.1 percent will be added to the average water consumption for the months of December, January, February, and March to determine billable volume for a governmental entity with unmetered wholesale wastewater service.

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

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

(f) Treatment of water owned by another governmental entity. The director may provide treatment services at the Elm Fork water treatment plant to water owned by another governmental entity in accordance with a written contract. The volume charge for treating water owned by another governmental entity is \$0.3118 per 1,000 gallons of water treated, and the annual water year demand charge is \$36,781 per each mgd, as established by the

maximum demand capacity set forth in the contract. (Ord. Nos. 19201; 19300; 19682; 20077; 20449; 20636; 20737; 21061; 21430; 21824; 22208; 22564; 22907; 23289; 23670; 24050; 24414; 24744; 25049; 25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025; 28426; 28795; 29150; 29479; 29879; 30215; 30653; 30993)

#### SEC. 49-18.5. RATE FOR UNTREATED WATER.

~~———— (a) Regular rate. The charge for untreated water is \$1.0225 per 1,000 gallons of water used.~~

(a) Regular rate. The charge for untreated water is \$0.8572 per 1,000 gallons of water used.

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

(b) Interruptible rate. The charge for interruptible service is \$0.3440 per 1,000 gallons of water used.

~~———— (c) Reservoir supply permits. The director may authorize contracts with owners of property abutting~~

~~water supply lakes or streams for the domestic use of untreated water. A contract under this subsection may not allow withdrawal of untreated water in excess of 10 acre-feet per year. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may not exceed three years, but the contracts are renewable at the option of the city. An application for a contract or contract renewal under this subsection must be accompanied by a nonrefundable processing fee of \$95.~~

(c) Reservoir supply permits. The director may authorize contracts with owners of property abutting water supply lakes or streams for the domestic use of untreated water. A contract under this subsection may not allow withdrawal of untreated water in excess of 10 acre-feet per year. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may not exceed three years, but the contracts are renewable at the option of the city. An application for a contract or contract renewal under this subsection must be accompanied by a nonrefundable processing fee of \$210.

(d) Commercial contracts for untreated water.

(1) Short-term contracts. The director may authorize short-term contracts, without the necessity of council approval, with owners of property abutting water supply lakes or streams for the commercial use of untreated water. A contract under this paragraph may not allow withdrawal of untreated water in excess of 10 acre-feet per year. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may not exceed three years, but the contracts are renewable at the option of the city. An application for a short-term contract or contract renewal must be accompanied by a nonrefundable processing fee of \$225.

(2) Long-term contracts. The director may authorize long-term contracts, with council approval, with owners of property abutting water supply lakes or streams for the commercial use of untreated water. A contract under this paragraph may allow withdrawal of untreated water in excess of 10 acre-feet per year. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may exceed three years, and are renewable at the option of the city. An application for a long-term contract or contract renewal must be accompanied by a nonrefundable processing fee of \$385.

(e) Treatment plant effluent. Wastewater treatment plant effluent may be purchased for one-half of the regular rate for untreated water. No distribution facilities will be provided by the city. (Ord. Nos. 19201; 19682; 20077; 20449; 20737; 21061; 21430; 21824; 22208; 22564; 22907; 23289; 23670; 24050; 24414; 24744; 25049;

25385; 25755; 26135; 26479; 26961; 27355; 27698; 28025;  
28426; 28795; 29150; 29479; 29879; 30215; 30653; 30993)

**SEC. 49-18.6. FEES FOR INSPECTION AND  
TESTING OF METERS AND  
BACKFLOW PREVENTION  
DEVICES.**

(a) Meter inspection fees. No charge will be made for the first meter change or meter test requested by a customer at a single service connection within any 12-month period. For each additional meter change or meter test requested by a customer within a 12 month period that does not result in a finding that the meter over-registered in excess of 1-1/2 percent, the director shall charge the customer a fee according to the following schedule:

<u>Meter-Size</u>	<u>Fee</u>
5/8 to 1-inch	\$50.00
1-1/2 to 2-inch	\$35.00
Larger than 2-inch	Actual cost of change and test

(b) Meter replacement fees. A customer with an existing one-inch service and a 5/8-inch or 3/4-inch meter, who requests that the meter be increased to one inch, shall pay a fee of \$185. Any other customer requesting an increase in meter size up to but not greater than the size of the existing service shall pay a connection charge for the requested size meter in accordance with Section 49-18.7(a) and (b).

(c) Inspection fee for meter verification. An inspection under Section 49-9(d) is free if the director verifies a gross discrepancy or a customer requests not more than one inspection during any six-month period, otherwise the charge is \$15 for an inspection.

(d) Backflow prevention device inspection fees. The owner or person in control of premises on which a backflow prevention device is located must pay a fee to the city for the periodic inspection and testing as follows:

- |     |  |              |
|-----|--|--------------|
| (1) | For any backflow prevention device   | \$50.00 each |
| (2) | For each additional backflow prevention device inspected at the same site, same time | \$45.00 each |

(e) Exception. This section does not apply to a governmental entity that receives wholesale water or wastewater service. (Ord. Nos. 19201; 19300; 23289; 25049; 25385; 26135; 26479; 27355)

#### SEC. 49-18.7. SERVICE CONNECTION CHARGES.

~~(a) Water service installation and connection charge. The director shall charge for the installation of all water service connections at the following rates:~~

(a) Water service installation and connection charge. The director shall charge for the installation of all water service connection at the following rates:

##### (1) Water Service Installation Charges.

<u>Connection Size</u>	<u>Fee</u>
<del>3/4-inch</del>	<del>\$3,420.00</del>
<del>1-inch</del>	<del>\$3,520.00</del>
<del>1 1/2-inch</del>	<del>\$4,520.00</del>
<del>2-inch</del>	<del>\$4,620.00</del>
3/4-inch	\$3,600.00
1-inch	\$3,750.00
1 1/2-inch	\$4,800.00
2-inch	\$5,400.00

##### (2) Connecting Existing Water Service.

<u>Connection Size</u>	<u>Fee</u>
<del>3/4-inch</del>	<del>\$820.00</del>
<del>1-inch</del>	<del>\$900.00</del>
<del>1 1/2-inch</del>	<del>\$2,120.00</del>
<del>2-inch</del>	<del>\$1,820.00</del>
<del>Up to 2-inch bullhead</del>	<del>\$2,180.00</del>
3/4-inch	\$820.00
1-inch	\$910.00

1 1/2-inch	\$1,830.00
2-inch	\$1,830.00
Up to 2-inch bullhead	\$2,580.00

~~(b) Wastewater service installation and connection fees. Except as provided in Subsection (d), the city shall charge the following rates for the installation or connection of residential wastewater service lines:~~

(b) Wastewater service installation and connection fees. Except as provided in Subsection (d), the city shall charge the following rates for the installation or connection of residential wastewater service lines:

(1)	<del>First wastewater service line installation and connection charge</del>	<del>\$3,000.00</del>
(2)	<del>For connecting existing wastewater service lines constructed by other persons</del>	<del>\$475.00</del>
(1)	First wastewater service line installation and connection charge	\$3,110.00
(2)	For connecting existing wastewater service lines constructed by other persons	\$475.00

(c) Installation of large or commercial connections. In cases where the service connection involved is a water service connection larger than two inches or a wastewater service connection to a commercial, industrial or other non-residential service establishment, the following rules apply:

(1) If the director does not require the applicant to construct and install the service connection pursuant to Section 49-24(c)(4), the applicant shall pay the city an amount equal to the department's cost of constructing and installing the service connection. This amount is due prior to commencement of construction by the city.

(2) If the director requires the applicant to construct and install the service connection pursuant to Section 49-24(c)(4), the applicant shall pay a connection inspection fee of \$275 and shall bear all costs of construction and installation and the cost of any materials or appurtenances supplied by the department for construction or installation purposes. The connection inspection fee and amounts payable to the city for the cost of materials and appurtenances must be paid at the time of permit issuance.

(3) Unpaid charges due and owed to the city and other unpaid costs of construction incurred by the applicant under this subsection must be paid before the department will activate water or wastewater service to the property connected.

(d) Special residential wastewater connections. The connection charge procedures described in Subsections (e) and (f) of this section will apply to a residential wastewater service application when:

(1) wastewater service to the premises requires a deep cut connection;

(2) the service will be connected to a wastewater main located in a specific purpose easement obtained by the city; or

(3) a customer requests an additional wastewater service line or relocation of an existing wastewater service line.

(e) Fees for special residential wastewater connections. The director will furnish an estimate of cost to an applicant for a special residential wastewater service connection as described in Subsection (d) of this section. The applicant must deposit the estimated amount before the director will issue a permit for the connection. The final cost will be adjusted upon completion of the work, but in no event will the final cost be less than the flat charge stated in Subsection (b). Should the final cost of the work exceed the amount deposited, the director will furnish the party or parties making the deposit a statement showing the amount of the excess. The statement will constitute notice that the excess amount is due. The director may refuse or discontinue service to the property until full payment has been made for the work performed. Upon completion of the work, if final cost is less than the amount of estimate or deposit, a refund of the amount of overpayment will be immediately made to the party or parties from whom the deposit was received.

(f) Alternatives to Subsection (e). As an alternative to the procedure of Subsection (e), an applicant for a special residential wastewater service connection may request, and the director may furnish, a price at which the city will install a connection at the premises where service is desired, without regard to the actual cost of the installation. The price will never be less than the flat charge stated in Subsection (b). If the applicant agrees to pay this price, then he shall make full payment of this price to the director before work is begun on the installation and no further adjustments will be made.

(g) What constitutes cost in Subsections (e) and (f). The flat rate charge and the estimate of cost of any special residential wastewater service connection shall include all costs incidental to making the installation of

the service connection required, including the necessary repairs to pavement of any kind or character involved in making the service connection. The department shall make the necessary pavement repairs.

(h) Standard affordable housing refund. Whenever affordable housing units are provided as a part of a project in accordance with Division 51A-4.900 of the Dallas Development Code, as amended, the director shall authorize a refund of a percentage of the total service connection fees paid by the permittee for the project equal to the percentage of standard affordable housing units provided in the project. (Ord. Nos. 19201; 19300; 20215; 21663; 23289; 25049; 25385; 25755; 26479; 27698; 28795; 29150; 29879; 30215; 30993)

#### SEC. 49-18.8. SECURITY DEPOSIT AMOUNTS.

The amount of a security deposit is governed by the following:

(1) Standard deposit for residential service accounts.

5/8-inch and 3/4-inch meter	\$ 80.00
1-inch meter	\$100.00
1 1/2-inch meter	\$120.00
2-inch meter and larger	\$160.00

(2) Standard deposit for other than residential service accounts. An amount is required sufficient to cover two times the average bill in the past 12 months for the location served. In the case of a new account, the deposit is two times the average estimated bill.

(3) A residential service customer who has service discontinued twice within a 12-month period for nonpayment of charges shall make an additional deposit equal to one-sixth of his total standard bill for the prior 12 months or \$80, whichever is greater. This increase in deposit is in addition to other charges

must be protected in order to prevent access of insects, birds or other animals. The overflow pipe must be at least two inches in diameter larger than the supply line from the water system.

(5) A storage facility must be provided with a drain pipe and valve for easy discharge purposes. The drain pipe must not be connected to the wastewater system.

(h) Nonconforming systems. Any person modifying, changing or adding to his premises or his existing fire protection system must at that time come into compliance with the requirements of this section, if his fire protection system did not previously conform to the requirements of this section. (Ord. Nos. 19201; 19622; 20215)

#### SEC. 49-27. FIRE HYDRANTS.

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

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

~~—— (2) The permittee must:~~

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

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

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

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

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

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

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

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

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

(4) A permittee authorized to open a fire hydrant must only use an approved spanner wrench

and must replace the caps on the outlets when not in use.

(b) Improper use. Failure to abide by the conditions of Subsection (a) is sufficient cause to prohibit further use of the fire hydrant and to refuse to grant subsequent permits for use of a fire hydrant. A person commits an offense if he knowingly:

(1) uses water from a fire hydrant without a permit from the director;

(2) violates Subsection (a)(2), (a)(3), or (a)(4) of this section or any of the terms and conditions of a permit granted under this section.

(c) Exceptions. This section does not apply to:

(1) a city employee engaged in work in an official capacity; or

(2) a person using water from a fire hydrant without charge for department construction work under Section 49-35. (Ord. Nos. 19201; 22026; 23694; 26479; 30239; 30654)

#### **SEC. 49-28. WATER STORAGE TANKS AND PUMPING EQUIPMENT.**

(a) Tanks supplied by water system. A water storage tank supplied solely by the water system must be satisfactorily built and covered to prevent the entrance of contamination. Every storage tank supplied solely by the water system must have an

# 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>
30654	9-20-17	10-1-17	1	Amends 2-27(4)
			2	Amends 2-28
			3	Amends 2-37.16
			4	Amends ch. 2, art. V-c, 2-48 thru 2-49
			5	Amends ch. 2, art. XV-b, 2-135.2 thru 2-135.3
			6	Amends ch. 2, art. XVII-a, 2-139.1 thru 2-139.2
			7	Amends ch. 2, art. XIX, 2-142 thru 2-143
			8	Amends 12A-45(e)
			9	Amends 28-2(a)(8)
			10	Amends 28-24
			11	Amends 28-29
			12	Amends 28-103
			13	Amends 28-113
			14	Amends 28-114.12(a)
			15	Amends 28-130
			16	Amends 28-130.2(b)
			17	Amends 28-130.5
			18	Amends 28-130.12(d)
			19	Amends 28-194
			20	Amends 28-201(c)
			21	Amends 28-203(4)
			22	Amends 28-204
			23	Amends 28-208(b)
			24	Amends 28-212(b)
			25	Amends 29A-5(c)
			26	Amends 30-2(8)
			27	Amends 36-45
			28	Amends 39-4(a)
			29	Amends 42A-7(c)
			30	Amends 43-63
			31	Amends 43-121(c)
			32	Amends 43-126.5(d)
			33	Amends 43-135(9)
			34	Amends 49-27(a)
30657	9-27-17	10-1-17	1	Amends 34-1
			2	Adds 34-22(u)
			3	Amends 34-23(a)
			4	Adds 34-23(r)
			5	Amends 34-30(c)
			6	Adds 34-38(k)
30675	10-25-17		1	Amends 2-51
			2	Amends 2-74
30687	11-8-17	2-1-18	1	Amends 7-1.1

## 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>
30901	6-27-18		1	Adds 7-1.1(8.1)
			2	Adds 7-4.14
			3	Amends 7-5.3
			4	Amends 7-5.4
			5	Amends 7-5.5
			6	Amends 7-5.6(b)
			7	Amends 7-5.6(c)
			8	Adds 7-5.11
			9	Adds Ch. 7, Art. V-a, 7-5.12 thru 7-5.16
			10	Amends 7-8.1(e)
			11	Amends 7-8.2(b)
30905	6-27-18		1	Amends Ch. 2, Art. XIV, 2-130 thru 2-132
30935	6-27-18		1	Amends 28-41.1
			2	Adds 28-41.1.1
30936	6-27-18		1	Adds Ch. 43, Art. X, 43-157 thru 43-175
30938	8-8-18		1	Amends 17-1.5(b)
			2	Amends 17-10.2(f)
			3	Amends 17-10.2(h)(2)
			4	Amends 17-10.2(l)(2)
			5	Amends 17-10.2(s)(1)
			6	Amends 17-10.2(s)(4)
30969	8-22-18		1	Amends 2-17.2
30976	9-12-18		1	Amends 12-2
30993	9-18-18	10-1-18	1	Amends 2-168(b)
			2	Amends 15D-57(a)
			3	Amends 18-9(c)(1)
			4	Amends 18-9(c)(2)
			5	Amends 18-11(b)(2)
			6	Amends 28-26(f)
			7	Amends 49-18.1(c)(2)
			8	Amends 49-18.1(f)(1)
			9	Amends 49-18.1(g)
			10	Amends 49-18.1(i)
			11	Amends 49-18.2(c)(2)
			12	Amends 49-18.2(c)(3)
			13	Amends 49-18.2(c)(4)
			14	Amends 49-18.2(c)(5)
			15	Amends 49-18.2(f)
			16	Amends 49-18.4(b)
			17	Amends 49-18.4(e)
			18	Amends 49-18.4(f)
			19	Amends 49-18.5(a)
			20	Amends 49-18.5(b)
			21	Amends 49-18.5(c)

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Amends 49-18.7(a)  
Amends 49-18.7(b)

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# CITY OF DALLAS, TEXAS

## CODE OF ORDINANCES

### VOLUME III

Contains 7/18-10/18 Supplement current through  
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## (4) Fee schedule.

Type of Application	<u>Application Fee</u>
Single family variance	\$600.00
Single family special exception	\$600.00
Multifamily or nonresidential variance	\$900.00 + \$25 per acre
Multifamily or nonresidential special exception	\$1,200.00 + \$25 per acre
Landscaping or tree mitigation special exception	\$1,200.00 + \$50 per acre
Variance and special exception to off-street parking requirements	\$900.00 + \$100 per parking space variance or special exception requested
Compliance request for a nonconforming use	\$1,000
All other non-sign appeals	\$900.00
Sign special exceptions	\$1,200.00
All other sign appeals	\$900.00

(5) The applicant shall pay a separate filing fee for each type of variance requested. The maximum fee for all variances on one building site heard at one public hearing is \$10,000.00.

(6) The board may waive the filing fee if the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not file the application until the merits of the request for waiver have been determined by the board. In making this determination, the board may require the production of financial documents. Notwithstanding the above, the board may waive the fee for a request to establish a compliance date under Section 51A-4.704(a)(1) only if:

(A) the applicant is a corporeal person for whom payment of the fee would result in substantial financial hardship; or

(B) a written request for a fee waiver is signed by the owners, as evidenced by the last approved city tax roll, of 20 percent or more of real property within 200 feet, including streets and alleys, of the boundary of the lot containing the nonconforming use.

(c) Fees for fill permits for removal of a flood plain designation.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the filing fee to the director of Trinity watershed management. The director of Trinity watershed management shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

~~(4) Fee schedule.~~

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
<del>Fill permit for land within the Trinity River or Elm Fork flood plains</del>	<del>\$6,500.00</del>	<del>500 feet</del>
<del>Fill permit for land within the interior drainage areas</del>	<del>\$1,000.00</del>	
<del>Fill permit in all other applications</del>	<del>\$6,500.00</del>	<del>500 feet</del>
<del>Single family</del>	<del>\$6,500.00</del>	<del>500 feet</del>

(4) Fee schedule.

Type of Application	Application Fee	Area of Notification for Hearing
Fill permit for land within the Trinity River or Elm Fork flood plains	\$8,150.00	500 feet
Fill permit for land within the interior drainage areas	\$1,436.00	
Fill permit in all other applications	\$8,150.00	500 feet
Single family	\$8,150.00	500 feet

(h) Fees for letters of zoning verification.

(1) A letter of zoning verification will not be processed until the fee for the letter has been paid.

(2) The applicant shall pay the fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) The standard fee for a letter of zoning verification is \$90 per letter. A minimum processing time of seven days is required after payment of the standard fee. If expedited processing is requested, a surcharge must be paid in accordance with the following schedule:

<u>Processing Time</u>	<u>Surcharge</u>
1 day	\$25.00
2-3 days	\$20.00
4-5 days	\$15.00
6 days	\$10.00

(5) A request for a letter of zoning verification must be made in writing. The maximum area for which a letter of zoning verification may be requested is one city block. If the area for which zoning verification is requested cannot be clearly defined by lot and block number, the applicant must furnish a plat with the request.

(i) Fees for development impact review.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the filing fee to the building official. The building official shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) The fee for a site plan review required under Section 51A-4.803 is \$50.00.

(5) An applicant shall pay a fee of \$300.00 for an appeal to the city plan commission of a decision of the director denying a development impact review or residential adjacency review application, as described in this chapter.

(j) Fees for thoroughfare plan amendments.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the filing fee to the director of sustainable development and construction. The director of sustainable development and construction shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) Fee schedule for thoroughfare plan amendment:

<u>Length of Roadway</u>	<u>Application Fee</u>
0-.25 miles	\$1,115.00
Longer than .25 miles	\$1,115.00 plus \$.87 per linear foot
<u>Length of Roadway</u>	<u>Application Fee</u>
0-.25 miles	\$2,660.00
Longer than .25 miles	\$2,660.00 plus \$.87 per linear foot

(k) Fees for miscellaneous items.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the filing fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

## (4) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>
Tree removal application	Cost of tree removal x \$.0095, with a minimum charge of \$60.00 for the project
First reinspection of work not completed, not corrected, or not accessible in initial inspection	\$60.00
Second reinspection of work not completed, not corrected, or not accessible in prior inspections	\$90.00
Third or subsequent reinspection of work not completed, not corrected, or not accessible in prior inspections	\$120.00

(t) Fee for municipal setting designation ordinance.

(1) An application will not be accepted until the initial filing fee has been paid. An application will not be placed on a city council agenda until the additional processing fee has been paid.

(2) The applicant shall pay the fees to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of the fees may be made.

~~———— (4) The initial filing fee for a municipal setting designation ordinance is \$3,000. The director shall not mail notices or advertise the public meeting until the estimated cost of mailing notices and advertising the public meeting is paid. The director shall not place a municipal setting designation ordinance on a city council agenda until an additional processing fee of \$6,000 is paid.~~

(4) The initial filing fee for a municipal setting designation ordinance is \$4,000. The director shall not mail notices or advertise the public meeting until the estimated cost of mailing notices and advertising the public meeting is paid. The director shall not place a municipal setting designation ordinance on a city council agenda until an additional processing fee of \$8,550 is paid.

(5) The city council may, by resolution, waive or reimburse the initial filing fee when the city council finds that payment of the fee would result in

substantial financial hardship to the applicant.

permit and license appeal board in accordance with Section 2-96 of the Dallas City Code.

(9) By making an application for an occasional sale permit, accepting the permit, and conducting the sale, the permit holder authorizes any code enforcement officer to enter the property to determine that the occasional sale is being conducted in compliance with this chapter.

(10) Permits are only valid for the dates specified on the application. If inclement weather prevents the occasional sale, the director of code compliance may, in his sole discretion, issue a replacement permit at no cost to the applicant. The applicant must request the replacement permit within one week after the date of the cancelled occasional sale. No more than one replacement permit shall be issued per calendar year per address.

(y) Fees for property description review.

(1) An application will not be processed until the fee has been paid.

(2) The applicant shall pay the fee to the director. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) A fee is required for each review.

(4) No refund of a fee may be made.

(5) Fee schedule:

<u>Type of Property Description</u>	<u>Application Fee</u>
Platted	\$12.50
Metes and bounds less than four pages	\$25.00
Metes and bounds four pages and more	\$50.00

(z) Fee-in-lieu for park land dedication and park development fees.

(1) The developer shall pay the filing fee to the building official. The building official shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(2) Fee schedule for park land dedication fee-in-lieu.

<u>Type of Development</u>	<u>Fee-in-lieu</u>
Single family or duplex	\$762.00 per dwelling unit
Multifamily (one bedroom)	\$299.00
Multifamily (two or more bedrooms)	\$600.00
College dormitory, fraternity, or sorority house	\$299.00 per sleeping room
Hotel and motel	\$327.00 per guest room

(3) Park development fees.

<u>Type of Development</u>	<u>Park land development fee</u>
Single family or duplex	\$403.00 per dwelling unit
Multifamily (one bedroom)	\$158.00
Multifamily (two or more bedrooms)	\$317.00
College dormitory, fraternity, or sorority house	\$158.00 per sleeping room
Hotel and motel	\$173.00 per guest room

(Ord. Nos. 19455; 19557; 19832; 20037; 20073; 20093; 20132; 20612; 20920; 20926; 20927; 21431; 21553; 21751; 22004; 22026; 22206; 22392; 22738; 22920; 24051; 24542; 24843; 25047; 25048; 25384; 26001; 26161; 26529; 26530; 26536; 26730; 26920; 27069; 27430; 27495; 27587; 27695; 27697; 27893; 28021; 28073; 28096; 28272; 28424; 28553; 28803; 29128; 29228; 29024; 30215; 30808; 30931; 30934; eff. 7/1/19; 30993)

(9.1) BICYCLE PARKING means Class I bicycle parking and Class II bicycle parking.

(10) BLOCK means an area bounded by streets on all sides.

(10.1) BLOCKFACE means:

(A) the distance along one side of a street between the two nearest intersecting streets;

(B) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or

(C) where a street centerline contains a change of direction 90 degrees or more, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction.

(11) BOARD means the board of adjustment.

(11.1) BREEZEWAY means an unenclosed passage connecting two buildings or portions of a building.

(12) BUILDING means a structure for the support or shelter of any use or occupancy.

(13) BUILDING LINE means a line marking the minimum distance a building may be erected from a street, alley, or lot line. (Also called the "setback line.")

(14) BUILDING OFFICIAL means the person designated by the city manager as the building official of the city, or the building official's authorized representative.

(15) BUILDING SITE means property that meets the requirements of Section 51A-4.601.

(16) "CA-1" DISTRICT means the CA-1 district established under Chapter 51.

(17) "CA-1(A)" DISTRICT means the CA-1(A) district established under this chapter.

(18) "CA-2" DISTRICT means the CA-2 district established under Chapter 51.

(19) "CA-2(A)" DISTRICT means the CA-2(A) district established under this chapter.

~~(20) CENTER LINE means a line running midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the center line shall be determined by the director of mobility and street services.~~

(20) CENTER LINE means a line running midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the center line shall be determined by the director of public works.

(21) CENTRAL AREA DISTRICTS means the CA-1(A) and CA-2(A) districts established under this chapter.

(22) CENTRAL BUSINESS DISTRICT means the area of the city within Woodall Rodgers Freeway, Central Expressway (elevated bypass), R. L. Thornton Freeway, and Stemmons Freeway.

(23) CITY COUNCIL means the governing body of the city.

(23.1) CLASS I BICYCLE PARKING means unenclosed parking spaces intended for bicycles where one or both wheels and the frame of a bicycle can be secured to a rack with a user-supplied lock.

(23.2) CLASS II BICYCLE PARKING means enclosed parking spaces intended for bicycles within a building or structure designed for increased security from theft and vandalism, such as locked bicycle storage rooms, bicycle check-in systems, and bicycle lockers.

(23.3) COLLECTOR means a street designated as either a community or residential collector in the city's thoroughfare plan.

(24) COMMERCIAL AND BUSINESS SERVICE USES means those uses defined in Section 51A-4.202.

(25) COMMISSION or CITY PLAN COMMISSION means the city plan and zoning

(77.2) MINOR STREET means a street not designated in the city's thoroughfare plan.

(78) MISCELLANEOUS USES means those uses defined in Section 51A-4.206.

(79) MIXED USE DISTRICTS means the MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, and MU-3(SAH) districts established under this chapter (also called "MU" districts).

(80) "MO" DISTRICTS means the mid-range office matrix districts established under Chapter 51.

(81) "MO-1" DISTRICT means the MO-1 district established under this chapter.

(82) "MO-2" DISTRICT means the MO-2 district established under this chapter.

(82.1) MO(A) DISTRICTS means the MO-1 and MO-2 districts established under this chapter.

(83) MOBILE HOME means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(83.1) MOBILITY AND STREET SERVICES means public works or transportation. Any reference to mobility and street services is a reference to public works or transportation.

(84) "MU" DISTRICTS means the MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, and MU-3(SAH) districts established under this chapter (also called "mixed use districts").

(85) MULTIFAMILY DISTRICTS means the MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MF-3(A), and MF-4(A) districts established under this chapter [also called "MF(A)" districts].

(85.1) MULTIPLE COMMERCIAL DISTRICTS means the MC-1, MC-2, MC-3, and MC-4 districts

established under this chapter (also called "MC" districts).

(86) NET ACRE means an acre of land that does not include public rights-of-way.

(87) "NO" DISTRICTS means the neighborhood office matrix districts established under Chapter 51.

(88) "NO(A)" DISTRICT mean the neighborhood office district established under this chapter.

(89) NONCONFORMING STRUCTURE means a structure which does not conform to the regulations (other than the use regulations) of this chapter, but which was lawfully constructed under the regulations in force at the time of construction.

(90) NONCONFORMING USE means a use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.

(91) NONRESIDENTIAL DISTRICTS means the office, retail, CS, industrial, central area, mixed use, multiple commercial, P(A), urban corridor, walkable urban mixed use, and walkable urban residential districts.

(92) NONRESIDENTIAL USE means any main use that is not listed in Section 51A-4.209.

(93) "NS" DISTRICT means the neighborhood service district established under Chapter 51.

(94) "NS(A)" DISTRICT means the neighborhood service district established under this chapter.

(95) "O-1" DISTRICT means the O-1 district established under Chapter 51.

(96) "O-2" DISTRICT means the O-2 district established under Chapter 51.

(97) OCCUPANCY means the purpose for which a building or land is used.

(98) OFFICE DISTRICTS means the NO(A), LO-1, LO-2, LO-3, MO-1, MO-2, and GO(A) districts established under this chapter.

(99) OFFICE USES means those uses defined in Section 51A-4.207.

(99.1) OFF-STREET PARKING means parking spaces provided for a motor vehicle that are not located on a public right-of-way or private street. Off-street parking does not include bicycle parking spaces.

(100) OMITTED WALL LINE means a line on the ground determined by a vertical plane from:

(A) the overhang or outermost projection of a structure; or

(B) the outer edge of the roof of a structure without walls; or

(C) two feet inside the eave line of a structure with roof eaves.

(101) OPEN SPACE means an area that is unobstructed to the sky and contains no structures except for ordinary projections of cornices and eaves.

(102) OPENINGS FOR LIGHT OR AIR means any windows, window walls, or glass panels in an exterior wall of a building, excluding doors used for access.

(103) OUTER COURT means an open space bounded on all sides except one by the walls of a building, and opening upon a street, alley or a permanent open space.

(104) OUTSIDE DISPLAY means the placement of a commodity outside for a period of time less than 24 hours.

(105) "P" DISTRICT means the parking district established under Chapter 51.

(106) "P(A)" DISTRICT means the parking district established under this chapter.

(107) PARKING means the standing of a vehicle, whether occupied or not. Parking does not include the temporary standing of a vehicle when commodities or passengers are being loaded or unloaded.

(108) PARKING DISTRICT means the "P(A)" district established under this chapter.

(109) PARKING BAY WIDTH means the width of one or two rows of parking stalls and the access aisle between them.

(110) PARTY WALL means a wall built on an interior lot line used as a common support for buildings on both lots.

(111) PERSON means any individual, firm, partnership, corporation, association, or political subdivision.

(111.1) PRINCIPAL ARTERIAL means a street designated as a principal arterial in the city's thoroughfare plan.

(112) PRIVATE STREET means a street or an alley built to the same specifications as a street or alley dedicated to the public use, whose ownership has been retained privately.

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

(113) QUASI-PUBLIC AGENCY means an institution obtaining more than 51 percent of its funds from tax revenue.

(114) RAR means "residential adjacency review" (See Division 51A-4.800).

(B) that portion of a lot which is between a lot line and a setback line but is not a front or rear yard.

(130) SINGLE FAMILY DISTRICTS means the R-1ac(A), R-1/2ac(A), R-16(A), R-13(A), R-10(A), R-7.5(A), and R-5(A) districts established under this chapter (also called “R(A)” districts).

(131) SITE AREA means that portion of a building site occupied by a use and not covered by a building or structure. For purposes of determining required off-street parking, site area does not include that area occupied by off-street parking, landscaped areas, and open space not used for storage or sales.

(131.1) SOLID WASTE means garbage; refuse; sludge from waste treatment plants, water supply treatment plants, and air pollution control facilities; and other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities. Solid waste does not include:

(i) Solid or dissolved material in domestic sewage, solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued pursuant to Chapter 26, Water Code.

(ii) Soil, dirt, rock, sand, and other natural or manmade inert solid materials used to fill land to make it suitable for the construction of surface improvements.

(iii) Waste materials resulting from activities associated with the exploration, development, or production of oil or gas which are subject to control by the Texas Railroad Commission.

(131.2) SPECIAL WASTE means solid waste from health-care-related activities which if improperly treated or handled may serve to transmit infectious disease, and which is comprised of the following: animal waste, bulk blood and blood products, microbiological waste, pathological waste, and sharps.

(132) STACKING SPACE means a space for one motor vehicle to line up in while waiting to enter or use a parking lot, garage, drive-in, or drive-through facility.

(133) STORY means that portion of a building between any two successive floors or between the top floor and the ceiling above it.

(133.1) STREET LEVEL means, in a multi-level building, the level having the floor closest in elevation to the adjacent street; if the floors of two levels are equally close in elevation to the adjacent street, the level with the higher elevation is the street level.

(134) STREET means a right-of-way which provides primary access to adjacent property.

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

(134.1) STREET SERVICES means public works. Any reference to street services is a reference to public works.

(135) STRUCTURE means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(136) SUP means “specific use permit” (See Section 51A-4.219).

(137) “TH” DISTRICTS means the TH-1, TH-2, TH-3, and TH-4 districts established under Chapter 51.

(138) “TH(A)” DISTRICTS means the TH-1(A), TH-2(A), and TH-3(A) districts established under this chapter (also called townhouse districts).

(138.1) THOROUGHFARE means a street designated in the city’s thoroughfare plan.

(139) TOWNHOUSE DISTRICTS means the TH-1(A), TH-2(A), and TH-3(A) districts established under this chapter [also called “TH(A)” districts].

(139.1) TRAFFIC ENGINEER means the person designated by the city manager as the traffic engineer

of the city, or the traffic engineer's authorized representative.

(140) TRANSIENT STAND means a site for the placing and use of a manufactured home, recreational vehicle, or tent.

(141) TRANSPORTATION USES means those uses defined in Section 51A-4.211.

(141.1) "UC" DISTRICTS means the UC-1, UC-2, and UC-3 districts established under this chapter (also called "urban corridor districts").

(141.2) URBAN CORRIDOR DISTRICTS means the UC-1, UC-2, and UC-3 districts established under this chapter (also called "UC" districts). *[Note: Section 1 of Ordinance No. 24718 adds 51A-2.102 (141.2), providing a definition for the term "street level." Section 4 of Ordinance No. 24718 adds 51A-2.102(141.2), providing a definition for the term "urban corridor districts."]*

(142) UTILITY AND PUBLIC SERVICE USES means those uses defined in Section 51A-4.212.

(142.1) WALKABLE URBAN MIXED USE DISTRICTS means the WMU-3, WMU-5, WMU-8, WMU-12, WMU-20, and WMU-40 districts established under Article XIII of this chapter.

(142.2) WALKABLE URBAN RESIDENTIAL DISTRICTS means the WR-3, WR-5, WR-8, WR-12, WR-20, and WR-40 districts established under Article XIII of this chapter.

(143) WHOLESALE, DISTRIBUTION, AND STORAGE USES means those uses defined in Section 51A-4.213.

(143.1) WMU DISTRICTS means the WMU-3, WMU-5, WMU-8, WMU-12, WMU-20, and WMU-40 districts established under Article XIII of this chapter (also called "walkable urban mixed use districts").

(143.2) WR DISTRICTS means the WR-3, WR-5, WR-8, WR-12, WR-20, and WR-40 districts established

under Article XIII of this chapter (also called "walkable urban residential districts").

(144) ZONING DISTRICT means a classification assigned to a particular area of the city within which zoning regulations are uniform.

(145) ZONING DISTRICT MAP means the official map upon which the zoning districts of the city are delineated. (Ord. Nos. 19455; 19786; 19806; 20272; 20360; 20361; 20383; 20411; 20478; 20673; 20902; 20920; 21002; 21186; 21663; 22018; 24163; 24718; 24731; 24843; 25047; 25977; 26286; 26530; 27334; 27495; 27572; 28072; 28073; 28424; 29128; 30239; 30654; 30932)

(C) provide any other information necessary to aid the applicant in the preparation of the site plan application.

(4) Application for site plan approval. An applicant for site plan approval shall submit to the director:

(A) a site plan application in the form prescribed by the director that contains at least the following information:

(i) The applicant's name and address and his ownership interest in the property proposed for development.

(ii) The signatures of all owners of the property proposed for development.

(iii) The size of the parcel proposed for development, its street address, and a legal description of the property.

(iv) A statement setting forth the current uses of the property and plans for future development;

(B) ten copies of the site plan and one 8-1/2 x 11 inch clear transparency of the site plan;

(C) copies of legal instruments guaranteeing the availability of remote off-street parking and the mode of transportation to serve that parking, and copies of any restrictive covenants that are to be recorded with respect to the institutional uses; and

(D) a site plan fee.

(5) Site plan. The applicant shall provide a site plan drawn to a scale not less than 100 feet to the inch or to a scale specified by the director, on a sheet of paper no larger than two feet by three feet. The site plan must depict the following for a complete review of the proposed development:

(A) The boundary lines and dimensions of the property, existing subdivision lots, available utilities, easements, roadways, rail lines, and public rights-of-way that cross or are adjacent to the property.

(B) Topography of the property proposed for development in contours of not less than five feet, together with any proposed grade elevations, if different from existing elevations.

(C) Flood plains, water courses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings.

(D) The location and use of all existing and proposed buildings or structures.

(E) Total number and location of off-street parking and loading spaces.

(F) All points of vehicular ingress and egress and circulation within the property.

(G) Setbacks, lot coverage, and when relevant, the relationship of the setbacks provided and the height of any existing or proposed building or structure.

(H) The location, size, and arrangement of all outdoor signs and lighting.

(I) The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them.

(J) Location, designation, and total area of all usable open space and any proposed improvements to the open space.

(K) Land uses and zoning districts contiguous to the property.

(L) Any other information the director determines necessary for a complete review of the proposed development.

~~———— (6) Departmental review. The director shall forward the information to the departments of sustainable development and construction, mobility and street services, sanitation services, Trinity watershed management, and code compliance, and to any other appropriate departments. Within 30 days following receipt of a completed application for site~~

~~plan approval, or for a longer time agreed to by the applicant, the departments shall review the proposed development and forward their comments, if any, in writing to the director. Upon conclusion of the departmental review, the director shall forward to the commission the application for site plan approval and the written information provided by the departments.~~

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

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

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

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

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

(7) Conferences and modifications during review. If the application for site plan approval meets one or more of the standards for site plan disapproval, and the director and the applicant meet to discuss the application for site plan approval, the director may accept an amended application for site plan approval.

(8) City plan commission review. The

commission shall review the application for site plan approval and render its decision within 21 days from the date of referral by the director, or for a longer time that has been agreed to by the applicant. The commission shall review the application for site plan approval and may approve the application, disapprove the application, or approve the application subject to specified conditions and modifications that are permanently marked on the site plan or made a part of the site plan conditions.

(9) Standards for site plan disapproval. The commission may disapprove an application for site plan approval upon findings of fact based on one or more of the following standards:

(A) The application for site plan approval is incomplete or contains violations of this chapter or other applicable regulations, and the applicant, after written request from the director, has failed to supply the additional information or correct the violation.

(B) The proposed site plan interferes with or is in conflict with a right-of-way, easement, or any approved plan such as a thoroughfare plan or transit plan.

(C) The proposed site plan destroys, damages, or interferes with significant natural, topographic, or physical features of the site that are determined significant by the commission.

(D) The proposed site plan is incompatible with adjacent land use and detrimental to the enjoyment of surrounding property in that the proposed development would create noise above the ambient level, substantially increase traffic, or fail to provide adequate buffers.

(E) The points of egress and ingress or the internal circulation of traffic within the site creates a traffic hazard, either on or off the site.

(F) The proposed site plan creates drainage or erosion problems to the site or adjacent property.

(10) City council appeal. An applicant may appeal to city council the decision of the commission concerning an application for site plan approval by filing a written request with the director within ten days of the action of the commission.

(11) Amendment. A site plan may be amended by following the same procedure as required in this section. (Ord. Nos. 19455; 19786; 20920; 21044; 22026; 23694; 25047; 28073; 28424; 30239; 30654)

**SEC. 51A-4.503. D AND D-1 LIQUOR  
CONTROL OVERLAY  
DISTRICTS.**

General provisions. Note: These provisions apply only to D and D-1 Liquor Control Overlay Districts enacted before June 11, 1987.

(1) A D or D-1 liquor control overlay district is designated as “dry” by the suffix “D” or “D-1” on the zoning district map.

development so that a minimal amount of vegetation is removed or replaced. If vegetation is removed, it must be replaced with new vegetation of the same variety unless the building official approves an alternative variety as being less susceptible to disease or better suited for urban development.

(2) Shrub borders must be maintained around woodlands where practicable.

(3) Landscaping must consist of ecologically suitable plant species. (Ord. Nos. 19455; 26000; 30893)

#### SEC. 51A-5.209. ESCARPMENT AREA REVIEW COMMITTEE.

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

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

(b) The committee shall have the following powers and duties:

(1) To thoroughly familiarize itself with the

structures, land, areas, geology, hydrology, and indigenous plant life in the escarpment zone and in geologically similar areas.

(2) To thoroughly familiarize itself with the escarpment regulations.

(3) To identify criteria to be used in evaluating proposed development in the escarpment zone and in geologically similar areas.

(4) To identify guidelines to be used in determining whether a proposed development complies with the spirit and intent of the escarpment regulations.

(5) To meet with each prospective developer of a project for which an escarpment permit is required and make recommendations to the director as to what information may be waived or what additional information is required to allow a complete evaluation of the proposed project.

(6) To review applications for escarpment permits for compliance with the escarpment regulations, and to make recommendations to the director as to whether the applications should be approved or denied.

(7) To give advice and provide staff assistance to the board of adjustment and the city plan commission in the exercise of their responsibilities.

(8) To initiate amendments to the escarpment regulations when, in the opinion of the committee, the amendments are necessary to further the spirit and intent of the escarpment regulations.

(c) The committee shall meet at least once each month, with additional meetings to be held upon the call of the director, or upon petition of a simple majority of the members of the committee.

(d) The provisions of Chapter 8, "Boards and Commissions," of the Dallas City Code, as amended, do not apply to the committee.

(e) Actions taken or recommendations made by the committee are not binding upon the director, the board of adjustment, the city plan commission, and the city council, and these persons and public bodies may decide a matter contrary to the recommendations of the committee. (Ord. Nos. 19455; 25047; 26000; 28073; 28424; 29478; 29882; 30239; 30654)

to correct the deficiencies or submit additional documentation. The director may, for good cause, extend the deadline to correct or supplement the application. If the applicant fails to correct or supplement the application within 60 days or the extended period, the application shall be deemed withdrawn and the initial filing fee forfeited. No application shall be deemed complete until all supporting documentation is supplied. The director shall notify the applicant in writing when the application is deemed complete.

(e) Staff review.

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

(1) The director shall distribute a copy of the complete application to the city attorney, the department of sustainable development and construction, the office of management services, the department of Trinity watershed management, the park and recreation department, the department of transportation, and the Dallas water utilities department for review and comment. The director shall also send a copy of the application to the TCEQ.

(2) The city of Dallas is not responsible for conducting an environmental risk assessment with respect to the application or the designated property.

(f) Public meeting.

(1) The director shall conduct a public meeting within 45 days after the application is deemed complete. The public meeting must be held at a facility open to the public near the designated property.

(2) Upon receipt of the estimated cost of mailing notices and advertising the public meeting, the director shall provide notification of the public meeting in the following manner:

(A) The notice of the public meeting

must include:

(i) the date, time, and location of the public meeting;

(E) pursue other actions that the director believes may be warranted.

(7) The applicant shall notify the director in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), providing the name of the property owner, the property address, and a copy of the notice sent to the property owner.

(k) Authority of the director. The director is authorized to:

(1) Enter public or private property to determine whether designated groundwater is being used in violation of this section.

(2) Administer and enforce the provisions of this section.

(l) Offenses. A person commits an offense if the person:

(1) uses designated groundwater as a potable water source or for a purpose prohibited in the municipal setting designation ordinance;

(2) fails to provide the director with a copy of the municipal setting designation certificate issued by the TCEQ pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate;

(3) fails to provide the director with a copy of the certificate of completion or other documentation issued by the TCEQ showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the TCEQ within the time period required.

(4) fails to notify and provide documentation to the director within the time period required in the municipal setting designation ordinance

that the entire non-ingestion protective concentration level exceedance zone originating from sources on the designated property or migrating from or through the designated property has been addressed to the satisfaction of the state or federal agency administering the program. (Ord. Nos. 26001; 27697; 28073; 28424; 30239; 30654)

(5) Ornamental cupola or dome.

(6) Skylight.

(7) Clerestory.

(8) Visual screens which surround roof mounted mechanical equipment.

(9) Chimney and vent stacks.

(10) Amateur communications tower.

(11) Parapet wall over four feet.

(12) Storage facility.

(b) A sign may be attached to a structure located on a building if the sign refers exclusively to:

(1) the identification of the premise; or

(2) a tenant that occupies in excess of 50 percent of the floor area of the premise. (Ord. 20343)

#### **SEC. 51A-7.212. STREET CONSTRUCTION ALLEVIATION SIGNS.**

(a) Definitions. In this section, unless the context clearly indicates otherwise:

(1) CONSTRUCTION means major activity involving on-site excavation, fabrication, erection, alteration, repair, or demolition that materially alters or restricts access to a premise.

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

(2) DIRECTOR means the director of transportation of the city or the director's designated representative, including but not limited to the city's traffic engineer.

(3) ERECT means erect or maintain.

(4) OPERATOR means a person who causes a use or business to function or puts or keeps a use or

business in operation. A person need not have an ownership interest in a use or business to be an "operator" of the use or business for purposes of this section.

(5) OWNER includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, tenant by the entirety, or lessee.

(6) SIGN means a sign authorized to be erected or maintained under this section.

(7) STREET means a street more than 85 feet in width, including frontage roads, if applicable. "Frontage Road" means a frontage, access, or service road for a freeway or tollway.

(b) Purpose. The purpose of this section is to promote the health, safety, morals, and general welfare of the city in order to lessen the congestion in the streets; to improve communications efficiency by allowing businesses to identify themselves and by helping customers to locate these businesses; to promote the safety of persons and property by reducing the confusion created by street construction; and to preserve landscape quality by imposing uniform standards. This section is not intended to apply to temporary minor repairs to streets.

(c) Authority to erect. In addition to any other signs permitted under this chapter, up to two detached premise signs may be erected on a premise if:

(1) the premise contains at least one main use other than a single family or duplex use;

(2) the premise has frontage along that portion of a street under construction as defined in Subsection (a); and

(3) the director has given written notice in accordance with Subsection (d).

(d) Notice required to be given by the director. Whenever the director determines that construction of a street, as defined in this section, is imminent, the

(2) is an owner or operator of a use or business to which the sign refers; or

(3) owns part or all of the land on which the sign is located.

(h) City may remove signs. The City of Dallas may remove any sign without liability if the director determines that the sign constitutes a safety hazard, or if the sign does not comply with this section; however, the City shall not be liable for failure to remove a sign. (Ord. Nos. 20728; 20927; 25047; 28424; 30239; 30654)

#### **SEC. 51A-7.213. DETACHED SIGN UNITY AGREEMENTS.**

(a) The building official may authorize the dissolution of common boundary lines between lots for the limited purpose of allowing those lots to be considered one premise for the erection of detached signs, provided that a written agreement is executed in accordance with this section on a form provided by the city.

(b) The agreement must:

(1) contain legal descriptions of the properties sharing the common boundary line(s);

(2) set forth adequate consideration between the parties;

(3) state that all parties agree that the properties sharing the common boundary line(s) may be collectively treated as one lot for the limited purpose of erecting detached signs;

(4) state that the dissolution of the common boundary line(s) described in the agreement is only for the limited purpose of allowing the erection of detached signs, and that actual lines of property ownership are not affected;

(5) state that it constitutes a covenant running with the land with respect to all properties sharing the common boundary line(s);

(6) state that all parties agree to defend, indemnify, and hold harmless the city of Dallas from and against all claims or liabilities arising out of or in connection with the agreement;

(7) state that it shall be governed by the laws of the state of Texas;

(8) state that it may only be amended or terminated by a subsequent written instrument that is:

(A) signed by an owner of property sharing the common boundary line(s) or by a lienholder, other than a taxing entity, that has either an interest in a property sharing the common boundary line(s) or an improvement on such a property;

(B) approved by the building official;

(C) approved as to form by the city attorney; and

(D) filed and made a part of the deed records of the county or counties in which the properties are located;

(9) be approved by the building official and be approved as to form by the city attorney;

(10) be signed by all owners of the properties sharing the common boundary line(s);

(11) be signed by all lienholders, other than taxing entities, that have either an interest in the properties sharing the common boundary line(s) or an improvement on those properties; and

(12) be filed and made a part of the deed records of the county or counties in which the properties are located.

(2) No detached sign may exceed two feet in height.

(3) No letter may exceed four inches in height.

(b) The protective signs authorized in the preceding subsection are in addition to all other signs permitted in this ordinance. (Ord. Nos. 24348; 25918)

#### SEC. 51A-7.1719. VEHICULAR SIGNS.

(a) In addition to all other signs permitted in this ordinance, vehicular signs are permitted subject to the following restrictions:

(1) No sign may contain flashing or moving elements.

(2) No sign may have an element with a luminance greater than 200 footlamberts.

(3) No sign may project beyond the surface of a vehicle in excess of eight inches.

(4) No sign may be attached to a vehicle so that the driver's vision is obstructed from any angle.

(5) Signs, lights, and signals used by authorized emergency vehicles are not restricted.

(b) A vehicular sign must comply with all regulations for detached signs if:

(1) it is placed so as to constitute a "sign" as defined in Section 51A-7.1704; and

(2) the vehicle upon which the sign is located is parked on other than a temporary basis.

(c) The owner of the vehicle upon which a vehicular sign is placed is responsible for ensuring that the provisions of this section are adhered to and commits an offense if any vehicular sign on his vehicle violates this section. If such a vehicle is found

unattended or unoccupied, the registered owner of the vehicle shall be presumed to be the actual owner. The records of the state highway department or the county highway license department showing the name of the registered owner of the vehicle shall constitute prima facie evidence of actual ownership by the named individual. (Ord. Nos. 24348; 25918)

#### SEC. 51A-7.1720. STREET CONSTRUCTION ALLEVIATION SIGNS.

(a) Definitions. In this section, unless the context clearly indicates otherwise:

(1) CONSTRUCTION means major activity involving on-site excavation, fabrication, erection, alteration, repair, or demolition that materially alters or restricts access to a premise.

~~(2) DIRECTOR means the director of mobility and street services of the city or his or her designated representative.~~

(2) DIRECTOR means the director of transportation of the city or his or her designated representative.

(3) ERECT means erect or maintain.

(4) OPERATOR means a person who causes a use or business to function or puts or keeps a use or business in operation. A person need not have an ownership interest in a use or business to be an "operator" of the use or business for purposes of this section.

(5) OWNER includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, tenant by the entirety, or lessee.

(6) SIGN means a sign authorized to be erected or maintained under this section.

(7) STREET means a street more than 85 feet in width, including frontage roads, if applicable. "Frontage Road" means a frontage, access, or service road for a freeway or tollway.

(3) The sign must be visible from and oriented towards the street under construction and have an arrow that directs motorists to a motor vehicle entrance to the premise.

(4) The sign must be a square, with dimensions of four feet by four feet. It must have a three-inch border of white reflective sheeting or paint and a reflective blue background. The text of the sign must consist of reflective white characters. (Note: It is intended that the requirements of this paragraph be strictly and precisely complied with.)

(5) No sign may exceed eight feet in height.

(6) No sign may be a portable sign unless the director determines that the sign does not constitute a safety hazard.

(g) Criminal responsibility. If a sign violates this section and is not otherwise authorized under the Dallas City Code, a person is criminally responsible for a sign unlawfully erected or maintained if the person:

(1) erects or maintains the sign;

(2) is an owner or operator of a use or business to which the sign refers; or

(3) owns part or all of the land on which the sign is located.

(h) City may remove signs. The City of Dallas may remove any sign without liability if the director determines that the sign constitutes a safety hazard, or if the sign does not comply with this section; however, the city shall not be liable for failure to remove a sign. (Ord. Nos. 24348; 25047; 25918; 30239; 30654)

#### **SEC. 51A-7.1721. ATTACHED SIGNS ON MACHINERY OR EQUIPMENT.**

Words may be attached to machinery or equipment which is necessary or customary to a

business, including but not limited to devices such as gasoline pumps, vending machines, ice machines, etc., provided that the words so attached refer exclusively to products or services dispensed by the device, consist of characters no more than four inches in height, and project no more than one inch from the surface of the device. (Ord. Nos. 24348; 25918)

#### **SEC. 51A-7.1722. DISTRICT IDENTIFICATION SIGNS.**

(a) District identification signs may only identify the name or logo of this district.

(b) No sign may exceed three words or be a changeable message sign.

(c) These signs are in addition to all other signs permitted on a premise and are subject to the following regulations:

(1) In Subdistrict A, district identification signs are not permitted in addition to the other signs authorized on a premise. Any sign in Subdistrict A that identifies the name or logo of this district must meet the regulations for attached or detached signs in Subdistrict A, and the sign will be included in the calculation of the number of permitted signs on a premise.

(2) In Subdistricts B and D, district identification signs must be flat attached signs, monument signs, banners attached to pole supports, or enhanced banner signs.

##### **(A) Attached and detached signs.**

(i) In Subdistrict B, a maximum of three flat attached signs or monument signs are permitted.

(ii) In Subdistrict D, a maximum of two monument signs are permitted.

(iii) The maximum effective area for a flat attached sign is 900 square feet.

(28) FLOODWAY MANAGEMENT AREA means a drainage area dedicated in fee simple to the city for control and maintenance of a flood plain.

(29) INFRASTRUCTURE means all streets, alleys, sidewalks, storm drainage facilities, water and wastewater facilities, utilities, lighting, transportation, and any other facilities required by law to adequately serve and support development.

(30) MEDIAN OPENING means a gap in a median allowing vehicular passage through the median.

(31) MINOR PLAT means a plat that meets both of the following requirements:

(A) The area proposed for platting must not exceed five acres in size for residential zoning districts (single family, duplex, and townhouse) and three acres in size for all other zoning districts; and

(B) The proposed plat must not require any public infrastructure. For example: the plat may not contain any new streets or alleys; it must abut an approved public or private street of adequate width as specified in Section 51A-8.604(c) or the Thoroughfare Plan for the city of Dallas; adequate water, wastewater, paving, and drainage improvements must already exist to serve the proposed plat; and any existing improvements which are to remain must meet all setback requirements and must not be divided by a proposed lot line or setback line.

(32) MONUMENT means a permanent structure set on a line to define the location of property lines, important horizontal plat control points, and other important features on a plat.

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

(33) NONSTANDARD MATERIALS mean any materials not specified in the Standard Construction Details of the department of public works or the North Central Texas Standard Specifications for Public Works Construction of the North Central Texas Council of

Governments.

(43) PRIVATE DEVELOPMENT CONTRACT means a contract between a developer and a contractor for the construction of infrastructure that is to be dedicated to the public.

(44) PRIVATE STREET means a privately owned street that is required by this article to meet the same standards as a street dedicated to public use.

(45) REPLAT means a plat changing a previously approved and recorded plat that is not an amending plat (minor) or an amending plat (major).

(46) RESIDENTIAL REPLAT means a replat without vacation of the preceding plat for property: (a) any part of which was limited during the preceding five years by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or (b) that contains a lot in the preceding plat that was limited by deed restrictions to residential use for not more than two residential units per lot.

(47) SIDEWALK means a paved area dedicated to the public for pedestrian use.

(48) SINGLE FAMILY LOT means a lot in a single family zoning district, or a lot in an identifiable single family component of a planned development district.

(49) STREET CENTERLINE OFFSET means the distance between the centerlines of two more or less parallel streets measured along the centerline of an intersecting street.

(50) SUBDIVISION means land included within the boundaries of an original plat, or any of the following for the purpose of creating a building site for land development or transfer of ownership:

(A) The division of property into two or more parts.

(B) The combination of lots or tracts into one or more parts.

(C) The redivision or recombination of lots or tracts.

(51) SUBDIVISION ADMINISTRATOR means the city staff employee designated by the city manager to supervise the platting and subdivision process.

(52) TEMPORARY DEAD-END STREET means a street that is planned to or can feasibly be extended in the foreseeable future to another street.

(53) TOWNHOUSE LOT means a lot in a townhouse TH(A) zoning district, or a lot in an identifiable townhouse component of a planned development district.

(54) TRAFFIC BARRIER means a physical barrier that prevents the indiscriminate and unauthorized crossing of traffic between a street or alley and a thoroughfare. Examples of traffic barriers include a series of posts connected by a cable or chain, a deep beam highway guard rail, or a New Jersey barrier-type wall on an engineered foundation.

(55) VACATION means the legal process by which unimproved, platted land, no part of which the city has accepted as a dedication for public use, may be returned to the legal status of being a parcel of unplatted land.

(56) WATER FACILITIES mean the infrastructure required to deliver potable water to property.

(57) WASTEWATER FACILITIES mean the infrastructure required to convey wastewater from property. (Ord. Nos. 20092; 21186; 23384; 24843; 26529; 28424; 30239; 30654)

right-of-way along pavement which is all within dedicated public right-of-way.

(6) Alleys adjoining and parallel to divided thoroughfares must be separated from the thoroughfare by a traffic barrier in accordance with Section 51A-8.618 of this article.

(7) Dedications for an alley are required as provided in Section 51A-8.604(c). Where an alley intersects a street, a 15-foot visibility triangle (alley sight easement) is required. Measurements are taken along the property line.

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

(8) Alleys must be designed and constructed according to the requirements of the Paving Design Manual and the Standard Details for Public Works Construction of the department of public works.

(c) Private alleys. If a private alley is indicated, it must be designed and constructed in accordance with all of the requirements in this section, and must be labeled as a private alley on the proposed plat. Easements for utilities and franchises must be dedicated in private alleys under the same circumstances and in the same manner as required for private streets pursuant to Section 51A-8.610. (Ord. Nos. 20092; 23384; 25047; 28073; 28424; 29478; 30239; 30654)

## SEC. 51A-8.508. PARKS AND COMMON AREAS.

(a) Generally. If any portion of property subject to a plat application qualifies as a prospective park site pursuant to the standards and guidelines contained in the Long Range Physical Plan for Park and Recreational Facilities, the director of parks and recreation must be notified and given an opportunity to negotiate for the acquisition of the property by the city before a final plat is approved. If the applicant elects to make a commitment to sell that portion of the property to the city, he may designate the portion as a reservation for park use if the following requirements are met:

(1) The portion is of a suitable size, dimension, topography, and general character for its intended purpose.

(2) Adequate access to the portion is provided.

(3) The dimensions of the portion are clearly identified on the plat.

(4) Any development shown on the portion complies with the standards of the park and recreation department.

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

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

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

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

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

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

(c) Utilities. Water, wastewater, and electrical facilities must be provided to the perimeter of the site.

(d) Common areas. Areas retained in private ownership but intended for the benefit of the owners of lots in the plat must be shown as common areas on the plat. A permanent maintenance plan must be approved for the area before release of the final plat. (Ord. Nos. 20092; 23384; 28424; 30239; 30654)

**SEC. 51A-8.511. CONSERVATION EASEMENT.**

(a) The owner of the property to be platted may provide an easement on all or part of the property to conserve trees and other natural features, subject to acceptance by the city, to the city or jointly to the city and a nonprofit association dedicated to the conservation of land. Before the city may consider accepting the easement, or consider approving the acceptance of an easement with a nonprofit association as the joint grantee of a conservation easement, the owner shall provide the building official with a list of the protected trees by name (both common and scientific) and caliper or an estimate thereof calculated and documented in a manner approved by the city arborist, written consent by any lienholder of the property to subordination of the lienholder's interest to the conservation easement area, and a preservation strategy for the easement. The grantee of a conservation easement, if not the city, should be an eligible grantee such that the grantor will have the option of receiving a property tax benefit on the assessed value of the conservation easement area. The conservation easement area should be accessible to the public for walking, upon trails if the area exceeds 30 acres, unless this activity poses a risk to endangered species.

(b) The easement must be approved by the building official and approved as to form by the city attorney.

(c) The owner may offer a conservation easement to the city through the city arborist, or to a nonprofit association approved by the city (a list of such associations may be obtained from the city arborist). (Ord. Nos. 22053; 23384; 24843)

**SEC. 51A-8.512. SHARED ACCESS DEVELOPMENT.**

See Section 51A-4.411 for regulations concerning shared access developments. (Ord. 26333)

**Division 51A-8.600. Infrastructure Design and Construction.**

**SEC. 51A-8.601. GENERAL STANDARDS.**

(a) Infrastructure design and construction for water and wastewater mains must comply with Chapter 49 of the Dallas City Code, as amended, and all other applicable requirements of the water utilities department. All other infrastructure design and construction must comply with this section.

~~——(b) All street paving, storm drainage, bridge, and culvert design and construction must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation, except that the design criteria in effect on the date the commission approves the preliminary plat must be used to design the infrastructure:~~

~~——(1) The Thoroughfare Plan for the city of Dallas;~~

~~——(2) The Central Business District Streets and Vehicular Circulation Plan;~~

~~——(3) The Long Range Physical Plan for Parks and Recreational Facilities;~~

~~——(4) The Paving Design Manual of the department of mobility and street services;~~

~~——(5) The storm drainage policy of the city of Dallas;~~

~~——(6) The Drainage Design Manual of the department of mobility and street services;~~

~~——(7) The Plan Development Checklist of the department;~~

~~——(8) The Standard Construction Details of the department of mobility and street services;~~

(b) All street paving, storm drainage, bridge, and culvert design and construction must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation, except

that the design criteria in effect on the date the commission approves the preliminary plat must be used to design the infrastructure.

(1) The Thoroughfare Plan for the city of Dallas.

(2) The Central Business District Streets and Vehicular Circulation Plan.

(3) The Long Range Physical Plan for Parks and Recreational Facilities.

(4) The Paving Design Manual of the department of public works.

(5) The storm drainage policy of the city of Dallas.

(6) The Drainage Design Manual of the department of public works.

(7) The Plan Development Checklist of the department.

(8) The Standard Construction Details of the department of public works.

~~———— (9) The Texas Uniform Traffic Control Device Manual.~~

~~———— (10) The Dallas Central Business District Pedestrian Facilities Plan.~~

~~———— (11) The 1985 Dallas Bike Plan.~~

~~———— (12) The City of Dallas Planning Policies.~~

~~———— (13) All other codes and ordinances of the city of Dallas.~~

(9) The Texas Uniform Traffic Control Device Manual.

(10) The Dallas Central Business District Pedestrian Facilities Plan.

(11) The 1985 Dallas Bike Plan.

(12) The City of Dallas Planning Policies.

(13) All other codes and ordinances of the city of Dallas.

(c) If the infrastructure construction is not included in a city-approved private development contract within two years from the preliminary plat approval date, then the infrastructure must be redesigned using the most current criteria. (Ord. Nos. 20092; 21186; 23384; 25047; 28073; 28424; 30239; 30654)

## SEC. 51A-8.602. DEDICATIONS.

(a) Generally. The owner of the property to be platted must provide an easement or fee simple dedication of all property needed for the construction of streets, thoroughfares, alleys, sidewalks, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, and any other property necessary to serve the plat and to implement the requirements of this article. Dedications shown on plats are irrevocable offers to dedicate the property shown. Once the offer to dedicate is made, it may be accepted by an action by the city council, by acceptance of the improvements in the dedicated areas for the purposes intended, or by actual use by the city. No improvements may be accepted until they are constructed according to the approved plans, details,

and specifications, and the final plat is filed for record in the office of the county clerk of the county in which the property is located.

(b) Apportionment of exactions. See Section 51A-1.109 for regulations and procedures concerning apportionment of exactions.

contained within the boundaries of the proposed plat, the full right-of-way width must be dedicated.

(2) The amount of right-of-way, pavement width, and minimum centerline radius for all minor streets must be provided in accordance with the chart in Section 51A-8.604.

(3) When property has been previously platted and improvements have been constructed, accepted, and used, the commission may waive the requirements for additional right-of-way for existing streets if:

(A) no realignment of any minor street is proposed;

(B) no change in zoning classification is proposed;

(C) the street has been improved with the required number of lanes, and the full right-of-way standard is not warranted by expected traffic volumes, property access requirements, truck, bus, and taxi loading, or pedestrian use;

(D) the director and the chief planning officer recommend the waiver; and

(E) the commission finds that the area is a redeveloping area.

(d) Corner clips and sight easements.

(1) Corner clips must be dedicated at all intersections by means of a street easement. The minimum size for the corner clip is that of a triangle with the legs along the edges of the street rights-of-way equaling 10 feet. A larger or smaller corner clip may be required where conditions exist that restrict the ability of the city to provide an adequate turning radius, or to maintain public appurtenances within the area of the corner clip.

~~————— (2) Sight easements must be provided if required by the Paving Design Manual of the department of mobility and street services.~~

(2) Sight easements must be provided if required by the Paving Design Manual of the department of public works.

(e) Alley sight easements. Alley sight easements must be granted at the intersection of any alley with a street. The size of the sight easement is that of a triangle with legs along the property lines equaling 15 feet.

(f) Utilities and drainage easements. Easements necessary for poles, wires, conduits, wastewater, gas, water, telephone, electric power, storm drainage, and any other utilities needed to serve the property being platted must be granted. All easements must comply with the following standards:

(1) Unless the grantee of an easement gives express written approval, no structures, fences, trees, shrubs or any other improvement may be placed in, on, above, over, or across the easement. An exception to this rule is that paving for parking, walkways, and driveways may be constructed over or across utility or drainage easements unless such construction is specifically prohibited by the plat or easement instrument.

(2) Any structures, fences, trees, shrubs, or other improvements, including paving, exist at the pleasure of the grantee. The owner of the subservient estate is liable for the full cost for any adjustments, relocations, restorations, replacements, or reconstruction to any item placed within the easement other than the utilities. The grantee has no responsibility for any destruction or damage to items other than utilities placed within the easement. Grantees of easements have the right of ingress and egress to their respective easements for the purposes of constructing, inspecting, and maintaining their improvements.

(3) If alleys are not provided, rear lot drainage easements and facilities may be required to prevent cross-lot drainage.

(g) Floodways. Floodway management areas and floodway easements must be dedicated or granted in accordance with Section 51A-8.611. (Ord. Nos. 20092; 21186; 23384; 24843; 24859; 25047; 26530; 28073; 28424; 29478; 30239; 30654)

**SEC. 51A-8.603. CONSTRUCTION  
REQUIRED.**

(a) All public and private streets and alleys within or along the perimeter of the proposed plat must be improved to the standards of this article.

(b) Storm drainage improvements, bridges, and culverts must be provided as needed to serve the subdivision in accordance with this article.

(c) Sidewalks must be provided in accordance with Section 51A-8.606 of this article.

(d) Median openings, extra lanes, and driveways must be provided in accordance with Section 51A-8.607 of this article.

(e) Street appurtenances must be provided in accordance with Section 51A-8.608 of this article.

(f) Railroad crossing facilities must be provided in accordance with Section 51A-8.609 of this article.

(g) Utility facilities must be provided in accordance with Section 51A-8.610 of this article.

(h) Monumentation must be provided in accordance with Section 51A-8.617 of this article. (Ord. Nos. 20092; 23384)

**SEC. 51A-8.604. STREET ENGINEERING  
DESIGN AND  
CONSTRUCTION.**

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

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

(iii) a minimum of 24 by 24 inches; and

(iv) installed pursuant to city traffic standards.

(11) Private streets and the area they serve must be platted.

(12) A guard house may be constructed at any entrance to a private street. All guard houses must be at least 30 feet from a public right-of-way.

(13) Any structure that restricts access to a private street must provide a passageway 20 feet wide and 14 feet high.

(14) One private street entrance must remain open at all times. If an additional private street entrance is closed at any time, it must be constructed to permit opening of the passageway in emergencies by boltcutters or breakaway panels.

(15) A private street system serving an area containing over 150 dwelling units must have a minimum of two access points to a public street.

(16) A private street system may serve no more than 300 dwelling units.

(17) The city has no obligation to maintain a private street. (Ord. Nos. 20092; 21186; 22392; 23384; 23535; 25047; 27495; 28073; 28424; 29478; 30239; 30654)

**SEC. 51A-8.605. SANITATION  
COLLECTION ACCESS  
REQUIRED.**

(a) Access required. The owner or homeowners' association must provide access for city sanitation collection. If unmanned gates are used, the gates must remain open during routine collection hours (Monday through Saturday between 7 a.m. and 7 p.m.) A notation must be placed on a plat for single family or duplex lots indicating that it is the responsibility of the

owner or homeowners' association to provide adequate access for city sanitation collection.

(b) Indemnity agreement. If sanitation collection occurs on a private access easement, the owner or homeowners' association must execute an agreement with the city department of street, sanitation, and code enforcement services indemnifying the city against damages to any private streets in the development caused by the city's provision of routine sanitation collection. The agreement must be approved as to form by the city attorney's office. (Ord. Nos. 20092; 23384)

**SEC. 51A-8.606. SIDEWALKS.**

(a) Required. Sidewalk construction is required along all public and private streets unless waived by the director.

(b) Design. All sidewalks must be designed and constructed to be barrier-free to the handicapped, and in accordance with the requirements contained in the Paving Design Manual, the Standard Construction Details, and any other council approved plan as amended. When poles, standards, and fire hydrants must be placed in the proposed sidewalk alignment, the sidewalk must be widened as delineated in the Standard Construction Details to provide a three-foot-wide clear distance between the edge of the obstruction or overhang projection and the edge of the sidewalk.

(c) Timing of construction. All sidewalks in the parkways of thoroughfares must be constructed concurrently with the thoroughfare or, if the thoroughfare is already constructed, before the acceptance of any improvements. Construction of sidewalks along improved minor streets must be completed before a certificate of occupancy is issued or before a final inspection of buildings or improvements constructed on the property.

(d) Waiver of sidewalks. A person desiring a waiver of a sidewalk requirement shall make application to the director.

(1) In this subsection:

(A) MID-BLOCK LOT means a lot that is not a corner lot.

(B) CORNER LOT means a lot that is located at the intersection of two or more streets.

(2) The director may grant a waiver under these conditions:

(A) In general. These conditions apply to all waiver requests.

(i) If sidewalk construction would cause drainage, safety, or other engineering issues that cannot be feasibly addressed as determined by the director.

(ii) If a city approved and funded sidewalk construction project is planned to begin within one year of the waiver application submittal.

(iii) If the waiver will not have an adverse effect on neighboring properties.

(B) Mid-block lot. If sidewalks do not exist on the adjacent lots and on more than 80 percent of the lots on the same blockface.

(C) Corner lot. If sidewalks do not exist on any of the mid-block lots on the same blockface and the lot is not located within one-quarter mile, as measured along street frontages, from a transit stop, school, park, playground, or other pedestrian accessible destination.

(3) The denial of a waiver application must clearly state the specific reasons why the waiver conditions were not satisfied.

(4) Waivers for sidewalks on separate frontages of corner lots shall be determined independently for each blockface, but will require only one fee.

(5) Granting a waiver does not preclude the city from installing sidewalks at some later time and assessing the abutting owners for the cost of the installation. (Ord. Nos. 20092; 23384; 25047; 28073; 29478; 30933)

**SEC. 51A-8.607. MEDIAN OPENINGS, EXTRA LANES, AND DRIVEWAYS.**

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

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

(b) When required. Left turn lanes are required to serve median openings providing access to the proposed plat. Other extra lanes must be designed and constructed as part of the subdivision infrastructure improvements when:

(1) they are required by the thoroughfare plan;

(2) they are required by the zoning district in which the property is located; or

(3) they are recommended and approved by the director and the chief planning officer for proper traffic management.

(c) Spacing of openings. Median openings must be at least 400 feet from median openings serving thoroughfare intersections with divided thoroughfares, measured between the noses of the median. Median openings serving minor streets and driveway approaches along a divided thoroughfare must be at least 300 feet apart, measured between the noses of the median, unless the traffic engineer determines that the potential vehicular traffic in the area does not require

approving the change, and the document is approved by the city attorney's office; and

(4) the proposed relocation is shown on engineering plans approved by the director.

(e) Driveways and driveway approaches.

Driveways must be designed and constructed to provide proper site drainage and to maintain the conveyance of existing drainage in public and private streets. A separate street cut permit is required for each driveway approach accessing a thoroughfare. Driveways may be constructed concurrently with street construction, or with building construction, but must be completed before the issuance of a certificate of occupancy, or final inspection of the buildings or improvements on the property. (Ord. Nos. 20092; 21186; 22026; 23384; 25047; 28073; 28424; 29478; 30239; 30654)

**SEC. 51A-8.608. STREET APPURTENANCES.**

(a) Generally. Installation of the following items is required at the time the municipal infrastructure additions or improvements are constructed:

- (1) Street lights.
- (2) Traffic signals.
- (3) Traffic signs and street name blades.
- (4) Pavement markings.

(5) Temporary traffic control devices for use during construction.

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

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

(c) Traffic signals. When the area being platted adds a driveway or street approach to an existing signal, the signal hardware must be modified to serve the development. The engineering, material, and construction of the upgrade to the existing signal must be provided.

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

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

(e) Pavement markings. Pavement markings must be provided as necessary to serve the property being platted in accordance with the approved plans.

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

(f) Traffic control during construction. The owner is responsible for installing and maintaining all necessary barricades, temporary signs, pavement

transitions, and pavement markings to safely convey traffic through the construction area in accordance with the Texas Manual on Uniform Traffic Control Devices, State Department of Highways and Public Transportation, and the Barricade Manual of the department of transportation. The owner is also responsible for the removal of all barricades, temporary signs, pavement transitions, and pavement markings. (Ord. Nos. 20092; 22026; 23384; 26530; 28424; 30239; 30654)

#### SEC. 51A-8.609.

#### RAILROAD CROSSINGS.

(a) Generally. All engineering plans and construction of infrastructure in the railroad right-of-way must be approved by the department and the railroad.

must comply with Chapter 49 of the Dallas City Code. Private development contracts for other infrastructure improvements must comply with this section. In addition, to ensure that the city will not incur claims or liabilities as a result of the developer's failure to make payment in accordance with the terms of a private development contract, the director may require the developer, as a precondition of approval or release of a final plat or approval of a zoning district classification or boundary change requiring an exaction, to provide sufficient surety guaranteeing satisfaction of claims against the development in the event such default occurs. The surety shall be in the amount of the private development contract. The surety shall also be in the form of a bond, escrow account, cash deposit or unconditional letter of credit drawn on a state or federally chartered lending institution. The form of surety shall be reviewed and approved by the city attorney. If a bond is furnished, the bond shall be on a form provided by the director and approved by the city attorney. The bond shall be executed by the developer and at least one corporate surety authorized to do business and licensed to issue surety bonds in the State of Texas and otherwise acceptable to the city. If a cash deposit is provided, the deposit shall be placed in a special account and shall not be used for any other purpose. Interest accruing on the special account shall be credited to the developer. If an escrow account is provided, the account shall be placed with a state or federally chartered lending institution with a principal office or branch in Texas, and any escrow agreement between the developer and the escrowing institution shall provide for a retainage of not less than ten percent of the private development contract amount, to be held until the director gives written approval of the construction of the facilities.

(b) Cost. The cost of infrastructure construction is the responsibility of the developer of the property to be platted except as provided in Sections 51A-1.109 and 51A-8.614.

(c) Form. The private development contract must be on a form provided by the director and approved by the city attorney.

(d) Bonds. The private development contract must include performance and payment bonds equivalent to those the city uses and requires in its standard specifications, and the city must be a named obligee in the bonds.

(e) Duplicate plans. As part of the contract submission, duplicate sets of approved plans must be submitted to the director in sufficient number to meet the current contract plan distribution requirements of the city.

(f) Construction inspection. Before the approval of a private development contract, the owner shall submit to the director the name of the engineer licensed to practice in the State of Texas with whom he has contracted to provide the required construction inspection. The engineer performing the construction inspection shall attest to the director that the engineer, or a qualified member of the engineer's firm, made periodic visits to the worksite, as dictated by recognized and customary practice, to inspect the construction of the storm drainage, street paving, bridge, culvert, and traffic signal improvements, and to assure that the improvements were constructed according to the approved plans, profiles, details, and specifications for the project. The engineer shall submit copies of the construction inspection reports along with his declaration.

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

~~———— (1) competent in the field of testing pertinent to the contract; and~~

~~———— (2) under contract with the owner; must be submitted to and approved by the director. Materials testing and certification must comply with the standard specifications for mobility and street services construction.~~

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

(1) competent in the field of testing pertinent to the contract; and

(2) under contract with the owner; must be

submitted to and approved by the director. Materials testing and certification must comply with the standard specifications for public works construction.

(h) Authorization to begin. No construction of infrastructure improvements may begin until a letter authorizing the construction has been issued by the director.

conclusive on the determination as to needed maintenance or defective materials or workmanship. The director's determination shall be based upon applicable guidelines. (Ord. Nos. 20092; 21045; 21491; 22022; 23384; 25047; 25048; 26530; 28073; 30239; 30654)

#### SEC. 51A-8.613. COVENANT PROCEDURES.

(a) An owner who desires to plat more property than he is willing to construct or design paving, storm drainage, water, or wastewater facilities to serve may plat the property if he executes a covenant for the benefit of the city in accordance with this section. The covenant must run with the land. As part of the covenant, the owner shall agree to, at his cost: submit any needed additional plans; construct the required infrastructure; and secure or dedicate easements and rights-of-way necessary to serve the development at the owner's cost. Covenants involving water or wastewater facilities must be approved in accordance with Chapter 49 of the Dallas City Code, as amended.

(b) Upon approval of the terms of the paving and storm drainage covenant by the director, the owner shall execute the covenant on a form provided by the director. Executed covenants must be submitted to the department for processing.

(c) All covenants must be approved in accordance with the procedure set out in Section 2-11.2 of this code.

(d) If a covenant is not fulfilled, no building permit or certificate of occupancy may be issued for any property included within the boundaries of the plat which the covenant was executed to serve.

(e) Upon determination by the director that all conditions of a covenant have been fulfilled, the city manager may execute, and cause to be filed of record, a release of the covenant without the necessity of city council approval. In the event of a conflict between this subsection and other provisions in the Dallas City Code, this subsection controls. (Ord. Nos. 20092; 22026; 23384; 23694; 25047; 28073)

#### SEC. 51A-8.614. COST SHARING CONTRACT.

(a) Generally. All funding requests for city cost sharing participation in municipal infrastructure additions or improvements must be approved by the city council. City participation is generally limited to items that benefit a broad population segment. The developer's apportioned share of any exaction pursuant to Section 51A-1.109 is the responsibility of the developer unless the developer, as documented in a cost sharing contract, volunteers to pay a greater proportion. If the developer volunteers to pay a greater proportion, the city has no obligation for the amount volunteered. All city participation is subject to the availability of funds. City participation must comply with Subchapter C of Chapter 212 and Chapter 252 of the Texas Local Government Code. (Ord. Nos. 20092; 20730; 21186; 23384; 25047; 26530)

#### SEC. 51A-8.615. NONSTANDARD MATERIALS.

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

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

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

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

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

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

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

—(h) Written approval. Written approval must be obtained from the director of mobility and street services before any work is done.

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

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

—(k) Maintenance of nonstandard material in public rights-of-way. All improvements in the public rights-of-way exist at the pleasure of the city and must be maintained to the satisfaction of the city. The owner

of the property to be platted is responsible for all maintenance and replacement of nonstandard materials and all preparatory work, including subgrade and base maintenance and replacement necessary due to work performed by the city or utility companies in the discharge of their responsibilities. Failure to maintain and replace defective nonstandard materials and workmanship constitutes just cause for the city to remove any portion or all of the nonstandard work and replace it with standard materials.

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

(b) Plans. Plans indicating the nonstandard materials must be approved by the director of public works.

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

(d) Standards. All street paving, sidewalk, driveway, curb, and gutter construction must conform to the Standard Construction Details and the Standard Specifications for Public Works Construction of the department of public works.

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

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

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

(h) Written approval. Written approval must be obtained from the director of public works before any work is done.

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

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

(k) **Maintenance of nonstandard material in public rights-of-way.** All improvements in the public rights-of-way exist at the pleasure of the city and must be maintained to the satisfaction of the city. The owner of the property to be platted is responsible for all maintenance and replacement of nonstandard materials and all preparatory work, including subgrade and base maintenance and replacement necessary due to work performed by the city or utility companies in the discharge of their responsibilities. Failure to maintain and replace defective nonstandard materials and workmanship constitutes just cause for the city to remove any portion or all of the nonstandard work and replace it with standard materials. (Ord. Nos. 20092; 23384; 28424; 30239; 30654)

**SEC. 51A-8.616. RESERVED. (Ord. 23384)**

**SEC. 51A-8.617. MONUMENTATION.**

(a) Minimum monumentation standards.

(1) At all angle points, points of curve, and points of tangency on the perimeter of the platted boundary, a minimum three inch metallic cap disc must

be affixed to a metal pipe or rod and stamped with the addition name and the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

(2) At all block corners, a minimum two inch metallic cap must be affixed to a metal pipe or rod. The cap must be stamped with the block number and registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

(3) At all lot corners, points of curve, and points of tangency of curves, a minimum 1/2-inch diameter metal pipe or rod is required with a cap stamped with the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

(4) All monuments installed must contain a cap or disc imprinted with the addition name, if required, and the registration number of the surveyor or the name of the engineering or surveying firm that

**SEC. 51A-8.618. TRAFFIC BARRIERS.**

(a) When required. For all property being platted with identifiable single family, duplex, or townhouse components that front on both an arterial and a public or private street or alley, traffic barriers must be constructed that separate the property from the arterial. See Section 51A-8.507(b)(6) for alley requirements.

(b) Easement. The owner must dedicate an exclusive barrier easement along the lots or alleys perimeter to the thoroughfare depending on who will maintain the barrier. Barrier easements must have a minimum width of three feet. If a screening wall serves as a traffic barrier, maintenance of the wall is the responsibility of each individual owner abutting the easement or the homeowners' association.

(c) Design. The design and construction of traffic barriers must be approved by the director. If concrete is used for traffic barriers, it must be reinforced and have a minimum compressive strength of 3000 pounds per square inch at 28 days test. The traffic barrier must be at least 24 inches in height. All traffic barriers must be maintained by the property owner or a homeowners association.

(d) Timing of construction. All traffic barriers required by this article must be constructed concurrently with the adjoining street or, if the thoroughfare is already constructed or is not to be constructed with the subdivision infrastructure, before the issuance of a certificate of occupancy or utility connection for any structure within the boundaries of the plat.

(e) Acceptance of construction. All traffic barriers must be constructed under a private development contract in accordance with Section 51A-8.612. If a screening wall serves as a traffic barrier, it must be designed by an engineer and approved by the director.

(f) Maintenance and repair. Each adjacent property owner is responsible for simple routine maintenance and cleaning of all barriers to which his property is adjacent. The city of Dallas is responsible for any major maintenance and repair work necessary for the traffic barrier if the city has accepted it for maintenance. Any other type of traffic barriers is the responsibility of the homeowners' association or the owner. (Ord. Nos. 20092; 21186; 23384; 25047; 28073)

**SEC. 51A-8.619. SCREENING WALLS.**

If the screening wall serves as a traffic barrier, it must meet the standards of Section 51A-8.618. (Ord. Nos. 20092; 23384)

**SEC. 51A-8.620. RETAINING WALLS.**

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

All retaining walls located on private property along public rights-of-way or easements must be constructed of reinforced concrete or other materials determined to be sufficiently durable by the director. Retaining wall design must be approved by the director of public works to ensure site conditions are adequately addressed by the design. Engineer certification and building permits may be required by other applicable regulations. (Ord. Nos. 23384; 25047; 28073; 28424; 30239; 30654)

(f) Guidelines.

(1) A street name may be based upon physical, political, or historic features of the area.

(2) The name of a subdivision and names thematically related to the name of a subdivision may be given to a street within the subdivision.

(g) Waiver. The city council, by a three-fourths vote of its members, may waive any of the standards contained in this section when waiver would be in the public interest and would not impair the public health, safety, or welfare. (Ord. Nos. 19832; 23407)

**SEC. 51A-9.305. REVIEW OF APPLICATION.**

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

~~— (1) Department of mobility and street services.~~

~~— (2) Office of financial services.~~

~~— (3) Fire-rescue department.~~

~~— (4) Department of sustainable development and construction.~~

~~— (5) Police department.~~

~~— (6) Water utilities department.~~

~~— (7) Department of sanitation services.~~

~~— (8) Department of code compliance.~~

~~— (9) Contiguous municipalities if any property abutting the street is within the contiguous municipality.~~

~~— (10) Dallas County Historical Commission.~~

~~— (11) TXU Electric, or its successor.~~

~~— (12) TXU Gas, or its successor.~~

~~— (13) Southwestern Bell Telephone Company, or its successor.~~

~~— (14) U.S. Postal Service.~~

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

(1) Department of transportation.

(2) Department of public works.

(3) Office of budget.

(4) Fire-rescue department.

(5) Department of sustainable development and construction.

(6) Police department.

(7) Water utilities department.

(8) Department of sanitation services.

(9) Department of code compliance.

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

(11) Dallas County Historical Commission.

(12) TXU Electric, or its successor.

(13) TXU Gas, or its successor.

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

(15) U.S. Postal Service.

(b) The subdivision administrator shall formulate a recommendation on the proposed street name change based upon his own review of the application, the standards in Section 51A-9.304, and the comments received from those listed in Subsection (a). The subdivision administrator shall set a date for review of the application before the subdivision review committee of the city plan commission.

(c) Notice of the public hearing before the subdivision review committee must be advertised in the official newspaper of the city no fewer than 15 days before the date of the hearing. The subdivision administrator must also send written notice of the public hearing to abutting property owners as ownership appears on the last approved ad valorem tax roll no fewer than 15 days before the date of the hearing. Notification signs must be posted along the street for no fewer than 15 days before the date of the hearing.

(d) The subdivision review committee shall formulate a recommendation based upon their review of the application, the standards contained in Section 51A-9.304, and the recommendation of the subdivision administrator. (Ord. Nos. 19832; 22026; 23694; 24410; 24843; 25047; 27204; 28073; 28424; 30239; 30654)

(iii) The screening required under Subparagraphs (A) and (B) must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any of the methods for providing screening described in Section 51A-4.602(b)(3).

(B) Site trees.

(i) One tree having a caliper of at least two inches must be provided for each 4,000 square feet of lot area, or fraction thereof, except for industrial and warehouse uses in IM and IR districts, where one tree having a caliper of at least two inches must be provided for each 6,000 square feet of lot area, or fraction thereof.

(ii) Existing protected tree species that are determined by the building official to be healthy may be used to satisfy the site tree requirement, in accordance with the tree credit chart below:

<u>CALIPER OF RETAINED TREE</u>	<u>NUMBER OF SITE TREES CREDIT GIVEN FOR RETAINED TREE</u>
Less than 2 inches	0
2 inches or more but less than 8 inches	1
8 inches or more but less than 14 inches	2
14 inches or more but less than 20 inches	4
20 inches or more but less than 26 inches	8
26 inches or more and less than 32 inches	10
32 inches or more but less than 38 inches	18
38 inches or more	20

(C) Minimum sizes. Except as provided in Subsection (b) of this section, plant materials used to satisfy the requirements of this division must comply with the following minimum size requirements at the time of installation:

(i) Large and medium trees must have a minimum caliper of two inches, or a minimum

height of six feet, depending on the standard measuring technique for the species.

(ii) Small trees must have a minimum height of six feet.

(iii) Large evergreen shrubs must have a minimum height of two feet.

For purposes of this paragraph, "height" is measured from the top of the root ball or, if the plant is in a container, from the soil level in the container. (Ord. Nos. 19455; 19786; 20496; 22053; 24731; 25155; 26333; 28424; 28803; 30239; 30654; 30929)

**SEC. 51A-10.126. LANDSCAPE DESIGN  
OPTIONS.**

(a) Points required for a building site. The minimum number of landscape design option points required for a building site are:

<b>Lot Size</b>	<b>Points Required</b>
0 to 999 sf	0
1,000 sf to 1,999 sf	1
2,000 sf to 9,999 sf (One point for every 1000 sf)	2-9
10,000 sf to 19,999 sf	10
20,000 sf to 39,999 sf	15
40,000 sf to 2.99 acres	20
3 acres to 9.99 acres	30
10 acres to 19.99 acres	35
20 acres to 49.99 acres	40
50 acres and greater	50

(b) Design options. Points are obtained by meeting design option requirements in order to achieve the total number of points required for the property. Design options and possible points are listed in this subsection. Examples of the design options and their application are provided in the Landscape and Tree Manual.

(2) owns part or all of the land where the violation occurs.

(b) It is a defense to prosecution under this section that the act is included in one of the enumerated categories listed in this section. A tree removal application or tree replacement is not required if the tree:

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

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

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

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

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

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

(A) the chief of the police department;

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

(C) the director of ~~mobility and street services~~ public works;

(D) the director of transportation;

~~(D-E)~~ the director of sanitation services;

~~(E-F)~~ the director of code compliance;

~~(F-G)~~ the director of park and recreation;

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

(H) the director of aviation.

(7) was designated for removal without replacement in a landscape plan approved by the city council, city plan commission, or board of adjustment;

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

(9) was removed or seriously injured to allow construction, including the operation of construction equipment in a normal manner, in accordance with infrastructure engineering plans approved under Article V of Chapter 49 or street paving and grading in a public right-of-way, storm drainage easement, detention or retention pond designation, or bridge construction, for private development. (Ord. Nos. 22053; 23694; 25047; 25155; 28073; 28424; 30239; 30654; 30929)

bond or an irrevocable letter of credit approved as to form by the city attorney.

(1) A bonding or insurance company authorized to do business in Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in Texas and acceptable to the city must issue the irrevocable letter of credit.

(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.

(3) The performance bond or irrevocable letter of credit must remain in effect for at least six months after the gas inspector approves the abandonment of the well.

(4) Except as otherwise provided, the amount of the performance bond or irrevocable letter of credit must be at least \$50,000 per well.

(A) After a well is completed, the operator may request that the gas inspector reduce the existing performance bond or irrevocable letter of credit to \$10,000 per well for the remainder of the time the well produces without reworking. The gas inspector shall reduce the existing performance bond or irrevocable letter of credit if the operator has fully complied with the provisions of this article and the conditions of the SUP, and the gas inspector determines that a \$10,000 performance bond or irrevocable letter of credit is sufficient.

(B) If the gas inspector determines the operator's performance bond or irrevocable letter of credit is insufficient, the gas inspector may require the operator to increase the amount of the performance bond or irrevocable letter of credit to a maximum of \$250,000 per well.

(5) Cancellation of the performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this article, the gas well permit, and the SUP. If the performance bond or irrevocable letter of credit is cancelled, the gas well permit shall be suspended on

the date of cancellation and the operator shall immediately cease operations until the operator provides the gas inspector with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.

(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article, the SUP, or the gas well permit. The performance bond or irrevocable letter of credit may also be used to mitigate public losses (i.e. damage to infrastructure, loss of sales tax, etc.) related to the loss of control of a well.

(h) Road repair security instrument. Before issuance of a gas well permit, the operator shall give the gas inspector a road repair performance bond or an irrevocable letter of credit approved as to form by the city attorney. The road repair security instrument is in addition to the performance bond or irrevocable letter of credit required by Section 51A-12.203(g).

(1) A bonding or insurance company authorized to do business in Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in Texas and acceptable to the city must issue the irrevocable letter of credit.

(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.

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

(3) The performance bond or irrevocable letter of credit must remain in effect for at least six months after the department of public works completes the final inspection of the right-of-way.

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

(4) The department of public works shall determine the amount of the performance bond or irrevocable letter of credit based upon, among other

factors, the estimated cost to the city of restoring the right-of-way.

(5) Cancellation of the performance bond or irrevocable letter of credit does not release the

operator from the obligation to meet all requirements of this article, the gas well permit, and the SUP. If the performance bond or irrevocable letter of credit is cancelled, the gas well permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the gas inspector with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.

(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties related to the damage of the right-of-way covered by Section 51A-12.204(p).

(i) Well plugging bond. Before issuance of a gas well permit, the operator shall give the gas inspector a well plugging bond.

(1) A bonding or insurance company authorized to do business in Texas and acceptable to the city must issue the well plugging bond.

(2) The well plugging bond must list the operator as principal and be payable to the city.

(3) The well plugging bond must remain in effect for at least six months after the gas inspector approves the abandonment of the well.

(4) Except as otherwise provided in this subsection, the amount of the well plugging bond must be at least \$50,000 per well.

(5) Cancellation of the well plugging bond does not release the operator from the obligation to meet all requirements of this article, the gas well permit, and the SUP. If the well plugging bond is cancelled, the gas well permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the gas inspector with a replacement well plugging bond that meets the requirements of this subsection.

(6) The city may draw against the well plugging bond or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article, the SUP, or the gas well permit. The well plugging bond may also be used to mitigate public losses (i.e. damage to infrastructure, loss of sales tax, etc.) related to the loss of control of a well. (Ord. Nos. 26920; 28424; 29228; 30239; 30654)

#### SEC. 51A-12.204. OPERATIONS.

(a) In general.

(1) Operations must be conducted in accordance with the practices of a reasonable and prudent gas drilling operation in the State of Texas.

(2) The layout of an operation site must comply with the site plan attached to the gas well permit and the SUP.

(3) No refining, except for gas dehydrating and physical phase separation, may occur on the operation site.

(4) Only freshwater-based mud systems are permitted.

(5) No person may add any type of metal additive into drilling fluids.

(6) Salt-water or produced-water disposal wells, also known as injection wells, are prohibited.

(7) Unless otherwise directed by the Texas Railroad Commission, the operator shall remove waste materials from the operation site and transport them to an off-site disposal or recycling facility at least once every 30 days.

(8) No air, gas, or pneumatic drilling is permitted.

(C) The fresh-water fracture pond must permanently hold sufficient water to prevent a nuisance or vector control problem.

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

(D) The fresh-water fracture pond must comply with the Drainage Design Manual of the Department of Public Works and all other city, state, and federal rules and regulations.

(E) Artificial liners are not permitted.

(F) Fresh-water fracture ponds must be maintained in a manner using best management practices to ensure the integrity of the fresh-water fracture pond. For purposes of this subparagraph, “best management practices” means structural, nonstructural, and managerial techniques that are recognized to be the most effective and practical means to control water storage in open pits in an urban or suburban setting.

(2) Removal and restoration.

(A) Removal.

(i) The operator shall remove the fresh-water fracture pond from the operation site within five years after the date the first gas well permit is issued. The operator may apply for a one-time, two-year extension from the gas inspector.

(ii) The request for an extension must be made to the gas inspector in writing at least six months before the fifth year from the date the first gas well permit was issued.

(iii) The gas inspector must approve or deny the extension within 45 days after receiving the extension request.

(iv) As a condition of approval of the extension, the gas inspector may require additional measures, as necessary, to minimize the impact of continued use of the fresh-water fracture pond, associated with the drilling activities, upon neighboring properties.

(v) The gas inspector must approve the extension if the fresh-water fracture pond will not adversely impact the neighboring properties or if additional measures required eliminate the reasons for denial.

(vi) If the gas inspector denies the request for a one-time two-year extension, the gas inspector must provide the operator with a written explanation of the reasons for denial within 30 days.

(vii) The operator has the right to appeal to the permit and license appeal board in accordance with Article IX of Chapter 2 of the Dallas City Code.

(B) Restoration. The operator is responsible for:

(i) removing the fresh-water fracture pond;

(ii) grading, leveling, and restoring the area to the same surface condition, as nearly as practicable, that existed before the fresh-water fracture pond was constructed; and

(iii) restoring the vegetation in accordance with the landscape design provided in the fresh-water fracture pond design plan.

(h) Fracturing.

(1) Notice.

(A) The operator shall send written notice to the gas inspector of the operator’s intent to begin fracturing. The notice must identify the well and estimate the duration of fracturing. The written notice to the gas inspector must be provided at least 15 days before fracturing begins.

(B) If the operation site is located within 1,500 feet of a protected use, measured from the boundary of the operation site in a straight line without regard to intervening structures or objects to

(ii) Additional methods of noise mitigation must be approved by the gas inspector.

(iii) All soundproofing must comply with accepted industry standards and is subject to approval by the fire marshal.

(n) Periodic updates and reports.

(1) Required updates.

(A) Except as otherwise provided in this division, other city ordinances, or an SUP, the operator shall notify the gas inspector in writing of any changes to the following information within seven days after the changes are made:

(i) the name, address, or phone number of the operator; and

(ii) the name, address, or phone number of the person designated to receive notices from the city.

(B) Except as otherwise provided in this division, other city ordinances, or an SUP, the operator shall notify the gas inspector in writing within one business day of any changes to the name, address, or 24-hour phone number of the person with supervisory authority over the gas drilling or production operation site.

(C) Except as otherwise provided in this division, other city ordinances, or an SUP, if the conditions on the operator site or the operations of the gas drilling and product use change or any other updates or changes are made that are not reflected on a required plan, the operator shall provide an update to each affected plan to the gas inspector within 30 days of the change.

(D) The operator shall submit a yearly written report to the gas inspector identifying any other changes to the information provided in the gas well permit application not previously reported to the city.

(E) The operator shall notify the gas inspector in writing that a well has been completed within 72 hours after completion.

(2) Reports.

(A) The operator shall give the gas inspector a copy of any complaint submitted to the Texas Railroad Commission within 30 days after the operator receives notice of the complaint.

(B) On a monthly basis, the operator shall give the gas inspector a copy of any new or amended permits, disclosures, and reports required by the Texas Railroad Commission and Texas Commission on Environmental Quality.

(o) Reworking.

(1) At least 10 days before reworking begins, the operator shall send written notice to the gas inspector of the operator's intent to rework a well. The notice must identify the well, describe the activities involved in the reworking, and estimate the duration of the activities.

(2) The operator shall pay the reworking fee before the operator begins reworking the well.

(3) If a well is already abandoned, a new gas well permit is required to rework.

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

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

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

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

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

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

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

~~————— (4) City making repairs and invoicing operator.~~

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

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

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

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

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

(4) City making repairs and invoicing operator.

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

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

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

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

(D) The operator is responsible for the cost and fees associated with pre-drilling and post-drilling soil sampling collection and analysis.

(2) Baseline.

(A) The licensed third-party contractor retained by the city must collect and analyze a minimum of five soil samples at locations across the operation site with at least two samples at or adjacent to any proposed equipment to be used on the operation site and analyzed in accordance with this subsection.

(B) If permission to access private property and conduct the baseline study is granted, a minimum of five soil samples must be collected at locations across each property located within 2,000 feet of the boundary of the operation site and analyzed in accordance with this subsection. If permission to access private property and conduct the baseline study is not granted, a baseline study of soil conditions is not required for that property.

(C) The soil sample baseline study analyses must include:

- (i) a description of the point samples and GPS coordinates of each location;
- (ii) planned equipment above the sampled area, if applicable;
- (iii) methodology of sample collection;
- (iv) description of field condition;
- (v) summary of laboratory data results compared to the minimum acceptable soil sampling criteria;
- (vi) copies of all laboratory data sheets;
- (vii) drawings of sample points; and

(viii) analysis of the following: TPH, VOCs, SVOCs, chloride, barium, chromium, and ethylene glycol.

(3) Post-drilling.

(A) After the drilling of each well, the licensed third-party contractor retained by the city must collect and analyze soil samples across the operation site and analyzed in accordance with this subsection.

(B) Additionally, the city, using its licensed third-party contractor, may conduct soil sampling during inspections to document soil quality at the operation site.

(4) Abandonment. When the operation site is abandoned in accordance with the Texas Railroad Commission requirements and Section 51A-12.205 and after the equipment for that well is removed from the operation site, the operator shall collect soil samples of the abandoned operation site to document that the final conditions are within regulatory requirements.

(5) Remediation. If prohibited amounts of a hazardous substance are found at the operation site, the operator shall remediate the location within 30 days. After the operator remediates the operation site, the city, using its licensed third-party contractor, must collect and analyze soil samples at locations on the operation site as are necessary to determine compliance.

(u) Storage and vehicle parking. The only items that may be stored and vehicles that may be parked on the operation site are those that are necessary to the everyday operation of the well and do not constitute a fire hazard. The fire department shall determine what constitutes a fire hazard.

(v) Vector control. The operator must comply with the vector control plan approved as part of the gas well permit and all city ordinances, rules, and regulations regarding mosquito larvae within a fresh-water fracturing pond or elsewhere on the operation site. (Ord. Nos. 26920; 28424; 29228; 29557; 30239; 30654)

**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)

**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>
30477	5-24-17		2	Amends 51A-4.122(b)(2)(J)
			3	Amends 51A-4.122(c)(2)(J)
			4	Amends 51A-4.123(a)(2)(J)
			5	Amends 51A-4.123(b)(2)(J)
			6	Amends 51A-4.123(c)(2)(J)
			7	Amends 51A-4.123(d)(2)(J)
			8	Amends 51A-4.125(d)(2)(J)
			9	Amends 51A-4.125(e)(2)(J)
			10	Amends 51A-4.125(f)(2)(J)
			11	Adds 51A-4.210(b)(21.1)
30481	5-24-17		1	Amends 51A-5.102(a)(3)
30654	9-20-17	10-1-17	38	Amends 51A-2.102(20)
			39	Adds 51A-2.102(83.1)
			40	Deletes 51A-2.102(112.1)
			41	Amends 51A-2.102(134.1)
			42	Amends 51A-4.502(e)(6)
			43	Amends 51A-5.209(a)
			44	Amends 51A-6.108(e)(1)
			45	Amends 51A-7.212(a)(2)
			46	Amends 51A-7.1720(a)(2)
			47	Amends 51A-8.201(33)
			48	Amends 51A-8.507(b)(8)
			49	Amends 51A-8.508(b)
			50	Amends 51A-8.601(b)
			51	Amends 51A-8.602(d)(2)
			52	Amends 51A-8.604(a)
			53	Amends 51A-8.607(a)
			54	Amends 51A-8.608(b)
			55	Amends 51A-8.608(d)
			56	Amends 51A-8.608(f)
			57	Amends 51A-8.612(g)
			58	Amends 51A-8.615
			59	Amends 51A-8.620
			60	Amends 51A-9.305(a)
			61	Amends 51A-10.125(b)(4)
			62	Amends 51A-10.140(b)
			63	Amends 51A-12.203(h)(3)
			64	Amends 51A-12.203(h)(4)
			65	Amends 51A-12.204(g)(1)(D)
			66	Amends 51A-12.204(p)
30663	9-27-17		1	Adds 51A-7.1001(c)
			2	Adds 51A-7.1007.2
30685	10-25-17		1	Amends 51A-7.901.1
			2	Amends 51A-7.911(e)(2)(C)
30731	12-13-17		1	Amends 51A-7.1201
			2	Amends 51A-7.1203(a)

**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>
30894	6-13-18		3	Amends 51A-4.217(b)(12)(F)
			4	Amends 51A-4.217(b)(12)(G)
			5	Amends 51A-4.217(b)(12)(H)
30895	6-13-18		8	Amends 51A-4.401(a)(1)
			9	Amends 51A-4.401(a)(4)
			10	Amends 51A-4.402(a)
			11	Amends 51A-4.402(b)(3)
			12	Amends 51A-4.403(a)(4)
			13	Amends 51A-4.403(b)(2)
			14	Amends 51A-6.102(a)(5)
30896	6-13-18		1	Amends 51A-4.204(4)(C)
30929	6-27-18			Amends Ch. 51A, Art. X, 51A-10.101 thru 51A-10.140
30930	6-27-18		2	Amends 51A-4.209(b)(6)(E)
30931	6-27-18		2	Amends 51A-1.105(a)(4)
			3	Adds 51A-4.510
30932	6-27-18		6	Amends 51A-2.102(10)
			7	Adds 51A-2.102(10.1)
			8	Amends 51A-4.124(a)(8)(C)(i)(aa)
			9	Amends 51A-4.124(a)(9)(J)(ii)
			10	Amends 51A-4.211(10)(E)(v)
			11	Amends 51A-4.401(a)(6)
			12	Amends 51A-4.401(b)(3)
			13	Amends 51A-7.502(1)
30933	6-27-18		1	Amends 51A-8.606
30934	6-27-18	7-1-19	1	Adds 51A-1.105(z)
			2	Adds Div. 51A-4.1000
			3	Amends 51A-8.405
			4	Amends 51A-10.135(h)
			5	Adds 51A-10.135(i)
30993	9-18-18	10-1-18	24	Amends 51A-1.105(c)(4)
			25	Amends 51A-1.105(j)(4)
			26	Amends 51A-1.105(t)(4)