

9-20-23

32557

ORDINANCE NO. _____

An ordinance amending Section 2-53 of Chapter 2, “Administration”; amending Sections 9B-6 and 9B-7 of Chapter 9B, “Building Security”; amending Sections 13-7, 13-8, 13-9, 13-10, and 13-11 of Chapter 13, “Courts, Fines and Imprisonments”; amending Sections 28-130, 28-130.7, and 28-130.12 of Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code; adding new Sections 2-175, 2-176, and 2-177 to Chapter 2, “Administration”; assigning the duties of the Office of Management Services to the Department of Planning and Urban Design; creating the Office of the City Marshal; renaming the Department of Court and Detention Services the Department of Dallas Municipal Court; providing a saving clause; providing a severability clause; and providing an effective date. Now, Therefore,

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

SECTION 1. That Section 2-53, “Duties of the Chief Planning Officer,” of Article V-e, “Department of Planning and Urban Design,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

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

The chief planning officer shall perform the following duties:

- (1) Supervise and administer the department of planning and urban design.
- (2) Advise the city manager, in cooperation with others designated by the city manager, on matters affecting the urban design and physical development of the city.
- (3) Develop and recommend to the city manager a comprehensive plan for the city.
- (4) Review and make recommendations regarding proposed actions implementing the comprehensive plan.

(5) Participate in the preparation and revision of the capital improvement program.

(6) Coordinate all planning relating to urban redevelopment, urban rehabilitation, and conservation intended to alleviate or prevent slums, obsolescence, blight, or other conditions of urban deterioration.

(7) Provide services related to historic districts, historic structures, and potential historic districts and structures.

(8) Administer the historic district tax incentive programs.

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

(10[8]) Give advice and provide staff assistance to the board of adjustment, ~~and~~ the plan commission, and the landmark commission in the exercise of their responsibilities.”

SECTION 2. That Chapter 2, “Administration,” of the Dallas City Code is amended by adding a new Article XXXI, “Office of the City Marshal,” to read as follows:

“ARTICLE XXXI.

OFFICE OF THE CITY MARSHAL.

SEC. 2-175. CREATED.

There is hereby created a division of the city manager’s office to be known as the office of the city marshal, to be filled by a qualified person appointed by the city manager. The city marshal shall appoint such deputies as are authorized from time to time. The city marshal and his or her deputies shall meet all qualifications necessary to be certified as peace officers by the Texas Commission on Law Enforcement.

SEC. 2-176. DUTIES OF THE CITY MARSHAL.

The city marshal and his or her deputies, acting under the direction of the city manager, shall perform the following duties:

(1) execute warrants of arrest, subpoenas, and other legal process issuing out of the municipal court of record;

(2) execute other warrants of arrest, subpoenas, and legal process as determined by the municipal clerk;

(3) enforce state laws and the Dallas City Code;

(4) manage and operate the city detention center and sobering center;

(5) manage Dallas Security Services Division, security technology and security badging unit for protection of employees, citizens, and property at facilities that are owned, occupied, or managed by the city to ensure safety, orderly, and lawful conduct on those premises, except as otherwise provided by the city manager, city charter, or ordinance of the city council; and

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

SEC. 2-177. CITY MARSHAL'S AUTHORITY; ELIGIBILITY FOR PENSION.

(a) The city marshal and his or her deputies shall serve as peace officers and have full police authority in the exercise of their assigned duties.

(b) The city marshal and his or her deputies are not members of the police department of the city and are not eligible for membership in the Firemen, Policemen and Fire Alarm Operators Pension Fund; however, they are eligible for membership in the employee's retirement fund of the city. The city marshal and his or her deputies are paid law enforcement officers for the purpose of qualifying for survivors' assistance benefits under the provisions of Article 6228f, Vernon's Texas Civil Statutes."

SECTION 3. That Section 9B-6, "Created; Duties," of Article II, "Dallas Security Officers," of Chapter 9B, "Building Security," of the Dallas City Code is amended to read as follows:

"SEC. 9B-6. CREATED; DUTIES.

(a) There is hereby created in the office of the city marshal [~~department of court and detention services of the city, under the direction of the director of court and detention services,~~] personnel known as Dallas security officers[~~, who shall be organized auxiliary units to the police department~~].

(b) Dallas security officers shall perform the following duties:

(1) maintain security and protection for premises and lawful occupants of premises that are owned, occupied, or managed by the city and ensure orderly and lawful conduct and activities on those premises; and

(2) perform such other duties as may be required by the city marshal [~~direct or regulate traffic in conformance with traffic laws on premises that are owned, occupied, or managed by the city, and on the main entrance and exit roadway in front of the Dallas Love Field terminal~~]."

SECTION 4. That Section 9B-7, "Authority," of Article II, "Dallas Security Officers," of Chapter 9B, "Building Security," of the Dallas City Code is amended to read as follows:

"SEC. 9B-7. AUTHORITY.

While at an assigned place of duty, a person employed as a Dallas security officer:

(1) is vested with the ~~[police]~~ power of arrest for misdemeanor breaches [violations] of the peace, to prevent the consequences of theft and felonies in the officer's presence [city ordinances and state laws], limited to situations arising out of enforcement of the officer's specific duties and further limited to the specific authority contained in the officer's warrant of appointment;

(2) may carry and use a firearm when authorized by the city marshal ~~[director of court and detention services]~~; and

(3) must be identified by uniform and badge."

SECTION 5. That Section 13-7, "Department of Court and Detention Services Created; Director," of Article II, "Municipal Court of Record," of Chapter 13, "Courts, Fines, and Imprisonments," of the Dallas City Code is amended to read as follows:

"SEC. 13-7. DEPARTMENT OF DALLAS MUNICIPAL COURT [~~AND DETENTION SERVICES~~] CREATED; DIRECTOR.

There is hereby created the department of Dallas municipal court ~~[and detention services]~~, the director of which shall be the clerk of the municipal court of record who shall be known as the municipal clerk."

SECTION 6. That Subsection (a) of Section 13-8, "Duties of the Municipal Clerk; Court Administrator and Director; Deputy Clerks," of Article II, "Municipal Court of Record," of Chapter 13, "Courts, Fines, and Imprisonments," of the Dallas City Code is amended to read as follows:

"(a) The municipal clerk, who also holds the position of court administrator and director of the department of Dallas municipal court ~~[and detention services]~~, shall:

(1) prepare and maintain accurate dockets and minutes for each municipal court of record division created under this article;

(2) have custody of all documents and papers relating to the business of the municipal court of record divisions;

- (3) supervise the collection of fines imposed by the municipal court of record;
- (4) maintain complaints for all cases in the municipal court of record for which a complaint is required by law;
- (5) supervise the administration of arrest warrants; and
- (6) ~~[supervise Dallas security officers providing security in and around all public buildings, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council, and~~
- (7) have all other powers and duties assigned to the municipal clerk by the city charter, other city ordinances, Chapter 30 of the Texas Government Code, or other state law.”

SECTION 7. That Section 13-9, “Office of the City Marshal,” of Article II, “Municipal Court of Record,” of Chapter 13, “Courts, Fines, and Imprisonments,” of the Dallas City Code is amended to read as follows:

“SEC. 13-9. RESERVED [~~OFFICE OF THE CITY MARSHAL~~].

~~[There is hereby created the office of the city marshal, to be filled by a qualified person appointed by the municipal clerk. The city marshal shall appoint such deputies as are authorized from time to time. The city marshal and his deputies shall meet all qualifications necessary to be certified as peace officers by the Texas Commission on Law Enforcement Officer Standards and Education.]”~~

SECTION 8. That Section 13-10, “Duties of the City Marshal,” of Article II, “Municipal Court of Record,” of Chapter 13, “Courts, Fines, and Imprisonments,” of the Dallas City Code is amended to read as follows:

“SEC. 13-10. RESERVED [~~DUTIES OF THE CITY MARSHAL~~].

~~[The city marshal and his or her deputies, acting under the direction of the municipal clerk, shall perform the following duties:~~

- ~~(1) execute warrants of arrest, subpoenas, and other legal process issuing out of the municipal court of record;~~
- ~~(2) execute other warrants of arrest, subpoenas, and legal process as determined by the municipal clerk; and~~
- ~~(3) enforce Sections 28-61.1 and 28-63.3 of the Dallas City Code.]”~~

SECTION 9. That Section 13-11, “City Marshal’s Authority; Eligibility For Pension,” of Article II, “Municipal Court of Record,” of Chapter 13, “Courts, Fines, and Imprisonments,” of the Dallas City Code is amended to read as follows:

“SEC. 13-11. **RESERVED** [~~CITY MARSHAL’S AUTHORITY; ELIGIBILITY FOR PENSION~~].

[(a) The city marshal and his deputies shall serve as peace officers and have full police authority in the exercise of their assigned duties.

[(b) The city marshal and his deputies are not members of the police department of the city and are not eligible for membership in the Firemen, Policemen and Fire Alarm Operators Pension Fund; however, they are eligible for membership in the employee’s retirement fund of the city. The city marshal and his deputies are paid law enforcement officers for the purpose of qualifying for survivors’ assistance benefits under the provisions of Article 6228f, Vernon’s Texas Civil Statutes.]”

SECTION 10. That Subsection (a) of Section 28-130, “General Authority and Duty of Director,” of Division 7, “Administrative Adjudication of Parking Violations,” of Article XI, “Stopping, Standing, and Parking Generally,” of Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code is amended to read as follows:

“(a) The director of Dallas municipal 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.”

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

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

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

"(a) A person determined by a hearing officer, at either an instant or scheduled administrative adjudication hearing or by failure to answer a parking citation or appear at a hearing in the time required, to be liable for a parking violation may appeal this determination to the municipal court by filing a petition, along with a filing fee of \$15, with the municipal court clerk or a deputy clerk within 30 calendar days after the hearing officer's order is filed with the department of Dallas municipal 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."

SECTION 13. That Chapters 2, 9B, 13, and 28 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 14. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 15. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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SECTION 16. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

TAMMY L. PALOMINO, Interim City Attorney

By  _____
Assistant City Attorney

Passed SEP 20, 2023



PROOF OF PUBLICATION – LEGAL ADVERTISING

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

DATE ADOPTED BY CITY COUNCIL SEP 20 2023

ORDINANCE NUMBER 32557

DATE PUBLISHED SEP 23 2023

ATTESTED BY: