CHAPTER 2
ADMINISTRATION

ARTICLE I.

IN GENERAL.
Sec. 2-1. Time within which city officers to deposit money.
Sec. 2-1.1. Advance payment of certain fees, charges, and taxes required; interest on delinquent accounts.
Sec. 2-2. Delivery of books, etc., to successor in office.
Sec. 2-3. Officers, etc., of city not to deal in city warrants or obligations.
Sec. 2-3.1. Preservation of duties, powers, and functions of city manager.
Sec. 2-4. Removal from office for misconduct or neglect of duty.
Sec. 2-5. Labor unions - City employees not to organize or join.
Sec. 2-6. Same - Same - Intent and purpose of provision.
Sec. 2-7. Same - Same - Penalty for violating prohibitions.
Sec. 2-8. Hearings and investigations as to city affairs - Subpoena powers of person or body conducting same.
Sec. 2-9. Same - Penalty for failure to testify, etc.
Sec. 2-10. Property purchased by city at tax sale - City manager to execute quitclaim deed upon redemption of same.
Sec. 2-11. Same - Provisions of quitclaim deed.
Sec. 2-11.1. Sale or release of interests in real property.
Sec. 2-11.2. Acceptance of conveyance or acquisition by eminent domain where consideration is $10,000 or less.
Sec. 2-11.3. Real property acquisitions where consideration exceeds $500,000.
Sec. 2-12. Legal advice.
Sec. 2-13. Public utilities to pay expense of office of supervisor of public utilities - Generally.
Sec. 2-14. Same - Notice required.
Sec. 2-15. Same - “Gross receipts” defined.
Sec. 2-16. Eminent domain proceedings for personal property.
Sec. 2-17. Payment of cost of publishing ordinance granting franchise or closing street.
Sec. 2-17.1. Fiscal notes.
Sec. 2-17.2. Selection of city auditor; nominating commission.
Sec. 2-17.3. Nondiscrimination in the provision of city services.

ARTICLE II.

ASSISTANT CITY ATTORNEYS.
Sec. 2-18. Qualifications and appointment.
Sec. 2-19. Duties.
Sec. 2-20. Compensation.
Sec. 2-20.1. Guest assistant city attorney program.

ARTICLE III.

MANAGEMENT AND SALE OF CITY-OWNED REAL PROPERTY.
Division 1. Generally.
Sec. 2-21. Inventory of real property.
Sec. 2-22. Examination of need.
Sec. 2-23. Decision to sell.
Sec. 2-24. Procedures for the sale of unneeded real property by formal bid or negotiation.
Sec. 2-24.1. Procedures for the sale of unneeded real property by public auction.
Sec. 2-25. Type of conveyance.
Sec. 2-26. Bidder information.
Sec. 2-26.1. City manager recommendation and award of sale.
Sec. 2-26.3. Reserved.

Division 2. Alternate Manner of Sale of Real Property to Nonprofit Organizations for Affordable Housing.

Sec. 2-26.4. Purpose.
Sec. 2-26.5. Definitions.
Sec. 2-26.6. Alternate method of sale for tax-foreclosed or seized real property.
Sec. 2-26.7. Purchase proposals by nonprofit organizations; procedures and requirements for city approval or rejection of proposals.
Sec. 2-26.8. Multiple proposals for the same land.
Sec. 2-26.9. Purchase price of land.
Sec. 2-26.10. Quitclaim deed.
Sec. 2-26.11. Restrictions on use of land.
Sec. 2-26.12. Possibility of reverter with right of reentry.
Sec. 2-26.13. Release of reverter rights and deed restrictions.

ARTICLE IV.
Purchasing.

Division 1. Purchasing and Contracting Generally.

Sec. 2-27. Definitions.
Sec. 2-28. Office of procurement services; powers and duties of the director as city purchasing agent.
Sec. 2-29. Approval of plans and specifications.
Sec. 2-30. General delegation of contracting authority.
Sec. 2-31. Rules regarding expenditures not exceeding $50,000.
Sec. 2-32. Rules regarding expenditures exceeding $50,000.
Sec. 2-33. Alternative methods of procurement for facility construction.
Sec. 2-34. Personal, professional, and planning services.
Sec. 2-35. Interest on certain late or delayed payments.
Sec. 2-36. Contracts with persons indebted to the city.
Secs. 2-37. thru 2-37.19. Reserved.

Division 2. Sale of Unclaimed and Surplus Property.

Sec. 2-37.2. Authority to sell; deposit of cash.
Sec. 2-37.3. Delivery of unclaimed property to director; use for city purposes.
Sec. 2-37.4. Method of sale.
Sec. 2-37.5. Time and place of sale; notice.
Sec. 2-37.6. Records; reports to the director of finance; proceeds.
Sec. 2-37.7. Destruction of restricted weapons; exceptions.
Sec. 2-37.8. Lien on motor vehicles.
Sec. 2-37.9. Purchase by certain persons prohibited.
Sec. 2-37.10. Authority to sell surplus issue weapons to certain personnel.
Sec. 2-37.11. Authority to sell uniforms to employees.
Sec. 2-37.12. Sales of certain collectible property.
Sec. 2-37.13. Sale of surplus library material.
Sec. 2-37.14. Sale of personal property to other governmental entities.
Sec. 2-37.15. Sale of unclaimed and surplus property at the city store.
Sec. 2-37.16. Sale of surplus city-owned animals.
Sec. 2-37.17. Donation of outdated or surplus firefighting equipment, supplies, and materials.

ARTICLE IV-a.
Office of Economic Development.

Sec. 2-38. Created; director of economic development.
Sec. 2-39. Duties of the director of economic development.
Sec. 2-40. Reserved.

ARTICLE V.

DEPARTMENT OF SUSTAINABLE DEVELOPMENT AND CONSTRUCTION.
Sec. 2-41. Created; director of sustainable development and construction.
Sec. 2-42. Duties of the director of sustainable development and construction.

ARTICLE V-a.

DEPARTMENT OF BUILDING SERVICES.
Sec. 2-43. Created; director of building services.
Sec. 2-44. Duties of the director of building services.
Sec. 2-45. Reserved.

ARTICLE V-b.

DEPARTMENT OF CONVENTION AND EVENT SERVICES.
Sec. 2-46. Created; director of convention and event services.
Sec. 2-47. Duties of the director of convention and event services.

ARTICLE V-c.

DEPARTMENT OF PUBLIC WORKS.
Sec. 2-48. Created; director of public works.
Sec. 2-49. Duties of the director of public works.

ARTICLE V-d.

WATER UTILITIES DEPARTMENT.
Sec. 2-50. Created; director of water utilities.
Sec. 2-51. Duties of the director of water utilities.

ARTICLE V-e.

DEPARTMENT OF PLANNING AND URBAN DESIGN.
Sec. 2-52. Created; chief planning officer.
Sec. 2-53. Duties of the chief planning officer.

ARTICLE V-f.

DEPARTMENT OF EQUIPMENT AND FLEET MANAGEMENT.
Sec. 2-54. Created; director of equipment and fleet management.
Sec. 2-55. Duties of the director of equipment and fleet management.
Secs. 2-56 thru 2-60. Reserved.

ARTICLE VI.

DEPARTMENT OF HUMAN RESOURCES.
Sec. 2-61. Created; director of human resources.
Sec. 2-62. Duties of director of human resources.

ARTICLE VII.

DEPARTMENT OF CODE COMPLIANCE.
Sec. 2-71. Created; director of code compliance.
Sec. 2-72. Duties of the director of code compliance.
ARTICLE VII-a.

OFFICE OF MANAGEMENT SERVICES.

Sec. 2-73. Created; director of management services.
Sec. 2-74. Duties of the director of management services.

ARTICLE VII-b.

RESERVED.

Secs. 2-75 thru 2-75.1. Reserved.

ARTICLE VIII.

RESERVED.

Secs. 2-76 thru 2-80. Reserved.

ARTICLE VIII-a.

CLAIMS AGAINST THE CITY.

Division 1. Tort Claims.

Sec. 2-81. Filing claims against the city.
Sec. 2-82. Handling by city attorney.
Sec. 2-83. Handling by director of risk management.
Sec. 2-84. Payment of a property damage, personal injury, or wrongful death claim without prior city council approval.
Sec. 2-85. Non-waiver of notice of claim.


Sec. 2-86. Notice required for certain breach of contract claims.
Sec. 2-87. Payment of a breach of contract claim without prior city council approval.

Division 3. Miscellaneous Claims, Fines, Penalties, and Sanctions against the City.

Sec. 2-88. Handling and investigation of miscellaneous claims, fines, penalties, and sanctions against the city.
Sec. 2-89. Payment of a miscellaneous claim, fine, penalty, or sanction without prior city council approval.
Secs. 2-90 thru 2-94. Reserved.

ARTICLE IX.

PERMIT AND LICENSE APPEAL BOARD.

Sec. 2-95. Permit and license appeal board - Created; function; terms.
Sec. 2-95.1 Training.
Sec. 2-96. Appeals from actions of department directors.
Sec. 2-97. Resets and continuances of hearings before the permit and license appeal board.
Sec. 2-98. Public notice requirements for hearings on exemptions from locational restrictions.
Sec. 2-99. Appeals to state district court.
Sec. 2-100. Reserved.

ARTICLE X.

PUBLIC ART PROGRAM.

Sec. 2-101. Purpose.
Sec. 2-102. Definitions.
Sec. 2-103. Funding of the public art program.
Sec. 2-104. Uses of monies in public art accounts.
Sec. 2-105. Administration of the public art program - Responsibilities.
ARTICLE XI.

FILLING TEMPORARY VACANCIES.

Sec. 2-118. Designation, appointment and duties of temporary acting and acting city manager.

Sec. 2-119. Designation, appointment and duties of temporary acting and acting department directors; “department director” defined.

ARTICLE XII.

RESERVED.

Secs. 2-120 thru 2-124. Reserved.

ARTICLE XIII.

MARTIN LUTHER KING, JR. COMMUNITY CENTER BOARD.

Sec. 2-125. Definitions.

Sec. 2-126. Created; terms; membership; vacancies.

Sec. 2-127. Functions and duties.

Sec. 2-128. Reserved.

Sec. 2-129. Treatment of budget.

ARTICLE XIV.

SOUTH DALLAS/FAIR PARK OPPORTUNITY FUND BOARD.

Sec. 2-130. South Dallas/Fair Park Opportunity Fund board - Created; terms; membership.

Sec. 2-131. South Dallas/Fair Park Opportunity Fund board - Duties and responsibilities.

Sec. 2-132. Reserved.

ARTICLE XV.

CHIEF FINANCIAL OFFICER.

Sec. 2-133. Position of chief financial officer created.

Sec. 2-134. Duties of the chief financial officer.

ARTICLE XV-a.

CITY CONTROLLER’S OFFICE.

Sec. 2-135. Created; city controller as head of office.

Sec. 2-135.1. Duties of the city controller.

ARTICLE XV-b.

OFFICE OF BUDGET.

Sec. 2-135.2. Created; director of budget.

Sec. 2-135.3. Duties of the director of budget.

ARTICLE XV-c.

OFFICE OF RISK MANAGEMENT.

Sec. 2-135.4. Created; director of risk management.

Sec. 2-135.5. Duties of the director of risk management.

ARTICLE XVI.

DEPARTMENT OF COMMUNICATION AND INFORMATION AND TECHNOLOGY SERVICES.

Sec. 2-136. Created; director of communication and information and technology services.

Sec. 2-137. Duties of director of communication and information and technology services.
ARTICLE XVII.

DEPARTMENT OF SANITATION SERVICES.

Sec. 2-138. Created; director of sanitation services.
Sec. 2-139. Duties of the director of sanitation services.

ARTICLE XVII-a.

DEPARTMENT OF TRANSPORTATION.

Sec. 2-139.1 Created; director of transportation.
Sec. 2-139.2 Duties of the director of transportation.

ARTICLE XVIII.

SENIOR AFFAIRS COMMISSION.

Sec. 2-140. Senior affairs commission - Created; terms; membership; meetings.
Sec. 2-141. Senior affairs commission - Functions.

ARTICLE XIX.

DEPARTMENT OF HOUSING & NEIGHBORHOOD REVITALIZATION.

Sec. 2-142. Created; director of housing & neighborhood revitalization.
Sec. 2-143. Duties of the director of housing & neighborhood revitalization.
Secs. 2-144 thru 2-146. Reserved.

ARTICLE XX.

CITIZEN HOMELESSNESS COMMISSION

Sec. 2-147. Purpose.
Sec. 2-148. Created; membership; terms; meetings.
Sec. 2-149. Duties and functions.

ARTICLE XXI.

COMMUNITY DEVELOPMENT COMMISSION.

Sec. 2-150. Community development commission created.
Sec. 2-151. Duties and functions.
Sec. 2-152. Standards of conduct.

ARTICLE XXI-a.

RESERVED.

Secs. 2-152.1 thru 2-152.2. Reserved.

ARTICLE XXII.

OFFICE OF COMMUNITY POLICE OVERSIGHT.

Sec. 2-153. Purpose.
Sec. 2-154. Created; director/monitor of office of community police oversight.
Sec. 2-154.1. Duties of the director/monitor of the office of community police oversight.

ARTICLE XXIII.

DEPARTMENT OF DALLAS ANIMAL SERVICES.

Sec. 2-155. Created; director of Dallas animal services.
Sec. 2-156. Duties of the director of Dallas animal services.

ARTICLE XXIV.

ANIMAL ADVISORY COMMISSION.

Sec. 2-157. Created; membership; meetings.
Sec. 2-158. Duties and responsibilities.
ARTICLE XXV.

YOUTH COMMISSION

Sec. 2-159. Purpose.
Sec. 2-159.1. Created; membership; terms; meetings.
Sec. 2-160. Duties and responsibilities.

ARTICLE XXVI.

ARTS AND CULTURE ADVISORY COMMISSION.

Sec. 2-161. Arts and culture advisory commission - Created; terms; membership; meetings.
Sec. 2-162. Arts and culture advisory commission - Duties and responsibilities.

ARTICLE XXVI-a.

OFFICE OF CULTURAL AFFAIRS ARTS AND CULTURE.

Sec. 2-162.1 Created; director of cultural affairs arts and culture.
Sec. 2-162.2 Duties of the director of cultural affairs arts and culture.
Sec. 2-162.3 Procurement of cultural services.
Sec. 2-162.4 Contracts for radio station air time required; other radio station contracts.

ARTICLE XXVII.

CIVIL SERVICE BOARD; ADJUNCT MEMBERS; ADMINISTRATIVE LAW JUDGES.

Sec. 2-163. Special qualifications for adjunct members of the civil service board.
Sec. 2-164. Administrative law judges: appointment; qualifications; termination of contract.
Sec. 2-165. Training.
Sec. 2-166. Trial board responsibilities of civil service board members; attendance.

ARTICLE XXVIII.

STORMWATER DRAINAGE UTILITY.

Sec. 2-167. Purpose and creation; adoption of state law; and administration of stormwater drainage utility.
Sec. 2-168. Definitions; stormwater drainage utility rates; exemptions; incentives for residential-benefitted properties; billing and collection procedures.
Sec. 2-169. Service area.

ARTICLE I.

IN GENERAL.

SEC. 2-1. TIME WITHIN WHICH CITY OFFICERS TO DEPOSIT MONEY.

All officers of the city who receive money for or on account of the city in any manner are hereby required to deposit same in the manner prescribed by the chief financial officer. (Code 1941, Art. 19-2; Ord. 29645)

SEC. 2-1.1. ADVANCE PAYMENT OF CERTAIN FEES, CHARGES, AND TAXES REQUIRED; INTEREST ON DELINQUENT ACCOUNTS.

(a) Unless a different time and method of payment is specifically provided by another city ordinance, a city contract, or state or federal law, every fee, charge, or tax required to be paid to the city for any license, permit, right, privilege, property interest, or service must be paid in full to the city before the license, permit, right, privilege, property interest, or service may be issued, granted, conveyed, provided, or renewed.

(b) Except as provided in Subsection (c), any money owed to the city after May 28, 1997 will accrue
simple interest at the rate of 10 percent a year from the
day after the money became due until it is paid in full.

(c) The following types of money owed to the
city are not subject to the interest established in
Subsection (b):

(1) Any fee, charge, or tax upon which the
assessment of interest is prohibited or otherwise
regulated or provided for by another city ordinance or
state or federal law.

(2) A fee, charge, or tax charged or collected
by the city under the specific authority of a state or
federal law, where the assessment of interest is not
provided for in the applicable state or federal law.

(3) A fee or charge for copies, documents,
records, or other information provided by the city
under a request for public information.

(4) Money owed to the city under a contract
that does not specifically provide for the assessment
of interest, that prohibits the assessment of interest, or
that specifically provides another method or rate of
assessing interest.

(5) Money owed under a judgment awarded
to the city.

(6) A criminal or civil fine or penalty.

(d) In this section, “contract” means a contract
required under Section 1, Chapter XXII of the Dallas
City Charter to be signed by the city manager and
approved by the city attorney before it will be
binding on the city.  (Ord. 23135)

SEC. 2-3.  OFFICERS, ETC., OF CITY
NOT TO DEAL IN CITY
WARRANTS OR OBLIGATIONS.

No officer of the city, nor any deputy, clerk or
employee of any such officer, nor any servant or agent
of the city, shall, directly or indirectly, by himself or by
any other for his own or another’s benefit, deal in the
purchase of city warrants, bonds or other obligations
of the city.  (Code 1941, Art. 19-3)

SEC. 2-3.1.  PRESERVATION OF DUTIES,
POWERS, AND FUNCTIONS OF
CITY MANAGER.

(a) Whenever this code, another city ordinance,
or a city council resolution delegates a duty, power, or
function to a specific employee who is responsible to
the city manager, that duty, power, or function may, at
the discretion of the city manager as the chief
administrative and executive officer of the city, also be
performed or exercised by the city manager or by any
assistant city manager or other city employee
designated by the city manager to perform or exercise
that duty, power, or function.

(b) Nothing in Subsection (a) authorizes the city
manager to designate a person to perform or exercise
a duty, power, or function when such a designation
would be inconsistent with the city charter or state
law.  (Ord. 22356)

SEC. 2-4.  REMOVAL FROM OFFICE FOR
MISCONDUCT OR NEGLECT OF
DUTY.

Any officer of the city who shall refuse or
willfully fail or neglect to perform any duty enjoined
upon him by law or ordinance, or shall, in
the discharge of his official duties, be guilty of any fraud,
extortion, oppression, favoritism, partiality or willful
wrong or injustice, is guilty of an offense, and may be
removed from office for malfeasance in office as
provided by the charter and the civil service rules.
(Code 1941, Art. 19-4; 19963)
SEC. 2-5. LABOR UNIONS - CITY EMPLOYEES NOT TO ORGANIZE OR JOIN.

It shall be unlawful for any officer, agent, or employee, or any group of them, of the city to organize a labor union, organization or club of city employees, or to be concerned with or a member thereof, whether such labor union, organization or club is affiliated or not with any local, state, national or international body or organization whose charter, bylaws, rules, custom, policy, or practice govern or control, or has for its purpose the governing or controlling of its members in matter of working time, working conditions, or compensation to be asked or demanded of the city. (Code 1941, Art. 19-6; Ord. Nos. 3392; 5364)

SEC. 2-6. SAME - SAME - INTENT AND PURPOSE OF PROVISION.

It is further the intent and purpose of Section 2-5 to prohibit any officer, agent or employee of the city from becoming a member of any organization, which by its charter, rules, bylaws, practices, policy, or conduct undertakes as a body, or through its representatives, to represent its membership in any bargaining for wages, working conditions, rules of employment or otherwise, or which may as a body, or through its representatives or agents, attempt to influence local or state legislation regarding conditions of employment, wages, hours or other matters affecting their service, directly or indirectly, with the city. (Code 1941, Art. 19-6; Ord. Nos. 3392; 5364)

SEC. 2-7. SAME - SAME - PENALTY FOR VIOLATING PROHIBITIONS.

Any person violating the terms or provisions of Section 2-5 shall be subject to summary dismissal by the city council, board, city manager or officer having power to employ and discharge such officer, agent or employee. (Code 1941, Art. 19-6; Ord. Nos. 3392; 5364)

SEC. 2-8. HEARINGS AND INVESTIGATIONS AS TO CITY AFFAIRS - SUBPOENA POWERS OF PERSON OR BODY CONDUCTING SAME.

In all hearings and investigations that may hereafter be conducted by the city council, the city manager, or any person or committee authorized by either or both of them for the purpose of making investigations as to city affairs, shall for that purpose subpoena witnesses and compel the production of books, papers and other evidence material to such inquiry in the same manner as is now prescribed by the laws of this state for compelling the attendance of witnesses and production of evidence in the corporation court. (Code 1941, Art. 22-1)

SEC. 2-9. SAME - PENALTY FOR FAILURE TO TESTIFY, ETC.

Any person who refuses to be sworn or who refuses to appear to testify or who disobeys any lawful order of the city council, the city manager, or any person or committee authorized by either or both of them, or who fails or refuses to produce any book, paper, document or instrument touching any matter under examination, or who is guilty of any contemptuous conduct during any of the proceedings of the city council, the city manager, or any person or committee authorized by either or both of them in the matter of such investigation or inquiry after being summoned to give or produce testimony in relation to any matter under investigation, is guilty of an offense. (Code 1941, Art. 22-2; 19963)

SEC. 2-10. PROPERTY PURCHASED BY CITY AT TAX SALE - CITY MANAGER TO EXECUTE QUITCLAIM DEED UPON REDEMPTION OF SAME.

In any case where the city has purchased a tax title to any property under tax foreclosure or may
section 2-10 administration section 2-11.1
hereafter become the purchaser of a tax title under foreclosure proceedings or tax collector’s deed, the city manager is authorized and directed to execute a quitclaim deed to such person entitled to redeem the property after such person has paid over to the city the amount of taxes, penalties, interest and costs, including the redemption penalty, if any, as provided for by the charter. (code 1941, art. 22-3)

section 2-11. same - provisions of quitclaim deed.
the quitclaim deed mentioned in section 2-10 shall provide that the city releases, quitclaims and surrenders to the grantee such title or interest as it may have acquired, if any, by virtue of the tax foreclosure proceedings and by virtue of the city becoming the purchaser of the tax title under any tax collector’s, sheriff’s or constable’s sale. it shall further provide that the instrument shall release the tax lien and judgment lien on the property described, securing the taxes for the years for which the judgment was recovered, and shall not in any way affect any taxes not included in the judgment. (code 1941, art. 22-4)

section 2-11.1. sale or release of interests in real property.
(a) any sale of real property or any interest in real property, or the execution of any instrument dealing with or releasing an interest in real property, is sufficient to convey or release such interest when authorized by resolution passed by a majority of the city council and signed by the city manager, or his or her designee, and attested by the city secretary; except that, when such instrument is in effect for a term of not more than one year, is to a city public service franchise holder, and is made for the city’s benefit, then the head of the department concerned is authorized, by permission of the city manager, to execute the instrument conveying a temporary interest in real property. when any instrument states on its face that it is authorized by this section, it is deemed to have been properly authorized and sufficient to convey or release the interest sought to be conveyed or released.

(b) notwithstanding subsection (a), the head of the department concerned, or his or her designee, is authorized, by permission of the city manager, to execute full or partial releases of:

(i) the following notes and liens, upon receipt of any required payment to the city:
(a) a notice of intention to assess for paving;
(b) a mechanic’s and materialman’s lien contract for paving or for water or sewer special assessments;
(c) a street paving certificate;
(d) a demolition lien;
(e) a closure lien;
(f) a lien imposed for civil penalties assessed by the municipal court or the former urban rehabilitation standards board against a structure found to be an urban nuisance;
(g) an abstract of judgment for civil penalties, court costs, and attorney’s fees assessed on property by a court of competent jurisdiction;
(h) a weed cutting lien; and
(i) a promissory note secured by any of the liens described in this subsection; and

(2) a lien on property that, upon investigation, is determined to have been placed in error by the department concerned.

10 dallas city code
§ 2-11.1 Administration

(c) Each release executed under Subsection (b) must refer to this section by number, and this section will be the authority for the release. The release may, but is not required to, be attested by the city secretary. The head of the department concerned shall provide the executed and acknowledged release to the property owner. Unless otherwise required by law or contract, the property owner is responsible for recording the release at his or her expense, except that the head of the department concerned shall promptly file in the official real property records of the county in which the property is located an executed release of any lien placed in error by the department concerned.

(d) All instruments concerning the conveyance or release of an interest in real property heretofore executed pursuant to a resolution of the city council are in all respects ratified and confirmed as the action of the city council the same as though separately authorized by ordinance. (Ord. Nos. 10893; 11424; 16024; 26517)

SEC. 2-11.2. ACCEPTANCE OF CONVEYANCE OR ACQUISITION BY EMINENT DOMAIN WHERE CONSIDERATION IS $10,000 OR LESS.

(a) The city manager is authorized to accept and approve on behalf of the city any legal instrument executed by any person, which grants, gives, conveys, quitclaims, or releases any right in real property, whether such right is fee simple or any lesser title, estate, or right, where the total consideration to be paid by the city for the title, estate, or right is $10,000 or less.

(b) The city manager is authorized to acquire any title, estate, or right in real property by settlement, acceptance of a commissioner’s award, or payment of a court judgment if:

(1) the city council has previously authorized eminent domain proceedings on the real property; and

(2) the total consideration to be paid by the city for the title, estate, or right in the real property is $10,000 or less.

(c) Any such grant, gift, conveyance, quitclaim, release, settlement, acceptance of a commissioner’s award, or payment of a court judgment mentioned in this section must be approved by:

(1) the head of the city department concerned;

(2) the city attorney; and

(3) the city controller, if the amount of cash consideration to be paid by the city exceeds $10. (Ord. Nos. 12734; 15279; 17131; 19875; 20951)

SEC. 2-11.3. REAL PROPERTY ACQUISITIONS WHERE CONSIDERATION EXCEEDS $500,000.

If the consideration to be paid by the city for a proposed acquisition of an interest in real property exceeds $500,000, the city manager must obtain two independent fee appraisals of the real property interest to assist in determining the current market value of the real property interest to be acquired by the city. To the extent allowed by law and after a review of the specific circumstances, the city council may, by resolution, waive the requirement for two independent fee appraisals established under this section and require only one independent fee appraisal instead. (Ord. Nos. 20818; 26804)

SEC. 2-12. LEGAL ADVICE.

Whenever any officer desires legal advice with regard to the performance of his official duties, he shall apply to the city attorney for the same, and be guided by his opinion in the matter. (Code 1941, Art. 19-5)
SEC. 2-13. PUBLIC UTILITIES TO PAY EXPENSE OF OFFICE OF SUPERVISOR OF PUBLIC UTILITIES - GENERALLY.

All expenses and disbursements in connection with the maintenance and operation of the office of supervisor of public utilities, including all salaries of clerks, assistants, engineers, accountants, and the duly appointed supervisor, shall be paid pro rata each month by the public service utilities (exclusive of those operating on an annual flat charge basis), which are subject to supervision by the supervisor of public utilities, under any law, charter provision or franchise requirement. The pro rata contribution of each public service utility shall be in relation to its preceding calendar year gross receipts and shall be a percentage in relation to the calendar year total gross receipts of all such public service utilities (exclusive of those operating on an annual flat charge basis); provided, however, that any direct pro rata contribution exempt by franchise provisions in which a per cent gross receipts tax is provided in lieu of direct contribution to the payment on the salary and expenses and charges of the supervisor of public utilities, and of his assistants and subordinates shall be paid by the city from its general fund and in conformity with required budgetary practice. The Dallas Railway & Terminal Company shall pay a pro rata contribution in the relation that its total gross receipts for the preceding calendar year bears to the calendar year total gross receipts of all such public service utilities (exclusive of those operating on an annual flat charge basis). The moneys collected under this section shall be deposited to the credit of the general fund of the city. (Ord. 6622)

SEC. 2-14. SAME - NOTICE REQUIRED.

All payments due direct from any public service utility shall be made monthly on notice from the supervisor of public utilities and such payment received from public service utilities shall be made to the city and credited to the general fund, to apply on the maintenance and operation expense of the office of supervisor of public utilities. (Ord. 3488)

SEC. 2-15. SAME - “GROSS RECEIPTS” DEFINED.

Gross receipts means such term as is defined by the provisions of the several franchises and shall apply to each utility company only in the manner set forth in the franchise of each such utility. If the term “gross receipts” is not used in the franchise of any utility subject to Section 2-13 then it shall include whatever equivalent term was used. (Ord. 3488)

SEC. 2-16. EMINENT DOMAIN PROCEEDINGS FOR PERSONAL PROPERTY.

(a) When the city council considers it necessary for a public purpose, the city may condemn public or private personal property, located inside or outside the city, for any purpose authorized by state law or the city charter.

(b) The procedures used to condemn personal property will be the same as those provided by state law for the condemnation of real property at the time condemnation proceedings are initiated for the personal property.

(c) The measure of damages for the condemnation of personal property is the local market value of the property at the time of the special commissioners’ hearing, and, when less than the entire property is condemned, any damage to the remaining property. The remainder damage will be measured by the loss, if any, in the market value of the remaining property that is proximately caused by the condemnation, considering the extent of the injury and benefit to the remaining property. The injury or benefit considered must be peculiar to the property owner and must relate to the property owner’s ownership, use, or
enjoyment of the property, but may not include any injury or benefit that the property owner experiences in common with the general community.  (Ord. 25464)

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 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;
§ 2-17.2 Administration § 2-18

(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)
SEC. 2-19. DUTIES.

Under the direction and control of the city attorney, assistant city attorneys shall perform all duties required by the city charter, the Dallas City Code, and any other ordinance or regulation which is enacted by the city council. All powers which are conferred by the city charter on the city attorney may be exercised by assistant city attorneys. (Code 1941, Art. 20-2; Ord. 14995)

SEC. 2-20. COMPENSATION.

Each of the assistant city attorneys shall receive such compensation for his services as may be fixed by the city council at the time of his appointment. (Code 1941, Art. 20-3)

SEC. 2-20.1. GUEST ASSISTANT CITY ATTORNEY PROGRAM.

(a) The city attorney is authorized to conduct a volunteer program known as the guest assistant city attorney program. The purpose of the program is to allow attorneys who are employed by private law firms or organizations that provide pro bono legal services to obtain valuable trial experience on a temporary and voluntary basis while, at the same time, providing a public service that benefits the city and its citizens.

(b) The city attorney may, without further city council approval, enter into arrangements with private law firms and organizations that provide pro bono legal services within the city through which volunteer attorneys are recommended and provided by the law firms and pro bono legal service organizations to perform work in hearing officer’s court, municipal court, and other courts, and to appear before city, state, or federal boards, commissions, and agencies.

(c) To participate in the guest assistant city attorney program, a volunteer attorney:

1. must be approved by the city attorney;
2. pass a conflict of interests check and a background check; and
3. may not owe the city any delinquent taxes, fees, charges, or penalties.

(d) While participating in the guest assistant city attorney program, a volunteer attorney is not an employee of the city, except that, for purposes of the city’s officer and employee liability plan, a volunteer attorney is deemed a plan member under Section 31A-4(5)(D) of this code. The city is not liable for compensation or benefits (including but not limited to workers’ compensation insurance coverage) to be paid to the volunteer attorney during the period of participation in the guest assistant city attorney program. Nothing in this section, or in any other provision of this code, may be construed to require the city to pay a volunteer attorney or the attorney’s firm or organization for services rendered during the period of the volunteer attorney’s participation in the program.

(e) A volunteer attorney, while participating in the guest assistant city attorney program, is subject to the direction of the city attorney and to the direction of any assistant city attorney designated to supervise the volunteer attorney.

1. Guest assistant city attorneys prosecuting cases in municipal court. A volunteer attorney may prosecute cases in the municipal court and perform tasks incidental to work as a municipal prosecutor, if directed by the city attorney. For purposes of this article, the city charter, and Section 45.201 of the Texas Code of Criminal Procedure, as amended, a volunteer attorney participating in the guest assistant city attorney program is deemed an assistant city attorney while carrying out the limited duties of prosecuting cases in municipal court and performing tasks incidental to work as a municipal prosecutor.
§ 2-20.1  Administration § 2-23

(2) Guest assistant city attorneys not prosecuting cases in municipal court. A volunteer attorney may handle cases in hearing officer’s court or other courts, or appear before city, state, or federal boards, commissions, and agencies, and perform tasks incidental to those duties, if directed by the city attorney. For purposes of this article, the city charter, as amended, and any other applicable laws, a volunteer attorney participating in the guest assistant city attorney program is deemed an assistant city attorney while carrying out the limited duties of handling cases in hearing officer’s court and other courts, and appearing before city, state, or federal boards, commissions, and agencies, and performing tasks incidental to those duties.

(f) While participating in the guest assistant city attorney program, a volunteer attorney may not:

(1) perform any legal work for the city other than work described in this section and approved by the city attorney or any assistant city attorney designated to supervise the volunteer attorney; or

(2) represent any person in a lawsuit, claim, or other proceeding to which the city is a party, if the interests of that person are adverse to the interests of the city.

(g) While participating in the guest assistant city attorney program, a private law firm or organization that provides pro bono legal services may not represent any person in a lawsuit, claim, or other proceeding to which the city is a party, if the interests of that person are adverse to the interests of the city.

(h) A volunteer attorney, while participating in the guest assistant city attorney program, is subject to the restrictions of Chapter 12A of this code, as amended. A violation of any provision of Chapter 12A, this section, or a directive of the city attorney or any assistant city attorney designated to supervise the volunteer attorney may result in termination of the volunteer attorney’s participation in the program. The city attorney may also, in the city attorney’s discretion, terminate any arrangement with the private law firm or organizations that provide pro bono legal services that employs a volunteer attorney who commits a violation of any provision described in this subsection.

(Ord. Nos. 24219; 30089)

ARTICLE III.

MANAGEMENT AND SALE OF CITY-OWNED REAL PROPERTY.

Division 1. Generally.

SEC. 2-21. INVENTORY OF REAL PROPERTY.

The city manager shall maintain, as part of the city’s computerized fixed asset system, a descriptive roster of real property owned by the city. (Ord. Nos. 17259; 28684)

SEC. 2-22. EXAMINATION OF NEED.

The city manager shall conduct an annual examination of the need for city-owned real property. In conducting this analysis, the city manager shall consider the city’s real property requirements expressed through master plans for public facilities, including, but not limited to, libraries, water and wastewater, police and fire, district service centers, streets, and parks. If no need currently or prospectively exists as identified by specific master plans, the real property shall be considered unneeded, and the city manager shall report these findings to the city council and, when appropriate, submit an analysis including zoning, land uses, and development potential in the vicinity of the property. (Ord. Nos. 17259; 28684)

SEC. 2-23. DECISION TO SELL.

The city council shall determine whether real property should be offered for sale by the city and whether any limitations should be placed on the future use of the property. (Ord. Nos. 17259; 28684)
SEC. 2-24. PROCEDURES FOR THE SALE OF UNNEEDED REAL PROPERTY BY FORMAL BID OR NEGOTIATION.

(a) In addition to the requirements of Chapter 272 of the Texas Local Government Code, as amended, and except as provided in Subsection (f) of this section, the city manager shall follow the procedures described in this section for the sale of real property other than property used as public right-of-way.

(b) If property has an estimated value of less than $100,000, the city staff shall make an appraisal of the property to determine fair market value. If property has an estimated value of $100,000 or more, the city manager shall obtain an independent appraisal of the property to determine fair market value. The appraisal shall be prepared for the city, and the appraiser shall be selected by the city manager.

(c) In order to publicize the availability of property for sale and to attract the attention of all potential buyers, at least 60 days before initiation of formal bid procedures, the city manager shall:

   (1) prepare a notice of the contemplated offer for sale and descriptive information and send it to:

       (A) all property owners within 200 feet of the property;

       (B) real estate brokers known to be active within the immediate community; and

       (C) neighborhood associations within the immediate community;
Administration

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§ 2-24 Administration

SEC. 2-24.1. PROCEDURES FOR THE SALE OF UNNEEDED REAL PROPERTY BY PUBLIC AUCTION.

(a) Instead of selling real property pursuant to Section 2-24 of this division, the city may sell real property by public auction in accordance with this section and Sections 253.008 and 272.001 of the Texas Local Government Code, as amended.

(b) Before real property is offered for sale at a public auction, the city council, by resolution, shall authorize the sale by public auction and establish a reserve amount for the property that will be the minimum price acceptable to the city for that property.

(c) Notice of a public auction for the sale of real property must be published once a week, for three consecutive weeks before the auction, in a newspaper of general circulation in a county in which the city is located, and, if the real property is located in another county, in a newspaper of general circulation in the county in which the property is located. The first publication of the notice must be before the 20th day before the date of the auction. The notice must include:

(1) the description and location of the real property;

(2) the date, time, and location of the public auction; and

(3) the procedures to be followed at the public auction.

(d) A public auction to sell real property must be conducted in accordance with procedures established by the city manager that are not in conflict with this division, the city charter, Sections 253.008 and 272.001 of the Texas Local Government Code, as amended, or other applicable law.

(e) The procedures required by this section that are not required by state law may be waived or
modified, by city council resolution, with respect to a particular parcel of land. (Ord. 28684)

SEC. 2-25. TYPE OF CONVEYANCE.

The city attorney shall determine the type of conveyance or other instrument to be executed by the city prior to the initiation of formal bid procedures or public auction procedures, and this information may be included in the notice when necessary. (Ord. Nos. 17259; 28684)

SEC. 2-26. BIDDER INFORMATION.

A bidder for the purchase of real property or an interest in real property from the city, whether bidding through formal bid procedures or at a public auction, must state the full name of the prospective purchaser as it should appear in an instrument of conveyance. If a bid is made on behalf of another person, firm, trust, partnership, association, or corporation, disclosure of the facts relating to the agency may be required by the city manager. Failure to furnish the information upon request, before or after bid acceptance, is grounds for rejection of a submitted or accepted bid. (Ord. Nos. 17259; 28684)

SEC. 2-26.1. CITY MANAGER RECOMMENDATION AND AWARD OF SALE.

(a) Formal bid procedures and negotiated sales. After receipt and tabulation of bids using formal bid procedures or after reaching agreement for a negotiated sale under Section 2-24 of this division, the city manager shall make a recommendation to the city council. The city council may act by resolution to award or reject the sale. Upon approval, the city attorney shall prepare and the city manager shall execute an appropriate instrument of conveyance.

(b) Public auction.

(1) After receipt and tabulation of bids at a public auction under Section 2-24.1 of this division, the city manager shall determine whether the highest qualifying bid equals or exceeds the reserve amount established by the city council for the real property.

(2) If the highest qualifying bid at the public auction equals or exceeds the reserve amount established for the property, the city manager may, without further council action, execute with the successful bidder a purchase and sales agreement and an appropriate instrument of conveyance, as prepared by the city attorney.

(3) If the highest qualifying bid is less than the reserve amount established for the property, the city manager shall make a recommendation to the city council, and the city council may, by resolution, accept or reject the sale. Upon approval of a sale by the city council, the city attorney shall prepare and the city manager shall execute a purchase and sales agreement and an appropriate instrument of conveyance.

(4) For purposes of this subsection, “highest qualifying bid,” means the highest bid received from a prospective purchaser who is financially capable of purchasing the property and meets all qualifications established by the city for ownership of the property. (Ord. Nos. 17259; 28684)

SEC. 2-26.2. ABANDONMENT OF PUBLIC RIGHTS-OF-WAY.

(a) Application by property owner. A property owner whose property abuts a public right-of-way may apply to the city manager for abandonment, in whole or in part, of the abutting right-of-way. An application must be accompanied by:

(1) a nonrefundable application fee of $4,250, plus recording fees;
(2) the written concurrence of all persons who own property abutting the area proposed to be abandoned; and 

(3) copies of recorded deeds showing current ownership of all property abutting the area proposed to be abandoned.

(b) Investigation and notice. Upon receipt of an application for abandonment of a public right-of-way, the city manager or the city manager’s designee shall investigate the request and send written notice of the requested abandonment to all affected city departments, all public service franchise holders, and, if the proposed right-of-way abandonment is outside of the central business district freeway loop, then to all persons owning property within 300 feet of the right-of-way proposed to be abandoned.

(c) Date of valuation. The date for establishing the market value of the area proposed to be abandoned is the date the abandonment request is considered by the city council. Any independent appraisal used to establish market value for an abandonment must be performed not more than 180 days before the date on which the city council considers the abandonment request. The city manager or the city manager’s designee may require that a more current independent appraisal be performed at the applicant’s expense if the city manager or the city manager’s designee determines that the market value of the proposed abandonment area has significantly changed since the date of the last independent appraisal.

(d) Market value.

(1) If the estimated abandonment fee, to be established in accordance with Subsection (f), is less than $20,000:

(A) the city staff may use the appraised land value per square foot, as determined by the Dallas Central Appraisal District, of a fee simple interest in a useable tract of an abutting property to determine market value of the area proposed to be abandoned; or

(B) the city manager or the city manager’s designee may obtain an independent appraisal of the property to determine the per-square-foot market value of the area proposed to be abandoned, if the city manager or city manager’s designee has reason to believe the proposed abandonment area has experienced increases in property value.

(2) If the estimated abandonment fee is $20,000 or more, the city manager or the city manager’s designee shall obtain an independent appraisal of the property to determine the per-square-foot market value of the area proposed to be abandoned.

(3) If an independent appraisal is obtained under Paragraph (1)(B) or (2) of this subsection, the proposed abandonment area must be appraised as if it were an assembled portion of the applicant’s abutting property. The applicant shall pay the city the cost of an independent appraisal whether or not the abandonment is approved.

(e) Cases of disputed value. If the first appraisal obtained by the city is disputed by the applicant, the applicant shall obtain a second independent appraisal at the applicant’s expense. If the city manager or the city manager’s designee determines that there is a substantial difference between the two appraisals, the city manager or the city manager’s designee shall engage an independent appraiser to perform a review appraisal, the cost of which must be paid by the applicant. The city manager or the city manager’s designee shall then make a final determination of market value, which will be binding upon both parties.

(f) Fees for abandonment. Before the city council authorizes the abandonment of all or part of a public right-of-way, the applicant shall pay an abandonment fee calculated in accordance with one of the following methods:
§ 2-26.2 Administration

(1) Fee for a street, alley, or storm water management area abandonment: an amount equal to the square footage of the area abandoned x the market value of the area per square foot, or a $5,400 processing fee, whichever is greater. If property rights are retained by the city, the appraiser may, if warranted, discount the market value up to, but not exceeding:

(A) 15% for a full abandonment with any encumbrance or easement retained;

(B) 30% for an air rights abandonment;

(C) 70% for a subsurface rights abandonment; and

(D) 85% for an air rights abandonment deed restricted against use.

(2) Fee for an abandonment of a utility or drainage easement originally dedicated to the city at no cost: $5,400 processing fee, plus $1,000 for each easement in excess of five being abandoned.

(3) Fee for an abandonment of a utility or drainage easement originally purchased by the city: an amount equal to the greatest of:

(A) the square footage of the area abandoned x the market value of the area per square foot x 50%;

(B) the square footage of the area abandoned x the per-square-foot purchase price of the easement when originally purchased by the city; or

(C) a $5,400 processing fee.

(4) Fee for an abandonment of a street, alley, or storm water management area originally dedicated at no cost to the city when the original dedicant applies for abandonment before the sale of abutting property has been made: $5,400 processing fee.

(g) Other abandonment regulations. The following regulations govern abandonment of public rights-of-way when applicable:

(1) If additional property owned by an applicant in the area of the proposed abandonment is needed by the city for public streets or other public purposes, the applicant may be allowed a square foot for square foot credit against the area to be abandoned. If the area dedicated to the city exceeds the area abandoned, the applicant will be charged only a $4,250 application fee, a $5,400 processing fee, and recording fees.

(2) An applicant will not be allowed a credit against the proposed abandonment for the dedication of a utility easement or the conversion of a right-of-way to a utility easement.

(3) An applicant will not be allowed a credit against the proposed abandonment for conversion of a right-of-way to a private street, private alley, or private drive, except when allowed under Subsection (h) of this section.

(4) The fees and procedures specified in this section, except for the processing fees required by Subsections (f), (g)(1), and (h)(4), may be waived or modified for a particular parcel of land upon approval of the city council, unless otherwise provided by another city ordinance, the city charter, or state law.

(h) Abandonment credit for private streets, alleys, and drives.

(1) An applicant will be allowed a credit against the proposed abandonment of a public right-of-way in a residential development if the applicant is a developer who has acquired an area for development and agrees to construct the following or is a homeowner or homeowner association who desires to convert existing public streets and alleys in a development into the following:
(A) private streets and private alleys in an R, R(A), D, D(A), TH, TH(A), CH, or central area district, as defined in the Dallas Development Code, adequate to serve the area’s development, provided that:

(i) each private street or private alley complies with all standards and requirements governing private streets and alleys set forth in Section 51A-4.211 of the Dallas Development Code;

(ii) the applicant obtains a special use permit for each private street or private alley as required by Section 51A-4.211 of the Dallas Development Code;

(iii) the applicant agrees to accept full responsibility for maintenance of each private street or private alley; and

(iv) any existing public street or alley, when converted to a private street or alley, may not be altered except as necessary to maintain the street or alley in the same or better condition;

(B) private drives in an MF or MF(A) district, as defined in the Dallas Development Code, provided that:

(i) each private drive is built to the same specifications as a street dedicated to public use, with a minimum width of 24 feet with no curb requirement, when adjacent to parking, and a minimum width of 20 feet with a curb requirement, when not adjacent to parking; and

(ii) each private drive contains service easements including, but not limited to, utilities, fire lanes, street lighting, government vehicle access, mail collection and delivery access, and utility meter reading access; and

(iii) each private drive contains service easements including, but not limited to, utilities, fire lanes, street lighting, government vehicle access, mail collection and delivery access, and utility meter reading access; and

(iv) only that portion or side of a private drive that abuts property used exclusively for multifamily housing is eligible for the credit.

(2) A private street, private alley, or private drive for which a credit is allowed must be restricted to residential uses only for 40 years from the date of passage of the abandonment ordinance, unless the restriction is sooner removed by ordinance of the city council. If the restriction is removed before the 40-year period expires, the applicant, or the applicant’s heirs, successors, or assigns, shall pay a nonprorated abandonment fee calculated in accordance with the requirements of this section as those requirements existed on the date the abandonment ordinance was originally passed.

(3) If a public right-of-way is abandoned under this subsection to a homeowner association for conversion to a private street, private alley, or private drive, the ordinance authorizing the abandonment must include a provision stating that, if the homeowner association becomes defunct, each individual homeowner, and each homeowner’s heirs,
successors, and assigns, shall become liable for all of the terms and conditions of the abandonment ordinance.

(4) Before the city council authorizes the abandonment of all or part of a public right-of-way for conversion to a private street, private alley, or private drive for which a credit is allowed under this subsection, the applicant shall pay a fee of $5,400 for processing the transaction, plus all applicable application, appraisal, and recording fees. (Ord. Nos. 17642; 18056; 19455; 23345; 24051; 24057; 25048; 25651; 26598; 27980; 28684; 29477, eff. 10/1/14)

SEC. 2-26.3. RESERVED.

(Repealed by Ord. No. 23694)

Division 2. Alternate Manner of Sale of Real Property to Nonprofit Organizations for Affordable Housing.

SEC. 2-26.4. PURPOSE.

(a) It is the intent of the city council in adopting this division to establish, in accordance with Section 253.010 of the Texas Local Government Code, as amended, an alternate manner of sale of tax-foreclosed and seized real property to nonprofit organizations to provide for affordable housing in the city.

(b) Nothing in this division may be construed to require the city council to approve the sale of land to a nonprofit organization, to approve zoning changes for the land, or to provide funding for any proposal submitted under this division. (Ord. Nos. 23713; 24046; 25443)

SEC. 2-26.5. DEFINITIONS.

In this division:

(1) AFFORDABLE HOUSING means:

(A) owner-occupied housing that:

(i) is sold or resold under this division to a low-income individual or family; and

(ii) has a purchase price and an estimated appraised value at acquisition that does not exceed 95 percent of the “HUD 203B” maximum mortgage amounts established and published annually by HUD in Part 203, Title 24 of the Code of Federal Regulations, as amended; or

(B) renter-occupied housing for which housing expenses do not exceed HUD fair market rents, as defined in Part 888, Title 24 of the Code of Federal Regulations, as amended.

(2) DIRECTOR means the director of the department designated by the city manager to administer this division, or the director’s authorized representative.

(3) HUD means the United States Department of Housing and Urban Development.

(4) LAND or PROPERTY means any real property that has been acquired by the city, for itself or as trustee for any other taxing unit, pursuant to Chapters 33 and 34 of the Texas Property Tax Code, as amended, by:

(A) foreclosure of a tax lien; or

(B) seizure.

(5) LAND ASSEMBLY PROGRAM means a city program established by Resolution No. 97-1504, as amended, that provides for the sale of tax-foreclosed
properties to qualified nonprofit organizations for the furtherance of city-approved public purposes.

(6) LOW-INCOME INDIVIDUAL OR FAMILY means an individual or family whose annual income does not exceed 80 percent of the median income for the Dallas Standard Metropolitan Statistical Area, as determined annually by HUD, with adjustments for smaller and larger families.

(7) NONPROFIT ORGANIZATION means:

(A) a nonprofit corporation described by 26 U.S.C. Section 501(c)(3) that:

(i) has been incorporated in the State of Texas for at least one year;

(ii) has a corporate purpose to develop affordable housing that is stated in its articles of incorporation, bylaws, or charter;

(iii) has at least one-fourth of its board of directors residing in the city; and

(iv) engages primarily in the building, repair, rental, or sale of housing for low-income individuals and families; or

(B) a joint venture or partnership between:

(i) a nonprofit corporation organized and existing under the laws of the State of Texas that develops affordable housing for low-income individuals and families as a primary activity to promote community-based revitalization of the city; and

(ii) a nonprofit corporation or other nonprofit legal entity composed of residents of or property owners in the community or neighborhood in which land subject to a purchase proposal under this division is located.

(8) TAXING UNIT means a taxing unit, as defined in Section 1.04(12) of the Texas Property Tax Code, as amended, that is a party to a judgment for delinquent taxes on a property or that has acquired seized property pursuant to a tax warrant. (Ord. Nos. 23713; 24046)

SEC. 2-26.6. ALTERNATE METHOD OF SALE FOR TAX-FORECLOSED OR SEIZED REAL PROPERTY.

(a) Notwithstanding any conflicting provision of Division 1 of this article, land on which a tax lien has been foreclosed in favor of the city or land that has been seized by the city may be sold to a nonprofit organization for the purpose of providing affordable housing in accordance with this division and Section 253.010 of the Texas Local Government Code, as amended. The land may be located anywhere within the corporate city limits, but must be currently zoned for residential use.

(b) Any nonprofit organization purchasing land under this division must develop the land for sale or lease of affordable housing units to low-income individuals and families within three years of obtaining a quitclaim deed from the city. The affordable housing may be single-family or multi-family units.

(c) Subject to approval by the governing bodies of all other affected taxing units, the city council may by resolution:

(1) approve changes to a nonprofit organization’s proposal to develop affordable housing on land purchased from the city under this division, with any material changes being subject to the public hearing requirements set forth in Section 2-26.7; and

(2) extend the three-year development period in which a nonprofit organization is required to construct affordable housing units on land purchased from the city under this division. (Ord. Nos. 23713; 24046; 25443)
SEC. 2-26.7. PURCHASE PROPOSALS BY NONPROFIT ORGANIZATIONS; PROCEDURES AND REQUIREMENTS FOR CITY APPROVAL OR REJECTION OF PROPOSALS.

(a) A nonprofit organization wanting to purchase land under this division must submit a complete proposal to the director and the director of sustainable development and construction. The proposal must include all of the following information:

(1) Evidence that the requestor is a qualified nonprofit organization.

(2) A plan to develop the land as either single-family or multi-family affordable housing for low-income individuals or families in compliance with this code and all other applicable city ordinances and state and federal laws.

(3) A timetable showing the commencement of construction, completion of construction, and occupancy of affordable housing on the land by low-income individuals or families.

(4) Evidence of a citizen participation plan or the approval of area residents of the use of the land by the nonprofit organization.

(5) Identification and sources of the necessary project financing.

(6) Evidence that the requestor is not delinquent in payment to the city of any fees, charges, taxes, or liens, or, if delinquent, has paid at least one-third of the total amount owed and is currently on an approved payout arrangement with the city.

(7) Evidence that the requestor is current on payment of taxes and liens owed to any other affected taxing unit under the Texas Property Tax Code.

(b) At the time of submitting its proposal, the nonprofit organization must also demonstrate to the director’s satisfaction its compliance with approved development plans and timetables for all other property that the nonprofit organization has acquired under this division or under the city’s land assembly program. The city may not consider the proposal of any nonprofit organization that the director finds is not in compliance with the development plans, timetables, this code, or other applicable city ordinances or state or federal laws on other properties acquired under this division or the land assembly program.

(c) If, after investigating the facts set forth in the proposal, the director determines that the nonprofit organization does not meet all requirements for receiving a quitclaim of land under this division, the director shall reject the proposal. The director shall notify the nonprofit organization and the director of sustainable development and construction in writing of the director’s decision. The notice must state the reason the proposal was rejected and that the nonprofit organization may appeal the director’s decision under Section 2-26.14 of this division.

(d) If the director determines that the nonprofit organization meets all requirements for receiving a quitclaim of land under this division, the director shall route the proposal to the affected city departments and taxing units for review. After receiving responses from all affected departments and taxing units, the city manager shall recommend to the city council whether to approve or reject the proposal.

(e) Not less than 10 calendar days before the city council takes action on a proposal submitted under this section or holds a public hearing on a proposal under Subsection (f) of this section, the director shall conspicuously post notice of the proposal on each property that is subject to the proposal. The notice must state that the property will be considered for purchase by a nonprofit organization for the development of affordable housing and provide a telephone number by which the public can obtain more information about the proposal.

(f) The city council shall hold a public hearing before taking action on a proposal submitted by a nonprofit organization described in Section 2-26.5(7)(A). The director shall send written notice of
the public hearing to all owners of real property lying within 200 feet of the boundary of the area subject to the proposal. The measurement of the 200 feet includes streets and alleys. The notice must be given not less than 10 calendar 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. This notice must be written in English and Spanish if the area subject to the proposal is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census. The director shall also give notice of the public hearing in the official newspaper of the city not less than 10 calendar days before the hearing date. After notice of a public hearing has been given, a nonprofit organization may not amend its proposal without city council approval.

(g) A proposal must be adopted by resolution of the city council and by an appropriate act of the governing body of each of the other affected taxing units before any land may be quitclaimed to a nonprofit organization under this division. (Ord. Nos. 23713; 25047; 27697)

SEC. 2-26.8. MULTIPLE PROPOSALS FOR THE SAME LAND.

If two or more nonprofit organizations request the same land, their proposals will be considered as follows:

(1) A nonprofit organization that needs the land as an outparcel to complete development of an affordable housing project will be given first preference to acquire the land.

(2) A nonprofit organization that is certified by the city as a community housing development organization, as that term is defined in Part 92.02, Title 24 of the Code of Federal Regulations, as amended, will be given second preference to acquire the land if the land is located in its neighborhood area of emphasis for the development of affordable housing, as that area is defined in its certification by the city.

(3) If none of the nonprofit organizations is entitled to preference under Subsection (1) or (2) of this section, or if more than one of the nonprofit organizations is entitled to preference under Subsection (1) or (2) of this section, the city council will evaluate the competing proposals for the land and accept the one determined to be in the best interest of the city. (Ord. 23713)

SEC. 2-26.9. PURCHASE PRICE OF LAND.

(a) A nonprofit organization that purchases land under this division shall pay the following amounts to the city for the land:

(1) a fixed price of $1,000 for up to 7,500 square feet of land purchased under a single proposal, plus $0.133 for each additional square foot of land purchased under the proposal, which amounts will be distributed by the city in accordance with Section 34.06 of the Texas Property Tax Code, as amended; and

(2) a sum equal to the actual fees charged by the county clerk for recording in the real property records the sheriff’s deed and the quitclaim deed for the land.

(b) No amount paid under this section may be refunded by the city, even if the land reverts to the city under Section 2-26.12. (Ord. Nos. 23713; 24046)

SEC. 2-26.10. QUITCLAIM DEED.

(a) Upon approval of a proposal under this division by the city council and the governing bodies of all other affected taxing units, the city manager is authorized to execute a quitclaim deed, approved as to form by the city attorney, quitclaiming the land to the nonprofit organization, subject to the possibility of reverter with right of reentry, deed restrictions, and the terms and conditions of this division and the Dallas City Code 25
§ 2-26.10 Administration § 2-26.10

proposal and subject to any redemption rights in the property provided by state law.

(b) The quitclaim deed to the land must contain all of the following:

(1) A copy or summary of the proposal from the nonprofit organization for the land and a requirement that the land be developed by the nonprofit organization in accordance with the proposal and the timetable specified in the proposal.

(2) A possibility of reverter with right of reentry providing that:

(A) the property may revert to the city of Dallas under the conditions set forth in Section 2-26.12 of this division; and

(B) the nonprofit organization and its successors and assigns shall be responsible for removal of all liens and encumbrances against the property that have occurred since the nonprofit organization received the quitclaim deed from the city.

(3) Deed restrictions that:

(A) restrict:

(i) the sale and resale of owner-occupied property to low-income individuals or families for five years after the date the deed from the nonprofit organization to the initial homebuyer is filed in the real property records of the county in which the property is located; and

(ii) the lease or occupancy of any rental property developed on the land to low-income individuals or families for 15 years after the date of initial occupancy of the property;

(B) require the nonprofit organization, for 15 years from the date of initial occupancy of rental property developed on the land, to maintain 50 percent of any multi-family housing units for occupancy by low-income individuals or families as affordable housing;

(C) require the nonprofit organization to develop all proposed housing units on the land in accordance with this code and all applicable city ordinances and state and federal laws within three years after receiving the quitclaim deed to the land, or by the end of any extended development period approved by the city council under Section 2-26.6(c), and to obtain inspections and approval of the housing units by the city before initial occupancy;

(D) require any low-income individual or family who purchases a housing unit on the land or, if a housing unit is not owner-occupied, the nonprofit organization that constructed the rental housing unit to maintain each housing unit and all improvements on the land in accordance with this code and all applicable city ordinances and state and federal laws during the five-year or 15-year affordability period, whichever applies;

(E) require the five-year and 15-year affordability restrictions of this division, whichever applies, to be enforced:

(i) in the case of the initial sale of owner-occupied property, by the nonprofit organization, which must submit to the director verification of income information for the purchasers of the housing unit at least 30 calendar days prior to closing and receive the director’s written approval of the low-income qualifications of that purchaser;

(ii) in the case of subsequent resales of owner-occupied property, by the owner of the housing unit, who must submit verification to the director of income information for a subsequent purchaser at least 30 calendar days prior to closing and receive the director’s written approval of the low-income qualifications of that purchaser; and

(iii) in the case of rental property, by the nonprofit organization, which must submit to the director monthly tenant income and rental information as specified and required by the director and permit the city to conduct annual inspections of rental property for compliance with this code and all
applicable city ordinances and state and federal laws; and

(F) require the nonprofit organization to provide need-based social services to tenants of any rental property developed on the land that contains more than 25 housing units.

(4) An indemnification of the city and other affected taxing units by the nonprofit organization.

(5) A statement and acknowledgement that the property is quitclaimed subject to all redemption rights provided by state law.

(6) Such other terms and conditions as are required by the city for the resale of tax-foreclosed or seized property, whichever applies. (Ord. Nos. 23713; 24046; 25443)

SEC. 2-26.11. RESTRICTIONS ON USE OF LAND.

(a) A nonprofit organization may sell or lease housing units developed on the property only to low-income individuals and families under the terms, conditions, and restrictions of this division and the nonprofit organization’s proposal and quitclaim deed.

(b) Land quitclaimed to a nonprofit organization under this division may be resold to another nonprofit organization prior to development without the property reverting to the city if:

(1) the city manager recommends the resale after reviewing the new proposal submitted in compliance with Section 2-26.7; and

(2) the resale is approved by the city council and the governing bodies of all other affected taxing units.

(c) Land quitclaimed to a nonprofit organization under this division may not otherwise be resold, conveyed, or transferred prior to completion of the development of affordable housing on the land and occupancy of the housing by low-income individuals and families, except that a nonprofit organization may grant a security interest in the property for purposes of developing the land, subject to the city’s possibility of reverter with right of reentry and the terms, conditions, and restrictions of this division and the nonprofit organization’s proposal and quitclaim deed. (Ord. 23713)

SEC. 2-26.12. POSSIBILITY OF REVERTER WITH RIGHT OF REENTRY.

(a) Land acquired by a nonprofit organization under this division may revert to the city if the director determines that the nonprofit organization:

(1) has failed to take possession of the land within 90 calendar days after receiving the quitclaim deed to the land;

(2) has failed to complete construction of affordable housing on the land within three years after receiving the quitclaim deed to the land, or by the end of any extended development period approved by the city council under Section 2-26.6(c);

(3) is not developing the land in compliance with the timetable specified in the nonprofit organization’s proposal;

(4) is unable to develop the land in compliance with its proposal because a request for a zoning change has been denied;

(5) has incurred a lien on the property because of violations of this code or other city ordinances within three years after receiving the quitclaim deed to the land; or

(6) has sold, conveyed, or transferred the land without the consent of the city and other affected taxing units within three years after receiving the quitclaim deed to the land.

(b) Upon determination by the director that a condition described in Subsection (a) of this section has occurred, the city manager is authorized to execute
an instrument, approved as to form by the city attorney, exercising against the land the city’s possibility of reverter with right to reentry.

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

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

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

SEC. 2-26.14. APPEALS.

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

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

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

ARTICLE IV.

PURCHASING.

Division 1. Purchasing and Contracting Generally.

SEC. 2-27. DEFINITIONS.

In this article:

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

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

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

(4) DIRECTOR means the director of the department designated by the city manager to
administer this chapter or the director's authorized representatives.

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

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

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

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

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

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

(B) telecommunications equipment and radio and microwave systems;

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

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

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

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

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

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

(14) PRINCIPAL PLACE OF BUSINESS means:

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

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

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

(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 PROCUREMENT SERVICES; POWERS AND DUTIES OF THE DIRECTOR AS CITY PURCHASING AGENT.

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

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

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

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

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

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

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

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

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

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

If the director determines that preparation of plans and specifications is necessary and practical for the purchase of goods, general services, or facility construction, the director shall require the preparation of the plans and specifications in cooperation with the department concerned. The plans and specifications must be approved by both the director and the director of the department concerned. If the plans and specifications are approved, the director shall keep a copy of the plans and specifications on file in the director’s office and make the copy available for public inspection for five years after the date of approval of the plans and specifications. Subject to state law requirements governing the retention and disposal of records, the director may dispose of any plans and specifications that have been on file in the director’s office longer than five years after the date of their approval. (Ord. Nos. 12755; 13104; 14885; 17700; 18850; 19312; 20061; 24243; 25819; 30828)

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

(a) Pursuant to Chapter XXII, Section 2(b) of the city charter, the city council shall, by ordinance, establish rules under which a contract may be let without city council approval. This section is established for that purpose. To the extent that this section, the city charter, or another provision of this code does not delegate approval authority for a particular contract, contract amendment, or other legal instrument, it is presumed that the contract, contract amendment, or other legal instrument must be approved by the city council.

(b) This section may not be construed to delegate authority to approve, without city council action, any contract, contract amendment, or other legal instrument that is required by state law to be approved by the city council.

(c) This section does not apply to:
§ 2-30 Administration

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

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

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

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

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

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

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

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

(3) A change order to a contract required by state law to be procured through competitive bid, competitive sealed proposal, or an alternative delivery method that increases or decreases the contract price by $50,000 or less, provided that the original contract price may never be increased by more than 25 percent. This paragraph does not delegate authority to the city manager to approve a change order amending a contract provision or a specification for the purpose of altering an existing payment schedule, payment method, time or date of payment, or interest rate on a payment, regardless of whether the payment obligation under the contract belongs to the contractor or the city and regardless of the amount of the increase or decrease in the contract price.

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

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

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

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

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

(7) The exercise of a renewal option of a contract not required by state law to be procured through competitive bid or competitive sealed proposal, if the city expenditure required during the renewal term does not exceed $50,000.
§ 2-30 Administration § 2-31

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

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

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

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

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

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

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

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

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

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

(f) The director may use a service order for minor services under $3,000, including mail and delivery services, repair, restoration, and remediation.
services necessary for a timely and efficient response to equipment failure or facility damage. (Ord. Nos. 12755; 13104; 14885; 15279; 16801; 17777; 18850; 19312; 20061; 22434; 24243; 25819; 28705; 30828)

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) If the purchase is for facility construction, and an alternative delivery method is not being used, the director shall present to the city manager a recommendation. The city manager shall then present a recommendation to the city council. If, in the judgment of the city council, no bid, proposal, or other offer is satisfactory or it is in the best interest of the city, then the city council may reject all bids. All recommendations and determinations under this subsection must be made according to the criteria set out in Chapter 2269 of the Texas Government Code, as amended.

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

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

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

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

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

(e) Competitive sealed proposals. For the purchase of goods and general services (including but not limited to community development items, high technology items, and insurance) requiring a city expenditure exceeding $50,000, the director may
follow the competitive sealed proposal procedures authorized in this division and in Chapter 252, Texas Local Government Code, as amended. If the director chooses not to follow the competitive sealed proposal process, the purchase must be competitively bid as required by this division and by Chapter 252, Texas Local Government Code, as amended.

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

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

(h) **Local preferences.**

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

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

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

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

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

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

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

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

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

(Ord. Nos. 24243; 25819; 28705; 30828)
§ 2-33. ALTERNATIVE METHODS OF PROCUREMENT FOR FACILITY CONSTRUCTION.

(a) The city council finds that, in general, the methods of procuring a contractor to perform facility construction established in Chapter 2269, Texas Government Code, as amended, provide a better value for the city than the methods set forth in Chapter 252, Texas Local Government Code, as amended. The provisions of Chapter 2269, Texas Government Code, as amended, are therefore adopted for use in procuring a contract for facility construction, superseding any conflicting provisions in the city charter.

(b) The city manager is authorized, in accordance with Chapter 2269, Texas Government Code, as amended, to choose which method of contractor selection provides the best value for the city on each facility construction project, subject to the applicable provisions of Sections 2-30 through 2-32 of this division. The city manager may, by administrative directive, establish procedures for choosing the method of contractor selection and to conduct the selection process, to the extent the procedures do not conflict with state law or Sections 2-30 through 2-32 of this division.

(c) If, in the case of an individual facility construction project, the city manager finds that there is better value in following the methods of procurement authorized in Chapter 252, Texas Local Government Code, as amended, the city manager is authorized to secure a contractor in accordance with the rules of that state law. If the procedures of Chapter 252, Texas Local Government Code, as amended, are used to procure a facility construction contract, the award of the contract must be to the lowest responsible bidder or to a local business when allowed under Section 2-32(h) of this division. The rules of Section 2-32(b) and (c) of this division also apply to an award made under this subsection. (Ord. Nos. 25819; 28705; 30828)

§ 2-34. PERSONAL, PROFESSIONAL, AND PLANNING SERVICES.

Personal, professional, or planning services must be procured, regardless of who approves the contract, in accordance with applicable state law and through procedures established by the city manager or a designee that are not in conflict with this article or applicable state law. (Ord. Nos. 24243; 25819)

§ 2-35. INTEREST ON CERTAIN LATE OR DELAYED PAYMENTS.

Unless otherwise authorized by the city council, at the request of the city manager, no contractor of the city is entitled to interest on any late or delayed payment that is caused by any good faith claim or dispute in connection with the contract, or that the city has a right or obligation to withhold under the contract or state or federal law, nor is any contractor entitled to attorney’s fees in any dispute to collect such payments. (Ord. Nos. 18850; 19312; 20061; 22434; 24243; 25819)

§ 2-36. CONTRACTS WITH PERSONS INDEBTED TO THE CITY.

(a) Except as provided in Subsection (b), a bidder, proposer, or other person interested in receiving the award of a contract from the city or entering into any other transaction with the city shall be deemed nonresponsible and shall be denied any contract or other transaction with the city if that
§ 2-36 Administration

bidd[...], proposer, or other person is indebted to the city or is delinquent in any payment owed to the city under a contract or other legal obligation.

(b) Disqualification under Subsection (a) of a bidder, proposer, or other person interested in contracting with or entering into a transaction with the city may be waived by the city council, after a review of the specific circumstances, if the waiver is deemed to be in the best interest of the city. (Ord. 25819)

SECS. 2-37 THRU 2-37.1.9. RESERVED.

(Ord. Nos. 21856; 24243; 25819)

Division 2. Sale of Unclaimed and Surplus Property.

SEC. 2-37.2. AUTHORITY TO SELL; DEPOSIT OF CASH.

(a) The following property may be sold by the city in the manner provided in this article:

(1) abandoned, stolen, or recovered property, except motor vehicles, that remain unclaimed with the city for 60 days, whether or not the owner is known;

(2) abandoned, stolen, or recovered motor vehicles that remain unclaimed with the city for 30 days, whether or not the owner is known;

(3) personal property owned by the city that has been declared surplus, obsolete, worn out, or useless by the head of a department and that is no longer needed for public use; except that microcomputer equipment and software covered by the microcomputer executive plan policy must be disposed of in accordance with that policy; and

(4) city-owned firearms and firearm accessories and ammunition that the chief of police has declared surplus or obsolete and has recommended for use as trade-ins on new property of the same general type.

(b) Property listed in Subsection (a)(4) may be traded only to a person holding a federal firearms license.

(c) Items of personal property, the sale of which is restricted by criminal law, may only be sold by the city if the sale is in accordance with all applicable provisions of the law containing the restrictions.

(d) Cash money that is abandoned, stolen, or recovered, that remains unclaimed with the police department for 60 days, and that is not being held for evidence, whether or not the owner is known, must be deposited in the general fund of the city unless the money is of collector quality. Money of collector quality may be sold as other personal property. (Ord. Nos. 15519; 18201; 18212; 19312; 21877; 22153; 27865; 29478, eff. 10/1/14)

SEC. 2-37.3. DELIVERY OF UNCLAIMED PROPERTY TO DIRECTOR; USE FOR CITY PURPOSES.

(a) The chief of police or the director of the department holding property shall give the director a list of all unclaimed property subject to sale under this article and shall deliver the listed property, except motor vehicles, to the director before the date of sale. The director shall give the chief of police or other department director a receipt which indicates in detail all property delivered. The chief of police shall retain custody of motor vehicles until a sale is made.

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

SEC. 2-37.4. METHOD OF SALE.

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

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

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

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

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

(4) All notification and other requirements of Chapter 683, Texas Transportation Code, as amended, that are applicable to the disposal of abandoned motor vehicles must be met.

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

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

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

(1) cash money;

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

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

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

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

(g) If the highest bid for property is $20,000 or less (or the equivalent in trade-in value when applicable), the property may be sold to the highest bidder by the director subject to the approval of the
city manager. If the highest bid for property is more than $20,000 (or the equivalent in trade-in value when applicable), the sale to the highest bidder must be confirmed by the city council.

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

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

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

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

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

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

(b) The notice must contain the time and place of auction, acceptance, or sale and a general listing of the property to be sold. (Ord. Nos. 15519; 17672; 19312)

SEC. 2-37.6. RECORDS; REPORTS TO THE DIRECTOR OF FINANCE; PROCEEDS.

(a) The director shall keep accurate records of all sales and shall submit reports to the director of finance containing:

(1) the time, place, and method 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.

(b) The director shall keep sales tickets covering each transaction for 30 months, at which time they may be destroyed.

(c) The director shall deposit all proceeds received for sales to the credit of the appropriate fund. (Ord. Nos. 15519; 17672; 19312; 21877)

SEC. 2-37.7. DESTRUCTION OF RESTRICTED WEAPONS; EXCEPTIONS.

(a) All clubs, explosive weapons, firearm silencers, handguns, illegal knives, knuckles, shotguns, rifles, semi-automatic assault weapons, machine guns, and short-barrel firearms that are abandoned, stolen, or recovered and remain unclaimed with the police department for six months and are not being held for evidence, or that are owned by the city and have been declared surplus or obsolete by the chief of police, must be destroyed in the presence of:

(1) three police officers of the rank of lieutenant or higher; or

(2) one police officer of the rank of lieutenant or higher, a representative of the city council, and a representative of the crime commission; or
(3) two police officers of the rank of lieutenant or higher and a representative of the city council or crime commission.

(b) The witnesses shall make a report under oath to the city council, listing the make, model, type, and serial number of the weapons destroyed and stating the time, date, place, and manner of destruction.

(c) This requirement of destruction does not apply to:

(1) handguns or other restricted firearms that the chief of police has determined to be serviceable, which shall be kept in reserve by the police department for use in the event of civil disorder or disaster;

(2) city-owned firearms or firearm accessories or ammunition that the chief of police has declared surplus or obsolete and has recommended for use as trade-ins on new property of the same general type; or

(3) handguns or other restricted firearms that the chief of police has determined are required for training purposes or other law enforcement activities, or whose parts are needed for repair of departmental weapons. (Ord. Nos. 15519; 17386; 18201; 18212; 19312; 20044; 22153)

SEC. 2-37.8. LIEN ON MOTOR VEHICLES.

The city shall have a lien on all motor vehicles taken into custody for the actual towing expense, storage charges, and service fee as provided in Section 28-4 of this code and for an administrative fee of $150, plus any reasonable attorney’s expenses, if the motor vehicle is processed for auctioning. This lien is superior to all other liens and claims except liens for ad valorem taxes and may be satisfied by sale of the motor vehicle. (Ord. Nos. 15519; 16287; 17547; 19312; 20044; 22153)

SEC. 2-37.9. PURCHASE BY CERTAIN PERSONS PROHIBITED.

(a) The following persons shall not, directly or indirectly, submit a bid for, purchase, or acquire ownership of, personal property sold pursuant to the provisions of this article:

(1) City employees who work in the city manager’s office or in the department designated by the city manager to enforce and administer this article.

(2) The person who determines that the property is surplus, obsolete, worn out, or useless.

(3) City officials, as defined in Paragraph 12A-2(24) of the Dallas City Code.

(4) Former city officials, as defined in Paragraph 12A-2(20) of the Dallas City Code, for one year after their term of office ends.

(b) In addition to other penalties, a person who violates this section forfeits his employment. (Ord. Nos. 15519; 17672; 19312; 30391)

SEC. 2-37.10. AUTHORITY TO SELL SURPLUS ISSUE WEAPONS TO CERTAIN PERSONNEL.

(a) Upon recommendation of the chief of police, the director shall sell to a police officer, park ranger, retired police officer, retired police reserve officer, retired park ranger, or retired security officer a weapon that was issued to the officer if the weapon is surplus, obsolete, worn out, or useless property.

(b) Upon recommendation of the municipal court administrator, the director shall sell to a retired city marshal or retired deputy city marshal a weapon that was issued to the city marshal or deputy city marshal if the weapon is surplus, obsolete, worn out, or useless property.
§ 2-37.10 Administration

§ 2-37.12

(c) Upon recommendation of the fire chief, the director shall sell to a retired fire investigator who is a certified peace officer a weapon that was issued to the officer if the weapon is surplus, obsolete, worn out, or useless property.

(d) An officer is not “retired” for purposes of this section unless the officer:

(1) receives a disability pension;

(2) has vested rights in a retirement pension and has completed 10 years of service in the department; or

(3) has completed 20 years of service in the city as a police reserve officer.

(e) The price of a weapon sold under this section shall be its fair market value as determined by the director or its original cost depreciated by five percent a year, whichever amount is less. In no event may a weapon be sold for less than $25. If a weapon is sold under this section for less than its fair market value, the difference between the purchase price and the fair market value shall be considered as part of the officer’s agreed compensation for services provided to the city.

(f) The director shall treat all funds received for sales under this section the same as other funds received for sales under this article. (Ord. Nos. 17672; 19312; 19679; 20910)

SEC. 2-37.11. AUTHORITY TO SELL UNIFORMS TO EMPLOYEES.

(a) The director may sell to a city employee any uniform or portion of a uniform worn by the employee if the uniform or portion of the uniform is surplus, obsolete, worn out, or useless property.

(b) For purposes of this section, “uniform” means clothing of a distinctive design or fashion issued by the city to the employee and required to be worn by the employee while on the job. The term “uniform” includes hats, helmets, shirts, badges, pants, coats, shoes, and boots, but does not include weapons or equipment.

(c) The price of any uniform or portion of a uniform sold under this section shall be not less than its fair market value as determined by the director.

(d) The director shall treat all funds received for sales under this section the same as other funds received for sales under this article. (Ord. Nos. 17672; 19312)

SEC. 2-37.12. SALES OF CERTAIN COLLECTIBLE PROPERTY.

(a) In this chapter:

(1) COLLECTIBLE PROPERTY means an item of personal property owned by the city under the care and control of the Dallas Museum of Art originally acquired for exhibition, collection, or study, including, but not limited to, any work of art, antique, memorabilia, rare object, art education material or display, or other item of lasting interest or value.

(2) CULTURAL AFFAIRS DIRECTOR means the director of the office of cultural affairs of the city or a designated representative.

(b) Collectible property owned by the city under the care and control of the Dallas Museum of Art may be sold, exchanged, or otherwise disposed of in accordance with this section.

(c) All sales of collectible property must be under the direction and control of the cultural affairs director, who shall function for this purpose in the place of the director.

(d) The cultural affairs director shall sell, exchange, or otherwise dispose of particular collectible property designated for sale by the Dallas Museum of Art by one of the following methods:

(1) public auction;

(a) In this chapter:

(1) ARTS AND CULTURE DIRECTOR means the director of the office of arts and culture of
the city or a designated representative.

(2) COLLECTIBLE PROPERTY means an item of personal property owned by the city under the care and control of the Dallas Museum of Art originally acquired for exhibition, collection, or study, including, but not limited to, any work of art, antique, memorabilia, rare object, art education material or display, or other item of lasting interest or value.

(b) Collectible property owned by the city under the care and control of the Dallas Museum of Art may be sold, exchanged, or otherwise disposed of in accordance with this section.

(c) All sales of collectible property must be under the direction and control of the arts and culture director, who shall function for this purpose in the place of the director.

(d) The arts and culture director shall sell, exchange, or otherwise dispose of particular collectible property designated for sale by the Dallas Museum of Art by one of the following methods:

(1) public auction;
§ 2-37.12 Administration § 2-37.14

(2) silent auction (public sale by unsealed written bids); or

(3) sale by sealed bids from one or more interested persons.

(e) A sale of collectible property may be held at any city, place, or location determined advisable by the cultural affairs director.

(f) The cultural affairs director may accept collectible property of at least like value in exchange for collectible property if, in the judgment of the cultural affairs director, it is in the interest of the city to do so, and if an offer of exchange constitutes the highest bid for collectible property to be sold.

(g) The cultural affairs director shall sell collectible property to the highest bidder. The cultural affairs director's decision as to the sufficiency and acceptance of the highest bid is final and no further approval is required.

(h) The cultural affairs director shall deposit all proceeds received for the sale of collectible property to the credit of a fund designated for that purpose.

(i) Proceeds of a sale of collectible property must be used by the Dallas Museum of Art to purchase other collectible property, such acquisition being of similar type and identified in the name of the original donor whenever feasible. Proceeds of an exchange will be placed directly in the collection of the Dallas Museum of Art.

(j) The Dallas Museum of Art will preserve in its permanent files a record of all collectible property sold or exchanged and will record the source of funds or collectible property used to acquire other collectible property with proceeds of a sale or an exchange.

(k) The cultural affairs director shall follow the notice and record keeping requirements of Sections 2-37.5 and 2-37.6.

(2) silent auction (public sale by unsealed written bids); or

(3) sale by sealed bids from one or more interested persons.

(e) A sale of collectible property may be held at any city, place, or location determined advisable by the arts and culture director.

(f) The arts and culture director may accept collectible property of at least like value in exchange for collectible property if, in the judgment of the arts and culture director, it is in the interest of the city to do so, and if an offer of exchange constitutes the highest bid for collectible property to be sold.

(g) The arts and culture director shall sell collectible property to the highest bidder. The arts and culture director's decision as to the sufficiency and acceptance of the highest bid is final and no further approval is required.

(h) The arts and culture director shall deposit all proceeds received from the sale of collectible property to the credit of a fund designated for that purpose.

(i) Proceeds of a sale of collectible property must be used by the Dallas Museum of Art to purchase other collectible property, such acquisition being of similar type and identified in the name of the original donor whenever feasible. Proceeds of an exchange will be placed directly in the collection of the Dallas Museum of Art.

(j) The Dallas Museum of Art will preserve in its permanent files a record of all collectible property sold or exchanged and will record the source of funds or collectible property used to acquire other collectible property with proceeds of a sale or an exchange.

(k) The arts and culture director shall follow the notice and record keeping requirements of Sections 2-37.5 and 2-37.6. (Ord. Nos. 17815; 19312; 21421; 22026; 23694; 31049; 31333, eff. 10/1/19)
SEC. 2-37.13. SALE OF SURPLUS LIBRARY MATERIAL.

(a) In this section:

(1) SURPLUS LIBRARY MATERIAL means books, magazines, records, films, and any other audio or visual material no longer needed by a public library. The term does not include furnishings, equipment, or other capital assets.

(2) LIBRARY DIRECTOR means the director of the municipal library department of the city.

(b) Surplus library material owned by the city may be sold, exchanged, or otherwise disposed of in accordance with this section.

(c) The library director shall, in the place of the director, direct and control the sale, exchange, or other disposition of surplus library material.

(d) Surplus library material shall be sold or exchanged at its present market value. The library director shall appoint a qualified appraiser to determine the present market value of the surplus library material.

(e) The library director shall deposit all proceeds received from the sale of surplus library material in a fund designated for that purpose.

(f) Proceeds from the sale of surplus library material shall be used to purchase other library material. (Ord. Nos. 18623; 19312)

SEC. 2-37.14. SALE OF PERSONAL PROPERTY TO OTHER GOVERNMENTAL ENTITIES.

(a) The director may approve the intermittent sale of personal property from city inventories to a
§ 2-37.14 Administration

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.
(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)

SEC. 2-37.17. DONATION OF OUTDATED OR SURPLUS FIREFIGHTING EQUIPMENT, SUPPLIES, AND MATERIALS.

(a) In lieu of conducting a sale under other provisions of this division, the city council, by resolution, may donate outdated or surplus equipment, supplies, and other materials used in fighting fires to:

1. an underdeveloped country, pursuant to Article 3, Section 52h of the Texas Constitution; or

2. the Texas Forest Service or a successor agency authorized to cooperate in the development of rural fire protection plans, pursuant to Article 3, Section 52i of the Texas Constitution. (Ord. 25511)

ARTICLE IV-a.
OFFICE OF ECONOMIC DEVELOPMENT.

SEC. 2-38. CREATED; DIRECTOR OF ECONOMIC DEVELOPMENT.

There is hereby created a division of the city manager’s office to be known as the office of economic development of the city, the head of which shall be the director of economic development who shall be appointed by the city manager. The office of economic development will be composed of the director of economic development and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. 25834)

SEC. 2-39. DUTIES OF THE DIRECTOR OF ECONOMIC DEVELOPMENT.

(a) The director of economic development shall perform the following duties:
§ 2-39 Administration

(1) Supervise and administer the office of economic development.

(2) Represent the city in negotiating contracts with private developers for joint venture projects or development incentives.

(3) Plan and supervise the city’s efforts to attract and retain businesses.

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

(5) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. 25834)

SEC. 2-40. RESERVED.

ARTICLE V.

DEPARTMENT OF SUSTAINABLE DEVELOPMENT AND CONSTRUCTION.

SEC. 2-41. CREATED; DIRECTOR OF SUSTAINABLE DEVELOPMENT AND CONSTRUCTION.

There is hereby created the department of sustainable development and construction of the city, the head of which shall be the director of sustainable development and construction who shall be appointed by the city manager. The department of sustainable development and construction will be composed of the director of sustainable development and construction and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. Nos. 25047; 27697)

SEC. 2-42. DUTIES OF THE DIRECTOR OF SUSTAINABLE DEVELOPMENT AND CONSTRUCTION.

(a) The director of sustainable development and construction shall perform the following duties:

(1) Supervise and administer the department of sustainable development and construction.

(2) Supervise the purchase and sale of all real property of the city.

(3) Manage real property under the director’s supervision including approval of short term month-to-month leases.

(4) Determine pursuant to the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970 the public necessity for the acquisition of real property, when the property is purchased in whole or in part with community development grant funds.

(5) Add to, delete from, modify or otherwise specify the property area determined to be acquired with community development funds.

(6) Solicit proposals from independent appraisers for the furnishing of appraisals of real property when appropriate.

(7) Advise the city manager, in cooperation with the chief planning officer and others designated by the city manager, on matters affecting the urban design and physical development of the city.

(8) Participate with the chief planning officer in developing and recommending to the city manager a comprehensive plan for the city.

(9) Participate with the chief planning officer in reviewing and making recommendations
§ 2-42 Administration § 2-44

regarding proposed actions implementing the comprehensive plan.

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

(11) Administer the regulations governing the subdivision and platting of land in accordance with state and local laws.

(12) Participate in the planning relating to urban redevelopment, urban rehabilitation, and conservation intended to alleviate or prevent slums, obsolescence, blight, or other conditions of urban deterioration.

(13) Give advice and provide staff assistance to the board of adjustment and the plan commission in the exercise of their responsibilities.

(14) Serve as secretary to the landmark commission.

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

(16) Supervise the engineering and construction of the storm sewers and storm drainage systems when the work is being done by a private developer.

(17) Administer, implement, and enforce city regulations relating to the construction of public water and wastewater infrastructure improvements by private developers.

(18) Provide for the administration, implementation, and enforcement of the city’s construction codes.

(19) Perform plan reviews and inspections for new construction and renovation of fixed facilities for food products establishments.

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

(b) Whenever the directors of property management, planning and development, and development services are referred to in any city ordinance or resolution or in any contract, license, permit, franchise, or other agreement granted or executed by the city, those terms mean the director of sustainable development and construction. (Ord. Nos. 25047; 25834; 27697; 29478)

ARTICLE V-a.

DEPARTMENT OF BUILDING SERVICES.

SEC. 2-43. CREATED; DIRECTOR OF BUILDING SERVICES.

There is hereby created the department of building services of the city of Dallas, at the head of which shall be the director of building 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 building services and other assistants and employees the city council may provide by ordinance upon recommendation by the city manager. (Ord. Nos. 23694; 30994)

SEC. 2-44. DUTIES OF THE DIRECTOR OF BUILDING SERVICES.

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

(1) Supervise and administer the department of building services.
(2) Have responsibility for the design, construction, operation, maintenance, repair, renovation, and expansion of all public buildings belonging to or used by the city, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.

(3) Provide for the maintenance and upkeep of the grounds around all public buildings, 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 or resolution of the city council. (Ord. Nos. 23694; 30239; 30994)

SEC. 2-45. RESERVEd.

(Repealed by Ord. 19312)

ARTICLE V-b.

DEPARTMENT OF CONVENTION AND EVENT SERVICES.

SEC. 2-46. CREATED; DIRECTOR OF CONVENTION AND EVENT SERVICES.

There is hereby created the department of convention and event services of the city, the head of which shall be the director of convention and event services who shall be appointed by the city manager. The department shall be composed of the director of convention and event services and such other assistants and employees as the city council may provide upon recommendation of the city manager. (Ord. Nos. 14216; 17226; 22026; 23694; 24053)

SEC. 2-47. DUTIES OF THE DIRECTOR OF CONVENTION AND EVENT SERVICES.

(a) The director of convention and event services shall perform the following duties:

(1) Supervise and administer the department of convention and event services.

(2) Supervise and manage the facilities of the convention center, reunion arena, the municipal produce market, Union Station, and other facilities of the city as designated by the city manager or by ordinance or resolution of the city council.

(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 any other facility under the management of the director of convention and event services. (Ord. Nos. 14216; 17226; 22026; 23694; 24053; 31049)

ARTICLE V-c.

DEPARTMENT OF PUBLIC WORKS.

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, wastewater (municipal and industrial), and storm drainage systems, mains, pump stations, filtration plants, sanitary wastewater treatment plants, reservoirs and all plants, properties, and appliances incident to the operation of the water, wastewater (municipal and industrial), storm drainage utilities of the city.

(2) Make recommendations to the city manager concerning the need for acquisition of additional water rights, appear before the Texas Commission on Environmental Quality, 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 recommendation to the city manager concerning the need for expansion and improvements of the stormwater drainage system, floodplain and drainage management, and maintenance and repairs of the Dallas Floodway Levee System.

(5) Conduct negotiations with federal, state, and local agencies regarding wastewater and stormwater legislation and permitting.

(6) 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 or stormwater systems and facilities, treatment plants, reservoirs, appurtenances, facilities, and land owned and operated by the water utilities department.

(7) Supervise and administer special collections.

(8) Provide for flood protection and education.

(9) Provide for the implementation of the Trinity River Corridor project.

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

(Ord. Nos. 14215; 27697; 30675; 30994)
§ 2-52 Administration § 2-55

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 the city manager. The department of planning and urban design will be composed of the chief planning officer and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. Nos. 29478; 29882)

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) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 29478; 29882; 30239)

ARTICLE V-f.
DEPARTMENT OF EQUIPMENT AND FLEET MANAGEMENT.

SEC. 2-54. CREATED; DIRECTOR OF EQUIPMENT AND FLEET MANAGEMENT.

There is hereby created the department of equipment and fleet management of the city of Dallas, at the head of which shall be the director of equipment and fleet management who shall be appointed by the city manager. The department will be composed of the director of equipment and fleet management and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. 30994)

SEC. 2-55. DUTIES OF THE DIRECTOR OF EQUIPMENT AND FLEET MANAGEMENT.

The director of equipment and fleet management shall perform the following duties:

(1) Supervise and administer the department of equipment and fleet management.

(2) Maintain and repair all automotive and heavy motor-driven equipment owned by the city and used in municipal operations, except as otherwise provided by the city manager.
(3) Maintain an inventory control over all automotive and heavy motor-driven equipment and parts owned by the city, except as otherwise provided by the city manager, and make reports as may be required by the city manager.

(4) Control all automotive and heavy motor-driven equipment used for municipal purposes with the advice and assistance of the using department, except as otherwise provided by the city manager.

(5) Provide advice and assistance to all departments and agencies of the city government in the purchase of all automotive and heavy motor-drive equipment to be used for municipal purposes.

(6) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. 30994)

SECS. 2-56 THRU 2-60. RESERVED.

ARTICLE VI.

DEPARTMENT OF HUMAN RESOURCES.

SEC. 2-61. CREATED; DIRECTOR OF HUMAN RESOURCES.

There is hereby created the department of human resources of the city of Dallas, at the head of which shall be the director of human resources who shall be appointed by the city manager. The department will be composed of the director of human resources and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. 22026)

SEC. 2-62. DUTIES OF DIRECTOR OF HUMAN RESOURCES.

The director of human resources shall perform the following duties:

(1) Supervise and administer the department of human resources.

(2) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 22026; 28424)

SECS. 2-63 THRU 2-70. RESERVED.
ARTICLE VII.

DEPARTMENT OF CODE COMPLIANCE.

SEC. 2-71. CREATED; DIRECTOR OF CODE COMPLIANCE.

(a) There is hereby created the department of code compliance of the city of Dallas, at the head of 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) 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.

RESERVED.

SECS. 2-75 THRU 2-75.1. RESERVED.

(Repealed by Ord. 30994)
ARTICLE VIII.

RESERVED.

SECS. 2-76 THRU 2-80. RESERVED.

(Repealed by Ord. Nos. 17226; 17393; 31049)

ARTICLE VIII-a.

CLAIMS AGAINST THE CITY.

Division 1. Tort Claims.

SEC. 2-81. FILING CLAIMS AGAINST THE CITY.

Any person wishing to file a claim against the city shall file the claim with the office of risk management in compliance with the form requirements and six-month notice requirements set forth in Sections 1, 2, and 3, Chapter XXIII of the city charter. (Ord. Nos. 21674; 22026; 26225; 28424; 28705)

SEC. 2-82. HANDLING BY CITY ATTORNEY.

The city attorney is authorized to investigate, settle, and recommend disposition of all claims against the city that are alleged to have resulted from any act or omission of an officer, servant, or employee of the city. (Ord. Nos. 14211; 20527; 22026; 26225; 28424; 28705)

SEC. 2-83. HANDLING BY DIRECTOR OF RISK MANAGEMENT.

The director of risk management is authorized to assist the city attorney in investigating, settling, and recommending disposition of any claim against the city for property damage, personal injury, or wrongful death that is alleged to have resulted from the negligent act or omission of an officer, servant, or employee of the city. The director of risk management is further authorized to investigate, at the request of the city attorney, any other claim against the city. (Ord. Nos. 20527; 22026; 26225; 28424; 28705)

SEC. 2-84. PAYMENT OF A PROPERTY DAMAGE, PERSONAL INJURY, OR WRONGFUL DEATH CLAIM WITHOUT PRIOR CITY COUNCIL APPROVAL.

(a) The city controller shall, without prior city council approval, pay a claim for property damage, personal injury, or wrongful death that has been settled for an amount that does not exceed $25,000 when payment is recommended by the city attorney, or by the director of risk management when assisting the city attorney in handling the claim, and approved by the city manager, except that payment of a meritorious claim, in whatever amount, must be approved by the city council as required by Section 4, Chapter XXIII of the city charter.

(b) For purposes of this section, claims for property damage, personal injury, and wrongful death resulting from the same occurrence may be considered as separate claims. (Ord. Nos. 14211; 15279; 17353; 20527; 21354; 22026; 24415; 26225; 28424; 28705)

SEC. 2-85. NON-WAIVER OF NOTICE OF CLAIM.

The delegation of authority to the city attorney or the director of risk management prescribed by this
division does not grant the city attorney or the director of risk management authority to waive the six months written notice of claim requirement contained in Sections 1 and 2, Chapter XXIII of the city charter. (Ord. Nos. 14211; 20527; 22026; 26225; 28424; 28705)


SEC. 2-86. NOTICE REQUIRED FOR CERTAIN BREACH OF CONTRACT CLAIMS.

(a) In this division:

(1) CITY CONTRACT or CONTRACT means a written contract that is properly executed or entered into by the city.

(2) DIRECTOR means the director of the city department that is responsible for administering the city contract that is the subject of a claim filed pursuant to this section, or the director’s designee.

(3) PERSON means an individual, corporation, partnership, professional corporation, limited liability company, or any other legally constituted and existing business entity, other than the city.

(b) This section applies to any alleged breach of contract by the city occurring on or after January 30, 2006.

(c) A person may not file or maintain a lawsuit or alternative dispute resolution proceeding to recover damages for the city’s breach of a city contract unless, as a condition precedent and a jurisdictional prerequisite to the filing of the lawsuit or proceeding:

(1) the person files a notice of claim with the city manager in writing, in the form prescribed in Subsection (d) of this section, not later than 180 days
§ 2-86 Administration § 2-87

after the date of occurrence of the event that gives rise to the breach of contract claim; and

(2) the city council, or the city manager in the case where a change order or contract amendment may be authorized by administrative action or administrative change order, neglects or refuses to pay all or part of the claim on or before the 90th day after the date of presentation of written notice in accordance with this section.

(d) The written notice of claim required under Subsection (c) must:

(1) state the facts giving rise to the alleged breach;

(2) state the legal theory justifying recovery for the alleged breach;

(3) state the amount the person seeks in damages; and

(4) include supporting documentation indicating how those damages were calculated.

(e) The city attorney is authorized to investigate, evaluate, and recommend settlement or disposition of any breach of contract claim made against the city pursuant to this section.

(f) The city manager and the director shall assist the city attorney in the investigation, evaluation, and recommendation processes related to the settlement and disposition of a breach of contract claim made against the city pursuant to this section.

(g) The delegation of authority conferred under Subsection (e) or (f) does not include the authority to waive any requirements of this section.

(h) Nothing in this section supersedes, modifies, or excuses compliance with any other requirement for notices established by any city contract, law, or equity.

(i) A person filing a claim under this section is not entitled to recover attorney’s fees, either as a part of the damages calculated in the notice of claim or in any subsequent lawsuit or alternative dispute resolution proceeding.

(j) Nothing in this section may be construed as waiving the city’s governmental immunity from suit or liability.

(k) The provisions of this section are incorporated by reference into all existing and future city contracts.

(l) The city manager may, with the concurrence of the city attorney, elect to treat a notice received pursuant to this section as a demand for nonbinding mediation. If the city manager treats the notice as a demand for nonbinding mediation, the city manager shall, within a reasonable time, notify the person filing the claim of that election and of the applicable procedures to be followed. The notice of nonbinding mediation extends by 60 days the applicable period for responding to a claim notice set forth in Subsection (c)(2). (Ord. Nos. 26225; 28705)

SEC. 2-87. PAYMENT OF A BREACH OF CONTRACT CLAIM WITHOUT PRIOR CITY COUNCIL APPROVAL.

The city controller shall, without prior city council approval, pay a breach of contract claim that has been settled for an amount that does not exceed $25,000 when payment is recommended by the city attorney and approved by the city manager. (Ord. 28705)
Division 3. Miscellaneous Claims, Fines, Penalties, and Sanctions against the City.

SEC. 2-88. HANDLING AND INVESTIGATION OF MISCELLANEOUS CLAIMS, FINES, PENALTIES, AND SANCTIONS AGAINST THE CITY.

(a) The city attorney is authorized to investigate, evaluate, and recommend settlement or disposition of:

(1) any claim made against the city (other than a property damage, personal injury, or wrongful death claim governed by Division 1 of this article or a breach of contract claim governed by Division 2 of this article); or

(2) any fine, penalty, or sanction imposed upon the city.

(b) The city manager or the city manager’s designee shall assist the city attorney in the investigation, evaluation, and recommendation processes related to the settlement and disposition of a claim, fine, penalty, or sanction under this division.

(Ord. 28705)

SEC. 2-89. PAYMENT OF A MISCELLANEOUS CLAIM, FINE, PENALTY, OR SANCTION WITHOUT PRIOR CITY COUNCIL APPROVAL.

The city controller shall, without prior city council approval, pay any claim made against the city (other than a property damage, personal injury, or wrongful death claim governed by Division 1 of this article or a breach of contract claim governed by Division 2 of this article) or any fine, penalty, or sanction imposed upon the city that has been settled for an amount that does not exceed $25,000 when payment is recommended by the city attorney and approved by the city manager.

(Ord. 28705)

ARTICLE IX.

PERMIT AND LICENSE APPEAL BOARD.

SEC. 2-95. PERMIT AND LICENSE APPEAL BOARD - CREATED; FUNCTION; TERMS.

(a) There is hereby created the permit and license appeal board of the city, which shall be composed of 15 members. Each city council member shall appoint one member to the board. The mayor shall appoint the board chair, and the full city council shall appoint the vice-chair.

(b) The permit and license appeal board shall hear appeals of department directors’ actions on licenses and permits issued by the city filed in accordance with Section 2-96 of this chapter and requests for exemptions from locational restrictions filed in accordance with Section 14-2.3, 14-2.4, or 41A-14 of this code, whichever applies.

(c) 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.

(Ord. Nos. 18200; 21153; 21514; 22259; 23386; 25002; 29645)

SEC. 2-95.1. TRAINING.

(a) Every person appointed as a member of the permit and license appeal board must attend a one-day
training course before hearing an appeal under Section 2-96 of this chapter or a request for an exemption from locational restrictions under Section 14-2.3, 14-2.4, or 41A-14 of this code, whichever applies. The training course will include, but not be limited to:

(1) an orientation session concerning the powers and duties of the permit and license appeal board and the procedures and requirements for hearing appeals and requests for exemptions from locational restrictions;

(2) instruction in the city’s ordinances governing the various licenses and permits issued by the city that may be involved in appeals to the permit and license appeal board;

(3) instruction concerning locational restrictions contained in Chapters 14 and 41A of this code and the procedures and requirements for obtaining exemptions from those restrictions; and

(4) a mock hearing or an observation of an actual hearing.

(b) A person who fails to attend the one-day training course within 90 days from the date of appointment as a member of the permit and license appeal board shall forfeit that position with the city, and that position becomes vacant. (Ord. Nos. 23386; 23736; 25002)

SEC. 2-96. APPEALS FROM ACTIONS OF DEPARTMENT DIRECTORS.

(a) If the director of a city department denies, suspends, or revokes a license or permit over which the director has regulatory authority, and no appeal is provided by ordinance to another city board, the action is final unless the applicant, licensee, or permittee files a written appeal to the permit and license appeal board with the city secretary within 10 calendar days after the date of receiving notice of the director’s action.

(b) If a written request for an appeal hearing is filed with the city secretary within the 10-day limit, the permit and license appeal board shall hear the appeal. The city secretary shall set a date for the hearing within 60 days after the date the appeal is filed.

(c) The permit and license appeal board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply. The permit and license appeal board shall decide the appeal on the basis of a preponderance of the evidence presented at the hearing if there is a dispute of fact, otherwise the board shall decide the appeal in accordance with the provisions of this code. The board shall affirm, reverse, or modify the action of the director by a majority vote. Failure to reach a majority decision on a motion leaves the director’s decision unchanged. A hearing of the permit and license appeal board may proceed if a quorum of the board is present. The decision of the permit and license appeal board is final as to administrative remedies, and no rehearing may be granted. (Ord. Nos. 18200; 20279; 21185; 23386; 25002)

SEC. 2-97. RESETS AND CONTINUANCES OF HEARINGS BEFORE THE PERMIT AND LICENSE APPEAL BOARD.

(a) A request for a reset or continuance of an appeal hearing or of a hearing on an exemption from a locational restriction must be granted by the city secretary if the request is received in writing by the city secretary not less than 10 days before the scheduled hearing date.

(b) The city secretary may not grant any request for a reset or continuance received less than 10 days before a scheduled hearing date, unless the city secretary, after notifying all parties to the appeal or exemption hearing of the request, determines that:

(1) exigent, compelling, or exceptional circumstances exist that:
(A) were unforeseen by and beyond the control of the person requesting the reset or continuance; and

(B) require immediate action or attention by the person requesting the reset or continuance; and

(2) no opposing party will be unreasonably damaged or inconvenienced by the reset or continuance.

(c) Notwithstanding Subsection (a) of this section, a party that has been granted one reset of a scheduled hearing may not be granted another reset of any scheduled hearing for the same appeal or request for an exemption unless the city secretary makes the determinations required by Subsection (b) of this section. (Ord. Nos. 23386; 25002)

SEC. 2-98. PUBLIC NOTICE REQUIREMENTS FOR HEARINGS ON EXEMPTIONS FROM LOCATIONAL RESTRICTIONS.

If a permit or license is denied because of a locational restriction and the applicant is seeking an exemption to the locational restriction from the permit and license appeal board, a nonrefundable public notice fee of $100 must be paid to the director of sustainable development and construction at the time the written request for the exemption hearing is filed. Not less than 10 days before the hearing date, the director of sustainable development and construction shall publish notice of the hearing in a newspaper of general circulation and provide written notice of the hearing to all neighborhood associations registered with the department of sustainable development and construction to receive zoning notices for the area in which the subject of the exemption is located. The director of sustainable development and construction may waive the $100 public notice fee upon receipt of an affidavit from the applicant showing financial hardship. (Ord. Nos. 23386; 25002; 25047; 27697)

SEC. 2-99. APPEALS TO STATE DISTRICT COURT.

Once the decision of the permit and license appeal board is final under Section 2-96 of this chapter for an appeal of a department director’s action on a license or permit or under Section 14-2.3, 14-2.4, or 41A-14 of this code, whichever applies, for a request for an exemption from a locational restriction, the decision may be appealed to the state district court by the city, by the applicant, licensee, or permittee, or by any other person aggrieved by the decision. An appeal to the state district court must be filed within 20 days after the date of the board’s final decision. An appeal to the state district court is limited to a hearing under the substantial evidence rule. (Ord. Nos. 18200; 20279; 21185; 23386; 25002)

SEC. 2-100. RESERVED.

ARTICLE X.

PUBLIC ART PROGRAM.

SEC. 2-101. PURPOSE.

The city recognizes the importance of expanding the opportunities for its citizens to experience public art and other projects resulting from the creative expression of its visual artists in public places of the city. The city further recognizes the substantial economic benefits to be gained in the form of increased tourism through enhancement of public spaces and consequent retail activity throughout the city. A policy is established in this article to include works of art and design services of artists in certain city capital improvement projects. (Ord. Nos. 20064; 20267)
SEC. 2-102. DEFINITIONS.

(1) ANNUAL PUBLIC ART PROJECTS PLAN means a prioritized list, to be recommended by the arts and culture advisory commission and approved by the city council, of visual projects, including budgets and recommended design approaches, developed by the public art committee in consultation with city departments anticipating capital improvement projects.

(2) BONDS means all general obligation bonds, revenue bonds, certificates, notes, or other obligations authorized and issued by the city.

(3) CITY means the city of Dallas, Texas.

(4) CITY BOND PROCEEDS means the proceeds from bonds payable from a pledge of all or part of any revenues, funds, or taxes, or any combination thereof. The term does not include proceeds of bonds authorized and issued by the city to refund or otherwise refinance other bonds.

(5) CITY CAPITAL IMPROVEMENT PROJECT means any permanent public improvement project paid for wholly or in part by monies appropriated by the city to construct, improve, or renovate a building, including its appurtenant facilities, a decorative or commemorative structure, a park, a street, a sidewalk, a parking facility, a utility, or any portion thereof, within the city limits or under the jurisdiction of the city. This term includes projects at the Dallas/Fort Worth International Airport only upon approval of the public art program by the airport board and the city of Fort Worth.

(6) DEMOLITION COSTS means payments for any work needed for the removal of a building or other existing structure from city property.

(7) EQUIPMENT COSTS means payments for any rolling stock, equipment, or furnishing that is portable and of standard manufacture or that is installed as part of normal major maintenance, whether portable or affixed. The term does not include an item, whether portable or affixed, that is custom designed or specially fabricated for a facility.

(8) NORMAL MAJOR MAINTENANCE COSTS means payments for any work needed to maintain and preserve city property in a safe and functional condition, including, but not limited to, the cleaning, replacement, and repair of floors, ceilings, roofs, landscaping, and plumbing, mechanical, and electrical systems.

(9) PUBLIC ART ACCOUNT means a separate account established within each capital improvement project fund by the city to receive monies appropriated to the public art program; provided that:

(A) city bond proceeds to be used for the public art program must be maintained in the respective bond funds established in accordance with the city ordinance authorizing the issuance of the bonds; and

(B) monies from non-bond sources that are appropriated from a city fund to be used for the public art program must be maintained in a separate account within that fund.

(10) PUBLIC ART ADMINISTRATION FUND means an annual appropriation from each public art account for administration of the public art program.

(11) PUBLIC ART COLLECTION means all city-owned artworks that are not under the care and control of nonprofit institutions operating under management agreements with the city.

(12) PUBLIC ART COMMITTEE means a subcommittee of the arts and culture advisory commission appointed to oversee quality control of the public art program and projects and to report to and recommend to the arts and culture advisory commission the scope of projects, artworks, and artists for the public art program. The public arts committee shall be composed of three members who are full city council appointments to the arts and culture advisory commission and eight members who are professionally qualified residents appointed by the arts and culture advisory commission.
(13) REAL PROPERTY ACQUISITION COSTS means payments made for the purchase of parcels of land, and any existing buildings, structures, or improvements on the land, and costs incurred by the city for appraisals or negotiations in connection with the purchase. (Ord. Nos. 20064; 20267; 20456; 21972; 31049)

SEC. 2-103. FUNDING OF THE PUBLIC ART PROGRAM.

(a) Appropriations. Beginning January 1, 1989, all appropriations for city capital improvement projects, whether financed with city bond proceeds or city monies from any other source, shall include an amount equal to 1.5 percent of the total capital improvement project appropriation, or an amount equal to 0.75 percent of the total appropriation for a project that is exclusively for street, storm drainage, utility, or sidewalk improvements, to be used for design services of artists, for the selection, acquisition, commissioning, and display of artworks, and for administration of the public art projects. Monies appropriated as part of one project, but not deemed necessary by the city council in total or in part for the project, may be expended on other projects approved under the annual public art projects plan; provided that proceeds from bonds issued and authorized for a particular use or purpose shall not be used or diverted for a different use or purpose.

(b) Grants and contributions from non-city sources. Beginning January 1, 1989, each city department shall include in every application to a granting authority for a capital improvement project grant an amount for artists’ services and artworks in accordance with this article. The public art appropriation shall apply to all capital improvement projects financed with grants or contributions from private persons or governmental or public agencies, subject to conditions of the granting or contributing person or agency. If the public art appropriation is not allowed as a reimbursable expense, only the city-funded portion of the project is subject to the public art appropriation.

(c) Method of calculation. The minimum amount to be appropriated for artists’ services and artworks is equal to the total city capital improvement project appropriation multiplied by 0.015, or by 0.0075 if the project is exclusively for street, storm drainage, utility, or sidewalk improvements; provided that amounts budgeted for real property acquisition costs, demolition costs, equipment costs, normal major maintenance costs, financing costs, costs paid for from the contingency reserve fund, capital reserve funds, or interest earnings on city bond proceeds, costs of any below-grade water or wastewater improvements, and costs of resurfacing or repair of existing streets, sidewalks, and appurtenant drainage improvements are not subject to the calculation.

(d) Public art accounts. Amounts appropriated pursuant to this article shall be established by the city manager, or his designee, in a public art account within each capital improvement project fund. Contributions to the public art program from private sources shall be deposited into a separate public art account, subject to any donor’s conditions within the instrument of conveyance. Disbursements from each public art account must be made in accordance with the annual public art projects plan and this article.

(e) City bond financed projects.

(1) This article shall apply to a city capital improvement project financed with proceeds from:

(A) general obligation bonds authorized and approved by the voters on or after January 1, 1989; or
§ 2-103 Administration

(B) revenue bonds, certificates, notes, or other obligations authorized and approved by the city council on or after January 1, 1989.

(2) This article shall not apply to any refunding bond proceeds.

(3) The public art appropriation on a city capital improvement project financed with city bond proceeds shall be established in the fiscal year in which the bonds are sold.

(4) In developing the capital improvement program for bond-financed capital improvement projects, the city manager may recommend that the city council exempt certain bond-financed capital improvement projects from the application of this article. The city manager’s recommendations shall govern unless the city council provides otherwise.

(5) If a city capital improvement project is financed with city bond proceeds, the use of any amounts appropriated for artists’ services and works of art in accordance with this article must be consistent with any voted proposition approved by the voters of the city, any resolution or ordinance adopted by the city council authorizing issuance of the bonds, and applicable state or federal law. In no event shall city bond proceeds be used for public art maintenance purposes.

(f) Water and wastewater utility projects.

(1) Notwithstanding any other provision of this article, the public art appropriation for that portion of a city capital improvement project financed with Dallas water utilities department revenues shall not exceed 0.75 percent of the total water utilities revenues appropriated for the capital improvement project.

(2) This article shall not apply to:

(A) any city capital improvement project financed with Dallas water utilities department revenues that is located outside the city limits; or

(B) any below-grade capital improvement financed with Dallas water utilities department revenues, whether or not the below-grade improvement is part of a city capital improvement project that involves at-grade or above-grade improvements.

(g) City council exclusions. When adopting the capital budget each year, the city council may exclude individual city capital improvement projects from the application of this article. (Ord. Nos. 20064; 20267)

SEC. 2-104. USES OF MONIES IN PUBLIC ART ACCOUNTS.

(a) Monies appropriated under this article may be used for artists’ design concepts and for the selection, acquisition, purchase, commissioning, placement, installation, exhibition, and display of artworks. Artworks must be of a permanent nature and may be integral to the architecture or incorporated into the city capital improvement project.

(b) Up to 20 percent of the total annual public art appropriation shall be used to establish the public art administration fund and may be used to pay the costs incurred in the administration of the public art program, including project administration, artist-selection-related costs, architect’s fees where collaboration is involved, design, drawing, and maquette costs, community education, insurance, curatorial services, identifying plaques, documentation, publicity, and such other purposes as may be deemed appropriate by the city council for the administration of the public art program. (Ord. Nos. 20064; 20267)

SEC. 2-105. ADMINISTRATION OF THE PUBLIC ART PROGRAM - RESPONSIBILITIES.

(a) Arts and culture advisory commission and the office of cultural affairs. The arts and culture advisory commission, acting in cooperation with the
The director of cultural affairs shall have the following duties and responsibilities associated with the administration of the public art program:

(1) The overall administration of the public art program, including the selection of resident members of the public art committee, the establishment of program policies and guidelines, the recommendation of program budgets, and the approval of all selection juries and all other recommendations made by the public art committee to the arts and culture advisory commission.

(2) The establishment of policies and guidelines to facilitate and encourage the donation of high quality artworks to the city.

(3) The establishment of policies and guidelines to ensure that the long-term collection of artworks by the city represents a broad range of artistic schools, styles, tastes, and media, without giving exclusive support to any particular one, and gives consideration to affirmative action.

(4) The review of a survey, to be updated annually, of the condition of the public art collection. The survey must include a report on the condition of each artwork, prioritized recommendations for the restoration, repair, and maintenance of the artwork, and estimated costs.

(5) The recommendation of an annual designation of funds for repair and maintenance of the public art collection. Any recommendation involving a work of art for which operation or maintenance costs exceed $5,000 a year must be accompanied by a detailed fiscal note.

(a) Arts and culture advisory commission and the office of arts and culture. The arts and culture advisory commission, acting in cooperation with the director of arts and culture, shall have the following duties and responsibilities associated with the administration of the public art program:

(1) The overall administration of the public art program, including the selection of resident members of the public art committee, the establishment of program policies and guidelines, the recommendations of program budgets, and the approval of all selection juries and all other recommendations made by the public art committee to the arts and culture advisory commission.

(b) Public art committee. The public art committee shall have the following duties and responsibilities associated with the administration of the public art program, with all decisions and recommendations made by the public art committee being subject to the review and approval of the arts and culture advisory commission and, when required, the city council:

(2) The establishment of policies and guidelines to facilitate and encourage the donation of high quality artworks to the city.

(3) The establishment of policies and guidelines to ensure that the long-term collection of artworks by the city represents a broad range of artistic schools, styles, tastes, and media, without giving exclusive support to any particular one, and gives consideration to affirmative action.

(4) The review of a survey, to be updated annually, of the condition of the public art collection. The survey must include a report on the condition of each artwork, prioritized recommendations for the restoration, repair, and maintenance of the artwork, and estimated costs.

(5) The recommendation of an annual designation of funds for repair and maintenance of the public art collection. Any recommendation involving a work of art for which operation or maintenance costs exceed $5,000 a year must be accompanied by a detailed fiscal note.
(1) The commission of artworks; the review of the design, execution, and placement of artworks; and the overseeing of the removal of artworks from the public art collection.

(2) The designation of sites for implementation of the public art program; the recommendation of the scope and budget of public art program projects; and the overseeing of the artist selection process.

(3) The selection of juries, to be composed of professionals in the visual arts and design fields and members of the community, who will recommend artists and artworks of the highest quality.

(4) The education of the community on the public arts program.

(5) The review and recommendation for approval of any artworks proposed to be donated to the city. (Ord. Nos. 20064; 20267; 20456; 21972; 22026; 23694; 31049; 31333, eff. 10/1/19)

SECS. 2-106 THRU 2-117. RESERVED.

ARTICLE XI.

FILLING TEMPORARY VACANCIES.

SEC. 2-118. DESIGNATION, APPOINTMENT AND DUTIES OF TEMPORARY ACTING AND ACTING CITY MANAGER.

The following procedures shall be used to fill the position of city manager where a temporary vacancy of the type specified occurs in that position, and such
successors shall be responsible for the duties as ascribed thereto:

(a) **Designation and duties of temporary acting city manager.** The city manager shall, by written memorandum filed with the city secretary and with copies forwarded to each member of the city council, the city auditor, the city attorney and all other department directors, designate one of his assistants who shall have and exercise the powers and duties of the city manager during his absence from the city for any reason. Any documents, orders or official papers signed by him shall be presumed to have been signed during the absence of the city manager and in his official capacity while so acting. The authority and responsibility of the city manager shall continue to exist concurrently with those of the temporary acting city manager and he shall resume his duties upon his return.

(b) **Appointment and duties of acting city manager.**

1. In the event the city manager is absent from the city for an extended period of time for whatever reason or is unable to perform his duties by reason of any illness or disability, the city council may appoint a temporary successor to be titled acting city manager to perform the duties of the city manager until his return to the city or his recovery from such illness or disability. During such period of time, the city manager shall be relieved of his authority and responsibilities.

2. In the event the position of city manager becomes vacant by reason of termination or dismissal, the city council may appoint a temporary successor as acting city manager to perform the duties of city manager, pending the selection and appointment of a successor on a permanent basis.

3. Any such temporary appointment shall be made at a regular meeting of the city council by majority vote, and a copy of the memorandum of appointment shall be promptly furnished the mayor, each member of the city council, the city attorney and to department directors.

4. During the term of a temporary appointment, the acting city manager shall have the powers and duties of the city manager, as set forth in the charter, ordinances and resolutions. (Ord. 13015)

SEC. 2-119. **DESIGNATION, APPOINTMENT AND DUTIES OF TEMPORARY ACTING AND ACTING DEPARTMENT DIRECTORS; “DEPARTMENT DIRECTOR” DEFINED.**

As used herein, the term “department director” means the official of any department of the city whose title is “director,” “chief” or “manager” thereof or any other official who is the head of any administrative department or office of the city.

The following procedures shall be used to fill vacancies as they may occur with respect to the director of any city department, and the successor in office shall be responsible for the duties as ascribed thereto:

(a) **Designation and duties of temporary acting department director.** Every department director shall, by written memorandum filed with the city manager in the case of those appointed by him and with the city secretary, city auditor and the city attorney, designate one of his assistants to be temporary acting department director who shall have and exercise the powers of the department director during his absence from the city for any reason. The authority and responsibility of the department director shall continue to exist concurrently with the temporary acting department director, and he shall resume his duties upon his return.
§ 2-119 Administration

(b) Appointment and duties of acting department director.

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

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

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

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

ARTICLE XII.

RESERVED.

SECS. 2-120 THRU 2-124. (Repealed by Ord. 24316)

ARTICLE XIII.

MARTIN LUTHER KING, JR. COMMUNITY CENTER BOARD.

SEC. 2-125. DEFINITIONS.

In this article:

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

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

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

(4) BOARD means the Martin Luther King, Jr. community center board. (Ord. Nos. 13384; 14941; 15574; 15955)
SEC. 2-126. CREATED; TERMS; MEMBERSHIP; VACANCIES.

(a) There is hereby created the Martin Luther King, Jr. community center board, which shall consist of 15 members. Each city council member shall appoint one member to the board. 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) If a vacancy occurs in a board position held by a member appointed directly by the city council, the city council shall appoint a new member to serve for the unexpired term. If a vacancy occurs in a board position held by a member appointed from service area nominations, the vacancy may not be filled, and that position will not be counted in determining total board membership for quorum purposes. (Ord. Nos. 13384; 14083; 14941; 15955; 15979; 21153; 21514; 22259; 29645)

SEC. 2-127. FUNCTIONS.

(a) The board shall serve in an advisory capacity and shall make recommendations to the city center manager concerning programs and policies within the service center.

(b) The board shall submit an annual report to the city council in accordance with Section 8-1.1 of this Code. (Ord. Nos. 13384; 14941; 15955)

SEC. 2-128. RESERVED.

(Repealed by Ord. 17393)

SEC. 2-129. TREATMENT OF BUDGET.

The budget of the center shall be approved by the city council and treated as is the budget of other city departments by referring it to the city manager through the usual budget administration process. (Ord. Nos. 13384; 14941; 15955)

ARTICLE XIV.

SOUTH DALLAS/FAIR PARK OPPORTUNITY FUND BOARD.

SEC. 2-130. SOUTH DALLAS/FAIR PARK OPPORTUNITY FUND BOARD - CREATED; TERMS; MEMBERSHIP.

(a) There is hereby created the South Dallas/Fair Park Opportunity Fund board of the city, which shall be an advisory body of 15 members. Each city council member shall appoint one member to the board. 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 of the board must meet the following qualifications:

(1) Eight members must meet any of the following qualifications:

(A) Be a resident of the South Dallas/Fair Park Opportunity Fund program area as defined by city council resolution.

(B) Be a representative of a cultural institution or other facility permanently housed at Fair Park.
(C) Be the owner or operator of a business in the South Dallas/Fair Park Opportunity Fund program area as defined by city council resolution.

(D) Be actively involved in the South Dallas/Fair Park community.

(2) Seven members must have substantial knowledge and expertise in any of the following areas:

(A) Housing development.

(B) Business development and operations.

(C) Non-profit management and operations.

(D) General community development principles and practices.

(3) In addition to the qualifications listed in Paragraphs (1) and (2) of this subsection, at least two of the board members must have loan underwriting experience.

(d) The city manager or a designated representative shall serve as an ex officio, nonvoting member of the board. (Ord. Nos. 20570; 22414; 26811; 30905)

§ 2-132. RESERVED. (Ord. Nos. 20570; 26811; 30905)

ARTICLE XV.

CHIEF FINANCIAL OFFICER.

SEC. 2-133. POSITION OF CHIEF FINANCIAL OFFICER CREATED.

There is hereby created the position of the chief financial officer of the city. The chief financial officer shall be appointed by the city manager and shall be a person professionally competent by experience and training to perform the duties of the position. (Ord. Nos. 22026; 24410; 27697)

SEC. 2-134. DUTIES OF THE CHIEF FINANCIAL OFFICER.

(a) The chief financial officer shall perform the following duties:

(1) Direct the cash and debt management programs of the city with authority to make the following investment and redemption decisions:

(A) Purchase, at their original sale or after they have been issued, securities that are permissible investments under state law with money that is not required for the immediate necessities of the city and as the chief financial officer determines is wise and expedient, and sell or exchange securities for other

(2) perform other duties assigned by the city council or requested by the city manager.
eligible securities and reinvest the proceeds of the securities so purchased.

(B) From time to time redeem the securities in which city money has been invested so that the proceeds may be applied to the purposes for which the original purchase money was designated or placed in the city treasury.

(C) Prepare a written report, at least once a year, describing the investment position of the city as of the end of the date of the report.

(2) With the approval of the city manager, and in accordance with Subsection (b), sell at the current market price shares of stock or corporate bonds received from time to time by the city as a gift, donation, or bequest or as a result of a bankruptcy proceeding; deposit the proceeds of each sale, netted after payment of any commissions and other related expenses, in the appropriate city fund; and carry out any terms of the gift, donation, or bequest.

(3) 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.

(4) 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.

(5) Serve, or designate a person to serve, as the assessor and collector of taxes of the city and direct the assessment and collection of taxes in accordance with state law, Chapter 44 of this code, and Chapter XIX of the charter of the city, including those billing and collection functions of the city as may be provided for by contract or assigned by the city manager or ordinance.

(6) Administer the public utility franchises granted by the city.

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

(b) The chief financial officer shall conduct any sale authorized under Subsection (a)(2) of this section as soon as is reasonably possible following receipt of the stock or corporate bonds, using the city’s financial advisor or investment advisor. The city manager is authorized to execute such documents, authorizations, assignments, and endorsements as necessary to accomplish the sale. The chief financial officer shall provide confirmation of each sale to the director of the department designated by the city manager to carry out any terms of the gift, donation, or bequest. The chief financial officer shall keep an accurate record of each sale transaction.
(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 BUDGET.

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
§ 2-135.2 Administration § 2-136

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 recommenda-
tion of the city manager. (Ord. Nos. 27697; 30654)

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)

ARTICLE XV-c.

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. 2-135.5. DUTIES OF THE DIRECTOR OF
RISK MANAGEMENT.

The director of risk management shall perform
the following duties:

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

(2) Administer the risk management
program of the city, including, but not limited to,
liability and workers’ compensation programs,
procurement of insurance policies for the city, loss
control initiatives, and performance of risk
assessments.

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

ARTICLE XVI.

DEPARTMENT OF COMMUNICATION
AND INFORMATION AND TECHNOLOGY
SERVICES.

SEC. 2-136. CREATED; DIRECTOR OF
COMMUNICATION AND
INFORMATION SERVICES.

(a) There is hereby created the department of
communication and information services, the head of
which shall be the director of communication and
information services who shall be appointed by the

(b) In addition to the office of director of
communication and information services, there will
also be such additional personnel as may be necessary
for the administration of the department as the council
may provide, upon recommendation of the city
manager.

SEC. 2-136. CREATED; DIRECTOR OF
INFORMATION AND
TECHNOLOGY SERVICES.

(a) There is hereby created the department of
information and technology services, the head of which shall be the director of information and technology services who shall be appointed by the city manager and who shall be a person professionally competent by experience and training to manage such department.

(b) In addition to the office of director of information and technology services, there will also be such additional personnel as may be necessary for the administration of the department as the council may provide, upon recommendation of the city manager. (Ord. Nos. 13718; 19312; 22026; 23694; 31333, eff. 10/1/19)
§ 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.

§ 2-138. CREATED; DIRECTOR OF SANITATION SERVICES.

Article XVII.

DEPARTMENT 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)

§ 2-137. DUTIES OF DIRECTOR OF INFORMATION AND TECHNOLOGY SERVICES.

The director of information and technology 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 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 licences 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; 31333, eff. 10/1/19)
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 TRANSPORTATION.

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 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 & NEIGHBORHOOD REVITALIZATION.

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 & 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)

ARTICLE XX.

CITIZEN HOMELESSNESS COMMISSION.

SEC. 2-147. PURPOSE.

The purpose of this commission is to assure participation from, and inclusion of, all stakeholders, including those with past or present experience with homelessness, in order to develop policy recommendations to ensure alignment of city services with regional services to enhance efficiency, quality, and effectiveness of the community-wide response to homelessness. (Ord. 30431)
SEC. 2-148. CREATED; MEMBERSHIP; TERMS; MEETINGS.

(a) There is hereby created the citizen homelessness commission, 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) Members of the commission must meet the following qualifications:

(1) two members must have past or present experience as a homeless person, and the city council may, after a review of the specific circumstances, waive disqualification under Section 8-1.4 of this code for these members;

(2) one member must be a representative from a faith-based organization; and

(3) the remaining members must be chosen from the general public.

(c) All members shall be appointed for an initial term to expire on September 30, 2019. Subsequent appointments will be made in September of each odd-numbered year for a two-year term beginning on October 1.

(d) The commission must meet at least once each month and may hold additional meetings at the call of the chair. (Ord. 30431)

SEC. 2-149. DUTIES AND FUNCTIONS.

(a) The commission, in carrying out its purpose, shall act as an advisory body to the city manager and the city council and shall:

(1) advise the city manager and the city council on issues affecting homelessness;

(2) assist the city in evaluating new and existing programs;

(3) coordinate with other local and regional bodies addressing homelessness; and

(4) perform such other duties assigned by the city manager or city council.

(b) The city manager shall provide information and assistance to the commission in the performance of its duties and functions. (Ord. 30431)

ARTICLE XXI.
COMMUNITY DEVELOPMENT COMMISSION.

SEC. 2-150. COMMUNITY DEVELOPMENT COMMISSION CREATED.

(a) There is hereby created the community development commission of the city, which shall be composed 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. Appointments must be made in accordance with the provisions of Title 24 of the Code of Federal Regulations.

(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. (Ord. Nos. 16923; 17702; 18836; 20418; 21012; 21153; 21514; 22414; 29645)

SEC. 2-151. DUTIES AND FUNCTIONS.

(a) The commission shall hold monthly meetings each month and may hold additional meetings at the call of the chair. The commission shall
§ 2-151 Administration  § 2-152.2

act as an advisory body to the city manager and the city council.

(b) The commission shall:

(1) hold public meetings at such times and locations as will further the purpose of obtaining citizens’ suggestions and comments concerning uses of HUD entitlement grant funds;

(2) carry out the objectives of the city’s citizen participation plan for HUD entitlement grant funds;

(3) submit to the city manager and the city council:

(A) a recommended list of priorities for the consolidated application for HUD entitlement grant funds; and

(B) specific recommendations as to the use and allocation of HUD entitlement grant funds for the next year;

(4) review and make recommendations with respect to the city’s housing and nonhousing community development needs;

(5) participate in the review and assessment of the past and current use of HUD entitlement grant funds;

(6) submit to the city council an annual report containing an analysis of the use of HUD entitlement grant funds and a summary of the commission’s work during the prior year;

(7) review the status of unspent community development funds at least once each quarter of each fiscal year and make recommendations with respect to the reallocation of unappropriated and unobligated community development funds;

(8) hold public hearings and make recommendations concerning the creation or elimination of projects that affect the HUD entitlement grant fund budget; and

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

(c) The final determination of the consolidated application and the annual budget for HUD entitlement grant funds will be made by the city council.

(d) In this section, “HUD entitlement grant funds” means funds from the following grants and programs:

(1) the Community Development Block Grant (CDBG);

(2) the HOME Investment Partnerships Program (HOME);

(3) the Housing Opportunities for Persons with AIDS (HOPWA); and

(4) the Emergency Shelter Grant (ESG).

(Ord. Nos. 16923; 17139; 17702; 18836; 19604; 21012; 22354; 22414)

SEC. 2-152. STANDARDS OF CONDUCT.

The members of the commission shall be subject to the provisions of Article XII of this chapter to the same extent as officers or employees of the city. (Ord. Nos. 16923; 21012; 22414)

ARTICLE XXI-a.

RESERVED.

SECS. 2-152.1 THRU 2-152.2. (Repealed by Ord. 27705)
ARTICLE XXII.

OFFICE OF COMMUNITY POLICE OVERSIGHT.

SEC. 2-153. PURPOSE.

The purpose of this office is to provide support and technical assistance to the community police oversight board. (Ord. 31192, eff. 10/1/19)

SEC. 2-154. CREATED; DIRECTOR/MONITOR OF OFFICE OF COMMUNITY POLICE OVERSIGHT.

(a) There is hereby created a division of the city manager's office to be known as the office of community police oversight, the head of which shall be the director/monitor of community police oversight who shall be appointed by the city manager with input from the chair of the community police oversight board and who shall be a person professionally competent by experience and training to manage such office.

(b) The office of community police oversight will be composed of the director/monitor of community police oversight and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. 31192, eff. 10/1/19)

SEC. 2-154.1. DUTIES OF THE DIRECTOR/MONITOR OF THE OFFICE OF COMMUNITY POLICE OVERSIGHT.

The director/monitor of community police oversight shall perform the following duties:

(1) Provide functional support to the community police oversight board.

(2) Ensure that the community police oversight board can fulfill its duties.

(3) Make such reports as may be required by the city manager and the community police oversight board.

(4) Perform such other duties as may be required by the city manager, by ordinance of the city council, or the community police oversight board in accordance with Article III of Chapter 37 of the Dallas City Code. (Ord. 31192, eff. 10/1/19)

ARTICLE XXIII.

DEPARTMENT OF DALLAS ANIMAL SERVICES.

SEC. 2-155. CREATED; DIRECTOR OF DALLAS ANIMAL SERVICES.

There is hereby created the department of Dallas animal services, at the head of which shall be the director of Dallas animal services who shall be appointed by the city manager. The department will be composed of the director of Dallas animal services and other assistants and employees as the city council may provide upon recommendation of the city manager. (Ord. 30483)

SEC. 2-156. DUTIES OF THE DIRECTOR OF DALLAS ANIMAL SERVICES.

The director of Dallas animal services shall perform the following duties:

(1) Supervise and administer the department of Dallas animal services; and

(2) Perform such other duties as may be required by the city manager or the city council. (Ord. 30483)
ARTICLE XXIV.

ANIMAL ADVISORY COMMISSION.

SEC. 2-157. CREATED; MEMBERSHIP; MEETINGS.

(a) There is hereby created the animal advisory commission, 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 of the commission must meet the following qualifications:

1. one member must be a licensed veterinarian;
2. one member must be a city or county official;
3. one member must have duties including the daily operation of an animal shelter;
4. one member must be a representative from an animal welfare organization; and
5. eleven members must be chosen from the general public.

(d) Disqualification of an appointee under Section 8-1.4(a)(1) of this code may be waived by the city council after review of the specific circumstances.

(e) The commission must meet at least four times a year and may hold additional meetings at the call of the chair. (Ord. Nos. 18665; 18940; 21153; 21515; 22414; 29403; 29645; 30483)

SEC. 2-158. DUTIES AND RESPONSIBILITIES.

(a) The commission shall act as an advisory body to the city manager and the city council to assist in complying with the requirements of state law and city ordinances pertaining to the operation of an animal shelter.

(b) The city manager shall provide necessary information and assistance to the commission in the performance of its duties and responsibilities. (Ord. Nos. 18665; 22414; 29403)

ARTICLE XXV.

YOUTH COMMISSION.

SEC. 2-159. PURPOSE.

The purpose of this commission is to promote regular and active civic engagement among the youth of the city by giving them a formal role in local decision making, offering real world experiences with elected bodies, teaching them about the role of our city council and the city’s boards and commissions, providing an opportunity to develop leadership skills, offering an avenue to engage in discussion with adults and other youth, increasing volunteerism, and enhancing classroom civic education. (Ord. 29920)

SEC. 2-159.1. CREATED; MEMBERSHIP; TERMS; MEETINGS.

(a) There is hereby created the youth commission, 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) All members shall be appointed for an initial term to expire on September 30, 2017. Subsequent appointments will be made in September of each odd-
§ 2-159.1 Administration § 2-161

numbered year for a two-year term beginning on October 1.

(c) Each member of the commission must:

(1) either:

(A) be enrolled as a full-time student in grades nine through 12 at a public or private school that accepts students who reside within the city of Dallas; or

(B) be a home-schooled student, as that term is defined in Chapter 29 of the Texas Education Code, entitled to attend public school within the city of Dallas; and

(2) be no younger than 14 years of age and no older than 19 years of age at the time of appointment; and

(3) reside within the district for which the member is appointed.

(d) A member is not required to fulfill the qualifications for board service in Chapter 8 of the Dallas City Code except that the member must:

(1) have been a resident of the city for at least six months prior to the date of appointment; and

(2) not be in arrears on any obligations owed to the city.

(e) The commission must meet at least once each month and may hold additional meetings at the call of the chair.  (Ord. 29920)

SEC. 2-160. DUTIES AND RESPONSIBILITIES.

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

(1) advise the city council and city manager on issues impacting the city;

(2) assist the city in identifying programs that are needed in the community; and

(3) perform such other duties assigned by the city council or city manager.

(b) The city manager shall provide information and assistance to the commission in the performance of its duties and responsibilities.  (Ord. 29920)

ARTICLE XXVI.

ARTS AND CULTURE ADVISORY COMMISSION.

SEC. 2-161. ARTS AND CULTURE ADVISORY COMMISSION - CREATED; TERMS; MEMBERSHIP; MEETINGS.

(a) There is hereby created the arts and culture advisory commission of the city, which shall be an advisory body of 18 members appointed by the city council. Fifteen of the members shall be appointed respectively by each city council member, and three of the members shall be appointed by the city council as a whole. The mayor shall appoint the chair of the commission, 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 of the commission should be persons who are concerned about cultural affairs in the city of Dallas and may be persons who have professional expertise or substantial volunteer involvement in the following areas:

(1) architecture, design, or urban planning;

(2) visual, performing, or literary arts;
§ 2-161 Administration § 2-162

(3) history;
(4) science;
(5) cultural institutions management; or
(6) volunteer cultural board experience.

(d) The membership of the arts and culture advisory commission may include at least one of each of the following persons:

(1) a registered professional architect or landscape architect;
(2) a professional visual artist;
(3) a professional performing artist;
(4) a scientist;
(5) a historian; and
(6) an interested resident who does not represent any specific cultural organization or interest group.

(e) The three members of the commission appointed by the city council as a whole shall also serve on the public art committee of the arts and culture advisory commission, and, in addition to qualifying for service on the commission under this section, must meet the qualifications for service on the public art committee as set forth in the city’s cultural policy and program adopted by city council resolution.

(f) The chair of the city council committee with jurisdiction over arts and culture and one member of the park and recreation board of the city shall serve as ex-officio, nonvoting members of the arts and culture advisory commission.

(g) The commission must meet at least once each month and may hold additional meetings at the call of the chair. (Ord. Nos. 20266; 20462; 21153; 21515; 21972; 22259; 29645; 31049)

SEC. 2-162. ARTS AND CULTURE ADVISORY COMMISSION - DUTIES AND RESPONSIBILITIES.

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

(1) make recommendations concerning the establishment and implementation of cultural policies and procedures, including cultural diversity;
(2) make recommendations concerning the design, operation, and use of city facilities devoted to the arts and other cultural activities;
(3) make recommendations to encourage the development of cultural programs and activities involving emerging cultural organizations and artists, with special emphasis on the development of ethnic and minority artists and arts organizations;
(4) make recommendations concerning the expenditure of city funds on cultural programs, facilities, and organizations; and
(5) make recommendations to create opportunities for all residents of the city to have access to the arts and the means of cultural expression; and
(6) perform other duties assigned by the city council or requested by the city manager.

(b) The city manager shall provide staff to assist the commission in performing its duties and responsibilities. (Ord. Nos. 20266; 21515; 21972; 31049)
ARTICLE XXVI-a.

OFFICE OF ARTS AND CULTURE CULTURAL AFFAIRS.

SEC. 2-162.1. CREATED; DIRECTOR OF CULTURAL AFFAIRS.

There is hereby created a division of the city manager’s office to be known as the office of cultural affairs, the head of which shall be the director of cultural affairs 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 of cultural affairs will be composed of the director of cultural affairs and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.

SEC. 2-162.2. DUTIES OF THE DIRECTOR OF CULTURAL AFFAIRS.

(a) The director of cultural affairs shall perform the following duties:

(1) Supervise and administer the office of cultural affairs and WRR radio station.

(2) Manage cultural facilities of the city under the director’s supervision as designated by the city manager or by ordinance or resolution of the city council, including approval of lease or license agreements for use of such cultural facilities for short terms not exceeding one year.

(3) Award cultural funding contracts to cultural organizations and to individuals as provided in Section 2-162.3 of this code.

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

(Ord. Nos. 23694; 31333, eff. 10/1/19)
(b) The director of cultural affairs and any designated representatives may represent the city in negotiating and contracting with persons planning to use any cultural facility under the management of the director of cultural affairs. Short-term leases and license agreements with small or ethnically and culturally specific nonprofit arts and cultural organizations may be entered into for a nominal consideration, when the director of cultural affairs finds it to be of benefit to the public.

SEC. 2-162.2. DUTIES OF THE DIRECTOR OF ARTS AND CULTURE.

(a) The director of arts and culture shall perform the following duties:

(1) Supervise and administer the office of arts and culture and WRR radio station.

(2) Manage cultural facilities of the city under the director's supervision as designated by the city manager or by ordinance or resolution of the city council, including approval of lease or license agreements for use of such cultural facilities for short terms not exceeding one year.

(3) Award cultural funding contracts to cultural organizations and to individuals as provided in Section 2-162.3 of this code.

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

(b) The director of arts and culture and any designated representatives may represent the city in negotiating and contracting with persons planning to use any cultural facility under the management of the director of cultural affairs. Short-term leases and license agreements with small or ethnically and culturally specific nonprofit arts and cultural organizations may be entered into for a nominal consideration, when the director of cultural affairs finds it to be of benefit to the public. (Ord. Nos. 23694; 31049; 31333, eff. 10/1/19)

SEC. 2-162.3. PROCUREMENT OF CULTURAL SERVICES.

(a) Except as provided in Subsection (f), contracts with organizations and individuals for cultural services shall be awarded in accordance with this section.

(b) Cultural services mean artistic and cultural services provided by individuals or organizations that have been recommended for funding by a review panel to the director of cultural affairs. Eligibility requirements to serve on each review panel and a review panel process for recommendations must be approved by city council. Cultural services do not include any services described in Subsection (f) below.

(c) The director of cultural affairs may procure services a maximum of five times per fiscal year for production, festivals, and exhibitions under $50,000 without panel review or recommendation by the arts and culture advisory commission, as the director deems necessary to implement arts and culture programs when:

(1) timing of support needed is outside of the fiscal year's cultural support program application period for cultural services;

(2) the support needed is from a Dallas-based 501(c)(3) cultural organization or individual artist;

(a) Except as provided in Subsection (f), contracts with organizations and individuals for cultural services shall be awarded in accordance with this section.

(b) Cultural services mean artistic and cultural services provided by individuals or organizations that have been recommended for funding by a review panel to the director of arts and culture. Eligibility requirements to serve on each review panel and a review panel process for recommendations must be approved by city council. Cultural services do not include any services described in Subsection (f) below.

(1) timing of support needed is outside of the fiscal year's cultural support program application period for cultural services;

(2) the support needed is from a Dallas-based 501(c)(3) cultural organization or individual artist;
§ 2-162.3 Administration § 2-162.4

(3) the service to be provided is less than one year in length; and

(4) the city manager, or designee, has issued a memorandum of justification establishing a special need that meets the requirements of Administrative Directive 4-5, as amended.

(d) Contracts for cultural services, requiring an expenditure of $50,000 or less, may be authorized by the city manager by administrative action, approved as to form by the city attorney, without further city council approval.

(e) If a contract described under this section requires an expenditure exceeding $50,000, the contract must be authorized by city council.

(f) This section does not apply to services that are required to be competitively bid under state law or subject to other state law requirements such as requirements to contact historically underutilized businesses or the special rules for architect and engineering agreements.

(g) All other contracts not covered under this section are governed by the other applicable provisions of this code or other local rules and regulations. (Ord. Nos. 31049; 31333, eff. 10/1/19)

SEC. 2-162.4. CONTRACTS FOR RADIO STATION AIR TIME REQUIRED; OTHER RADIO STATION CONTRACTS.

(a) There shall be a contract made for the use of each period of air time sold by the radio station, no matter how small, and the sale shall be represented by written contract. Each contract shall be signed by the station manager or shall be approved by the station manager if the sale was made by some subordinate. In the event a contract for sale of air time provides for other services such as line rentals, commentators, musicians, announcers, and other costs incidental to the rendition of the program, then such contract shall—
distinctly specify each separate item or charge made for such service.

(b) Each contract shall provide for cancellation by the city upon reasonable notice, and shall distinctly specify whether the air time used is commercial, civic, or non-revenue and shall be signed by the person or organization so using the air time.

c) The following types of contracts for the benefit of the radio station, requiring an expenditure of $50,000 or less, may be authorized by the city manager by administrative action, approved as to form by the city attorney, without further city council approval:

1. payment of copyright or license fees or royalties to obtain the rights to broadcast or play specific musical works or compositions;

2. the purchase of rights to broadcast radio programs produced by persons or entities other than other radio station employees or former radio station employees less than two years after their employment with the city;

3. the purchase of advertising, through radio, television, print, billboard, or other media, to promote the radio station, including services rendered in connection with the production or preparation of artwork, copy, or music used in such advertising;

4. payment of fees to secure professional talent (other than employees of the radio station) for the purpose of promoting the radio station;

5. payment of commissions (not to exceed 25 percent of the contract amount) to persons or advertising agencies (other than employees of the radio station) who render services in connection with the sale of radio station air time or the purchase of advertising to promote the radio station; and

6. the purchase of services rendered in connection with market research and analysis, radio station ratings, and statistical, demographic, or other related research or analysis.

(a) There shall be a contract made for the use of each period of air time sold by the radio station, no matter how small, and the sale shall be represented by written contract. Each contract shall be signed by the station manager or shall be approved by the station manager if the sale was made by some subordinate. In the event a contract for sale of air time provides for other services such as line rentals, commentators, musicians, announcers, and other costs incidental to the rendition of the program, then such contract shall distinctly specify each separate item or charge made for such service.

(b) Each contract shall provide for cancellation by the city upon reasonable notice, and shall distinctly specify whether the air time used is commercial, civic, or non-revenue and shall be signed by the person or organization so using the air time.

c) The following types of contracts for the benefit of the radio station, requiring an expenditure of $50,000 or less, may be authorized by the city manager by administrative action, approved as to form by the city attorney, without further city council approval:

1. payment of copyright or license fees or royalties to obtain the rights to broadcast or play specific musical works or compositions;

2. the purchase of rights to broadcast radio programs produced by persons or entities other than other radio station employees or former radio station employees less than two years after their employment with the city;

3. the purchase of advertising, through radio, television, print, billboard, or other media, to promote the radio station, including services rendered in connection with the production or preparation of artwork, copy, or music used in such advertising;

4. payment of fees to secure professional talent (other than employees of the radio station) for the purpose of promoting the radio station;

5. payment of commissions (not to exceed 25 percent of the contract amount) to persons or advertising agencies (other than employees of the radio station) who render services in connection with the sale of radio station air time or the purchase of advertising to promote the radio station; and

6. the purchase of services rendered in connection with market research and analysis, radio station ratings, and statistical, demographic, or other related research or analysis.
(d) If a contract described in Subsection (c) requires an expenditure exceeding $50,000, the contract must be authorized by the city council. If a contract described in Subsection (c) is required by state law to be competitively bid, the rules stated in Sections 2-32 and 2-33(a) through (e) of this code apply to the contract.

(e) All other radio station contracts not covered by this section are governed by the other applicable provisions of this code.

(b) Nothing in this article prohibits the appointment of a former city employee as a member or adjunct member of the civil service board.

ARTICLE XXVII.

CIVIL SERVICE BOARD; ADJUNCT MEMBERS; ADMINISTRATIVE LAW JUDGES.

SEC. 2-163. SPECIAL QUALIFICATIONS FOR ADJUNCT MEMBERS OF THE CIVIL SERVICE BOARD.

(a) In addition to the qualifications required by the city charter and Chapter 8 of this code, each adjunct member of the civil service board must meet the following qualifications:

(1) have a total of at least five years experience as a volunteer or employee with a business, governmental, or nonprofit organization that has a work staff of at least 15 persons;

(2) have a total of at least five years experience as a volunteer or employee in the administration or personnel functions of a business, governmental, or nonprofit organization; or

(3) have an accumulation of at least five years experience under Paragraphs (1) and (2) of this subsection.
(c) The city council shall, as nearly as may be practicable, appoint adjunct members of the civil service board that are representative of the racial, ethnic, and gender makeup of the city’s population. (Ord. 20526)

SEC. 2-164. ADMINISTRATIVE LAW JUDGES:
APPOINTMENT;
QUALIFICATIONS; TERMINATION
OF CONTRACT.

(a) By January 1 of each even-numbered year beginning with the year 1992, and whenever a vacancy occurs, the judicial nominating commission shall recommend persons to be appointed by the city council to serve as administrative law judges, as provided for in Section 12.1, Chapter XVI of the city charter. Each appointment will be made through the award of a city contract, and not less than three nor more than five persons may have contracts with the city to serve as administrative law judges at the same time. Administrative law judges shall hear appeals in accordance with Section 34-40 of this code.

(b) The judicial nominating commission shall recommend as administrative law judges persons selected from applicants responding to an open, public request for proposals for professional services. The judicial nominating commission shall review the applications and resumes, research applicant qualifications, and interview the applicants. If a vacancy occurs within 120 days after the appointment of any administrative law judge, for which the commission conducted interviews, the commission is not required to conduct additional interviews but may, in its discretion, recommend nominees to fill the new vacancy from applicants who were interviewed for any administrative law judge position that was filled within the preceding 120 days. The judicial nominating commission shall, as nearly as may be practicable, recruit and recommend as administrative law judges persons who are representative of the racial, ethnic, and gender makeup of the city’s population.
§ 2-164

(c) An administrative law judge must:

(1) be a licensed attorney who has practiced law in the State of Texas for at least three years or a person who has at least five years experience adjudicating hearings of personnel decisions; and

(2) not have been an employee or an elected or appointed officer of the city, other than a full-time or associate municipal judge, within the five years immediately preceding application.

(d) An administrative law judge will be compensated for services based on a rate established by contract with the city. At least every two years, the judicial nominating commission shall review the pay structure of the administrative law judges and recommend to the city council appropriate rate adjustments or other compensation.

(e) A person is ineligible to serve as an administrative law judge if, on two occasions within any 12-month period after appointment as an administrative law judge, the person:

(1) refuses or is unable to accept an assignment from the civil service board to conduct an appeal hearing, except when based on a challenge by a party as to the selection of the administrative law judge; or

(2) is unable to conduct an appeal hearing within the time limits required by Section 34-40 of this code after considering all allowable postponements and extensions.

(f) The judicial nominating commission shall periodically review and evaluate the performance of each administrative law judge and recommend to the city council whenever the contract of an administrative law judge should be terminated or not renewed. The city council may, by a majority vote and upon the recommendation of the judicial nominating commission, terminate the contract of an administrative law judge for unsatisfactory performance. Unsatisfactory performance includes, but is not limited to:

(1) failure to acquire, retain, or correctly apply knowledge of the city’s personnel rules, civil service rules and procedures, or other laws and regulations governing personnel matters heard by an administrative law judge;

(2) failure to remain impartial and objective in hearing appeals and performing other duties as an administrative law judge; or

(3) failure to competently and efficiently hear appeals and perform other duties as an administrative law judge. (Ord. Nos. 20526; 21091; 22612; 22718)

SEC. 2-165. TRAINING.

(a) Every person appointed as a member or adjunct member of the civil service board or as an administrative law judge must attend a two-day training course before hearing an appeal under Section 34-40 of this code. The training course will include, but not be limited to:

(1) instruction in the city’s personnel rules, civil service process, and civil service procedures;

(2) an orientation session concerning police and fire personnel rules and procedures;

(3) an overview session concerning civilian employees and their responsibilities at the various levels of administration; and

(4) a mock trial board or observation of an actual appeal hearing.

(b) In addition to the training course required in Subsection (a) of this section, an administrative law judge must take a refresher training course not less than 12 months nor more than 15 months after being appointed.

(c) A person who fails to attend the two-day training course within 90 days from the date of
appointment as a member or an adjunct member of the civil service board or as an administrative law judge, or an administrative law judge who fails to attend the refresher training course within the time required in Subsection (b) of this section, shall forfeit that position with the city, and that position becomes vacant. (Ord. Nos. 20526; 22612)

SEC. 2-166. TRIAL BOARD RESPONSIBILITIES OF CIVIL SERVICE BOARD MEMBERS; ATTENDANCE.

(a) The chair of the civil service board shall establish a rotation procedure for selecting civil service board members and adjunct members to serve on trial boards, as provided for in Section 34-40 of this code. Except where conflicts of interest exist or unexpected circumstances arise, the chair shall enforce a strict rotation for service on a trial board. A member shall not request service on a particular trial board and may not serve on a requested trial board. Such a request is a violation of this section and is cause for removal of the member from the civil service board by the city council.

(b) If a member or an adjunct member of the civil service board is unable to participate on a trial board when the member’s name comes up in rotation any three times within a 12-month period, that member forfeits membership on the board, and that place becomes vacant. The civil service board secretary shall keep accurate records of all rotation procedures and members’ service. (Ord. 20526)

ARTICLE XXVIII.
STORMWATER DRAINAGE UTILITY.

SEC. 2-167. PURPOSE AND CREATION; ADOPTION OF STATE LAW; AND ADMINISTRATION OF STORMWATER DRAINAGE UTILITY.

(a) Purpose and creation. To protect public health and promote public safety from loss of life and property caused by stormwater overflows, stagnation, and pollution, a stormwater drainage utility is created, which shall be a public utility.

(b) Adoption of state law. The rules of Subchapter C, Chapter 552 of the Texas Local Government Code, as amended, which is adopted and incorporated into this article by reference, and any other provisions of this code relating to stormwater drainage shall govern the operation of the utility. Nothing in this section shall be construed to restrict the city council’s ability to make other rules or policies governing the operation of the utility.

(c) Administration. The city manager shall designate a department to manage the stormwater drainage utility. The director of the designated department must be a person professionally competent by experience and training to manage stormwater drainage operations. The director of the designated department shall perform such duties as required by:

(1) Subchapter C, Chapter 552 of the Texas Local Government Code, as amended;

(2) the city manager; or

(3) city council action. (Ord. Nos. 21059; 30215)
SEC. 2-168. DEFINITIONS; STORMWATER DRAINAGE UTILITY RATES; EXEMPTIONS; INCENTIVES FOR RESIDENTIAL-BENEFITED PROPERTIES; BILLING AND COLLECTION PROCEDURES.

(a) Definitions.

(1) BENEFITED PROPERTY has the meaning assigned in Section 552.044, Chapter 552, Texas Local Government Code, as amended.

(2) CITY TAX ROLLS means the current tax records of the appraisal district in which a particular property is located.

(3) CUSTOMER OF RECORD has the meaning assigned in Section 49-1 of this code, as amended, and also includes the term customer, as assigned in Section 49-1 of this code, as amended.

(4) DIRECTOR means the director of the department designated by the city manager to manage the stormwater drainage utility or the director’s designee.

(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-BENEFITED 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.

(b) Stormwater drainage utility rates.

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

<table>
<thead>
<tr>
<th>IMPERVIOUS AREA (in square feet)</th>
<th>MONTHLY RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>up to 2,000</td>
<td>$3.73</td>
</tr>
<tr>
<td>2,001 - 3,500</td>
<td>$5.94</td>
</tr>
<tr>
<td>3,501 - 5,500</td>
<td>$8.89</td>
</tr>
<tr>
<td>more than 5,500</td>
<td>$14.54</td>
</tr>
</tbody>
</table>

(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.

(2) The stormwater drainage charge for all other benefitted properties not defined as residential-benefitted property is an amount equal to $2.10 per month for each 1,000 square feet, or parts thereof, of impervious area of the benefitted property, with a minimum charge of $6.00 per month for non-residential-benefitted property.

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

(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; 2207; 22563; 22665; 24411; 25384; 25754; 27353; 27695; 30215; 30653; 30993; 31332, eff. 10/1/19)

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 6
ALCOHOLIC BEVERAGES

Sec. 6-1. Definitions.
Sec. 6-2. Enforcement.
Sec. 6-3. Zoning laws to be complied with.
Sec. 6-4. Dealers located near churches, schools, day-care centers, child-care facilities, and hospitals; variances.
Sec. 6-5. Public school activities.
Sec. 6-6. Reserved.
Sec. 6-6.1. Open containers and consumption of alcoholic beverages prohibited in certain public places.
Sec. 6-7. Reserved.
Sec. 6-8. Reserved.
Sec. 6-9. State law to control.
Sec. 6-10. Local fees.
Sec. 6-11. Sale of beer prohibited in residential zoning districts.
Sec. 6-12. Reserved.
Sec. 6-13. Seizure of alcoholic beverages.
Sec. 6-14. Late hours sales of alcoholic beverages in counties having a population of less than 500,000.

SEC. 6-1. DEFINITIONS.

In this chapter:

(1) ALCOHOLIC BEVERAGE means an alcoholic beverage as defined in the Texas Alcoholic Beverage Code.

(2) DALLAS CENTRAL AREA means the area contained within the following boundaries:

- Beginning at the intersection of the Trinity River and I-35;
- Northerly along the Trinity River to Inwood Road;
- Northeasterly on Inwood Road to Maple Avenue;
- Southeasterly on Maple Avenue to Motor Street;
- Southeasterly on Motor Street to Harry Hines Boulevard;
- Southerly on Harry Hines Boulevard to intersect the Union Pacific/DART Rail Line;
- Northerly and easterly along the Union Pacific/DART Rail Line to intersect Lemmon Avenue;
- Southeasterly on Lemmon Avenue to intersect North Central Expressway;
- Northerly on North Central Expressway to intersect Haskell Avenue;
- Southeasterly on Haskell Avenue to intersect the Santa Fe/DART Rail Line;
- Southwesterly along the Santa Fe/DART Rail Line to intersect the Union Pacific/DART Rail Line;
- Southwesterly along the Union Pacific/DART Rail Line to intersect I-30;
- Southwesterly on I-30 to intersect the Santa Fe/DART Rail Line;
- Southeasterly along the Santa Fe/DART Rail Line to intersect the Trinity River;
- Northwesterly along the Trinity River to intersect I-35 at the point of beginning.

(3) OPEN CONTAINER means a container that is no longer sealed.

(4) PRIVATE SCHOOL means a private school, including a parochial school, that:

   (A) offers a course of instruction for students in one or more grades from kindergarten through grade 12; and

   (B) has more than 100 students enrolled and attending courses at a single location.

(Code 1941, Art. 69-6; Ord. Nos. 21735; 21828; 25174)

SEC. 6-2. ENFORCEMENT.

A person violating a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed,
continued, or permitted. Each offense is punishable by a fine not to exceed $500. (Code 1941, Art. 69-11; Ord. 21735)

SEC. 6-3. ZONING LAWS TO BE COMPLIED WITH.

No person may sell alcoholic beverages and no license or permit to sell alcoholic beverages will be certified by the city of Dallas unless sale of alcoholic beverages at the location at which such activity is sought to be established and maintained is permitted under the Dallas Development Code, as amended, this chapter, and all other applicable ordinances, rules, and regulations of the city. Certification under this section does not make a nonconforming use conforming. (Code 1941, Art. 69-7; Ord. 21735)

SEC. 6-4. DEALERS LOCATED NEAR CHURCHES, SCHOOLS, DAY-CARE CENTERS, CHILD-CARE FACILITIES, AND HOSPITALS; VARIANCES.

(a) No person may sell alcoholic beverages if the place of business is within:

(1) 300 feet of a church, public or private school, or public hospital, except that this paragraph does not apply to the holder of:

   (A) a license or permit who also holds a food and beverage certificate covering a premises that is located within 300 feet of a private school; or

   (B) a license or permit covering a premises where minors are prohibited from entering under Section 109.53 of the Texas Alcoholic Beverage Code and that is located within 300 feet of a private school;

(2) 1,000 feet of a public school if the city council by resolution adopts a request from the board of trustees of a school district under Section 38.007 of the Texas Education Code, except that this paragraph does not apply to the holder of:

   (A) a retail on-premises consumption permit or license if less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages;

   (B) a retail off-premises consumption permit or license if less than 50 percent of the gross receipts for the premises, excluding the sale of items subject to motor fuels tax, is from the sale or service of alcoholic beverages; or

   (C) a wholesaler’s, distributor’s, brewer’s, distiller’s and rectifier’s, winery, wine bottler’s, or manufacturer’s permit or license, or any other license or permit held by a wholesaler or manufacturer as those words are ordinarily used and understood in Chapter 102 of the Texas Alcoholic Beverage Code;

(3) 1,000 feet of a private school if the city council by resolution adopts a request from the governing body of the private school, except that this paragraph does not apply to the holder of:

   (A) a retail on-premises consumption permit or license if less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages;

   (B) a retail off-premises consumption permit or license if less than 50 percent of the gross receipts for the premises, excluding the sale of items subject to motor fuels tax, is from the sale or service of alcoholic beverages;

   (C) a wholesaler’s, distributor’s, brewer’s, distiller’s and rectifier’s, winery, wine bottler’s, or manufacturer’s permit or license, or any other license or permit held by a wholesaler or manufacturer as those words are ordinarily used and
understood in Chapter 102 of the Texas Alcoholic Beverage Code;

(D) a license or permit issued under Chapter 27, 31, or 72 of the Texas Alcoholic Beverage Code who is operating on the premises of a private school; or

(E) a license or permit covering a premises where minors are prohibited from entering under Section 109.53 of the Texas Alcoholic Beverage Code and that is located within 1,000 feet of a private school; or

(4) 300 feet of a day-care center or a child-care facility, as those terms are defined by Section 42.002 of the Texas Human Resources Code, if the person is the holder of a permit or license under Chapter 25, 28, 32, 69, or 74 of the Texas Alcoholic Beverage Code who does not hold a food and beverage certificate, except that this paragraph does not apply:

(A) if the permit or license holder and the day-care center or child-care facility are located:

(i) on different stories of a multistory building; or

(ii) in separate buildings and either the permit or license holder or the day-care center or child-care facility is located on the second story or higher of a multistory building; or

(B) to a foster group home, foster family home, family home, agency group home, or agency home, as those terms are defined by Section 42.002 of the Texas Human Resources Code.

(b) The measurement of the distance between the place of business where alcoholic beverages are sold and a church or public hospital will be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

(c) Except as otherwise provided in this subsection, the measurement of the distance between the place of business where alcoholic beverages are sold and a public or private school, a day-care center, or a child-care facility will be in a direct line from the property line of the public or private school, day-care center, or child-care facility to the property line of the place of business, and in a direct line across intersections. If the permit or license holder is located on or above the fifth story of a multistory building, the measurement of the distance between the place of business where alcoholic beverages are sold and a public or private school, a day-care center, or a child-care facility will be in a direct line from the property line of the public or private school, day-care center, or child-care facility to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located. As to any dealer who held a license or permit from the Texas Alcoholic Beverage Commission on September 1, 1983, the measurement of the distance between the place of business of the dealer and a public or private school, day-care center, or child-care facility will be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

(d) If at the time an original alcoholic beverage permit or license is granted by the Texas Alcoholic Beverage Commission, the premises satisfies the requirements regarding distance from churches, public hospitals, public or private schools, day-care centers, or child-care facilities set forth in this section, the premises will be deemed to satisfy the distance requirements of this section for all subsequent renewals of the license or permit. This subsection does not apply to the satisfaction of the distance requirement prescribed by Subsection (a)(2) of this section for a public school if the permit or license has been suspended for a violation, occurring after September 1, 1995, of any of the following provisions of the Texas Alcoholic Beverage Code:
§ 6-4 Alcoholic Beverages

(1) Section 11.61(b)(1), (6), (7), (8), (9), (10), (11), (13), (14), or (20); or

(2) Section 61.71(a)(5), (6), (7), (8), (11), (12), (14), (17), (18), (22), or (24).

(e) On the sale or transfer of the business in which a new original license or permit is required, the business will be deemed to satisfy the distance requirements as if the issuance of the new original permit or license were a renewal of a previously held permit or license. This subsection does not apply to the satisfaction of the distance requirement prescribed by Subsection (a)(2) of this section for a public school, except that on the death of a permit or license holder or a person having an interest in a permit or license, this subsection does apply to the holder’s surviving spouse or child of the holder or person if the spouse or child qualifies as a successor in interest to the permit or license.

(f) This section does not apply to:

(1) the area bounded by the south side of Woodall Rodgers Freeway, the east side of Stemmons Freeway (I-35E), the north side of R.L. Thornton Freeway (I-30), and the west side of Central Expressway (U.S. 75);

(2) Planned Development District No. 269 (the Deep Ellum/Near East Side District); or

(3) the area bounded by Lemmon Avenue East, McKinney Avenue, Blackburn Street, and Cole Avenue (West Village).

(g) Variances. Pursuant to Section 109.33(e) of the Texas Alcoholic Beverage Code, a variance to the distance requirements prescribed by Subsection (a) may be requested and granted in accordance with the following procedures.

(1) Application. An applicant for a variance shall submit the following information to the director of the department of sustainable development and construction:

(A) The name of the owner of the property where the alcohol business will be located.

(B) The name and address of the applicant for the alcohol permit.

(C) The type of alcohol permit for which application is being made.

(D) The name and address of the protected use that creates the need for the variance. For purposes of this section, “protected use” means a church, public or private school, public hospital, day-care center, or child-care facility as defined in this chapter.

(E) A survey showing the location and distances of the business where alcohol will be sold, the front door of the business where alcohol will be sold, the location of the protected use, and the front door of the protected use.

(F) A statement of why the variance meets the standard of Subparagraph (5)(D).

(G) Any other information the director of the department of sustainable development and construction deems necessary.

(2) Fee. A nonrefundable fee of $1,200 must be paid to the director of sustainable development and construction when the application for a variance is filed.

(3) Notification signs.

(A) Signs required to be obtained from the city. An applicant is responsible for obtaining the required number of notification signs and posting them on the property that is the subject of the application. Notification signs must be obtained from the director of the department of sustainable development and construction or the building official.
An application will not be processed until the fee of $10 per sign has been paid.

(B) Number of signs required. A minimum of one notification sign is required for every 500 feet or less of street frontage, with one additional notification sign required for each additional 500 feet or less of street frontage. For tracts without street frontage, a minimum of one notification sign is required for every five acres or less, with one additional notification sign required for each additional five acres or less. A maximum of five notification signs are required.

(C) Posting of signs. The applicant shall post the required number of notification signs on the alcoholic beverage premises, as defined in Section 11.49 of the Texas Alcoholic Beverage Code, within 14 days after an application is filed. The signs must be legible and remain posted until a final decision is made on the application. For tracts with street frontage, signs must be evenly spaced over the length of every street frontage, posted at a prominent location adjacent to a public street, and be easily visible from the street. For tracts without street frontage, signs must be evenly posted in prominent locations most visible to the public.

(D) Failure to comply. If the city council determines that the applicant has failed to comply with the provisions of this paragraph, it shall take no action on the application other than to postpone the public hearing for at least four weeks or deny the applicant’s request. If the hearing is postponed, the required notification signs must be posted within 24 hours after the public hearing is postponed and comply with all other requirements of this paragraph.

(E) Illegal removal of signs. A person commits an offense if he intentionally or knowingly removes a notification sign that has been posted pursuant to this paragraph. It is a defense to prosecution under this paragraph that the sign was no longer required to be posted pursuant to this paragraph at the time of its removal.

(4) Hearing. The director of the department of sustainable development and construction shall set a date for a public hearing before the city council within 60 days after a complete application is filed. Not less than 10 days before the public hearing, the director of the department of sustainable development and construction shall:

(A) publish notice of the public hearing in a newspaper of general circulation;

(B) provide notice of the public hearing to all neighborhood associations registered with the department of sustainable development and construction to receive zoning notices for the area in which the alcoholic beverage premises, as defined in Section 11.49 of the Texas Alcoholic Beverage Code, is located; and

(C) provide notice of the public hearing to the protected use that creates the need for the variance.

(5) Standard for approval. A main motion to approve a variance must be seconded two times, with each second made by a different city council member. The city council may, but is not required, to allow variances to the spacing requirements of Subsection (a) if the city council finds that:

(A) the application is for:

(i) a brewer’s permit pursuant to Chapter 12 of the Texas Alcoholic Beverage Code;

(ii) a distiller’s and rectifier’s permit pursuant to Chapter 14 of the Texas Alcoholic Beverage Code;

(iii) a winery permit pursuant to Chapter 16 of the Texas Alcoholic Beverage Code;

(iv) a wine and beer retailer’s permit pursuant to Chapter 25 of the Texas Alcoholic Beverage Code;
§ 6-4 Alcoholic Beverages

(v) a wine and beer retailer’s off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code;

(vi) a mixed beverage permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code with a food and beverage certificate;

(vii) a manufacturer’s license pursuant to Chapter 62 of the Texas Alcoholic Beverage Code;

(B) the application is for one of the following uses as defined in the Dallas Development Code:

(i) general merchandise or food store with 10,000 square feet or more of floor area;

(ii) restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to the Texas Alcoholic Beverage Code;

(iii) alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery; or

(iv) alcoholic beverage manufacturing;

(C) alcoholic beverages will not be sold by drive-in or drive-through service; and

(D) enforcement of the spacing requirements in this particular instance:

(i) is not in the best interest of the public;

(ii) constitutes waste or inefficient use of land or other resources;

(iii) creates an undue hardship on an applicant for an alcohol permit;

(iv) does not serve its intended purpose;

(v) is not effective or necessary; or

(vi) for any other reason that the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

(6) Conditions. City council may impose reasonable conditions on the granting of a variance and may require development pursuant to a site plan.

(7) Renewal and transfer. A variance granted pursuant to this subsection is valid for subsequent renewals of the alcohol permit. A variance granted pursuant to this subsection may not be transferred to another location or to another alcohol permit holder. (Ord. Nos. 8096; 13172; 15669; 21735; 22537; 25174; 25465; 27747; 28444; 28565; 28799; 29208; 29261; 31143)

SEC. 6-5. PUBLIC SCHOOL ACTIVITIES.

A person commits an offense if he possesses, transports, or consumes any alcoholic beverage, at any high school athletic contest, at any school-sponsored dance, party or other social gathering, or on the grounds or in the buildings of any public school. Any police officer is authorized to seize and confiscate such alcoholic beverages. (Ord. Nos. 4175; 21735)

SEC. 6-6. RESERVED. (Ord. 21735)
SEC. 6-6.1. OPEN CONTAINERS AND CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED IN CERTAIN PUBLIC PLACES.

(a) A person commits an offense if he consumes an alcoholic beverage outside the Dallas central area on:

(1) any property owned or leased by the city; or

(2) a public street or any public place within 18 feet of a public street.

(b) A person commits an offense if he possesses an open container of or consumes an alcoholic beverage on a public street, public alley, or public sidewalk within 1,000 feet of the property line of a facility that is a public or private school, including a parochial school, that provides all or any part of prekindergarten through twelfth grade.

(c) A person commits an offense if he possesses an open container of or consumes an alcoholic beverage within the Dallas central area.

(d) It is a defense to prosecution under Subsection (a), (b), or (c) of this section that the person:

(1) was attending a special event:

(A) that was authorized by the city; and

(B) for which a valid permit or license to sell or serve alcoholic beverages was issued by the Texas Alcoholic Beverage Commission;

(2) was within the area of an establishment licensed by the Texas Alcoholic Beverage Commission for alcohol consumption on the premises.

(3) is able to prove a defense to prosecution under Section 32-11.3(b) of this code;

(4) was in a motor vehicle;

(5) was inside a building not owned or controlled by the city; or

(6) was inside a residential structure.

(e) Nothing in this section is intended to prohibit or otherwise control the manufacture, sale, distribution, transportation, or possession of alcoholic beverages, except to the extent allowed by state law.

(Ord. Nos. 15635; 15816; 15849; 16600; 19963; 21021; 21352; 21385; 21735; 21828; 25174)

SEC. 6-7. RESERVED.

(Repealed by Ord. 16870)

SEC. 6-8. RESERVED.

(Repealed by Ord. 16870)

SEC. 6-9. STATE LAW TO CONTROL.

The penalties provided for by this chapter are subject to the limitations of the Texas Alcoholic Beverage Code, and if there is any conflict between the penalties of this chapter and the state law, then to that extent the state law controls, and the municipal court of the city will have jurisdiction of any offense under this chapter and under the state law only where the Constitution and the general law of this state confer such jurisdiction. (Code 1941, Art. 69-14; Ord. 21735)

SEC. 6-10. LOCAL FEES.

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

(a) The city hereby levies, and shall collect, a fee from every person who is issued a permit or license for a premise located within the city, as allowed under the Texas Alcoholic Beverage Code, as amended. The amount of the fee is the maximum permitted under state law.
(b) The Special Collections Division of the Dallas Water Utilities Department shall, upon receipt of payment, issue and provide a receipt to the permittee or licensee.

(c) The receipt must be displayed with the certificate of occupancy in a conspicuous location at the permitted or licensed premise at all times. A person commits an offense if he fails to display the receipt in accordance with this subsection.

(d) A refund of the fees levied under this section may not be made for any reason, except when:

(1) the permittee or licensee is prevented from continuing in business as a result of a local option election; or

(2) the Texas Alcoholic Beverage Commission or its administrator rejects a permit or license application.

(e) A permittee or licensee who sells an alcoholic beverage at a business location within the city before the permittee or licensee pays the fees levied under this section commits a class C misdemeanor punishable by a fine of not less than $10 and not more than $200. (Ord. Nos. 30653; 31332, eff. 10/1/19)
§ 6-11  ALCOHOLIC BEVERAGES

SEC. 6-11. SALE OF BEER PROHIBITED IN RESIDENTIAL ZONING DISTRICTS.

The sale of beer is prohibited at a location that is within a residential zoning district or an identifiable portion of a planned development or conservation district restricted to residential uses, except as allowed by the Dallas Development Code. (Ord. Nos. 15371; 21735)

SEC. 6-12. RESERVED. (Ord. 21735)

SEC. 6-13. SEIZURE OF ALCOHOLIC BEVERAGES.

(a) A police officer of the city who arrests or issues a citation to a person for public intoxication, or for any other alcohol-related Class C misdemeanor or city ordinance violation, shall seize any alcoholic beverage in the possession of the person at the time of the arrest or citation.

(b) Except as provided in Subsection (c), and unless specifically provided otherwise by another applicable city ordinance or state or federal law, containers of alcoholic beverages seized under Subsection (a) must be disposed of as follows:

(1) If the person arrested or cited is under 21 years of age, each container, whether opened or unopened, must be discarded in accordance with the rules and regulations promulgated by the chief of police.

(2) If the person arrested or cited is 21 years of age or older:

(A) any open container must be discarded in accordance with the rules and regulations promulgated by the chief of police; and

(B) any unopened container will be:

(i) released, with the consent of the person taken into custody, to a third party who is 21 years of age or older; or

(ii) stored by the police department pending the release of the person in custody.

(c) If 24 or more unopened containers of alcoholic beverages are seized from a person under Subsection (a), each unopened container will be stored by the police department pending a hearing to be held by the municipal court following the disposition of the charge for which the person was arrested or cited. At the hearing, the municipal court may order:

(1) the return of the containers of alcoholic beverages to the person from whom they were seized, if the person is 21 years of age or older;

(2) the destruction of the alcoholic beverages by the police department in accordance with the rules and regulations promulgated by the chief of police; or

(3) such other disposition as the municipal court deems necessary. (Ord. Nos. 15868; 21735; 22619)

SEC. 6-14. LATE HOURS SALES OF ALCOHOLIC BEVERAGES IN COUNTIES HAVING A POPULATION OF LESS THAN 500,000.

(a) Pursuant to Sections 105.03(d) and 105.05(d) of the Texas Alcoholic Beverage Code, as amended, late hours sales of alcoholic beverages are authorized in any part of the city of Dallas located within a county having a population of less than 500,000, according to the last preceding federal census, as follows:
(1) A holder of a mixed beverage late hours permit may sell and offer for sale mixed beverages between midnight and 2 a.m. on any day.

(2) A holder of a retail dealer’s on-premise late hours license may sell, offer for sale, and deliver beer between midnight and 2 a.m. on any day.

(b) This section expires on June 25, 2005, unless sooner terminated or extended by ordinance of the city council. (Ord. 25322)
Alcoholic Beverages

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CHAPTER 7
ANIMALS

ARTICLE I.
GENERAL.

Sec. 7-1.1. Definitions.

ARTICLE II.
ANIMAL SERVICES; CITY ANIMAL SHELTERS.

Sec. 7-2.1. State law; local rabies control authority designated.
Sec. 7-2.2. Shelters established.
Sec. 7-2.3. Policies and procedures.
Sec. 7-2.4. Quarantine of animals.
Sec. 7-2.5. Impoundment of animals.
Sec. 7-2.6. Redemption of impounded animals.
Sec. 7-2.7. Adoption of animals.
Sec. 7-2.8. Killing or euthanasia of animals.

ARTICLE III.
CARE AND TREATMENT OF ANIMALS.

Sec. 7-3.1. Loose animals.
Sec. 7-3.2. Sanitary conditions; maintenance of premises.
Sec. 7-3.3. Trapping animals.
Sec. 7-3.4. Unlawful placement of poisonous substances.
Sec. 7-3.5. Transporting an animal in an open bed of a motor vehicle.

ARTICLE IV.
SPECIFIC REQUIREMENTS FOR DOGS AND CATS.

Sec. 7-4.1. Vaccination of dogs and cats.
Sec. 7-4.2. Microchipping of dogs and cats.

Sec. 7-4.3. Revocation and denial of registration.
Sec. 7-4.4. Authorized registrars.
Sec. 7-4.5. Sale of dogs and cats.
Sec. 7-4.6. Limitation on the number of dogs and cats in dwelling units.
Sec. 7-4.7. Tethered dogs.
Sec. 7-4.8. Defecation of dogs on public and private property; failure to carry materials and implements for the removal and disposal of dog excreta.
Sec. 7-4.9. Confinement requirements for dogs kept outdoors.
Sec. 7-4.10. Restrictions on unsterilized dogs and cats.
Sec. 7-4.11. Breeding permit.
Sec. 7-4.12. Duty to locate owners of loose dogs.
Sec. 7-4.13. Confinement of dogs or cats in unattended motor vehicles.
Sec. 7-4.14. Dog bites.

ARTICLE V.
DANGEROUS DOGS.

Sec. 7-5.1. Definitions.
Sec. 7-5.2. State law; animal control authority.
Sec. 7-5.3. Determination as a dangerous dog.
Sec. 7-5.4. Appeal of director's dangerous dog determination.
Sec. 7-5.5. Requirements for ownership of a dangerous dog; noncompliance hearing.
Sec. 7-5.6. Attacks by dangerous dog; hearing.
Sec. 7-5.7. Prohibition on owning a dog determined dangerous by another jurisdiction.
Sec. 7-5.8. Surrender of a dangerous dog.
Sec. 7-5.9. Dangerous dog owned or harbored by minor.
Sec. 7-5.10. Defenses.
Sec. 7-5.11. Dangerous dog registry.
ARTICLE I.
GENERAL.

SEC. 7-1.1. DEFINITIONS.

In this chapter:

(1) ADOPTER means a person who adopts an animal from an animal shelter or an animal adoption agency.

(2) ADOPTION AGENCY means an animal welfare organization or animal placement group approved by the director to take impounded dogs and cats from animal services for adoption to the public.

(3) ANIMAL means any nonhuman vertebrate.

(4) ANIMAL SERVICES means the department so designated by the director for the purpose of animal care and control and enforcement of this chapter.

(5) ANIMAL SERVICES OFFICER means an employee of animal services whose duty it is to enforce the provisions of this chapter.

(6) ANIMAL SHELTER means a city-owned and operated animal shelter facility established for the impoundment, quarantine, care, adoption, euthanasia, and other disposition of unwanted, loose, diseased, or vicious animals.

(7) ANIMAL WELFARE ORGANIZATION means a non-profit organization incorporated under state law and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes.
(8) AUTHORIZED REGISTRAR means a person issued written permission by the director to register dogs and cats in compliance with this chapter.

(8.1) BODILY INJURY means physical pain, illness, or any impairment of physical condition.

(9) CHIEF OF POLICE means the head of the police department of the city of Dallas or a designated representative.

(10) COMPETITION CAT means a pedigreed cat not used for breeding that:

   (A) is of a breed recognized by and registered with an approved cat breed registry, such as the American Cat Fanciers Association, the Cat Fanciers’ Association, the International Cat Association, or any other cat breed registry approved by the director; and

   (B) competes in cat shows or other competition events sponsored by an approved cat breed registry.

(11) COMPETITION DOG means a pedigreed dog not used for breeding that:

   (A) is of a breed recognized by and registered with an approved dog breed registry, such as the American Kennel Club, the United Kennel Club, the American Dog Breeders Association, or any other dog breed registry approved by the director; and

   (B) shows or competes in a confirmation, obedience, agility, carting, herding, protection, rally, sporting, working, or other event sponsored by an approved dog breed registry.

(12) CONTACT INFORMATION means the owner's name, mailing address, telephone number, and electronic mail address, if any.

(13) CONVICTION means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned. "Conviction" includes disposition of charges against a person by probation, deferred adjudication, or deferred disposition.

(14) CURRENTLY VACCINATED means vaccinated against rabies by a licensed veterinarian, with a rabies vaccine licensed by the U.S. Department of Agriculture, and:

   (A) not more than 12 months have elapsed since the animal's most recent vaccination date, if the most recent vaccination was with a one-year rabies vaccine or was the animal’s initial vaccination; or

   (B) not more than 36 months have elapsed since the animal’s most recent vaccination date, if the most recent vaccination was with a three-year rabies vaccine and the animal is a dog or cat that has received at least two vaccinations.

(15) DIRECTOR means the director of the department designated by the city manager to perform the duties assigned in this chapter or the director's authorized representative.

(16) DOMESTIC ANIMAL means:

   (A) a dog;

   (B) a cat;

   (C) a ferret;

   (D) any bird, other than one in the Falconiforms or Strigiforms Order, that is commonly kept as a human's companion;

   (E) any "pocket pet," such as a mouse, hamster, gerbil, guinea pig, or rabbit, that is commonly kept as a human's companion;

   (F) any fish, such as a goldfish or tropical fish, that is commonly kept as a human's companion; and
(G) any non-venomous and non-constrictor reptile or amphibian that is commonly kept as a human's companion.

(17) EUTHANASIA means to put an animal to death in a humane manner.

(18) FENCED YARD means an area that is completely surrounded by a substantial fence of sufficient strength, height, construction, materials, and design as to prevent:

(A) any animal confined within from escaping; or

(B) the head of a dog confined within from extending over, under, or through the fence.

(19) FERAL CAT means any homeless, wild, or untamed cat.

(20) LICENSED VETERINARIAN means a person licensed to practice veterinary medicine within the United States, or an authorized representative under that person's direct supervision.

(21) LIVESTOCK means any fowl, horse, mule, burro, ass, cattle, sheep, swine, goat, llama, emu, ostrich, or other common farm animal.

(22) LOOSE means an unrestrained domestic animal or livestock that is outside the boundaries of the premises owned, leased, or legally occupied by the animal's owner.

(23) MICROCHIP means a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or the recovery of the animal by its owner.

(24) ONE-YEAR RABIES VACCINE means a rabies vaccine labeled and licensed by the U.S. Department of Agriculture as immunizing a dog, cat, or ferret against rabies for one year.

(25) OWN means to have legal right of possession or to otherwise have care, custody, possession, or control of an animal.

(26) OWNER means any person owning, harboring, or having care, custody, possession, or control of an animal. An occupant of any premises on which a dog or cat remains, or customarily returns to, is an owner for purposes of this chapter. If a person under the age of 17 years owns an animal, the parent, legal guardian, or head of the household is the owner for purposes of this chapter. There may be more than one owner for an animal.

(27) PERMITTEE means a person issued a breeding permit under Section 7-4.11 of this chapter.

(28) PERSON means an individual or group of individuals acting in concert, a firm, partnership, association, corporation, or other legal entity.

(29) PET means a domestic animal to be kept as a human's companion.

(30) PROHIBITED ANIMAL means:

(A) a "dangerous wild animal" as that term is defined in Section 822.101 of the Texas Health and Safety Code, as amended;

(B) a margay, badger, wolf, dingo, elephant, hippopotamus, rhinoceros, non-human primate (other than a spider monkey or capuchin), crocodile, alligator, caiman, gavial, venomous amphibian or reptile, racer, boa (other than a red-tail boa), water snake, python (other than a ball python), hawk, eagle, vulture, and owl; and

(C) any hybrid of an animal listed in Paragraph (A) or (B) of this subsection (other than a dog-wolf hybrid).

(31) PROPERLY FITTED means, with respect to a collar or harness used for a dog, a collar or harness that:
§ 7-1.1 Animals

(A) does not impede the dog’s normal breathing or swallowing; and

(B) is attached to the dog in a manner that does not allow for escape and does not cause injury to the dog.

(32) PROTECTIVE CUSTODY means the holding of an animal in a city animal shelter:

(A) due to the arrest, eviction, hospitalization, or death of the animal’s owner;

(B) pursuant to a court order; or

(C) at the request of a law enforcement agency.

(33) REGULATED ANIMAL means any animal other than a prohibited animal, livestock, or domestic animal.

(34) RETAIL PET STORE means a business that regularly sells animals for pet purposes to an ultimate owner. The term includes any owner, operator, agent, or employee of the business.

(35) SERVICE ANIMAL means:

(A) any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, and assisting non-ambulatory persons by pulling a wheelchair or fetching dropped items; and

(B) any trained animal used by a governmental agency in police and rescue work.

(36) TETHER means restraining an animal or the act of chaining, tying, fastening, or otherwise securing an animal to a fixed point so that it can move or range only within certain limits.

(37) TETHERING DEVICE means a cable, chain, cord, leash, rope, or other means of attaching an animal to a stationary object.

(38) THREE-YEAR RABIES VACCINE means a rabies vaccine labeled and licensed by the U.S. Department of Agriculture as immunizing a dog or cat against rabies for three years. (Ord. Nos. 26024; 27250; 30483; 30687; 30901)

ARTICLE II.

ANIMAL SERVICES; CITY ANIMAL SHELTERS.

SEC. 7-2.1. STATE LAW; LOCAL RABIES CONTROL AUTHORITY DESIGNATED.

(a) The provisions of Chapters 823 and 826 of the Texas Health and Safety Code, as amended, are incorporated into this article by reference.

(b) The director is designated as the local rabies control authority for purposes of Chapter 826 of the Texas Health and Safety Code, as amended, and shall perform the duties required of a local rabies control authority under that chapter and under rules adopted by the Texas Board of Health pursuant to that chapter. (Ord. 26024)

SEC. 7-2.2. SHELTERS ESTABLISHED.

The city council shall select and establish one or more animal shelters in the city for impoundment, quarantine, care, adoption, euthanasia, and other humane disposition of unwanted, stray, diseased, or vicious animals. (Ord. 26024)

SEC. 7-2.3. POLICIES AND PROCEDURES.

The director will develop written policies and procedures for all animal services operations,
including standards for city animal shelters; the training of animal services personnel; the care, euthanasia, and disposition of animals in the custody of animal services; the form and maintenance of records relating to impounded animals; and the transfer and adoption of dogs and cats. (Ord. 26024)

SEC. 7-2.4. QUARANTINE OF ANIMALS.

(a) The director is authorized to quarantine an animal as provided in Chapter 826 of the Texas Health and Safety Code, as amended, and the rules adopted by the Texas Board of Health under that chapter.

(b) Any person with knowledge of a likely rabies exposure to a human must report the incident to the director as soon as possible after the incident. This requirement does not apply to contact with low-risk animals as defined in 25 TAC §169.22.

(c) An owner of an animal commits an offense if, upon notification by the director that the animal has bitten, scratched, or likely exposed a person to rabies, the owner fails to either:

(1) surrender the animal immediately to the director for quarantine at a city animal shelter;

(2) immediately deliver the animal to a veterinary clinic approved by the director for quarantine at the owner's expense; or

(3) quarantine the animal on the owner's property in a secure enclosure approved by the director. (Ord. Nos. 26024; 30483)

SEC. 7-2.5. IMPOUNDMENT OF ANIMALS.

(a) The director or the chief of police is authorized to seize and impound any animal:

(1) in the city that is loose;

(2) for protective custody;

(3) required to be quarantined under Section 7-2.4;

(4) seized pursuant to a warrant or court order;

(5) that is a prohibited animal and kept in the city in violation of Section 7-6.1;

(6) posing a threat to the public health or safety; and

(7) displaying signs and symptoms of extreme health concerns.

(b) If an animal is impounded, except pursuant to Subsection (a)(4) and Section 7-2.6(e), the director shall make a reasonable effort to locate the animal's owner by sending notice using contact information from the animal's vaccination tag, microchip, or other identification. Additionally, the director shall call all telephone numbers listed as part of the contact information.

(1) A notice delivered pursuant to this subsection is deemed to be received on the earlier of the date actually received, or the third day following the date upon which the notice was sent. On the second calendar day following receipt of notice, the animal becomes the sole property of the city and is subject to disposition as the director deems appropriate.

(2) If the director is unable to locate contact information for the animal's owner from the animal's vaccination tag, microchip, or other identification, the director shall hold the animal at an animal shelter for a period of 72 hours, after which the animal becomes the sole property of the city and subject to disposition as the director deems appropriate.

(c) If an animal described in Subsection (a) is on private property, the impounding officer may enter the property for the purpose of impoundment or issuance of a citation, or both.
(d) The director is the designated caretaker of a loose, impounded, or surrendered animal immediately upon intake at the animal shelter.

(e) Visitation of a seized animal is prohibited.

(f) No animal impounded at a city animal shelter or in the custody or control of animal services may be knowingly sold, released, or otherwise disposed of for research purposes. (Ord. Nos. 26024; 29403; 30483; 30900)

SEC. 7-2.6. REDEMPTION OF IMPOUNDED ANIMALS.

(a) To redeem an impounded animal from a city animal shelter, the owner of the animal must provide proof of ownership and pay to the director the following fees for services rendered before redemption:

(1) on all animals held at least one full day, a redemption fee of:

(A) $27 for an animal delivered for impoundment to a city animal shelter by a person other than a city employee in the performance of official duties; or

(B) $27 for an animal delivered for impoundment to a city animal shelter by a city employee in the performance of official duties;

(2) on all animals held at least one full day, $10 for each night the animal is housed in a city shelter;

(3) $10 for a rabies vaccination of a dog, cat, or ferret if the owner cannot show either:

(A) a current certificate of vaccination for the animal; or

(B) a letter from a licensed veterinarian on office stationery dated prior to impoundment stating that the animal was not vaccinated due to health reasons;

(4) $15 for a microchip implant and initial national registration of a dog or cat, unless:

(A) the animal was injected with a microchip implant prior to impoundment;

(B) a letter from a licensed veterinarian on office stationery dated prior to impoundment stating that the animal should not be injected with a microchip implant for health reasons;

(5) $60 for sterilization of an animal, unless:

(A) the animal was spayed or neutered prior to impoundment;

(B) the animal is under six months of age;

(C) the owner provides a letter from a licensed veterinarian on office stationery dated prior to impoundment certifying that the animal should not be spayed or neutered for health reasons or is permanently non-fertile as confirmed by a health examination within 90 days prior to impoundment.

(a) To redeem an impounded animal from a city animal shelter, the owner of the animal must provide proof of ownership and pay to the director the following fees for services rendered before redemption:

(1) on all animals held at least one full day, a redemption fee of:

(A) $25 for an animal delivered for impoundment to a city animal shelter by a person other than a city employee in the performance of official duties; or

(B) $25 for an animal delivered for impoundment to a city animal shelter by a city employee in the performance of official duties;

(2) on all animals held at least one full day, $10 for each night the animal is housed in a city shelter;

(3) $10 for a rabies vaccination of a dog, cat, or ferret if the owner cannot show either:

(A) a current certificate of vaccination for the animal; or

(B) a letter from a licensed veterinarian on office stationery dated prior to impoundment stating that the animal was not vaccinated due to health reasons;

(2) on all animals held at least one full day, $10 for each night the animal is housed in a city shelter;

(3) $10 for a rabies vaccination of a dog, cat, or ferret if the owner cannot show either:

(A) a current certificate of vaccination
for the animal; or

(B) a letter from a licensed veterinarian on office stationery dated prior to impoundment stating that the animal was not vaccinated due to health reasons;

(4) $10 for a microchip implant and initial national registration of a dog or cat unless:

(A) the animal was injected with a microchip implant prior to impoundment;

(B) a letter from a licensed veterinarian on office stationery dated prior to impoundment stating the animal should not be injected with a microchip implant for health reasons; and

(5) $40 for sterilization of an animal, unless:

(A) the animal was spayed or neutered prior to impoundment;

(B) the animal is under six months of age;

(C) the owner provides a letter from a licensed veterinarian on office stationery dated prior to impoundment certifying that the animal should not be spayed or neutered for health reasons or is permanently non-fertile as confirmed by a health examination within 90 days prior to impoundment.

(b) The redemption period for an animal impounded in a city animal shelter, other than for quarantine or pursuant to a court order, is:

(1) three days after the date of impoundment, unless Paragraph (2) or (3) of this subsection applies to the animal;

(2) five days after the date of impoundment if:

(A) the animal is wearing a legible tag or has a microchip implant identifying its owner with contact information; or

(B) the director has reason to believe the animal has an owner; or

(3) 10 days after the date of impoundment if the animal is being held for protective custody.
(c) The redemption period for an animal impounded pursuant to a court order is the time set forth in the court order or, if no provision is made in the court order, five days after the court proceedings are final.

(d) Except as provided in Section 7-5.3(c), the redemption period for an animal, with an identified owner, impounded for quarantine is the same day as completion of the quarantine period.

(e) Kitten litters, puppy litters, and mothers nursing litters impounded in the city’s animal shelter cannot be redeemed and immediately become the sole property of the city and are subject to disposition as the director deems appropriate.

(f) If an animal is not redeemed within the appropriate time period specified in Subsections (b) through (d), the animal will become the property of the city and may be placed for adoption, euthanized, or otherwise disposed of as recommended by the director.

(g) An owner of an impounded animal commits an offense if he removes or attempts to remove the animal from a city animal shelter without first paying all applicable fees required in Subsection (a). (Ord. Nos. 26024; 27250; 29879; 29986; 30900; 31332, eff. 10/1/19)

SEC. 7-2.7. ADOPTION OF ANIMALS.

(a) To adopt a dog or cat from animal services, the adopter shall:

(1) complete and sign an adoption application on a form provided by the director for that purpose;

(2) sign an adoption contract on a form provided by the director for that purpose, which shall include a statement that the adopter agrees that if the adopter fails to comply with a sterilization agreement under Subsection (d), the animal may be seized and impounded by the director and ownership will automatically revert to the city;

(3) pay to the director a non-refundable adoption fee (which includes, but is not limited to, the costs of any required vaccination, microchip implant, initial national registration, and sterilization) of:

(A) $85 for a dog and $55 for a cat, unless Subparagraph (B) of this paragraph applies to the adoption; or

(B) $43 for a dog and $27 for a cat if:

(i) the dog or cat is at least six years of age, as determined by the director;

(ii) the ultimate owner of the dog or cat will be a person who is 65 years of age or older as of the date of adoption; or

(iii) the adopter adopts two or more dogs and/or cats on the same date and as part of the same transaction, and the adopter will be the ultimate owner of all of the animals adopted in the transaction; and

(4) pay to the director the applicable registration fee for the dog or cat under Section 7-4.2, if the dog or cat is at least four months of age and the adopter resides in the city.

(a) To adopt a dog or cat from animal services, the adopter shall:

(1) complete and sign an adoption application on a form provided by the director for that purpose;

(2) sign an adoption contract on a form provided by the director for that purpose, which shall include a statement that the adopter agrees that if the adopter fails to comply with a sterilization agreement under Subsection (d), the animal may be seized and impounded by the director and ownership will automatically revert to the city; and

(3) pay to the director a non-refundable adoption fee (which includes, but is not limited to, the costs of any required vaccination, microchip implant, initial national registration, and sterilization) of:

(A) $45 for a dog and $15 for a cat, unless Subparagraph (B) of this paragraph applies to the adoption; or
(B) $25 for a dog and $5 for a cat if:

(i) the dog or cat is at least six years of age, as determined by the director;

(ii) the ultimate owner of the dog or cat will be a person who is 65 years of age or older as of the date of adoption; or

(iii) the adopter adopts two or more dogs and/or cats on the same date and as a part of the same transaction, and the adopter will be the ultimate owner of all of the animals adopted in the transaction.

(b) The director may, from time to time, designate and advertise promotional adoption periods during which the non-refundable adoption fees payable under Subsection (a)(3)(A) will be reduced or waived.

(c) Each dog or cat adopted from animal services will be spayed or neutered prior to release of the animal to the adopter, unless:

(1) the dog or cat is under six months of age; or

(2) a licensed veterinarian certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile.
§ 7-2.7 Animals § 7-2.7

(d) Before an unsterilized dog or cat under the age of six months will be released from animal services for adoption, the adopter must sign a sterilization agreement with the director, complying with Section 828.003 of the Texas Health and Safety Code, as amended, agreeing to:

(1) have the dog or cat spayed or neutered within 30 days after the date of adoption or the date the animal attains six months of age, whichever occurs last; and

(2) furnish to the director, within seven days after the date of sterilization, confirmation complying with Section 828.005 of the Texas Health and Safety Code, as amended, that the animal was spayed or neutered by the completion date required in Paragraph (1) of this subsection.

(e) An adopter who signs a sterilization agreement under Subsection (d) commits an offense if he fails to:

(1) have the adopted dog or cat spayed or neutered within the time period required under Subsection (d)(1); or

(2) furnish confirmation of sterilization as required under Subsection (d)(2).
Animals

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§ 7-2.7 Animals

(f) It is a defense to prosecution under Subsection (e) if, by the seventh day after the sterilization completion date required in Subsection (d)(1), the director receives from the adopter either:

(1) a letter complying with Section 828.006 of the Texas Health and Safety Code, as amended, stating that the animal is dead; or

(2) a letter complying with Section 828.007 of the Texas Health and Safety Code, as amended, stating that the animal is lost or stolen.

(g) The director may refuse to release a dog or cat for adoption under any circumstances, including, but not limited to:

(1) the prospective adopter or adoption agency has previously violated a provision of this chapter or has been convicted of an animal-related crime;

(2) the prospective adopter or adoption agency has inadequate or inappropriate facilities for confining the animal and for providing proper care to the animal as required by this chapter;

(3) the prospective adoption agency has failed to sign or comply with a transfer agreement with animal services that requires the sterilization of adopted animals or other conditions imposed by the director; or

(4) the director determines that the health, safety, or welfare of the animal or of the public would be endangered.

(h) If an adopter of a dog or cat violates Subsection (e), the director may seize and impound the animal, and ownership of the animal will automatically revert to the city. (Ord. Nos. 26024; 27250; 28335; 29403; 31332, eff. 10/1/19)

§ 7-2.8. KILLING OR EUTHANASIA OF ANIMALS.

(a) The director or chief of police is authorized to kill by appropriate and available means an animal that poses an imminent danger to a person or another animal and a real or apparent necessity exists for destruction of the animal.

(b) The director is authorized to euthanize, or to allow a licensed veterinarian to euthanize, an animal impounded at a city animal shelter if:

(1) the director or a licensed veterinarian determines that euthanasia is necessary to prevent the unnecessary pain and suffering of the animal;

(2) the director or a licensed veterinarian determines that recovery of the animal from injury, disease, or sickness is in serious doubt; or

(3) the animal is not redeemed from a city animal shelter within the applicable time period required under Section 7-2.6 of this chapter.

(c) An animal impounded at a city animal shelter may only be euthanized by using a barbiturate or derivative substance approved for that purpose by the Federal Food and Drug Administration and administered under the direction of a licensed veterinarian. This section does not apply to action authorized by Subsection (a) of this section. (Ord. 26024)

ARTICLE III.

CARE AND TREATMENT OF ANIMALS.

SEC. 7-3.1. LOOSE ANIMALS.

(a) An owner commits an offense if the owner fails to restrain the animal, at all times:

(1) in a fenced yard;
§ 7-3.1 ANIMALS

(2) in an enclosed pen;

(3) in a structure; or

(4) by a tethering device, but only if the animal is in the owner's immediate possession and accompanied by the animal's owner, and, if the animal is a dog, the owner complies with the requirements in Section 7-4.7 of this chapter.

(b) An owner commits an offense if the owner restrains a domestic animal without providing the domestic animal access, at all times, to potable water and shelter which protects the domestic animal from direct sunlight, standing water, and extreme weather conditions, including conditions in which:

(1) the actual or effective outdoor temperature is below 32 degrees Fahrenheit;

(2) a heat advisory has been issued by a local or state authority or jurisdiction; or

(3) a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.

(c) It is a defense to prosecution under Subsection (a) that the animal was:

(1) a dog in an off-leash site established under Section 32-6.1 of this code; or

(2) a feral cat participating in a trap, neuter, and return program approved by the director.

(d) It is a defense to prosecution under Subsection (b) that:

(1) the domestic animal was a dog;

(2) the dog was restrained by a tethering device while in the owner's immediate possession and accompanied by the dog's owner; and

(3) the owner was in compliance with the requirements in Section 7-4.7 of this chapter. (Ord. Nos. 26024; 27250; 30483; 30687, eff. 2/1/18)

§ 7-3.2 SANITARY CONDITIONS; MAINTENANCE OF PREMISES.

(a) An owner of an animal commits an offense if he fails to:

(1) keep any cage, pen, enclosure, or other area in which the animal is kept in a sanitary condition; or

(2) remove all animal excreta from the cage, pen, enclosure, or other area in which the animal is kept as often as necessary to maintain a healthy environment.

(b) A person commits an offense if he permits any yard, ground, premises, or structure belonging to, controlled by, or occupied by him to become nauseating, foul, offensive, or injurious to the public health or unpleasant and disagreeable to adjacent residents or persons due to the accumulation of animal excreta. (Ord. 26024)

§ 7-3.3 TRAPPING ANIMALS.

(a) A person commits an offense if he uses, places, sets, or causes to be set in the city any steel jaw trap, spring trap with teeth or perforated edges on the holding mechanism, or any type of trap with a holding mechanism designed to reasonably ensure the cutting, slicing, tearing or otherwise traumatizing of the entrapped animal.

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

(1) specifically designed and used to kill common rodents such as rats and mice, and the trap was not placed in a manner or location that would endanger other animals or humans; or
§ 7-3.3 Animals

(2) specifically designed to kill and was used under the direction of the city public health officer, the city environmental health officer, or an agent of another governmental entity authorized by the director to trap in the city. (Ord. 26024)

§ 7-4.1 Vaccination of Dogs and Cats

ARTICLE IV.

SPECIFIC REQUIREMENTS FOR DOGS AND CATS.

SEC. 7-4.1. VACCINATION OF DOGS AND CATS.

(a) An owner of a dog or cat commits an offense if:

(1) the dog or cat is not currently vaccinated;

(2) the dog or cat is not wearing a collar or harness with a current rabies tag securely attached to it; or

(3) the owner fails to show a current certificate of vaccination and rabies tag for the dog or cat upon request by the director or a peace officer.

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

(1) the dog or cat is under four months of age;

(2) the dog or cat is unable to be vaccinated due to health reasons as verified by a licensed veterinarian; or

(3) the person charged produces to the court proof of vaccination from a licensed veterinarian showing the dog or cat was vaccinated at the time the citation was issued or not later than 20 days after the citation was issued.

(c) A licensed veterinarian who vaccinates a dog or cat for rabies shall issue to the owner of the animal a current rabies tag and a certificate of vaccination and send a copy of the certificate of vaccination to the director by the 10th day of the month following the month in which the dog or cat was vaccinated. The certificate of vaccination must contain the following information:
§ 7-4.1 Animals

(1) name, address, and telephone number of the owner;

(2) animal identification, including species, sex, age, size (pounds), predominant breed, and color;

(3) vaccine used (including whether it is a one-year or three-year rabies vaccine), producer, expiration date, and serial number;

(4) date vaccinated and expiration date of the certificate of vaccination;

(5) rabies tag number; and

(6) veterinarian’s signature and license number. (Ord. Nos. 26024; 30483)

§ 7-4.2. MICROCHIPPING OF DOGS AND CATS.

(a) An owner of a dog or cat commits an offense if the dog or cat does not have a microchip.

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

(1) the dog or cat was under four months of age;

(2) the dog or cat was being held for sale by a retail pet store or for adoption by animal services or an animal welfare organization;

(3) the owner of the dog or cat has resided in the city for fewer than 30 days;

(4) the dog or cat qualifies for a medical exception from a licensed veterinarian;

(5) the dog or cat owner is a not a resident of the city and is staying in the city for fewer than 60 days; or

(6) the person charged produces to the court proof of a registered microchip showing the dog or cat was implanted with a microchip at the time the citation was issued or not later than 20 days after the citation was issued.

(c) The owner of a dog or cat shall maintain his or her current contact information with a microchip registration company.

(1) If the owner’s contact information changes, the owner shall update the microchip registration company not later than 30 days after the change in the contact information.

(2) If the ownership of a dog or cat changes, the new owner shall provide the microchip registration company with his or her contact information not later than 30 days after the change in ownership.

(3) It is a defense to prosecution under this subsection that the person charged produces to the court proof that the contact information was current and the correct owner was listed at the time the citation was issued or the contact information was corrected and made current not later than 20 days after the citation was issued.  (Ord. Nos. 26024; 27250; 30483)

SEC. 7-4.3. REVOCATION AND DENIAL OF REGISTRATION.

(a) If, within any 12-month period, a person commits two or more violations of this chapter involving a dog or cat, the director may revoke the existing registrations on all dogs and cats owned by that person and deny all applications for registration of any dog or cat by that person.

(b) If the director revokes or denies the registration of a dog or cat, a written notice of the action and of the right to an appeal must be given to the owner of the dog or cat by personal service or by certified mail, return receipt requested. The owner may appeal the decision of the director to the permit and license appeal board in accordance with Section 2-96 of this code. The filing of a request for an appeal hearing stays an action of the director in revoking or

Dallas City Code 1/18
§ 7-4.3 Animals

(c) Within 15 calendar days after receipt of a notice of revocation or denial of registration, or after a final decision of the permit and license appeal board if an appeal is filed, the owner shall remove and relocate all dogs and cats from his premises or surrender and forfeit ownership of them to the director. The director or the permit and license appeal board may extend the 15-calendar-day removal and relocation period up to an additional 15 calendar days if it is determined that all dogs and cats of the owner cannot reasonably be removed and relocated from the premises within the initial period and no immediate threat to the public health exists. The owner shall demonstrate to the director proof of removal and relocation by furnishing the director with the address to which each dog or cat was relocated and by:

(1) allowing the director to inspect the premises of the owner to determine that all dogs and cats have been removed from those premises; or

(2) providing the director with a written, sworn affidavit stating that all dogs and cats have been removed from the premises.

(d) A person who has had the registration of a dog or cat revoked or denied under this section may not apply for registration of any dog or cat until 12 consecutive months have elapsed after the date of registration revocation or denial without the person committing any violation of this chapter involving a dog or cat.

(e) A person commits an offense if he:

(1) owns any dog or cat within the city during a period when he is prohibited under Subsection (d) from applying for registration of a dog or cat; or

(2) fails to remove all dogs and cats from his premises when required by this section. (Ord. 26024)

SEC. 7-4.4. AUTHORIZED REGISTRARS.

(a) The director may, upon receipt of an application on a form provided for that purpose, designate a person as an authorized registrar to collect the annual registration fee and issue a registration receipt and registration tag for a dog or cat. The director may, at his sole discretion and without cause, deny or revoke the designation of any person to act as an authorized registrar.

(b) An authorized registrar shall not register a dog or cat without proof that the animal is currently vaccinated or proof that the dog or cat was not vaccinated due to health reasons as verified by a licensed veterinarian.

(c) An authorized registrar may, as a service charge, be paid $1 for each dog or cat registration fee collected by the authorized registrar.

(d) The director shall provide an authorized registrar with registration receipts, registration tags, and monthly report forms. An authorized registrar must at all times be able to account for all registration receipts and tags issued to the authorized registrar by the director.

(e) The director shall establish rules and procedures for the collection and payment of registration fees by authorized registrars and a format for monthly report forms to be used by authorized registrars.

(f) Registration fees collected by an authorized registrar must be sent to the director, along with a properly completed monthly report form, by the end of the month following the month in which the registration fees were collected.

(g) An authorized registrar who fails to comply with any requirement of this section or with any rule or procedure for the collection and payment of registration fees and the delivery of monthly report forms as established by the director pursuant to this section forfeits the right to be paid a service charge and may be issued a citation for a violation of this section. (Ord. 26024)
SEC. 7-4.5. SALE OF DOGS AND CATS.

(a) A person commits an offense if he sells, exchanges, barter, gives away, or transfers, or offers or advertises for sale, exchange, barter, give away, or transfer, a dog or cat four months of age or older unless:

(1) the dog or cat is currently vaccinated or cannot be vaccinated due to health reasons as verified by a licensed veterinarian; and

(2) the person has a current registration receipt and registration tag for the dog or cat.

(b) It is a defense to prosecution under Subsection (a) if the person is:

(1) animal services;

(2) an animal welfare organization; or

(3) an animal adoption agency. (Ord. 26024)

SEC. 7-4.6. LIMITATION ON THE NUMBER OF DOGS AND CATS IN DWELLING UNITS.

(a) In this section, DWELLING UNIT has the meaning given it in Section 51A-2.102 of the Dallas Development Code, as amended.

(b) A person commits an offense if he harbors more than four dogs, cats, or any combination of dogs and cats on the premises of a dwelling unit that shares a common wall with another dwelling unit.

(c) A person commits an offense if he harbors more than:

(1) six dogs, cats, or any combination of dogs and cats on the premises of a dwelling unit that shares no common wall with another dwelling unit and that is located on not more than one-half acre of land; or

(2) eight dogs, cats, or any combination of dogs and cats on the premises of a dwelling unit that shares no common wall with another dwelling unit and that is located on more than one-half acre of land.

(d) In determining the number of dogs or cats harbored on the premises of a dwelling unit under Subsections (b) and (c) of this section, the director shall not count any dog or cat under six months of age or any feral cat participating in a trap, neuter, and return program approved by the director.

(e) It is a defense to prosecution under Subsection (c) that:

(1) the person:

(A) was approved by the director as a foster care provider under a foster care program sponsored by animal services or an animal welfare organization;

(B) was not fostering more dogs, cats, or any combination of dogs and cats on the premises than approved by the director based on the type and size of the animals, the size of the premises, the location of the premises, the facilities located on the premises, and other factors established by the director; and

(C) had on file with the director a written document (on a form provided by the director for that purpose) authorizing the director to conduct unannounced inspections of the premises and all animals located on the premises to ensure that the person was complying with all applicable provisions of this chapter, which document must be signed and acknowledged before a notary public by the legal owner of the dwelling unit and at least one occupant of the dwelling unit who is 18 years of age or older; or

(2) the person:

(A) on June 25, 2008, was the owner of, and was harboring on the premises of the dwelling unit, more than six dogs, cats, or any combination of dogs and cats;
§ 7-4.6 Animals

(B) before September 25, 2008, provided information to the director (on a form provided by the director for that purpose) relating to each dog or cat harbored on the premises of the dwelling unit;

(C) harbored no additional dogs or cats on the premises of the dwelling unit on or after June 25, 2008; and

(D) was in compliance with all other requirements of this chapter applicable to dogs and cats.  (Ord. Nos. 26024; 27250)

SEC. 7-4.7. TETHERED DOGS.

An owner of a dog may only tether a dog if the dog is in the owner's immediate possession and accompanied by the owner, as required by Section 7-3.1 of this chapter. In addition, the owner of a tethered dog shall:

(1) not allow the dog to be tethered in any manner or by any method that allows the dog to become entangled or injured;

(2) use a properly fitted harness or collar that is specifically designed for the dog; and

(3) attach the tethering device to the dog's harness or collar and not directly to the dog's neck.  (Ord. Nos. 26024; 27250; 30687, eff. 2/1/18)

SEC. 7-4.8. DEFECAATION OF DOGS ON PUBLIC AND PRIVATE PROPERTY; FAILURE TO CARRY MATERIALS AND IMPLEMENTS FOR THE REMOVAL AND DISPOSAL OF DOG EXCRETA.

(a) An owner of a dog commits an offense if he knowingly permits, or by insufficient control allows, the dog to defecate in the city on private property or on property located in a public place.

(b) An owner of a dog commits an offense if he:

(1) knowingly permits the dog to enter or be present on private property or on property located in a public place; and

(2) fails to have in his possession materials or implements that, either alone or in combination with each other, can be used to immediately and in a sanitary and lawful manner both remove and dispose of any excreta the dog may deposit on the property.

(c) It is a defense to prosecution under Subsection (a) that the owner of the dog immediately and in a sanitary and lawful manner removed and disposed of, or caused the removal and disposal of, all excreta deposited on the property by the dog.

(d) It is a defense to prosecution under Subsection (a) or (b) that:

(1) the property was owned, leased, or controlled by the owner of the dog;

(2) the owner or person in control of the property had given prior consent for the dog to defecate on the property; or

(3) the dog was a service dog being used in official law enforcement activities.

(e) This section does not apply to a service dog that is specially trained to assist a person with a disability and that was in the custody or control of that disabled person at the time it defecated or was otherwise present on private property or on property located in a public place.  (Ord. 26024)

SEC. 7-4.9. CONFINEMENT REQUIREMENTS FOR DOGS KEPT OUTDOORS.

(a) An owner of a dog commits an offense if the fenced yard, or other outdoor pen or structure, used as the primary living area for the dog or used as an area for the dog to regularly eat, sleep, drink, and eliminate is not:
§ 7-4.9 Animals

(1) at least 150 square feet for each dog six months of age or older;

(2) designed, constructed, and composed of material sufficient to prevent the dog’s escape; and

(3) designed in a manner that provides the dog access to the inside of a doghouse, building, or shelter that meets all requirements of Subsection (b) of this section.

(b) A doghouse or other building or shelter for a dog must:

(1) have a weatherproof top, bottom, and sides;

(2) have an opening on no more than one side that allows the dog to remain dry and provides adequate shade during daylight hours to prevent overheating or discomfort to the dog;

(3) have a floor that is level and dry;

(4) be free from cracks, depressions, and rough areas that might be conducive to insects, parasites, and other pests;

(5) be of adequate size to allow the dog to stand erect with the dog’s head up, to turn around easily, and to sit and lie down in a comfortable and normal position;

(6) have sufficient clean and dry bedding material or other means of protection from the weather that will allow the dog to retain body heat when the weather is colder than what a dog of that breed and condition can comfortably tolerate;

(7) provide a suitable means for the prompt elimination of excess liquid;

(8) be structurally sound, maintained in good repair, and constructed with material that protects the dog from injury; and

(9) allow the dog easy access in and out.  (Ord. 27250)

SEC. 7-4.10. RESTRICTIONS ON UNSTERILIZED DOGS AND CATS.

(a) An owner of a dog or cat commits an offense if the animal is not spayed or neutered.

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

(1) the animal is under six months of age;

(2) a licensed veterinarian annually certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile;

(3) the animal is being held for sale by a retail pet store or held for adoption by animal services or an animal welfare organization;

(4) the animal is certified annually as a competition cat or competition dog;

(5) the person charged produces to the court proof of sterilization from a licensed veterinarian showing the dog or cat was sterilized at the time the citation was issued or not later than 20 days after the citation was issued; or

(6) the owner holds a valid breeding permit issued under Section 7-4.11 of this chapter for the animal.  (Ord. Nos. 27250; 30483)

SEC. 7-4.11. BREEDING PERMIT.

(a) A person commits an offense if he breeds or allows the breeding of a dog or cat without a valid breeding permit for the dog or cat.  A separate permit is required for each dog or cat that the person keeps unsterilized for breeding purposes.

(b) A breeding permit may only be issued for a dog or cat:

(1) that is currently in compliance with the vaccination requirements of Section 7-4.1 of this chapter;
(2) that is currently in compliance with the microchipping requirements of Section 7-4.2 of this chapter;

(3) that, not more than 90 days before the date of the breeding permit application, has been approved to breed by a licensed veterinarian; and

(4) whose owner:

(A) is a member of a purebred dog or cat club, approved by the director, that maintains and enforces a code of ethics for breeding that includes restrictions on breeding dogs and cats with genetic defects and life threatening health problems common to the breed; or

(B) holds a license as required by Texas Occupation Code, §802.101 for each facility owned or operated in the state.

(c) To obtain a breeding permit, a person must submit an application to the director (on a form provided by the director for that purpose) and pay an annual breeding permit fee of $100. The breeding permit application must include:

(1) the name, address, and telephone number of the applicant;

(2) the location where the dog or cat is harbored;

(3) a description of the dog or cat, including but not limited to, a photograph of the animal;

(4) proof that the animal is qualified for a breeding permit under Subsection (b) of this section; and

(5) any other information determined necessary by the director for the enforcement and administration of this section.

(c) To obtain a breeding permit, a person must submit an application to the director (on a form provided by the director for that purpose) and pay an annual breeding fee of $250. The breeding permit application must include:

(1) the name, address, and telephone number of the applicant;
(d) A breeding permit expires one year after the date of issuance and may be renewed by applying in accordance with Subsection (c) of this section. If the director does not receive an application for a permit renewal within 45 days after the expiration of the permit, a $10 late fee will be added to the permit fee.

(e) A breeding permit is not transferable.

(f) A permittee commits an offense if he allows a permitted female dog or cat to have more than one litter during the permit term.

(g) It is a defense to prosecution under Subsection (f) that the permittee:

1. received written authorization from the director under Subsection (h) of this section to allow the female dog or cat to have two litters during the permit term; and

2. did not allow the female dog or cat to have more than the number of litters authorized by the director for the permit term.

(h) Upon request of a permittee, the director may, in writing, authorize the permittee to allow a permitted female dog or cat to have two litters during the permit term if the permittee establishes, according to regulations adopted by the director, that:

1. having two litters during the permit term is required to:

   A. protect the health of the female dog or cat; or

   B. avert a substantial economic loss to the permittee; or

   2. previously in the permit term, the female dog's or cat's litter was euthanized or did not survive for other reasons.
§ 7-4.11 Animals

(i) A permittee commits an offense if the permittee:

(1) allows the offspring of a female dog or cat for which he holds a breeding permit to be sold, adopted, or otherwise transferred, regardless of compensation, before the offspring have reached at least eight weeks of age and have been vaccinated against common diseases;

(2) fails to keep a permitted dog or cat restrained pursuant to Section 7-3.1 of this chapter;

(3) fails to prominently display the breeding permit number on any advertisement by the permittee for the sale, adoption, or other transfer of any dog or cat, regardless of compensation; or

(4) sells, adopts, or otherwise transfers any dog or cat, regardless of compensation and fails to:

(A) include a statement signed by the permittee attesting to knowledge of the animal’s health and immunization history;

(B) prominently display the breeding permit number on any sales receipt or transfer document;

(C) provide the breeding permit number to any person who purchases, adopts, or receives any dog or cat from the permittee;

(D) provide written information regarding the vaccination, microchipping, and sterilization requirements of this chapter applicable to the dog or cat; or

(E) provide to the director (on a form provided by the director for that purpose) the name, address, and telephone number of the dog’s or cat’s new owner within five days after the date of the sale, adoption, or other transfer of the animal.

(j) The director shall deny or revoke a breeding permit if the director determines that the applicant or permittee:

(1) failed to comply with any provision of this chapter; or

(2) intentionally made a false statement as to a material matter on the breeding permit application.

(k) If the director denies or revokes a breeding permit, the director shall notify the applicant or permittee in writing of the action and a statement of the right to an appeal. The applicant or permittee may appeal the decision of the director to the permit and license appeal board in accordance with Section 2-96 of this code. The filing of an appeal stays an action of the director in revoking the permit until the permit and license appeal board makes a final decision. (Ord. Nos. 27250; 29879; 30483; 31332, eff. 10/1/19)

SEC. 7-4.12. DUTY TO LOCATE OWNERS OF LOOSE DOGS.

A person commits an offense if he takes possession of a loose dog in the city and knowingly fails to make, within 72 hours after taking possession, a reasonable effort to locate the dog’s owner by:

(1) calling the telephone number listed on the dog’s tags;

(2) taking the dog to a licensed veterinarian for a microchip, tattoo, or other identification screening and calling the owner identified through the screening;

(3) calling 311 to request that animal services pick up the dog for identification screening and impoundment; or

(4) delivering the dog to the city’s animal shelter for identification screening and impoundment. (Ord. Nos. 27888; 30483)
§ 7-4.13. CONFINEMENT OF DOGS OR CATS IN UNATTENDED MOTOR VEHICLES.

(a) A person commits an offense if he or she knowingly confines a dog or cat in an unattended motor vehicle for more than five minutes under conditions that, in the opinion of a trained peace officer, animal services officer, or licensed veterinarian, endanger the health of the dog or cat due to extreme temperatures, lack of adequate ventilation, or other circumstances that could reasonably be expected to cause the suffering, disability, or death of the dog or cat and as demonstrated by, but not limited to, the dog or cat's excessive drooling or panting, lethargic behavior, collapse, vomiting, or convulsions.

(b) A peace officer, animal services officer, or licensed veterinarian may, after reasonably attempting to locate the dog or cat's owner, remove the dog or cat from the motor vehicle using any reasonable means, including breaking a window or lock. If professional services are required to remove the cat or dog from the vehicle, the owner is responsible for the cost of professional services. A peace officer, animal services officer, or licensed veterinarian who removes a dog or cat from a motor vehicle in accordance with this section is not liable for any resulting property damage.

(c) This section does not create a cause of action for damages or enforcement of this section. (Ord. 30483)

§ 7-4.14. DOG BITES.

(a) A person commits an offense if the person is the owner or keeper of a dog and the person fails to secure the dog and the dog makes an unprovoked bite that causes bodily injury to another person, legally restrained domestic animal, or livestock, that occurs at a location other than the owner's or keeper's real property or in or on the owner's or keeper's motor vehicle or boat.

(b) An offense under this section is a Class C misdemeanor.

(c) It is a defense to prosecution under this section that the person:

(1) is a veterinarian, a veterinary clinic employee, a peace officer, a person employed by the city, or a subdivision of the city, to deal with stray animals and has temporary ownership, custody, or control of the dog in connection to that position; or

(2) is an employee of a law enforcement agency and trains dogs or uses dogs for law enforcement or corrections purposes and is training or using the dog in connection with the person's official capacity. (Ord. 30901)

ARTICLE V.

DANGEROUS DOGS.

§ 7-5.1. DEFINITIONS.

(a) Except where a term is otherwise defined in Subsection (b) of this section, the definitions contained in Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, are incorporated into this article by reference.

(b) In this article:

(1) BODILY INJURY means physical pain, illness, or any impairment of physical condition.

(2) DANGEROUS DOG means a dog that:

(A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
§ 7-5.1 Animals

(B) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

(3) SERIOUS BODILY INJURY means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

(4) UNPROVOKED means an action by a dog that is not:

(A) in response to being tormented, abused, or assaulted by any person;

(B) in response to pain or injury;

(C) in protection of itself or its food, kennel, immediate territory, or nursing offspring; or

(D) in response to an assault or attempted assault on a person. (Ord. Nos. 26024; 27250)

SEC. 7-5.2. STATE LAW; ANIMAL CONTROL AUTHORITY.

(a) The provisions of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, are incorporated into this article, and a violation of any provision of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, is an offense under this article.

(b) The director shall serve as the animal control authority for the city for purposes of administering and enforcing this article and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended.

(c) Seizure, impoundment, and humane destruction of a dog that has caused death or serious bodily injury to a person is governed by Subchapter A, Chapter 822 of the Texas Health and Safety Code, as amended. (Ord. Nos. 26024; 27250)

SEC. 7-5.3. DETERMINATION AS A DANGEROUS DOG.

In addition to the provisions of Section 822.0421 of the Texas Health and Safety Code, as amended:

(a) At the conclusion of the investigation authorized by Section 822.0421 of the Texas Health and Safety Code, as amended, the director shall:

(1) determine that the dog is not dangerous and, if the dog is impounded, may waive any impoundment fees incurred and release the dog to its owner; or

(2) determine that the dog is dangerous and order the owner to comply with the requirements for ownership of a dangerous dog set forth in Section 7-5.5 of this article and in Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, and, if the dog is impounded, release the dog to its owner after compliance with all applicable requirements of Subsection (c) of this section.

(b) If a dog is determined to be dangerous, the director shall notify the dog owner, either in person or by certified mail, return receipt requested:

(1) that the dog has been determined to be a dangerous dog;

(2) what the owner must do to comply with requirements for ownership of a dangerous dog and to reclaim the dog, if impounded; and

(3) that the owner has the right to appeal the determination of dangerousness.
§ 7-5.3 Animals § 7-5.5

(c) An impounded dog determined by the director to be dangerous must remain impounded, or confined at a location approved by the director, and may not be released to the owner until the owner pays all fees incurred for impoundment of the dog and complies with all requirements for ownership of a dangerous dog set forth in this article and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended.

(d) If the owner of an impounded dog has not complied with Subsection (c) within 15 days after a final determination is made that an impounded dog is dangerous, the dog will become the sole property of the city and is subject to disposition as the director deems appropriate. (Ord. Nos. 26024; 27250; 29403; 30901)

SEC. 7-5.4. APPEAL OF DIRECTOR’S DANGEROUS DOG DETERMINATION.

(a) If, under Section 7-5.3 of this article, the director determines that a dog is dangerous, that decision is final unless the dog owner files a written appeal with the municipal, justice, or county court within 15 days after receiving notice that the dog has been determined to be dangerous. The appeal is a de novo hearing and is a civil proceeding for the purpose of affirming or reversing the director’s determination of dangerousness. If the municipal court affirms the director’s determination of dangerousness, the court shall order that the dog owner comply with the ownership requirements set forth in Section 7-5.5 of this article.

(b) The dog owner filing an appeal of a municipal court’s affirmation of the director’s determination shall also file an appeal bond in an amount determined as the estimated costs to board and impound the dog during the appeal process. The bond must be filed with the court if the dog is impounded in the city’s animal shelter or another director-approved facility. The bond must be used to cover the cost of daily care of the dog. Should the judge or jury determine the dog is not dangerous, the appeal bond may be returned if the amount has not been assessed as costs of daily care.

(c) In addition to the appeal bond, the dog owner is responsible for any costs beyond feeding, including but not limited to: veterinary care, immunizations, medications, and care for other animals or employees injured by the animal. (Ord. Nos. 26024; 27250; 29403; 30483; 30901)

SEC. 7-5.5. REQUIREMENTS FOR OWNERSHIP OF A DANGEROUS DOG; NONCOMPLIANCE HEARING.

(a) In addition to complying with the requirements of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, a person shall, not later than the 15th day after learning that he is the owner of a dangerous dog:

(1) have an unsterilized dangerous dog spayed or neutered;

(2) register the dangerous dog with the director and pay to the director a dangerous dog registration fee of $50;

(3) restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;

(4) when taken outside the enclosure, securely muzzle the dangerous dog in a manner that will not cause injury to the dog nor interfere with its vision or respiration. The muzzle must prevent the dangerous dog from biting any person or animal;

(5) obtain liability insurance coverage or show financial responsibility in an amount of at least $100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the director;

(a) In addition to complying with the requirements of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, a person shall, not later than the 15th day after learning that he is the owner of a dangerous dog:
(1) have an unsterilized dangerous dog spayed or neutered;

(2) register the dangerous dog with the director and pay to the director a dangerous dog registration fee of $250;

(3) restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;

(4) when taken outside the enclosure, securely muzzle the dangerous dog in a manner that will not cause injury to the dog nor interfere with its vision or respiration. The muzzle must prevent the dangerous dog from biting any person or animal;

(5) obtain liability insurance coverage or show financial responsibility in the amount of at least $100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the director;
§ 7-5.5 Animals § 7-5.5

(6) place and maintain on the dangerous dog a collar or harness with a current dangerous dog registration tag securely attached to it;

(7) have the dangerous dog injected with a microchip implant and registered with a national registry for dogs; and

(8) post a legible sign at each entrance to the enclosure in which the dangerous dog is confined stating "BEWARE DANGEROUS DOG." The aforementioned sign must be purchased from Dallas Animal Services.

(b) The owner of a dangerous dog shall renew registration of the dangerous dog with the director annually and pay an annual dangerous dog registration fee to the director of $50.

(c) The owner of a dangerous dog who does not comply with Subsection (a) shall deliver the dog to the director not later than the 15th day after learning that the animal is dangerous.

(d) Upon receipt of a sworn, written complaint by any person that the owner of a previously determined dangerous dog has failed to comply with Subsection (a) of this section, the municipal court shall conduct a hearing to determine whether the owner is in compliance with Subsection (a). The hearing must be conducted within 30 days after receipt of the complaint, but, if the dog is already impounded, not later than 10 days after the date on which the dog was seized or delivered. The municipal court shall provide by mail, written notice of the date, time, and location of the hearing to the dog owner and to the complainant. Any interested party may present evidence at the hearing.

(e) At the conclusion of the hearing, the municipal court shall:

(1) find that the owner of a dangerous dog is in compliance with Subsection (a) of this section and, if the dog is impounded, order the director to waive any impoundment fees incurred and release the dog to its owner; or
(2) find that the owner of a dangerous dog is not in compliance with Subsection (a) of this section and order the director to seize and impound the dog (if the dog is not already impounded) and to:

(A) humanely destroy the dog if the director determines that the owner has not complied with Subsection (a) of this section by the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later, or release the dog to the owner if the director determines that the owner has complied with Subsection (a) before the 11th day;

(B) humanely destroy the dog if:

(i) the director determines that the owner has not complied with Subsection (a) of this section by the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later;

(ii) the owner of the dog cannot be located before the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later; or

(iii) the dog was previously determined dangerous was at large.

(f) Prior to transferring ownership, either inside or outside the city limits, the owner shall notify the director in writing of his intention. In addition to written notification if ownership of the dangerous dog is being transferred to a person who resides within the city limits, the new owner must provide proof to the director of complying with Subsection (a) before the dangerous dog can be moved from the previous owner’s custody. A person commits an offense if he transfers ownership without complying with the requirements of this subsection.

(g) The owner of the dangerous dog is responsible for all costs of seizure, acceptance, and
impoundment, and all costs must be paid before the
dog will be released to the owner. (Ord. Nos. 26024;
27250; 30901; 31332, eff. 10/1/19)

SEC. 7-5.6. ATTACKS BY DANGEROUS DOG;
HEARING.

(a) If a previously determined dangerous dog
commits an act described in Section 7-5.1(b)(2)(A) or (B)
of this article, the director may seize and impound the
dangerous dog at the owner’s expense pending a
hearing before the municipal court in accordance with
this section.

(b) Upon receipt of a sworn, written complaint
by any person of an incident described in Section
7-5.1(b)(2)(A) or (B) of this article, the owner of a
dangerous dog, in accordance with Section 822.0422 of
Subchapter D, Chapter 822 of the Texas Health and
Safety Code, as amended, shall deliver the dog to the
director not later than the fifth day after the date on
which the owner receives notice that a complaint has
been filed. Additionally, the municipal court shall
conduct a hearing to determine whether a dangerous
dog committed an act described in Section
7-5.1(b)(2)(A) or (B) of this article. The hearing must be
conducted within 30 days after receipt of the complaint,
but, if the dog is already impounded, not later than 10
days after the date on which the dog was seized or
delivered. The municipal court shall provide, either in
person or by mail, written notice of the date, time, and
location of the hearing to the dog owner and the
complainant. Any interested person may present
evidence at the hearing.

(c) At the conclusion of the hearing, the
municipal court shall:

(1) find that the dangerous dog did not
commit an act described in Section 7-5.1(b)(2)(A) or (B)
of this article, and, if the dog is impounded, order the
director to waive any impoundment fees incurred and
release the dog to its owner;

(2) find that the dangerous dog did commit
an act described in Section 7-5.1(b)(2)(A) or (B) of this
article, and order the director to seize and impound
the dog (if the dog is not already impounded) and to:

(A) humanely destroy the dog;

(B) humanely destroy the dog if the
director determines that the owner has not complied
with Section 7-5.5(a) within a period of time
designated by the court, or release the dog to the
owner if the director determines that the owner has
complied with Section 7-5.5(a) within the designated
period of time;

(C) or humanely destroy the dog if the
owner of the dog has not been located before the 11th
day after the municipal court issues an order under
this subsection or the dog is seized and impounded,
whichever occurs later. (Ord. Nos. 27250; 30901)

SEC. 7-5.7. PROHIBITION ON OWNING A
DOG DETERMINED DANGEROUS
BY ANOTHER JURISDICTION.

(a) A person commits an offense if he owns a
dog in the city that has been determined to be a
dangerous dog by any other jurisdiction.

(b) It is a defense to prosecution under
Subsection (a) that the person owned the dog in the
city on June 25, 2008. (Ord. 27250)

SEC. 7-5.8. SURRENDER OF A DANGEROUS
DOG.

A person who owns a dog that has been ordered
to be seized or impounded under this article commits
an offense if the person does not surrender the dog to
the director within the time period ordered by the
director or the municipal court, whichever applies.
(Ord. 27250)
§ 7-5.9 DANGEROUS DOG OWNED OR HARBORED BY MINOR.

If the owner of a dangerous dog is a minor, the parent or guardian of the minor is liable for all injuries sustained by any person or another animal in an unprovoked attack by the dog. (Ord. Nos. 26024; 27250)

SEC. 7-5.10. DEFENSES.

Any defense to prosecution under Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, is a defense to prosecution for a violation under this article. (Ord. Nos. 26024; 27250)

SEC. 7-5.11. DANGEROUS DOG REGISTRY.

The director shall publish a list including identifying information on all dogs determined dangerous in the city. The list must include the dangerous dog’s address, description, pictures, microchip number, the owner’s name, and any other pertinent information. This list must be publicly available at the Dallas Animal Services Facility and on the animal services website. (Ord. 30901)

ARTICLE V-a.

AGGRESSIVE DOGS.

SEC. 7-5.12. DEFINITION.

In this article, AGGRESSIVE DOG means a dog that on at least one occasion, while not legally restrained, killed or injured a legally restrained domestic animal or livestock. (Ord. 30901)

SEC. 7-5.13. DETERMINATION AS AN AGGRESSIVE DOG.

(a) Upon notification of an incident described in Section 7-5.12 of this article, the director shall investigate to determine if a dog is aggressive. The determination must be based upon an investigation that includes observation and testimony about the dog’s actions at the date of the incident, including the owner’s or keeper's control of the dog, and any other relevant evidence determined by the director. Observations and testimony can be provided by the animal services officer or by other witnesses who personally observed the dog’s actions on the date of the incident. Animal service officers or other witnesses shall sign an affidavit attesting to the observed actions on the date of the incident or other evidence collected and detailed in a report by an animal services officer and agree to provide testimony regarding the dog’s actions on the date of the incident if necessary.

(b) Notwithstanding Subsection (a), the director shall have discretionary authority to refrain from determining a dog is an aggressive dog, even if the dog engaged in acts specified in Section 7-5.12.

(c) The director may seize and impound the dog at the owner's expense pending the investigation and determination of whether the dog is an aggressive dog. The director shall impound the dog, if the director cannot, with due diligence locate the owner of the dog that has been seized under this subsection. If the
owner of the dog has not been located before the 15th day after seizure and impoundment, the dog will become the sole property of the city and is subject to disposition as the director deems appropriate.

(d) At the conclusion of the investigation required by this section, the director shall:

1. determine that the dog is not aggressive and, if the dog is impounded, may waive any impoundment fees incurred and release the dog to its owner;

2. determine that the dog is aggressive and order the owner to comply with the requirements for ownership of an aggressive dog set forth in Section 7-5.15 of this article and, if the dog is impounded, release the dog to its owner after compliance with all applicable requirements of Subsection (e) of this section.

3. If a dog is determined to be an aggressive dog, the director shall notify the dog owner in person or by certified mail, return receipt requested:

   i. that the dog has been determined to be an aggressive dog;

   ii. what the owner must do to comply with requirements for ownership of an aggressive dog and to reclaim the dog, if impounded; and

   iii. that the owner has the right to appeal the determination of aggressiveness.

(e) An impounded dog determined by the director to be aggressive must remain impounded, or confined at a location approved by the director, and may not be released to the owner until the owner pays all fees incurred for impoundment of the dog and complies with all requirements for ownership of an aggressive dog set forth in this article.

(f) If the owner of an impounded dog has not complied with Subsection (e) within 15 days after a final determination is made that an impounded dog is aggressive, the dog will become the sole property of the city and is subject to disposition as the director deems appropriate. (Ord. 30901)

SEC. 7-5.14. APPEALS.

If, under Section 7-5.13 of this article, the director determines that a dog is aggressive, that decision is final unless the dog owner files a written appeal with the municipal court within 10 days after receiving notice that the dog has been determined to be aggressive. The appeal is a de novo hearing and is a civil proceeding for the purpose of affirming or reversing the director’s determination of aggressiveness. If the municipal court affirms the director’s determination of aggressiveness, the court shall order that the dog owner comply with the ownership requirements set forth in Section 7-5.15 of this article. If the municipal court reverses the director’s determination of aggressiveness and, if the dog is impounded, the court may waive any impoundment fees incurred and release the dog to its owner. (Ord. 30901)

SEC. 7-5.15. REQUIREMENTS FOR OWNERSHIP OF AN AGGRESSIVE DOG; NONCOMPLIANCE HEARING.

(a) A person shall, not later than the 15th day after learning that he is the owner of an aggressive dog:

   (1) have an unsterilized aggressive dog spayed or neutered;

   (2) register the aggressive dog with the director and pay to the director an aggressive dog registration fee of $50.

   (3) restrain the aggressive dog at all times on a leash in the immediate control of a person or in a secure enclosure;

   (a) A person shall, not later than the 15th day after learning that he is the owner of an aggressive dog:

      (1) have an unsterilized aggressive dog spayed or neutered;
(2) register the aggressive dog with the director and pay to the director an aggressive dog fee of $250;

(3) restrain the aggressive dog at all times on a leash in the immediate control of a person or in a secure enclosure;
§ 7-5.15 Animals § 7-5.16

(4) when taken outside the secure enclosure, securely muzzle the dog in a manner that will not cause injury to the dog nor interfere with its vision or respiration. The muzzle must prevent the dangerous dog from biting any person or animal;

(5) obtain liability insurance coverage or show financial responsibility in an amount of at least $100,000 to cover damages resulting from an attack by the aggressive dog causing bodily injury to a person or another animal and provide proof of the required liability insurance coverage or financial responsibility to the director;

(6) place and maintain on the aggressive dog a collar or harness with a current aggressive dog registration tag securely attached to it;

(7) have the aggressive dog injected with a microchip implant and registered with a national registry for dogs;

(8) post a legible sign at each entrance to the enclosure in which the aggressive dog is confined stating "BEWARE AGGRESSIVE DOG." The aforementioned sign must be purchased from Dallas Animal Services.

(b) The owner of the aggressive dog shall renew the registration of the aggressive dog with the director annually and pay an annual aggressive dog registration fee of $50.

(c) The owner of an aggressive dog who does not comply with Subsection (a) shall deliver the dog to the director not later than the 30th day after learning that the animal is aggressive. (Ord. Nos. 30901; 31332, eff. 10/1/19)
SEC. 7-5.16.  ATTACKS BY AN AGGRESSIVE DOG.

(a) If a previously determined aggressive dog commits an act described in Section 7-5.12 of this article, the director may seize and impound the aggressive dog at the owner's expense pending a hearing before the municipal court in accordance with this section.

(b) Upon receipt of a sworn, written complaint by any person, including the director, of an incident described in Section 7-5.12 of this article, the municipal court shall conduct a hearing to determine whether an aggressive dog committed an act described in Section 7-5.12 of this article. The hearing must be conducted within 30 days after receipt of the complaint, but if the dog is already impounded, not later than 10 days after the date on which the dog was seized or delivered. The municipal court shall provide, by mail, written notice of the date, time, and location of the hearing to the owner of the aggressive dog and the complainant. Any interested party may present evidence at the hearing.

(c) At the conclusion of the investigation, the director shall:

(1) find that the aggressive dog did not commit an act described in Section 7-5.12 of this article, and, if the dog is impounded, order the director to waive any impoundment fees incurred and release the dog to its owner;

(2) find that the aggressive dog did commit an act described in Section 7-5.12 of this article, and order the director to seize and impound the dog, if the dog is not already impounded, and the aggressive dog will become the sole property of the city and is subject to disposition as the director deems appropriate.

(d) The owner of an aggressive dog is responsible for all costs of seizure, acceptance, and impoundment, and all costs must be paid before the dog will be released to the owner. (Ord. 30901)
ARTICLE VI.

PROHIBITED AND REGULATED ANIMALS.

SEC. 7-6.1. PROHIBITED ANIMALS.

(a) A person commits an offense if he:

(1) owns a prohibited animal for any purpose in the city; or

(2) sells, exchanges, gives away, or transfers a prohibited animal to any person in the city for use, retention, resale, or transfer as a pet or as a human’s companion.

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

(1) a federal, state, county, or municipal agency or an agent of such an agency acting in an official capacity that:

(A) has all required state and federal licenses and permits; and

(B) is in compliance with all federal, state, and city laws or regulations applicable to the animal;

(2) a research facility licensed by the United States Secretary of Agriculture under the Animal Welfare Act (7 U.S.C. Section 2131, et seq.), as amended, that:

(A) has all required state and federal licenses and permits;

(B) is in compliance with all federal, state, and city laws or regulations applicable to the animal;

(3) an organization that is an accredited member of the American Zoo and Aquarium Association that:

(A) has all required state and federal licenses and permits;

(B) is in compliance with all federal, state, and city laws or regulations applicable to the animal; and

(C) has on file with the director, on a form provided for that purpose, a current list describing all prohibited animals kept in the city by the organization and specifying the location where each animal is kept;

(4) transporting an injured, infirm, orphaned, or abandoned prohibited animal for care or treatment, if the person:

(A) has all required state and federal licenses and permits; and

(B) is in compliance with all federal, state, and city laws or regulations applicable to the animal;

(5) a licensed veterinarian, an incorporated humane society or animal shelter, or a person who holds a rehabilitation permit issued under Subchapter C, Chapter 43 of the Parks and Wildlife Code, as amended, who is temporarily treating or caring for a sick or injured prohibited animal, if the veterinarian, humane society, animal shelter, or rehabilitator:

(A) has all required state and federal licenses and permits; and

(B) is in compliance with all federal, state, and city laws or regulations applicable to the animal;
§ 7-6.1 Animals § 7-6.1

(6) a transient circus company not based in the State of Texas, if:

(A) the prohibited animal is used as an integral part of the circus performances;

(B) the animal is kept within the city only during the time the circus is performing in the city; and

(C) the circus:

(i) has all required state and federal licenses and permits;

(ii) is in compliance with all federal, state, and city laws or regulations applicable to the animal; and

(iii) has on file with the director, on a form provided for that purpose, a current list describing all prohibited animals kept in the city by the circus and specifying the location where each animal is kept;

(7) a television or motion picture production company that has temporary custody or control of the prohibited animal during the filming of a television or motion picture production in the city, if the production company:

(A) has all required state and federal licenses and permits;

(B) is in compliance with all federal, state, and city laws or regulations applicable to the animal; and

(C) has on file with the director, on a form provided for that purpose, a current list describing all prohibited animals kept in the city by the production company and specifying the location where each animal is kept;

(8) a college or university that owns and has possession, custody, or control of the prohibited animal solely as a mascot for the college or university, if the college or university:

(A) has all required state and federal licenses and permits;

(B) is in compliance with all federal, state, and city laws or regulations applicable to the animal; and

(C) has on file with the director, on a form provided for that purpose, a current list describing all prohibited animals kept in the city by the college or university and specifying the location where each animal is kept;

(9) transporting the prohibited animal in interstate commerce in compliance with the Animal Welfare Act (7 U.S.C. Section 2131, et seq.), as amended, and any regulations adopted under that act, if the person:

(A) has all required state and federal licenses and permits; and

(B) is in compliance with all federal, state, and city laws or regulations applicable to the prohibited animal;

(10) a person whose only business is to supply nonhuman primates directly and exclusively to biomedical research facilities and who holds a Class “A” or Class “B” dealer’s license issued by the United States Secretary of Agriculture under the Animal Welfare Act (7 U.S.C. Section 2131, et seq.), as amended, if:

(A) the prohibited animal is a nonhuman primate owned by and in the custody and control of the person;

(B) the person has all required state and federal licenses and permits;

(C) the person is in compliance with all federal, state, and city laws or regulations applicable to the animal; and
§ 7-6.1 Animals

(D) the person has on file with the director, on a form provided for that purpose, a current list describing all prohibited animals kept in the city by the person and specifying the location where each animal is kept;

(11) a participant in a species survival plan of the American Zoo and Aquarium Association for the species of prohibited animal owned by or in the possession, control, or custody of the person, if:

(A) the prohibited animal is an integral part of the species survival plan;

(B) the person has all required state and federal licenses and permits;

(C) the person is in compliance with all federal, state, and city laws or regulations applicable to the animal; and

(D) the person has on file with the director, on a form provided for that purpose, a current list describing all prohibited animals kept in the city by the person and specifying the location where each animal is kept; or

(12) exhibiting a prohibited animal (other than a dangerous wild animal as defined in Section 822.101 of the Texas Health and Safety Code, as amended) at the State Fair of Texas or at a special event conducted with written permission of the city, if the person:

(A) has all required state and federal licenses and permits;

(B) is in compliance with all federal, state, and city laws or regulations applicable to the animal; and

(C) has on file with the director, on a form provided for that purpose, a current list describing all prohibited animals kept in the city by the person and specifying the location where each animal is kept. (Ord. 26024)

§ 7-6.2 REGULATED ANIMALS.

(a) A person commits an offense if he owns a regulated animal for any purpose in the city without holding a valid regulated animal permit issued for the animal under this section.

(b) All defenses set forth in Section 7-6.1(b) relating to prohibited animals are defenses to prosecution under Subsection (a) of this section when applied to regulated animals.

(c) A regulated animal permit may be issued only to a person who is in the business of exhibiting one or more regulated animals to the public and who:

(1) has all required state and federal licenses and permits; and

(2) is in compliance with all federal, state, and city laws or regulations applicable to the regulated animal.

(d) Regulated animal permits are classified as follows:

(1) Annual regulated animal permit. Possession of an annual regulated animal permit is required to keep a regulated animal in the city for more than 10 days within any calendar year. The permit is valid for one year after the date of issuance, unless sooner revoked by the director, and may be renewed by filing an application in accordance with this section.

(2) Temporary regulated animal permit. Possession of a temporary regulated animal permit is required to keep a regulated animal in the city for not more than 10 days within any calendar year. The permit is valid for a period designated by the director not to exceed 10 days.

(e) The fees for a regulated animal permit are as follows:

(Ord. 26024)
§ 7-6.2 Animals

Type of Permit Fee
(1) Annual $500
(2) Temporary $250

(f) A regulated animal permit is nontransferable, and the permit fee is nonrefundable.

(g) An applicant for a regulated animal permit shall file an application with the director on a form provided for that purpose. The application must include:

(1) the name, address, and telephone number of the applicant;

(2) a complete identification of each regulated animal kept in the city, including species, sex, age (if known), and any distinguishing marks or coloration that would aid in the identification of the animal;

(3) the exact location where each regulated animal is to be kept; and

(4) any other information the director determines necessary to the enforcement and administration of this section.

(h) An application for a regulated animal permit must be accompanied by:

(1) the applicable regulated animal permit fee set forth in Subsection (e) of this section;

(2) proof, in a form acceptable to the director, that the applicant has the liability insurance required in Subsection (i) of this section; and

(3) if the applicant holds a Class “A” or Class “B” dealer’s license or a Class “C” exhibitor’s license issued by the United States Secretary of Agriculture under the Animal Welfare Act (7 U.S.C. Section 2131, et seq.), as amended, a clear and legible photocopy of the license.

(i) An owner of a regulated animal shall maintain liability insurance acceptable to the city, in an amount of not less than $100,000 for each occurrence, that provides coverage for any damage to or destruction of property, and for any death or bodily injury to a person, caused by the regulated animal.

(j) An owner of a regulated animal shall, at all reasonable times, allow the director or a designated licensed veterinarian to enter the premises where the animal is kept and to inspect the animal, the animal’s enclosure, and the owner’s records relating to the animal to ensure compliance with this section.

(k) An owner of a regulated animal may not permanently relocate the animal to another location in the city unless the owner first notifies the director in writing of the exact location to which the animal will be relocated.

(l) Within 10 days after the death, sale, or other disposition of a regulated animal, the owner of the animal shall notify the director in writing of that event.

(m) An owner of a regulated animal shall immediately notify the director of any attack on a human by the animal and of any escape by the animal.

(n) An owner of a regulated animal that escapes is liable for all costs incurred in apprehending and confining the animal. The city, animal services, and any law enforcement agency (and their employees and agents) are not liable to an owner of a regulated animal for damages arising in connection with the escape of the animal, including any liability for damage, injury, or death caused by the animal during or after its escape, or for injury to or death of the animal resulting from the apprehension or confinement of the animal after its escape.

(o) The director may establish caging requirements and standards for the keeping and confinement of a regulated animal to ensure that the animal is kept and confined in a manner that:

(1) protects and enhances the public’s health and safety;
§ 7-6.2 Animals

(2) prevents escape by the animal; and

(3) provides a safe, healthy, and humane environment for the animal.

(p) An owner of a regulated animal shall keep and confine the animal in accordance with the caging requirements and standards established by the director.

(q) For each regulated animal, the owner shall comply with all applicable standards of the Animal Welfare Act (7 U.S.C. Section 2131, et seq.), as amended, and with regulations adopted under that Act relating to:

(1) facilities and operations;

(2) animal health and husbandry; and

(3) veterinary care.

(r) An owner of a regulated animal commits an offense if he fails to comply with this section. Each animal with respect to which there is a violation and each day that a violation continues is a separate offense.

(s) The director shall deny issuance or renewal of a regulated animal permit if the applicant:

(1) makes a false statement of material fact on an application for a regulated animal permit;

(2) is not in compliance with this section or Article III of this chapter;

(3) is not in compliance with any conditions of the permit or any rules established by the director relating to the regulated animal;

(4) has had a regulated animal permit revoked by the director within the preceding 12 months; or

(5) intentionally or knowingly impeded a lawful inspection by the director or the director’s authorized representative.

(t) The director shall revoke a regulated animal permit if the director determines that the permit holder has:

(1) made a false statement of material fact on an application for a regulated animal permit;

(2) violated a provision of this section or Article III of this chapter;

(3) violated a condition of the permit or a rule established by the director relating to the regulated animal; or

(4) intentionally or knowingly impeded a lawful inspection by the director or the director’s authorized representative.

(u) If the director refuses to issue or renew a regulated animal permit, or revokes a regulated animal permit, the director shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the action, including the reason for the action, and a statement of the right to an appeal. The applicant or permit holder may appeal the decision of the director to a permit and license appeal board in accordance with Section 2-96 of this code. The filing of a request for an appeal hearing with the permit and license appeal board stays an action of the director in revoking a permit until the permit and license appeal board makes a final decision. (Ord. Nos. 26024; 29879, eff. 10/1/15; 31332, eff. 10/1/19)

ARTICLE VII.

MISCELLANEOUS.

SEC. 7-7.1. INTERFERENCE WITH AN ANIMAL SERVICES OFFICER.

A person commits an offense if he interferes with, hinders, or molests any employee or agent of animal services in the performance of official duties. (Ord. 26024)
SEC. 7-7.2. SALE OF ANIMALS FROM PUBLIC PROPERTY.

(a) A person commits an offense if he sells, exchanges, barters, or gives away, or offers to sell, exchange, barter, or give away, any animal from:

(1) any public property; or

(2) any property to which the public has access that does not have a valid certificate of occupancy allowing the sale of animals on the property.

(b) It is a defense to prosecution under Subsection (a) that the person is:

(1) animal services; or

(2) an animal adoption agency. (Ord. 26024)

SEC. 7-7.3. KEEPING OF ROOSTERS.

(a) In this section, ROOSTER means the male of the domestic fowl.

(b) A person commits an offense if he owns a live rooster on any premises within the city.

(c) It is a defense to prosecution under Subsection (b) that the rooster is:

(1) kept on premises upon which animal production is permitted under Section 51A-4.201 of the Dallas Development Code;

(2) being exhibited at the State Fair of Texas or at a special event conducted with written permission of the city;

(3) owned by a governmental entity or participating in a health, research, educational, or similar program conducted by a governmental entity;

(4) owned by a medical, educational, or research institution operating in compliance with all city ordinances and state and federal laws; or

(5) being held for slaughter in a slaughterhouse or meat packing plant operating in compliance with all city ordinances and state and federal laws.

(d) A person who owns a live rooster commits an offense if he:

(1) fails to confine the rooster at all times within an enclosure that is of sufficient height and strength to retain the rooster;

(2) confines the rooster in an enclosure that is wholly or partially located less than 20 feet from any adjacent property line;

(3) maintains the enclosure in which the rooster is confined in a manner that creates offensive odors, fly breeding, or any other nuisance or condition that is injurious to the public health, safety, or welfare; or

(4) allows the rooster to violate the noise restrictions of Section 7-7.4 of this chapter.

(e) For the purpose of calculating the distance requirement of Subsection (d)(2) of this section, the width of alleys, street rights-of-way, and other public rights-of-way will be used. The distance between a rooster enclosure and an adjacent property line must be measured in a straight line, without regard to intervening structures or objects, from the nearest exterior wall of the enclosure to the nearest property line. (Ord. 26024)

SEC. 7-7.4. DISTURBANCE BY ANIMALS.

(a) A person commits an offense if he knowingly owns an animal that unreasonably barks, howls, crows,
or makes other unreasonable noise near a private residence. Noise made by an animal is unreasonable under this subsection if the noise:

(1) continues more than 15 consecutive minutes; or

(2) exceeds the sound pressure level allowed in a residential district under the Dallas Development Code.

(b) A person who is disturbed by an animal that unreasonably barks, howls, crows, or makes other unreasonable noise near a private residence may file a disturbance complaint with the director. A disturbance complaint must include the name and address of the complainant, the location of the disturbance, the type of animal causing the disturbance, and the times that the animal is causing the disturbance.

(c) The director shall mail to the animal’s owner a notice that the disturbance complaint has been received. A copy of the notice must be mailed to the complainant.

(d) If, after receiving notice from the director that a disturbance complaint has been received, the owner continues to allow the animal to cause a disturbance:

(1) the complainant may file a complaint, in writing, with the city attorney; or

(2) the director may issue a citation to the owner for the violation of this section. (Ord. 26024)

SEC. 7-7.5. VACCINATION OF FERRETS.

(a) An owner of a ferret commits an offense if:

(1) the ferret is not currently vaccinated; or

(2) the owner fails to show a current certificate of vaccination and rabies tag for the ferret upon request by the director or a peace officer.

(b) It is a defense to prosecution under Subsection (a) that the ferret is:

(1) under four months of age; or

(2) unable to be vaccinated due to health reasons as verified by a licensed veterinarian.

(c) A licensed veterinarian who vaccinates a ferret for rabies shall issue to the owner of the ferret a current rabies tag and a certificate of vaccination and send a copy of the certificate of vaccination to the director by the 10th day of the month following the month in which the ferret was vaccinated. The certificate of vaccination must contain the following information:

(1) name, address, and telephone number of the owner;

(2) animal identification, including species, sex, age, size (pounds), predominant breed, and color;

(3) vaccine used, producer, expiration date, and serial number;

(4) date vaccinated and expiration date of the certificate of vaccination;

(5) rabies tag number; and

(6) veterinarian’s signature and license number. (Ord. 26024)

SEC. 7-7.6. ANIMALS AS PRIZES, PROMOTIONS, AND NOVELTIES.

A person commits an offense if he sells, exchanges, raffles, auctions, or gives away or offers to
sell, exchange, raffle, auction, or give away any live animal as:

(1) a prize;
(2) an inducement to enter a place of amusement or a business establishment; or
(3) an inducement to participate in a charitable fund-raising event. (Ord. 27250)

ARTICLE VIII.
VIOLATIONS, PENALTIES, AND ENFORCEMENT.

SEC. 7-8.1. VIOLATIONS; CRIMINAL AND CIVIL PENALTIES.

(a) A person who violates a provision of this chapter, or who fails to perform an act required of him by this chapter, commits an offense.

(b) A person violating a provision of this chapter commits a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

(d) Unless specifically provided otherwise in this chapter, an offense under this chapter is punishable by a fine not to exceed:

(1) $2,000 if the provision violated governs public health or sanitation;
(2) the amount fixed by state law if the violation is one for which the state has fixed a fine; or
(3) $500 for all other offenses.

(e) Unless specifically provided otherwise in this chapter or by state law, an offense under this chapter is punishable by a fine of not less than:

(1) $50 for a first conviction of a violation of Section 7-2.6(f), 7-2.7(d), 7-3.1, 7-4.2(a), 7-4.5, 7-4.6, 7-4.8, 7-7.2, or 7-7.4(a);
(2) $100 for a first conviction of a violation of Section 7-3.3, 7-4.1(a), 7-4.7, 7-4.10, 7-7.3, or 7-7.5(a); and
(3) $150 for a first conviction of a violation of Section 7-2.4(b), 7-3.2, 7-4.3(e), 7-4.11, 7-4.14, 7-6.1, 7-6.2, or 7-7.1.

(f) The minimum fines established in Subsection (e) will be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (d).

(g) Prosecution for an offense under Subsection (a) does not prevent the use of civil enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.

(h) In addition to imposing a criminal penalty, the city may, in accordance with Section 54.012(5) and (10) of the Texas Local Government Code, bring a civil action against a person violating a provision of this chapter. The civil action may include, but is not limited to, a suit to recover a civil penalty pursuant to Section 54.017 of the Texas Local Government Code not to exceed $1,000 for each day or portion of a day during which each violation is committed, continued, or permitted.

(i) As an alternative to imposing the criminal penalty prescribed in Subsections (d) and (e), the city may, as authorized by Section 54.044 of the Texas Local Government Code, impose administrative penalties, fees, and court costs in accordance with Article IV-b of...
Chapter 27 of this code for an offense under this chapter. The alternative administrative penalty range for an offense is the same as is prescribed in Subsections (d) and (e). The provisions of Article IV-b of Chapter 27 of this code pertaining to financial inability to comply with an administrative order do not apply to violations of this chapter. (Ord. Nos. 26024; 27250; 29403; 30901)

SEC. 7-8.2. ADDITIONAL ENFORCEMENT PROVISIONS.

(a) In addition to imposing a monetary penalty against a person convicted of an offense under this chapter, a court may do one or more of the following:

   (1) require the person, at the person's expense, to attend a responsible pet ownership program approved by the director;

   (2) revoke any permit issued to the person under this chapter;

   (3) require the person to have any animal owned by the person spayed or neutered within a time period specified by the court; or

   (4) impose any other conditions or restrictions that would reasonably abate the violation for which the person was convicted.

(b) Upon a person's third conviction of violating Section 7-3.1, 7-4.1, 7-4.2, 7-4.7, 7-4.10, 7-4.11, or 7-4.14 of this chapter, a court may do one or more of the following:

   (1) order the impoundment of any animal owned by the person, forfeit the person's ownership of the animal, and award sole possession of the animal to the city; or

   (2) suspend the person's right to own an animal in the city for a period of time as specified by the court. (Ord. Nos. 26024; 30483; 30901)

SEC. 7-8.3. RESERVED.

(Repealed by Ord. 30483)

SEC. 7-8.4. DALLAS ANIMAL WELFARE FUND.

(a) The Dallas Animal Welfare Fund is composed of:

   (1) All Dallas Animal Welfare Fund administrative penalties collected under Sections 27-16.16(b), 27-16.18(g), and 27-16.21(b) of Chapter 27 of this code;

   (2) 30 percent of all civil fines collected by the city for lawsuits filed in the municipal court under Subchapter B, Chapter 54 of the Texas Local Government Code; and

   (3) Any funds donated by an individual or entity, any of which may be refused by a majority vote of the city council.

(b) The director shall adopt rules and procedures consistent with this article for the administration of the Dallas Animal Welfare Fund.

(c) To be eligible to receive funds from the Dallas Animal Welfare Fund, a person must:

   (1) establish to the satisfaction of the director that the person’s income does not exceed the Dallas area median family income as determined by the U.S. Department of Housing and Urban Development; and

   (2) not have received funds from the Dallas Animal Welfare Fund within the preceding 24 months.

(d) The director may not make an award from the Dallas Animal Welfare Fund in excess of $1,000. The director may not make an award unless the award is for less than or equal to the amount in the Dallas Animal Welfare Fund at any one time. If the fund is
temporarily out of money, the director may not make an award until such time as there are additional funds equal to or exceeding the amount of the award. (Ord. 29403)
CHAPTER 15D

EMERGENCY VEHICLES

ARTICLE I.

AMBULANCES.


Sec. 15D-1. Statement of policy.
Sec. 15D-2. General authority and duty of director.
Sec. 15D-3. Establishment of rules and regulations.
Sec. 15D-4. Definitions.

Division 2. Emergency Medical Services.

Sec. 15D-5. Emergency ambulance service provided by fire department; fee.
Sec. 15D-5.1. Mobile community healthcare program provided by fire department.
Sec. 15D-5.2. Emergency medical service training program.
Sec. 15D-6. Private emergency ambulance service regulations.

Division 3. Private Ambulance Service License.

Sec. 15D-7. Private ambulance service license required.
Sec. 15D-8. Qualification for private ambulance license.
Sec. 15D-9. Application for license.
Sec. 15D-9.1. Public hearing; burden of proof.
Sec. 15D-9.2. License issuance; fee; display; transferability.
Sec. 15D-9.3. Expiration and renewal of license.
Sec. 15D-9.4. Refusal to issue or renew license.
Sec. 15D-9.5. Suspension and revocation of license.
Sec. 15D-9.6. Appeal from license suspension.
Sec. 15D-9.7. Appeal from license denial or revocation.

Division 4. Ambulance Personnel Permit.

Sec. 15D-9.8. Ambulance personnel permit required.
Sec. 15D-9.9. Qualification for ambulance personnel permit.
Sec. 15D-9.10. Application for ambulance personnel permit.
Sec. 15D-9.11. Investigation of application.
Sec. 15D-9.12. Issuance and denial of ambulance personnel permit.
Sec. 15D-9.13. Expiration of permit; voidance upon suspension or revocation of state driver’s license.
Sec. 15D-9.15. Probationary permit.
Sec. 15D-9.16. Duplicate permit.
Sec. 15D-9.17. Display of permit.
Sec. 15D-9.18. Suspension by a designated representative.
Sec. 15D-9.19. Suspension of ambulance personnel permit.
Sec. 15D-9.20. Revocation of ambulance personnel permit.
Sec. 15D-9.21. Private ambulance operation after suspension, revocation, or denial of permit renewal.
Sec. 15D-9.22. Appeal of denial, suspension, or revocation.
Sec. 15D-9.23. Current mailing address of permittee.

Division 5. Miscellaneous Regulations.

Sec. 15D-9.24. Duty of licensee and permittee to comply.
Sec. 15D-9.25. Licensee’s duty to enforce compliance by permittees.


Sec. 15D-9.27. Private ambulance service.
Sec. 15D-9.28. Apparel to be worn by ambulance personnel.
Sec. 15D-9.29. Records and reports of private ambulance service.
Sec. 15D-9.30. Miscellaneous offenses.

**Division 7. Vehicles and Equipment.**

Sec. 15D-9.31. Inspection of private ambulances and equipment.
Sec. 15D-9.32. Vehicles and equipment.
Sec. 15D-9.33. Decals.

**Division 8. Enforcement.**

Sec. 15D-9.34. Authority to inspect.
Sec. 15D-9.35. Enforcement by police department.
Sec. 15D-9.36. Correction order.
Sec. 15D-9.37. Service of notice.
Sec. 15D-9.38. Appeal.
Sec. 15D-9.39. Criminal offenses; defenses.

**ARTICLE II.**

**EMERGENCY WRECKERS.**

**Division 1. General Provisions.**

Sec. 15D-10. Statement of policy.
Sec. 15D-11. Powers and duties of the director.
Sec. 15D-12. Powers and duties of the chief of police.
Sec. 15D-13. Establishment of rules and regulations.
Sec. 15D-14. Exceptions.
Sec. 15D-15. Definitions.
Sec. 15D-16. Driving wrecker to a police scene prohibited; exception.
Sec. 15D-17. Soliciting wrecker business at a police scene prohibited; presence at scene as evidence of violation.
Sec. 15D-18. Soliciting by advertising.
Sec. 15D-19. Response to private calls prohibited.

**Division 2. Emergency Wrecker Service License.**

Sec. 15D-20. License required; trade name registration; business location.
Sec. 15D-21. License application; change of zone.
Sec. 15D-22. License qualifications.
Sec. 15D-23. License issuance; fee; display; transferability; expiration.
Sec. 15D-24. Refusal to issue or renew license.
Sec. 15D-25. Suspension of license.
Sec. 15D-26. Revocation of license.
Sec. 15D-27. Appeals.

**Division 3. Wrecker Driver’s Permit.**

Sec. 15D-28. Wrecker driver’s permit required.
Sec. 15D-29. Qualifications for a wrecker driver’s permit.
Sec. 15D-30. Application for wrecker driver’s permit; fee.
Sec. 15D-31. Investigation of application.
Sec. 15D-32. Issuance and denial of wrecker driver’s permit.
Sec. 15D-33. Expiration of wrecker driver’s permit; voidance upon suspension or revocation of state driver’s license or state towing operator’s license.
Sec. 15D-34. Provisional permit.
Sec. 15D-35. Probationary permit.
Sec. 15D-36. Duplicate permit.
Sec. 15D-37. Display of permit.
Sec. 15D-38. Suspension by a designated representative.
Sec. 15D-39. Suspension of wrecker driver’s permit.
Sec. 15D-40. Revocation of wrecker driver’s permit.
Sec. 15D-41. Wrecker operation after suspension or revocation.
Sec. 15D-42. Appeal from denial, suspension, or revocation.
Division 4. Miscellaneous Licensee and Driver Regulations.

Sec. 15D-43. Licensee’s and driver’s duty to comply.
Sec. 15D-44. Licensee’s duty to enforce compliance by drivers.
Sec. 15D-45. Apparel to be worn by drivers.
Sec. 15D-46. Insurance.
Sec. 15D-47. Information to be supplied upon request of director.
Sec. 15D-48. Emergency wrecker service records.
Sec. 15D-49. Failure to pay ad valorem taxes.

Division 5. Service Rules and Regulations.

Sec. 15D-50. Emergency wrecker service zones; wrecker rotation list procedure.
Sec. 15D-51. Removal of a vehicle with a wrecker.
Sec. 15D-52. Requirements and operating procedures for emergency wrecker service.
Sec. 15D-53. Rapid response program.
Sec. 15D-53.1. Rapid response locations.
Sec. 15D-54. Disposition of towed vehicles.
Sec. 15D-55. Notification of police department; impounded vehicle receipts.
Sec. 15D-56. City-owned wreckers.

Division 6. Fee Schedule.

Sec. 15D-57. Maximum fee schedule for emergency wrecker service.

Division 7. Vehicles and Equipment.

Sec. 15D-58. Vehicles and equipment.

Division 8. Enforcement.

Sec. 15D-59. Authority to inspect.
Sec. 15D-60. Enforcement by police department.

Sec. 15D-61. Correction order.
Sec. 15D-62. Service of notice.
Sec. 15D-63. Appeal.
Sec. 15D-64. Offenses.

ARTICLE III.

PUBLIC SERVICE CORPORATIONS.

Sec. 15D-65. Definitions.
Sec. 15D-66. Permit required.
Sec. 15D-67. Application.
Sec. 15D-68. Permit issuance; standards of operation.
Sec. 15D-69. Term; posting.
Sec. 15D-70. Operators to have chauffeur’s license.

ARTICLE IV.

MOTOR VEHICLE ACCIDENT CLEANUP FEE.

Sec. 15D-71. Motor vehicle accident cleanup fee.

ARTICLE I.

AMBULANCES.


SEC. 15D-1. STATEMENT OF POLICY.

It is the policy of the city to provide for the protection of the public interest as it relates to the transportation of the sick, injured, and deceased within the city, and as it relates to the efficient use of emergency medical services within the city. To this end, this article provides for the regulation of emergency ambulance service, emergency medical services, and private ambulance service to be administered in a manner that protects the public.
health and safety and promotes the public convenience and necessity. Nothing in this article will be construed to conflict with any state or federal law relating to emergency and private ambulance service. (Ord. Nos. 21861; 29544)

SEC. 15D-2. GENERAL AUTHORITY AND DUTY OF DIRECTOR.

The director shall implement and enforce this article and may by written order establish such rules and regulations, not inconsistent with this article, as the director determines necessary to discharge any duty under or to effect the policy of this article. (Ord. 21861)

SEC. 15D-3. ESTABLISHMENT OF RULES AND REGULATIONS.

(a) Before adopting, amending, or abolishing a rule or regulation, the director shall hold a public hearing on the proposal.

(b) The director shall fix the time and place of the hearing and, in addition to notice required under Article 6252-17, Vernon’s Texas Civil Statutes, shall notify each licensee and such other persons as the director determines are interested in the subject matter of the hearing.

(c) After the public hearing, the director shall notify the licensees and other interested persons of the action taken and shall post an order adopting, amending, or abolishing a rule or regulation on the official bulletin board in the city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period. (Ord. 21861)

SEC. 15D-4. DEFINITIONS.

In this article:

1. AMBULANCE means any motor vehicle constructed, reconstructed, arranged, equipped, or used for the purpose of transporting sick, injured, or deceased persons.

2. AMBULANCE CALL means the act of responding with an ambulance, for compensation, to a request for transportation of a sick, injured, or deceased person.

3. AMBULANCE PERSONNEL means a person who for compensation has the duty of performing or assisting in the performance of an ambulance call, including driving or acting as an attendant on an ambulance.

4. CITY means the city of Dallas, Texas.

5. CONVICTION means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned.

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

7. EMERGENCY means any circumstance that calls for immediate action and in which the element of time in transporting a sick or injured person for medical treatment or in providing treatment for a sick or injured person is essential to the health, life, or limb of the person. Such circumstances include, but are not limited to, accidents generally, acts of violence resulting in personal injury, and sudden illnesses.

8. EMERGENCY AMBULANCE means an ambulance specially designed, constructed, equipped,
and used for transporting the sick or injured in answer to an emergency call.

(9) EMERGENCY CALL means any request for ambulance service that is made by telephone or other means of communication in circumstances that are, or have been represented to be, an emergency.

(10) EMERGENCY MEDICAL SERVICES means services used to respond to an individual’s perceived need for immediate medical care and to prevent death or aggravation of physiological or psychological illness or injury.

(11) EMERGENCY MEDICAL SERVICES VEHICLE means any motor vehicle constructed, reconstructed, arranged, equipped, or used in the mobile community healthcare program by the fire department for the purpose of providing emergency medical services but not for transporting sick, injured, or deceased persons.

(12) EMERGENCY PATIENT means a person in whom a sickness or injury may cause a significant risk to the person’s life or limb. Such sickness or injury may include, but is not limited to, trauma (major injury to the body, head, or extremities), chest pain, abdominal pain, unconsciousness, delirium, imminent delivery of a child, and serious infection.

(13) EMERGENCY PREHOSPITAL CARE means care provided to the sick or injured during emergency transportation to a medical facility and includes any necessary stabilization of the sick or injured in connection with that transportation.

(14) EMERGENCY RUN means an emergency ambulance trip, requiring the use of warning lights or sirens, to the place where an emergency exists or from the place of the emergency to a hospital, medical clinic or office, or other appropriate destination for the patient.

(15) FIRE ALARM DISPATCHER means the central communications center of the fire department.

(16) FIRE CHIEF means the chief of the fire department or the chief’s duly authorized representative.

(17) FIRE DEPARTMENT means the fire department of the city of Dallas, Texas.

(18) FIRE DEPARTMENT PARAMEDIC means a fire department employee certified as a paramedic by the Texas Department of State Health Services.

(18.1) HARDSHIP ASSISTANCE means the reduction of ambulance service charges assessed to a transported patient or the payment-responsible party on behalf of a transported patient approved by the city manager, department director, or designee.

(19) LAWFUL ORDER means a verbal or written directive issued by the director in the performance of official duties in the enforcement of this chapter and any rules and regulations promulgated under this chapter.

(20) LICENSE means written authorization issued by the director for a person to operate a private ambulance service within the city.

(21) LICENSEE means a person licensed under this article to engage in private ambulance service. The term includes any owner, operator, driver, ambulance personnel, employee, or agent of the licensed business, but does not include a subcontractor.

(22) MEDICAL DIRECTOR means a physician licensed by the Texas Medical Board who is under contract with the city to be responsible for all aspects of the provision of emergency medical services within the city under Title 22 of the Texas Administrative Code Chapter 197, as amended.

(23) MUTUAL AID CALL means a request for emergency ambulance service issued by one political jurisdiction to a neighboring political jurisdiction.
§ 15D-4  Emergency Vehicles  § 15D-5

(24) NEONATE/PEDIATRIC TRANSPORT PERSONNEL means a registered nurse, physician, or respiratory therapist specially trained in the emergency and transport care of newborn and pediatric patients.

(25) OPERATE means to drive or to be in control of an ambulance.

(26) OPERATOR means the driver of an ambulance, the owner of an ambulance, or the holder of a private ambulance service license.

(27) OWNER means the person to whom state license plates for a vehicle were issued.

(28) PERMIT means written authorization issued by the director for a person to act as an ambulance personnel on a private ambulance within the city.

(29) PERMITTEE means a person who has been issued an ambulance personnel permit by the director under this article.

(30) PERSON means any individual, corporation, business, trust, partnership, association, or other legal entity.

(31) POLICE CHIEF means the chief of police of the city of Dallas or the chief’s duly authorized representative.

(32) PRIVATE AMBULANCE means an ambulance constructed, equipped, and used for transporting sick, injured, or deceased persons under circumstances that do not constitute an emergency and have not been represented as an emergency.

(33) PRIVATE AMBULANCE SERVICE means the business of transporting, for compensation, sick, injured, or deceased persons under circumstances that do not constitute an emergency and have not been represented as an emergency.

(34) SPECIAL EVENT means any parade, sporting event, concert, or other event or gathering requiring on-site standby medical personnel.

(35) STREET means any street, alley, avenue, boulevard, drive, or highway commonly used for the purpose of travel within the corporate limits of the city. (Ord. Nos. 21861; 29544; 31289)

Division 2. Emergency Medical Services.

SEC. 15D-5. EMERGENCY AMBULANCE SERVICE PROVIDED BY FIRE DEPARTMENT; FEE.

(a) The fire department shall provide all emergency ambulance service within the city.

(b) The city shall charge the following fees for emergency ambulance services in the city provided in response to a call received by the fire department requesting the services:

________ (1) $1,578 for each transport of a resident of the city of Dallas to a hospital and $1,678 for each transport of a nonresident of the city of Dallas to a hospital.

________ (2) $125 for treatment of a person who is not transported by ambulance.

(b) The city shall charge the following fees for emergency ambulance services in the city provided in response to a call received by the fire department requesting the services:

(1) $1,868 for each transport of a resident of the city of Dallas to a hospital and $1,868 for each transport of a nonresident of the city of Dallas to a hospital.
(2) $125 for treatment of a person who is not transported by ambulance.

(3) The reasonable cost of any expendable items that are medically required to be used on a person transported by ambulance or treated without being transported by ambulance, including but not limited to drugs, dressings and bandages, airways, oxygen masks, intravenous fluids and equipment, syringes, and needles.

(4) The reasonable cost of any EKG/telemetry that is medically required to be performed on a person transported by ambulance or treated without being transported by ambulance.

(5) The reasonable cost of each additional paramedic over two that is medically required to respond to an emergency call.
§ 15D-5 Emergency Vehicles

(4) The reasonable cost of any EKG/telemetry that is medically required to be performed on a person transported by ambulance or treated without being transported by ambulance.

(5) The reasonable cost of each additional paramedic over two that is medically required to respond to an emergency call.

(6) $15 for each loaded mile of transport by ambulance, beginning when the patient is loaded into the ambulance and ending upon arrival at the hospital.

(c) The person receiving emergency ambulance service, whether transported by ambulance or treated without being transported by ambulance, and any person contracting for the service shall be responsible for payment of all fees. In the case of service received by a minor, the parent or guardian of the minor shall be responsible for payment of all fees.

(6) $15 for each loaded mile of transport by ambulance, beginning when the patient is loaded into the ambulance and ending upon arrival at the hospital.

(e) The person receiving emergency ambulance service, whether transported by ambulance or treated without being transported by ambulance, and any person contracting for the service shall be responsible for payment of all fees less any reduction in fees received from hardship assistance. In the case of service received by a minor, the parent or guardian of the minor shall be responsible for payment of all fees less any reduction in fees received from hardship assistance on behalf of the qualifying minor.

(d) A current list of charges for the items, services, and personnel described in Subsections (b)(3), (4), and (5) must be maintained in the office of the emergency medical services division of the fire department and made available for public inspection during normal business hours.

(e) The city manager or his or her designee shall adopt an ambulance hardship assistance policy and the procedures for administering the policy. (Ord. Nos. 21861; 22565; 24743; 26134; 27353; 29879; 30215; 31289; 31332, eff. 10/1/19)

SEC. 15D-5.1. MOBILE COMMUNITY HEALTHCARE PROGRAM PROVIDED BY FIRE
(2) The city’s mobile community healthcare program is designed to:

(A) support efficient and effective emergency medical services within the city;

(B) provide health education to residents;

(C) assess living environments that may be dangerous or detrimental to a citizen’s health and could contribute to an emergency situation; and

(D) respond to certain emergency medical situations by providing vaccinations and immunizations.

(3) The mobile community healthcare program is also intended to promote health and safety by referring mobile healthcare program participants to appropriate professionals and organizations in the community.

(4) Because police and fire personnel encounter many individuals while performing their duties, protecting those personnel from communicable diseases using appropriate vaccines or immunizations reduces the spread of such diseases and reduces the number of personnel unavailable to protect the safety of the public.

(b) General provisions.

(1) Texas Health and Safety Code Chapter 773, as amended, and Title 22 of the Texas Administrative Code Chapter 197, as amended, authorize fire department paramedics that are supervised by a physician licensed to practice medicine in Texas to provide emergency medical services.

(2) Under the mobile community healthcare program, fire department paramedics that are under the supervision of a physician licensed to practice medicine in Texas may use emergency medical
services vehicles to provide emergency medical services, including immunization and vaccinations, to:

(A) individuals that meet criteria established by the director;

(B) individuals identified through a contract executed under Paragraph (5) below; and

(C) police and fire personnel.

(3) The director shall promulgate standard operating procedures regarding emergency medical services provided by fire department paramedics as part of the mobile community healthcare program.

(4) A physician licensed to practice medicine in Texas shall develop, implement, and revise protocols and standing delegation orders regarding emergency medical services provided by the fire department paramedics as part of the mobile community healthcare program.

(5) The city may enter into contracts with hospitals within Dallas city limits authorizing fire department paramedics, through the mobile community healthcare program, to provide emergency medical services to certain individuals who reside in the city, meet criteria established by a contract, and are designated by the contracting hospital. These contracts with hospitals must:

(A) require that any emergency medical services provided by the fire department paramedics shall be provided under the supervision of the individual’s treating physician or the appropriate hospital medical staff and through the exercise of the supervising physician’s independent medical judgment;

(B) require that the hospital develop treatment protocols for their discharged individuals receiving emergency medical services from fire department paramedics through the mobile community healthcare program, and that those treatment protocols are deemed by the medical director to be within the scope of the fire department paramedics’ certification;

(C) require that any medications prescribed to individuals participating in the mobile community healthcare program will be prescribed by the individual’s treating physician or the appropriate hospital medical staff based on the prescribing physician’s relationship with the individual; and

(D) be reviewed and approved as to form by the compliance officer and director of risk management before consideration by city council.

(6) Nothing in this chapter shall be construed to restrict a physician from delegating administrative and technical or clinical tasks not involving the exercise of independent medical judgment to those specifically trained individuals instructed and directed by a licensed physician who accepts responsibility for the acts of such allied health personnel. Further, nothing shall be construed to relieve the supervising physician of the professional or legal responsibility for the care and treatment of his or her patients.

(c) Fees. The city shall charge a $252 per hour fee to hospitals utilizing emergency medical services in the city to provide mobile community healthcare.

(Ord. Nos. 29544; 31332, eff. 10/1/19)

SEC. 15D-5.2. EMERGENCY MEDICAL SERVICE TRAINING PROGRAM.

(a) Findings and purpose. The city partners with Emergency Medical Service (“EMS”) training programs throughout the city. Through the partnerships, the city provides students in the programs the opportunity to participate in ride-outs with Dallas Fire-Rescue EMS personnel for the purpose of attaining the necessary training hours required for program completion.

(b) Fees. The city shall charge the following fees for all training ride-out services:

(1) $75 per emergency medical training internship college district student.
SEC. 15D-6. PRIVATE EMERGENCY AMBULANCE SERVICE REGULATIONS.

(a) A person who is not a member of the fire department or of an agency of the United States commits an offense if he furnishes, operates, conducts, maintains, advertises, or otherwise engages in or professes to be engaged in emergency ambulance service within the city, for the purpose of picking up emergency patients within the city, except in the following circumstances:

(1) A person shall operate an emergency ambulance within the city to render assistance during a catastrophe or major emergency if requested to do so
by the fire alarm dispatcher when city-authorized emergency ambulances are determined to be insufficient in number or inadequate for other reasons.

(2) A person may operate an emergency ambulance within the city to render assistance to city-authorized emergency ambulances responding to a mutual aid call if requested to do so by the fire alarm dispatcher.

(3) A person may operate an emergency ambulance to a hospital within the city, if:

(A) the emergency patient was picked up by the ambulance outside the city limits;

(B) the ambulance making the emergency run is licensed and operated in accordance with the Emergency Medical Services Act (Chapter 773, Texas Health and Safety Code), as amended; and

(C) the person first notifies the fire alarm dispatcher of the route to be used in the emergency run.

(4) A licensee or permittee may operate a private ambulance within the city as a backup emergency ambulance if requested to do so by the fire alarm dispatcher when city-authorized emergency ambulances are not available.

(5) A permittee may operate a private ambulance on an emergency run if, upon responding to a direct call for nonemergency private ambulance service, the permittee determines that an emergency exists requiring the sick or injured person to be transported with all practical speed to a hospital and obtains permission from the fire alarm dispatcher to make the emergency run.

(6) A permittee may operate a private ambulance on an emergency run if, while performing the service of maintaining a private ambulance at a particular location for a special event, the permittee determines that an emergency exists requiring a sick or injured person to be transported with all practical speed to a hospital and obtains permission from the fire alarm dispatcher to make the emergency run.

(7) A permittee may operate a private ambulance on an emergency run to transport vital organs, including, but not limited to, hearts, lungs, kidneys, and eyes, to or from a hospital if the permittee obtains permission from the fire alarm dispatcher.

(8) A permittee may operate a private ambulance on an emergency run to transport a newborn or pediatric patient from a lower level skill facility to a higher level skill facility if:

(A) the patient’s doctor has determined that an emergency exists;

(B) the patient is accompanied by neonate/pediatric transport personnel; and

(C) the permittee obtains permission from the fire alarm dispatcher to make the emergency run.

(b) Any person who operates a licensed private ambulance on an emergency run under Subsection (a)(5), (6), (7), or (8) shall, within 30 days of each emergency run, submit to the director a report on a form provided for that purpose, describing the circumstances requiring the emergency run. (Ord. 21861)

Division 3. Private Ambulance Service License.

SEC. 15D-7. PRIVATE AMBULANCE SERVICE LICENSE REQUIRED.

(a) A person commits an offense if he operates a private ambulance service within the city without a
valid private ambulance service license issued by the director.

(b) A person commits an offense if he advertises or causes to be advertised the operation of a private ambulance service that does not have a valid license granted under this article when the advertisement is reasonably calculated to be seen by persons seeking private ambulance service in the city.

(c) A person commits an offense if he transports or offers to transport, for compensation, a sick, injured, or deceased person by private ambulance from a location within the city to a location either inside or outside the city without holding or being employed by a person holding a valid license issued under this article.

(d) A person commits an offense if he hires or employs a private ambulance service to pick up a sick, injured, or deceased person in the city when he knows the private ambulance service does not have a valid license under this article.

(e) It is a defense to prosecution under Subsection (b) that the person was the publisher of the advertising material and had no knowledge that the private ambulance service did not have a valid license under this article. (Ord. 21861)

SEC. 15D-8. QUALIFICATION FOR PRIVATE AMBULANCE LICENSE.

(a) To qualify for a private ambulance license, an applicant must:

1. be at least 18 years of age;
2. be currently authorized to work full-time in the United States;
3. be able to communicate in the English language; and
4. not have been convicted of a crime:
   (A) involving:
   i. criminal homicide as described in Chapter 19 of the Texas Penal Code;
   ii. kidnapping as described in Chapter 20 of the Texas Penal Code;
   iii. a sexual offense as described in Chapter 21 of the Texas Penal Code;
   iv. robbery as described in Chapter 29 of the Texas Penal Code;
   v. burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in private or emergency ambulance service;
   vi. theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in private or emergency ambulance service;
   vii. fraud as described in Chapter 32 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in private or emergency ambulance service;
   viii. tampering with a governmental record as described in Chapter 37 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in private or emergency ambulance service;
(ix) public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;

(x) the transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, or of any comparable state or federal law, but only if the violation is punishable as a felony under the applicable law;

(xi) a violation of the Dangerous Drugs Act (Article 4476-14, Vernon’s Texas Civil Statutes), or of any comparable state or federal law, that is punishable as a felony under the applicable law;

(xii) a violation of the Controlled Substances Act (Article 4476-15, Vernon’s Texas Civil Statutes), or of any comparable state or federal law, that is punishable as a felony under the applicable law; or

(xiii) criminal attempt to commit any of the offenses listed in Subdivision (4)(A)(i) through (xii) of this subsection;

(B) for which:

(i) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the applicant was convicted of a misdemeanor offense;

(ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the applicant was convicted of a felony offense; or

(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;

(b) An applicant who has been convicted of an offense listed in Subsection (a)(4), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for a license only if the director determines that the applicant is presently fit to provide private ambulance service. In determining present fitness under this section, the director shall consider the following:

(1) the extent and nature of the applicant’s past criminal activity;

(2) the age of the applicant at the time of the commission of the crime;

(3) the amount of time that has elapsed since the applicant’s last criminal activity;

(4) the conduct and work activity of the applicant prior to and following the criminal activity;

(5) evidence of the applicant’s rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant’s present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.

(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section. (Ord. 21861)
SEC. 15D-9. APPLICATION FOR LICENSE.

(a) To obtain a private ambulance service license, a person must make written application to the director upon a form provided for that purpose. The application must be signed and sworn to by an applicant who is the owner of the private ambulance service. The application must include the following:

1. The name, address, and telephone number of the applicant, the trade name under which the applicant does business, and the street address and telephone number of the business establishment from which the private ambulance service will be operated;

2. The form of business of the applicant and, if the business is a sole proprietorship, partnership, corporation, or association, a copy of the documents establishing the business and the name and address of each person with a direct interest in the business;

3. A statement of the nature and character of the service that the applicant proposes to provide, the facts showing the demand for the service, the experience that the applicant has had in providing such service, and the time period, if any, that the applicant provided such service within the city;

4. An identification and description of any revocation or suspension of a private ambulance service license held by the applicant or business before the date of filing the application;

5. The number and description of vehicles to be operated in the proposed service, including the year, make, model, vehicle identification number, and state license plate number and the class, size, design, and color scheme of each ambulance;

6. Documentary evidence from an insurance company indicating a willingness to provide insurance as required by this article;

7. Documentary evidence of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed service if the business establishment is located in the city;

8. A list, to be current at all times, of the owners and management personnel of the private ambulance service and of all employees who will participate in private ambulance service, including names, addresses, dates of birth, state driver’s license numbers, and social security numbers;

9. A list of any claims or judgments against the applicant, other owners or management personnel, or employees for damages resulting from the negligent operation of an ambulance or any other vehicle;

10. Proof of financial ability and responsibility of the applicant;

11. Proof of a license from the Texas Department of Health to operate as an emergency medical services provider;

12. Any other information determined by the director to be necessary to the implementation and enforcement of this article or to the protection of the public safety; and

13. A nonrefundable application processing fee of $120.

(b) Reserved.

(c) A person desiring to engage in private ambulance service shall register with the director a trade name that clearly differentiates that person’s company from all other companies engaging in private ambulance service and shall use no other trade name for the private ambulance service. (Ord. Nos. 21861; 27695; 30215)
§ 15D-9.1 Emergency Vehicles

SEC. 15D-9.1. PUBLIC HEARING; BURDEN OF PROOF.

(a) Upon receipt of an application for a private ambulance service license, the director shall promptly call a public hearing to consider the application. The director shall publish notice of the hearing once in the official newspaper of the city, and post notice of the hearing on the official bulletin board in the city hall, not less than five nor more than 15 days before the date of the hearing and shall give at least five days’ written notice of the hearing to:

(1) the applicant;

(2) the fire department; and

(3) the city secretary’s office.

(b) At the public hearing, the director shall hear evidence from interested persons on relevant issues.

(c) The applicant for a license has the burden of proving that:

(1) the public convenience and necessity require the proposed private ambulance service;

(2) the applicant is qualified and financially able to provide the service proposed in the application;

(3) the proposed fares and rates to be charged by the applicant are reasonable; and

(4) the proposed operating procedures and type of service to be offered will not interfere with, or adversely affect, existing ambulance systems. (Ord. 21861)

SEC. 15D-9.2. LICENSE ISSUANCE; FEE; DISPLAY; TRANSFERABILITY.

(a) The director shall, within a reasonable time after the date of application, issue a private ambulance service license to an applicant who complies with the provisions of this article.

(b) A license issued to a private ambulance service authorizes the licensee and the licensee’s bona fide employees to engage in private ambulance service.

(c) The annual fee for a private ambulance service license is $445. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is $5. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.

(d) A private ambulance service license issued under this article must be conspicuously displayed in the private ambulance service’s business establishment.

(e) A private ambulance service license, or any accompanying permit, badge, sticker, ticket, or emblem, is not assignable or transferable. (Ord. Nos. 21861; 30215)

SEC. 15D-9.3. EXPIRATION AND RENEWAL OF LICENSE.

(a) A private ambulance service license expires one year from the date of issuance. A licensee shall apply for a renewal at least 30 days before the expiration of the license. The director shall renew a license without a public hearing if, after investigation, the director determines that:

(1) the licensee has performed satisfactorily under the terms of the license;

(2) the service provided continues to be necessary and desirable; and

(3) the licensee continues to comply with all requirements of this article.

(b) If, after investigation of a renewal application, the director determines that a statement in Subsection (a)(1), (2), or (3) is not true, the director
shall call a public hearing and consider the renewal in the same manner as an original application. (Ord. 21861)

SEC. 15D-9.4. REFUSAL TO ISSUE OR RENEW LICENSE.

(a) The director shall refuse to issue or renew a private ambulance service license if the director determines that the applicant or licensee:

(1) made a false statement as to a material matter in an application for a license or license renewal, or in a hearing concerning the license;

(2) was convicted twice within a 12-month period or three times within a 24-month period for violation of this article;

(3) had a private ambulance service license suspended two times within the preceding 12 months or three times within the preceding 24 months, or revoked within the preceding 24 months;

(4) failed to comply with any requirement of this article or any rule or regulation established by the director under this article;

(5) was convicted for a violation of another city, state, or federal law or regulation that indicates lack of fitness of the applicant or licensee to operate a private ambulance service;

(6) was convicted of any felony offense while holding a private ambulance service license;

(7) used a trade name for a private ambulance service other than the one registered with the director; or

(8) is not fit, willing, or able to operate a private ambulance service in accordance with the license, this article, rules and regulations established by the director under this article, and other applicable state and federal laws.

(b) If the director determines that a license should be denied the applicant or licensee, the director shall notify the applicant or licensee in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant or licensee of the right of appeal. (Ord. 21861)

SEC. 15D-9.5. SUSPENSION AND REVOCATION OF LICENSE.

(a) The director may suspend or revoke a private ambulance service license if the director determines that the licensee:

(1) made a false statement as to a material matter in an application for a license or license renewal, or in a hearing concerning a license;

(2) failed to comply with any provision of this article or any rule or regulation established by the director under this article;

(3) was convicted for a violation of another city, state, or federal law or regulation that indicates lack of fitness of the licensee to operate a private ambulance service;

(4) is under indictment for or was convicted of any felony offense while holding a private ambulance service license;

(5) used a trade name for a private ambulance service other than the one registered for that service with the director;

(6) is not fit, willing, or able to continue to operate a private ambulance service in accordance with the license, this article, rules and regulations
established by the director under this article, and other applicable state and federal laws; or

(7) failed to pay all fees required by this article.

(b) The director may suspend a private ambulance service license for a period not to exceed 60 days. At the end of the suspension period, the licensee may file with the director a written request for reinstatement of the license. The director shall determine if the deficiency causing the suspension has been corrected by the licensee and approve or deny reinstatement.

(c) The director shall notify the licensee in writing of a suspension or revocation under this section and include in the notice:

(1) the reason for the suspension or revocation;

(2) the date the suspension or revocation becomes effective;

(3) the duration of a suspension; and

(4) a statement informing the licensee of the right of appeal.

(d) After receipt of a notice of suspension or revocation, the licensee shall, on the date specified in the notice, surrender the license to the director and discontinue operating a private ambulance service inside the city.

(e) Notwithstanding Subsection (d), if the licensee appeals a suspension or revocation under this section, the licensee may continue to operate a private ambulance service pending the appeal unless:

(1) the licensee fails to meet the minimum insurance requirements of Section 15D-9.26 of this article; or

(2) the director determines that continued operation by the licensee would impose a serious and imminent threat to the public safety.

(f) A person whose private ambulance service license is revoked shall not, before the expiration of 24 months from the date the director revokes the license or, in the case of an appeal, the date the permit and license appeal board affirms the revocation:

(1) apply for another private ambulance service license; or

(2) perform as an employee, representative, or ambulance personnel for a private ambulance service licensee. (Ord. 21861)

SEC. 15D-9.6. APPEAL FROM LICENSE SUSPENSION.

(a) If the director suspends a private ambulance service license, the action is final unless the licensee files an appeal, in writing, with the city manager within 10 business days after notice of suspension.

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

(c) The hearing officer may affirm, modify, or reverse all or part of the action of the director being appealed. The decision of the hearing officer is final. (Ord. 21861)
§ 15D-9.7  \textbf{APPEAL FROM LICENSE DENIAL OR REVOCATION.}

If the director denies an application for a license or license renewal, or revokes a license, the action is final unless the applicant or licensee files an appeal with the permit and license appeal board in accordance with Section 2-96 of this code. (Ord. 21861)

\textbf{Division 4. Ambulance Personnel Permit.}

§ 15D-9.8 \textbf{AMBULANCE PERSONNEL PERMIT REQUIRED.}

(a) A person commits an offense if he drives or acts as an attendant on a private ambulance within the city without a valid ambulance personnel permit issued under this article. It is a defense to prosecution under this subsection that the person was riding in the ambulance solely as an observer or as an ambulance personnel trainee.

(b) A private ambulance service licensee shall not employ, contract with, or otherwise allow a person to drive or act as an attendant on a private ambulance owned, controlled, or operated by the licensee unless the person has a valid ambulance personnel permit issued under this article. (Ord. 21861)

§ 15D-9.9 \textbf{QUALIFICATION FOR AMBULANCE PERSONNEL PERMIT.}

(a) To qualify for an ambulance personnel permit, an applicant must:

(1) be at least 18 years of age;

(2) be currently authorized to work full-time in the United States;

(3) hold a valid driver’s license issued by the State of Texas;

(4) be able to communicate in the English language;

(5) have 20/20 vision in both eyes, with or without corrective lenses, and not be afflicted with a physical or mental disease or disability that is likely to prevent the person from exercising ordinary and reasonable control over a motor vehicle or that is likely to otherwise endanger the public health or safety;

(6) not have been convicted of more than four moving traffic violations arising out of separate transactions, nor involved in more than two motor vehicle accidents in which it could be reasonably determined that the applicant was at fault, within any 12-month period during the preceding 36 months;

(7) not have been convicted of a crime:

(A) involving:

(i) criminal homicide as described in Chapter 19 of the Texas Penal Code;

(ii) kidnapping as described in Chapter 20 of the Texas Penal Code;

(iii) a sexual offense as described in Chapter 21 of the Texas Penal Code;

(iv) an assaultive offense as described in Chapter 22 of the Texas Penal Code;

(v) robbery as described in Chapter 29 of the Texas Penal Code;

(vi) burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in private or emergency ambulance service;
(vii) theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in private or emergency ambulance service;

(viii) fraud as described in Chapter 32 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in private or emergency ambulance service;

(ix) tampering with a governmental record as described in Chapter 37 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in private or emergency ambulance service;

(x) public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;

(xi) the private, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, or of any comparable state or federal law, that is punishable as a felony under the applicable law;

(xii) a violation of the Dangerous Drugs Act (Article 4476-14, Vernon’s Texas Civil Statutes), or of any comparable state or federal law, that is punishable as a felony under the applicable law;

(xiii) a violation of the Controlled Substances Act (Article 4476-15, Vernon’s Texas Civil Statutes), or of any comparable state or federal law, that is punishable as a felony under the applicable law; or

(xiv) criminal attempt to commit any of the offenses listed in Subdivision (7)(A)(i) through (xiii) of this subsection;

(B) for which:

(i) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the applicant was convicted of a misdemeanor offense;

(ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the applicant was convicted of a felony offense; or

(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;

(8) not have been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated:

(A) within the preceding 12 months; or

(B) more than one time within the preceding five years;

(9) not be addicted to the use of alcohol or narcotics;

(10) be subject to no outstanding warrants of arrest;

(11) be sanitary and well-groomed in dress and person;

(12) be employed by a licensed private ambulance service;
§ 15D-9.9 Emergency Vehicles

(13) have successfully completed within the preceding 36 months a defensive driving course approved by the Texas Education Agency and be able to present proof of completion; and

(14) meet all standards and requirements for emergency medical services personnel set forth in the Emergency Medical Services Act (Chapter 773, Texas Health and Safety Code), as amended, and be currently certified by and registered with the Texas Department of Health as either a basic emergency medical technician, a specially skilled emergency medical technician, or a paramedic emergency medical technician.

(b) An applicant who has been convicted of an offense listed in Subsection (a)(7) or (8), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for an ambulance personnel permit only if the director determines that the applicant is presently fit to engage in the occupation of ambulance personnel for a private ambulance service. In determining present fitness under this section, the director shall consider the following:

(1) the extent and nature of the applicant’s past criminal activity;

(2) the age of the applicant at the time of the commission of the crime;

(3) the amount of time that has elapsed since the applicant’s last criminal activity;

(4) the conduct and work activity of the applicant prior to and following the criminal activity;

(5) evidence of the applicant’s rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant’s present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.

(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section and under Section 15D-9.15 of this article.

(d) As an additional qualification for an ambulance personnel permit, the director may require the applicant to pass an examination testing general knowledge of traffic laws and the geography of the city. (Ord. 21861)

SEC. 15D-9.10. APPLICATION FOR AMBULANCE PERSONNEL PERMIT.

To obtain an ambulance personnel permit or renewal of an ambulance personnel permit, a person must file with the director a completed written application on a form provided for that purpose and a nonrefundable application fee of $64. The director shall require each application to state any information the director considers necessary to determine whether an applicant is qualified. (Ord. Nos. 21861; 25048; 27695; 30215)

SEC. 15D-9.11. INVESTIGATION OF APPLICATION.

(a) For the purpose of determining qualification under Section 15D-9.9(a)(5) for a permit or permit renewal, the director may require an applicant to submit to a physical examination conducted by a licensed physician, at the applicant’s expense, and to

furnish to the director a signed statement from the physician certifying that the physician has examined the applicant and that in the physician’s professional opinion the applicant is qualified under Section 15D-9.9(a)(5).

(b) Upon request of the director, the police department shall investigate each applicant and furnish the director a report concerning the applicant’s qualification under Section 15D-9.9. The municipal court shall furnish the director a copy of the applicant’s motor vehicle driving record and a list of any warrants of arrest for the applicant that might be outstanding.

(c) The director may conduct any other investigation as the director considers necessary to determine whether an applicant for an ambulance personnel permit is qualified. (Ord. 21861)

SEC. 15D-9.12. ISSUANCE AND DENIAL OF AMBULANCE PERSONNEL PERMIT.

(a) If the director determines that an applicant is qualified, the director shall issue an ambulance personnel permit to the applicant. An ambulance personnel permit, or any accompanying badge, sticker, ticket, or emblem, is not assignable or transferable.

(b) The director shall delay until final adjudication the approval of the application of any applicant who is under indictment for or has charges pending for:

(1) a felony offense involving a crime described in Section 15D-9.9(a)(7)(A)(i), (ii), (iii), (iv), or (v) or criminal attempt to commit any of those offenses; or

(2) any offense involving driving while intoxicated.

(c) The director shall deny the application for an ambulance personnel permit if the director determines that the applicant:

(1) is not qualified under Section 15D-9.9;

(2) refuses to submit to or does not pass a medical examination authorized under Section 15D-9.11(a) or a written examination authorized under Section 15D-9.9(d);

(3) makes a false statement of a material matter in an application for an ambulance personnel permit or permit renewal, or in a hearing concerning the permit; or

(4) fails to comply with this article or any rule or regulation established by the director under this article.

(d) If the director determines that an ambulance personnel permit should be denied the applicant, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal. (Ord. 21861)

SEC. 15D-9.13. EXPIRATION OF PERMIT; VOIDANCE UPON SUSPENSION OR REVOCATION OF STATE DRIVER’S LICENSE.

(a) Except in the case of a provisional or probationary permit, an ambulance personnel permit expires one year from the date of issuance.

(b) If a permittee’s state driver’s license is suspended or revoked by the state, the ambulance personnel permit automatically becomes void. A permittee shall notify the director and the licensee for whom the permittee drives within three days of a suspension or revocation of a state driver’s license and
§ 15D-9.13 Emergency Vehicles

shall immediately surrender the ambulance personnel permit to the director and cease to drive or act as an attendant on a private ambulance. (Ord. 21861)

SEC. 15D-9.14. PROVISIONAL PERMIT.

(a) The director may issue a provisional ambulance personnel permit if the director determines that:

(1) the number of ambulance personnel is inadequate to meet the city’s need for private ambulance service, in which case he may issue the number necessary to meet the need; or

(2) it is necessary to allow the director to complete investigation of an applicant for an ambulance personnel permit.

(b) A provisional ambulance personnel permit expires on the date shown on the permit, which date shall not exceed 45 days after the date of issuance, or upon the applicant’s being denied an ambulance personnel permit, whichever occurs first.

(c) The director shall not issue a provisional permit to a person who has been previously denied an ambulance personnel permit. (Ord. 21861)

SEC. 15D-9.15. PROBATIONARY PERMIT.

(a) The director may issue a probationary ambulance personnel permit to an applicant who is not qualified for an ambulance personnel permit under Section 15D-9.9 if the applicant:

(1) could qualify under Section 15D-9.9 for an ambulance personnel permit within one year from the date of application;

(2) holds a valid state driver’s license or occupation driver’s license; and

(3) is determined by the director, using the criteria listed in Section 15D-9.9(b) of this article, to be presently fit to engage in the occupation of ambulance personnel.

(b) A probationary permit may be issued for a period not to exceed one year.

(c) The director may prescribe appropriate terms and conditions for a probationary permit as the director determines are necessary. (Ord. 21861)

SEC. 15D-9.16. DUPLICATE PERMIT.

If an ambulance personnel permit is lost, destroyed, or mutilated, the director may issue the permittee a duplicate permit upon receiving payment of a duplicate permit fee of $40. (Ord. Nos. 21861; 25048; 27695; 30215)

SEC. 15D-9.17. DISPLAY OF PERMIT.

A permittee shall keep an ambulance personnel permit in the permittee’s possession at all times while on duty. The permittee shall allow the director, the fire chief, or a peace officer to examine the ambulance personnel permit upon request. (Ord. 21861)

SEC. 15D-9.18. SUSPENSION BY A DESIGNATED REPRESENTATIVE.

(a) If a representative designated by the director to enforce this article determines that a permittee has failed to comply with this article (except Section 15D-9.9) or a regulation established under this article, the representative may suspend the ambulance personnel permit for a period of time not to exceed three days by personally serving the permittee with a written notice of the suspension. The notice must include:
§ 15D-9.18 Emergency Vehicles

(1) the reason for suspension;
(2) the date the suspension begins;
(3) the duration of the suspension; and
(4) a statement informing the permittee of the right of appeal.

(b) A suspension under this section may be appealed to the director if the permittee requests an appeal at the time the representative serves notice of the suspension. When an appeal is requested, the suspension may not take effect until a hearing is provided by the director.

(c) The director may order an expedited hearing under this section, to be held as soon as possible after the permittee requests an appeal. The director may affirm, reverse, or modify the order of the representative. The decision of the director is final. (Ord. 21861)

SEC. 15D-9.19. SUSPENSION OF AMBULANCE PERSONNEL PERMIT.

(a) If the director determines that a permittee has failed to comply with this article (except Section 15D-9.9) or a regulation established under this article, the director may suspend the ambulance personnel permit for a definite period of time not to exceed 60 days.

(b) If at any time the director determines that a permittee is not qualified under Section 15D-9.9, or is under indictment or has charges pending for any offense involving driving while intoxicated or a felony offense involving a crime described in Section 15D-9.9(a)(7)(A)(i), (ii), (iii), (iv), or (v) or criminal attempt to commit any of those offenses, the director shall suspend the ambulance personnel permit until the director determines that the permittee is qualified or that the charges against the permittee have been finally adjudicated.

(c) A permittee whose ambulance personnel permit is suspended shall not drive or act as an attendant on a private ambulance within the city during the period of suspension.

(d) The director shall, in writing, notify the permittee and the licensee employing the permittee of a suspension under this section. The notice must include:

(1) the reason for the suspension;
(2) the date the permittee requests an appeal;
(3) the duration of the suspension or if it is under Subsection (b); and
(4) a statement informing the permittee of the right of appeal.

(e) The period of suspension begins on the date specified by the director or, in the case of an appeal, on the date ordered by the appeal hearing officer. (Ord. 21861)

SEC. 15D-9.20. REVOCATION OF AMBULANCE PERSONNEL PERMIT.

(a) The director may revoke an ambulance personnel permit if the director determines that the permittee:

(1) drove or acted as an attendant on a private ambulance within the city during a period in which the permittee’s ambulance personnel permit was suspended;
(2) made a false statement of a material matter in an application for an ambulance personnel permit or permit renewal, or in a hearing concerning the permit;

(3) engaged in conduct that constitutes a ground for suspension under Section 15D-9.19 and received either a suspension in excess of three days or a conviction for violation of this article, two times within the 12-month period preceding the conduct or three times within the 24-month period preceding the conduct;

(4) engaged in conduct that could reasonably be determined to be detrimental to the public safety;

(5) failed to comply with a condition of a probationary permit; or

(6) is under indictment for or was convicted of any felony offense while holding an ambulance personnel permit.

(b) A person whose ambulance personnel permit is revoked shall not:

(1) apply for another ambulance personnel permit before the expiration of 12 months from the date the director revokes the permit or, in the case of an appeal, the date the appeal hearing officer affirms the revocation; or

(2) drive or act as an attendant on any private ambulance within the city.

(c) The director shall, in writing, notify the permittee and the licensee employing the permittee of a revocation. The notice shall include:

(1) the reason for the revocation;

(2) the date the director orders the revocation; and

(3) a statement informing the permittee of the right of appeal. (Ord. 21861)

SEC. 15D-9.21. PRIVATE AMBULANCE OPERATION AFTER SUSPENSION, REVOCATION, OR DENIAL OF PERMIT RENEWAL.

(a) After receiving notice of suspension or revocation of a permit or denial of a permit renewal, the permittee shall, on the date specified in the notice, surrender the ambulance personnel permit to the director and discontinue driving or acting as an attendant on a private ambulance within the city.

(b) Notwithstanding Section 15D-9.19(c), Section 15D-9.20(b)(2), and Subsection (a) of this section, if the permittee appeals the suspension or revocation of an ambulance personnel permit, the permittee may continue to drive or act as an attendant on a private ambulance within the city pending the appeal unless:

(1) the permittee is not qualified under Section 15D-9.9; or

(2) the director determines that continued operation by the permittee would impose an immediate threat to the public safety. (Ord. 21861)

SEC. 15D-9.22. APPEAL OF DENIAL, SUSPENSION, OR REVOCATION.

(a) A person may appeal a denial of an ambulance personnel permit or permit renewal, suspension of an ambulance personnel permit, or revocation of an ambulance personnel permit, if the person requests an appeal in writing, delivered to the city manager not more than 10 business days after notice of the director’s action is received.
(b) The city manager or the city manager’s designated representative shall act as the appeal hearing officer in an appeal hearing under this section. The hearing officer shall give the appealing party an opportunity to present evidence and make argument. The formal rules of evidence do not apply to an appeal hearing under this section, and the hearing officer shall make a ruling on the basis of a preponderance of the evidence presented at the hearing.

(c) The hearing officer may affirm, modify, or reverse all or part of the action of the director being appealed. The decision of the hearing officer is final as to available administrative remedies. (Ord. 21861)

SEC. 15D-9.23. CURRENT MAILING ADDRESS OF PERMITTEE.

A person issued an ambulance personnel permit shall maintain a current mailing address on file with the director. The permittee shall notify the director of any change in this mailing address within 10 business days of the change. (Ord. 21861)

Division 5. Miscellaneous Regulations.

SEC. 15D-9.24. DUTY OF LICENSEE AND PERMITTEE TO COMPLY.

(a) Licensee. In the operation of a private ambulance service, a licensee shall comply with the terms and conditions of the license, lawful orders of the director, this article, rules and regulations established under this article, and other city ordinances and state and federal laws applicable to the operation of a private ambulance service.

(b) Permittee. While driving or acting as an attendant on a private ambulance within the city, a permittee shall comply with the terms and conditions of the permit, this article, rules and regulations established under this article, other city ordinances and state and federal laws applicable to the operation of a motor vehicle and applicable to emergency medical services personnel, lawful orders of the director, and orders issued by the private ambulance service licensee employing the permittee in connection with the licensee’s discharge of duties under the license and this article. (Ord. 21861)

SEC. 15D-9.25. LICENSEE’S DUTY TO ENFORCE COMPLIANCE BY PERMITTEES.

(a) A private ambulance service licensee shall establish policy and take action to discourage, prevent, or correct violations of this article by ambulance personnel who are employed by the licensee.

(b) A private ambulance service licensee shall not allow any ambulance personnel employed by the licensee to operate a private ambulance within the city if the licensee knows or has reasonable cause to suspect that the ambulance personnel has failed to comply with this article, rules and regulations established by the director, or other applicable law. (Ord. 21861)

SEC. 15D-9.26. INSURANCE.

(a) A licensee shall procure and keep in full force and effect automobile liability insurance, malpractice insurance, and commercial general liability insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of the policies must be acceptable to the city. The insured provisions of each policy must name the city and its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a private ambulance service by the licensee.
§ 15D-9.26 Emergency Vehicles

(b) The automobile liability insurance must provide combined single limits of liability for bodily injury and property damage of not less than $300,000 for each occurrence, or the equivalent, for each ambulance used by the licensee, with a maximum deductible not to exceed the amount allowed by the Texas Safety Responsibility Act (6701h, Vernon's Texas Civil Statutes), as amended. The insurance must include uninsured and underinsured motorist coverage in amounts of not less than $20,000 per person and $40,000 per accident for bodily injury and $15,000 per accident for property damage, or the equivalent. Aggregate limits of liability are prohibited.

(c) The malpractice insurance must provide limits of liability of not less than $300,000 for each claim, or the equivalent.

(d) The commercial general liability insurance must be broad form and provide limits of liability for bodily injury and property damage of not less than $300,000 combined single limit, or the equivalent.

(e) If a vehicle is removed from service, the licensee shall maintain the insurance coverage required by this section for the vehicle until the director receives satisfactory proof that all evidence of operation as an ambulance has been removed from the vehicle.

(f) Insurance required under this section must include:

(1) a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 10 days before canceling, failing to renew, or making a material change to the insurance policy; and

(2) a provision to cover all vehicles, whether owned or not owned by the licensee, operated under the private ambulance service license.

(g) A license will not be granted or renewed unless the applicant or licensee furnishes the director with such proof of insurance as the director considers necessary to determine whether the applicant or licensee is adequately insured under this section.

(h) If the insurance of a licensee lapses or is canceled and new insurance is not obtained, the director shall suspend the license until the licensee provides evidence that insurance coverage required by this section has been obtained. A person shall not operate a private ambulance service while a license is suspended under this section whether or not the action is appealed. A $100 fee must be paid before a license suspended under this section will be reinstated. (Ord. 21861)


SEC. 15D-9.27. PRIVATE AMBULANCE SERVICE.

(a) Each private ambulance service licensee shall:

(1) be available to provide private ambulance service at least Monday through Friday from 8:30 a.m. to 5:00 p.m., except on legal holidays; and

(2) have a working, publicly-listed telephone that must be physically answered by the licensee or an employee 24 hours a day.

(b) A licensee shall provide the director with not less than 10 days' written notice prior to any change in the business address or telephone number of the private ambulance service.

(c) A licensee who experiences interruption of telephone service to the place of business shall notify the director immediately. (Ord. 21861)
SEC. 15D-9.28. APPAREL TO BE WORN BY AMBULANCE PERSONNEL.

(a) A licensee shall specify and require an item of apparel or an item placed on the apparel to be worn by ambulance personnel employed by the licensee, which item must be of such distinctive and uniform design as to readily identify the licensee’s service and must bear the name of the licensee’s service. The item specified by each licensee must be approved by the director to ensure that ambulance personnel of one licensee may be easily distinguished from ambulance personnel of another and to ensure the neat appearance of ambulance personnel.

(b) While on duty, ambulance personnel shall wear the item specified by the licensee who employs the ambulance personnel and shall comply with such other identification regulations prescribed in the private ambulance service license. (Ord. 21861)

SEC. 15D-9.29. RECORDS AND REPORTS OF PRIVATE AMBULANCE SERVICE.

(a) Each licensee shall maintain at a single location accurate business records of the private ambulance service. A licensee shall make records available for inspection by the director upon request. (Ord. 21861)

SEC. 15D-9.30. MISCELLANEOUS OFFENSES.

(a) A person commits an offense if he:

(1) intentionally follows any police car or fire apparatus that is traveling in response to an emergency call with red lights and siren or intentionally follows any ambulance to or near the scene of an emergency call;

(2) by word or gesture, solicits on a public street within the city the business of transporting a sick, injured, or deceased person for compensation;

(3) intentionally informs the fire alarm dispatcher, police dispatcher, or other fire or police official that an ambulance or more than one ambulance is needed at a location or address when the person knows that such a statement is false; or

(4) operates a private ambulance or uses any equipment in providing private ambulance service that fails to comply with all minimum safety and equipment standards required for a basic life support vehicle by the Emergency Medical Services Act (Chapter 773, Texas Health and Safety Code), as amended, or by any rule or regulation promulgated under that act.

(b) A licensee or permittee commits an offense if he:

(1) causes, induces, or seeks to induce, without good cause, a change of destination to or from a hospital or other place specified by the person requesting private ambulance service; or

(3) operates or permits the operation of a private ambulance on an emergency run or in response to an emergency call or with the use of red lights and sirens, without obtaining permission from the fire alarm dispatcher. (Ord. 21861)

DIVISION 7. VEHICLES AND EQUIPMENT.

SEC. 15D-9.31. INSPECTION OF PRIVATE AMBULANCES AND EQUIPMENT.

(a) A licensee shall only provide private ambulance service with vehicles designed and constructed to transport sick and injured persons in
comfort and safety. A licensee shall maintain vehicles in safe mechanical condition and shall maintain the interior and exterior of the vehicles in good repair and in a clean, sanitary condition.

(b) A licensee or applicant for a license shall have each vehicle to be used in private ambulance service inspected in a manner approved by the director before issuance of a license and at such other times as may be ordered by the director. Inspection must determine safety of the vehicle, condition of maintenance, and compliance with state and federal laws.

(c) The fee for each inspection of each vehicle to be operated under a private ambulance service license is $131.

(d) If a vehicle is involved in an accident or collision during the term of the license, the licensee shall notify the director within five days after the accident or collision. Before operating the vehicle again under the license, a licensee shall have the vehicle reinspected for safety and shall send to the director a sworn affidavit that the vehicle has been restored to its previous condition.

(e) The director shall designate the time and place for annual inspection of vehicles operated under a license. If the director designates someone other than a city employee to perform the inspection, the applicant or licensee shall bear the reasonable cost of inspection.

(f) A licensee may contract for maintenance but shall be responsible for maintaining all vehicles operated under the license in safe operating condition. (Ord. Nos. 21861; 25048; 30215)

SEC. 15D-9.32. VEHICLES AND EQUIPMENT.

(a) The licensee, owner, or permittee of a private ambulance shall provide and maintain in the vehicle all equipment required by the director, which shall be specified in the private ambulance service license.

(b) Each vehicle must have:

(1) a paint scheme that has been approved by the director;

(2) the trade name of the company and the equipment number permanently affixed in a manner and location approved by the director; and

(3) a decal complying with Section 15D-9.33.

(c) Each private ambulance must be licensed as an emergency medical services vehicle with the Texas Department of Health. Each private ambulance and all private ambulance equipment must comply with all applicable federal and state motor vehicle safety standards and with the standards for emergency medical services vehicles set forth in the Emergency Medical Services Act (Chapter 773, Texas Health and Safety Code), as amended. All safety mechanisms on each vehicle must be operative and in good repair, including, but not limited to, headlights, taillights, turn signals, brakes, brakelights, emergency lights, windshield wipers, wiper blades, handles opening doors and windows, tires, and spare tires.

(d) Each private ambulance, while on an ambulance call, must be accompanied by at least two ambulance personnel permitted under this article. One of the ambulance personnel shall serve as the driver while the other remains in attendance on the sick or injured patient.

(e) Clean and sanitary bed linens must be provided on each private ambulance for each patient carried. Bed linens must be changed as soon as practical after the discharge of a patient, but before picking up another patient. (Ord. 21861)

SEC. 15D-9.33. DECALS.

(a) A licensee shall obtain from the director a decal indicating a private ambulance’s authority to
operate in the city. The decal must be attached to each vehicle in a manner and location approved by the director.

(b) The director may cause a decal to be removed from a private ambulance that at any time fails to meet the minimum standards for appearance, condition, age, or equipment. The fee for reissuance of a decal to a private ambulance from which a decal has been removed by the director is $10. The fee for a duplicate decal for one lost, destroyed, or mutilated, is $5.

(c) A person commits an offense if he:

(1) operates a private ambulance in the city with an expired decal or with no decal affixed to it; or

(2) attaches a decal to a vehicle not authorized to operate as a private ambulance in the city. (Ord. 21861)

Division 8. Enforcement.

SEC. 15D-9.34. AUTHORITY TO INSPECT.

The director, the fire chief, or a peace officer may inspect a private ambulance service operating in the city to determine whether the service complies with this article, rules and regulations established by the director under this article, and other applicable law. (Ord. 21861)

SEC. 15D-9.35. ENFORCEMENT BY POLICE DEPARTMENT.

Officers of the police department shall assist in the enforcement of this article. A police officer, upon observing a violation of this article or the rules and regulations established by the director under this article, shall take necessary enforcement action to insure effective regulation of private ambulance service. (Ord. 21861)

SEC. 15D-9.36. CORRECTION ORDER.

(a) If the director determines that a licensee is in violation of the terms of the license, this article, the rules and regulations established by the director under this article, a lawful order of the director, or other applicable law, the director may notify the licensee in writing of the violation and by written order direct the licensee to correct the violation within a reasonable 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 nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the director shall order the licensee to immediately cease use of the equipment.

(b) If the director determines that a violation is an imminent and serious threat to the public health or safety, the director shall order the licensee to correct the violation immediately. If the licensee fails to comply, the director shall promptly take or cause to be taken any action he considers necessary to the immediate enforcement of the order.

(c) The director shall include in a notice issued under this section:

(1) an identification of the violation;

(2) the date of issuance of the notice;

(3) the time period within which the violation must be corrected;

(4) a warning that failure to comply with the order may result in suspension or revocation of the license, imposition of a fine, or both; and

(5) a statement indicating that the order may be appealed to the city manager. (Ord. 21861)
SEC. 15D-9.37. SERVICE OF NOTICE.

(a) A private ambulance service licensee shall designate and maintain a representative to:

(1) receive service of notice required under this article to be given a licensee; and

(2) serve notice required under this article to be given an ambulance personnel permittee employed by a licensee.

(b) Notice required under this article to be given:

(1) a licensee must be personally served by the director on the licensee or the licensee’s designated representative or served by certified United States mail, five-day return receipt requested, to the address last known to the director of the person to be notified, or to the designated representative of the licensee;

(2) a permittee must be personally served by the director or served by certified United States mail, five-day return receipt requested, to the address last known to the director of the person to be notified, or to the designated representative for the permittee; or

(3) a person other than a permittee or a licensee under this article may be served in the manner prescribed by Subsection (b)(2) of this section.

(c) Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. The date of service for a notice that is mailed is the date of receipt. (Ord. 21861)

SEC. 15D-9.38. APPEAL.

(a) A licensee may appeal a correction order issued under Section 15D-9.36 if an appeal is requested in writing not more than 10 days after notice of the order or action is received.

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

(c) The hearing officer may affirm, modify, or reverse all or a part of the order of the director. The decision of the hearing officer is final. (Ord. 21861)

SEC. 15D-9.39. CRIMINAL OFFENSES; DEFENSES.

(a) A person commits an offense if he violates or attempts to violate a provision of this article applicable to him. A culpable mental state is not required for the commission of an offense under this article unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each time an offense occurs. An offense committed under this article is punishable by a fine of not less than $100 nor more than $2,000.

(b) It is a defense to prosecution under this article that a person or vehicle was transporting a deceased person within the city solely for:

(1) a funeral home for the purpose of burial or preparation for burial; or

(2) a county medical examiner’s office.

(c) It is a defense to prosecution under Section 15D-7(a), (c), and (d); Section 15D-9.8; Section 15D-9.32(a), (b), (d), and (e); and Section 15D-9.33(c)(1) that a private ambulance service was only picking up a sick, injured, or deceased person at a health care facility within the city for the purpose of transporting that person by private ambulance to a location outside...
the city pursuant to the terms of a subscription program for emergency medical services approved by the Texas Board of Health in accordance with Section 773.011 of the Texas Health and Safety Code, as amended, provided that:

(1) the sick, injured, or deceased person was a prepaid subscriber to the program operated by the private ambulance service;

(2) the sick, injured, or deceased person was originally transported from a location outside the city to a health care facility within the city by the same private ambulance service;

(3) the private ambulance service does not have a place of business located within any county in which the city of Dallas is incorporated;

(4) the private ambulance service complies with all state requirements for emergency medical services providers, emergency medical services personnel, and private ambulances; and

(5) the private ambulance service does not pick up sick, injured, or deceased persons in the city more than 15 times within any 12-month period.

(d) Prosecution of an offense under Subsection (a) does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense. (Ord. 21861)

ARTICLE II.

EMERGENCY WRECKERS.


SEC. 15D-10. STATEMENT OF POLICY.

It is the policy of the city to provide for the protection of the public interest as it relates to the removal of wrecked, disabled, and illegally parked vehicles from public streets and other public property. To this end, this article provides for the regulation of emergency wrecker service, to be administered in a manner that protects the public health and safety and promotes the public convenience and necessity. (Ord. 24661)

SEC. 15D-11. POWERS AND DUTIES OF THE DIRECTOR.

In addition to the powers and duties prescribed elsewhere in this article, the director is authorized to:

(1) administer and enforce all provisions of this article;

(2) keep records of all licenses and permits issued, suspended, or revoked under this article;

(3) keep records of all authorized emergency wreckers;

(4) by written order establish such rules and regulations, consistent with this article, as may be determined necessary to discharge the director’s duty under, or to effect the policy of, this article;

(5) adopt new emergency wrecker procedures for experimentation on a temporary basis, after reasonable notice to the licensees;
§ 15D-11 Emergency Vehicles

(6) conduct, when appropriate, periodic investigations of emergency wrecker companies throughout the city; and

(7) require periodic reports as necessary to evaluate each emergency wrecker company’s operations. (Ord. Nos. 13977; 14685; 15612; 16850; 24661)

SEC. 15D-12. POWERS AND DUTIES OF THE CHIEF OF POLICE.

In addition to the powers and duties prescribed elsewhere in this article, the chief of police is authorized to:

(1) enforce all provisions of this article;

(2) by written order establish such rules and regulations, consistent with this article, as may be determined necessary to discharge the chief of police’s duty under, or to effect the policy of, this article;

(3) adopt new emergency wrecker procedures for experimentation on a temporary basis, after reasonable notice to the licensees;

(4) conduct, when appropriate, periodic investigations of emergency wrecker companies throughout the city; and

(5) keep records of service adequacy and responsiveness of licensees and provide these records to the director upon request. (Ord. Nos. 13977; 14685; 16850; 24661)

SEC. 15D-13. ESTABLISHMENT OF RULES AND REGULATIONS.

(a) Before adopting, amending, or abolishing a rule or regulation, the director or the chief of police shall hold a public hearing on the proposal.

(b) The director or the chief of police shall fix the time and place of the hearing and, in addition to notice required under the Public Information Act (Chapter 552, Texas Government Code), as amended, shall notify each licensee and such other persons as the director or chief of police determines are interested in the subject matter of the hearing.

(c) After the public hearing, the director or the chief of police shall notify the licensees and other interested persons of the action taken and shall post an order adopting, amending, or abolishing a rule or regulation on the official bulletin board in the city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period. (Ord. Nos. 24661; 27487)

SEC. 15D-14. EXCEPTIONS.

(a) This article does not apply to an emergency wrecker company providing emergency wrecker service within the city of Dallas on behalf of another city in the performance of the terms of a duly authorized interlocal agreement between the city of Dallas and the other city if:

(1) the emergency wrecker company holds a valid license from and is in good standing with the other city;

(2) the other city’s regulation of emergency wrecker companies and emergency wrecker service is as strict as or stricter than regulation by the city of Dallas;

(3) the emergency wrecker company would not be disqualified under Section 15D-22 from holding an emergency wrecker service license under this article;

(4) the emergency wrecker company complies with the vehicle and equipment specifications and the hours of operation required respectively by Sections 15D-58 and 15D-52;
§ 15D-14 Emergency Vehicles

(5) the emergency wrecker company complies with the insurance requirements of Section 15D-46; and

(6) the emergency wrecker company does not charge more for emergency wrecker service provided in the city of Dallas than is allowed under Section 15D-57.

(b) This article does not apply to:

(1) a governmental entity when dispatching an emergency wrecker company, pursuant to Section 545.305 of the Texas Transportation Code or other applicable state law, to perform a power, duty, or function that is within the authority and jurisdiction of the governmental entity; or

(2) an emergency wrecker company providing emergency wrecker service within the city of Dallas in response to a dispatch from a governmental entity as described in Paragraph (1) of this subsection.

(c) This article does not apply to Dallas County when dispatching an emergency wrecker company to an accident or other police scene, or to an emergency wrecker company providing emergency wrecker service within the city of Dallas in response to a dispatch from Dallas County, if:

(1) the emergency wrecker service is being provided pursuant to a duly authorized interlocal agreement between the city of Dallas and Dallas County;

(2) the emergency wrecker company is currently licensed under this article to perform emergency wrecker service within the city of Dallas;

(3) the emergency wrecker company complies with the vehicle and equipment specifications and the hours of operation required respectively by Sections 15D-58 and 15D-52;

(4) the emergency wrecker company complies with the insurance requirements of Section 15D-46; and

(5) the emergency wrecker company does not charge more for emergency wrecker service performed in the city of Dallas than is allowed under Section 15D-57. (Ord. Nos. 21311; 24661; 26992)

SEC. 15D-15. DEFINITIONS.

In this article:

(1) ACCIDENT means any occurrence that renders a vehicle wrecked.

(2) APPLICANT means:

(A) for purposes of Division 2 of this article, a person in whose name a license to engage in emergency wrecker service will be issued under Section 15D-23 and each individual who has a 20 percent or greater ownership interest in the emergency wrecker service business; and

(B) for purposes of Division 3 of this article, an individual applying for a wrecker driver’s permit under Section 15D-30.

(3) BUSINESS LOCATION means the place of business, required to be designated in Section 15D-20, where a licensee’s primary emergency wrecker service business activity is conducted, which location is staffed by the licensed emergency wrecker company’s employees and equipped with standard office furniture, equipment, and other items necessary to conduct the normal activities and business of an emergency wrecker service.

(4) CHIEF OF POLICE means the chief of police for the city of Dallas, and includes representatives, agents, and department employees designated by the chief.
§ 15D-15 Emergency Vehicles

(5) CITY means the city of Dallas, Texas.

(6) CONVICTION means a conviction in a federal court or court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned.

(7) CUSTODIAL ARREST means an arrest during which a peace officer employed by the city takes the owner or operator of a vehicle into custody and determines that it is necessary to cause the person’s vehicle to be removed from the police scene for storage or for use in a criminal investigation.

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

(9) DISABLED VEHICLE means a vehicle that reasonably requires removal by a wrecker because it:

   (A) has been rendered unsafe to be driven as the result of some occurrence other than a wreck, including, but not limited to, mechanical failure, breakdown, fire, or vandalism; or

   (B) is in a safe driving condition, but the owner is not present, able, or permitted to drive.

(10) DRIVER means an individual who drives or operates a wrecker.

(11) EMERGENCY WRECKER COMPANY means a person who owns, controls, or has a financial interest in an emergency wrecker service.

(12) EMERGENCY WRECKER SERVICE means the business of towing or removing wrecked, disabled, illegally parked, or city-owned vehicles from the streets upon request of the chief of police.

(13) HEAVY DUTY WRECKER means a wrecker that:

   (A) has a manufacturer’s gross vehicle weight rating of not less than 48,000 pounds;

   (B) has a power-operated winch, winch line, and boom, with a factory-rated lifting capacity of not less than 50,000 pounds and a dual line capacity of not less than 20,000 pounds;

   (C) has an underlift device with a factory-rated lifting capacity of not less than 14,000 pounds when extended;

   (D) has a dual rear axle; and

   (E) is capable of towing a vehicle that weighs up to 80,000 pounds.

(14) ILLEGALLY PARKED VEHICLE means a vehicle that is parked on a street or other public property in violation of any city ordinance or state law regulating the parking of vehicles.

(15) INCIDENT MANAGEMENT TOWING OPERATOR’S LICENSE means a tow truck operator’s license issued by the state under Section 2308.153 of the Texas Occupations Code, as amended.

(16) LAWFUL ORDER means a verbal or written directive that:

   (A) is issued by the director or the chief of police in the performance of official duties in the enforcement of this article and any rules and regulations promulgated under this article; and

   (B) does not violate the United States Constitution or the Texas Constitution.

(17) LICENSEE means a person licensed under this article to engage in emergency wrecker service. The term includes:
(A) any individual who has a 20 percent or greater ownership interest in the licensed business; and

(B) any operator of the licensed business.

(18) LIGHT DUTY WRECKER means a wrecker that has:

(A) a manufacturer’s gross vehicle weight rating of not less than 12,500 pounds; and

(B) either:

(i) a power-operated winch, winch line, and boom, with a factory-rated lifting capacity of not less than 8,000 pounds, single line capacity; or

(ii) an underlift device with a factory-rated lifting capacity of not less than 3,000 pounds when extended.

(19) LOWBOY UNIT means a vehicle that is designed and equipped so as to be capable of carrying another vehicle upon itself for the purpose of transporting the vehicle when it cannot be safely transported by a conventional wrecker and that:

(A) consists of:

(i) a dual-axle truck tractor equipped with a power-operated winch and winch line that has a factory-rated lifting capacity of not less than 20,000 pounds, single line capacity; and

(ii) a trailer with a steel or aluminum carrier bed that is at least 40 feet long, with a load rating of not less than 40,000 pounds; and

(B) complies with all applicable state and federal vehicle weight laws.

(20) MEDIUM DUTY WRECKER means a wrecker that has:

(A) a manufacturer’s gross vehicle weight rating of not less than 18,000 pounds; and

(B) a power-operated winch, winch line, and boom, with a factory-rated lifting capacity of not less than 24,000 pounds and a dual line capacity of not less than 8,000 pounds.

(21) OPERATE means to drive or to be in control of a wrecker.

(22) OPERATOR means the holder of an emergency wrecker service license.

(23) PARKING BAN means certain hours of the day during which the standing, parking, or stopping of vehicles is prohibited along designated streets as indicated by signs authorized by the traffic engineer.

(24) PERMITTEE means an individual who has been issued a wrecker driver’s permit under this article.

(25) PERSON means an individual, assumed name entity, partnership, joint-venture, association, corporation, or other legal entity.

(26) POLICE DEPARTMENT means the police department of the city of Dallas.

(27) POLICE SCENE means a location at which:

(A) an accident has taken place that is subject to city police field investigation;

(B) city police have recovered a stolen vehicle;
(C) a vehicle has been abandoned on a street or other public property;

(D) a custodial arrest has taken place;

(E) a disabled vehicle is blocking a traffic lane of a street; or

(F) an illegally parked vehicle is subject by law to removal or impoundment by the chief of police or any other authorized city official.

(28) RAPID RESPONSE LOCATION means an area designated under Section 15D-53.1 to which an emergency wrecker must provide rapid removal of wrecked, disabled, or illegally parked vehicles.

(29) RAPID RESPONSE ROTATION LIST means a list, maintained by the chief of police as provided for in Section 15D-53 of this article, of licensed emergency wrecker companies participating in the rapid response program.

(30) ROTATION means an occasion when the chief of police calls an emergency wrecker from either the wrecker rotation list or the rapid response rotation list to perform a vehicle tow.

(31) STREET means any public street, road, right-of-way, alley, avenue, lane, square, highway, freeway, expressway, high occupancy vehicle lane, or other public way within the corporate limits of the city. The term includes all paved and unpaved portions of the right-of-way.

(32) TILT BED/ROLL BACK CARRIER means a motor vehicle that is designed and equipped so as to be capable of lifting another vehicle upon itself for the purpose of transporting the vehicle when it cannot be safely transported by a conventional wrecker and that:

(A) has a manufacturer’s gross vehicle weight rating of not less than 15,000 pounds;

(B) has a steel or aluminum carrier bed that is at least 17 feet long, with a load rating of not less than 8,000 pounds;

(C) has a power-operated winch and winch line, with a factory-rated lifting capacity of not less than 8,000 pounds, single line capacity;

(D) has a wheel lift tow bar with a factory-rated lifting capacity of not less than 3,000 pounds; and

(E) complies with all applicable state and federal vehicle weight laws.

(33) VEHICLE means a device in, upon, or by which a person or property may be transported on a public street. The term includes, but is not limited to, an operable or inoperable automobile, truck, motorcycle, recreational vehicle, or trailer, but does not include a device moved by human power or used exclusively upon a stationary rail or track.

(34) VEHICLE OWNER OR OPERATOR means a person, or the designated agent of a person, who:

(A) holds legal title to a vehicle, including any lienholder of record;

(B) has legal right of possession of a vehicle; or

(C) has legal control of a vehicle.

(35) VEHICLE STORAGE FACILITY has the meaning given that term in the Vehicle Storage Facility Act.

(36) VEHICLE STORAGE FACILITY ACT means Chapter 2303, Texas Occupations Code, as amended.
§ 15D-15 Emergency Vehicles

(37) WRECKED VEHICLE means a vehicle that has been damaged as the result of overturning or colliding with another vehicle or object so as to reasonably necessitate that the vehicle be removed by a wrecker.

(38) WRECKER means a vehicle designed for the towing or carrying of other vehicles.

(39) WRECKER DRIVER'S PERMIT means a permit issued under this article to an individual by the director authorizing that individual to operate a wrecker for an emergency wrecker service in the city.

(40) WRECKER ROTATION LIST means a list of licensed emergency wrecker companies maintained by the chief of police, as provided for in Section 15D-50 of this article.

(41) ZONE means a geographical area in which a licensee is licensed by the city to operate. (Ord. Nos. 13977; 14685; 15612; 17226; 21175; 24661; 27487; 31233)

SEC. 15D-16. DRIVING WRECKER TO A POLICE SCENE PROHIBITED; EXCEPTION.

A person commits an offense if he drives a wrecker, whether licensed or unlicensed, to a police scene unless the person has been called to the scene by the chief of police. (Ord. Nos. 13977; 14685; 24661)

SEC. 15D-17. SOLICITING WRECKER BUSINESS AT A POLICE SCENE PROHIBITED; PRESENCE AT SCENE AS EVIDENCE OF VIOLATION.

(a) A person commits an offense if he, in any manner, directly or indirectly solicits on the streets of the city the business of towing a vehicle in need of emergency wrecker service from a police scene, regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading, or purchasing the vehicle.

(b) Proof of the presence of a person engaged in the wrecker business or the presence of a wrecker or vehicle owned or operated by a person engaged in the wrecker business, either as owner, operator, employee, or agent, on a street in the city at or near a police scene within one hour after the happening of an incident that resulted in the need for emergency wrecker service is prima facie evidence of a solicitation in violation of this section, unless the particular wrecker company has been called to the police scene by the chief of police. (Ord. Nos. 13977; 14685; 24661)

SEC. 15D-18. SOLICITING BY ADVERTISING.

(a) A person commits an offense if he, personally or through an employee or agent, solicits at or near a police scene any business that deals directly or indirectly with the towing, removing, repairing, wrecking, storing, trading, or purchase of a wrecked, disabled, or illegally parked vehicle on the streets, sidewalks, or other public place of the city by distributing an advertisement for, or by otherwise advertising, a repair shop, garage, or place of business where the wrecked, disabled, or illegally parked vehicle may be repaired, stored, wrecked, traded, or purchased.

(b) Proof of the unauthorized presence of a person engaged in the business of towing, repairing, wrecking, storing, or offering to purchase or trade for a wrecked, disabled, or illegally parked vehicle at or near a police scene is prima facie evidence of solicitation in violation of this section. (Ord. Nos. 13977; 14685; 24661)
SEC. 15D-19. RESPONSE TO PRIVATE CALLS PROHIBITED.

A wrecker company shall not respond within the city to a private request for wrecker service at a police scene, unless specifically authorized by the chief of police. (Ord. Nos. 13977; 14685; 24661)

Division 2. Emergency Wrecker Service License.

SEC. 15D-20. LICENSE REQUIRED; TRADE NAME REGISTRATION; BUSINESS LOCATION.

(a) A person commits an offense if he, or his agent or employee, engages in emergency wrecker service in the city without a valid emergency wrecker service license issued by the director under this article. Only one license may be issued to each emergency wrecker company.

(b) The owner of an emergency wrecker company shall register with the director a trade name that clearly differentiates that emergency wrecker company from all other companies engaging in emergency wrecker service and shall use no other trade name for the emergency wrecker company.

(c) A licensee shall maintain a permanent and established place of business at a location in the city where an emergency wrecker service is not prohibited by the Dallas Development Code. This location must be either within the zone in which the licensee is licensed to operate an emergency wrecker service or within one-half mile outside the established boundaries of that zone.

(d) A licensee shall operate the licensed emergency wrecker service from a location inside the city. (Ord. Nos. 13977; 14685; 15612; 16554; 24661; 27487)

SEC. 15D-21. LICENSE APPLICATION; CHANGE OF ZONE.

(a) A person desiring to engage in emergency wrecker service in the city shall file with the director a written application upon a form provided for that purpose, accompanied by a nonrefundable application processing fee of $250. The application must be signed by an individual who will own, control, or operate the proposed emergency wrecker service. The application must be verified and include the following information:

(1) The trade name under which the applicant does business and the street address and telephone number of the emergency wrecker service's business location.

(2) The number and types of wreckers to be operated, including the year, make, model, vehicle identification number, and state license plate number of, and the type of winch or lifting device to be operated on, each wrecker.

(3) The name, address, and telephone number of the applicant.

(4) An agreement that the applicant will participate in the wrecker rotation list.

(5) A list, to be kept current, of the owners (including each owner's percentage of ownership) and management personnel of the emergency wrecker service, and of all employees who will participate in emergency wrecker service, including names, state driver's license numbers, wrecker driver's permit numbers, and whether the person holds an incident management towing operator's license.

(6) A statement attesting that all property, both real and personal, used in connection with the emergency wrecker service has been rendered for ad valorem taxation in the city and that the applicant is current on payment of those taxes.
§ 15D-21 Emergency Vehicles

(7) Documentary evidence from an insurance company indicating a willingness to provide liability insurance as required by this article.

(8) Proof of an ability to provide emergency wrecker service with at least four wreckers, including a minimum of one conventional light duty wrecker and one tilt bed/roll back carrier (the other two wreckers may be either conventional light duty or tilt bed/roll back), that meet the requirements of this article and any rules and regulations promulgated by the director or the chief of police pursuant to this article.

(9) Detailed financial reports for the previous three years that include income statements and balance sheets covering all wrecker activities or, if the applicant does not prepare an annual financial report, copies of the applicant’s federal income tax statements for the previous three calendar years relating to the business.

(10) Proof of a valid certificate of occupancy issued by the city in the name of the company and for the location of the emergency wrecker service business.

(b) If a licensee requests a change of zone, the requirements of an initial applicant must be met.

(c) The director may, at any time, require additional information of an applicant or licensee to clarify items on the application. (Ord. Nos. 13977; 14685; 15612; 16554; 16578; 21175; 24661; 27487; 27695; 30215)

SEC. 15D-22. LICENSE QUALIFICATIONS.

(a) To qualify for an emergency wrecker service license, an applicant must:

(1) be at least 19 years of age;

(2) be currently authorized to work full-time in the United States;

(3) be able to communicate in the English language; and

(4) not have been convicted of a crime:

(A) involving:

(i) criminal homicide as described in Chapter 19 of the Texas Penal Code;

(ii) kidnapping as described in Chapter 20 of the Texas Penal Code;

(iii) a sexual offense as described in Chapter 21 of the Texas Penal Code;

(iv) an assaultive offense as described in Chapter 22 of the Texas Penal Code;

(v) robbery as described in Chapter 29 of the Texas Penal Code;

(vi) burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a towing or wrecker service;

(vii) theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a towing or wrecker service;

(viii) fraud as described in Chapter 32 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a towing or wrecker service;

(ix) tampering with a govern-

mental record as described in Chapter 37 of the Texas Penal Code, but only if the offense was committed

Dallas City Code 37

4/17
§ 15D-22 Emergency Vehicles

against a person with whom the applicant came in contact while engaged in a towing or wrecker service;

(x) public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;

(xi) the transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, or of any comparable state or federal law, but only if the violation is punishable as a felony under the applicable law;

(xii) a violation of the Texas Dangerous Drug Act (Chapter 483, Texas Health and Safety Code), or of any comparable state or federal law, but only if the violation is punishable as a felony under the applicable law;

(xiii) a violation of the Texas Controlled Substances Act (Chapter 481, Texas Health and Safety Code), or of any comparable state or federal law, but only if the violation is punishable as a felony under the applicable law; or

(xiv) criminal attempt to commit any of the offenses listed in Subdivision (4)(A)(i) through (xiii) of this subsection; and

(B) for which:

(i) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the applicant was convicted of a misdemeanor offense;

(ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the applicant was convicted of a felony offense; or

(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;

(5) not be addicted to the use of alcohol or narcotics;

(6) be subject to no outstanding warrants of arrest;

(7) not employ any person who is not qualified under this subsection;

(8) be able to provide emergency wrecker service with at least four wreckers, including a minimum of one conventional light duty wrecker and one tilt bed/roll back carrier (the other two wreckers may be either conventional light duty or tilt bed/roll back), that meet the requirements of this article and any rules and regulations promulgated by the director or the chief of police under this article;

(9) have at least three years experience in wrecker operations and provide detailed financial reports for the previous three years that include income statements and balance sheets covering all wrecker activities or, if the applicant does not prepare an annual financial report, copies of the applicant’s federal income tax statements for the previous three calendar years relating to the business; and

(10) have an established drug testing policy as required under Chapter 2308 of the Texas Occupations Code, as amended.

(b) An applicant who has been convicted of, or who employs a person who has been convicted of, an offense listed in Subsection (a)(4), for which the required time period has elapsed since the date of conviction or the date of release from confinement
imposed for the conviction, may qualify for an emergency wrecker service license only if the director determines that the applicant, or the employee, is presently fit to engage in the business of an emergency wrecker service. In determining present fitness under this section, the director shall consider the following:

1. the extent and nature of the applicant’s, or employee’s, past criminal activity;
2. the age of the applicant, or employee, at the time of the commission of the crime;
3. the amount of time that has elapsed since the applicant’s, or employee’s, last criminal activity;
4. the conduct and work activity of the applicant, or employee, prior to and following the criminal activity;
5. evidence of the applicant’s, or employee’s, rehabilitation or rehabilitative effort while incarcerated or following release; and
6. other evidence of the applicant’s, or employee’s, present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant, or employee; the sheriff and chief of police in the community where the applicant, or employee, resides; and any other persons in contact with the applicant, or employee.

(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section.

(d) An applicant for an emergency wrecker service license has the burden of proving that the applicant is qualified to operate an emergency wrecker service under this article.

(e) In determining whether the applicant is qualified to operate an emergency wrecker service in the city, the director shall consider, but not be limited to considering, the fitness of the applicant to perform an emergency wrecker service as may be indicated by the experience in wrecker operation, the safety record of the applicant, and the applicant’s compliance with other city, state, and federal laws. (Ord. Nos. 24661; 27487)

SEC. 15D-23. LICENSE ISSUANCE; FEE; DISPLAY; TRANSFERABILITY; EXPIRATION.

(a) The director shall, within 30 days after the date of application, issue an emergency wrecker service license to an applicant who complies with this article.

(b) A license issued to an emergency wrecker service authorizes the licensee and any bona fide employee to engage in emergency wrecker service.

(c) The annual fee for an emergency wrecker service license is $520, prorated on the basis of whole months. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is $20. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.

(d) An emergency wrecker service license issued pursuant to this article must be conspicuously displayed in the emergency wrecker service’s business location.

(e) An emergency wrecker service license, or any accompanying permit, badge, sticker, ticket, or emblem, is not assignable or transferable.

(f) An emergency wrecker service license expires June 30 of each year and may be renewed by applying in accordance with Section 15D-21. Application for renewal must be made not less than 30
§ 15D-23 Emergency Vehicles

days or more than 60 days before expiration of the license and must be accompanied by the annual license fee.

(g) A licensee shall, not less than 10 days before any change of address or trade name, notify the director of such changes. (Ord. Nos. 13977; 14685; 15612; 16554; 21175; 24661; 27487; 27695; 30215)

SEC. 15D-24. REFUSAL TO ISSUE OR RENEW LICENSE.

(a) The director shall refuse to issue or renew an emergency wrecker service license if the applicant or licensee:

(1) intentionally or knowingly makes a false statement as to a material matter in an application for a license or license renewal, or in a hearing concerning the license;

(2) has been convicted twice within a 12-month period or three times within a 24-month period for violation of this article or has had an emergency wrecker service license revoked within two years prior to the date of application;

(3) uses a trade name for the emergency wrecker company other than the one registered with the director;

(4) has had an emergency wrecker service license suspended on three occasions within 12 months for more than three days on each occasion;

(5) has been finally convicted for violation of another city, state, or federal law that indicates a lack of fitness of the applicant to perform emergency wrecker service;

(6) fails to meet the service standards in the rules and regulations established by the director or the chief of police;

(7) is not qualified under Section 15D-22 of this article; or

(8) uses a subcontractor to provide emergency wrecker service.

(b) If the director determines that a license should be denied the applicant or licensee, the director shall notify the applicant or licensee in writing that the application is denied and include in the notice the specific reason or reasons for denial and a statement informing the applicant or licensee of the right to, and process for, appeal of the decision. (Ord. Nos. 13977; 14685; 14996; 15612; 16554; 24661; 27487)

SEC. 15D-25. SUSPENSION OF LICENSE.

(a) A representative of the director or chief of police may suspend an emergency wrecker service license for a definite period of time not to exceed three days, and the director or the chief of police may suspend an emergency wrecker service license for a definite period of time not to exceed 10 days or, if the deficiency is detrimental to public safety, then for a period of time until the deficiency is corrected, for one or more of the following reasons:

(1) Failure of the licensee to maintain any wrecker or equipment in a good and safe working condition.

(2) Violation by the licensee or an employee of the licensee of a provision of this article or of the rules and regulations established by the chief of police or the director under this article.

(3) Failure of the licensee’s wrecker to arrive at a police scene location or a rapid response location within the prescribed time after having been notified to do so by the chief of police.

(4) Conviction of an emergency wrecker driver of a provision of the motor vehicle or traffic
§ 15D-25 Emergency Vehicles

laws of this state or city while in the scope of employment in the licensee’s emergency wrecker service.

(5) Failure to continuously employ at least four emergency wrecker drivers who hold valid wrecker driver’s permits issued under this article.

(b) Written notice of the suspension must be served on the licensee and must include the reason for suspension, the date the suspension begins, the duration of the suspension, and a statement informing the licensee of the right of appeal.

(c) A licensee may appeal a suspension imposed under Subsection (a) in the following manner:

(1) A licensee who is suspended by a representative of the chief of police may appeal the suspension by written request to the chief of police within 10 days after written notification of suspension. The chief of police shall conduct a hearing and may sustain, reverse, or modify the action appealed. The action of the chief of police is final.

(2) A licensee who is suspended by a representative of the director may appeal the suspension by written request to the director within 10 days after written notification of suspension. The director shall conduct a hearing and may sustain, reverse, or modify the action appealed. The action of the director is final.

(3) A licensee who is suspended by the director or the chief of police may appeal the suspension to an appeals panel consisting of the chief of police, the director, and a representative of the city manager’s office, in accordance with the following procedures:

(A) A written request to the director must be made within 10 days after written notice to the licensee.

(B) The appeals panel shall set a time, date, and place for a hearing and the licensee will be notified at least three days prior to the hearing.

(C) The appeals panel may sustain, reverse, or modify the action appealed. The action of the panel is final.

(d) The period of suspension begins on the date specified in the notice of suspension or, in the case of an appeal, on the date ordered by the appeal hearing officer or panel, whichever applies.

(e) A licensee whose emergency wrecker service license is suspended shall not operate an emergency wrecker service inside the city during the period of suspension. (Ord. Nos. 13977; 14685; 15612; 16554; 24661; 27487)

SEC. 15D-26. REVOCATION OF LICENSE.

The director shall revoke an emergency wrecker service license if the director determines that the licensee:

(1) intentionally or knowingly made a false statement as to a material matter in an application or hearing concerning the license;

(2) used a trade name for the emergency wrecker company other than the one registered with the director;

(3) had the emergency wrecker service license suspended on three occasions within 12 months for more than three days on each occasion;

(4) had the emergency wrecker service license suspended for a deficiency that is detrimental to public safety and 20 days have elapsed without a correction of the deficiency;
(5) intentionally or knowingly failed to comply with applicable provisions of this article or with the conditions and limitations of the license;

(6) operated a towing or wrecker service not authorized by the license or other applicable law;

(7) has been finally convicted for violation of another city, state, or federal law that indicates a lack of fitness of the licensee to perform emergency wrecker service;

(8) is under indictment for or has been convicted of any felony offense while holding an emergency wrecker service license;

(9) does not qualify for a license under Section 15D-22 of this article;

(10) failed to pay a fee required under this article; or

(11) violated Section 15D-57(c)(1), (2), or (3) of this article.  (Ord. Nos. 13977; 14685; 14996; 15612; 16554; 24661; 27487)

SEC. 15D-27. APPEALS.

If the director denies issuance or renewal of a license or revokes a license, the applicant or licensee may file an appeal with the permit and license appeal board in accordance with Section 2-96 of this code.  (Ord. Nos. 13977; 14685; 14996; 15612; 16554; 24661; 27487)

Division 3. Wrecker Driver’s Permit.

SEC. 15D-28. WRECKER DRIVER’S PERMIT REQUIRED.

(a) A person commits an offense if he operates a wrecker engaged in emergency wrecker service in the city without a valid wrecker driver’s permit issued to the person under this division.

(b) A licensee commits an offense if he employs or otherwise allows a person to operate for compensation a wrecker owned, controlled, or operated by the licensee unless the person has a valid wrecker driver’s permit issued under this division.  (Ord. 24661)

SEC. 15D-29. QUALIFICATIONS FOR A WRECKER DRIVER’S PERMIT.

(a) To qualify for a wrecker driver’s permit, an applicant must:

(1) be at least 19 years of age;

(2) be currently authorized to work full-time in the United States;

(3) hold a valid driver’s license and a valid incident management towing operator’s license issued by the State of Texas;

(4) be able to communicate in the English language;

(5) not be afflicted with a physical or mental disease or disability that is likely to prevent the applicant from exercising ordinary and reasonable control over a motor vehicle or that is likely to otherwise endanger the public health or safety, as determined by a medical doctor licensed to practice medicine in the United States;
§ 15D-29  Emergency Vehicles  § 15D-29

(6) not have been convicted of more than four moving traffic violations arising out of separate transactions, nor involved in more than two motor vehicle accidents in which it could be reasonably determined that the applicant was at fault, within any 12 month period during the preceding 36 months;

(7) not have been convicted of a crime:

(A) involving:

(i) criminal homicide as described in Chapter 19 of the Texas Penal Code;

(ii) kidnapping as described in Chapter 20 of the Texas Penal Code;

(iii) a sexual offense as described in Chapter 21 of the Texas Penal Code;

(iv) an assaultive offense as described in Chapter 22 of the Texas Penal Code;

(v) robbery as described in Chapter 29 of the Texas Penal Code;

(vi) burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a towing or wrecker service;

(vii) theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a towing or wrecker service;

(viii) fraud as described in Chapter 32 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a towing or wrecker service;

(ix) tampering with a governmental record as described in Chapter 37 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a towing or wrecker service;

(x) public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;

(xi) the transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, or of any comparable state or federal law, but only if the violation is punishable as a felony under the applicable law;

(xii) a violation of the Texas Dangerous Drug Act (Chapter 483, Texas Health and Safety Code), or of any comparable state or federal law, that is punishable as a felony under the applicable law;

(xiii) a violation of the Texas Controlled Substances Act (Chapter 481, Texas Health and Safety Code), or of any comparable state or federal law, that is punishable as a felony under the applicable law; or

(xiv) criminal attempt to commit any of the offenses listed in Subdivision (7)(A)(i) through (xiii) of this subsection;

(B) for which:

(i) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the applicant was convicted of a misdemeanor offense;

(ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the applicant was convicted of a felony offense; or
(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;

(8) not have been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated:

(A) within the preceding 12 months; or

(B) more than one time within the preceding five years;

(9) not be addicted to the use of alcohol or narcotics;

(10) be subject to no outstanding warrants of arrest;

(11) be sanitary and well-groomed in dress and person;

(12) be employed by a licensee; and

(13) have successfully completed within the preceding 12 months a defensive driving course approved by the Texas Education Agency and be able to present proof of completion.

(b) An applicant who has been convicted of an offense listed in Subsection (a)(7) or (8), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for a wrecker driver’s permit only if the director determines that the applicant is presently fit to engage in the occupation of a wrecker driver. In determining present fitness under this section, the director shall consider the following:

(1) the extent and nature of the applicant’s past criminal activity;

(2) the age of the applicant at the time of the commission of the crime;

(3) the amount of time that has elapsed since the applicant’s last criminal activity;

(4) the conduct and work activity of the applicant prior to and following the criminal activity;

(5) evidence of the applicant’s rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant’s present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.

(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section and under Section 15D-35 of this article. (Ord. Nos. 24661; 27487)

SEC. 15D-30. APPLICATION FOR WRECKER DRIVER’S PERMIT; FEE.

To obtain a wrecker driver’s permit, or renewal of a wrecker driver’s permit, a person must file with the director a completed written application on a form provided for the purpose and a nonrefundable application fee of $29. The director shall require each application to state such information as the director reasonably considers necessary to determine whether an applicant is qualified. (Ord. Nos. 24661; 27695; 30215)
SEC. 15D-31. INVESTIGATION OF APPLICATION.

(a) For the purpose of determining qualification under Section 15D-29(a)(5), the director may require an applicant to submit to a physical examination conducted by a licensed physician, at applicant’s expense, and to furnish to the director a signed statement from the physician certifying that the physician has examined the applicant and that in the physician’s professional opinion the applicant is qualified under Section 15D-29(a)(5).

(b) The director shall obtain a current official criminal history report (issued by the Texas Department of Public Safety within the preceding 12 months) on each applicant to determine the applicant’s qualification under Section 15D-29. The director shall obtain a copy of the applicant’s motor vehicle driving record and a list of any warrants of arrest for the applicant that might be outstanding.

(c) The director may conduct such other investigation as the director considers necessary to determine whether an applicant for a wrecker driver’s permit is qualified.

(d) The director shall provide the applicant, upon written request, a copy of all materials contained in the applicant’s file to the extent allowed under the Public Information Act (Chapter 552, Texas Government Code), as amended. (Ord. Nos. 24661; 27487)

SEC. 15D-32. ISSUANCE AND DENIAL OF WRECKER DRIVER’S PERMIT.

(a) The director shall issue a wrecker driver’s permit to an applicant, unless the director determines that the applicant is not qualified.

(b) The director shall delay until final adjudication the approval of the application of any applicant who is under indictment for or has charges pending for:

(1) a felony offense involving a crime described in Section 15D-29(a)(7)(A)(i), (ii), (iii), (iv), or (v) or criminal attempt to commit any of those offenses; or

(2) any offense involving driving while intoxicated.

(c) The director shall deny the application for a wrecker driver’s permit if the applicant:

(1) is not qualified under Section 15D-29;

(2) refuses to submit to or does not pass a medical examination authorized under Section 15D-31(a); or

(3) intentionally or knowingly makes a false statement of a material fact in an application for a wrecker driver’s permit.

(d) If the director determines that a permit should be denied the applicant, the director shall notify the applicant in writing that the application is denied and include in the notice the specific reason or reasons for denial and a statement informing the applicant of the right to, and the process for, appeal of the decision. (Ord. 24661)

SEC. 15D-33. EXPIRATION OF WRECKER DRIVER’S PERMIT; VOIDANCE UPON SUSPENSION OR REVOCATION OF STATE DRIVER’S LICENSE OR STATE TOWING OPERATOR’S LICENSE.

(a) Except in the case of a probationary or provisional permit, a wrecker driver’s permit expires one year from the date of issuance.

(b) If a permittee’s state driver’s license or incident management towing operator’s license is
suspended or revoked by the state, the wrecker driver’s permit automatically becomes void. A permittee shall notify the director and the licensee for whom the permittee drives within three days after a suspension or revocation of either state license and shall immediately surrender the wrecker driver’s permit to the director. (Ord. Nos. 24661; 27487)

SEC. 15D-34. PROVISIONAL PERMIT.

(a) The director may issue a provisional wrecker driver’s permit if the director determines that it is necessary pending completion of investigation of an applicant for a wrecker driver’s permit.

(b) A provisional wrecker driver’s permit expires on the date shown on the permit, which date shall not exceed 45 days after the date of issuance, or on the date the applicant is denied a wrecker driver’s permit, whichever occurs first.

(c) The director shall not issue a provisional permit to a person who has been previously denied a wrecker driver’s permit. (Ord. 24661)

SEC. 15D-35. PROBATIONARY PERMIT.

(a) The director may issue a probationary wrecker driver’s permit to an applicant who is not qualified for a wrecker driver’s permit under Section 15D-29 if the applicant:

(1) could qualify under Section 15D-29 for a wrecker driver’s permit within one year from the date of application;

(2) holds a valid state driver’s license or occupational driver’s license;

(3) holds a valid state incident management towing operator’s license; and

(4) is determined by the director, using the criteria listed in Section 15D-29(b) of this article, to be presently fit to engage in the occupation of a wrecker driver.

(b) A probationary wrecker driver’s permit may be issued for a period not to exceed one year.

(c) The director may prescribe appropriate terms and conditions for a probationary wrecker driver’s permit as the director determines are necessary. (Ord. Nos. 24661; 27487)

SEC. 15D-36. DUPLICATE PERMIT.

If a wrecker driver’s permit is lost or destroyed, the director shall issue the permittee a duplicate permit upon payment to the city of a duplicate permit fee of $24. (Ord. Nos. 24661; 27695; 30215)

SEC. 15D-37. DISPLAY OF PERMIT.

A wrecker driver shall at all times keep a valid wrecker driver’s permit in the driver’s possession and shall allow the director, the chief of police, or a peace officer to examine the permit upon request. (Ord. Nos. 24661; 27487)

SEC. 15D-38. SUSPENSION BY A DESIGNATED REPRESENTATIVE.

(a) If a duly authorized representative designated by the director to enforce this article determines that a permittee has failed to comply with this article (except Section 15D-29) or a regulation established under this article, the representative may suspend the wrecker driver’s permit for a period of time not to exceed three days by personally serving the permittee with a written notice of the suspension. The written notice must include the reason for suspension,
§ 15D-38 Emergency Vehicles § 15D-40

the date the suspension begins, the duration of the suspension, and a statement informing the permittee of the right of appeal.

(b) A suspension under this section may be appealed to the director or the director’s assistant if the permittee requests an appeal at the time the representative serves notice of suspension or within 10 days after the notice of suspension is served. When an appeal is requested, the suspension may not take effect until a hearing is provided by the director or the director’s assistant.

(c) The director may order an expedited hearing under this section, to be held as soon as possible after the permittee requests an appeal, but at least 10 days advance notice of the hearing must be given to the permittee. The director may affirm, reverse, or modify the order of the representative. The decision of the director is final. (Ord. 24661)

SEC. 15D-39. SUSPENSION OF WRECKER DRIVER’S PERMIT.

(a) If the director determines that a permittee has failed to comply with this article (except Section 15D-29) or any regulation established under this article, the director shall suspend the wrecker driver’s permit for a definite period of time not to exceed 60 days.

(b) If at any time the director determines that a permittee is not qualified under Section 15D-29, or is under indictment or has charges pending for any offense involving driving while intoxicated or a felony offense involving a crime described in Section 15D-29(a)(7)(A)(i), (ii), (iii), (iv), or (v) or criminal attempt to commit any of those offenses, the director shall suspend the wrecker driver’s permit until such time as the director determines that the permittee is qualified or that the charges against the permittee have been finally adjudicated.

(c) A permittee whose wrecker driver’s permit is suspended shall not drive a wrecker for an emergency wrecker service inside the city during the period of suspension.

(d) The director shall notify the permittee in writing of a suspension under this section and include in the notice:

(1) the reason for the suspension;
(2) the date the suspension is to begin;
(3) the duration of the suspension; and
(4) a statement informing the permittee of the right of appeal.

(e) The period of suspension begins on the date specified by the director or, in the case of an appeal, on the date ordered by the appeal hearing officer. (Ord. 24661)

SEC. 15D-40. REVOCATION OF WRECKER DRIVER’S PERMIT.

(a) The director shall revoke a wrecker driver’s permit if the director determines that a permittee:

(1) operated a wrecker inside the city for an emergency wrecker service during a period when the wrecker driver’s permit was suspended;
(2) intentionally or knowingly made a false statement of a material fact in an application for a wrecker driver’s permit;
(3) engaged in conduct that constitutes a ground for suspension under Section 15D-39(a) and, at least two times within the 12-month period preceding the conduct or three times within the 24-month period preceding the conduct, had received either a
suspension in excess of three days or a conviction for a violation of this article;

(4) engaged in conduct that could reasonably be determined to be detrimental to the public safety;

(5) failed to comply with a condition of a probationary permit; or

(6) is under indictment for or has been convicted of any felony offense while holding a wrecker driver’s permit.

(b) A person whose wrecker driver’s permit is revoked shall not:

(1) apply for another wrecker driver’s permit before the expiration of 12 months from the date the director revokes the permit or, in the case of an appeal, the date the appeal hearing officer affirms the revocation; or

(2) operate a wrecker for an emergency wrecker service inside the city.

(c) The director shall notify the permittee and the licensee in writing of a revocation and include in the notice:

(1) the specific reason or reasons for the revocation;

(2) the date the director orders the revocation; and

(3) a statement informing the permittee of the right to, and process for, appeal of the decision. (Ord. 24661)

SEC. 15D-41. WRECKER OPERATION AFTER SUSPENSION OR REVOCATION.

(a) After receipt of a notice of suspension, revocation, or denial of permit renewal, the permittee shall, on the date specified in the notice, surrender the wrecker driver’s permit to the director and discontinue operating a wrecker for an emergency wrecker service inside the city.

(b) Notwithstanding Section 15D-39(c), Section 15D-40(b), and Subsection (a) of this section, if the permittee appeals a suspension or revocation under this section, the permittee may continue to operate a wrecker for an emergency wrecker service pending the appeal unless:

(1) the permittee’s wrecker driver’s permit is suspended pursuant to Section 15D-39(b) or revoked pursuant to Section 15D-40(a)(6) of this article; or

(2) the director determines that continued operation by the permittee would impose a serious and imminent threat to the public safety. (Ord. 24661)

SEC. 15D-42. APPEAL FROM DENIAL, SUSPENSION, OR REVOCATION.

(a) If the director suspends a wrecker driver’s permit, the action is final unless the permittee files an appeal, in writing, with the city manager not more than 10 business days after notice of the director’s action is received.

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

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

(d) If the director denies issuance or renewal of a wrecker driver’s permit or revokes a wrecker driver’s permit, the applicant or permittee may file an appeal with the permit and license appeal board in accordance with Section 2-96 of this code. (Ord. Nos. 24661; 27487)

SEC. 15D-43. LICENSEE’S AND DRIVER’S DUTY TO COMPLY.

(a) Licensee. In the operation of an emergency wrecker service, a licensee shall comply with the terms and conditions of the emergency wrecker service license and, except to the extent expressly provided otherwise by the license, shall comply with this article, rules and regulations established under this article, and other law applicable to the operation of an emergency wrecker service.

(b) Driver. While on duty, a driver shall comply with this article, rules and regulations established under this article, other law applicable to the operation of a motor vehicle in this state, and orders issued by the licensee employing the driver in connection with the licensee’s discharging of its duty under its emergency wrecker service license and this article. (Ord. 24661)

SEC. 15D-44. LICENSEE’S DUTY TO ENFORCE COMPLIANCE BY DRIVERS.

(a) A licensee shall establish policy and take action to discourage, prevent, or correct violations of this article by drivers who are employed by the licensee.

(b) A licensee shall not permit a driver who is employed by the licensee to drive a wrecker if the licensee knows or has reasonable cause to suspect that the driver has failed to comply with this article, the rules and regulations established by the director or the chief or police, or other applicable law. (Ord. 24661)

SEC. 15D-45. APPAREL TO BE WORN BY DRIVERS.

(a) A licensee shall specify and require an item of apparel or an item placed on the apparel to be worn by drivers employed by the licensee, which item must be of such distinctive and uniform design as to readily identify the licensee’s emergency wrecker company and must bear the name of the licensee’s emergency wrecker company. The item specified by each licensee must be approved by the director to ensure that drivers of one licensee may be easily distinguished from drivers of another.

(b) While on duty, a driver shall wear the item specified by the licensee who employs the driver and shall comply with such other identification regulations prescribed by the emergency wrecker service license.

(c) While on duty, a driver may not wear:

(1) apparel with offensive or suggestive language;

(2) cut offs;
(3) tank tops; or

(4) sandals.

(d) While on duty, a driver shall wear a traffic safety vest that is certified by the American National Standards Institute (ANSI) for visibility. (Ord. Nos. 24661; 27487)

SEC. 15D-46. INSURANCE.

(a) A licensee shall procure and keep in full force and effect automobile liability insurance written by an insurance company that:

(1) is approved, licensed, or authorized by the State of Texas;

(2) is acceptable to the city; and

(3) does not violate the ownership/operational control prohibition described in Subsection (j) of this section.

(b) The insurance must be issued in the standard form approved by the Texas Department of Insurance, and all provisions of the policy must be acceptable to the city. The insured provisions of the policy must name the city and its officers and employees as additional insureds. The coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of an emergency wrecker service by the licensee, including but not limited to damage to a towed vehicle caused directly or indirectly by improper hookup or improper towing.

(c) The automobile liability insurance must provide combined single limits of liability for bodily injury and property damage of not less than $500,000 for each occurrence, or the equivalent, for each wrecker used by the licensee. Aggregate limits of liability are prohibited.

(d) The cargo/on hook insurance for vehicles while being loaded, unloaded, or transported must provide limits of liability of not less than $25,000 for each light duty wrecker or tilt bed/roll back carrier and $50,000 for each medium duty wrecker, heavy duty wrecker, or lowboy unit.

(e) If a vehicle is removed from service, the licensee shall maintain the insurance coverage required by this section for the vehicle until the director receives satisfactory proof that all evidence of operation as an emergency wrecker has been removed from the vehicle.

(f) Insurance required under this section must include:

(1) a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before canceling, failing to renew, or making a material change to the insurance policy;

(2) a provision to cover all vehicles, whether owned or not owned by the licensee, that are operated under the license; and

(3) a provision requiring the insurance company to pay every claim on a first-dollar basis.

(g) Insurance required by this section may be obtained from an assigned risk pool if all of the policies and coverages are managed by one agent, and one certificate of insurance is issued to the city.

(h) A license will not be granted or renewed unless the applicant or licensee furnishes the director with such proof of insurance as the director considers necessary to determine whether the applicant or licensee is adequately insured under this section.

(i) If the insurance of a licensee lapses or is canceled and new insurance is not obtained, the director shall suspend the license until the licensee provides evidence that insurance coverage required by
this section has been obtained. A person shall not operate an emergency wrecker service while a license is suspended under this section whether or not the action is appealed. A $100 fee must be paid before a license suspended under this section will be reinstated.

(j) No person with any direct or indirect ownership interest in the licensee’s emergency wrecker service may have any operational control, direct or indirect, in any insurance company that provides insurance required by this section to the emergency wrecker service. For purposes of this subsection, “operational control” means holding any management position with the insurance company (including, but not limited to, the chief executive officer, the president, any vice-president, or any person in a decision-making position with respect to insurance claims) or having the right to control the actions or decisions of any person in such a management position in the insurance company.

(Ord. Nos. 21175; 21238; 24661; 25215; 27487)

SEC. 15D-47. INFORMATION TO BE SUPPLIED UPON REQUEST OF DIRECTOR.

Upon request of the director, a licensee shall submit to the director the following information:

(1) A current consolidated list of vehicles.

(2) A current financial statement that includes a balance sheet and income statement.

(3) Names of current officers, owners, and managers.

(4) A list of current drivers employed by the licensee, with their wrecker driver’s permit numbers indicated, and a copy of the incident management towing operator’s license issued by the state to each driver.

(5) A copy of the licensee’s drug testing policy established under Chapter 2308 of the Texas Occupations Code, as amended.

(6) Any additional information deemed necessary by the director relating to the operations and activities of the emergency wrecker service. (Ord. Nos. 24661; 27487)

SEC. 15D-48. EMERGENCY WRECKER SERVICE RECORDS.

A licensee shall maintain the business records of the emergency wrecker service, including but not limited to records relating to the activities, operations, service, and safety record of the emergency wrecker service, at its business location required by Section 15D-20(c). The licensee shall make the emergency wrecker service records available for inspection by the director or the chief of police upon reasonable notice and request. (Ord. 24661)

SEC. 15D-49. FAILURE TO PAY AD VALOREM TAXES.

A licensee or an applicant for an emergency wrecker service license shall not allow the payment of ad valorem taxes upon any vehicle, equipment, or other property used directly or indirectly in connection with the emergency wrecker service to become delinquent. (Ord. 24661)

Division 5. Service Rules and Regulations.

SEC. 15D-50. EMERGENCY WRECKER SERVICE ZONES; WRECKER ROTATION LIST PROCEDURE.

(a) The chief of police shall partition the city into zones for emergency wrecker service and shall place
§ 15D-50 Emergency Vehicles

the names of all emergency wrecker companies licensed under this article on a wrecker rotation list. Notice of the boundary limits of each zone will be provided to each licensee on the rotation list. Each licensee may apply for and be assigned to only one zone.

(b) When an emergency wrecker is needed at a police scene, the police officer or other authorized city official at the scene will communicate that need immediately to the police department. On receiving the first request for emergency wrecker service, the dispatcher will call the first available emergency wrecker company on the rotation list assigned to the zone in which the police scene is located and order removal of the wrecked, disabled, or illegally parked vehicle to a place designated by the chief of police. On each succeeding request for emergency wrecker service, the dispatcher will call the next available emergency wrecker company on the rotation list that is assigned to the zone involved, or call the nearest available emergency wrecker in an adjacent zone if none are available in the zone involved. Proper notation of each call for emergency wrecker service must be made on the master rotation list.

(c) The chief of police may direct that an emergency wrecker be called out of its zone or out of rotation when determined to be in the best interest of the public health, safety, and welfare. (Ord. Nos. 13977; 14685; 15612; 16850; 24661; 27487)

SEC. 15D-51. REMOVAL OF A VEHICLE WITH A WRECKER.

A licensee or permittee commits an offense if he, either personally or through an employee or agent, removes a vehicle from a street or other public property without:

(1) using a wrecker; or

(2) first completing every procedure required to secure the vehicle to the wrecker or wrecker equipment, including the attachment of any safety chains, so that the vehicle may be safely towed. (Ord. Nos. 24661; 27487)

SEC. 15D-52. REQUIREMENTS AND OPERATING PROCEDURES FOR EMERGENCY WRECKER SERVICE.

(a) A licensee shall comply with the following requirements and procedures:

(1) Maintain a 24 hour emergency wrecker service and operate a two-way communication system on a 24-hour basis. The licensee shall keep the business location required under Section 15D-20(c) open and staffed from 9:00 a.m. to 5:00 p.m. weekdays, except for:

(A) holidays recognized by the city; and

(B) other times for which the licensee has:

(i) obtained prior written approval from the chief of police; and

(ii) provided the director with a copy of that approval.

(2) Arrive at the police scene, if it is not a rapid response location, within 30 minutes after having been notified to do so by the chief of police.

(3) Deliver, in every instance, the wrecked, disabled, or illegally parked vehicle directly to a location designated by the chief of police without stopping at any other location or for any reason other than mechanical breakdown or problems with the vehicle hookup to the wrecker. In the event of a mechanical breakdown or problem with the vehicle hookup to the wrecker, the wrecker driver or the licensee shall immediately notify the chief of police.
(4) Report to the director all changes in emergency wreckers and equipment used in the licensee’s emergency wrecker service and render all additional vehicles for inspection by the director. A wrecker without a valid emergency wrecker inspection sticker is not allowed to participate in the wrecker rotation list or the rapid response rotation list.

(5) Employ at least four emergency wrecker drivers who hold valid wrecker driver’s permits issued under this article and valid incident management towing operator’s licenses.

(6) Upon arrival at the scene of an accident and in a manner that minimizes the duration of interference with normal traffic flow, promptly clear the wreckage and debris from the travelled portion of the roadway or confine it to the smallest possible portion of the travelled roadway while removal is taking place and, before leaving the accident site, completely remove from the site all resulting wreckage or debris, including all broken glass, but excluding truck or vehicle cargoes.

(7) Request the police officer or other authorized city official at a police scene to call for the dispatch of another emergency wrecker if additional wreckers are needed to clear a police scene.

(8) Not permit the use of the licensee’s wrecker by another licensee.

(b) Nothing in this article permits the operation of a wrecker as an authorized emergency vehicle. (Ord. Nos. 13977; 14685; 16554; 21175; 24661; 27487)

SEC. 15D-53. RAPID RESPONSE PROGRAM.

(a) The chief of police shall create a rapid response rotation list to assign licensed emergency wrecker companies to city-owned vehicles and rapid response locations in a particular zone for each day of the week. The chief of police may modify the rotation list on a monthly basis to prevent one emergency wrecker company from always working the same day of the week in rotation.

(b) Participation by a licensed emergency wrecker company in the rapid response program is voluntary. An emergency wrecker company may request to be placed on the rapid response rotation list only when applying for license issuance or renewal or at other times designated by the chief of police. An emergency wrecker company may request to have its name removed from the rapid response rotation list at any time.

(c) Each participating emergency wrecker company shall provide at least one conventional light duty wrecker and one tilt bed/roll back carrier to be available for a designated day assigned by the chief of police to remove vehicles as directed by the chief of police. The emergency wrecker company shall be available to provide emergency wrecker service under the rapid response program for the full 24 hours of its assigned day.

(d) On each subsequent day, an adequate number of emergency wrecker companies next appearing on the rapid response rotation list will be assigned to remove vehicles as directed by the chief of police.

(e) The chief of police shall designate back-up emergency wrecker companies in the event that a primary emergency wrecker company is unable to respond on an assigned day. If a primary emergency wrecker company is unable to respond, it shall immediately notify the chief of police, and the chief of police will dispatch a back-up emergency wrecker company to the police scene at the rapid response location.

(f) An emergency wrecker company responding to a dispatch under the rapid response program shall arrive at the dispatched location within 15 minutes after notification to do so by the chief of police.
§ 15D-53 Emergency Vehicles

(g) On its assigned day, an emergency wrecker company may stage its wreckers in strategic locations within its approved zone (but not on a freeway, highway, or expressway) to facilitate timely response to a police scene in a rapid response location. An emergency wrecker company may not respond to a police scene without first being dispatched by the chief of police.

(h) An emergency wrecker company dispatched to a rapid response location may conduct a “double tow” by loading two vehicles onto a single tilt bed/rollback carrier, but only when both vehicles are towed from a single police scene to the same location approved by the chief of police. If the emergency wrecker company receives a subsequent call for service at a different location, it must send another wrecker to the other location.

(i) All towed vehicles must be disposed of in accordance with Section 15D-54. (Ord. Nos. 13977; 14685; 15612; 21175; 24661; 27487; 31233)

SEC. 15D-53.1 RAPID RESPONSE LOCATIONS.

The following are rapid response locations:

(1) C. F. Hawn Freeway.

(2) Central Expressway.

(3) East R. L. Thornton Freeway.

(4) Interstate Highway 20.

(5) John W. Carpenter Freeway.

(6) Julius Schepps Freeway.

(7) Lyndon B. Johnson Freeway.

(8) Marvin D. Love Freeway.

(9) S. M. Wright Freeway.

(10) South R. L. Thornton Freeway.

(11) Stemmons Freeway.

(12) Tom Landry Freeway.

(13) Walton Walker Boulevard.

(14) Woodall Rogers Freeway.

(15) All entrance and exit ramps and all adjacent service roads of the freeways named in Paragraphs (1) through (14) of this section.

(16) Any other area designated by the chief of police. (Ord. 27487)

SEC. 15D-54. DISPOSITION OF TOWED VEHICLES.

(a) Except as provided in Subsection (b) of this section, a vehicle towed under this article will be kept at a vehicle storage facility designated by the chief of police until application for the vehicle’s redemption is made by the vehicle owner, or the owner’s authorized agent, who will be entitled to possession of the vehicle upon payment of all costs of removal and storage that may have accrued. If the vehicle is not redeemed by the vehicle owner or the owner’s authorized agent, the vehicle will be disposed of in a manner prescribed by law.

(b) The owner or operator of a wrecked or disabled vehicle, or the owner or operator’s authorized agent, may request that an emergency wrecker remove the vehicle to a location other than one designated in Subsection (a). Removal of the vehicle to a location designated by the vehicle owner or operator, or the owner or operator’s authorized agent, must be authorized by the chief of police, or the chief’s authorized representative at the police scene, and be in
§ 15D-54 Emergency Vehicles § 15D-57

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) $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;
§ 15D-58 Emergency Vehicles

(3) if used for towing a vehicle with a manufacturer’s gross vehicle weight rating of more than 26,000 pounds, meet the requirements for a heavy duty wrecker or a lowboy unit;

(4) carry, as standard equipment, a tow bar, towing dollies, safety chains, a fire extinguisher, a wrecking bar, a broom, a shovel, at least six flares or three reflective triangles, absorbent material for oil or fuel leakages, and a container to carry debris, except that:

(A) towing dollies are not required on medium duty or heavy duty wreckers; and

(B) towing dollies and tow bars are not required on tilt bed/roll back carriers or lowboy units;

(5) be maintained in a safe and good working condition, contain equipment that is maintained in a safe and good working condition, and comply with all minimum safety and equipment standards required for a wrecker by city ordinance or state or federal law;

(6) have permanently affixed to each side of the front doors of the wrecker legible letters and numbers, at least two inches high, in a color that contrasts with the front doors, stating the trade name and telephone number (including area code) of the emergency wrecker service and the motor carrier registration number of the wrecker; and

(7) be capable of providing two-way communication with the licensee’s base station at all times.

(b) An inspection fee of $226 must be paid for each wrecker that is used in the emergency wrecker service. Upon inspection and approval of each vehicle, the director shall issue a decal to the applicant or licensee. The decal must be affixed securely to the lower left corner of the front windshield of the inspected wrecker.

(c) The director, the chief of police, or a peace officer may, at any time, inspect a wrecker used by a licensee for emergency wrecker service to determine whether the vehicle complies with this section.

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

(1) uses a light duty wrecker, a tilt bed/roll back carrier, a medium duty wrecker, a heavy duty wrecker, or a lowboy unit to tow a vehicle that exceeds the manufacturer’s gross vehicle weight rating allowed to be towed by the particular type of wrecker under Subsection (a)(1), (2), or (3), whichever is applicable; or

(2) tows a vehicle using a wrecker that does not have a valid city of Dallas emergency wrecker decal affixed to the windshield as required by Subsection (b) of this section. (Ord. Nos. 24661; 25048; 27487; 27695; 30215)

Division 8. Enforcement.

SEC. 15D-59. AUTHORITY TO INSPECT.

(a) The director, the chief of police, or a peace officer may inspect any emergency wrecker service to determine whether a licensee or permittee complies with this article, rules and regulations established under this article, or other applicable law.

(b) A licensee or permittee, either personally or through an employee or agent, shall not attempt to interfere or refuse to cooperate with the director, the chief of police, or a peace officer in the conduct of any investigation or discharge of any duty pursuant to this article. (Ord. 24661)
SEC. 15D-60. ENFORCEMENT BY POLICE DEPARTMENT.

Officers of the police department shall assist in the enforcement of this article. A police officer upon observing a violation of this article, or of any rule or regulation established by the director or the chief of police pursuant to this article, shall take necessary enforcement action to ensure effective regulation of emergency wrecker service. (Ord. 24661)

SEC. 15D-61. CORRECTION ORDER.

(a) If the director or the chief of police determines that a licensee, either personally or through an employee or agent, violates this article, the terms of its license, a rule or regulation established by the director or the chief of police, or other law, the director or the chief of police may notify the licensee in writing of the violation and by written order direct the licensee to correct the violation within a reasonable period of time. In setting the time for correction, the director or the chief of police shall consider the degree of danger to the public health or safety and the nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the director or the chief of police shall order the licensee to immediately cease use of the equipment.

(b) If the director or the chief of police determines that a violation constitutes an imminent and serious threat to the public health or safety, the director or the chief of police shall order the licensee to correct the violation immediately, and, if the licensee fails to comply, the director or the chief of police shall promptly take or cause to be taken such action as considered necessary to enforce the order immediately.

(c) The director or the chief of police shall include in a notice issued under this section an identification of the specific violation, the date of issuance of the notice and the time period within which the violation must be corrected, a warning that failure to comply with the order may result in suspension or revocation of license or imposition of a fine or both, and a statement indicating how the order may be appealed. (Ord. 24661)

SEC. 15D-62. SERVICE OF NOTICE.

(a) A licensee shall designate and maintain a representative to receive service of notice required under this article to be given a licensee.

(b) Notice required under this article to be given to:

(1) a licensee must be personally served by the director on the licensee or the licensee’s designated representative; or

(2) a driver permitted by the city under Division 3 of this article must be personally served or sent by certified United States Mail, five day return receipt requested, to the address, last known to the director, of the person to be notified.

(c) Notice required under this article to be given a person other than a driver permitted under Division 3 of this article or a licensee may be served in the manner prescribed by Subsection (b)(2).

(d) Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. The date of service for notice that is mailed is the date received. (Ord. 24661)

SEC. 15D-63. APPEAL.

(a) A licensee may appeal a correction order issued under Section 15D-61 if an appeal is requested in writing not more than 10 days after notice of the order or action is received.
(b) The city manager or a designated representative shall act as the appeal hearing officer in an appeal hearing under this section. The hearing officer shall give the appealing party an opportunity to present evidence and make argument. The formal rules of evidence do not apply to an appeal hearing under this section, and the hearing officer shall make a ruling on the basis of a preponderance of evidence presented at the hearing.

(c) The hearing officer may affirm, modify, or reverse all or a part of the order of the director. The decision of the hearing officer is final. (Ord. 24661)

SEC. 15D-64. OFFENSES.

(a) A person commits an offense if he violates a provision of this article applicable to him.

(b) A separate offense is committed each day in which an offense occurs. An offense committed under this article is punishable by a fine of not less than $200 or more than $1,000 as provided by Section 2308.505 of the Texas Occupations Code, as amended. The minimum fine established in this subsection will be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time may the minimum fine exceed the maximum fine established in this subsection.

(c) The culpable mental state required for the commission of an offense under this article is governed by Section 1-5.1 of this code.

(d) Prosecution for an offense under Subsection (a) does not prevent the use of other enforcement remedies or procedures applicable to the person charged with the conduct or involved in the offense. (Ord. Nos. 24661; 27487)

ARTICLE III

PUBLIC SERVICE CORPORATIONS.

SEC. 15D-65. DEFINITIONS.

In this article:

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

(2) PUBLIC SERVICE CORPORATION means a corporation that provides a general public service under a franchise from the city and that has a need to dispatch vehicles to the scene of accidents, fires, explosions, or other disasters on an emergency basis. (Ord. Nos. 19312; 24661)

SEC. 15D-66. PERMIT REQUIRED.

No person shall operate or cause to be operated a vehicle for a public service corporation as an emergency vehicle without first obtaining a permit. (Ord. Nos. 14586; 19312; 24661)

SEC. 15D-67. APPLICATION.

(a) A public service corporation which desires to have a vehicle designated as an authorized emergency vehicle shall apply to the director for a permit for each vehicle to be designated.

(b) The application shall be on a form provided by the director and shall contain all information reasonably necessary to enable him to determine whether the vehicle meets the requirements of this article. (Ord. Nos. 14586; 19312; 24661)
SEC. 15D-68. PERMIT ISSUANCE; STANDARDS OF OPERATION.

(a) The director shall consider each application and shall issue a permit designating the vehicle of a public service corporation as an authorized emergency vehicle if he finds that:

(1) it is necessary to have vehicles owned by the public service corporation at the scene of accidents, fires, explosions, or other disasters in the shortest possible time to protect public health, safety, and welfare of persons and property and that they should be permitted to travel as authorized emergency vehicles during these emergencies;

(2) the vehicle is properly equipped with siren and flashing red lights as required by Section 124, Article 6701d, Vernon’s Texas Civil Statutes; and

(3) the vehicle has a current state inspection sticker of the state department of public safety.

(b) If the director finds that these three conditions do not exist, he shall deny the permit.

(c) The director may establish rules or standards of operation regarding public service emergency vehicles. (Ord. Nos. 14586; 19312; 24661)

SEC. 15D-69. TERM; POSTING.

The permit required by this article expires the first day of April following its issuance and shall be renewed annually. The permit must be posted in the interior of the emergency vehicle in a place accessible to inspection. (Ord. Nos. 14586; 19312; 24661)

SEC. 15D-70. OPERATORS TO HAVE CHAUFFEUR’S LICENSE.

A public service corporation operating a permitted vehicle as an authorized emergency vehicle shall allow only persons possessing a chauffeur’s license from the state department of public safety to operate the emergency vehicle. (Ord. Nos. 14586; 19312; 24661)

ARTICLE IV.

MOTOR VEHICLE ACCIDENT CLEANUP FEE.

SEC. 15D-71. MOTOR VEHICLE ACCIDENT CLEANUP FEE.

(a) Whenever the fire-rescue department provides services to clean up contaminants, debris, and other materials discharged onto a public right-of-way as a result of a motor vehicle accident, a motor vehicle accident cleanup fee will be charged by the city in accordance with this article. The purpose of the fee is to recover the costs incurred by the fire-rescue department in preventing the contaminants, debris, and other materials from entering the city’s storm water system and in returning the public right-of-way to its condition immediately prior to the accident.

(b) The fee amount will be calculated based on the following rates:

(1) $213 per hour for the use of each ambulance/rescue vehicle (including personnel) necessary to provide bio-hazardous cleanup services.

(2) $275 per hour for the use of each fire engine (including personnel) necessary to provide general cleanup services.

(3) $275 per hour for the use of each aerial fire truck (including personnel) necessary to provide general cleanup services.

(4) $161 per hour for the use of each battalion chief vehicle (including personnel) necessary to provide general cleanup services.
(5) $16 per accident for absorbent materials used to provide general cleanup services.

(6) $5 per accident for consumable supplies (including, but not limited to, brooms, scoops, gloves, and bags) used to provide general cleanup services.

(7) $2 per accident for the disposal of biohazardous waste.

(8) $7 per accident for the disposal of contaminated waste.

(c) The driver of the motor vehicle determined to be liable for the motor vehicle accident shall be responsible for payment of the motor vehicle accident cleanup fee assessed under this article. If more than one driver is determined to be liable for the motor vehicle accident, then the fee will be apportioned among the drivers based on each driver’s percentage of liability. If a driver is a minor, the parent or guardian of the minor shall be responsible for payment of any fee or portion of a fee assessed to the minor driver under this article.

(d) Any fee or portion of a fee assessed to a driver under this article will be waived by the city if the driver provides proof that, at the time of the motor vehicle accident, the driver was a city of Dallas resident. (Ord. 27354)
CHAPTER 18
MUNICIPAL SOLID WASTES

ARTICLE I.
COLLECTION AND DISPOSAL.
Sec. 18-1. Scope of chapter.
Sec. 18-2. Definitions.
Sec. 18-3. Regulating containers for municipal solid waste materials.
Sec. 18-4. Regulating the collection of solid waste materials from residences and duplexes.
Sec. 18-5. Regulating the collection and removal of solid waste materials from apartments, institutions, commercial establishments, and mobile home parks.
Sec. 18-5.1. Collection and removal of recyclable materials from multifamily sites.
Sec. 18-6. Regulating the collection and removal of solid waste from the downtown area.
Sec. 18-7. Regulating the collection and removal of dead animals.
Sec. 18-8. Solid waste materials not handled by city sanitation services.
Sec. 18-9. Specifying charges for sanitation service.
Sec. 18-10. Regulating the processing and disposal of solid waste materials.
Sec. 18-11. Specifying charges for disposal of solid waste materials.
Sec. 18-12. Regulating the collection and removal of illegally dumped solid waste materials on private premises.
Sec. 18-12.1. Penalties for violation.

ARTICLE II.
WEEDS, GRASS, AND VEGETATION.
Sec. 18-13. Growth to certain height prohibited; offenses.
Sec. 18-14. Duty to prevent weeds, grass, or vegetation from becoming a nuisance or fire hazard.
Sec. 18-14.1. Vegetation in alley, street, or sidewalk.
Sec. 18-15. Enforcement.
Sec. 18-16. Penalties for violation.
Sec. 18-17. City removal of weeds and vegetation upon failure of owner, occupant, or person in control to do so; notice required.
Sec. 18-18. Charges to be collected from the property owner; lien on premises for failure to pay charges.

ARTICLE III.
JUNKED VEHICLES.
Sec. 18-19. Definitions.
Sec. 18-20. Deemed public nuisance; declared unlawful.
Sec. 18-21. Exceptions.
Sec. 18-22. Notice to abate nuisance.
Sec. 18-23. Motor vehicle description.
Sec. 18-24. Trial in municipal court—Preliminaries.
Sec. 18-25. Findings of judge; penalty.
Sec. 18-26. Removal with permission of owner.
Sec. 18-27. Removal from public property or occupied or unoccupied premises by court order.
Sec. 18-28. Notice to Texas department of highways and public transportation.
Sec. 18-28.1. Penalties for violation.
### ARTICLE IV.
**PRIVATE SOLID WASTE COLLECTION SERVICE.**

#### Division 1. In General.

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 18-29</td>
<td>Definitions.</td>
</tr>
<tr>
<td>Sec. 18-30</td>
<td>Authority of director.</td>
</tr>
<tr>
<td>Sec. 18-31</td>
<td>Defenses.</td>
</tr>
</tbody>
</table>

#### Division 2. Solid Waste Collection Franchises.

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 18-32</td>
<td>Franchise and decal required.</td>
</tr>
<tr>
<td>Sec. 18-33</td>
<td>Franchise application.</td>
</tr>
<tr>
<td>Sec. 18-34</td>
<td>Franchise grant.</td>
</tr>
<tr>
<td>Sec. 18-35</td>
<td>Franchise fees.</td>
</tr>
<tr>
<td>Sec. 18-36</td>
<td>Issuance and display of vehicle decal; proof of franchise to be shown upon request.</td>
</tr>
<tr>
<td>Sec. 18-37</td>
<td>Suspension or revocation of franchise; assessment of civil penalties.</td>
</tr>
<tr>
<td>Sec. 18-38</td>
<td>Amendments to and transfer of a franchise.</td>
</tr>
<tr>
<td>Sec. 18-39</td>
<td>Expiration and renewal of franchise; voidance of authority to operate vehicles.</td>
</tr>
<tr>
<td>Sec. 18-40</td>
<td>Franchisee’s records and reports.</td>
</tr>
<tr>
<td>Sec. 18-41</td>
<td>Annual report.</td>
</tr>
<tr>
<td>Sec. 18-42</td>
<td>Failure to pay ad valorem taxes.</td>
</tr>
<tr>
<td>Sec. 18-43</td>
<td>Notification of change of address or ownership.</td>
</tr>
<tr>
<td>Sec. 18-44</td>
<td>Vehicle inspection.</td>
</tr>
</tbody>
</table>

#### Division 3. Miscellaneous Requirements relating to Solid Waste Collection, Disposal, and Vehicles.

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 18-45</td>
<td>Requirements for solid waste collection vehicles.</td>
</tr>
<tr>
<td>Sec. 18-46</td>
<td>Responsibility of producer of dry or wet solid waste.</td>
</tr>
<tr>
<td>Sec. 18-47</td>
<td>Hazardous waste material.</td>
</tr>
<tr>
<td>Sec. 18-48</td>
<td>Restrictions on removal of solid waste.</td>
</tr>
</tbody>
</table>

### Division 4. Violations and Penalties.

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 18-49</td>
<td>Restrictions on disposal of waste.</td>
</tr>
<tr>
<td>Sec. 18-50</td>
<td>Accumulations and deposit of waste prohibited.</td>
</tr>
</tbody>
</table>

### ARTICLE IV-a.
**MULTIFAMILY SITE RECYCLING COLLECTION AND REMOVAL SERVICES.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 18-52</td>
<td>Director of sanitation’s authority.</td>
</tr>
<tr>
<td>Sec. 18-53</td>
<td>Multifamily site recycling collection service.</td>
</tr>
<tr>
<td>Sec. 18-54</td>
<td>Inspections, suspensions, revocations, and penalties.</td>
</tr>
</tbody>
</table>

### ARTICLE V.
**TIRES.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 18-55</td>
<td>Definitions.</td>
</tr>
<tr>
<td>Sec. 18-56</td>
<td>Tire business license and mobile tire repair unit permit required; application; transferability.</td>
</tr>
<tr>
<td>Sec. 18-57</td>
<td>License and permit fees.</td>
</tr>
<tr>
<td>Sec. 18-58</td>
<td>Issuance, denial, and display of a license or permit.</td>
</tr>
<tr>
<td>Sec. 18-59</td>
<td>Revocation of a license.</td>
</tr>
<tr>
<td>Sec. 18-60</td>
<td>Appeals.</td>
</tr>
<tr>
<td>Sec. 18-61</td>
<td>Expiration and renewal of license; voidance of authority to operate a mobile tire repair unit.</td>
</tr>
<tr>
<td>Sec. 18-62</td>
<td>Transporting scrap tires.</td>
</tr>
<tr>
<td>Sec. 18-63</td>
<td>Impoundment of vehicles.</td>
</tr>
<tr>
<td>Sec. 18-64</td>
<td>Unauthorized disposal of tires.</td>
</tr>
<tr>
<td>Sec. 18-65</td>
<td>Exemptions.</td>
</tr>
<tr>
<td>Sec. 18-66</td>
<td>Penalty.</td>
</tr>
</tbody>
</table>
ARTICLE I.

COLLECTION AND DISPOSAL.

SEC. 18-1. SCOPE OF CHAPTER.

The provisions of this chapter apply to all territory within the city and are for the benefit and protection of the city, its citizens, and the city’s solid waste collection and disposal utility. (Ord. Nos. 16367; 29881)

SEC. 18-2. DEFINITIONS.

For the purpose of this chapter, the following words and phrases have the meanings respectively ascribed to them by this section:

(1) ALLEY. Any public way, generally of less width than a street, used for public utility purposes and right-of-way and as an alternate secondary or emergency route for vehicular and pedestrian traffic, generally situated at the rear of or alongside a tier of lots.

(2) APARTMENT HOUSE. Apartment house as defined by the building code.

(3) BRUSH AND BULKY TRASH. Brush and bulky trash originating from the dwelling unit (residence or duplex) being serviced by sanitation services.

   (A) BRUSH. Cuttings or trimmings, individual pieces not exceeding eight inches in diameter or 10 feet in length, from trees, shrubs, or lawns and similar materials, which also may include yard trash consisting of bagged leaves, twigs, and other similar objects.

   (B) BULKY TRASH. Furniture, appliances (freon removed, if applicable), mattresses, small household trash that is bagged or containerized, and other household objects too large for routine placement in normal compaction-type collection vehicles via the provided rollcart. This definition does not include household garbage (bagged or un-bagged), wet solid waste, construction debris, automotive parts, soil, rocks, stones, tires, electronics, household hazardous waste (e.g. chemicals, paints, fuel), or other items designated in writing by the director of sanitation.

(4) BUILDING. A structure used or intended for supporting or sheltering any use or occupancy.

(5) BUILDING CODE. The Dallas Building Code, as amended.

(6) CITY. The city of Dallas, Texas.

(7) CODE. The Dallas City Code, as amended.

(8) COMMERCIAL ESTABLISHMENT. Any structure intended or used for the purpose of conducting a commercial business enterprise.

(9) CONSTRUCTION DEBRIS. Those materials resulting from the alteration, construction, destruction, rehabilitation, remodeling, or significant repair of any manmade physical structure including houses, buildings, industrial or commercial facilities, and roadways. This includes but is not limited to brick, concrete, other masonry materials, stone, glass, drywall, framing and finishing lumber, roofing materials, plumbing fixtures, HVAC equipment such as heating and air conditioning equipment and ductwork, insulation, and wall-to-wall carpeting. This definition does not include incidental waste from small home repairs (e.g. replacing a toilet, sink, small amounts of carpet or lumber, fence panels, or doors).

(10) CONTAINER. A receptacle for the deposit of solid waste, including garbage and recyclable materials (meeting the requirements of Section 18-3 for containers).

(11) DESIGNATED ALLEY. An alley that is not paved to city standard with concrete or asphalt, that has a right-of-way less than 12 feet in width, that deadends, that serves a dual use as a lined drainage
channel, or that involves other unusual conditions and which has been designated by the director of sanitation.

(12) DIRECTOR OF SANITATION. The head of the department of sanitation services of the city or any authorized representative.

(13) DOWNTOWN AREA. The area within the Dallas city limits bounded by the west line of Houston Street, the south line of all properties on the south side of Young Street, the east line of Pearl Street, and the south line of Gaston-Pacific extension.

(14) DRIVE-IN SERVICE. Service involving city sanitation service employees driving in on private property to collect garbage or recyclable materials.

(15) DRY SOLID WASTE. Trash (or rubbish), as defined in this section.

(16) DUPLEX. A structure intended for the use and occupancy as two family dwelling units.

(17) DWELLING UNIT. Dwelling unit has the meaning assigned in Section 51A-2.102 of the Dallas Development Code, as amended.

(18) FOOD ESTABLISHMENT. Cafe, restaurant, or other similar establishment serving food or food products, including quick service drive-ins where food is prepared or served.

(19) GARBAGE. Solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce, and other food products.

(20) ILLEGALLY DUMPED SOLID WASTE. Any solid waste placed on property with or without the consent of the owner or person in control.

(21) INDUSTRIAL SOLID WASTE. Solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations.

(22) INSTITUTION OR INSTITUTIONAL. Any church, church building, or structure housing any charitable or philanthropic undertaking, or any school.

(23) MANAGER. The person in charge of real estate used for apartment, institutional, or commercial purposes.

(24) MANUAL COLLECTION. The service rendered in collecting municipal solid waste, including recyclable materials, in bags or from containers where sanitation workers pick up the bags and containers manually instead of by mechanical means.

(25) MOBILE HOME PARK. Six or more mobile home type dwelling units or mobile home parking spaces that are:

(A) all located on one lot under single ownership; and

(B) only accessible by a private road.

(26) MULCH. Cutting grass, weeds, and similar vegetation into fine particles.

(27) MULTIFAMILY SITE RECYCLING COLLECTION SERVICE. The business of removing recyclable material, for processing, from a multifamily site for compliance with Section 18-5.1 of this code.

(28) MULTIFAMILY SITE. Multifamily site means eight or more dwelling units on a lot.

(29) MUNICIPAL SOLID WASTE. Solid waste resulting from or incidental to municipal, community, commercial, and recreational activities, including garbage, trash (or rubbish), ashes, street cleanings, dead animals, and all other solid waste other than industrial solid waste.

(30) OCCUPANT. A person living on premises or in control of premises.

(31) OWNER. A person or the person’s agent, including a condominium or homeowner’s association,
(32) OVERSIZED BRUSH AND BULKY TRASH COLLECTION. A collection of brush and bulky trash greater in volume than the standard limit of 10 cubic yards.

(33) PACKOUT SERVICE. Service involving city sanitation service employees walking in on private property or walking in to a point that is not immediately adjacent to a location reasonably accessible to the standard city garbage or recycling truck by route of a public right-of-way to collect garbage or recyclable materials. Brush and bulky trash collection will not be rendered as a pack out service.

(34) PARKWAY. The area ordinarily intervening between the curb line of a street and the adjacent property line, or the sidewalk if a sidewalk exists.

(35) PERMITTEE. Any person licensed by the city of Dallas to contract to collect, remove, or dispose of solid waste.

(36) PERSON. Any individual, corporation, organization, partnership, association, or any other legal entity.

(37) PROPERTY LINE. The peripheral boundary of real estate.

(38) PUBLIC UTILITY EASEMENT. A right-of-way used or dedicated to be used by any public utility, including but not limited to services such as electricity, telephone, gas, solid waste collection, water, sewer, and drainage.

(39) PUBLIC WAY. Any street, alley, easement, or other right-of-way.

(40) RECYCLING. The process of collecting, sorting, cleansing, treating, and reconstituting recyclable materials for the purpose of using the altered form in the manufacture of a new product.

(41) RECYCLABLE MATERIAL. Any material or product designated in writing by the director of sanitation as being suitable for re-use and/or recycling.

(42) RESIDENCE. A structure intended for use and occupancy as a one family dwelling unit, including a mobile type dwelling unit that is not part of a mobile home park.

(43) ROLLCART. A plastic receptacle, which is furnished by the city for the collection of residential refuse and recyclable materials, that:

   (A) has two wheels and a lid;

   (B) is designed to be lifted and emptied mechanically;

   (C) is too large for handling by manual means; and

   (D) is from 48 to 96 gallons.

(44) ROLLCART SERVICE. The service rendered in collecting municipal solid waste, including recyclable materials, by mechanical means from rollcart containers furnished by the city.

(45) SANITARY LANDFILL. A method of disposing of municipal solid waste on land without creating a nuisance or hazard to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at appropriate periodic intervals.

(46) SANITATION SERVICES. The department of the city that is responsible for the operation of the city’s solid waste collection and disposal utility, including, but not limited to, the collection, removal, disposal, and processing of municipal solid waste (including recyclable materials).

(47) STREET. Any public roadway for the passage of vehicular and pedestrian traffic.
(48) TRASH (OR RUBBISH). Municipal solid wastes other than garbage and further categorized as:

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

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

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

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

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

(50) VEGETATION. Any plant growth.

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

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

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

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

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

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

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

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

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

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

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

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

(3) Unless otherwise specified by the director of sanitation, and in addition to the requirements of Subsection (a)(3), a person shall comply with the following requirements when using a rollcart as a solid waste container:
§ 18-3 Municipal Solid Wastes

(A) A rollcart must be placed for collection so that there is a minimum clearance of three feet to each side of the rollcart and one and one-half feet to the rear of the rollcart from any fence, gas meter, telephone pole, utility box, tree, shrub, additional collection container, or other potential obstruction. A rollcart must be placed so that its handle faces the dwelling unit.

(B) No person shall block or cause to be blocked access to or hinder collection of a rollcart that has been placed for curbside collection.

(C) Solid waste, including recyclable materials, must be placed in a rollcart in a manner that prevents the contents from blowing out of the rollcart when being emptied.

(D) The director of sanitation must be promptly notified of any need for repair or replacement of a rollcart. Cleanliness of a rollcart is the responsibility of the occupant or owner of the premises to which the rollcart is provided.

(E) A 60 to 65 gallon rollcart may not weigh more than 200 pounds when loaded, and a 90 to 96 gallon rollcart may not weigh more than 250 pounds when loaded.

(F) Additional rollcarts for garbage may be obtained from the director of sanitation for an additional fee set forth in Section 18-9(c)(1) of this article. Additional rollcarts for recyclable materials may be obtained from the director of sanitation for no additional fee.

(G) A rollcart that is lost or damaged due to a customer’s negligence may be replaced for a fee as set forth in Section 18-9(c)(8) of this article.

(b) Containers for apartments, mobile home parks, institutions, and commercial establishments. Every owner of an apartment, mobile home park, institution, or commercial establishment shall provide the premises with a sufficient number of solid waste containers to provide for the peak output of municipal solid wastes from those premises without overloading the containers.

(1) A container must be watertight and constructed of a solid and durable grade of metal or plastic material. Any container that is manually collected by city sanitation services employees must not exceed 96 gallons in capacity, and the combined weight of the waste and the container must not exceed 250 pounds. A container must not be overloaded to a point where spillage occurs from overflow, wind, or handling.

(2) All containers must meet the following requirements:

(A) A container must be provided with suitable lifting handles on the outside and a close-fitting or other approved cover equipped with a handle.

(B) A container must not contain any inside structure, such as a band or reinforcing angle, or anything within the container to prevent the free discharge of the contents. A container that has deteriorated or become damaged to the extent that the cover will not fit securely or that has a jagged or sharp edge capable of causing injury to a sanitation services employee or other person whose duty it is to handle the container will be condemned by the city. If such a container is not replaced after notice to the owner or user, the container will be removed along with its contents.

(c) Underground solid waste containers. Underground solid waste containers are prohibited for use in the city unless the installation is specifically approved by the director of sanitation. (Ord. Nos. 16367; 19409; 19991; 21058; 24743; 26960; 28019; 29879)
SEC. 18-4. REGULATING THE COLLECTION OF SOLID WASTE MATERIALS FROM RESIDENCES AND DUPLEXES.

(a) General. It shall be the duty of every occupant of any residence or duplex to provide a sufficient number of solid waste containers at the place designated by the director of sanitation for collection of municipal solid waste from the particular premises and to provide adequate capacity for the solid waste placed out for collection without overloading the capacity of the containers or wedging the contents in the container by compaction.

(1) All containers must conform to the requirements of Section 18-3(a).

(2) A person commits an offense if he collects dry or wet solid waste, including salvageable newspaper or any other recyclable material, from a residence or duplex. It is a defense to prosecution under this paragraph that the person was:

(A) the owner or occupant of the residence or duplex;

(B) employed or under contract with the city to provide solid waste collection services to the residence or duplex and was in the performance of official duties;

(C) a charitable organization that gathers clothes, salvageable newspapers, or other recyclable material;

(D) hauling away brush, bulky trash, or yard trash from the residence or duplex as a service that was incidental to a maintenance, delivery, lawn, or home improvement service being provided by the person to the residence or duplex; or

(E) providing recycling services to the premises pursuant to a written agreement with the owner or occupant of the residence or duplex and was collecting only recyclable materials that were composed solely of one or more of the following:

(ii) empty and rinsed aluminum, steel, glass, or recyclable plastic containers that were only used for the storage or processing of consumable food or beverage products, medications, or ordinary household detergents or soaps and that were never used to store or process any hazardous material or hazardous waste.

(3) The city may, through the competitive bid process, contract with a private solid waste collection service, which is franchised in accordance with Article IV of this chapter, to provide solid waste collection, including the collection of recyclable materials, for specific areas designated by the director of sanitation.

(b) Placement of containers for alley collection service. Except as may be otherwise authorized by the director of sanitation, it shall be unlawful for any person to place any container within any alley within the city. If a fence separates the alley from the lot where the container is located, the container must be placed outside the fence in a manner that protects the container from overturn or spillage and does not interfere with solid waste collection service in the alley. A container may not be placed in a rack, and any rack on the premises may not extend into the alley or interfere with solid waste collection service in the alley.

(c) Placement of garbage or recycling containers for curb collection service. Where a residence or duplex is designated by the director of sanitation to be provided with curb collection service, each container must be placed just behind the curbline of the street abutting such property, but may not be placed in the street, on the sidewalk, or in any manner where the container will interfere with vehicular or pedestrian traffic or with solid waste collection service.
§ 18-4 Municipal Solid Wastes  § 18-4

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Allowable quantity of brush and bulky trash.

(1) The quantity of brush and bulky trash set out during a collection week may not exceed 10 cubic yards, unless the service unit has designated their monthly collection as their one time per year oversized collection.
§ 18-4 Municipal Solid Wastes § 18-5

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

(g) Oversized brush and bulky trash collection.

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

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

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

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

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

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

(2) Non-compliant brush and bulky trash service fees. A dwelling unit is subject to a service charge for a collection of a non-compliant brush and bulky trash set out which contains excluded items as defined in Section 18-2(3), that are with or on top of the set out, or if such items are placed so close to the set out pile that the items cannot reasonably be removed from the pile to be collected. A service charge will be placed on the dwelling unit’s water bill pursuant to a fee schedule that will be adopted in the 2019-2020 fee ordinance.

(3) Violations. Nothing in this subsection prevents the city from issuing a citation for a violation described in this section.

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

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

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

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

(d) Solid waste collection from an apartment, institution, commercial establishment, or mobile home park may be performed by a person who has a solid waste collection license as provided in Article IV of this chapter.
§ 18-5 Municipal Solid Wastes

§ 18-5.1

(e) If an apartment, institution, commercial establishment, or mobile home park has contracted with a solid waste collection service to perform solid waste collection, the solid waste collection service shall collect solid waste that contains putrescible material at least twice every seven days.

(f) If not regulated by this chapter, the placement of any container for collection from an apartment, institution, commercial establishment, or mobile home park must be approved by the director of sanitation. (Ord. Nos. 16367; 19409; 19991; 21058)

SEC. 18-5.1. COLLECTION AND REMOVAL OF RECYCLABLE MATERIALS FROM MULTIFAMILY SITES.

(a) General regulations. The owner of a multifamily site shall:

(1) provide single stream, dual stream, or valet recycling through persons holding a multifamily site recycling collection service permit pursuant to Article IV-a of this chapter.

(2) provide recycling container(s) through persons holding a multifamily site recycling collection service permit pursuant to Article IV-a of this chapter.

(3) provide and place recycling containers in locations within visibility of waste containers. If valet trash service is provided, the recycling service should be of a similar nature. If trash chute rooms or trash rooms are utilized, then the recycling service should be of a similar nature or should be as convenient for the tenant, such as placing a recycling container adjacent to the trash chute, if there is adequate space.

(4) provide information (e.g. posters, signs) in suitable common areas, such as mail rooms and laundry facilities, that discusses how to recycle at the property, including information on the types of recyclable materials that are acceptable using photos or images, the chasing arrows recycling symbol, locations of recycling containers, and onsite contact information to report overflowing recycling containers and contamination. If the property utilizes valet recycling collection services, then only information regarding how to recycle and materials accepted is required.

(5) educate each tenant on recycling program implementation upon lease commencement and biannually thereafter of the following:

(A) the multifamily site provides access to recycling in accordance with Chapter 18 of the Dallas City Code;

(B) location of recycling containers;

(C) types of recycling materials accepted;

(D) information related to proper recycling practices, including that cardboard boxes should be broken down before placed in recycling containers;

(E) onsite contact information to report overflowing recycling containers and contamination; and

(F) information on how to report waste or recycling problems to the City of Dallas, utilizing 3-1-1, the 311 app or submitting an online service request.

(6) inform each tenant within 30 days of any significant change in recycling services to the multifamily site.

(7) for multifamily sites offering back-of-house and valet recycling, provide biannual training (or within 30 days of new employee start date) to those collecting recyclable materials of the following:

(A) types of clean and empty materials accepted in recycling containers;

(B) instruction to break down cardboard boxes before depositing into recycling
§ 18-5.1 Municipal Solid Wastes

(b) **Recyclable materials for collection.** The owner of a multifamily site must provide collection for recyclable materials that are consistent with those materials accepted by the city’s residential recycling program, unless otherwise exempted by the director of sanitation.

(c) **Recycling collection and capacity.** The owner of a multifamily site must provide recycling container collection capacity equal to or greater than 11 gallons per unit, per week.

(d) **Recycling containers.** A recycling container must:

1. be a roll cart, bin, wheelie bin, dumpster, or compactor. Wheelie bins, dumpsters, and compactors larger than two yards may have restricted access to prevent gross contamination; and

2. comply with screening and other applicable regulations in the Dallas Development Code, as amended.

(e) **Parking reduction.** Minimum parking required for a multifamily site may be reduced in order to provide adequate space for recycling containers.

(f) **Implementation.**

1. An owner of a multifamily site shall implement a multifamily site recycling program by January 1, 2020.

2. An owner of a multifamily site applying for a certificate of occupancy after January 1, 2020, shall immediately comply with this section upon issuance of the property’s certificate of occupancy and submit a recycling plan with their initial multi-tenant registration application.

(g) **Recycling plans.**

1. The owner of a multifamily site shall submit a recycling plan each year, as part of their annual multi-tenant registration application, to the city. Initial recycling plans must be submitted upon the first annual multi-tenant registration after January 1, 2020. Electronic or hard copy of the recycling plan information should be available for inspection on site after January 1, 2020. The recycling plan must include the following information:

   (A) name of permitted multifamily site recycling collection service business utilized;

   (B) types of materials recycled;

   (C) type, size, location(s), and frequency of recycling container(s) collection;

   (D) a site map of the property showing current garbage and recycling locations, unless valet recycling service is provided and no community recycling containers are available;

   (E) notation of any changes to the multifamily site recycling program in the previous calendar year, including but not limited to changes of

Containers serviced by a permitted multifamily site recycling collection service business;

(C) for multifamily sites providing valet recycling, instruction to empty plastic bags before depositing contents into recycling containers serviced by permitted multifamily site recycling collection service businesses and instruction to place plastic bags into waste or garbage containers to be landfilled;

(D) location of recycling containers; and

(E) onsite contact information for reporting overflowing recycling containers and contamination.

(8) submit an annual recycling plan to the director of sanitation as set forth in Subsection (g) of this section, along with an affidavit of compliance as part of the owner’s annual multi-tenant registration or on a form approved by the director of sanitation.
§ 18-5.1 Municipal Solid Wastes § 18-6

the following: multifamily site recycling collection service business utilized or method of collection, if applicable; and

(F) any other information that the director of sanitation deems necessary, and is reasonable, to verify compliance with this ordinance or to enhance program reporting capabilities and other information.

(2) The owner of a multifamily site shall maintain records and examples of materials relevant to meeting the requirements of Section 18-5.1(a)(5) and make records available if requested by the city manager's designee, or that designee's authorized representative during an on-site inspection.

(3) The director of sanitation may reject a recycling plan if it does not contain the information specified in this section or meet the minimum requirements as defined in this section. The owner of a multifamily site shall submit a revised plan no later than 30 days from notification of the director of sanitation’s determination to reject the plan.

(h) Inspection. For any multifamily site, the city manager’s designee, or that designee’s authorized representative, may conduct an inspection for compliance with this section and verify the site’s provision of access to recycling services at any time or when an inspection under Section 27-42, of Chapter 27 of the Dallas City Code, as amended, is conducted, even if the multifamily site is not a rental property, as defined in Chapter 27 of the Dallas City Code, as amended.

(i) Exemptions and Implementation Extension.

(1) Section 18-5.1(a)(8) does not apply to multifamily sites that have a current contract with the City of Dallas to receive recycling collection services from the city.

(2) The owner of a multifamily site may submit to the director of sanitation, within 90 days of required recycling program implementation, a written request for an implementation extension and/or exemption from all or specifics provisions of the regulations of this section because of the owner’s inability to comply. The director of sanitation will conduct a thorough evaluation on whether the owner demonstrated an inability to comply with the ordinance. The owner will receive a determination by the director of sanitation in writing within 60 days. The director of sanitation’s decision will be final. (Ord. 30879)

SEC. 18-6. REGULATING THE COLLECTION AND REMOVAL OF SOLID WASTE FROM THE DOWNTOWN AREA.

(a) The collection of solid waste materials from the downtown area, as described herein, shall be governed by all the rules and regulations pertaining to apartments, institutions and commercial establishments, except that no solid waste materials or containers of any kind shall be placed for collection on the public streets, sidewalks, alleys or easements of the city prior to 6:00 p.m. and all containers must be removed to a location inside the building situated on the premises by not later than 10:00 p.m.

(b) At any of the establishments in the downtown area where there is sufficient space between any structure and the alley property line, the easement property line, or street property line to permit the placing of waste containers as required by the provisions of this chapter relating to residences and duplexes, the containers may be placed in such public way at the very boundary thereof so as to permit the passage of pedestrian and vehicular traffic, subject to the approval of the director of sanitation. In these special locations, the owner or occupant of the premises shall remove all containers immediately after the solid waste material has been collected to a place within the structure situated on the premises until the next regularly scheduled time for collection. (Ord. 16367)
§ 18-7 Municipal Solid Wastes § 18-8

SEC. 18-7. REGULATING THE COLLECTION AND REMOVAL OF DEAD ANIMALS.

The bodies of dead animals may not be placed in solid waste containers or in any street, alley, easement, or public way. The collection and removal of dead animal bodies is a service of the city and will be furnished upon request or notification by any interested party without charge except that:

(1) a fee based on a cost plus rate determined by the director of sanitation will be charged for the collection and removal of dead animal bodies from animal clinics; and

(2) a fee set forth in Section 18-9(c)(9) of this article will be charged for the collection and removal of the bodies of large dead animals, including but not limited to horses, cattle, and other animals of similar size. (Ord. Nos. 16367; 26960)

SEC. 18-8. SOLID WASTE MATERIALS NOT HANDLED BY CITY SANITATION SERVICES.

(a) General. The scope of the service rendered by the city sanitation services in the collection and removal of solid waste materials is intended, in general, to serve the normal needs of dwelling units and their directly related activities, operating businesses, and commercial establishments except as exempted from the provisions of this chapter. It is considered to be beyond the scope of such service to collect or remove solid waste materials generated by clearing, construction, or demolition or any other solid waste materials resulting from an activity beyond the scope described in this subsection.

(b) Materials not collected by city. Solid waste materials that will not be collected and removed by the city sanitation services as a regular service include:

(1) Trash or debris resulting from construction, demolition, destruction by fire, or clearance of vacant or improved property in preparation for construction or occupancy, or similar materials as designated by the director of sanitation, will not be collected and removed by the city as a regular service, but these materials must be removed at the expense of the owner or developer.

(2) Industrial wastes resulting from manufacturing or processing operations, including waste from food and vegetable produce houses, poultry dressing establishments, and meat processing and meat packing plants, must be disposed of by the owner or occupant of the building, business, or premises where the wastes originate in the manner prescribed by state law and any other applicable ordinance. The director of sanitation shall determine what wastes fall within the industrial classification described in this subsection.

(3) Grass cuttings will not be collected or removed by the city, except that, from March 15 through April 15 of each calendar year, grass cuttings that are placed in disposable bags and separated from all other solid waste materials will be collected and removed by the city, for an additional service charge that provides the city with full cost recovery, either by using city sanitation services or by contracting through the competitive bid process with a private solid waste hauler franchised under Article IV of this chapter. Each bag used for grass cuttings must be of watertight, leakproof plastic, must have at least a 1.3 mil thickness, must not exceed 50 gallons in capacity, and must be secured at the top to prevent spillage. The combined weight of the grass cuttings and bag must not exceed 50 pounds. Grass cuttings collected will be composted by the city of Dallas and in no case will any of the cuttings collected be placed in the McCommas Bluff landfill. City sanitation services will continue to collect and remove brush and yard trash, other than grass cuttings, from premises within the city. Nothing in this paragraph prohibits the city from collecting and removing grass cuttings as part of a code enforcement action against any premises in the city. (Ord. Nos. 16367; 16697; 21632; 22306; 28019)
SEC. 18-9. SPECIFYING CHARGES FOR SANITATION SERVICE.

(a) Method of charging and billing for sanitation services.

(1) A sanitation service charge for garbage and recycling will be made for the following:

(A) All dwelling units in the city that are served with water delivered under an active water account of the water utilities department of the city.

(B) All dwelling units in the city that are served with wastewater service only under an active account of the water utilities department of the city.

(C) All commercial properties in the city that can be adequately serviced with no more than 10 garbage rollcarts and 10 recycling rollcarts and that are served with water delivered under an active water account of the water utilities department of the city or that are served with wastewater service only under an active account of the water utilities department of the city.

(D) All commercial properties that are serviced with a single garbage rollcart. These properties have the option to receive one recycling rollcart of the same size or greater than the garbage rollcart, at no additional cost.

(E) All property that is served with sanitation services by the city and that is not specified by Subparagraphs (A), (B), (C), or (D) of this paragraph. The water utilities department shall bill for sanitation services in a manner that distinguishes the sanitation charges from water or wastewater charges.

(2) The water utilities department shall bill the person in whose name the water service or wastewater service account appears. If a sanitation services customer is not served with water or wastewater service by the city, the water utilities department shall bill the person in control of the premises or, if that person is unknown, the owner of the premises. Payment of the fee for sanitation services is due on or before the date stated on the face of the customer's bill and is delinquent after that date. A bill is delinquent if not paid within 15 days from the date it is rendered by the water utilities department.

(3) In addition to all other legal remedies available for the collection of a debt, the following actions and remedies are authorized for delinquent payment of the charges authorized in this article:

(A) The sanitation services may refuse to pick up and dispose of the garbage and trash (or rubbish) at the delinquent location;

(B) The water and/or wastewater service, if any, serving the delinquent premises in question may be shut off and terminated.

(C) A five percent late payment fee will be added to the total net bill.

(4) All collections by the water utilities department will be applied first to the water utilities charges, and the customer will be deemed to have paid such water utilities charges first if any question arises as to how outstanding balances should be composed and applied.

(A) All present water utilities department customers to be billed under this article will be automatically placed on the billing for sanitation services charges, regardless of whether or not a written contract exists between the city and such customers.

(B) All present water utilities guaranty deposits upon termination of wastewater service and/or water service may be applied to any amounts due either for sanitation services charges or fees of water utilities bills.

(C) All water utilities services contracts entered into between the water utilities department and the customer must contain an agreement that any guaranty deposit upon termination of wastewater service and/or water service may be applied to...
sanitation services fees and charges and to water utilities charges that have become due.

(b) General regulations.

(1) Establishment of service charges will be based upon the current use of the property rather than being based upon the zoning.

(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 rollcarts.

(A) A commercial property has the option to apply for an exemption to receive more than 10 recycling rollcarts 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 rollcarts 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.
§ 18-9 Municipal Solid Wastes § 18-9

(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 - $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 - $28.64 per apartment unit or mobile home space per month.

(B) Packout collection service for municipal solid waste - $99.75 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)

<table>
<thead>
<tr>
<th>96-gallon RollCarts</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
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<tbody>
<tr>
<td>1</td>
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<td>9</td>
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<td>$121.32</td>
<td>$151.65</td>
<td>$181.98</td>
<td>$212.31</td>
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<td>$1,441.20</td>
<td>$1,647.09</td>
<td>$1,852.98</td>
</tr>
</tbody>
</table>
(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)

<table>
<thead>
<tr>
<th>NUMBER OF 96-GALLON RECYCLING ROLLCARTS</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
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<tbody>
<tr>
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<td>$39.66</td>
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<td>$138.81</td>
<td>$158.64</td>
<td>$178.47</td>
<td>$198.30</td>
</tr>
</tbody>
</table>

(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.

(5) Extraordinary collection and removal service: A cost plus rate of $50 per five cubic yards, billed in five cubic yard increments 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.

(11) Construction debris may be collected for a fee as part of a non-compliant brush and bulky trash collection as outlined in Section 18-4(h)(2) or as a cost plus rate as outlined in Section 18-9(c)(5). Loose or small construction debris such as roofing materials, shingles, brick, concrete, stone, drywall, insulation, glass, masonry materials, and other materials designated in writing by the director of sanitation will not be collected by the department of sanitation services.
(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; 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; 31231; 31332, eff. 10/1/19)

SEC. 18-10. REGULATING THE PROCESSING AND DISPOSAL OF SOLID WASTE MATERIALS.

(a) General regulations.

(1) A person commits an offense if he disposes of dry or wet solid waste or other waste materials inside the city, other than at a location and in a manner approved by the director of sanitation as complying with federal, state, and local law regulating solid waste processing and disposal. The owner, occupant, or person in control of premises to which illegally-deposited solid waste is traced is presumed to have illegally disposed of or caused the illegal disposal of the solid waste. If a vehicle is used to illegally dispose of solid waste, the owner of the vehicle is presumed to have illegally disposed of or authorized the illegal disposal of the solid waste. Proof of ownership of a vehicle may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Public Safety 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.

(2) The director of sanitation shall be responsible for determining disposal procedures, authorized users, and methods of operation at municipal transfer stations and landfill sites inside the city.

(b) Processing and disposal of solid waste materials by private persons, firms, or corporations will be permitted only after application has been made to, and approved by, the director of sanitation as complying with all applicable city, county, state, and federal regulations pertaining to solid waste processing and disposal operations, and all fees required by this article have been paid.

(3) The director of sanitation shall have authority to approve the establishment and make inspections of non-municipal landfill sites inside the city to ensure compliance with federal, state, and local law regulating the establishment and operation of landfill sites.

(4) The director of sanitation shall have authority to regulate traffic at the city’s transfer stations and landfill sites. Designated employees of the department of sanitation services shall direct traffic by voice, hand, or signal at the transfer stations and landfill sites. A person commits an offense if he fails or refuses to comply with a traffic directive of a designated employee of the department of sanitation services. A designated employee of the department of sanitation services may cause the removal from a transfer station or landfill site of any person or vehicle in violation of this paragraph.
§ 18-10 Municipal Solid Wastes § 18-11

(1) The director of sanitation shall have authority to curtail, temporarily suspend, or permanently halt any solid waste processing or disposal operation being conducted by any private person, firm, or corporation that does not conform to the requirements of city, county, state, or federal regulations pertaining to solid waste processing and disposal operations or that in any manner jeopardizes the public health, safety, and welfare. The director of sanitation shall have authority to maintain curtailment or suspension restrictions until, in the director’s judgment, adequate measures have been taken to assure that removal of the restrictions will not jeopardize the public health, safety, or welfare.

(2) The director of sanitation shall have authority to cause to be rejected for processing or disposal any material that, in the director’s judgment, would create a nuisance by reason of emission or disagreeable odors or would operate to make the processing or disposal facilities unwholesome or adversely affect the public health, safety, and welfare.

(c) Processing and disposal of solid waste materials by the city.

(1) A person commits an offense if he takes, removes, or carries away from any processing or disposal facility operated by the city any garbage, trash, or other solid waste material, article, thing, or object situated on the facility, whether or not the thing has monetary value, without prior written permission and approval of the director of sanitation. In prosecutions for this offense, it is not necessary to describe the thing taken, removed, or carried away other than as generally described in this subsection or as “article,” “thing,” or “item,” and it is not necessary to allege that the thing had “value.”

(2) The director of sanitation shall have authority to designate those processing or disposal sites operated by the city that will be open to public access and those that will not be open to public access. (Ord. Nos. 16367; 20599; 24743)

SEC. 18-11. SPECIFYING CHARGES FOR DISPOSAL OF SOLID WASTE MATERIALS.

(a) The following disposal service charges are established for disposing of municipal solid waste at the Northwest (Bachman) Transfer Station:

(1) Earth, rocks, and inert material will not be accepted at the station.

(2) 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 the station - 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.)

(3) Trucks or trailers with a cargo bed length of 25 feet or greater or truck-tractors with semitrailers are prohibited from using the Northwest (Bachman) transfer station, unless specifically permitted in writing by the director of sanitation.

(4) Roll-off containers, whether open top or compactor, and compactor trucks or other trucks carrying compacted or baled refuse are prohibited from using the Northwest (Bachman) transfer station, unless specifically permitted in writing by the director of sanitation.

(5) Except as provided in Subsection (a)(6), the charge for all materials accepted at the transfer station is $47 per ton based on the transfer station weighing system, with a minimum charge of $47 for any load that is less than one ton.

(6) Whenever the transfer station weighing system is inoperable, the following fees will be charged for materials accepted at the transfer station:

(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 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.

(6) Whenever the transfer station weighing system is inoperable, the following fees will be charged for materials accepted at the transfer station:

(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 the station—$43.43 per load.

(B) Commercial pickups—$51 per load.

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

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

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

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

(2) Except as provided in Subsection (b)(3), the charge for all materials accepted at a city landfill site is $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.

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

(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.

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

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

(B) Commercial pickups - $43.00 per load.

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

(D) Trucks or trailers with a cargo bed length of 15 feet or greater - $214.50 per load.

(E) Roll-off containers, whether open top or compactor - $229.00 per load.

(F) Compactor trucks - $286.00 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.
and must be signed by the city manager and approved as to form by the city attorney.

(2) The disposal service contract must provide for a guaranteed annual tonnage of solid waste of not less than 10,000 tons to be disposed of at the landfill. The contractor shall not exceed the contracted guaranteed annual tonnage by more than 25 percent; this will be the contractor’s maximum annual tonnage limit. Notwithstanding Subsection (b)(3) of this section, if the landfill weighing system is inoperable during a delivery of solid waste under the contract, the tonnage will be estimated by the city on the basis of the full capacity of the vehicle delivering the solid waste.

(3) The director of sanitation is not required to enter into a disposal service contract under this subsection if the director determines that:

(A) the useful life of the landfill would be adversely affected; or

(B) it is not practical to enter into a proposed disposal service contract for engineering, operational, or financial reasons.

(4) Payment of the disposal service charge under a disposal service contract will be calculated in accordance with the terms of the contract and this subsection. The initial disposal service charge for each solid waste disposal contract entered into pursuant to this subsection will be the disposal service charge in effect under Subsection (b)(2) on the date the contract is executed. On October 1 of each calendar year, the disposal service charge may be increased by the percent change, if any, between the June consumer price index for the current calendar year and the June consumer price index for the prior calendar year, except that the annual increase in the disposal service charge may not exceed six percent during any calendar year. The percent change will be determined by the director using The Consumer Price Index for All Urban Consumers (CPI-U) for the South Region for All Items, 1982-84=100, published by the United States Department of Labor, Bureau of Labor Statistics. This Consumer Price Index adjustment to the disposal service charge will only be applied if there is an equal or greater percentage increase in the disposal service charge in effect under Subsection (b)(2) for the next fiscal year. The contractor must pay the disposal service charge on a monthly basis. At the end of each contract year, the director of sanitation shall perform a reconciliation to determine the actual tonnage of solid waste disposed of at the landfill under the contract in that contract year and to make any adjustments to the amounts finally owed by the contractor.

(5) In consideration of the agreement of a solid waste collection service to guarantee the disposal of an annual tonnage of solid waste at the landfill pursuant to a disposal service contract, the director of sanitation may provide a discount from the disposal service charge required under Subsection (c)(4) of this section in accordance with the following table:
§ 18-11 Municipal Solid Wastes § 18-11

Disposal Service Contract Discount Rate

| SOLID WASTE DISPOSED OF AT THE LANDFILL DURING A CONTRACT YEAR (in tons) | DISCOUNT RECEIVED BASED ON THE CONTRACT TERM (in percentages) |
|---|---|---|
| From | To | 1 or 2 Year Contract Term | 3 or 4 Year Contract Term | 5 Year Contract Term |
| 10,000 | 49,999 | 12.28% | 13.60% | 14.88% |
| 50,000 | 74,999 | 14.24% | 16.24% | 20.16% |
| 75,000 | 99,999 | 14.88% | 17.56% | 22.80% |
| 100,000 | 124,999 | 15.60% | 18.84% | 25.40% |
| 125,000 | 149,999 | 15.76% | 19.16% | 26.12% |
| 150,000 | 199,999 | 15.84% | 19.40% | 26.52% |
| 200,000 | No maximum | 16.00% | 19.76% | 27.16% |

(6) If the contractor fails to dispose of the annual tonnage of solid waste at the landfill as guaranteed under the contract, the contractor must still pay the discounted disposal service charge for the entire annual tonnage guaranteed.

(7) If the director of sanitation determines that the contractor has disposed of an amount of solid waste at the landfill that exceeds the annual tonnage guaranteed under the contract but does not exceed the maximum annual tonnage limit under Paragraph (2) of this subsection, the director shall charge a disposal service charge for that excess tonnage of solid waste using the same percentage of discount applied to the guaranteed annual tonnage under the contract.

(8) If the director of sanitation determines that the contractor has disposed of solid waste under the contract in a tonnage that exceeds the maximum annual tonnage limit under Paragraph (2) of this subsection, the director:

(A) may prohibit further disposal of solid waste by the contractor at the landfill during the contract year in which the maximum annual tonnage limit is exceeded; and

(B) shall charge the full disposal service charge required by Subsection (c)(4), without any discount, for any solid waste disposed of at the landfill in excess of the contractor’s maximum annual tonnage limit.

(9) Whenever the contractor delivers a load of solid waste to the landfill that is less than one ton, the contractor will be charged the discounted disposal service charge for one ton of solid waste.

(d) Disposal service charges are payable by any of the following methods:

(1) cash at the disposal site;

(2) credit or debit cards, under conditions established by the city; or

(3) monthly billing for commercial haulers upon approval of the director of sanitation and under such conditions as may be established by the director of sanitation and approved by the city attorney.

(e) A person engaged in a special residential cleanup effort may apply to the director of sanitation for a waiver of the disposal service charge. The director of sanitation may approve the application and waive the disposal service charge if the director finds that the cleanup effort is being conducted within a residential area of the city and not for profit.
§ 18-11 Municipal Solid Wastes

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

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...
of a change in ownership of the property, then the city may, without notice, take any action permitted by Subsection (c) of this section and assess its expenses as provided in Subsection (e) of this section.

(3) Notice under this subsection is not necessary when the solid waste material is determined by the director to be an immediate health hazard.

(e) Charge to be levied and collected by the city for solid waste material collection and removal. If the city collects and removes solid waste materials from private premises at the request of the owner or upon failure of the owner to comply with the notice required under Subsection (d) of this section, charges in the amount of the total actual costs incurred by the city in performing the work will be collected from the owner or levied, assessed, and collected against the premises on which the work is performed. The charges will be collected by the city controller. The city controller shall file a statement by the director with the county clerk of the county in which the property is located setting out the total actual costs incurred by the city, the name of the property owner if known, and a legal description of the property, as required by state law. At the time the statement is filed, the city shall have a privileged lien on the premises involved, second only to tax liens and liens for street improvements, in the amount of the actual costs incurred, plus 10 percent interest on that amount from the date the costs were incurred. The city may file a suit in an appropriate court of law to foreclose upon its lien and recover its actual costs incurred plus interest. The suit must be filed in the name of the city. The statement filed under this subsection, or a certified copy of the statement, is prima facie proof of the amount of actual costs incurred by the city.

(f) The director may issue citations and prosecute persons for violating Subsection (b) regardless of whether a notice is issued under this section. (Ord. Nos. 16367; 17226; 19963; 20599; 21025; 22026; 22334; 22494; 25371; 27697)

SEC. 18-12.1. PENALTIES FOR VIOLATION.

(a) A person who violates a provision of this article, or who fails to perform a duty required of him by this article, commits an offense. A person is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.

(b) Except as provided in Subsection (c), an offense under this article is punishable by a fine of not more than $2,000 or less than:

(1) $50 for a first conviction of any violation of this article except Section 18-4(e)(1), 18-5(c), 18-8(b)(1), 18-12(b), or 18-10;

(2) $150 for a first conviction of a violation of Section 18-4(e)(1);

(3) $100 for a first conviction of a violation of Section 18-5(c), 18-8(b)(1), or 18-12(b); and

(4) $200 for a first conviction of a violation of Section 18-10.

(c) An offense under section 18-4(c)(1) is punishable by a fine of not more than $500 or less than $50. An offense under Section 18-4(e)(2) is punishable by a fine of not more than $500 or less than $150. An offense under Section 18-5.1(a)(1) is punishable by a fine of not more than $500 or less than $150. Each day’s violation shall constitute a separate offense and will be subject to the fines established in this section.

(d) The minimum fines established in Subsections (b) and (c) shall be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in Subsection (b) or (c), whichever applies.
(e) Except where otherwise specified in this code, a culpable mental state is not required for the commission of an offense under this article.

(f) As an alternative to imposing the criminal penalty prescribed in Subsection (b) or (c), the city may impose administrative penalties, fees, and court costs in accordance with Article IV-b of Chapter 27 of this code, as authorized by Section 54.044 of the Texas Local Government Code, for an offense under this article. The alternative administrative penalty range for an offense is the same as is prescribed for a criminal offense in Subsection (b) or (c), whichever applies.

(Ord. Nos. 20599; 22334; 25927; 26274; 30879, eff. 1-1-19)

ARTICLE II.
WEEDS, GRASS, AND VEGETATION.

SEC. 18-13. GROWTH TO CERTAIN HEIGHT PROHIBITED; OFFENSES.

(a) A person commits an offense if he is an owner, occupant, or person in control of occupied or unoccupied premises in the city and:

(1) permits weeds or grass located on the premises to grow to a height greater than 12 inches; or

(2) fails to remove weeds or grass from the premises after they have been cut.

(b) It is a defense to prosecution under:

(1) Subsection (a)(1) that the weeds and grass are maintained at or below a height of 12 inches at all points on the premises within 100 feet of its perimeters; and

(2) Subsection (a)(2) that the weeds and grass have been mulched, raked, or composted in a manner approved by the director.

(c) For purposes of this article, 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. (Ord. Nos. 13796; 17597; 17985; 20599; 21632; 26585)

SEC. 18-14. DUTY TO PREVENT WEEDS, GRASS, OR VEGETATION FROM BECOMING A NUISANCE OR FIRE HAZARD.

Every owner, occupant, or person in control of any occupied or unoccupied premises in the city shall use every precaution to prevent weeds, grass, or other vegetation from growing on the premises so as to become a nuisance or fire hazard. (Ord. Nos. 13796; 17597; 20599; 22413; 26585)

SEC. 18-14.1. VEGETATION IN ALLEY, STREET, OR SIDEWALK.

(a) An owner, occupant, or person in control of any private premises abutting an alley, street, or sidewalk within the city commits an offense if he allows any vegetation, including, but not limited to, trees, shrubbery, bushes, and vines, to grow on the premises so as to project across the property line over or into the right-of-way of the alley, street, or sidewalk.

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

(1) the vegetation consisted solely of weeds or grass not more than 12 inches high;
§ 18-14.1 Municipal Solid Wastes § 18-17

(2) no part of the vegetation projected over or into the alley or street at a height of less than 15 feet above the ground; or

(3) no part of the vegetation projected over or into the sidewalk at a height of less than eight feet above the ground, except that this defense does not apply if the vegetation obstructed the visibility of a traffic control sign, signal, or device or interfered with garbage or trash collection adjacent to the sidewalk.

(c) Vegetation growing in violation of this section is a nuisance and may be abated by the city in accordance with Section 18-17 of this article. (Ord. Nos. 20599; 22413; 25979; 26585)

SEC. 18-15. ENFORCEMENT.

(a) For the purposes of this article, DIRECTOR means the director of the department designated by the city manager to enforce and administer this article or the director’s authorized representative.

(b) The director shall enforce the provisions of this article; provided, that where a fire hazard exists, the provisions of Sections 18-13, 18-14, and 18-14.1 must be enforced by the fire marshal. (Ord. Nos. 13796; 17226; 20599; 26585)

SEC. 18-16. PENALTIES FOR VIOLATION.

(a) A person who violates a provision of this article, or who fails to perform a duty required of him under this article, commits an offense. A person is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.

(b) An offense under this article is punishable by a fine of not more than $2,000 and, upon a first conviction, not less than $50.

(c) The minimum fine established in Subsection (b) will be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (b).

(d) As an alternative to imposing the criminal penalty prescribed in Subsection (b), the city may impose administrative penalties, fees, and court costs in accordance with Article IV-b of Chapter 27 of this code, as authorized by Section 54.044 of the Texas Local Government Code, for an offense under this article. The alternative administrative penalty range for an offense is the same as is prescribed for a criminal offense in Subsection (b).

(e) The culpable mental state required for the commission of an offense under this article is governed by Section 1-5.1 of this code. (Ord. Nos. 20599; 25927; 26585)

SEC. 18-17. CITY REMOVAL OF WEEDS AND VEGETATION UPON FAILURE OF OWNER, OCCUPANT, OR PERSON IN CONTROL TO DO SO; NOTICE REQUIRED.

(a) Upon the failure of the owner, occupant, or person in control of private premises to comply with Section 18-13 of this article, the director shall have the weeds or grass cut, mulched or raked, and removed from the premises.

(b) Upon the failure of the owner, occupant, or person in control of private premises abutting an alley, street, or sidewalk within the city to comply with Section 18-14.1 of this article, the director shall have the noncomplying vegetation cut or trimmed, and removed from the alley, street, or sidewalk, whichever applies.
§ 18-17 Municipal Solid Wastes

(c) Before performing work, or causing work to be performed, under Subsection (a) or (b), the director must notify the owner of the premises to bring the premises into compliance within seven days. The 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.

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

(1) publication at least once in a newspaper of general circulation in the city;

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

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

(e) If the director mails a notice to a property owner in accordance with Subsection (c) 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.

(f) 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, in the case of a violation of Section 18-13, 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 of a change in ownership of the property, then the city may, without notice, take any action permitted by Subsection (a) or (b) and assess its expenses as provided in Section 18-18.

(g) The director may issue citations and prosecute persons for violating Section 18-13 or 18-14.1 regardless of whether a notice is issued under this section. (Ord. Nos. 13796; 17226; 17597; 20599; 21025; 22494; 25371; 26585)

SEC. 18-18. CHARGES TO BE COLLECTED FROM THE PROPERTY OWNER; LIEN ON PREMISES FOR FAILURE TO PAY CHARGES.

(a) If the city cuts, mulches, rakes, or removes weeds or grass on or from private premises under Section 18-17(a) or cuts, trims, or removes vegetation projecting over or into an alley, street, or sidewalk right-of-way under Section 18-17(b) (either at the request of the owner or upon the failure of the owner to comply with the notice required under Section 18-17), charges in the amount of the total actual costs incurred by the city in performing the work will be collected from the owner by the city controller. If the work was performed under Section 18-17(a), the charges may be levied, assessed, and collected against the premises on which the work is performed, and the city controller shall file a statement by the director with the county clerk of the county in which the property is located setting out the total actual costs incurred by the city, the name of the property owner if known, and a legal description of the property, as required by state law.

(b) At the time a statement is filed under Subsection (a) for work performed under Section 18-17(a), as required by state law, the city shall have a privileged lien against the premises, second only to tax liens and liens for street improvements, in the amount of the actual costs incurred, plus 10 percent interest on that amount from the date the costs were incurred.
(c) The city may file a suit in an appropriate court of law to foreclose upon its lien and recover its actual costs incurred plus interest. The suit must be filed in the name of the city. The statement filed under Subsection (a), or a certified copy of the statement, is prima facie proof of the amount of actual costs incurred by the city. (Ord. Nos. 13796; 15900; 16367; 17226; 17597; 20599; 22026; 22494; 25371; 26585)

ARTICLE III.
JUNKED VEHICLES.

SEC. 18-19. DEFINITIONS.

In this article:

(1) ANTIQUE VEHICLE means any passenger car or truck that:

(A) was manufactured in 1925 or before; or

(B) is at least 35 years old.

(2) COLLECTOR means the owner of one or more antique or special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for personal use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

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

(4) INOPERATIVE or INOPERABLE means incapable of being propelled on its own power due to dismantling, disrepair, or some other cause.

(5) JUNKED VEHICLE means any motor vehicle, as defined in Section 5.01 of Article 4477-9a, Vernon’s Texas Civil Statutes, as amended, that:

(A) is inoperative; and

(B) does not have lawfully affixed to it either an unexpired license plate or a valid motor vehicle safety inspection certificate; is wrecked, dismantled, partially dismantled, or discarded; or remains inoperative for a continuous period of more than 45 days.

(6) SPECIAL INTEREST VEHICLE means a motor vehicle of any age that has not been altered or modified from original manufacturer’s specifications and, because of its historic interest, is being preserved by hobbyists. (Ord. Nos. 13900; 14494; 15720; 17226; 20599)

SEC. 18-20. DEEMED PUBLIC NUISANCE; DECLARED UNLAWFUL.

(a) The presence of any junked vehicle on any private lot, tract, or parcel of land, occupied or unoccupied, improved or unimproved, or on any public right-of-way or other public property, within the city, is a public nuisance.

(b) A person commits an offense if he causes or maintains such a public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning, or discarding a motor vehicle on a public right-of-way or other public property or on the real property of another or permits a junked vehicle to be parked, left, or maintained on personal real property.

(c) If the director reasonably believes that a vehicle is inoperable, the director may request the owner or person claiming control of the vehicle to demonstrate that it is operable. (Ord. Nos. 13900; 14494; 15720; 20599)
SEC. 18-21. EXCEPTIONS.

This article does not apply to:

(1) a vehicle or vehicle part that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;

(2) a vehicle on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of the business enterprise;

(3) a vehicle or vehicle part in an appropriate storage place or depository maintained at a location officially designated and in a manner approved by the city;

(4) an unlicensed, operable, or inoperable antique or special interest vehicle stored by a collector on the collector’s property, if the vehicle and the outdoor storage area are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means;

(5) a motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately-owned drag strips or raceways; or

(6) a motor vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment. (Ord. Nos. 13900; 14494; 15720; 20599; 22413)

SEC. 18-22. NOTICE TO ABATE NUISANCE.

(a) Whenever a public nuisance exists on public property, on occupied premises, or on the public right-of-way adjacent to occupied premises within the city in violation of Section 18-20, the director shall order the owner, if the owner is in possession of the premises, or the occupant of the premises, to abate or remove the nuisance.

(b) Whenever a public nuisance exists on unoccupied premises or on the public right-of-way adjacent to unoccupied premises within the city in violation of Section 18-20, and the owner of the premises can be found, the director shall order the owner of the premises to abate or remove the nuisance.

(c) An order issued under Subsection (a) or (b) shall be served upon the last known registered owner of the junked vehicle and any lienholder of record and to the owner or, if the premises are occupied, the occupant of the premises on which the public nuisance exists or the premises adjacent to the public right-of-way on which the public nuisance exists by sending the order by certified mail, five-day return receipt requested, to their addresses as shown on the current city tax rolls or as last recorded with the United States Post Office. If the post office address of the last known registered owner of the junked vehicle is unknown, the order to that person may be placed on the junked vehicle, or, if that person is physically located, the order may be hand delivered. The order shall:

(1) be in writing;

(2) specify the public nuisance and its location;

(3) specify the corrective measures required;

(4) provide for compliance within 10 days after service of notice; and

(5) state that a request for a hearing must be made before expiration of the 10-day period for compliance.
§ 18-22 Municipal Solid Wastes § 18-25

(d) If the last known registered owner of the junked vehicle, any lienholder of record, and the owner or, if the premises are occupied, the occupant of the premises all fail or refuse to comply with the order of the director within the 10-day period after service of notice, the director may take possession of the junked vehicle and remove it from the premises. After removing a junked vehicle, the director shall dispose of the vehicle in such manner as the city council may provide that is consistent with state law, and the vehicle shall not be reconstructed or made operable.

(e) The owner or occupant of the premises may, within the 10-day period after service of notice to abate the nuisance, request the clerk of the municipal court of the city, either in person or in writing and without the requirement of bond, to set a date and time to appear before the judge of the municipal court for a trial to determine whether the person is in violation of this article. The trial shall be set as provided in Section 18-24. If a hearing is requested within 10 days after service of notice to abate the nuisance, then the director shall not order the removal of the junked vehicle until ordered to do so by the judge of the municipal court.

(f) If the owner or, if the premises are occupied, the occupant of the premises fails to either remove and abate the nuisance or to request a hearing within 10 days after service of notice to abate the nuisance, then the director may cause both the removal of the junked vehicle and the filing in municipal court of a complaint for the violation of maintaining a public nuisance.

SEC. 18-23. MOTOR VEHICLE DESCRIPTION.

Any order requiring the removal of a vehicle or vehicle part must include a description of the vehicle and the correct identification number and license number of the vehicle, if available at the site. (Ord. Nos. 15720; 20599)

SEC. 18-24. TRIAL IN MUNICIPAL COURT - PRELIMINARIES.

Upon receiving a request for trial made pursuant to Section 18-22, the clerk of the municipal court shall set a date and a time for trial on the court docket. The clerk of the municipal court shall notify the city attorney of the date and time of the hearing. The city attorney shall cause to be prepared, filed, and served on the defendant a written complaint charging that the owner or occupant of the premises, as the case may be, has violated this article. After service, the complaint shall be on file with the clerk of the municipal court not less than 10 days prior to the date of trial. (Ord. Nos. 13900; 20599)

SEC. 18-25. FINDINGS OF JUDGE; PENALTY.

(a) The judge of the municipal court shall hear any case brought before the court pursuant to this article and shall determine whether the defendant is, in fact, in violation of this article. At the trial it is presumed, unless demonstrated otherwise by the defendant, that the vehicle that is the subject of the complaint is inoperable.

(b) Upon a finding that the defendant is in violation of this article, the defendant is guilty of a misdemeanor and subject to a fine not to exceed $200. The judge of the court shall further order the defendant to remove and abate the nuisance within 10 days.

(c) If the defendant fails or refuses, within 10 days, to abate or remove the nuisance, the judge of the municipal court may issue an order to the director to have the nuisance removed, and the director shall take possession of the junked vehicle and remove it from the premises. The director shall then dispose of the vehicle in such manner as the city council may provide that is consistent with state law, and the vehicle shall not be reconstructed or made operable. (Ord. Nos. 13900; 19963; 20599; 21025)
SEC. 18-26. REMOVAL WITH PERMISSION OF OWNER.

If, within 10 days after receipt of notice from the director to abate the nuisance, the owner or occupant of the premises gives written permission to the director for removal of the junked vehicle, the giving of the permission shall be considered compliance with the provisions of this article. (Ord. Nos. 13900; 20599)

SEC. 18-27. REMOVAL FROM PUBLIC PROPERTY OR OCCUPIED OR UNOCCUPIED PREMISES BY COURT ORDER.

(a) If there is a junked vehicle on public property, on private premises that are occupied or unoccupied, or on the public right-of-way adjacent to occupied or unoccupied premises and the owner or occupant of the premises, or the last known registered owner of the junked vehicle, or any lienholder of record cannot be found and notified to remove the vehicle, then, upon a showing of the facts to the judge of the municipal court, the court may issue an order to the director to have the vehicle removed, and the director shall take possession of the junked vehicle and remove it.

(b) If the notice required in Section 18-22 is returned undelivered by the United States post office, then after 10 days from the date of the return, the court may issue an order to the director to have the vehicle removed, and the director shall take possession of the vehicle and remove it.

(c) The director shall, after removing the vehicle in compliance with a court order issued pursuant to Subsection (a) or (b), dispose of the junked vehicle in the manner provided by the city council that is consistent with state law, and the vehicle shall not be reconstructed or made operable. (Ord. Nos. 13900; 14494; 20599)

SEC. 18-28. NOTICE TO TEXAS DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION.

Notice shall be given to the Texas Department of Highways and Public Transportation within five days after the date of removal of any junked vehicle as provided in this article, identifying the vehicle or vehicle part. (Ord. Nos. 13900; 20599)

SEC. 18-28.1. PENALTIES FOR VIOLATION.

(a) A person who violates a provision of this article, or who fails to perform a duty required of him under this article, commits an offense. A person is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.

(b) An offense under this article is punishable by a fine of not more than $200.

(c) As an alternative to imposing the criminal penalty prescribed in Subsection (b), the city may impose administrative penalties, fees, and court costs in accordance with Article IV-b of Chapter 27 of this code, as authorized by Section 683.0765 of the Texas Transportation Code, for an offense under this article. The alternative administrative penalty range for an offense is the same as is prescribed for a criminal offense in Subsection (b). (Ord. 25927)
ARTICLE IV.
PRIVATE SOLID WASTE COLLECTION SERVICE.

Division 1. In General.

SEC. 18-29. DEFINITIONS.

In this article:

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

(2) FRANCHISEE means a person who has been granted a franchise under this article and Chapter XIV of the city charter to operate a solid waste collection service in the city.

(3) GROSS RECEIPTS means any revenue directly or indirectly received or generated from or in connection with any solid waste collection service provided within the city, excluding the following amounts:

(A) disposal fees paid to the city by a franchisee;

(B) annual bad debt write-off amounts on uncollectible accounts for solid waste collection service, provided that the write-off allowed is verified by adequate supporting documentation and does not reduce the annual gross receipts by more than three percent;

(C) revenues received or generated for any solid waste collection service provided on behalf of the city by the franchisee pursuant to a written contract with the city; and

(D) revenues directly received or generated from the processing of recyclable materials.

(4) PERSON means an individual, corporation, firm, government or governmental subdivision, partnership, joint venture, limited liability company, or other business entity.

(5) SOLID WASTE COLLECTION SERVICE means the business of:

(A) removing wet or dry solid waste from any premises; or

(B) transporting, processing, or disposing of wet or dry solid waste. (Ord. Nos. 17226; 21058; 26480; 26608)

SEC. 18-30. AUTHORITY OF DIRECTOR.

(a) The director shall implement and enforce this article and may by written order promulgate such rules or regulations, not inconsistent with this article or state or federal law, as the director determines are necessary to discharge any duty under or to effect the policy of this article.

(b) The director shall have authority to impound any vehicle, dumpster, or roll-off container:

(1) whose contents have become foul, offensive, or otherwise hazardous to the public health or safety; or

(2) that is being used for the collection of solid waste material in violation of this article.

(c) A vehicle, dumpster, or roll-off container impounded under Subsection (b) may not be moved without the consent of the director and may not be returned to service until the contents are disposed of
and the vehicle, dumpster, or roll-off container is cleaned and brought into compliance with this article. (Ord. Nos. 14219; 17226; 21058; 26480; 26608)

SEC. 18-31. DEFENSES.

It is a defense to prosecution under this article, except for Sections 18-30(b) and (c), 18-45, 18-47, 18-49, 18-50, and 18-51, that the solid waste collection service:

(1) was operated by a governmental entity;

(2) was only collecting, transporting, or processing recyclable materials; or

(3) did not operate a vehicle, or cause or permit the operation of a vehicle, more than twice during any calendar year to:

(A) remove dry or wet solid waste from any premises within the city; or

(B) transport, process, or dispose of wet or dry solid waste within the city. (Ord. Nos. 21058; 21163; 26480; 26608)

Division 2. Solid Waste Collection Franchises.

SEC. 18-32. FRANCHISE AND DECAL REQUIRED.

A person commits an offense if, within the city, he:

(1) operates, or causes or permits the operation of, a solid waste collection service without a valid solid waste collection franchise granted under this article and Chapter XIV of the city charter; or

(2) operates, or causes or permits the operation of, a vehicle for the purpose of providing solid waste collection service in the city without displaying on the vehicle a valid decal issued under this article. (Ord. Nos. 14219; 16367; 17226; 21058; 21163; 24743; 26480; 26608)

SEC. 18-33. FRANCHISE APPLICATION.

(a) To obtain a solid waste collection franchise, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the proposed solid waste collection service. The application must be acknowledged by a notary public and contain the following information:

(1) the applicant’s name, address, and notarized signature;

(2) the form of business of the applicant, and, if the business is a corporation, partnership, limited liability company, joint venture, or unincorporated association, a copy of the documents establishing the business;

(3) a description of any past business experience of the applicant, particularly in providing solid waste collection service, and an identification and description of any revocation or suspension by the city, or by any other governmental entity, of a solid waste collection license, franchise, or similar authorization held by the applicant or business before the date of filing the application;

(4) the number and description of vehicles the applicant proposes to use in the operation of the solid waste collection service, including year, make, model, motor identification number, and state license registration number for each vehicle;

(5) a description of the proposed solid waste collection service;

(6) documentary evidence from an insurance company indicating a willingness to provide
liability insurance as required by the city in the
franchise ordinance;

(7) documentary evidence of payment of ad
valorem taxes owed on the real and personal property
to be used in connection with the operation of the
proposed solid waste collection service if the business
establishment is located in the city; and

(8) such additional information as the
applicant desires to include to aid in the determination
of whether the requested franchise should be granted.

(b) The director is authorized to make any
additional investigation as is necessary to verify the
truth of the information contained in the application
and to determine if the applicant meets the
requirements of this article and the standard franchise
ordinance required by the city. (Ord. Nos. 21058;
21163; 24743; 26480; 26608)

SEC. 18-34. FRANCHISE GRANT.

(a) If the director determines from the
application that the applicant meets the requirements of
this article and other applicable law to hold a franchise
for solid waste collection service, the director shall
present the application to the city council and make a
recommendation regarding the application. The city
council may grant or deny the franchise. The city
council shall grant a franchise by ordinance. The grant
of a franchise under this article is nonexclusive.

(b) The terms and conditions of a franchise will
be set forth in the ordinance granting the franchise to
the applicant. By accepting the franchise, the applicant
agrees to comply with all of those terms and conditions.
(Ord. Nos. 26480; 26608)

SEC. 18-35. FRANCHISE FEES.

(a) A franchisee shall pay a franchise fee set by
the city council in the franchise ordinance. The
franchise fee may not be less than four percent of the
gross receipts resulting from the operation of the solid
waste collection service within the city.

(b) The franchise fee must be paid on a payment
schedule established by the city council in the
franchise ordinance. A payment received later than 10
days after the due date accrues interest at the rate
prescribed in Section 2-1.1 of this code.

(c) A franchise fee payment is nonrefundable.
(Ord. Nos. 14219; 14566; 17226; 20076; 21058; 21819;
24743; 26134; 26480; 26608)

SEC. 18-36. ISSUANCE AND DISPLAY OF
VEHICLE DECAL; PROOF OF
FRANCHISE TO BE SHOWN UPON
REQUEST.

(a) Upon the granting of a solid waste collection
franchise to an applicant and satisfactory completion
of all inspections required by this article, the director
shall issue a decal for each vehicle to be operated by
the applicant under the franchise.

(b) A decal issued under this section must be
displayed on the vehicle for which it was issued in a
manner and location approved by the director. A copy
of the franchise ordinance must be presented upon
request to the director or to a peace officer for
examination.

(c) A decal issued under this section is not
transferable. If a decal is lost, stolen, or mutilated, the
director may issue a duplicate decal upon payment to
the city of a $10 fee. (Ord. Nos. 21058; 21163; 24743;
26480; 26608)
SEC. 18-37. SUSPENSION OR REVOCATION OF FRANCHISE; ASSESSMENT OF CIVIL PENALTIES.

(a) The director may suspend the operation of a solid waste collection service doing business under a franchise granted under this article if:

(1) the franchisee fails or refuses to comply with any provision of the franchise ordinance, this article, or any other city ordinance or state or federal law applicable to the collection or disposal of solid waste material;

(2) the franchisee fails or refuses to make a franchise fee payment required by this article or the franchise ordinance at the time it was due; or

(3) the solid waste collection operation creates a public nuisance or a serious public health or safety hazard.

(b) The director shall provide at least 24 hours written notice to the franchisee of any suspension and include in the notice the reason for the suspension, the date the suspension takes effect, the duration of the suspension, and a statement informing the franchisee of the right to appeal the suspension. The suspension must be for a definite period of time not to exceed 60 days.

(c) A suspension by the director is final unless, within 20 days after the receipt of written notice of the director’s action, the franchisee files a written appeal with the city manager. The city manager shall, within 15 days after the appeal is filed, consider all the evidence in support of and against the action appealed and render a decision either sustaining, reversing, or modifying the action. The decision of the city manager is final. The filing of an appeal under this subsection stays an action of the director until a final decision is made by the city manager, unless the director determines that continued operation of the solid waste collection service constitutes an imminent and serious threat to the public health and safety.

(d) In addition to terminating a solid waste collection franchise on the grounds set forth in the franchise ordinance, the city council, on the recommendation of the director, may revoke a franchise, assess a civil penalty, or both, if the franchisee:

(1) fails or refuses to comply with any provision of the franchise ordinance, this article, or any other city ordinance or state or federal law applicable to the collection, transportation, processing, or disposal of solid waste material;

(2) knowingly or intentionally made a false statement or misrepresentation as to a material matter in the franchise application or in the negotiations for the franchise; or

(3) fails or refuses to make a franchise fee payment required by this article or the franchise ordinance at the time it was due.

(e) Before presenting a franchise revocation or civil penalty assessment to the city council under Subsection (d), the director shall notify the franchisee in writing of the proposed action. The notice must include:

(1) the reason for the proposed revocation or civil penalty assessment;

(2) action the franchisee must take to prevent the revocation or civil penalty assessment;

(3) a statement that the franchisee has 10 days to take the action to correct any violation or noncompliance; and

(4) a statement that the franchisee has a right to appear before the city council and contest the proposed revocation or civil penalty assessment.
(f) If, within 10 days after receipt of the notice required in Subsection (e), the franchisee has not taken the action necessary to correct the violation or noncompliance, the director shall present the franchise revocation, civil penalty assessment, or both to the city council and make a recommendation regarding the proposed action. The director shall notify the franchisee in writing of the date the city council will consider the proposed action. The city council may formally revoke the franchise, assess the recommended civil penalty, impose any other penalty or action that the city council in its discretion considers appropriate, or remand the matter to the director for further review and recommendation. The action of the city council is final. The director shall notify the franchisee in writing of the city council’s decision.

(g) Revocation of a solid waste collection franchise constitutes termination of the franchise ordinance and all accompanying rights, privileges, and permissions. Suspension or revocation of a solid waste collection franchise does not waive the city’s right to collect civil penalties imposed under the terms of the franchise ordinance prior to the suspension or revocation. (Ord. Nos. 14219; 17226; 21058; 21163; 26480; 26608)

SEC. 18-38. AMENDMENTS TO AND TRANSFER OF A FRANCHISE.

(a) A solid waste collection franchise may not be assigned, transferred, mortgaged, or pledged without the approval of the city council upon recommendation of the director. Minor amendments to a franchise, or approval of additional vehicles or equipment for use in the solid waste collection service, may be made by the director upon written request by a franchisee. An assignment, transfer, mortgage, or pledge of the franchise, or an amendment that substantially changes the scope, terms, or obligations of the franchise, must be applied for in the same manner as the original franchise.

(b) Before any vehicle not listed in the application for a solid waste collection franchise may be placed in service, the franchisee must notify the director of the proposed use of a new or additional vehicle, obtain a decal for the vehicle, and display a valid decal on the vehicle as required by this article.

(c) If an assignment or transfer is approved, the director shall issue new decals for the solid waste collection vehicles used by the assignee or transferee upon payment of the next installment of the franchise fee owed. (Ord. Nos. 21058; 21163; 24743; 26480; 26608)

SEC. 18-39. EXPIRATION AND RENEWAL OF FRANCHISE; VOIDANCE OF AUTHORITY TO OPERATE VEHICLES.

(a) The city council shall designate the term of a solid waste collection franchise in the franchise ordinance, which term may never exceed 40 years. The franchisee may renew the franchise by making application in accordance with Section 18-33. A franchisee shall apply for renewal at least 90 days before the expiration of the franchise term.

(b) Any decal issued under this article for a solid waste collection vehicle expires upon expiration, revocation, suspension, or nonrenewal of the accompanying solid waste collection franchise. (Ord. Nos. 21058; 21163; 24743; 26480; 26608)

SEC. 18-40. FRANCHISEE’S RECORDS AND REPORTS.

Each franchisee shall maintain, at a single location in the Dallas-Fort Worth metropolitan area, adequate financial records documenting all of its solid waste collection service transactions within the city. The records must be maintained in accordance with generally-accepted accounting and government-
SEC. 18-40. MUNICIPAL SOLID WASTES

SEC. 18-40. Municipal Solid Wastes

SEC. 18-40. Municipal Solid Wastes

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SEC. 18-40. Municipal Solid Wastes

auditing standards. The franchisee may be audited by
the city as often as the director deems necessary to
to ensure that accurate franchise fee payments are
received. A franchisee shall make its records available
for inspection by the director at reasonable times upon
request. (Ord. Nos. 21058; 21163; 26480; 26608)

SEC. 18-41. ANNUAL REPORT.

By February 1 of each year, a franchisee shall file
an annual report with the director containing the
following information for the preceding calendar year
concerning solid wastes and recyclable materials
collected by the franchisee within the city:

(1) Total volume in tons of wet and dry
solid waste collected by the franchisee, with separate
figures for total residential waste and total commercial
waste.

(2) Total volume in tons of recyclable
materials collected and recycled by the franchisee, with
separate figures for total recycled residential waste and
total recycled commercial waste.

(3) A description and the total volume in
tons of each type of material recycled by the franchisee.
(Ord. Nos. 21058; 21163; 26480; 26608)

SEC. 18-42. FAILURE TO PAY AD VALOREM TAXES.

A franchisee or an applicant for a solid waste
collection franchise shall not allow the payment of ad
valorem taxes upon any vehicle, equipment, or other
real or personal property used directly or indirectly in
connection with the solid waste collection service to
become delinquent. (Ord. Nos. 21058; 26480; 26608)

SEC. 18-43. NOTIFICATION OF CHANGE OF ADDRESS OR OWNERSHIP.

A franchisee shall notify the director within 10
days of a change in:

(1) the address or telephone number of the
solid waste collection service; or

(2) the form of the business or the executive
officers of the solid waste collection service. (Ord.
Nos. 21058; 21163; 26480; 26608)

SEC. 18-44. VEHICLE INSPECTION.

A franchisee or an applicant for a solid waste
collection franchise shall have each vehicle to be used
in the solid waste collection service inspected in a
manner approved by the director before a decal is
issued to the vehicle and at such other times as may be
ordered by the director. (Ord. Nos. 21058; 26480;
26608)

Division 3. Miscellaneous Requirements relating to
Solid Waste Collection, Disposal, and Vehicles.

SEC. 18-45. REQUIREMENTS FOR SOLID WASTE COLLECTION VEHICLES.

(a) Any vehicle used for transporting dry solid
waste material within the city must:

(1) be fitted with a substantial, tight-fitting
enclosure that is free of any cracks or breaks and that
has side boards and head boards of not less than 24
inches in height and a tail board of not less than 18
inches in height, to prevent waste material from being
scattered or thrown onto the streets;

(2) be equipped with a closely fitting cover
that must be used to prevent the escape of loose
material or effluvia; and
§ 18-45 Municipal Solid Wastes § 18-49

(3) be equipped with any other equipment required to comply with all applicable federal and state motor vehicle safety standards.

(b) Any vehicle used for transporting wet solid waste material within the city must:

(1) be fitted with a substantial, tight-fitting enclosure, with the deck, sides, and ends of the bed constructed of sheet steel so that the vehicle may be easily cleaned and with the sides not less than 24 inches high and the tail board not less than 18 inches high;

(2) have a tight-fitting cover to prevent spillage;

(3) when carrying cans to transport wet solid waste material, use only cans equipped with tight-fitting lids and holding chains so that the cans will not turn over and spill;

(4) not have any drain holes in the sides of the vehicle and must have any drain holes in the deck of the vehicle capped to prevent spillage or leakage; and

(5) be equipped with any other equipment required to comply with all applicable federal and state motor vehicle safety standards. (Ord. Nos. 14219; 21058; 26480; 26608)

SEC. 18-46. RESPONSIBILITY OF PRODUCER OF DRY OR WET SOLID WASTE.

It is the responsibility of the producer of any dry or wet solid waste to ensure that such waste material is disposed of in an approved manner at an approved disposal site. It is the producer’s responsibility to inform the solid waste collection service, in writing, of any waste that includes any material that is hazardous by reason of its pathological, radiological, explosive, toxic, or corrosive character. (Ord. Nos. 14219; 21058; 24743; 26480; 26608)

SEC. 18-47. HAZARDOUS WASTE MATERIAL.

A person providing solid waste collection service within the city shall comply with all city ordinances and state and federal laws regulating the handling, disposal, and transportation of hazardous waste materials. (Ord. Nos. 14219; 21058; 26480; 26608)

SEC. 18-48. RESTRICTIONS ON REMOVAL OF SOLID WASTE.

(a) A person commits an offense if he removes from any garbage container or receptacle any dry or wet solid waste, or in any way obstructs or interferes with any garbage container or receptacle in the city.

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

(1) an employee of the city in the performance of official duties;

(2) a franchisee under this article performing solid waste collection service in compliance with the terms of this article and the solid waste collection franchise ordinance; or

(3) any owner or occupant of the premises on which the container or receptacle is located. (Ord. Nos. 14219; 21058; 26480; 26608)

SEC. 18-49. RESTRICTIONS ON DISPOSAL OF WASTE.

A person engaged in the removal, handling, or transfer of dry or wet solid waste or in any manner dealing with dry or wet solid waste commits an offense if, either in person or by an agent, employee, or servant, he separates, unloads, offers for sale or trade, or exchanges any part of the solid waste materials within the city, except at a place designated by and in
compliance with this chapter and other applicable city ordinances. (Ord. Nos. 14219; 21058; 26480; 26608)

SEC. 18-50. ACCUMULATIONS AND DEPOSIT OF WASTE PROHIBITED.

(a) A person commits an offense if he deposits, causes to be deposited, or permits to accumulate any dry or wet solid waste upon any public or private premises within the city in such a manner as to emit noxious or offensive odors or to become unsanitary or injurious to public health or safety.

(b) A person commits an offense if he causes or permits any solid waste collection vehicle, dumpster, or roll-off container or the contents of such vehicle, dumpster, or roll-off container to be maintained in a condition that is foul, offensive, or otherwise hazardous to the public health or safety. (Ord. Nos. 14219; 21058; 26480; 26608)

Division 4. Violations and Penalties.

SEC. 18-51. PENALTIES FOR VIOLATIONS.

(a) A person who violates a provision of this article, or who fails to perform a duty required of him under this article, commits an offense. A person is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.

(b) An offense under this article is punishable by a fine of not more than $2,000 and, upon a first conviction, not less than $100.

(c) The minimum fine established in Subsection (b) shall be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in Subsection (b).

(d) In addition to being subject to criminal enforcement and penalties as provided in Subsections (a) through (c) of this section, a franchisee that violates or causes or permits the violation of any of the terms or conditions of the franchise ordinance is liable for a civil penalty in the amount prescribed by the city council in the franchise ordinance. A civil penalty under the franchise ordinance may not exceed $2,000 for each violation. A franchisee is liable for a separate violation for each day or part of a day during which a violation is committed, continued, or permitted. (Ord. Nos. 20599; 21058; 26480; 26608)

ARTICLE IV-a.

MULTIFAMILY SITE RECYCLING COLLECTION AND REMOVAL SERVICES.

SEC. 18-52. DIRECTOR OF SANITATION’S AUTHORITY.

(a) The director of sanitation shall implement and enforce this article and may, by written order, promulgate rules or regulations consistent with this article and other applicable laws, as the director of sanitation determines are necessary to discharge any duty under this article or to achieve a purpose outlined in the scope of this chapter.

(b) The city manager's designee, or that designee's authorized representative may impound any vehicle or container used for the collection and removal of recyclable materials if its contents become foul, offensive, or otherwise hazardous to the public health or safety or if it is being used in violation of this chapter. A vehicle or container impounded under this subsection may not be moved without the consent of the city manager's designee, or that designee's authorized representative and may not be returned to service until the contents are properly disposed of and the vehicle or container is cleaned and brought into compliance with this chapter. (Ord. 30879, eff. 1-1-19)
SEC. 18-53. MULTIFAMILY SITE RECYCLING COLLECTION SERVICE.

(a) Multifamily site recycling collection service permit.

(1) Recycling collection service permit required. A person who is in the business of collecting or removing recyclable materials from a multifamily site shall obtain a multifamily site recycling collection service permit from the city. A permit is not required for a business such as a building contracting, home repair, landscaping, roofing, or other similar business that incidentally collects or removes recyclable materials in performance of their service.

(2) Permit application requirements. To obtain a multifamily site recycling collection service permit, a person shall submit an application, on a form or in a manner approved by the director of sanitation, and shall include the following information:

(A) the person’s name, address, and notarized signature;

(B) the person’s form of business, and, if applicable, the documents establishing the form of business, including a list of directors and officers and their contact information;

(C) a description of any past business experience in providing recycling collection and removal services as well as information related to revocation or suspension by the city, or by any other governmental entity, of a recycling permit, solid waste collection license, franchise, or similar authorization held by the applicant;

(D) the number and description of vehicles to be used for recycling collection and removal services, including year, make, model, vehicle identification number, and state license registration number for each vehicle;

(E) documentary evidence from an insurance company that the person or company has liability insurance and a commercial fleet policy;

(F) documentation that applicant is registered and authorized to do business in the state of Texas;

(G) documentary evidence, if requested, of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed recycling collection service if the business establishment is located in the City of Dallas; and

(H) any other information that the director of sanitation deems necessary and is reasonable in determining if the person is qualified to provide recycling collection and removal services at a multifamily site in compliance with this code.

(3) Fees and annual renewal. The fee for an initial multifamily site recycling collection service permit is $275 and is non-refundable. The recycling permit must be renewed every twelve months for a fee of $100 and is non-refundable.

(b) Recycling containers. A multifamily site recycling collection service business shall provide color coded recycling containers to its customers. The recycling containers must display the following affixed signage:

(1) photo or images of recyclable materials accepted, minimum size of 18” x 12”, must be on the front of the container, along with information or a graphic indicating that cardboard boxes should be broken down and "No Plastic Bags";

(2) the word "RECYCLING ONLY", with minimum letter size of 12 inches, and chasing arrows symbol in prominent lettering and clearly labeled on the front recycling container; and

(3) contact information to report overflowing recycling containers and contamination.

(c) Recycling facilities. A multifamily site recycling collection service business shall transport collected recyclable materials to a recycling facility authorized to operate in the State of Texas.
§ 18-53 Municipal Solid Wastes § 18-54

(d) Reporting. A multifamily site recycling collection service business shall submit an annual report to the director of sanitation by February 1 of each year, beginning on February 1, 2021, on a form provided by the director of sanitation, and shall include the following information:

(A) multifamily site recycling collection service business’s contact information;

(B) tonnage of recyclable materials collected from multifamily sites in the city of Dallas in the prior calendar year. If collection routes require commingling of material collected outside the city, tonnage should be reported on a total basis and an appropriately prorated percentage to estimate Dallas tons;

(C) for the prior fiscal year, on average, the total number of units served and total weekly recycling capacity for multifamily sites in Dallas;

(D) name and location of materials recovery facilities or other recycling processing facility utilized in the prior calendar year;

(E) load reject rate used in the prior calendar year, as reported by materials recovery or recycling processing facilities;

(F) residue percentage rate used in the prior calendar year, as reported by materials recovery facilities or recycling processing facilities;

(G) documentary evidence, if requested, of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed multifamily site recycling collection service if the business establishment is located within the city; and

(H) any other information that may be reasonably requested by the director of sanitation regarding the recycling collection services.

(e) Customer education. A multifamily site recycling collection service business shall educate and inform each customer upon contracting and annually thereafter of the following:

(1) that the multifamily site recycling collection service business provides recycling collection services in accordance with Chapter 18 of the Dallas City Code;

(2) types and capacity of recycling containers that may be utilized;

(3) types of recyclable materials accepted to transport to a materials recovery facility;

(4) disclosure of additional fees assessed to multifamily sites that exceed the multifamily site recycling collection service business’s allowable contamination rate;

(5) instruction on reducing contamination of recyclable materials; and

(6) the multifamily site recycling collection service business’s information to request an audit of recyclables collected from a multifamily site. (Ord. 30879, eff. 1-1-19)

SEC. 18-54. INSPECTIONS, SUSPENSIONS, REVOCATIONS, AND PENALTIES.

(a) Inspections, suspensions, and revocations. A multifamily site recycling collection service business’s vehicles are subject to inspections in a manner approved by the director of sanitation. If a multifamily site recycling collection service business has three violations of this chapter, then the director of sanitation may suspend or revoke the recycling permit until such time that the director of sanitation determines the business is in compliance with this chapter.

(b) Penalties. A person who violates a provision of this article, or who fails to perform a duty required
§ 18-54 Municipal Solid Wastes § 18-56

of him under this article, commits an offense. A person is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted. An offense under this article is punishable by a fine not more than $500 or less than $150. (Ord. 30879, eff. 1-1-19)

ARTICLE V.

TIRES.

SEC. 18-55. DEFINITIONS.

In this article:

(1) CITY means the city of Dallas, Texas.

(2) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article, and includes the director’s authorized representatives.

(3) MOBILE TIRE REPAIR BUSINESS means a business that repairs tires at any temporary location, including but not limited to a roadway, alley, parking lot, or residence. The term does not include a business that only changes out or replaces tires, but does not make any repairs to a tire.

(4) MOBILE TIRE REPAIR UNIT means any vehicle used in a mobile tire repair business.

(5) SCRAP TIRE means a whole tire or any portion of a tire that:

(A) can no longer be used for its original intended purpose; or

(B) is being held, transported, or processed for disposal or recycling.

(6) TIRE BUSINESS means any business or establishment where used tires are collected, repaired, processed, recycled, scrapped, sold, bought, or stored, including but not limited to a mobile tire repair business and a salvage yard.

(7) TIRE RECYCLING FACILITY means a state-registered facility that processes, recycles, or conducts energy recovery with scrap tires.

(8) VEHICLE means any motorized vehicle and any non-motorized trailer that is or may be attached to a motorized vehicle. If a trailer is attached to a motorized vehicle, both the trailer and the motorized vehicle will be considered as one vehicle. (Ord. 25635)

SEC. 18-56. TIRE BUSINESS LICENSE AND MOBILE TIRE REPAIR UNIT PERMIT REQUIRED; APPLICATION; TRANSFERABILITY.

(a) A person commits an offense if, within the city, he:

(1) owns or operates a tire business without a valid tire business license issued under this article; or

(2) owns, operates, or permits the operation of a mobile tire repair unit without displaying a valid mobile tire repair unit permit in a visible and conspicuous location on the unit.

(b) To obtain a tire business license, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the tire business. The application must be signed and verified by the applicant and contain all of the following information:

(1) The name, mailing address, county of residence, and telephone and facsimile numbers of each owner and operator of the tire business.

(2) The physical address and telephone number of the tire business.
(3) The approximate number of tires that will be stored on site at the tire business.

(4) If the tire business is located in the city of Dallas, the zoning district or districts where the business is located.

(5) The tax identification number or tax payer identification number of each owner and operator listed in the license application.

(6) A statement that the tire business is in compliance with the requirements of Section 19-34.1 of this code.

(7) The number and description of vehicles the applicant proposes to use as mobile tire repair units, including the year, make, model, vehicle identification number, and state license registration number for each vehicle, and proof that each vehicle is in compliance with state requirements for vehicle registration, vehicle inspection, and vehicle financial responsibility.

(c) A separate tire business license is required for each separate establishment operated as a tire business. A separate mobile tire repair unit permit is required for each separate vehicle operated as a mobile tire repair unit. Licenses and permits are not transferable between persons, businesses, or vehicles. (Ord. 25635)

SEC. 18-57. LICENSE AND PERMIT FEES.

(a) The annual fee for a tire business license is $75.

(b) The annual fee for each mobile tire repair unit permit is $75.

(c) The fee for issuing a duplicate tire business license or mobile tire repair unit permit for one that is lost, stolen, or mutilated is $32.

(d) The applicant shall pay all fees required by this section to the director before a license or permit will be issued. No refund of a fee will be made.

(a) The annual fee for a tire business license is $58.

(b) The annual fee for each mobile tire repair unit permit is $58.

(c) The fee for issuing a duplicate tire business license or mobile tire repair unit permit for one that is lost, stolen, or mutilated is $9.

(d) The applicant shall pay all fees required by this section to the director before a license or permit will be issued. No refund of a fee will be made. (Ord. Nos. 25635; 26598; 29879; 31332, eff. 10/1/19)

SEC. 18-58. ISSUANCE, DENIAL, AND DISPLAY OF A LICENSE OR PERMIT.

(a) The director shall issue a tire business license to the applicant, unless the director determines that the applicant:

(1) failed to completely fill out an application;

(2) provided false information on an application;

(3) failed to pay a license or permit fee required under this article: or

(4) has had a tire business license revoked within the preceding 12 months.

(b) Upon issuance of a license to an applicant, the director shall issue a permit to each vehicle to be operated by the applicant as a mobile tire repair unit.

(c) If the director determines that an applicant should be denied a tire business license, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.
(d) A license or permit issued under this section must be displayed in a manner and location approved by the director. A license and permit must be presented upon request to the director or to a peace officer for examination. (Ord. 25635)
SEC. 18-59.  REVOCATION OF A LICENSE.

(a) The director shall revoke a tire business license if the licensee:

(1) refuses to allow any agent of the city entry into and inspection of the tire business or a mobile tire repair unit;

(2) is convicted twice within a 24-month period of any city ordinance or state or federal law regulating solid waste, litter, dumping, pollution, standing water, insect or rodent infestation, junk or salvage yards, junk motor vehicles, tires, or similar health, sanitation, or environmental concerns; or

(3) violates any provision of this article or Section 19-34.1 of this code.  (Ord. 25635)

SEC. 18-60.  APPEALS.

If the director denies issuance of a license or a license renewal or revokes a license issued pursuant to this article, this action is final unless the applicant or licensee shall, within 30 days after the receipt of written notice of the director's action, file with the city manager a written appeal.  The city manager shall, within 10 days after the appeal is filed, consider all the evidence in support of and against the action appealed and render a decision either sustaining or reversing the action.  The decision of the city manager is final.  (Ord. 25635)

SEC. 18-61.  EXPIRATION AND RENEWAL OF LICENSE; VOIDANCE OF AUTHORITY TO OPERATE A MOBILE TIRE REPAIR UNIT.

(a) A tire business license expires one year from the date of issuance and may be renewed by making application in accordance with Section 18-56.  A licensee shall apply for renewal at least 30 days before the expiration of the license.

(b) Any permit to operate a mobile tire repair unit that is granted under this article expires upon expiration, revocation, suspension, or nonrenewal of the accompanying tire business license.  (Ord. 25635)

SEC. 18-62.  TRANSPORTING SCRAP TIRES.

(a) A person commits an offense if he transports scrap tires in a vehicle within the city without:

(1) displaying a valid scrap tire transporter decal in a visible and conspicuous location on the rear of the vehicle;

(2) being listed as a transporter or authorized driver for the vehicle in the application for the vehicle’s scrap tire transporter decal that is on file with the director; or

(3) maintaining for inspection at any time a current manifest as required by Section 361.112 of the Texas Health and Safety Code, as amended.

(b) A person wishing to transport scrap tires in the city must apply for a scrap tire transporter decal on a form provided by the director for that purpose. A separate application must be made for each vehicle to be used to transport scrap tires. The application must be signed and verified by the applicant, be accompanied by a nonrefundable decal fee of $20, and contain all of the following information:

(1) The name, mailing address, county of residence, and telephone and facsimile numbers of the transporter and all authorized drivers of the vehicle.

(2) The year, make, model, vehicle identification number, and state license registration number for the vehicle on which the tires will be transported, and proof that the vehicle is in compliance with state requirements for vehicle registration, vehicle inspection, and vehicle financial responsibility.

(b) A person wishing to transport scrap tires in the city must apply for a scrap tire transporter decal on a form provided by the director for that purpose. A separate application must be made for each vehicle to be used to transport scrap tires. The application must be signed and verified by the applicant, be accompanied by a nonrefundable fee of $58, and...
contain all of the following information:

(1) The name, mailing address, county of residence, and telephone and facsimile numbers of the transporter and all authorized drivers of the vehicle.

(2) The year, make, model, vehicle identification number, and state registration number for the vehicle on which the tires will be transported, and proof that the vehicle is in compliance with state requirements for vehicle registration, vehicle inspection, and vehicle financial responsibility.

(c) A scrap tire transporter decal is not transferable from one vehicle to another.
(d) It is a defense to prosecution under Subsections (a)(1) and (a)(2) of this section that:

(1) not more than six scrap tires were being transported at the same time in the same vehicle; or

(2) the scrap tires were being transported from a point outside of the Dallas city limits to another point outside of the Dallas city limits, and the vehicle did not stop within the Dallas city limits for the purpose of loading or unloading any scrap tires. (Ord. Nos. 25635; 31332, eff. 10/1/19)

SEC. 18-63. IMPOUNDMENT OF VEHICLES.

(a) A peace officer is authorized to remove or cause the removal of a vehicle when the officer arrests a person for a violation of Section 18-62 and the officer is by law required to take the person arrested immediately before a magistrate.

(b) A vehicle removed and towed under this section must be kept at a place designated by the chief of police as a city pound location until application for redemption is made by the vehicle owner or the owner’s authorized agent.

(c) A vehicle impounded under this section will be released to the vehicle owner or the owner’s authorized agent in accordance with the provisions of Sections 28-4 and 28-5 of this code, after:

(1) the city has removed all illegal scrap tires from the impounded vehicle and stored or disposed of them in a manner prescribed by the director; and

(2) the vehicle owner or the owner’s authorized agent has paid the following fees to the city:

(A) the towing fees required by Section 15D-57 of this code for the tow of a disabled vehicle by an emergency wrecker service;

(B) the notification, impoundment, and storage fees required by Section 28-4 of this code for an impounded vehicle; and

(C) a disposal fee of $2.50 for each scrap tire removed from the impounded vehicle for disposal by the city. (Ord. 25635)

SEC. 18-64. UNAUTHORIZED DISPOSAL OF TIRES.

(a) A person commits an offense if he disposes of a scrap tire at any location within the city.

(b) It is a defense to prosecution under Subsection (a) that the scrap tire was disposed of:

(1) at a city landfill in compliance with city regulations governing the landfill; or

(2) at a tire recycling facility or a tire disposal facility that is registered or permitted by the state as required under Section 361.112 of the Texas Health and Safety Code, as amended, provided that the tires were delivered to the facility by a tire transporter registered by the state and the manifest for the tires was signed by the transporter and the facility accepting the tires. (Ord. 25635)

SEC. 18-65. EXEMPTIONS.

This article does not apply to any department, branch, or agency of the government of the United States or the State of Texas. (Ord. 25635)

SEC. 18-66. PENALTY.

(a) An offense under this article is punishable by a fine of not less than $500 or more than $2,000. Each tire transported in violation of this article constitutes a separate offense.

(b) A culpable mental state is not required for the commission of an offense under this article.
(c) If a vehicle that has previously been impounded and redeemed under this article is again impounded as the result of a subsequent violation of this article, the director is authorized to retain the vehicle as evidence in the criminal proceeding for that violation until the termination of the criminal case in municipal court. If, upon termination of the criminal case, the defendant is found not guilty of the violation, the defendant may redeem the vehicle without paying any storage fees. If the defendant is assessed a fine for the violation, the municipal court judge may, in lieu of requiring payment of the fine assessed and any costs, declare the vehicle is a criminal instrument, declare the vehicle is forfeited to the city, and order the sale of the impounded vehicle, with the proceeds of the sale to be used to satisfy any outstanding municipal court judgment. Any amount obtained in the sale of the vehicle that is in excess of the amount of the fine assessed and any costs will be returned to the defendant. (Ord. 25635)
CHAPTER 27

MINIMUM PROPERTY STANDARDS

ARTICLE I.

GENERAL PROVISIONS.

Sec. 27-1. Legislative findings of fact.
Sec. 27-2. Purpose of chapter.
Sec. 27-3. Definitions.
Sec. 27-3.1. Code enforcement official.

ARTICLE II.

ADMINISTRATION.

Sec. 27-4. Violations; penalty.
Sec. 27-5. Inspection.
Sec. 27-5.1. Donation of noncomplying property to a nonprofit corporation.
Sec. 27-5.2. Retaliation against tenants prohibited.
Sec. 27-6. Reserved.
Sec. 27-7. Reserved.
Sec. 27-8. Reserved.
Sec. 27-9. Reserved.
Sec. 27-10. Reserved.

ARTICLE III.

MINIMUM STANDARDS.

Sec. 27-11. Minimum property standards; responsibilities of owner.
Sec. 27-12. Responsibilities of occupant.

ARTICLE IV.

VACATION, REDUCTION OF OCCUPANCY LOAD, AND SECURING OF STRUCTURES AND RELOCATION OF OCCUPANTS.

Sec. 27-13. Reserved.
Sec. 27-14. Reserved.

Sec. 27-14.1. Treatment for insects and rodents.
Sec. 27-14.2. Reserved.
Sec. 27-14.3. Reserved.
Sec. 27-15. Occupancy limits.
Sec. 27-15.1. Placarding of a structure by the director.
Sec. 27-16. Securing of a structure by the director.
Sec. 27-16.1. Reserved.
Sec. 27-16.2. Reserved.

ARTICLE IV-a.

MUNICIPAL COURT JURISDICTION OVER URBAN NUISANCES.

Sec. 27-16.3. Municipal court jurisdiction, powers, and duties relating to urban nuisances.
Sec. 27-16.4. Initiation of proceeding; petition requirements.
Sec. 27-16.5. Notice of hearing before the municipal court.
Sec. 27-16.6. Request for continuance of hearing.
Sec. 27-16.7. Hearing procedures before the municipal court; court orders.
Sec. 27-16.8. Noncompliance with court orders; civil penalties; liens.
Sec. 27-16.9. Modification of court orders.
Sec. 27-16.10. Appeal of court orders.
Sec. 27-16.11. Miscellaneous notice provisions.

ARTICLE IV-b.

ADMINISTRATIVE ADJUDICATION PROCEDURE FOR PREMISES, PROPERTY, AND CERTAIN OTHER VIOLATIONS.

Sec. 27-16.13. Administrative citation.
Sec. 27-16.15. Answering an administrative citation.
Sec. 27-16.16. Failure to appear at an administrative hearing.

Sec. 27-16.17. Hearing officers; qualifications, powers, duties, and functions.

Sec. 27-16.18. Hearing for disposition of an administrative citation; citation as rebuttable proof of offense.

Sec. 27-16.19. Financial inability to comply with an administrative order, pay for transcription of a record, or post an appeal bond.

Sec. 27-16.20. Appeal to municipal court.

Sec. 27-16.21. Disposition of administrative penalties, fees, and court costs.

Sec. 27-16.22. Dallas Tomorrow Fund.

Sec. 27-16.23. Administration of the Dallas Tomorrow Fund.

ARTICLE V.
RESERVED.

ARTICLE VI.

MASTER METERED UTILITIES.

Sec. 27-24. Definitions.

Sec. 27-25. Records of ownership and management maintained by utility companies.

Sec. 27-26. Notice to tenants.

Sec. 27-27. Notice of utility interruption.


ARTICLE VII.

REGISTRATION AND INSPECTION OF RENTAL PROPERTIES AND CONDOMINIUMS.

Sec. 27-29. Authority of director.

Sec. 27-30. Registration and posting requirements; defenses.

Sec. 27-31. Registration; fees; renewal.

Sec. 27-32. Registration application.

Sec. 27-33. Review and acceptance of registration application.

Secs. 27-34 thru 27-37. Reserved.

Sec. 27-38. Registrant's records.

Sec. 27-39. Required emergency response.

Sec. 27-40. Failure to pay ad valorem taxes.

Sec. 27-41. Reserved.

Sec. 27-42. Property inspections; inspection and reinspection fees.

Sec. 27-42.1. Revocation of certificate of occupancy.

Sec. 27-43. Crime prevention addendum required.

Sec. 27-44. Attendance at crime watch safety meetings.

Sec. 27-44.1. Presumptions.

ARTICLE VIII.

HABITUAL CRIMINAL PROPERTIES.

Sec. 27-45. Purpose.

Sec. 27-46. Definitions.

Sec. 27-47. Authority of the chief of police.

Sec. 27-48. Presumptions.

Sec. 27-49. Accord meeting.

Sec. 27-50. Annual review.

Sec. 27-51. Appeal from chief of police's determination.

Sec. 27-52. Placarding; inspections.

Sec. 27-53. Fees.

Sec. 27-54. Delivery of notices.

Secs. 27-55 thru 27-58. Reserved.

ARTICLE IX.
RESERVED.

Secs. 27-59 thru 27-72. Reserved.
ARTICLE I.

GENERAL PROVISIONS.

SEC. 27-1. LEGISLATIVE FINDINGS OF FACT.

There exists in the city of Dallas, Texas, structures used for human habitation and nonresidential purposes that are substandard in structure and maintenance. Furthermore, inadequate provision for light and air, insufficient protection against fire, lack of proper heating, insanitary conditions, and overcrowding constitute a menace to the health, safety, morals, welfare, and reasonable comfort of the citizens of the city of Dallas. The existence of such conditions will create slum and blighted areas requiring large scale clearance, if not remedied. Furthermore, in the absence of corrective measures, such areas will experience a deterioration of social values, a curtailment of investment and tax revenue, and an impairment of economic values. The establishment and maintenance of minimum structural and environmental standards are essential to the prevention of blight and decay and the safeguarding of public health, safety, morals, and welfare. (Ord. Nos. 15198; 19234)

SEC. 27-2. PURPOSE OF CHAPTER.

(a) The purpose of this chapter is to protect the health, safety, morals, and welfare of the citizens of the city of Dallas by establishing minimum standards applicable to residential and nonresidential structures. Minimum standards are established with respect to utilities, facilities, and other physical components essential to make structures safe, sanitary, and fit for human use and habitation.

(b) This chapter is found to be remedial and essential to the public interest, and it is intended that this chapter be liberally construed to effect its purpose. All structures within the city on the effective date of this chapter, or constructed thereafter, must comply with the provisions of this chapter. (Ord. Nos. 15198; 19234; 24961)

SEC. 27-3. DEFINITIONS.

In this chapter:

(1) BATHROOM means an enclosed space containing one or more bathtubs, showers, or both, and which may also include toilets, lavatories, or fixtures serving similar purposes.

(2) BUILDING means a structure for the support or shelter of any use or occupancy.

(3) CITY ATTORNEY means the city attorney of the city of Dallas and includes the assistants and other authorized representatives of the city attorney.

(4) CONDOMINIUM has the meaning assigned in Chapter 82 of the Texas Property Code, as amended.

(5) CONDOMINIUM ASSOCIATION means a corporation whose members are condominium unit owners in a condominium and who are charged with governing, operating, managing, or overseeing a condominium or its common elements.

(6) CONSTRUCTION CODES means the Dallas Building Code, Chapter 53 of the Dallas City Code, as amended; Dallas Plumbing Code, Chapter 54 of the Dallas City Code, as amended; Dallas Mechanical Code, Chapter 55 of the Dallas City Code, as amended; Dallas Electrical Code, Chapter 56 of the Dallas City Code, as amended; Dallas One- and Two-Family Dwelling Code, Chapter 57 of the Dallas City Code, as amended; Dallas Existing Building Code, Chapter 58 of the Dallas City Code, as amended; Dallas Fuel Gas Code, Chapter 59, Dallas Energy Conservation Code; Chapter 60 of the Dallas City Code, as amended; Dallas Green Code, Chapter 61 of the Dallas City Code, as amended.
(7) CRIME PREVENTION ADDENDUM means an addendum to a residential lease or rental agreement for the use of a rental property as required by Section 27-43 of this chapter.

(8) DALLAS ANIMAL WELFARE FUND means the Dallas Animal Welfare Fund as described in Section 7-8.4 of Chapter 7 of this code.

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

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

(11) DWELLING means a structure or building used, intended, or designed to be used, rented, leased, let, or hired out to be occupied, or that is occupied for living purposes.

(12) DWELLING UNIT has the definition given that term in Section 51A-2.102 of the Dallas Development Code, as amended.

(13) GRADED INSPECTION means an inspection of a rental property in which the property is given a score by the director based on the number of code violations found to exist on the premises.

(14) HABITABLE ROOM means a space in a building or structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage and utility spaces, and other similar areas, are not considered habitable rooms.

(15) HOUSING STANDARDS MANUAL means the manual by that title and which is kept on file in the office of the city secretary.

(16) INFESTATION means the presence, within or contiguous to a structure or premises, of insects, rodents, vectors, or other pests.

(17) KITCHEN means an area used, or designated to be used, for cooking or preparation of food.

(18) LANDLORD has the same meaning as in Chapter 92 of the Texas Property Code, as amended.

(19) MULTIFAMILY DWELLING means a multifamily use as defined in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended, or, for purposes of this chapter, three or more single dwelling units on the same premises and which are under common ownership.

(20) MULTITENANT PROPERTY means property containing any of the following uses:

(A) A multifamily dwelling as defined in this section.

(B) A lodging or boarding house as defined in Section 51A-4.205(2) of the Dallas Development Code, as amended.

(C) A group residential facility as defined in Section 51A-4.209(b)(3) of the Dallas Development Code, as amended.

(D) An extended stay hotel or motel as defined in Section 51A-4.205(1.1) of the Dallas Development Code, as amended.

(E) A residential hotel as defined in Section 51A-4.209(b)(5.1) of the Dallas Development Code, as amended.
(21) OCCUPANT means a person who has possessory rights to and is actually in possession of a premise.

(22) OPEN AND VACANT STRUCTURE means a structure that is, regardless of its structural condition:

(A) unoccupied by its owners, lessees, or other invitees; and

(B) unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.

(23) OPERATING CONDITION means free of leaks, safe, sanitary, structurally sound, and in good working order.

(24) OWNER means a person who has ownership or title of real property:

(A) including, but not limited to:

(i) the holder of fee simple title;

(ii) the holder of a life estate;

(iii) the holder of a leasehold estate for an initial term of five years or more;

(iv) the buyer in a contract for deed;

(v) a mortgagee, receiver, executor, or trustee in control of real property; and

(vi) the named grantee in the last recorded deed; or

(B) the owner’s representative with control over the property.

(25) PERSON means any natural person, corporation, organization, estate, trust, partnership, association, or other legal entity.

(26) PEST means an invertebrate animal that can cause disease or damage to humans or building materials.

(27) PLUMBING FIXTURES means gas pipes, water pipes, toilets, lavatories, urinals, sinks, laundry tubs, dishwashers, garbage disposal units, clothes-washing machines, catch basins, wash basins, bathtubs, shower baths, sewer pipes, sewage system, septic tanks, drains, vents, traps, and other fuel-burning or water-using fixtures and appliances, together with all connections to pipes.

(28) PREMISES or PROPERTY means a lot, plot, or parcel of land, including any structures on the land.

(29) PROPERTY MANAGER means a person who, for compensation, has managing control of real property, including an on-site manager of a building or structure.

(30) PUBLIC SEWER means a sewer operated by a public authority or public utility and available for public use.

(31) REGISTRANT means a person submitting a rental property registration or renewal application or a person whose application the director deems complete under Article VII of this chapter.

(32) RENTAL PROPERTY means a multitenant property or a single dwelling unit that is leased or rented to one or more persons other than the owner of the property, regardless of whether the lease or rental agreement is oral or written, or the compensation received by the lessor for the lease or rental of the property is in the form of money, services, or any other thing of value.
§ 27-3 Minimum Property Standards

(33) SANITARY means any condition of good order and cleanliness that precludes the probability of disease transmission.

(34) SECURITY DEVICE has the definition given that term in Chapter 92 of the Texas Property Code, as amended.

(35) SHORT-TERM RENTAL has the definition given that term in Section 156.001(b) of the Texas Tax Code, as amended.

(36) SINGLE DWELLING UNIT means a single family or duplex, as defined in the Dallas Development Code, as amended, or a condominium dwelling unit.

(37) SOLID WASTE means:

(A) industrial solid waste as defined in Section 18-2(22) of the Dallas City Code, as amended; or

(B) municipal solid waste as defined in Section 18-2(28) of the Dallas City Code, as amended.

(38) 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.

(39) TOILET ROOM means a room containing a toilet or urinal but not a bathtub or shower.

(40) URBAN NUISANCE means a premises or structure that:

(A) is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;

(B) regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

(C) boarded up, fenced, or otherwise secured in any manner if:

(i) the structure constitutes a danger to the public even though secured from entry; or

(ii) the means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure in the manner described by Paragraph (B) of this subsection.

(41) VECTOR means an insect or other animal that is capable of transmitting a disease-producing organism.

(42) WORKMANLIKE means executed in a skilled manner, for example, generally plumb, level, square, in line, undamaged, and without marring adjacent work. (Ord. Nos. 15198; 15919; 16473; 17226; 19234; 19896; 22154; 24086; 24961; 25522; 26455; 27147; 27751; 29403; 30236)

SEC. 27-3.1. CODE ENFORCEMENT OFFICIAL.

(a) The director, or a designated representative, shall serve as the code enforcement official of the city.

(b) The code enforcement official has the power to render interpretations of this chapter and to adopt and enforce rules and regulations supplemental to this chapter as the code enforcement official deems necessary to clarify the application of this chapter. Such interpretations, rules, and regulations must be in conformity with the purpose of this chapter.

(c) The code enforcement official has the power to obtain:

(1) search warrants for the purpose of investigating a violation of a health and safety or
§ 27-3.1 Minimum Property Standards § 27-4

nuisance abatement, including an urban nuisance, regulation, statute, or ordinance; and

(2) seizure warrants for the purpose of securing, removing, or demolishing an offending property and removing the debris from the premises.

(Ord. Nos. 20433; 30236)

ARTICLE II.

ADMINISTRATION.

SEC. 27-4. VIOLATIONS; PENALTY.

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

(b) Criminal penalties.

(1) An offense under this chapter is punishable by a fine not to exceed $2,000; except, that an offense under Section 27-5.2 and 27-25 of this chapter is punishable by a fine not to exceed $500.

(2) An offense under this chapter is punishable by a fine of not less than:

(A) $150 for a first conviction of a violation of Section 27-11(c)(1), (c)(2), or (c)(6); Section 27-11(d)(2), (d)(3)(A), (d)(4), (d)(5), (d)(6), (d)(7), (d)(9)(A), (d)(9)(C), (d)(9)(D), (d)(10)(A), (d)(11), (d)(13), (d)(15)(A), or (d)(16)(C); Section 27-11(e)(1)(B), (e)(1)(C), or (e)(3); Section 27-11(f)(1)(A), (f)(1)(B), (f)(3)(C), (f)(3)(F), or (f)(4)(C); Section 27-11(g)(5); Section 27-11(h)(1)(B), (h)(3)(i), (h)(4)(i), (h)(4)(ii), (h)(4)(iii), (h)(6)(A), or (h)(6)(B); Section 27-11(j); Section 27-12(1), (2), (3), or (5); and


(3) The minimum fines established in Subsection (b)(2) will be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (b)(1).

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

(d) In addition to imposing the criminal penalty prescribed in Subsection (b) or exercising the other remedies provided by this chapter, the city may, in accordance with Chapter 54, Subchapter B of the Texas Local Government Code, as amended, bring a civil action against a person violating a provision of this chapter. The civil action may include, but is not limited to, a suit to recover a civil penalty not to exceed $1,000 for each day during which the violation is committed, continued, or permitted.

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

(f) The director has the authority to enforce provisions of Chapter 7A and Article II, Chapter 18 of this code.

(g) A person is criminally responsible for a violation of this chapter if:

(1) the person commits the violation or assists in the commission of the violation; or

(2) the person is an owner of the property and, either personally or through an employee or agent, allows the violation to exist.
§ 27-4 Minimum Property Standards  § 27-5.2

(h) For purposes of Subsection (g), an employee of the owner of real property that is a single dwelling unit rental property, or has been issued a certificate of occupancy or received final approval from the building official with respect to improvements on the property, is not personally liable for a violation of this chapter if, not later than the fifth calendar day after the date the citation is issued, the employee provides the property owner’s name, current street address, and current telephone number to the enforcement official who issues the citation or to the director.

(i) As an alternative to imposing the criminal penalty prescribed in Subsection (b), the city may impose administrative penalties, fees, and court costs in accordance with Article IV-b of this chapter, as amended, for an offense under this chapter. The alternative administrative penalty range for an offense is the same as is prescribed for a criminal offense in Subsection (b). (Ord. Nos. 19234; 19896; 20017; 20599; 22695; 24457; 25522; 25927; 26455; 26955; 27458; 27751; 30236)

SEC. 27-5. INSPECTION.

(a) For the purpose of ascertaining whether violations of this chapter or other city ordinances exist, the director is authorized, at a reasonable time, to inspect:

(1) the exterior of a structure and premises that do not contain a structure; and

(2) the interior of a structure, if the owner, occupant, or person in control gives his permission to the director.

(b) Nothing in this section limits the director’s ability to seek and obtain an administrative search warrant authorizing an interior or exterior inspection of a structure or a vacant premises. (Ord. Nos. 15198; 19234; 25522; 26455; 30236)

SEC. 27-5.1. DONATION OF NONCOMPLYING PROPERTY TO A NONPROFIT CORPORATION.

(a) A judge of the municipal court may dismiss one or more citations of a property owner who is charged with violating this chapter, if the property owner donates the property, for which the citations have been issued, to a nonprofit corporation selected by the city.

(b) The city is authorized to contract with a nonprofit corporation for the acceptance of property donated pursuant to Subsection (a) of this section. The terms of the contract must provide that the nonprofit corporation will:

(1) within 90 days from the date of acceptance of the donated property, bring the property into compliance with this chapter, including, but not limited to, providing all necessary cleanup, maintenance, repairs, and alterations; and

(2) within 120 days from the date of acceptance of the donated property, sell the property directly to an occupant owner or rent the property directly to an occupant tenant. (Ord. Nos. 19234; 19896; 21973; 26455)

SEC. 27-5.2. RETALIATION AGAINST TENANTS PROHIBITED.

(a) A landlord commits an offense if he raises a tenant’s rent, diminishes services to a tenant, or attempts eviction of a tenant within six months after:

(1) the tenant files a valid complaint with the director complaining of a violation of this chapter on property occupied by the tenant; a complaint is considered valid if it results in an action described in Paragraph (2), (3), or (4) of this subsection;

(2) the director issues to the landlord or the landlord’s agent a written notice or citation listing any
§ 27-5.2 Minimum Property Standards

violation of this chapter that exists on property occupied by the tenant;

(3) the city attorney files an action under Article IV-a of this chapter or under Chapter 54, 211, or 214 of the Texas Local Government Code relating to any violation of this chapter that exists on property occupied by the tenant;

(4) the tenant, after filing a complaint with the director and the landlord or the landlord’s agent, files a written complaint with the city attorney complaining of a violation of this chapter on property occupied by the tenant, unless the complaint is later withdrawn by the tenant or dismissed on the merits; or

(5) repairs are completed on property occupied by the tenant in compliance with either a written notice or citation issued by the director or a court order.

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

(1) rent was increased pursuant to an escalation clause in a written lease which provided for changes in costs of utilities, taxes, and insurance;

(2) rent was increased, services were reduced, or notices to vacate were issued as part of a pattern of rent increases, service reductions, or evictions for an entire multidwelling project;

(3) the tenant was delinquent in rent when the landlord gave notice to vacate or filed an eviction action;

(4) the tenant was responsible for or caused a violation of this chapter that existed on property occupied by the tenant;

(5) the tenant’s written lease fixing the rent, services, or term of occupancy had expired, unless, at the time an action described in Subsection (a)(1), (2), or (3) occurred, a violation of this chapter that was reasonably dangerous to the physical health or safety of the tenant or another person existed on property occupied by the tenant;

(6) the tenant holds over after giving notice of termination or intent to vacate;

(7) the tenant holds over after the landlord gives notice of termination at the end of the rental term and, at the time the notice of termination was given, the landlord or the landlord’s agent had not received actual notice that a valid complaint had been filed with the city complaining of violations of this chapter on property occupied by the tenant;

(8) before filing a complaint with the city complaining of a violation of this chapter on property occupied by the tenant, other than a violation that is reasonably dangerous to the physical health or safety of the tenant or another person, the tenant fails to comply with a written lease provision requiring the tenant to:

(A) notify the landlord or the landlord’s agent, in writing, of the violation; and

(B) allow the landlord 15 days to correct the violation; or

(9) the landlord proves that the rent increase, service reduction, or attempted eviction was for good cause and not for purposes of retaliation against the tenant.

(c) An offense under this section may be prosecuted upon the filing of a written complaint by the tenant with the city attorney. (Ord. Nos. 20017; 26455)

SEC. 27-6. RESERVED.  
(Repealed by Ord. 26455)

SEC. 27-7. RESERVED.  
(Repealed by Ord. 26455)
§ 27-8 Minimum Property Standards

SEC. 27-8. RESERVED.  
(Repealed by Ord. 26455)

SEC. 27-9. RESERVED.  
(Repealed by Ord. 26455)

SEC. 27-10. RESERVED.  
(Repealed by Ord. 24457)

ARTICLE III.  
MINIMUM STANDARDS.

SEC. 27-11. MINIMUM PROPERTY STANDARDS; RESPONSIBILITIES OF OWNER.

(a) In general.  

(1) The regulations in this article are minimum property standards for vacant and occupied buildings, properties, and structures. In addition to the minimum property standards, all buildings, properties, and structures must comply with all federal, state, and local laws and regulations, including the construction codes.

(2) The minimum property standards are intended to complement existing laws and regulations. If any provision of this chapter is less restrictive than another applicable law or regulation, the more restrictive law or regulation shall apply.

(3) An owner who enters into a written lease shall, upon the occupant’s request, provide the occupant with a written lease in the occupant’s primary language, if the primary language is English, Spanish, or Vietnamese.

(b) Repairs. All repairs required by this section must be performed in a workmanlike manner and in accordance with all applicable federal, state, and local laws, rules, and regulations, including the construction codes.

(c) Property standards. An owner shall:

(1) maintain his or her premises in operating condition without any holes, excavations, or sharp protrusions, and without any other object or condition that exists on the land and is reasonably capable of causing injury to a person;

(2) securely cover or close any wells, cesspools, or cisterns;

(3) provide solid waste receptacles or containers when required by Chapter 18 of this code, as amended;

(4) provide drainage to prevent standing water and flooding on the land;

(5) remove dead trees and tree limbs that are reasonably capable of causing injury to a person;

(6) keep the doors and windows of a vacant structure or vacant portion of a structure securely closed to prevent unauthorized entry; and

(7) protect, by periodic application of paint or other weather-coating materials, any exposed metal or wood surfaces from the elements and against decay or rust.

(d) Structural and material standards.

(1) In general. An owner shall maintain structural members free from deterioration so that they are capable of safely supporting imposed dead and live loads.

(2) Construction materials. An owner shall maintain building and structural materials, including wood, gypsum products, glass, fiberglass, paper, canvas, fabric, plastic, vinyl, masonry, ceramic, plaster, brick, rock, stucco, slate, concrete, asphalt, tin, copper,
§ 27-11 Minimum Property Standards

(3) **Roofs.** An owner shall:

(A) maintain roofs in operating condition, free from leaks, holes, charred or deteriorated roofing materials, rotted wood, and other unsafe conditions; and

(B) maintain gutters and downspouts, if any, in operating condition and securely fastened.

(4) **Chimneys and towers.** An owner shall maintain chimneys, cooling towers, smoke stacks, and similar appurtenances in operating condition.

(5) **Foundations.** An owner shall maintain foundations and foundation components in operating condition, and keep all foundation components securely fastened.

(6) **Floors.** An owner shall maintain all flooring in operating condition, free from holes, cracks, decay, and trip hazards.

(7) **Shower enclosures.** An owner shall maintain shower enclosure floors and walls in operating condition, free of holes, cracks, breaches, decay, rust, and rot.

(8) **Countertops and backsplashes.** An owner shall maintain kitchen and bathroom countertops and backsplashes surrounding kitchen sinks and lavatory sinks in operating condition free of decay, rust, and rot.

(9) **Interior walls, ceilings, and surfaces; doors.** An owner shall:

(A) maintain all interior walls and ceilings in operating condition;

(B) keep all interior walls and ceilings securely fastened to eliminate collapse hazards;

(C) maintain all interior surfaces, including windows and doors, in operating condition;

(D) repair, remove, or cover all peeling, chipping, flaking, or abraded paint; and

(E) repair all cracked or loose plaster, wood, or other defective surface conditions.

(10) **Exterior windows and skylights.** An owner shall maintain the glass surfaces of exterior windows and skylights so that they are weather tight and in operating condition.

(11) **Exterior doors.** An owner shall maintain exterior doors so that they are weather tight and in operating condition.

(12) **Security devices.** An owner shall maintain any bars, grilles, grates, and security devices in operating condition.

(13) **Ventilation.** An owner shall maintain all natural and mechanical ventilation in habitable rooms in operating condition.

(14) **Balconies, landings, porches, decks, and walkways.** An owner shall maintain:

(A) all balconies, landings, porches, decks, and walkways in operating condition and securely fastened;

(B) support posts, columns, and canopies in operating condition, securely fastened and anchored.

(15) **Handrails and guardrails.** An owner shall maintain all handrails and guardrails:

(A) in operating condition and securely fastened and anchored; and

(B) so that they are capable of safely supporting imposed dead and live loads.
§ 27-11 Minimum Property Standards

(16) Steps and stairways. An owner shall:

(A) maintain steps and stairways in operating condition, securely fastened and anchored, and free from trip hazards;

(B) maintain steps and stairways so that they are capable of safely supporting imposed dead and live loads; and

(C) seal any cracks or breaches in lightweight concrete steps, balconies, and walkways.

(17) Fencing, retaining walls, and barriers. An owner shall:

(A) maintain all fences, retaining walls, decorative walls, and barriers in operating condition, and in accordance with the Dallas Development Code, as amended. This requirement applies to a masonry wall only if the masonry wall encloses:

(i) a multitenant property; or

(ii) a single-family or duplex property where the wall is not shared with another property;

(B) repair or replace rotted, missing, fire-damaged, or broken wooden slots and support posts;

(C) repair or replace broken, missing, or bent metal posts and torn, cut, bent, or ripped metal fencing materials; and

(i) encloses a multitenant property or a single-family property or duplex, or

(ii) serves as a retaining wall.

(e) Utility and appliance standards.

(1) Air conditioning.

(A) An owner shall:

(i) provide, and maintain, in operating condition, refrigerated air equipment capable of maintaining a room temperature of at least 15 degrees cooler than the outside temperature, but in no event higher than 85° F. in each habitable room;

(ii) maintain all fixed air conditioning systems, including air conditioning unit covers, panels, conduits, and disconnects, in operating condition, properly attached; and

(iii) install window-mounted air conditioning units, if provided, in compliance with the construction codes.

(B) It is a defense to prosecution under this paragraph that at least one habitable room is 85° F. at a point three feet above the floor and two feet from exterior walls if the outside temperature is over 110° F.

(2) Heating.

(A) An owner shall:

(i) provide, and maintain, in operating condition, heating facilities capable of maintaining a room temperature of at least 15 degrees warmer than the outside temperature, but in no event lower than 68° F. in each habitable room; and

(ii) if provided, maintain, in operating condition, heating facilities in buildings or structures other than dwelling units.

(B) It is a defense to prosecution under this paragraph that at least one habitable room is 68° F. at a point three feet above the floor and two feet from exterior walls if the outside temperature is under 40° F.

(3) Appliances. If appliances are provided in a rental dwelling unit, the owner shall maintain those appliances, including portable heating units, portable air conditioning units, cook stoves, refrigerators, dishwashers, garbage disposals, ventilation hoods, washing machines, and clothes
dryers, and appliance connections, in operating condition.

(f) Plumbing standards.

(1) Plumbing systems. An owner shall maintain:

(A) all plumbing pipes, fittings, and valves necessary to supply and conduct natural fuel gases, sanitary drainage, storm drainage, or potable water in operating condition; and

(B) all plumbing fixtures free of cross-connections and conditions that permit backflow into the potable water supply.

(2) Fuel gas distribution systems. An owner shall maintain distribution systems that carry fuel gas or liquefied petroleum gas in leak-free condition in accordance with the construction codes. If such a distribution system has been compromised, an owner shall have the system pressure-tested and repaired in accordance with the Dallas Fuel Gas Code, Chapter 60 of the Dallas City Code, as amended.

(3) Plumbing fixtures. An owner shall:

(A) provide each dwelling unit with:

(i) a kitchen equipped with a kitchen sink; and

(ii) a minimum of one toilet; a lavatory sink; and either a bathtub or shower, or a combination of bathtub and shower;

(B) keep all plumbing fixtures connected to a public sewer system or to an approved private sewage disposal system;

(F) maintain all piping distribution systems in operating condition, and eliminate all unsafe, unsanitary, and inoperable conditions in such distribution systems; and

(G) cap each sewer clean-out opening with an approved plug, except when the sewer line is being serviced.

(4) Water heating equipment. An owner shall:

(A) maintain all water heating equipment, including existing fuel-fired water heaters, in operating condition;

(B) maintain all water heating equipment with a pressure relief valve with an approved drain line;

(C) provide and maintain, in operating condition, water heating equipment that supplies hot water at a minimum temperature of 110° F., measured at the water outlet, to every required plumbing fixture;

(D) vent all fuel-fired water heating equipment as required by the construction codes; and

(E) maintain boilers and central heating plants in operating condition.

(g) Electrical standards. An owner shall:

(1) maintain all electrical equipment and materials in operating condition;

(2) maintain electrical circuits and outlets sufficient to safely carry a load imposed by normal use of appliances, equipment, and fixtures, and maintain them in operating condition;
§ 27-11 Minimum Property Standards

(3) maintain in each habitable room, bathroom, hallway, and stairway of a dwelling unit at least one electric lighting outlet, and the electric lighting outlet must be controlled by a wall switch, unless a wall switch is not required by the construction codes;

(4) maintain all electric light fixtures located adjacent to exterior doors of all buildings or structures in operating condition; and

(5) use extension cords and flexible cords in accordance with the construction codes, and not as substitutes for permanent wiring.

(h) Lighting standards for multitenant properties.

(1) In general.

(A) An owner shall not wire lighting in common areas into individual dwelling units.

(B) An owner shall maintain overall illumination of four footcandles for exterior lighting on the premises, measured in accordance with the Housing Standards Manual.

(2) Exterior lighting.

(A) An owner shall maintain illumination from dusk until dawn:

(i) along pedestrian pathways; in plazas, courtyards, building entrances, parking areas, including carports and driveway areas; and other outdoor spaces commonly used.

(ii) at stairwells, landings, and areas under the lower landing.

(iii) along breezeways, and transitional lighting must be maintained at all entries to a breezeway.

(iv) at cluster or gang mailboxes.

(B) An owner shall maintain exterior lighting so that it reduces conflicts or obstructions between building design and landscape treatments and provides appropriate crime prevention.

(i) Health standards.

(1) Infestations.

(A) Where evidence of an infestation exists, the owner of a building, structure, or property, including a vacant or occupied one- or two-family dwelling, or multifamily dwelling, shall eliminate the infestation using a person licensed under the Texas Structural Pest Control Act, as amended, and repair any condition that contributes to an infestation.

(B) If the building, structure, or property is a rental property, the owner shall provide notice to the tenants at least 48 hours before taking steps to eliminate an infestation.

(i) Notice must be in writing and must include the method being used to eliminate the infestation.

(ii) A tenant may in writing waive the 48-hour requirement.

(2) Common toilet and shower facilities. An owner shall maintain in operating condition toilet and shower facilities in common area multifamily uses.

(3) Swimming pools, spas, ponds, and fountains.

(i) Water in swimming pools, spas, ponds, and fountains must be maintained to prevent the breeding or harborage of insects.

(ii) Swimming pools, spas, ponds, and fountains must be maintained in operating condition.

(iii) Fences or other barriers enclosing swimming pools, spas, ponds, and fountains must be maintained in operating condition.
§ 27-11 Minimum Property Standards

(iv) Pool yard enclosures, as defined in Chapter 757 of the Texas Health and Safety Code, as amended, shall be maintained in operating condition and must comply with the standards in Chapter 757 of the Texas Health and Safety Code, as amended.

(4) Sewage overflow. An owner shall sanitize all areas contaminated by sewage overflow immediately after servicing is completed.

(5) Vacant dwelling units.

(A) An owner shall maintain the interiors of all vacant dwelling units free of solid waste.

(B) The owner of a vacant dwelling unit must store any swimming pool chemicals, cleaning chemicals, pesticides, herbicides, rodenticides, fertilizers, paints, solvents, gasoline, gasoline-powered equipment, or combustible materials of any kind in accordance with the construction codes and the Dallas Development Code, as amended.

(j) Security standards. An owner of a multifamily dwelling, other than one exempt from registration under this chapter, shall provide and maintain security devices in each dwelling unit as required by Sections 92.153, 92.154, and 92.155 of the Texas Property Code, as amended.

(k) It is a defense to prosecution under Subsection (a) of this section that the premises is the site of new construction and reasonable and continuous progress is being made to complete the construction.

(l) An owner shall provide a tenant with alternative housing that meets the minimum standards required by this section when:

(1) after being issued a notice or citation for violation of Subsection (e)(2) of this section, the owner fails to repair heating equipment within 72 hours after receiving such notice or citation and the overnight low temperature, as measured by the National Weather Service at Dallas Love Field, is below 40° F. for three consecutive days after receiving such notice or citation; or

(2) after being issued a notice or citation for violation of Subsection (e)(1) of this section, the owner fails to repair refrigerated air equipment within 72 hours after receiving such notice or citation and the daytime high temperature, as measured by the National Weather Service at Dallas Love Field, is 95° F. or above for three consecutive days after receiving such notice or citation.

(m) It is a defense to prosecution under Subsections (e)(1) and (e)(2) of this section and to the alternative housing requirements of Subsection (i) of this section that:

(1) failure to maintain heating and refrigerated air equipment in compliance with those subsections was the direct result of an act of nature or other cause beyond the reasonable control of the owner; or

(2) the owner is making diligent efforts to repair the heating and refrigerated air equipment in compliance with those subsections; if the owner demonstrates to the director that diligent efforts to repair are being made, the director will not issue a notice or citation for a violation of Subsection (e)(1) or (e)(2) of this section.

(n) It is a defense to prosecution under Subsection (e)(2) of this section and to the alternative housing requirements of Subsection (i)(1) of this section that a written contract is in effect requiring the tenant to provide and maintain heating equipment and the owner has provided utility connections for heating equipment in compliance with the Dallas Mechanical Code, as amended, in each room of the structure intended for human occupancy.

(o) It is a defense to prosecution under Subsection (e)(1) of this section and to the alternative housing requirement of Subsection (i)(2) of this section that the structure is not a rental property. (Ord. Nos. 15198; 15372; 15919; 19234; 20578; 24481; 25522; 30236)
SEC. 27-12. RESPONSIBILITIES OF OCCUPANT.

An occupant shall:

(1) maintain the interior and exterior portions of the person's dwelling unit free from accumulations of solid waste and other conditions that would encourage an infestation;

(2) remove any animal from a structure if the presence of the animal is a health hazard to an occupant;

(3) connect plumbing fixtures and heating equipment that the occupant supplies in accordance with the construction codes.

(4) provide solid waste receptacles or containers when required by Chapter 18 of this code; and

(5) not alter a structure or its facilities so as to create a nonconformity with Section 27-11 or this section. (Ord. Nos. 15198; 15372; 19234; 30236)

ARTICLE IV.

VACATION, REDUCTION OF OCCUPANCY LOAD, AND SECURING OF STRUCTURES AND RELOCATION OF OCCUPANTS.

(Ord. Nos. 20470, 24086, and 26455, title)

SEC. 27-13. RESERVED.
(Repealed by Ord. 26455)

SEC. 27-14. RESERVED.
(Repealed by Ord. 26455)

SEC. 27-14.1. TREATMENT FOR INSECTS AND RODENTS.

When a structure is ordered demolished by a municipal court judge under Article IV-a of this chapter, if the owner fails to comply with the Dallas Building Code in obtaining certification from a person licensed under the Texas Structural Pest Control Act that:

(1) the structure is free of insects and rodents; or

(2) the structure has been treated within the preceding 30 days to eliminate insect and rodent infestation;

the city may obtain the certification and charge the cost as part of the expense of demolition constituting a lien against the real property as provided in Section 27-16.8(e). (Ord. Nos. 15202; 19234; 24086; 26455)

SEC. 27-14.2. RESERVED.
(Repealed by Ord. 24086)

SEC. 27-14.3. RESERVED.
(Repealed by Ord. 24086)

SEC. 27-15. OCCUPANCY LIMITS.

An owner shall not allow a structure or dwelling unit to exceed the occupancy limits in Texas Property Code Section 92.010, as amended. (Ord. Nos. 15198; 16473; 19234; 20470; 24086; 26455; 30236)
SEC. 27-15.1.  PLACARDING OF A STRUCTURE BY THE DIRECTOR.

(a) Upon issuance of a final court order requiring vacation of a structure or dwelling unit, the director may place a red placard on or near the front door of a structure or dwelling unit.

(b) The red placard must state that:

(1) the structure or dwelling unit was ordered to be vacated;

(2) a person commits an offense if he, without authority from the director:

(A) removes or destroys the red placard;

(B) occupies the structure or dwelling unit; or

(C) as owner of the structure, authorizes a person to occupy the structure or dwelling unit; and

(3) the maximum fine for violation of the ordinance.

(c) A person commits an offense if he:

(1) without authority from the director, removes or destroys a red placard placed by the director;

(2) occupies a structure or dwelling unit on which the director has placed a red placard; or

(3) authorizes a person to occupy a structure or dwelling unit on which the director has placed a red placard. (Ord. Nos. 24086; 26455; 30236)

SEC. 27-16.  SECURING OF A STRUCTURE BY THE DIRECTOR.

(a) The requirements of this section are in addition to any other requirements of this chapter governing securing of a structure. Any hearing before the municipal court pursuant to this section concerning the securing of a structure must comply with all notice and procedural requirements contained in Article IV-a of this chapter for hearings before the municipal court.

(b) The director shall secure any structure that the director determines:

(1) violates a minimum standard established in Article III of this chapter; and

(2) is unoccupied or is occupied only by a person who does not have a right of possession to the structure.

(c) Before the 11th day after the date the director secures the structure, the director shall give notice to the owner by:

(1) personally serving the owner with written notice;

(2) depositing the notice in the United States mail addressed to the owner at the owner’s post office address;

(3) publishing the notice at least twice within a 10-day period in a newspaper of general circulation in the county in which the structure is located, if personal service cannot be obtained and the owner’s post office address is unknown; or

(4) posting the notice on or near the front door of the structure, if personal service cannot be obtained and the owner’s post office address is unknown.

(d) The notice issued under Subsection (c) must contain:
§ 27-16 Minimum Property Standards

(1) an identification, which is not required to be a legal description, of the structure and the property on which it is located;

(2) a description of the violation of the minimum standards that is present at the structure;

(3) a statement that the director will secure or has secured, as the case may be, the structure; and

(4) an explanation of the owner's entitlement to request a hearing about any matter relating to the director's securing of the structure.

(e) A public hearing shall be held before the municipal court if, within 30 days after the date the director secures the structure, the owner files with the municipal court a written request for the hearing. The hearing must be held within 20 days after the date the request is filed. Notice of the hearing must be given to each owner of the affected property in accordance with the notice requirements of Section 27-16.5. At the hearing, the director shall present evidence of the need to secure the structure, and the owner may testify or present witnesses or written information about any matter relating to the director's securing of the structure.

(f) The municipal court shall uphold the director's action in securing a structure if it finds the structure or a portion of the structure was an urban nuisance.

(g) An unoccupied structure that is closed pursuant to an order of the director, the municipal court, or the fire marshal, or that is closed by the owner of the structure without an official order, must be secured in compliance with the Dallas Fire Code, as amended.

(h) A structure intended for residential use or occupancy that, pursuant to an order of the director, the municipal court, or the fire marshal, is closed by the owner through sealing the doors or windows with boards, or equivalent materials, may be referred to the director to the city attorney for appropriate action under Article IV-a of this chapter, if the structure:

(1) remains boarded up for 180 days or more without being occupied by the owner or a lawful tenant; and

(2) has at least one visible violation of this chapter.

(i) The city's cost of securing a structure under this section constitutes a lien against the real property on which the structure stands, as provided in Section 27-16.8(e). (Ord. Nos. 15198; 16473; 19234; 20470; 20679; 21025; 24086; 26455; 30236)

SEC. 27-16.1. RESERVED.

(Repealed by Ord. 26455)

SEC. 27-16.2. RESERVED.

(Repealed by Ord. 26455)

ARTICLE IV-a.

MUNICIPAL COURT JURISDICTION OVER URBAN NUISANCES.

SEC. 27-16.3. MUNICIPAL COURT JURISDICTION, POWERS, AND DUTIES RELATING TO URBAN NUISANCES.

(a) The municipal court of record has the power and duty to hold a public hearing to determine whether a structure complies with the minimum standards set out in this chapter.

(b) The municipal court of record has the following powers and duties:
(1) To require the reduction in occupancy load of a structure that exceeds the limits set out in this chapter or the vacation of a structure found to be an urban nuisance.

(2) To require the repair of a structure found to be an urban nuisance.

(3) To require the demolition of a structure found to be an urban nuisance.

(4) To require the removal of personalty from a structure ordered vacated or demolished. Removal may be accomplished by use of city forces or a private transfer company if the owner of the personalty is not known, or the whereabouts of the owner cannot be ascertained, or the owner fails to remove the personalty. Costs of any removal and storage are the responsibility of the owner of the personalty.

(5) To require that an open and vacant structure or open and vacant portion of a structure be secured.

(6) To require or cause the correction of a dangerous condition on the land. Correction of a dangerous condition may be accomplished by city forces or a private contractor. Costs of correction are the responsibility of the owner.

(7) To assess a civil penalty, not to exceed $1,000 a day per violation or, if the property is the owner’s lawful homestead, $10 a day per violation, against a property or property owner for each day or part of a day that the owner fails to repair or demolish a structure in compliance with a court order issued under this article.

(8) To require vacation of the occupants of a structure found to be an urban nuisance or found to be overcrowded. (Ord. Nos. 24457; 26455; 30236)

SEC. 27-16.4. INITIATION OF PROCEEDING; PETITION REQUIREMENTS.

(a) A petition filed with the municipal court by the city attorney initiates a civil proceeding under this article. The proceeding must be kept and organized separately from the criminal dockets of the municipal court.

(b) The petition must include:

(1) an identification, which is not required to be a legal description, of the structure and the property on which it is located; and

(2) a description of the alleged violation or violations of minimum standards that are present on the property.

(c) The municipal court shall set the matter for a hearing not less than 30 days nor more than 60 days after the filing of the petition. (Ord. Nos. 24457; 26455; 30236)

SEC. 27-16.5. NOTICE OF HEARING BEFORE THE MUNICIPAL COURT.

(a) The city attorney or the director shall give notice of a municipal court hearing on the repair, demolition, vacation, or securing of a structure, or the relocation of the occupants of a structure, to any owner, mortgagee, or lienholder of the structure. A diligent effort must be made to discover each owner, mortgagee, or lienholder of the structure and to give such persons notice of the hearing.

(b) Notice of the hearing must include:

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

(2) an identification, which is not required to be a legal description, of the structure and the property on which it is located;
(3) a description of the alleged violation or violations of minimum standards that are present on the property; and

(4) a statement that the owner, mortgagee, or lienholder must submit at the hearing proof of the scope of any work that may be required to comply with this chapter and the time it will take to reasonably perform the work.

(c) On or before the 10th day before the hearing date, notice of the hearing must be:

(1) mailed, by certified mail, return receipt requested, to the record owners of the affected property, and each holder of a recorded lien against the property, as shown by the records in the office of the county clerk of the county in which the property is located if the address of the lienholder can be ascertained from the deed of trust establishing the lien or any other applicable instruments on file in the office of the county clerk;

(2) posted, to all unknown owners, on the front door of each improvement situated on the affected property or as close to the front door as practicable; and

(3) published on one occasion in a newspaper of general circulation in the city.

(d) The city attorney or the director may file in the official public records of real property in the county in which the property is located a notice of hearing that contains:

(1) the name and address of the property owner, if that information can be determined;

(2) a legal description of the property; and

(3) a description of the hearing.

SEC. 27-16.6. REQUEST FOR CONTINUANCE OF HEARING.

A continuance of a hearing requested and set under this article may only be considered and granted in open court by the presiding judge of the court on the date and time of the originally scheduled hearing. A continuance must be requested in writing and may only be granted for good cause shown. The court may continue the hearing no more than 60 days and must notify the parties appearing in open court of the new date and time of the hearing. No other notice of the continued hearing date and time is required to be filed, sent, published, or posted. (Ord. Nos. 24457; 26455)

SEC. 27-16.7. HEARING PROCEDURES BEFORE THE MUNICIPAL COURT; COURT ORDERS.

(a) At the civil hearing in municipal court:

(1) the city attorney shall present evidence of notice of the hearing, the violation or violations of minimum standards that are present on the property, and other relevant issues;

(2) an owner, lienholder, mortgagee, or other person shown to have an interest in the property may present evidence of the scope of work and time required to comply with minimum standards under this chapter, present evidence on other relevant issues, and cross-examine witnesses; and

(3) the city attorney may cross-examine or rebut any evidence offered by an opposing party or other witness.
(b) At the close of evidence at the hearing, the municipal court judge may do one or more of the following:

(1) Find by a preponderance of the evidence that the structure is an urban nuisance, specifically describing each minimum standard found to be violated, and order one or more of the following:

(A) demolition of the structure by the owner, lienholder, or mortgagee within 30 days, unless an extension is granted under Subsection (c);

(B) repair of the structure by the owner, lienholder, or mortgagee as needed to correct every violation of minimum standards found by the court to exist at the structure, the repair to be accomplished within 30 days, unless an extension is granted under Subsection (c);

(C) vacation of the structure by the owner, lienholder, or mortgagee, within a specified period of time; or

(D) the assessment of a civil penalty against the owner for each day or part of a day that the owner fails to repair or demolish the structure in compliance with a court order issued under this subsection.

(2) Find that the structure is overcrowded under Section 27-15 of this chapter and order a reduction of occupancy load by the owner, lienholder, or mortgagee.

(3) Find that the structure is open and vacant and order securing of the structure from unauthorized entry in compliance with the Dallas Fire Code within 30 days by the owner, lienholder, or mortgagee.

(4) Order relocation of the occupants of a structure affected by a court order, within a specified period of time, by the owner, lienholder, or mortgagee.

(5) Determine whether any occupants of a structure affected by a board order are ineligible for relocation assistance under Section 27-16.3(c) of this chapter.

(c) Time extensions for complying with an order to repair or demolish a structure.

(1) The court may allow more than 30 days to comply with an order to repair or demolish a structure under Subsection (b)(1), if the owner, lienholder, or mortgagee establishes at the hearing that the work cannot reasonably be performed within 30 days. The court shall establish a specific time schedule for the commencement and performance of the work and require the owner, lienholder, or mortgagee to secure the property from unauthorized entry while the work is being performed.

(2) The court may not allow more than 90 days to comply with an order issued under Subsection (b)(1) unless the owner, lienholder, or mortgagee:

(A) submits at the hearing a detailed plan and time schedule for the work; and

(B) establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

(3) If the court allows more than 90 days to complete any part of the work required to repair or demolish the structure under Subsection (b)(1), it shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the court demonstrating compliance with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the court to demonstrate compliance with the time schedules.

(4) If the owner, lienholder, or mortgagee owns property, including structures and improvements on property, within the city boundaries that exceeds $100,000 in total value, the court may require the owner, lienholder, or mortgagee to post a
cash or surety bond in an amount adequate to cover the cost of repairing or demolishing a structure under Subsection (c)(3). In lieu of a bond, the court may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the city. The bond must be posted, or the letter of credit or third party guaranty provided, not later than the 30th day after the date the court issues the order. The court shall establish rules and procedures, to be approved by the city attorney, governing when a bond, letter of credit, or third party guaranty will be required under this paragraph.

(d) Demolition, vacation, and securing of a structure, and the relocation of the occupants of a structure, may be accomplished by the city if not timely accomplished by the owner, lienholder, or mortgagee. Repair of a structure may be accomplished by the city if not timely accomplished by the owner, lienholder, or mortgagee, but only to the extent necessary to bring the structure into compliance with minimum standards and only if the structure is a residential structure with not more than 10 dwelling units. If, at the close of evidence at the hearing, the court orders a structure to be repaired, vacated, secured, or demolished, or orders relocation of the occupants of a structure, the court shall in its order also authorize the city of Dallas, through its agents or contractors, to enter the property and repair, vacate, secure, or demolish the structure on the property, or relocate the occupants of the structure, whichever applies, if the ordered action is not accomplished by the owner, lienholder, or mortgagee by the deadline given by the court pursuant to Subsection (b) or (c). Performance of work by the city under this subsection does not limit the ability of the city to collect on a bond or other financial guaranty that may be required from the property owner, lienholder, or mortgagee under Subsection (c)(4) of this section.

(e) An order entered by the court must also include a statement that any order entered by the municipal court, when filed in the official public real property records of the county in which the property is located, binds any subsequent grantee, lienholder, or other transferee of an interest in the property who acquires the interest after the filing of the order.

(f) After the hearing, the city attorney or the director shall promptly mail by certified mail, return receipt requested, or personally deliver with proof of delivery, a copy of the order to each owner, lienholder, and mortgagee of the structure and shall file a copy of the order in the official public real property records of the county in which the property is located. Best efforts must be made to determine the identity and address of any owner, mortgagee, or lienholder and to give such persons notice of the order. If an order to repair, demolish, vacate, reduce in occupancy load, or secure a structure, or to relocate the occupants of a structure, is timely effected, the director shall, upon written request and payment of the cost by the owner, file a notice of compliance in the deed records of the county in which the property is located. Every notice given under this subsection must include an identification, which is not required to be a legal description, of the structure and property on which it is located, and a description of the violation of minimum standards that is present at the property.

(g) Within 10 days after the date the order is issued, the city attorney or the director shall:

(1) file a copy of the order in the office of the city secretary; and

(2) publish in a newspaper of general circulation in the city of Dallas an abbreviated copy of the order containing:

(A) the street address or legal description of the property;

(B) the date of the hearing;

(C) a brief statement indicating the results of the order; and

(D) instructions stating where a complete copy of the order may be obtained. (Ord. Nos. 24457; 26455)
§ 27-16.8 Minimum Property Standards

SEC. 27-16.8. NONCOMPLIANCE WITH COURT ORDERS; CIVIL PENALTIES; LIENS.

(a) If the city of Dallas determines that the owner, lienholder, or mortgagee of a structure has not timely complied with a municipal court order issued under Section 27-16.7 and the order included a provision authorizing the city to perform work upon failure of the owner, lienholder, or mortgagee to comply with the order, the city may, in addition to other remedies provided by law, repair, demolish, vacate, or secure the structure, or relocate the occupants of the structure, whichever is applicable, in accordance with the court order. Before the city begins performance of the work, the city attorney or the director shall issue a notice including:

(1) an identification, which is not required to be a legal description, of the structure and the property on which it is located;

(2) an identification of the court order;

(3) a description of each violation of minimum standards found by the court to be present on the property when the court order was issued;

(4) a description of any work ordered by the court to correct each violation on the property;

(5) a statement that the owner, lienholder, or mortgagee has not timely complied with the court order and a description of the provisions of the court order that still require compliance;

(6) a statement of the city’s intent to cause the repair, demolition, vacation, or securing of the structure, or the relocation of the occupants of the structure, whichever is applicable; and

(7) the date and time the city will begin performance of the work in accordance with the court order.

(b) At least 10 days before the city of Dallas begins the performance of work under this section, the notice required under Subsection (a) must be:

(1) mailed by certified mail, return receipt requested, to each owner, lienholder, and mortgagee of the structure;

(2) posted on the front door of the structure or as close to the front door as practicable; and

(3) published on one occasion in a newspaper of general circulation in the city.

(c) Any costs incurred by the city in performing work under this article may be enforced in accordance with Subsection (e) of this section and through any other remedies provided by city ordinance or state law.

(d) Assessment of civil penalties.

(1) If the city attorney or the director determines that the owner, lienholder, or mortgagee of a structure has not timely complied with a municipal court order issued under Section 27-16.7, the city attorney may file an action in municipal court for the assessment of a civil penalty against the property and property owner. The city attorney or the director shall promptly give notice to each owner, lienholder, and mortgagee of the hearing to assess a civil penalty. The notice must include:

(A) an identification, which is not required to be a legal description, of the structure and the property on which it is located;

(B) an identification of the court order affecting the property;

(C) a description of each violation of minimum standards found by the court to be present on the property when the court order was issued;

(D) a description of any work ordered by the court to correct each violation on the property;
§ 27-16.8 Minimum Property Standards

(E) a statement that the city attorney or the director has determined that an owner, lienholder, or mortgagee has not timely complied with the court order and a description of the provisions of the court order that still require compliance; and

(F) a statement that the court will conduct a hearing to consider assessment of a civil penalty against the property and property owner and the date, time, and place of the hearing.

(2) The notice required under Subsection (d)(1) for a municipal court hearing to consider the assessment of a civil penalty against the property and property owner subject to a court order must be given in compliance with the notice requirements set forth in Section 27-16.5 for other hearings under this article.

(3) A hearing to consider the assessment of a civil penalty on property subject to a court order must be conducted in compliance with the requirements and procedures set forth in this article for other hearings before the municipal court, except that, in addition to any other evidence presented, an owner, lienholder, or mortgagee may present evidence of any work performed or completed on the property to comply with the court order.

(4) The court, after hearing evidence from each interested person present, may assess a civil penalty against the owner in a specific amount in accordance with Section 27-16.3(b)(7) of this article.

(5) Notice of a court order issued under this subsection must comply with the requirements and procedures of Section 27-16.7(f) and (g) and Section 27-16.11 for notice of other board orders.

(6) A civil penalty assessed under this subsection may be enforced in accordance with Subsection (e) of this section.

(7) A civil penalty assessment hearing may be combined with any other hearing before the municipal court concerning the same property.

(e) Liens.

(1) The expense of the repair, demolition, vacation, or securing of a structure or the relocation of the occupants of a structure, when performed under contract with the city or by city forces, and any civil penalty assessed against the owner of the structure, constitute a nontransferable lien against the real property on which the structure stands or stood and runs with the land, unless it is a homestead as protected by the Texas Constitution. The city’s lien attaches when notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice must contain the name and address of the owner, if reasonably determinable, a legal description of the real property, the amount of expenses incurred by the city, and the balance due.

(2) The city’s lien for the expenses is a privileged lien subordinate only to tax liens, if each mortgagee and lienholder is given notice and an opportunity to repair, demolish, vacate, or secure the structure, or relocate the occupants of the structure, whichever applies. Otherwise, the city’s lien for expenses, or for any civil penalties imposed, is superior to all other previously recorded judgment liens except for any previously recorded bona fide mortgage lien attached to the real property, if the mortgage lien was filed for record in the county clerk’s office of the county in which the real property is located before the date the civil penalty was assessed or the action for which the expenses were incurred was begun by the city.

(3) A lien acquired by the city under this section for repair expenses may not be foreclosed if the structure upon which the repairs were made is occupied as a residential homestead by a person 65 years of age or older.

(4) The city may use lawful means to collect expenses and civil penalties assessed under this article from an owner or a property. Any civil penalty or other assessment imposed under this article accrues interest at the rate of 10 percent a year from the date of

24 Dallas City Code 4/17
§ 27-16.8 Minimum Property Standards

the assessment until paid in full. The city may petition a court of competent jurisdiction in a civil suit for a final judgment in accordance with the assessed civil penalty. To enforce the civil penalty, the city must file with the district clerk of a county in which the city is located a certified copy of the municipal court order assessing the civil penalty, stating the amount and duration of the penalty. The assessment of a civil penalty under this article is final and binding and constitutes prima facie evidence of the penalty. No other proof is required for the district court to enter final judgment on the penalty. (Ord. Nos. 24457; 26455; 30236)

SEC. 27-16.9. MODIFICATION OF COURT ORDERS.

(a) Within 15 days after the municipal court enters an order under this article, the city of Dallas or an owner, lienholder, or mortgagee of a structure that is the subject of the order may request that the court modify its order. The request must be in writing and filed with the court.

(b) The court shall schedule a hearing on the motion not less than five days or more than 10 days after the request for modification is filed. The movant must promptly deliver a copy of the request and notice of the hearing date and time, in writing, to the city attorney and each owner, lienholder, and mortgagee by either personal service or certified mail, return receipt requested.

(c) If circumstances have changed and the court finds good cause, the court may modify the order. The city attorney or the director shall notify the owner, lienholder, and mortgagee of the structure of the modified order in accordance with Sections 27-16.7(f) and (g). (Ord. Nos. 24457; 26455)

SEC. 27-16.10. APPEAL OF COURT ORDERS.

Any owner, lienholder, or mortgagee of record who is jointly or severally aggrieved by a municipal court order issued under this article may appeal by filing in state district court a verified petition setting forth that the municipal court’s decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by an owner, lienholder, or mortgagee of record within 30 calendar days after the respective dates a copy of the municipal court order is mailed to each in compliance with Section 27-16.7(f) of this chapter; otherwise, the order will become final as to each person upon expiration of each person’s respective 30-calendar-day period. An appeal in state district court is limited to a hearing under the substantial evidence rule. (Ord. Nos. 24457; 26455)

SEC. 27-16.11. MISCELLANEOUS NOTICE PROVISIONS.

(a) Any notice required by this article to be given to the owner, lienholder, or mortgagee of any structure must also be given to any occupant of the structure, if the subject of the notice involves the demolition, vacation, or reduction of occupancy load of the structure or the relocation or ineligibility for relocation expenses of the occupants. Notice required under this subsection must be given to the occupants either:

(1) in the same manner required by this article for notice to the owner, lienholder, or mortgagee of the structure; or

(2) by personal service, using the time and procedural requirements set forth in this article for notice to the owner, lienholder, or mortgagee of the structure.

(b) For purposes of this article, a requirement to use “best efforts” or “a diligent effort” is satisfied by a search of the following records:

(1) county real property records of the county in which the structure is located;
§ 27-16.11 Minimum Property Standards § 27-16.13

(2) appraisal district records of the appraisal district in which the structure is located;

(3) records of the secretary of state for the State of Texas;

(4) assumed name records of the county in which the structure is located;

(5) tax records of the city of Dallas; and

(6) utility records of the city of Dallas.

(c) If any notice, order, or other document is mailed by certified mail, return receipt requested, as required by this article, and is returned by the United States Postal Service as “refused” or “unclaimed,” the validity of the notice, order, or other document is not affected, and the notice, order, or other document will be deemed as delivered.

(d) If the city attorney requests a court to issue an order requiring demolition of a residential structure with no more than 3,000 square feet of floor area on a property subject to a predesignation moratorium or a structure in a historic overlay district, the city attorney shall comply with the requirements of Section 51A-4.501(i). (Ord. Nos. 24457; 26455; 27922)

ARTICLE IV-b.
ADMINISTRATIVE ADJUDICATION PROCEDURE FOR PREMISES, PROPERTY, AND CERTAIN OTHER VIOLATIONS.

SEC. 27-16.12. ALTERNATIVE ADMINISTRATIVE ADJUDICATION PROCEDURE.

Every violation of an ordinance described by Section 54.032 of the Texas Local Government Code or adopted under Subchapter E, Chapter 683 of the Texas Transportation Code or under Section 214.001(a)(1) of the Texas Local Government Code may be enforced as an administrative offense using the alternative administrative adjudication procedure set forth in this article, as authorized by Section 54.044 of the Texas Local Government Code. The adoption or use of this alternative administrative adjudication procedure does not preclude the city from enforcing a violation of an ordinance described in this section through criminal penalties and procedures. (Ord. Nos. 25927; 29403)

SEC. 27-16.13. ADMINISTRATIVE CITATION.

(a) An administrative citation issued under this article must:

(1) notify the person charged with violating the ordinance that the person has the right to a hearing;

(2) provide information as to the time and place to appear before the hearing officer;

(3) include the nature, date, and location of the violation;

(4) notify the person charged with violating the ordinance of the amount of the administrative penalty for which the person may be liable and provide instructions and the due date for paying the administrative penalty;

(5) notify the person charged that any request to have the inspector who issued the citation present at the administrative hearing must be in writing and must be received by the hearing officer at least five calendar days before the scheduled hearing date and that the failure to timely request the presence of the inspector constitutes a waiver of the person’s right to require the inspector to be present at the hearing;

(6) notify the person charged that failure to timely appear at the time and place of the hearing as set forth in the citation or, if the hearing is continued or postponed, at any subsequent hearing, is considered an admission of liability for the violation charged; and
§ 27-16.13 Minimum Property Standards

(7) contain a return of service signed by the inspector indicating how the administrative citation was served on the person charged.

(b) An administrative citation under this article serves as the summons and charging instrument for purposes of this article.

(c) A copy of the administrative citation must be kept as a record in the ordinary course of business of the city by the municipal court clerk.

(d) An administrative citation kept by the municipal court clerk is rebuttable proof of the facts it states. (Ord. Nos. 25927; 30236)

SEC. 27-16.14 SERVICE OF AN ADMINISTRATIVE CITATION.

(a) An attempt must be made to personally serve an administrative citation by handing it to the person charged if the person is present at the time of service or by leaving the citation at the person’s usual place of residence with any person residing at such residence who is 16 years of age or older and informing that person of the citation’s contents.

(b) If an attempt to personally serve the citation fails, the administrative citation must then be served upon the person charged by posting the citation on either:

1. the front door or front gate of the premises or property; or

2. a placard staked to the yard of the premises or property in a location visible from a public street or alley.

(c) If service upon the person charged is by posting the citation on the premises or property, a copy of the citation must also be sent to the last known address of the person charged by regular United States mail. If the person charged is the owner of the premises or property, then the last known address of the person is that address kept by the appraisal district of the county in which is located the premises or property that is the subject of the citation, except that if the owner is a corporation or other legal entity, a copy of the citation may be mailed to the registered agent’s address on file with the Texas Secretary of State. If the person charged is the person in control of the premises or property, then the last known address of the person is the address of the premises or property. (Ord. Nos. 25927; 30236)

SEC. 27-16.15 ANSWERING AN ADMINISTRATIVE CITATION.

(a) A person who has been charged with a violation of this chapter through an administrative citation shall answer to the charge by appearing in person or through counsel before the hearing officer no later than the 31st calendar day after the date the citation was issued. If the 31st calendar day falls on a day when the court is closed, then the person must appear (in person or through counsel) by the next day that the court is open.

(b) An answer to the administrative citation may be made in either of the following ways:

1. By returning the citation, on or before the 31st calendar day from the date the citation was issued, with the applicable administrative penalties, fees, and court costs, which action constitutes an admission of liability.

2. By personally appearing, with or without counsel, before the hearing officer on or before the 31st calendar day from the date the citation was issued and on any subsequent hearing date. The person charged in the administrative citation must be present at the hearing and cannot be represented by anyone other than an attorney who has a license to practice law in Texas, which is in good standing. If the person charged is a corporation or a business entity, the corporation or business entity must be represented.
by an attorney who has a license to practice law in
Texas, which is in good standing. (Ord. Nos. 25927; 30236)

SEC. 27-16.16. FAILURE TO APPEAR AT AN
ADMINISTRATIVE HEARING.

(a) A person who fails to answer an
administrative citation as required by Section 27-16.15
of this chapter is considered to have admitted liability
for the violation charged. Upon proof of service by the
city, the hearing officer shall issue, in writing, an
administrative order of liability and assess against the
person charged with the violation an appropriate
amount of administrative penalties, fees, and court
costs.

(b) The hearing officer shall assess an additional
$36 administrative penalty for each violation (other
than a violation of Section 49-21.1 of this code) for
which a person is found liable, which amount will be
placed in the Dallas Tomorrow Fund or the Dallas
Animal Welfare Fund, as applicable. In no case may the
total amount of administrative penalties assessed
against a person for a violation exceed the maximum
penalty established by city ordinance for the particular
violation, and in no case may the total amount of
administrative penalties, including the $36
administrative penalty, assessed against a person for a
violation be less than the minimum penalty established
by city ordinance for the particular violation.

(c) Within seven calendar days after the hearing
officer files the administrative order of liability with the
municipal court clerk, the municipal court clerk shall
send a copy of the order to the person charged with the
violation. The copy of the order must be sent by regular
United States mail to the person’s last known address as
defined in Section 27-16.14(c). The administrative order
must include a statement:

(1) of the amount of the administrative
penalties, fees, and court costs;

(2) of the right to appeal to municipal court
before the 31st calendar day after the date the hearing
officer’s order is filed with the municipal court clerk;

(3) that, unless the hearing officer’s order is
suspended through a properly filed appeal, the
administrative penalties, fees, and court costs must be
paid within 31 calendar days after the date the hearing
officer’s order is filed;

(4) that, if the administrative penalties, fees,
and court costs are not timely paid, the penalties, fees,
and costs may be referred to a collection agency and
the cost to the city for the collection services will be
assessed as costs, at the rate agreed to between the city
and the collection agency, and added to the judgment;
and

(5) that the city may enforce the hearing
officer’s administrative order by:

(A) filing a civil suit for collection of
the administrative penalties, fees, and court costs;

(B) obtaining an injunction to prohibit
specific conduct that violates the order or to require
specific conduct necessary for compliance with the
order; or

(C) both (A) and (B). (Ord. Nos. 25927;
29403; 29618; 30236)

SEC. 27-16.17. HEARING OFFICERS;
QUALIFICATIONS, POWERS,
DUTIES, AND FUNCTIONS.

(a) Hearing officers shall be recommended by
the administrative judge and appointed by the city
council, and shall serve until a successor is
recommended by the administrative judge and
appointed by the city council. Hearing officers shall
administratively adjudicate violations of ordinances
described by Section 54.032 of the Texas Local
Government Code or adopted under Subchapter E,
Chapter 683 of the Texas Transportation Code or
under Section 214.001(a)(1) of the Texas Local Government Code. The city council shall appoint one hearing officer and may appoint a maximum of five associate hearing officers, who shall meet the same qualifications and have the same powers, duties, and functions of the hearing officer.

(b) A hearing officer must meet all of the following qualifications:

(1) Be a resident of the city of Dallas at the time of employment as a hearing officer and maintain residency in the city throughout such employment.

(2) Be a citizen of the United States.

(3) Be a licensed attorney in good standing.

(4) Have two or more years of experience in the practice of law in the State of Texas.

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

(1) To administer oaths.

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

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

(4) To assess administrative penalties, fees, and court costs in accordance with this article.

(5) To question witnesses and examine evidence offered.

(6) To suspend the payment of administrative penalties for a specific period of time.

(7) To make a finding as to the financial inability of a person found liable of a violation to comply with an administrative order and to refer that person to potential sources of funding to assist the person in complying with the administrative order.

(8) To make a finding as to the financial inability of a person found liable of a violation to pay for the transcription of any recording of an administrative hearing and/or to post an appeal bond. (Ord. Nos. 25927; 30236)

SEC. 27-16.18. HEARING FOR DISPOSITION OF AN ADMINISTRATIVE CITATION; CITATION AS REBUTTABLE PROOF OF OFFENSE.

(a) Every hearing for the adjudication of an administrative citation under this article must be held before a hearing officer. A hearing cannot be held without the presence of the person charged or the person's attorney.

(b) At a hearing under this article, the administrative citation is rebuttable proof of the facts that it states. Evidence of compliance with the ordinance after the administrative citation was issued can be taken into consideration by the hearing officer when assessing a reasonable administrative penalty, but the evidence is not considered rebuttal evidence nor does it refute or contradict the allegations made in the citation.

(c) The formal rules of evidence do not apply to the hearing, and any relevant evidence will be deemed admitted if the hearing officer finds it competent and reliable. The hearing officer shall make a decision based upon a preponderance of the evidence presented at the hearing, after giving due weight to all rebuttable proof established by this article or other applicable law.

(d) Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues, and to rebut evidence; except that, if the
person charged fails to make a timely, written request to have the inspector who issued the citation present at the hearing, the person charged will be deemed to have waived the right to call and examine that inspector.

(e) The hearing officer may examine any witness and may consider any evidence offered by a witness or person charged with a violation, giving due weight to all testimony and evidence offered.

(f) If requested by the hearing officer or any party to the hearing prior to commencement of the hearing, the administrative hearing will be recorded electronically. Failure to timely request that the administrative hearing be electronically recorded constitutes a waiver of the right to have a record of the hearing. The person charged may, at his expense, have a court reporter present in the hearing room during the proceedings.

(g) After hearing all the evidence, the hearing officer shall immediately issue an order in writing, either:

1. finding the person charged liable for the violation, assessing the applicable administrative penalties, fees, and court costs, and notifying the person of the right of appeal to municipal court; or

2. finding the person charged not liable for the violation.

(h) The hearing officer shall assess an additional $36 administrative penalty for each violation (other than a violation of Section 49-21.1 of this code) for which a person is found liable, which amount will be placed in the Dallas Tomorrow Fund or the Dallas Animal Welfare Fund, as applicable. In no case may the total amount of administrative penalties, including the $36 administrative penalty, assessed against a person for a violation be more than the maximum penalty or less than the minimum penalty established by city ordinance for the particular violation.

(i) A person who has been found liable for a violation may, after the hearing officer has issued an administrative order but prior to the conclusion of the hearing, assert financial inability to bring the property or premises into compliance with the order. At that time, the hearing officer shall suspend enforcement of the administrative order for a specific time not to exceed 30 days and set the matter for an indigency hearing pursuant to Section 27-16.19(e), if, in the interests of justice, the attorney for the city believes that a further extension should be granted, the attorney for the city can make a motion to extend the suspension period for a specific time and present the motion to the hearing officer for a ruling.

(j) An administrative order of the hearing officer must be filed with the municipal court clerk.

(Ord. Nos. 25927; 29403; 29618; 30236)

SEC. 27-16.19. FINANCIAL INABILITY TO COMPLY WITH AN ADMINISTRATIVE ORDER, PAY FOR TRANSCRIPTION OF A RECORD, OR POST AN APPEAL BOND.

(a) A person found by the hearing officer to be financially unable to comply with an administrative order must be:

1. a resident of the property or premises that is the subject of the administrative order; and

2. the sole owner of the property or premises, except that the person may be a co-owner of the property or premises if all other co-owners cannot be located or are financially unable to comply with the administrative order.

(b) A person claiming a financial inability to comply with the administrative order must make that claim prior to the conclusion of the administrative hearing before the hearing officer.

(c) A person claiming a financial inability to pay for a transcription of the record and/or to post an appeal bond must make that claim in writing to the
§ 27-16.19 Minimum Property Standards

hearing officer on or before the seventh calendar day following the administrative hearing.

(d) A person claiming a financial inability to comply with an administrative order, to pay for a transcription of the record, and/or to post an appeal bond must have an income that does not exceed 50 percent of the Dallas Area Median Family Income (AMFI) as determined by the United States Department of Housing and Urban Development.

(e) After receiving a claim that a person found liable for a violation under this article is financially unable to comply with an administrative order, to pay for a transcription of the record, and/or to post an appeal bond, the hearing officer shall set the matter for hearing and notify all parties of the hearing date by regular United States mail. The hearing officer shall order the person found liable for a violation to bring to the hearing documentary evidence to support the person’s claim of financial inability. The hearing officer’s determination of whether the person found liable for a violation is financially unable to comply with the administrative order, to pay for a transcription of the record, and/or to post an appeal bond must be based on all information provided to the hearing officer by the person found liable or by the city attorney in opposition to the claim of financial inability. If the hearing officer determines that the person found liable for a violation does not have the financial ability to bring the property or premises into compliance with the administrative order, to pay for a transcription of the record, and/or to post an appeal bond, then the hearing officer shall enter that finding in writing.

(f) If the hearing officer finds that a person is financially unable to bring the property or premises into compliance with the administrative order, the administrative penalty will be waived. If, at the end of the suspension period, the property or premises is still in violation of the administrative order, the administrative penalties, fees, and court costs originally assessed will become due. If, in the interests of justice, the attorney for the city believes that the suspension should be extended, the attorney for the city can make a motion to extend the suspension period for a specific time and present the motion to the hearing officer for a ruling.

(g) A Citizen Advocate Program will be created to assist individuals who are found by the hearing officer to be financially unable to comply with an administrative order or who need special assistance regarding an administrative citation.

(h) If the hearing officer finds that the person found liable for a violation is financially unable to pay the costs of the transcription of the record and/or to post an appeal bond, these costs will be waived by the city. (Ord. Nos. 25927; 30236)

SEC. 27-16.20. APPEAL TO MUNICIPAL COURT.

(a) Either party to an action ruled upon by the hearing officer under this article may appeal that determination by filing a petition in municipal court within 31 calendar days after the date the hearing officer’s administrative order is filed with the municipal court clerk. An appeal does not stay the enforcement of the order of the hearing officer unless, before the appeal petition is filed, a bond is filed with the municipal court for twice the amount of the administrative penalties, fees, and court costs ordered by the hearing officer. The city is not required to file a bond in order to appeal. An appellant to municipal court may request a waiver of the bond amount on the basis of financial inability to pay, in which case the hearing officer may hold a hearing pursuant to Section 27-16.19 to determine whether the appellant is indigent and whether the bond amount may be waived. If the hearing officer’s administrative order is reversed on appeal, the appeal bond will be returned to the appellant.
(b) If a person found liable for a violation does not timely appeal the hearing officer's administrative order, the order will become a final judgment. If the administrative penalties, fees, and court costs assessed in the final judgment are not paid within 31 calendar days after the date the hearing officer's order is filed with the municipal court clerk, the administrative penalties, fees, and court costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs, at the rate agreed to between the city and the collection agency, and added to the judgment. The city may enforce the hearing officer's administrative order by filing a civil suit for collection of the administrative penalties, fees, and court costs and/or by obtaining an injunction to prohibit specific conduct that violates the administrative order or to require specific conduct necessary for compliance with the administrative order.

(c) Any recording of an administrative hearing must be kept and stored for not less than 45 calendar days beginning the day after the last day of the administrative hearing. Any administrative hearing that is appealed must be transcribed from the recording by a court reporter or other person authorized to transcribe court of record proceedings. The court reporter or other person transcribing the recorded administrative hearing is not required to have been present at the administrative hearing.

(d) The person found liable for the violation shall pay for any transcription of the recorded administrative hearing unless the hearing officer finds, pursuant to Section 27-16.19, that the person is unable to pay or give security for the transcription.

(e) Before the recorded proceedings are transcribed, the person found liable for the violation shall, unless found by the hearing officer to be unable to pay for the transcription, post a cash deposit with the municipal clerk for the estimated cost of the transcription. The cash deposit will be based on the length of the proceedings, and the costs of the court reporter, typing, and other incidental services. If the cash deposit exceeds the actual cost of the transcription, the municipal court clerk shall refund the difference to the person charged. If the cash deposit is insufficient to cover the actual cost of the transcription, the person charged must pay the additional amount before being given the transcription. If a case is reversed on appeal, the municipal court clerk shall refund to the person charged any amounts paid for a transcription.

(f) Upon receipt of an appeal petition, the municipal court clerk or deputy clerk shall cause a record of the case to be prepared from the transcript and the statement of facts, which must conform to the provisions relating to the preparation of a statement of facts in the Texas Rules of Appellate Procedure. The appellant shall pay for the statement of facts. If the person found liable for a violation failed to timely request that the administrative hearing be electronically recorded, then that person has waived the right to appeal the administrative order. If the person found liable for a violation timely requested that the administrative hearing be electronically recorded and, through no fault of the person, the recording of the hearing is either unavailable or cannot be transcribed, then the municipal judge shall reverse the hearing officer's order and remand the matter to the hearing officer for a new administrative hearing.

(g) Upon receiving the record of the administrative hearing, the municipal judge shall review the record and may grant relief from the administrative order only if the record reflects that the appellant's substantial rights have been prejudiced because the administrative order is:

1. in violation of a constitutional or statutory provision;
2. in excess of the hearing officer's statutory authority;
3. made through unlawful procedure;
4. affected by another error of law;
5. not reasonably supported by substantial evidence considering the reliable and probative evidence in the record as a whole; or
(6) arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

(h) The municipal judge shall rule on the appeal within 21 calendar days after receiving the record of the administrative hearing. The municipal judge shall affirm the administrative order of the hearing officer unless the record reflects that the order violates one of the standards in Subsection (g) of this section. If the record reflects that the hearing officer’s order violated one of the standards in Subsection (g), the municipal judge may either:

(1) reverse the hearing officer’s order and find the appellant not liable;

(2) reverse the hearing officer’s order and remand the matter to the hearing officer for a new hearing; or

(3) affirm the order, but reduce the amount of the administrative penalties assessed to no lower than the minimum penalty established by ordinance for the particular violation, including the additional $36 administrative penalty.

(i) The municipal judge’s ruling on the appeal must be issued in writing and filed with the municipal court clerk. A copy of the ruling must be sent to the appellant by regular United States mail at the last known address of the appellant as provided to the municipal court for the appeal.

(j) The municipal judge’s ruling is a final judgment. If an appeal bond was posted, any administrative penalties, fees, or court costs assessed by the municipal judge or by the hearing officer, if affirmed by the municipal judge, will be deducted from the appeal bond. If no appeal bond was posted, any administrative penalties, fees, or court costs assessed by the municipal judge or by the hearing officer, if affirmed by the municipal judge, must be paid within 30 calendar days after the municipal judge’s ruling is filed with the municipal court clerk. If not timely paid, such penalties, fees, and court costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs, at the rate agreed to between the city and the collection agency, and added to the judgment. The city may enforce the municipal judge’s ruling by filing a civil suit for collection of the administrative penalties, fees, and court costs and/or by obtaining an injunction to prohibit specific conduct that violates the ruling or to require specific conduct necessary for compliance with the ruling. (Ord. Nos. 25927; 30236)

SEC. 27-16.21. DISPOSITION OF ADMINISTRATIVE PENALTIES, FEES, AND COURT COSTS.

(a) Except as provided in Subsection (b), administrative penalties, fees, and court costs assessed under this article must be paid into the city’s general fund for the use and benefit of the city.

(b) From the administrative penalties assessed under this article, $36 for each violation (other than a violation of Section 49-21.1 of this code) for which a person is found liable must be deposited into the Dallas Tomorrow Fund established in Section 27-16.22 of this article or the Dallas Animal Welfare Fund established under Section 7-8.4 of Chapter 7 of this code, as applicable. (Ord. Nos. 25927; 29403; 29618)

SEC. 27-16.22. DALLAS TOMORROW FUND.

(a) The Dallas Tomorrow Fund is composed of:

(1) all Dallas Tomorrow Fund penalties collected under Section 27-16.21(b) of this article;

(2) 30 percent of all civil penalties collected by the city for civil lawsuits filed in the municipal court under Subchapter B, Chapter 54 of the Texas Local Government Code, as amended, or under Chapter 214 of the Texas Local Government Code, as amended; and
(3) any funds donated by an individual or entity, any of which donations may be refused by a majority vote of the city council.

(b) The Dallas Tomorrow Fund must be used for the sole purpose of rehabilitating and repairing properties and premises in the city for persons who are found by the Dallas Tomorrow Fund administrator to be financially unable to comply with a notice of violation issued by the director under this chapter.

(Ord. Nos. 25927; 30236)

SEC. 27-16.23. ADMINISTRATION OF THE DALLAS TOMORROW FUND.

(a) The city manager shall appoint an administrator of the Dallas Tomorrow Fund. The administrator shall adopt policies and procedures consistent with this article for the administration of the fund.

(b) To be eligible to receive funds from the Dallas Tomorrow Fund, a person must:

(1) have received a notice of violation of this chapter from the director;

(2) have been found by the administrator of the Dallas Tomorrow Fund to be financially unable to comply with the notice of violation;

(3) file a request with the Dallas Tomorrow Fund administrator for the purpose of rehabilitating and/or repairing the person's property or premises until it complies with the notice of violation; and

(4) not have received funds from the Dallas Tomorrow Fund within the preceding 60 months.

(c) A person who makes a request to the Dallas Tomorrow Fund administrator is voluntarily requesting that the administrator use the fund to rehabilitate and/or repair the person's property or premises for the sole purpose of bringing the property or premises into compliance with the notice of violation.

(d) The administrator is responsible for ensuring that the property or premises is inspected and that a detailed, written project plan is prepared that includes the work proposed, the amount of time the work will take, and the cost of the work. The project plan must include only the work necessary to bring the property or premises into compliance with the notice of violation.

(e) A person who files a request with the Dallas Tomorrow Fund administrator does so voluntarily. Before the work on the property or premises begins, the person who filed the request must confirm in writing that he or she:

(1) inspected the project plan;

(2) approved the project plan; and

(3) has understood that he or she has the right to withdraw the request at any time by providing written notice to the Dallas Tomorrow Fund administrator.

(f) If the person continues with the request, the person must indemnify the city against any liability resulting from the project, any damages that may occur related to the project, and any damages resulting from any early termination of the project.

(g) The administrator shall comply with state law in procuring a contractor to rehabilitate and/or repair the property or premises in accordance with the project plan.

(h) The contractor selected by the Dallas Tomorrow Fund administrator has the right to terminate the project at any time pursuant to their contractual agreement and pursuant to policies and procedures adopted by the administrator. Any termination notice must be in writing. The city has no obligation, and is not liable, for any subsequent
(i) If the project is terminated prior to completion for any reason, the administrator may disburse money from the Dallas Tomorrow Fund to pay the contractor for work completed by the contractor.

(j) Once the administrator certifies that the project is completed, the administrator shall notify the code officer who wrote the notice of violation and the officer’s district manager in writing. The project must then be inspected by the city for the sole purpose of determining whether the property or premises complies with the notice of violation. If the city inspector determines that the property or premises does not comply with the notice of violation, then the city inspector shall send written notice to the administrator that the project is not completed and describe the work that is required before the project will be considered completed. At that point, the administrator shall ensure that the selected contractor will continue the project until once again certifying that the project is completed, at which time the project will again be inspected by the city for the sole purpose of determining whether the property or premises complies with the notice of violation.

(k) The administrator may only initiate project plans for projects costing $20,000 or less. No project plan may be initiated by the administrator unless the project cost is less than or equal to the amount in the Dallas Tomorrow Fund at any one time. The administrator shall produce a biannual report of available funds and appropriated funds in the Dallas Tomorrow Fund. If the fund is temporarily out of money, the administrator may not initiate a project plan until such time as there are additional funds equal to or exceeding the amount of the project’s cost. If during work on the project, additional funds are needed in order to ensure that the property or premises complies with the notice of violation, the administrator may approve additional funds, not to exceed 25 percent of the maximum project amount allowed by this subsection, for work that was necessary to bring the property or premises into compliance with the notice of violation, but that was not anticipated in the original project plan. Substantial changes to the project plan must be approved in writing by the person who filed the request with the Dallas Tomorrow Fund administrator. (Ord. Nos. 25927; 29618; 30236)

ARTICLE V.
RESERVED.

SECS. 27-17 THRU 27-23. (Repealed by Ord. 25522)

ARTICLE VI.
MASTER METERED UTILITIES.

SEC. 27-24. DEFINITIONS.

In this article:

(1) MASTER METERED APARTMENT BUILDING means a building or group of buildings on a single premise containing three or more dwelling units that are leased to occupants who are provided one or more utility services for which they do not pay the utility company directly.

(2) PROPERTY MANAGER means the person, firm, or corporation that collects or receives rental payments, or has responsibility for paying utility bills for a master metered apartment building.

(3) UTILITY COMPANY means the entity providing gas, electric, or water and wastewater service to a master metered apartment building.

(4) UTILITY INTERRUPTION means the termination of utility service to a master metered apartment building by a utility company for nonpayment of billed service. (Ord. Nos. 16232; 18591; 19234; 30236)
SEC. 27-25. RECORDS OF OWNERSHIP AND MANAGEMENT MAINTAINED BY UTILITY COMPANIES.

(a) Before providing utility service to a new account at a master metered apartment building, a utility company shall obtain the names and addresses of:

(1) the owner or owners of the building;

(2) the property manager responsible for paying the utility bills; and

(3) the first lienholder, if any.

(b) The utility company shall maintain a record of the information obtained under Subsection (a) and shall make it available to the director upon request.

(c) The applicant for utility service shall provide the information required in Subsection (a) to the utility company. (Ord. Nos. 16232; 18591; 19234)

SEC. 27-26. NOTICE TO TENANTS.

(a) The owner or property manager of a master metered apartment building shall post and maintain a notice in accordance with Subsection (b) containing the name, address, and telephone number of the person with authority and responsibility for making payment to the utility companies for utility bills. The owner or property manager shall correct the notice within 10 days of any change in the information given in the notice.

(b) The notice must be posted in a conspicuous place in a common area of the master metered apartment building so that it is accessible to tenants at all times, easily readable, protected from the weather, and visible from the common area. For the purpose of this section a common area includes, but is not limited to, a common corridor or passageway, a laundry room, the area adjacent to a grouped mail box location, or an area adjacent to the manager’s office.

(c) For the purpose of this section the notice may be placed on the inside of a glass door or window in the manager’s office or a tenant’s apartment so long as all requirements of Subsection (b) are met.

(d) A person commits an offense if he knowingly removes or mutilates a posted notice required under Subsection (a).

(e) It is a defense to prosecution under Subsection (d) if the person was authorized by the owner or property manager to replace the notice in order to correct the information. (Ord. Nos. 16232; 18591; 19234)

SEC. 27-27. NOTICE OF UTILITY INTERRUPTION.

(a) A utility company shall make a reasonable effort (including, but not limited to messenger delivery) to provide notice of a pending utility interruption to tenants of a master metered apartment building.

(b) A person commits an offense if he knowingly:

(1) interferes with an employee of a utility company posting notices of a utility interruption at dwelling units of a master metered apartment building; or

(2) removes a notice of utility interruption posted at a dwelling unit of a master metered apartment building.

(c) It is a defense to prosecution under Subsection (b)(2) that the person is the resident of the dwelling unit from which notice was removed.
§ 27-27 Minimum Property Standards

(d) A utility company shall notify the city attorney of any utility interruption to a master metered apartment dwelling unit resulting from a violation of Section 27-28 of this article. Notice must be given, in writing, not more than three days after utility service is interrupted.

(e) A person who is responsible for bills received for electric utility service or gas utility service provided to an apartment, a leased or owner-occupied condominium, or one or more buildings containing at least 10 dwellings that receive electric utility service or gas utility service that is master metered but not submetered, shall comply with the notice requirements in Subchapter G of Chapter 92 of the Texas Property Code, as amended. (Ord. Nos. 16232; 18591; 19234; 25522; 30236)

SEC. 27-28. NONPAYMENT OF UTILITY BILLS - ESSENTIAL UTILITY SERVICE.

(a) The owner or property manager of a master metered apartment building commits an offense if he fails to pay a utility bill and the nonpayment results in the interruption to any dwelling unit of a utility service essential to the habitability of the dwelling unit and to the health of the occupants. Essential utility services are gas, electric, and water and wastewater services.

(b) The owner or property manager of a master metered apartment building who violates Subsection (a) is guilty of a separate offense for each dwelling unit to which utility service is interrupted.

(c) It is a defense to prosecution under this section that the tenant occupying a dwelling unit to which utility service is interrupted is in arrears in rent to the owner or property manager of the master metered apartment building. (Ord. Nos. 18591; 19234; 25522)

ARTICLE VII.

REGISTRATION AND INSPECTION OF RENTAL PROPERTIES AND CONDOMINIUMS.

SEC. 27-29. AUTHORITY OF DIRECTOR.

The director shall implement and enforce this article and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the director determines are necessary to discharge any duty under or to effect the policy of this article. (Ord. Nos. 22205; 22695; 24481; 25522; 30236)

SEC. 27-30. REGISTRATION AND POSTING REQUIREMENTS; DEFENSES.

(a) The owner of a rental property located in the city commits an offense if he operates the rental property or otherwise allows a dwelling unit in a rental property to be occupied or leased without first submitting a rental registration application or annual renewal application that fully complies with Section 27-31 of this article.

(b) A condominium association commits an offense if it governs, operates, manages, or oversees a condominium or its common elements without first submitting a rental registration application or annual renewal application that fully complies with Section 27-31 of this article.

(c) A person commits an offense if he, as a landlord or property manager, allows a dwelling unit in a rental property to be occupied or leased without first submitting a rental registration application or annual renewal application that fully complies with Section 27-31 of this article.

(d) A person commits an offense if he, as an owner, landlord, or property manager of a multitenant property or condominium association, fails to post, in
a conspicuous place in a common area of the property or as otherwise approved by the director:

(1) the certificate of inspection; and

(2) the property’s score from its most recent graded inspection as well as an information sheet explaining how the graded inspection is scored.

(e) A person commits an offense if he, as an owner, landlord, or property manager of a multitenant property, fails to provide each tenant, upon request, with a copy of the rules of the multitenant property.

(f) A person commits an offense if he, as an owner, landlord, or property manager of a multitenant property, operates that property or otherwise allows a dwelling unit in that property to be occupied or leased without employing a full-time manager to oversee the day-to-day operations of the property, if the property has 60 or more units.

(g) It is a defense to prosecution under this section that:

(1) at the time of notice of a violation, no dwelling units in the rental property are leased or offered for lease and the owner of the rental property has filed with the director an exemption affidavit on a form provided by the director;

(2) at the time of notice of a violation, the owner of the single dwelling unit rental property had rented the property to tenants for a total of not more than 30 days during the preceding 12 months;

(3) at the time of notice of a violation, the only tenants living in the single dwelling unit rental property are individuals related to the owner by consanguinity or affinity;

(4) within the two years preceding the notice of violation or at the time of the notice of violation, the owner of a single dwelling unit rental property had a homestead exemption for the property on file with the county appraisal district in which the rental property is located; or

(5) at the time of the notice of a violation:

(A) the property was a short-term rental; and

(B) applicable hotel occupancy taxes levied on the property under Article V of Chapter 44 of the city code, as amended, had been collected and remitted in full. (Ord. Nos. 22205; 22695; 24481; 25522; 30236)

SEC. 27-31. REGISTRATION; FEES; RENEWAL.

(a) Rental properties and condominium associations must provide a complete registration to the director annually.

(b) A registration application for a rental property or condominium association that was not previously required to register must be submitted before the owner leases the property or before any condominium units are occupied.

(c) Rental registration expires one year after the registration date.

(d) The annual registration fee, which includes the initial inspection fee, for a multitenant property is an amount equal to $6.00 times the total number of dwelling units, whether occupied or unoccupied, in the multitenant property.

(e) The annual registration fee, which excludes the initial inspection fee, for a single dwelling unit rental property is $21 per single dwelling unit rental property.

(f) No refund or prorating of a registration fee will be made.
§ 27-31

Minimum Property Standards

§ 27-32

(g) A registrant shall keep the information contained in its registration application current and accurate. If there is any change in the application information, the registrant shall promptly notify the director in writing of the changes information.

(h) A registration may be renewed by making application for a renewal in accordance with this article on a form provided by the director. In the application for renewal the registrant shall certify that all information in the then-current registration application is still accurate as of the date of the renewal application or correct any information that is not accurate as of the date of the renewal application. The registrant shall also submit a new, current affidavit certifying the matters identified in Subsection 27-32(b) of this article. (Ord. Nos. 22205; 22695; 24481; 26455; 27458; 29306; 29753; 30236)

SEC. 27-32. REGISTRATION APPLICATION.

(a) An owner of a rental property and the owner, landlord, or property manager of a condominium association must submit to the director a registration application on a form provided for that purpose by the director. The application must contain the following true and correct information:

(1) the name, mailing address, and telephone number for:

(A) the owner of the rental property being registered or the name of the condominium association being registered;

(B) the person or persons who can be contacted 24 hours a day, seven days a week in the event of an emergency condition on the rental property. An emergency condition includes any fire, natural disaster, collapse hazard, burst pipe, lack of working utilities, serious police incident, or other condition that requires an immediate response to avoid or minimize potential harm to the rental property, neighboring property, the occupants of the property, or the public.

(C) if the owner is not a natural person, then an agent, employee, or officer of the owner or condominium association authorized to receive legal notices and service of legal process on behalf of the owner or condominium association, and, in the case of an entity required to be registered with the State of Texas, the registered agent for service of process for the entity;

(D) the holder of any deed of trust or mortgage lien on the rental property being registered;

(E) any insurance carriers providing casualty insurance to the owner covering the rental property or condominium association being registered (and providing the applicable policy number(s));

(F) any agent, employee, officer, landlord, property manager, and other persons in control of, managing, or operating the rental property or condominium association on behalf of the owner or condominium association; and

(2) if the property being registered is part of a multitenant property or a condominium:

(A) the name, all legal addresses comprising the property, and the main telephone number, if any, of the property;

(B) the number of dwelling units, buildings, and swimming pools located on the property and the total number of bedrooms located on the property (a dwelling unit with no separate bedroom will be counted as one bedroom); and

(C) the name, mailing address, telephone number and e-mail address for any condominium association applicable to the property;

(3) if the owner of the rental property is not a natural person, the form of the entity, including, but not limited to, a corporation, general partnership, limited partnership, trust, or limited liability company, and the state or foreign jurisdiction of organization and registration, if other than the State of Texas, as
well as the name and mailing address for each principal officer, director, general partner, trustee, manager, member, or other person charged with the operation, control, or management of the entity;

(4) the location of business records pertaining to the rental property or condominium association required to be maintained by Section 27-38 of this article;

(5) the official recording information (e.g., volume, page, and county of recording) for the owner’s deed and any other instruments evidencing ownership of the rental property or creation and governance of the condominium association being registered;

(6) a list of all businesses, whether for-profit or non-profit, operating out of the property and offering goods or services to persons residing at or visiting the property;

(7) a copy of the owner’s current driver’s license or other government-issued personal identification card containing a photograph of the owner, if the owner is a natural person; and

(8) any additional information the registrant desires to include or that the director deems necessary to aid in the determination of whether the registration application will be deemed complete.

(b) In addition to the application containing the information enumerated above, the owner must also provide an affidavit certifying that the following statements are true:

(1) there are no outstanding and unpaid ad valorem taxes or city liens applicable to the rental property being registered;

(2) operation of the rental property as currently configured does not violate the city’s zoning ordinance;

(3) if the rental property is a multitenant property or part of a condominium, that it has a valid and adequate certificate of occupancy;

(4) if the rental property owner is an entity required to be registered or incorporated in its jurisdiction of formation, said entity is duly formed, existing, and in good standing with the jurisdiction; and

(5) if the rental property is a single dwelling unit rental property, the owner or the owner’s agent inspected the interior and exterior of the rental property within the 60 days prior to the submission of the application and the results have been recorded on a form provided by the director. (Ord. Nos. 22205; 22695; 22906; 24481; 25522; 27695; 28019; 28423; 29879; 30236)

SEC. 27-33. REVIEW AND ACCEPTANCE OF REGISTRATION APPLICATION.

(a) Upon receiving a registration application, the director shall review the application for completeness.

(b) If the director finds that the registrant submitted a complete application and paid the correct annual registration fee, the director shall promptly notify the registrant that his or her application has been received and found to be complete.

(c) If the director finds that the registrant has failed to submit a complete application or pay the annual registration fee or that any of the information on the application is materially incorrect or misleading, the director shall promptly notify the registrant that the application is defective or incomplete and the director shall list the defects or missing items. (Ord. Nos. 22205; 22695; 24481; 25522; 27458; 27695; 28019; 28423; 29879; 30236)

SEC. 27-34. RESERVED.

(Repealed by Ord. 30236)
SEC. 27-35. RESERVED.
(Repealed by Ord. 30236)

SEC. 27-36. RESERVED.
(Repealed by Ord. 30236)

SEC. 27-37. RESERVED.
(Repealed by Ord. 30236)

SEC. 27-38. REGISTRANT’S RECORDS.

(a) Each registrant shall maintain at a single location within the city of Dallas, and identified in its registration application, the business records of the rental property or condominium association being registered. If the registrant refuses to make those records available for inspection by the director or a peace officer, the director or peace officer may seek a court order to inspect the records.

(b) Records that must be maintained by the registrant include:

(1) the current certificate of occupancy issued for the rental property, if required;  
(2) deeds or other instruments evidencing ownership for the rental property;  
(3) a current rental registration application or renewal application;  
(4) the pool logs, pool permits, and manager of pool operation certificates for any swimming pool on the rental property, if required;  
(5) leases or rental agreements applicable to the rental property;  
(6) the crime prevention addendum for each tenant of the property, as required under Section 27-43 of this article;  
(7) records of attendance at four crime watch meetings in the last calendar year, as required by Section 27-44 of this article, unless the property has not been operated as a rental property during part of the last calendar year;  
(8) a record of each tenant complaint, describing the complaint and how the complaint was resolved, and which record can only be viewed by the current tenant of the unit complained of and by the city, upon the city’s request;  
(9) a copy of the inspection report described in Section 27-32(b)(5) of this article; and  
(10) any other records deemed necessary by the director for the administration and enforcement of this article. (Ord. Nos. 22205; 22695; 24481; 25522; 29306; 30236)

SEC. 27-39. REQUIRED EMERGENCY RESPONSE.

(a) An owner of a rental property and a condominium association shall provide the director with the name, address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week in the event of an emergency condition on the property. An emergency condition includes any fire, natural disaster, collapse hazard, burst pipe, lack of working utilities, serious police incident, or other condition that requires an immediate response to prevent harm to the property, the occupants of the property, or the public.

(b) The owner of the rental property and a condominium association shall notify the director within 10 days of any change in the emergency response information.
(c) The owner of a rental property or condominium association, or an authorized agent thereof, must arrive at the property within one hour after the contact person named in the registration application is notified by the city or emergency response personnel that an emergency condition has occurred on the property. (Ord. Nos. 25522; 30236)

SEC. 27-40. FAILURE TO PAY AD VALOREM TAXES.

A registrant, excluding a condominium association, for a property subject to registration under this article shall not allow the payment of ad valorem taxes owed in connection with the property to become delinquent. (Ord. Nos. 22205; 22695; 24481; 25522; 30236)

SEC. 27-41. RESERVED.

(Repealed by Ord. 30236)

SEC. 27-42. PROPERTY INSPECTIONS; INSPECTION AND REINSPECTION FEES.

(a) The director shall conduct a graded inspection of each multitenant property and each condominium property at least once every three years, but not more frequently than once a year. Graded inspections may be conducted more frequently by the director, when determined to be in the interest of the public health, safety, and welfare. The director, in accordance with Subsection (d) of this section, shall also conduct any subsequent inspections of any property failing the graded inspection. The director may conduct nongraded inspections on a multitenant and condominium property at any time the director determines necessary.

(1) After completing a graded inspection, the director shall timely issue the property owner or condominium association a certificate of inspection that includes the inspection score.

(2) Multitenant properties and condominiums that were constructed and issued a certificate of occupancy within the preceding five years are not subject to a graded inspection.

(b) The director shall conduct an inspection of each single dwelling unit rental property at least once every five years but not more frequently than once a year.

(c) The inspections conducted pursuant to this section are in addition to any inspections conducted under Section 27-5 of this chapter.

(d) The director may use a property condition assessment tool to determine the frequency and the scope of graded inspections. If a property fails its graded inspection, or if the graded inspection reveals a condition that the director determines to be a nuisance, the owner will be assessed fees for all subsequent inspections of the property conducted for the purposes of determining whether the owner has abated the nuisance or cured the deficiencies noted in the graded inspection. Inspection fees will be assessed as follows:

(1) For a multitenant property, a re-inspection of the exterior and any common area(s): $20 for each separate structure inspected.

(2) For a multitenant property, a re-inspection of the interior: $46 for each unit actually re-inspected.

(3) For an initial inspection of a single dwelling unit rental property: $110 per single dwelling unit rental property.

(4) For a re-inspection of a single dwelling unit rental property: $43 per single dwelling unit rental property.
(e) For failure to have or display, at any time, required documentation, including, but not limited to, permits, notices, licenses, records, or certificates of occupancy, the fee is $87 multiplied by the total number of units in the multitenant property.

(e) For failure to have or display, at any time, required documentation, including, not limited to, permits, notices, licenses, records, or certificates of occupancy, the fee is $86 multiplied by the total number of units in the multitenant property.

(f) The director shall provide a list of the current graded inspection scores for all registered rental properties on the city’s website. (Ord. Nos. 22205; 22695; 24481; 25522; 26598; 27185; 27695; 29879; 30236; 31332, eff. 10/1/19)

SEC. 27-42.1. REVOCATION OF CERTIFICATE OF OCCUPANCY.

Where a multitenant property is used or maintained in a manner that poses a substantial danger of injury or an adverse health impact to any person or property and is in violation of this ordinance, the Dallas Development Code, other city ordinances, rules or regulations, or any local, state, or federal laws or regulations, the director may ask the building official to revoke the multitenant property’s certificate of occupancy. (Ord. 30236)

SEC. 27-43. CRIME PREVENTION ADDENDUM REQUIRED.

(a) The owner of a multitenant property shall require that every lease or rental agreement, or renewal of a lease or rental agreement, executed after September 1, 2004 include a crime prevention addendum complying with this section.

(b) The owner of a single dwelling unit rental property shall require that every lease or rental agreement, or renewal of a lease or rental agreement, executed after January 1, 2017, include a crime prevention addendum complying with this section.

(c) The crime prevention addendum must include the following information:
(1) The name, date of birth, driver's license number (or, if the person does not have a driver's license, the number on any other government-issued personal identification card containing a photograph of the person), and signature of the tenant named in the lease or rental agreement and, if the tenant will not be occupying the rental property, the name, date of birth, driver's license number (or, if the person does not have a driver's license, the number on any other government-issued personal identification card containing a photograph of the person), and signature of the tenant or tenants who will be occupying the property. The signatures required on the crime prevention addendum must be separate and apart from the signatures used to execute other provisions of the lease or rental agreement.

(2) A statement advising the tenant or tenants that the owner of the rental property will initiate eviction proceedings if the tenant, or any guest or co-occupant of the tenant, engages in any abatable criminal activity on the premises of the rental property, as described in Subsection (d) of this section.

(d) For purposes of this section, an abatable criminal activity includes robbery or aggravated robbery; aggravated assault; murder; prostitution; criminal gang activity; discharge of firearms; gambling; illegal manufacture, sale, or use of drugs; illegal manufacture or sale of alcoholic beverages; and other crimes listed in Chapter 125 of the Texas Civil Practice and Remedies Code, as amended.

(e) It is a defense to prosecution under Subsection (a) of this section that the owner of the multitenant property used a Texas Apartment Association lease contract for the lease or lease renewal. (Ord. Nos. 25522; 25774; 30236)

SEC. 27-44. ATTENDANCE AT CRIME WATCH SAFETY MEETINGS.

(a) The owner of a multitenant property shall attend at least four [eff. 1-1-15] crime watch meetings each calendar year. The meetings attended must be
hold by crime watch organizations consisting of business owners, single-family residential property owners, or managers, employees, or tenants of multifamily dwellings, or any combination of those groups, gathered for the purpose of improving the quality of life in and around the properties, promoting crime prevention, reducing criminal opportunity, and encouraging cooperation with the Dallas Police Department. The meetings must be attended in the neighborhood in which the multitenant property is located or, if that neighborhood has no crime watch organization, then in the nearest neighborhood that does. A crime watch attendance certificate, signed by a crime watch chair, verifying that the crime watch meeting was attended by the owner of the multitenant property, or by the person designated to attend meetings for the property under Subsection (c), must be maintained with the property’s records and submitted to the director upon request.

(b) If unable to personally attend every crime watch meeting required by this section, the owner of a multitenant property may designate another person to attend the meetings. A person may not be designated to attend crime watch meetings for more than five separate multitenant properties. (Ord. Nos. 24481; 25522; 27458; 29306; 30236)

SEC. 27-44.1. PRESUMPTIONS.

(a) Unless otherwise provided in this article, 30 business days is deemed prompt and sufficient notice by the city.

(b) Any notice to be provided by the city pursuant to this article shall be deemed effective when personally delivered to the intended addressee or mailed by first class U.S. mail, certified mail, return receipt requested, addressed to the intended addressee at the last applicable address provided in the registration of the rental property in question. Mailed notice shall be deemed received and effective three days after the date of mailing whether the notice was actually received or not or whether the notice was returned unclaimed or undeliverable.

(c) Notices delivered to one tenant of a dwelling unit in a rental property shall be deemed effective as to all tenants and occupants of that dwelling unit.

(d) Notice delivered to one owner of a rental property shall be deemed effective as to all owners of a rental property.

(e) Notice to an owner of a rental property shall be deemed effective if made to an agent, employee, officer, landlord, or property manager authorized to act on behalf of the owner or identified in the registration for the rental property. For purposes of this article, an owner may act by and through an agent, employee, officer, landlord, or property manager authorized to act on behalf of the owner or identified in the registration for a rental property for that purpose.

(f) Notice to a condominium association with respect to common areas or exteriors of a condominium shall be effective as to all owners with an interest in that common area or those exteriors. If there is not a condominium association existing and in good standing with authority over common areas or exteriors of a condominium, notice to an owner of a common interest in the common areas or exterior shall be effective as to all other owners with a common interest in the common area or exterior.

(g) In lieu of originals, true and correct copies of any instruments or documents required of an owner or registrant shall be sufficient. Notwithstanding the foregoing, affidavits submitted to the city must bear the original signatures of the affiant and the authority who administered the oath.

(h) Any affidavits required in connection with this article must be made by a natural individual having personal knowledge of the matters certified and duly signed and sworn to under oath before an authority authorized to administer oaths. (Ord. 30236)
ARTICLE VIII.

HABITUAL CRIMINAL PROPERTIES.

SEC. 27-45. PURPOSE.

(a) Consistent with the findings of fact in Section 27-1 of this chapter, the purpose of this article is to protect the health, safety, and welfare of the people of the city of Dallas by obtaining an owner’s compliance with minimum property conditions and lawful operations, which compliance is likely to reduce certain criminal activity on property where that criminal activity is so prevalent as to render the property a habitual criminal property. Reducing the crime rate in the city of Dallas is essential to making properties safe, sanitary, and fit for human habitation and for nonresidential purposes.

(b) This article does not create a private cause of action or expand existing tort liability against a property owner. This article is not a prerequisite to any suit and does not in any way impair the city’s ability to file a lawsuit under Chapter 125 of the Texas Civil Practice and Remedies Code, as amended, or under any other law. (Ord. 30714)

SEC. 27-46. DEFINITIONS.

In this article:

(1) ABATABLE CRIMINAL ACTIVITY means those activities listed in Chapter 125 of the Texas Civil Practice and Remedies Code, as amended. The term does not include crimes of family violence.

(2) CHIEF OF POLICE OR CHIEF means the chief of the police department of the city or the chief’s designee.

(3) CPTED means crime prevention through environmental design and is a multi-disciplinary approach to reducing criminal behavior through environmental design by integrating the following concepts, among others, on property: natural surveillance that eliminates hiding places for people to engage in crime unnoticed; clear delineation of private space from public space; and controlled access onto private property.

(4) HABITUAL CRIMINAL PROPERTY means a property that is described in Section 27-48(a) of this chapter, as amended.

(5) OWNER means a person who has ownership or title of real property, including, but not limited to:

(i) the holder of fee simple title;

(ii) the holder of a life estate;

(iii) the holder of a leasehold estate for an initial term of five years or more;

(iv) the buyer in a contract for deed;

(v) a mortgagee, receiver, executor, or trustee in control of real property; and

(vi) the named grantee in the last recorded deed. (Ord. 30714)

SEC. 27-47. AUTHORITY OF THE CHIEF OF POLICE.

The chief of police shall implement and enforce this article and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the chief of police determines are necessary to discharge any duty under or to effect the purpose of this article. (Ord. 30714)

SEC. 27-48. PRESUMPTIONS.

(a) A property is presumed a habitual criminal property if the property is the site:
§ 27-48 Minimum Property Standards § 27-49

(1) of five or more abatable criminal activities within 365 days resulting in either a report of a law enforcement agency documenting an investigation of an abatable criminal activity on the property or enforcement action against any person associated with the abatable criminal activity on the property; and

(2) at which persons have historically committed abatable criminal activities, according to recent crime data.

(b) An owner of a habitual criminal property is presumed to have knowingly tolerated the abatable criminal activity at the owner's property by failing to take reasonable steps, including those outlined in Section 27-49(b)(1) of this chapter, as amended, to abate the abatable criminal activity.

(c) The presumptions in this section are rebuttable at the accord meeting pursuant to Section 27-49 of this chapter, as amended. (Ord. 30714)

SEC. 27-49. ACCORD MEETING.

(a) If the chief of police determines that the presumptions in Section 27-48 of this chapter, as amended, are satisfied, the chief shall notify the owner of the property, in writing, of the chief's preliminary determination and shall provide the owner with notice to attend an accord meeting. The notice must include a copy of this article.

(b) At the accord meeting, the following applies:

(1) The presumed owner may present evidence that the person is not the owner or that the owner has taken reasonable steps to abate the abatable criminal activity, including, without limitation, that the:

(i) owner has implemented CPTED principles at the property;

(ii) owner has implemented monitoring and surveillance systems at the property;

(iii) owner is in compliance with all regulations governing the owner's business;

(iv) owner is enforcing lease clauses related to reducing abatable criminal activity, such as tenant screening, enforcement of property rules, and regular tenant verification;

(v) owner is communicating abatable criminal activity to the chief and cooperating with the chief, as requested; and

(vi) property is in compliance with the standards set out in this code.

(2) The city attorney may attend the meeting as the chief's legal counsel and the owner may bring his or her legal counsel.

(c) The chief shall make all reasonable efforts to schedule the accord meeting during a time when the owner is available but not later than 30 days from the date the accord meeting notice is deemed received or is actually received by the owner, whichever date is sooner.

(d) Not later than 30 days after the date of the accord meeting, the chief shall provide the owner with notice of the chief's final determination as to the presumptions under Section 27-48 of this chapter, as amended. Notwithstanding the foregoing, upon request of the owner during the accord meeting, the chief may delay the notice of determination up to 60 days after the accord meeting, during which time the owner may present additional evidence under Section 27-49(b)(1) of this chapter, as amended. If the owner does not appear for the accord meeting, the chief's determination is final as of the date of the accord meeting provided in the notice.

(e) An owner who is provided notice pursuant to this article commits an offense if the owner fails to attend an accord meeting. (Ord. 30714)
SEC. 27-50. ANNUAL REVIEW.

Each year, not later than 30 days after the date the chief's determination as to the presumptions under Section 27-48 of this chapter, as amended, are final, the chief shall send a notice to the owner as to whether the presumptions under Section 27-48 of this chapter, as amended, are still satisfied. The chief may, at any time, determine that the presumptions under Section 27-48 of this chapter, as amended, are no longer satisfied and shall then notify the owner of the chief's determination. (Ord. 30714)

SEC. 27-51. APPEAL FROM CHIEF OF POLICE'S DETERMINATION.

(a) The chief's determinations under Sections 27-49 and 27-50 of this chapter, as amended, are final unless the owner files a written appeal to the permit and license appeal board. The appeal must be filed with the city secretary not later than 10 calendar days after the date the owner receives notice of the chief's final determination. A person who does not attend the accord meeting is not entitled to an appeal under this section for one year after the accord meeting date in the notice. Only the owner is entitled to an appeal under this article.

(b) If a written request for an appeal hearing is filed under Subsection (a) with the city secretary within the 10-day limit, the permit and license appeal board shall hear the appeal. The city secretary shall set a date for the hearing not later than 30 days after the date the appeal is filed.

(c) In deciding the appeal, the permit and license appeal board is limited to the issues of whether the presumptions in Section 27-48 of this chapter, as amended, are satisfied.

(d) To the extent of a conflict between this article and Article IX, Chapter 2, of this code, this article controls. (Ord. 30714)

SEC. 27-52. PLACARDING; INSPECTIONS.

For a property that has been finally determined to satisfy the presumptions in Section 27-48 of this chapter, as amended, the following applies:

(1) **Placarding.** The chief may require the owner to place a placard on or near the front door or at any main entrance to the structure or dwelling unit. For multitenant and commercial properties, the chief may also require the owner to place a placard in a conspicuous place in a common area of the property.

(A) The placard must be visible at all times and must state the following:

"THE DALLAS POLICE DEPARTMENT HAS DECLARED THIS SITE A HABITUAL CRIMINAL PROPERTY UNDER ARTICLE VIII, CHAPTER 27, OF THE DALLAS CITY CODE. IF YOU HAVE QUESTIONS, PLEASE CALL DPD AT [TELEPHONE NUMBER DETERMINED BY THE CHIEF]. IF YOU SEE SOMETHING SUSPICIOUS OCCURRING AT THIS PROPERTY OR IN AN EMERGENCY, DIAL 911."

(B) A person commits an offense if the person, without authority from the chief, removes or destroys the placard.

(2) **Inspections.** The chief may inspect the property for compliance with the conditions and activities in Section 27-49(b)(1) of this chapter, as amended, or any other condition or activity the chief determines, in light of the chief's training and experience, will reduce abatable criminal activity at the property. (Ord. 30714)

SEC. 27-53. FEES.

For a property that has been finally determined to satisfy the presumptions in Section 27-48 of this chapter, as amended, the owner shall pay an annual fee to the city according to the table below for each year that the presumptions in Section 27-48 of this chapter, as amended, are satisfied. In this section,
residential and nonresidential refer to those uses as defined in the Dallas Development Code, as amended. The fees are not refundable in whole or in part.

### RESIDENTIAL

<table>
<thead>
<tr>
<th>(by number of dwelling units)</th>
<th>ANNUAL FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>$1,629</td>
</tr>
<tr>
<td>3-20</td>
<td>$2,009</td>
</tr>
<tr>
<td>21-59</td>
<td>$2,752</td>
</tr>
<tr>
<td>60-250</td>
<td>$3,564</td>
</tr>
<tr>
<td>251-500</td>
<td>$4,321</td>
</tr>
<tr>
<td>501-1,000</td>
<td>$5,317</td>
</tr>
<tr>
<td>1,001 or more</td>
<td>$6,313</td>
</tr>
</tbody>
</table>

### NONRESIDENTIAL

<table>
<thead>
<tr>
<th>(by square footage of largest improvement)</th>
<th>ANNUAL FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-4,999</td>
<td>$2,802</td>
</tr>
<tr>
<td>5,000-9,999</td>
<td>$3,447</td>
</tr>
<tr>
<td>10,000-59,999</td>
<td>$4,926</td>
</tr>
<tr>
<td>60,000-99,999</td>
<td>$7,653</td>
</tr>
<tr>
<td>100,000 or more</td>
<td>$9,825</td>
</tr>
</tbody>
</table>

(Ord. 30714, eff. 2-1-18)

### SEC. 27-54. DELIVERY OF NOTICES.

Any notice to be provided by the city pursuant to this article shall be deemed effective if made to the owner. Notice is effective when:

1. personally delivered to the owner; or

2. mailed by certified U.S. mail, with return receipt requested, and addressed to the owner at the last address provided in the registration of the property under Article VII of this chapter, as amended, or, if the property is not subject to registration under this chapter, then to the last address in the central appraisal district records. Mailed notice shall be deemed received and effective three days after the date of mailing whether the notice was actually received or whether the notice was returned unclaimed or undeliverable. (Ord. 30714)

### SECS. 27-55 THRU 27-58. (Repealed by Ord. 30236)

### ARTICLE IX.

### RESERVED.

### SECS. 27-59 THRU 27-72. (Repealed by Ord. 30236)
CHAPTER 43

STREETS AND SIDEWALKS

ARTICLE I.

IN GENERAL.

Sec. 43-1. Reserved.
Sec. 43-2. Driving horses, cattle, etc., on certain streets forbidden.
Sec. 43-3. Moving horses and vehicles at request of street cleaner.
Sec. 43-4. Fruit stands, stalls, etc., on sidewalks.
Sec. 43-5. Attracting crowds on sidewalks.
Sec. 43-6. Unsafe scaffolds.
Sec. 43-7. Open cellar or trap doors; permitting sidewalk to remain in disrepair.
Sec. 43-8. Each day obstruction remains deemed separate offense.
Sec. 43-9. Glass to be removed from highway after a wreck.
Secs. 43-10 thru 43-11. Reserved.
Sec. 43-12. Depositing trash on streets and sidewalks.
Sec. 43-13. Trash, etc., not to accumulate or remain on sidewalks.
Sec. 43-14. Leaving rubbish in street after completion of building.
Sec. 43-15. Allowing weeds, grass, etc., to obstruct gutters and sidewalks.
Sec. 43-16. Throwing fruit peelings on sidewalks.
Sec. 43-17. Playing ball, throwing stones, etc., in streets.
Sec. 43-18. Skating on streets and sidewalks.
Sec. 43-19. Mixing concrete on paved streets.
Sec. 43-20. Reserved.
Sec. 43-21. Permits required for alterations, obstructions, etc., of sewers, gutters, etc.
Sec. 43-22. Marking sidewalks with stencils, etc.
Sec. 43-23. Insuring or defacing street signs and signposts.
Sec. 43-24. Heavy articles not to be carried along sidewalks.
Sec. 43-25. Reserved.

ARTICLE II.

AWNINGS.

Sec. 43-26. Height above sidewalk.
Sec. 43-27. Fastening to buildings; supports.
Sec. 43-28. Coverings to be fireproof; exceptions.
Sec. 43-29. Awning posts.
Sec. 43-30. Extending over public property.

ARTICLE III.

CONSTRUCTION AND REPAIR OF SIDEWALKS, CURBS AND DRIVEWAY APPROACHES.

Division 1. Generally.

Subdivision I. In General.

Sec. 43-31. Purpose of article.
Sec. 43-32. Definitions.
Sec. 43-33. Liability of abutting property owners for injuries caused by defective sidewalks.
Sec. 43-34. Liability of persons making special use of sidewalks.
Sec. 43-35. Administration and enforcement of article; police power of director.
Sec. 43-36. Director not personally liable for good faith actions.
Sec. 43-37. Authority of director generally.
Sec. 43-38. Effect of article on responsibility for damages.
Sec. 43-39. Construction permit - Required.
Sec. 43-40. Same - Application - Information to be furnished by applicants.
Sec. 43-41. Same - Same - Lot plan to be furnished when requested.
Sec. 43-42. Same - Expiration; new permit required before recommencing work.
Sec. 43-43. Surety bond - Required.
Sec. 43-44. Surety bond - Conditions of issuance.
Sec. 43-45. Same - Effect of article on persons now engaged in construction, etc.
Sec. 43-46. Standards for raw materials used in construction.
Sec. 43-47. Specifications for concrete reinforcing steel.
Sec. 43-48. Specifications and placement of concrete expansion joint filler.
Sec. 43-49. Subgrade determination.
Sec. 43-50. Form, specifications, and placement.
Sec. 43-51. Concrete - Ingredients and consistency required.
Sec. 43-52. Same - Placement
Sec. 43-53. Same - Protecting against extreme temperatures, etc.
Sec. 43-54. Examination and approval of materials prior to use.
Sec. 43-55. All work to comply with established lines and grades.
Sec. 43-56. Protection of grade and line stakes.
Sec. 43-57. Lights and safeguards.
Sec. 43-58. Removal of debris, etc., upon completion of work.
Sec. 43-59. Construction of retaining walls on public property.
Sec. 43-60. Traffic barriers for service stations and parking lots.
Sec. 43-61. Same - Placement of curbs.
Sec. 43-62. Indented parking.
Sec. 43-63. Repair of defective sidewalks or driveways by abutting property owners.
Sec. 43-64. Mixing concrete or mortar on existing pavement; unused mixture to be immediately removed.
Sec. 43-65. Sidewalk drainage openings to have metal covers.
Sec. 43-66. Alternative materials and construction methods.

Subdivision II. Sidewalks.

Sec. 43-67. Minimum dimensions; finishing.
Sec. 43-68. Concrete specifications.
Sec. 43-69. Form, placement and slope.
Sec. 43-70. Joints.


Subdivision I. Curbs and Gutters.

Sec. 43-71. Description; composition of concrete and mortar used in construction.
Sec. 43-72. Construction of joints.
Sec. 43-73. Forms.
Sec. 43-74. Placement of concrete and mortar.
Sec. 43-75. Finishing.
Sec. 43-76. Protection of new work from traffic; backfilling.
Sec. 43-77. Final dimensions; gutter ratio required for curb facing; dwelling for driveway construction.

Subdivision II. Driveway Approaches.

Sec. 43-78. Specifications for materials used in construction.
Sec. 43-79. Placement and compaction of concrete.
Sec. 43-80. Finishing.
Sec. 43-81. Protection from vehicular traffic.
Sec. 43-82. Removal of curb and gutter where required.
Sec. 43-83. Maximum space to be occupied.
Sec. 43-84. Number of approaches permitted.
Sec. 43-85. Separation of driveway approaches.
Sec. 43-86. Location; provision for joint approaches.
Sec. 43-87. Minimum angle in relation to curb line.
Sec. 43-88. Minimum requirements for approaches near street intersections.
Sec. 43-89. Location of approaches near traffic interchanges, etc.
Sec. 43-90. Location of approaches at pedestrian crossings, etc., prohibited.
Sec. 43-91. Construction in existing angle parking areas prohibited; exceptions.
Sec. 43-92. Standing or parking of vehicles, etc., on driveway approaches prohibited.
Sec. 43-93. Abandonment; duty of abutting property owner to restore curb.
Sec. 43-94. Residential driveway approaches.
Sec. 43-95. Commercial driveway approaches.

ARTICLE IV.

SNOW AND ICE.

Sec. 43-96. Removal of snow and ice from sidewalks required.
Sec. 43-97. Covering snow and ice with sand, ashes, etc.
Sec. 43-98. Where removed snow and ice to be placed.
Sec. 43-98.1. Causing ice to form on streets and alleys.
Sec. 43-98.2. Enforcement.

ARTICLE V.

BUILDING NUMBERING.

Sec. 43-99. Owner or occupant to number buildings.
Sec. 43-100. Official numbering plan must be followed.
Sec. 43-101. Specifications for numbers.
Sec. 43-102. Odd and even numbers.
Sec. 43-103. Basic units of space for numbering.
Sec. 43-104. Numbering within building complexes.
Sec. 43-105. Directional signs within building complexes.
Sec. 43-106. Diagram of mall areas.
Secs. 43-107 thru 43-110. Reserved.

ARTICLE VI.

LICENSE FOR THE USE OF PUBLIC RIGHT-OF-WAY.

Division 1. Licenses for Other than Bicycle Parking Devices, Valet Parking Services, and Newsracks.

Sec. 43-111. Definitions.
Sec. 43-112. Application; fee.
Sec. 43-113. Grant by city council.
Sec. 43-114. Terms and conditions; duration; right of termination reserved by city.
Sec. 43-115. Annual fee for use of public right-of-way.
Sec. 43-115.1. Special fees for the use of public right-of-way.
Sec. 43-115.2. Licenses for subdivision signs.
Sec. 43-116. Temporary license.
Sec. 43-117. Penalties.
Sec. 43-118. Breach by grantee.
Sec. 43-119. Waiver.

Division 2. Bicycle Parking Devices.

Sec. 43-120. Definitions.
Sec. 43-121. License required; application; issuance.
Sec. 43-122. Denial or revocation of license.
Sec. 43-123. Expiration of license.
Sec. 43-124. Standards for installation, operation, and maintenance of a bicycle parking device.
Sec. 43-125. Location of a bicycle parking device.
Sec. 43-126. Restrictions on the use of a bicycle parking device prohibited.
Sec. 43-126.1. Indemnification.
Sec. 43-126.2. Restoration of the right-of-way.

Division 3. Valet Parking Services.

Sec. 43-126.3. Definitions.
Sec. 43-126.4. Purpose.
Sec. 43-126.5. License required; application; issuance.
Sec. 43-126.6. Fees.
Sec. 43-126.7. Denial or revocation of license; temporary suspension.
Sec. 43-126.8. Expiration of license.
Sec. 43-126.9. Standards for operation of a valet parking service.
Sec. 43-126.10. Valet parking service stands.
Sec. 43-126.11. Location of a valet parking service.
Sec. 43-126.12. Insurance.
Sec. 43-126.13. Indemnification.

Division 4. Newsracks.

Sec. 43-126.15. Purpose and intent.
Sec. 43-126.16. Definitions.
Sec. 43-126.17. License and decal required.
Sec. 43-126.18. License application; issuance of license; and display of decals.
Sec. 43-126.19. Conditions of a license and annual fees.
Sec. 43-126.20. Denial or revocation of a license.
Sec. 43-126.21. Appeal from license denial or revocation.
Sec. 43-126.22. Expiration and renewal of a license.
Sec. 43-126.23. Allocation of freestanding newsrack locations.
Sec. 43-126.24. Standards for installation, operation, and maintenance of newsracks.
Sec. 43-126.25. Locational requirements for newsracks.
Sec. 43-126.26. Display and distribution of harmful materials through newsracks.
Sec. 43-126.27. Restoration of the right-of-way.
Sec. 43-126.28. Removal of newsracks and publications.
Sec. 43-126.29. Multiple newsrack unit zones.
Sec. 43-126.30. Split-door newsracks.
Sec. 43-126.31. Violations; penalty.

ARTICLE VII.
SALE OF MERCHANDISE AND PRODUCE ON STREETS AND SIDEWALKS.

Sec. 43-127. Unlawful solicitation at the convention center and reunion arena.
Sec. 43-128. Reserved.
Sec. 43-129. Causing crowd to congregate on sidewalk.
Secs. 43-130 thru 43-132. Reserved.
Sec. 43-133. Use of sidewalk for display of merchandise.
Sec. 43-134. Use of sidewalk to forward or receive merchandise.

ARTICLE VIII.
CERTAIN USES OF PUBLIC RIGHT-OF-WAY.

Sec. 43-135. Definitions.
Sec. 43-136. Director’s authority; enforcement; offenses.
Sec. 43-137. Registration; other requirements.
Sec. 43-138. Plans of record.
Sec. 43-139. Permit required; exceptions; conditions; denial and revocation.
Sec. 43-139.1. Network nodes and related infrastructure.
Sec. 43-140. Insurance and indemnity requirements; exceptions.
Sec. 43-140.1. Performance bond; letter of credit; cash deposit.
Sec. 43-140.2. Waiver of bonding requirements.
Sec. 43-141. Miscellaneous requirements for street excavation and installations, trench safety, and above ground utility structures.
Sec. 43-142. Restoration requirements.
Sec. 43-143. Clearance for street paving and storm drainage projects.
Sec. 43-144. Conformance with public improvements.
Sec. 43-145. Improperly constructed facilities.
| Sec. 43-146. | Emergency repairs. |
| Sec. 43-147. | Effect of article on persons engaged in construction. |
| Sec. 43-148. | Marking existing underground utilities. |

**ARTICLE IX.**

**DRIVEWAYS GENERALLY.**

| Sec. 43-149. | Director defined. |
| Sec. 43-150. | Driveways not to be within three feet of poles, etc. |
| Sec. 43-151. | Removal of poles, etc., to permit construction of driveways - Required. |
| Sec. 43-152. | Same - Plans to be approved by director. |
| Sec. 43-153. | Same - Allocation of costs for relocation. |
| Sec. 43-154. | Permit for driveway to be issued after poles, etc., removed. |
| Sec. 43-155. | Appeals. |
| Sec. 43-156. | Fee where poles, etc., to be relocated. |

**ARTICLE X.**

**DOCKLESS VEHICLE PERMIT.**

| Sec. 43-157. | Definitions. |
| Sec. 43-158. | General authority and duty of director. |
| Sec. 43-159. | Establishment of rules and regulations. |
| Sec. 43-160. | Operating authority permit. |
| Sec. 43-161. | Application for operating authority permit. |
| Sec. 43-162. | Changes to information in operating authority application. |
| Sec. 43-163. | Expiration of operating authority permit. |
| Sec. 43-164. | Refusal to issue or renew operating authority permit. |
| Sec. 43-165. | Suspension or revocation of operating authority permit. |
| Sec. 43-166. | Appeals. |
| Sec. 43-167. | Nontransferability. |
| Sec. 43-168. | Operations. |
| Sec. 43-169. | Dockless vehicle parking, deployment, and operation. |

| Sec. 43-170. | Insurance requirements. |
| Sec. 43-171. | Data sharing. |
| Sec. 43-172. | Vehicle fee. |
| Sec. 43-173. | Performance bond or irrevocable letter of credit. |
| Sec. 43-174. | Enforcement. |
| Sec. 43-175. | Criminal offenses. |

**ARTICLE I.**

**IN GENERAL.**

**SEC. 43-1.** RESERVED.

(Repealed by Ord. 22413)

**SEC. 43-2.** DRIVING HORSES, CATTLE, ETC., ON CERTAIN STREETS FORBIDDEN.

It shall not be lawful for any person to drive or have any drove of horses, cattle, sheep or hogs in any park or street in the city. (Code 1941, Art. 139-2)

**SEC. 43-3.** MOVING HORSES AND VEHICLES AT REQUEST OF STREET CLEANER.

No person in charge of horses and vehicles on the streets or alleys of the city shall fail or refuse to move the same when requested so to do by any street cleaner when engaged in cleaning the streets or alleys. (Code 1941, Art. 139-3)

**SEC. 43-4.** FRUIT STANDS, STALLS, ETC., ON SIDEWALKS.

No person shall have or maintain any fruit stand, huckster’s stand or other stall on any sidewalk in the city. (Code 1941, Art. 139-4)
SEC. 43-5. ATTRACTING CROWDS ON SIDEWALKS.

No person shall, by loud talking, unusual acts or exhibitions, attract a crowd on any sidewalk or refuse to desist when requested to do so by any police or other officer. (Code 1941, Art. 139-5)

SEC. 43-6. UNSAFE SCAFFOLDS.

No person shall erect, use or cause or suffer to be erected or used within the city any insecure or unsafe scaffold, whereby the safety of persons working thereon or passing thereunder may be in any manner endangered. (Code 1941, Art. 139-6)

SEC. 43-7. OPEN CELLAR OR TRAP DOORS; PERMITTING SIDEWALK TO REMAIN IN DISREPAIR.

A person commits an offense if he:

(1) keeps, leaves open, or allows to be left open any cellar door, trap door, sidewalk lift, or grating of any vault in or upon any sidewalk, street, or passageway;

(2) makes, keeps, or maintains any uncovered opening in any sidewalk or footway; or

(3) allows any sidewalk or footway, which it is the person’s duty to maintain or repair, to become broken or continue so broken, uneven, or out of repair. (Code 1941, Art. 139-7; Ord. Nos. 19963; 21186)

SEC. 43-8. EACH DAY OBSTRUCTION REMAINS DEEMED SEPARATE OFFENSE.

Every day that any partial or entire obstruction shall remain upon any sidewalk in the city shall be considered a violation of the regulations contained in this article and shall constitute a separate offense and be punished as such. (Code 1941, Art. 139-9)

SEC. 43-9. GLASS TO BE REMOVED FROM HIGHWAY AFTER A WRECK.

Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. (Code 1941, Art. 86-61)

SEC. 43-10 THRU 43-11. RESERVED.

(Repealed by Ord. 13764)

SEC. 43-12. DEPOSITING TRASH ON STREETS AND SIDEWALKS.

No person shall sweep out or deposit on any of the sidewalks or streets of the city any loose paper, filth or trash of any kind.

All persons using cans or barrels as trash containers shall have them emptied and all trash deposited therein removed at least once in every 24 hours. (Code 1941, Arts. 140-1, 140-2)

SEC. 43-13. TRASH, ETC., NOT TO ACCUMULATE OR REMAIN ON SIDEWALKS.

No property owner, occupant or agent of any property that abuts or adjoins any paved street in the city shall allow or permit any animal or vegetable substance whatever, any tin, glass or pieces of iron or any trash, mud, slop, refuse matter or filth of any kind or description whatever to accumulate or remain on any part of the sidewalk abutting or adjacent to the premises owned or occupied by such person on such paved street in the city. (Code 1941, Art. 140-4)
SEC. 43-14. LEAVING RUBBISH IN STREET AFTER COMPLETION OF BUILDING.

No person who has occupied a portion of a street for building purposes shall leave any rubbish in the street after the completion of such building and the expiration of the time of permit. Any person violating this article is guilty of an offense for each day rubbish is so left. (Code 1941, Art. 140-6; Ord. 19963)

SEC. 43-15. ALLOWING WEEDS, GRASS, ETC., TO OBSTRUCT GUTTERS AND SIDEWALKS.

No owner, agent or occupant of any lot in the city shall allow weeds or grass to grow or remain upon the sidewalks so as to obstruct the sidewalks or gutters fronting or abutting on any lot of which they may be the owner, agent or occupant. A person who fails to remove or to have removed such weeds or grass on the sidewalk or gutters in front of, adjoining or abutting...
Streets and Sidewalks

[Intentionally left blank]
on his lot, after 10 days notice to remove them, is guilty of an offense. Each day after notification is a separate offense. (Code 1941, Art. 140-8; Ord. 19963)

SEC. 43-16. THROWING FRUIT PEELINGS ON SIDEWALKS.

No person shall throw banana peelings or fruit peelings of any kind upon any public sidewalk in the city. (Code 1941, Art. 140-9)

SEC. 43-17. PLAYING BALL, THROWING STONES, ETC., IN STREETS.

No person shall play at a game of ball, practice at passing a ball, throw stones, use a slingshot or sling, or discharge gravel, marbles, shot or any other object or anything, out of a gravel shooter, blow gun or other device of like kind or character along, across or upon any highway, street or alley in the city. (Code 1941, Art. 140-10; Ord. 12700)

SEC. 43-18. SKATING ON STREETS AND SIDEWALKS.

No person shall skate on roller skates or otherwise along, upon or across any street in the city except when crossing a street at an authorized pedestrian crossing. Whenever a person is skating on a sidewalk either on roller skates or skate board, the person shall yield the right of way to any pedestrian using such sidewalk. (Code 1941, Art. 140-11; Ord. Nos. 11003; 16691)

SEC. 43-19. MIXING CONCRETE ON PAVED STREETS.

No person shall mix concrete on any paved street in the city except on a platform or in a box or other receptacle so constructed as to prevent the concrete from falling on the pavement of such street. (Code 1941, Art. 140-12)

SEC. 43-20. RESERVED.

(Repealed by Ord. 14762)

SEC. 43-21. PERMITS REQUIRED FOR ALTERATIONS, OBSTRUCTIONS, ETC., OF SEWERS, GUTTERS, ETC.

No person, under any pretext whatever, shall interfere with, obstruct, injure or alter in any manner any sewer, culvert, gutter or drain in the city without a written permit from the city engineer. Each day such interference, obstruction, alteration or injury shall be permitted to remain after a notification by the city engineer to remove the same shall constitute a separate offense. (Code 1941, Art. 140-14)

SEC. 43-22. MARKING SIDEWALKS WITH STENCILS, ETC.

No person shall deface by placing upon a sidewalk in the city any marks or signs by stencils or otherwise of any nature or character whatsoever. (Code 1941, Art. 140-15)

SEC. 43-23. INJURING OR DEFACING STREET SIGNS AND SIGNPOSTS.

No person shall abuse, deface or injure any street signs maintained on the streets by the city by throwing any rocks, stones or other hard substances against same, by scratching or defacing same in any manner, or otherwise injuring same in any manner, or injure or deface the posts upon which such signs are erected by throwing any rocks, stones or other hard substances against same or by scratching, cutting or defacing same in any manner. (Code 1941, Art. 140-16)
SEC. 43-24. HEAVY ARTICLES NOT TO BE CARRIED ALONG SIDEWALKS.

No person shall move or carry any safe or other heavy article over, across, along or upon any sidewalk in the city or over, along, across or upon any timbers or other substance resting either wholly or partially upon any sidewalk. (Code 1941, Art. 140-23)

SEC. 43-25. RESERVED.

(Repealed by Ord. 12408)

ARTICLE II.

AWNINGS.

SEC. 43-26. HEIGHT ABOVE SIDEWALK.

No person shall erect or construct any awnings on, over or across any sidewalk in the city lower, at any point, than eight feet from the surface of the sidewalk. (Code 1941, Art. 139-8; Ord. 20743)

SEC. 43-27. FASTENING TO BUILDINGS; SUPPORTS.

All awnings shall be securely fastened to the side of the building and shall be firmly supported by iron brackets. (Code 1941, Art. 139-8)

SEC. 43-28. COVERINGS TO BE FIREPROOF; EXCEPTIONS.

All awnings, except cloth awnings, within the fire limits, shall be covered with tin, sheet iron, zinc or some fireproof material. (Code 1941, Art. 139-8)

SEC. 43-29. AWNING POSTS.

No person shall erect any awning post on any sidewalk in the city. All awning posts now standing on any sidewalk shall be removed as soon as the awnings they support are removed for repairs or other purposes. (Code 1941, Art. 139-8)

SEC. 43-30. EXTENDING OVER PUBLIC PROPERTY.

No awning shall extend over public property further than to the outer edge of the sidewalk. (Code 1941, Art. 139-8)

ARTICLE III.

CONSTRUCTION AND REPAIR OF SIDEWALKS, CURBS AND DRIVEWAY APPROACHES.

Division 1. Generally.

Subdivision I. In General.

SEC. 43-31. PURPOSE OF ARTICLE.

The purpose and intent of this article is to provide minimum standards, provisions and requirements for safe and convenient access to abutting private property along streets, roads and highways and to provide for suitable materials and methods of construction of sidewalks, driveways, curbs, gutters and appurtenances on public property which are constructed, surfaced, paved, changed, altered, repaired, replaced, removed or eliminated or changed in use. The intent herein is to assure that access is provided to abutting private property with a minimum of interference with the free and safe movement of vehicular and pedestrian traffic, to prevent traffic
§ 43-31 Streets and Sidewalks

congestion along the streets and to prevent or alleviate traffic congestion arising from vehicular entry to or exit from abutting private property. This article shall be deemed to be remedial and is enacted for the beneficial interests of the public and for the public safety and general welfare. The right of the public to the free and unhindered passage on the streets and sidewalks shall be held paramount to other interest. (Ord. 8590)

SEC. 43-32. DEFINITIONS.

In this article:

(1) ANGLE PARKING means parking where the longitudinal axis of a vehicle forms an angle with the alignment of the roadway.

(2) ARTERIAL means a street designated as either a principal or minor arterial in the city’s thoroughfare plan.

(3) A.S.T.M. (AMERICAN SOCIETY FOR TESTING MATERIALS) means any publication, pamphlet, booklet, book, or document referred to by number, letter, or other designation in this article in connection with this definition, as amended. Such publication is a part of this article and incorporated into this article by reference.

(4) CONTRACTOR means any person engaged in the business of installing or altering walks, drives, curbs, gutters, or pavements or appurtenances on public property. This term also includes those who represent themselves to be engaged in the business whether actually doing the work or not and includes any person who subcontracts to do such work.

(5) CURB means a vertical or sloping member along the edge of a pavement forming part of a gutter, strengthening or protecting the pavement edge, and clearly defining the pavement edge to vehicle operators. The surface at the curb facing the general direction of the pavement is called the “face.”

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

(7) DRIVEWAY APPROACH means an area, construction, or facility between the roadway of a public street and private property intended to provide access for vehicles from the roadway of a public street to private property.

(8) GUTTER means the artificially surfaced and generally shallow waterway provided usually at the side of the street adjacent to, and part of, the curb of the curb for the drainage of surface water.

(9) INDENTED PARKING means angle parking or parallel parking adjacent to, but outside of, the travel lane of a public roadway where a portion of the public roadway is required for maneuvering into or out of the parking space.

(10) INTERSECTION means the area embraced within the prolongation of connection of the edges of the roadway of two or more streets that join at an angle whether or not one such street crosses the other. Where a street includes two roadways 30 feet or more apart, then each crossing of each roadway of such divided street by an intersecting street is regarded as a separate intersection. If the intersecting street also includes two or more roadways 30 feet or more apart, then each crossing of each roadway of such street is regarded as a separate intersection.

(11) OFF-STREET PARKING means a type of parking wherein the maneuvering of the vehicle while parking and unparking, as well as the actual parking itself, is done entirely on private property.

(12) ROADWAY means that portion of a highway, street, or road that is improved, designed, or ordinarily used for vehicular travel. If a street includes two or more separate roadways, the term “roadway”
refers to each roadway separately and not to all roadways collectively.

(13) SIDEWALK OR WALK means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines that is for the use of pedestrians.

(14) SINGLE FAMILY DISTRICT means any of the single family districts described in Section 51A-4.112 of the Dallas Development Code, as amended.

(15) STREET means a public way for purposes of vehicular travel, including the entire area within the right of way. This term in urban areas means a highway or street and in rural areas means a highway or road.

(16) STREET SEGMENT means the portion of a street between two intersections.

(17) TRAFFIC ISLAND means a barrier within a roadway to exclude vehicles, designed for the purpose of separating or directing streams of vehicular traffic. (Ord. Nos. 8590; 21186; 22026; 27227)

SEC. 43-33. LIABILITY OF ABUTTING PROPERTY OWNERS FOR INJURIES CAUSED BY DEFECTIVE SIDEWALKS.

The abutting property owner or person enjoying the use of any property abutting on a sidewalk that has become defective and has resulted in causing damage or injury as a result of such defective condition shall be primarily liable in damages for any loss or damage sustained as a result of such defective condition. The city shall not be held as assuming any such liability by reason of inspection or reinspection authorized herein or by reason of the approval or disapproval of any access, facilities, surfacing or appurtenance not made in accordance with standards or specifications of this article. (Ord. Nos. 8590; 15123)

SEC. 43-34. LIABILITY OF PERSONS MAKING SPECIAL USE OF SIDEWALKS.

It shall be the duty of any property owner, landlord, tenant, lessee, sublessee, person, firm or corporation making special use of any sidewalk for the purpose of ingress or egress, for loading elevators, downspout drains or any other special use of whatsoever kind or character, whether recited herein or not, to keep such sidewalk, parkway and driveway abutting such property in a good and safe condition and free from any defects or hazards of whatsoever kind and character. Such special user shall be liable in damages for any loss or damage sustained as a result of any defective condition of the sidewalk, driveway, loading elevator, downspout drain or any other special use or facility of whatsoever kind or character. (Ord. Nos. 8590; 15123)

SEC. 43-35. ADMINISTRATION AND ENFORCEMENT OF ARTICLE; POLICE POWER OF DIRECTOR.

The director shall administer and enforce this article and, for this purpose, shall have police power. (Ord. Nos. 8590; 22026)

SEC. 43-36. DIRECTOR NOT PERSONALLY LIABLE FOR GOOD FAITH ACTIONS.

When action is taken by the director to enforce this article, such action is in the name of and on behalf of the city, and the director so acting for the city is not personally liable for any damage that may accrue to persons or property as a result of any action committed in good faith in the discharge of official duties. Any suit brought against the director by reason thereof will be defended by the city attorney throughout the proceedings. (Ord. Nos. 8590; 22026)
SEC. 43-37. AUTHORITY OF DIRECTOR GENERALLY.

(a) The director has authority to take the legal steps necessary to secure compliance with this article.

(b) The director has the right to enter any premises in the discharge of official duties or for the purpose of making any inspection, reinspection, or test or otherwise to ensure compliance with this article.

(c) The director has the power to inspect or reinspect surfacing and the laying of surfacing materials and issue notices or affix them to premises or to reject surfacing materials not meeting the standards provided in this article, and shall have such other powers provided in this article. The director has the power to control and regulate improvements and facilities placed upon public property and the power to cause to be removed all obstructions and encroachments not in conformance with a valid permit and the requirements of this article. (Ord. Nos. 8590; 22026)

SEC. 43-38. EFFECT OF ARTICLE ON RESPONSIBILITY FOR DAMAGES.

This article shall not be construed to relieve from or to lessen the responsibility or liability for damages of any person owning, controlling or installing any surfaces to persons or property caused by any defect therein. (Ord. 8590)

SEC. 43-39. CONSTRUCTION PERMIT - REQUIRED.

No person shall construct, reconstruct, alter, repair, remove, replace, pave, repave, surface or resurface any walk, drive, curb, gutter, paved area or appurtenance on public property in the city without first obtaining from the building inspector a permit so to do. (Ord. 8590)

SEC. 43-40. SAME - APPLICATION - INFORMATION TO BE FURNISHED BY APPLICANTS.

To obtain a permit as required by the preceding section, a bonded contractor or his authorized representative shall file with the building inspector an application in writing therefor on a form to be furnished for that purpose. Such bonded contractor shall be registered with the building inspector and shall furnish a list of the authorized representatives who are to secure permits for him. Each application for a permit shall describe the abutting property adjacent to which the proposed work on public property is to be done, either by lot, block or tract and house number, location on the street or similar description which will readily identify and definitely locate the site of the proposed work. Each applicant shall give such other pertinent information as shall be required by the building inspector. (Ord. 8590)

SEC. 43-41. SAME - SAME - LOT PLAN TO BE FURNISHED WHEN REQUESTED.

When required by the building inspector, an applicant for a permit shall file a lot or plot plan in triplicate showing the following:

(1) The exact location of the proposed building or structure.

(2) Every existing building or structure on abutting property.

(3) Every existing facility on public property adjacent thereto to the center line of the street right of way.

(4) All proposed walks, drives, curbs, gutters, pavements, public utility poles, fire hydrants, gas meters, water meters, storm sewer inlets, manholes or any other appurtenances.
§ 43-41 Streets and Sidewalks

Such plan shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the nature, character and extent of the work proposed, and shall show in detail that the work will conform to this article and to all related rules and regulations. Plans submitted at the time an application is made as provided in the Building Code, for construction on abutting property, may be used to meet this requirement. (Ord. 8590)

SEC. 43-42. SAME - EXPIRATION; NEW PERMIT REQUIRED BEFORE RECOMMENCING WORK.

Each permit shall expire and become null and void if the work authorized therein is not commenced within six months of the date of permit or if the work authorized by the permit is suspended or abandoned after the expiration of the initial six month period. Before the work may be recommenced a new permit shall be obtained. No permit issued in violation of this article shall operate as granting any vested right, and such permit shall be deemed to be null and void and confer no right whatsoever under it. (Ord. 8590)

SEC. 43-43. SURETY BOND - REQUIRED.

No person shall construct, reconstruct or repair any sidewalk, curb, gutter or driveway approach in the city without executing and delivering to the city a bond in the sum of $2,000, payable to the city of Dallas, Dallas County, Texas, with a good and sufficient corporate surety thereon, authorized to do business in the state, (Ord. 8590)

SEC. 43-44. SURETY BOND - CONDITIONS OF ISSUANCE.

(a) The surety bond required by Section 43-43 must include the following conditions:

(b) The opinion of the director as to the necessity of such reconstruction or repair is binding on all parties, and the bond must for such purpose be in force for five years after the construction, reconstruction, or repair of the facility. One recovery may not exhaust the bond, but the bond must be a continuing obligation against the sureties on it until the entire amount provided for is exhausted.

(c) If the bond is decreased because of any recovery that may be obtained, arising out of the violation of any condition of the bond, the governing body shall require, upon receiving notice of that fact, an additional bond to be given by any person in accordance with this article in an amount sufficient, when added to the unexhausted amount of the original bond, to be at all times equal to the sum of $2,000.
(d) The city may for itself, or for the use and benefit of any person injured or damaged by reason of any defective construction, reconstruction, or repair of any sidewalk, curb, gutter, or driveway approach by any person, firm, or corporation, maintain suit on the bond in any court having jurisdiction, or suit may be maintained by any person injured or damaged by reason of the failure of any person, firm, or corporation who constructs, reconstructs, or repairs any sidewalk, curb, gutter or driveway approach in the city to observe the conditions of the bond. (Ord. Nos. 8590; 22026)

SEC. 43-45. SAME - EFFECT OF ARTICLE ON PERSONS NOW ENGAGED IN CONSTRUCTION, ETC.

Nothing in this article shall affect the bond of any person, firm or corporation now engaged in constructing, reconstructing or repairing such facilities which have already been executed in accordance with the terms of existing city laws, nor shall this be construed to in any manner diminish the liability of any surety or principal on such bond. No person having a bond to construct, reconstruct, alter, repair, remove or replace sidewalks, curbs, gutters or driveways on public property within the city shall be permitted to take out a permit for the reconstruction, alteration or repair of any such facility on any public property within the city and allow any person other than the bona fide holder of such bond to do any of the work. No permit for the construction, alteration or repair of any sidewalk, curb, gutter or driveway on any public property within the city shall be granted unless the five year maintenance bond provided for herein shall be in full force and effect at the time of request for such permit and the doing of the work. (Ord. 8590)

SEC. 43-46. STANDARDS FOR RAW MATERIALS USED IN CONSTRUCTION.

Materials used in sidewalks, curbs, drives, gutters and pavements shall be in accordance with the following standards:

CEMENT. Portland cement shall conform to the Standard Specifications for Portland Cement (Serial Designation C-150-56) of the A.S.T.M. High Early-Strength Portland Cement shall conform to the standard specifications for High Early-Strength Portland Cement (Serial Designation C-150-56) of the A.S.T.M.

FINE AGGREGATE. Fine aggregate shall consist of a natural sand or a combination of natural sand and not more than 50 percent of stone screenings. Sand shall be uniformly graded, composed of clean, hard, durable particles of natural materials free from adherent coatings. It shall contain no lumps, soft or flaky particles, clay, loam, foreign, organic or other deleterious matter. Stone screenings shall consist of the clean, dustless product resulting from the crushing of stone or gravel, meeting all the requirements for coarse aggregate except for grading. Fine aggregate containing more than five per cent by weight of deleterious substances shall not be used. Fine aggregate shall be well graded in size from coarse to fine, and shall conform to the following requirements, the percentages to be determined by weight:

<table>
<thead>
<tr>
<th>Size in</th>
<th>Percentage Passing Laboratory Sieves</th>
</tr>
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<tbody>
<tr>
<td>3/8 in.</td>
<td>100 75-100 60-90 45-80 30-60 6-20 0-4</td>
</tr>
<tr>
<td>Mortar</td>
<td>100 75-100 50-70 45-80 30-60 6-20 0-4</td>
</tr>
</tbody>
</table>

All tests for fine aggregate shall be made in accordance with the current applicable methods of tests of the A.S.T.M.

COARSE AGGREGATE. Coarse aggregate shall consist of the uniformly graded, clean, hard, durable, uncoated particles of natural gravel or crushed stone or gravel, free from adhering coatings. Coarse aggregate shall not contain more than five per cent by weight of deleterious substances. Coarse aggregate shall be well graded in size from coarse to fine, and shall conform to the following requirements, the percentages to be determined by weight:

Materials used in sidewalks, curbs, drives, gutters, and pavements shall be in accordance with the following standards:
Standard Specifications for Portland Cement (Serial Designation C-150-56) of the A.S.T.M. High-Early-Strength Portland Cement shall conform to the standard specifications for High-Early-Strength Portland Cement (Serial Designation C-150-56) of the A.S.T.M.

FINE AGGREGATE. Fine aggregate shall consist of a natural sand or a combination of natural sand and not more than 50 percent of stone screenings. Sand shall be uniformly graded, composed of clean, hard, durable particles of natural materials free from adherent coatings. It shall contain no lumps, soft or flaky particles, clay, loam, foreign, organic, or other deleterious matter. Stone screenings shall consist of the clean, dustless product resulting from the crushing of stone or gravel, meeting all the requirements for coarse aggregate except for grading. Fine aggregate containing more than five per cent by weight of deleterious substances shall not be used. Fine aggregate shall be well graded in size from coarse to fine, and shall conform to the city of Dallas Addendum to the Public Works Construction Standards – North Central Texas as Published by the North Central Texas Council of Governments, current edition.

All tests for fine aggregate shall be made in accordance with the current applicable methods of tests of the A.S.T.M.

COARSE AGGREGATE. Coarse aggregate shall consist of the uniformly graded, clean, hard, durable, uncoated particles of natural gravel or crushed stone or gravel, free from adhering coatings. Coarse aggregate shall not contain more than five per cent by weight of deleterious substances. Coarse aggregate shall be well graded in size from coarse to fine, and shall conform to the city of Dallas Addendum to the Public Works Construction Standards – North Central Texas as Published by the North Central Texas Council of Governments, current edition.
### Specifications for Coarse Aggregate

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<th>Max. Size in Inches</th>
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<th>1 in.</th>
<th>3/4 in.</th>
<th>1/2 in.</th>
<th>3/8 in.</th>
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</thead>
<tbody>
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<td>45-80</td>
<td>35-80</td>
<td>30-80</td>
<td>25-80</td>
<td>10-30</td>
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<tr>
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<td>25-70</td>
<td>10-40</td>
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</table>

All tests for coarse aggregate shall be made in accordance with the current applicable methods of tests of the A.S.T.M.

### PIT-RUN AGGREGATE

Pit-run aggregate will be permitted provided that portion passing the No. 4 sieve shall conform to these specifications for fine aggregate, and that portion retained on the No. 4 sieve shall conform to these specifications for coarse aggregate.

### WATER

Water used in mixing and curing concrete and mortar shall be clean and free from oil, acid, alkali, foreign organic matter or other deleterious substances.

All tests for coarse aggregate shall be made in accordance with the current applicable methods of tests of the A.S.T.M.

### SPECIFICATIONS FOR CONCRETE REINFORCING STEEL

Material for reinforcement shall conform to requirements of the Standard Specifications for Billet Steel Bars for Concrete Reinforcement (A.S.T.M. Designation A-15-57T) for structural, intermediate or hard grade; or for Rail Steel Bars for Concrete Reinforcement (A.S.T.M. Designation A-16-57-T) or for Axle Steel Bars for Concrete Reinforcement (A.S.T.M. Designation A-160-57T) or for Cold-Drawn Steel Wire...
for Concrete Reinforcement (A.S.T.M. Designation A-82-34) or for Welded Steel Wire Fabric for Concrete Reinforcement (A.S.T.M. Designation A-185-56T). All reinforcement shall be free from rust, scale, oil, paint and other substances which prevent bonding to the concrete. (Ord. 8590)

SEC. 43-48. SPECIFICATIONS AND PLACEMENT OF CONCRETE EXPANSION JOINT FILLER.

Expansion joint filler shall be of the pre-moulded type, one-half inch in thickness; the width shall conform to the section of concrete in which incorporated. Expansion joint filler shall be placed where new work abuts old concrete work. Upon completion of the work, expansion joint filler shall be cut off level with the top of the finished concrete. Expansion joint filler shall conform to the Standard Specifications for Bituminous Types (A.S.T.M. Designation D-994-53) or Non-extruding and Resilient Types (A.S.T.M. Designation D-544-56T). (Ord. 8590)

SEC. 43-49. SUBGRADE DETERMINATION.

Foundations or subgrades for all work shall be set at the grades determined by the director. Inspection of such foundation or subgrade must be made and approved by the director before concrete is placed on it. (Ord. Nos. 8590; 22026)

SEC. 43-50. FORM, SPECIFICATIONS, AND PLACEMENT.

Forms must be straight, smooth, free from warps, and aligned with the stakes set by the director and must be of sufficient strength to retain this alignment. Depth must be not less than the total thickness of the section for which used. Forms must be securely staked, anchored, braced, and set to the established
line and grade, the upper edge conforming to the grade of the finished work. Forms must be cleaned of all mortar and dirt. Surface for forms next to concrete may be required to be oiled. Forms must be of either wood or metal. (Ord. Nos. 8590; 22026)

SEC. 43-51. CONCRETE - INGREDIENTS AND CONSISTENCY REQUIRED.

Concrete shall consist of a mixture of Portland cement, fine and coarse aggregate and water in such proportions that will secure a dense, plastic, workable concrete of the strength specified at 28 days. The quantity of water specified per sack of Portland cement shall include the moisture on the surface of the aggregate, but shall not include the amount of water absorbed by the aggregates in 30 minutes. Concrete which has partially set shall not be retempered or remixed by adding additional ingredients. Concrete shall not be mixed during freezing weather, and shall not be placed when the temperature is 40°F. or less. No frozen ingredients or conglomerates shall be used in concrete. Test for slump of concrete shall be made in accordance with the Method of Test for Consistency of Portland Cement Concrete (Serial Designation C-143-52) of the A.S.T.M. All tests for ingredients and concrete shall be made in accordance with the current applicable methods of tests of the A.S.T.M. (Ord. 8590)

SEC. 43-52. SAME - PLACEMENT.

Concrete shall be placed in as near its final position as possible, and in such manner as to prevent separation or segregation of the ingredients. Concrete shall be placed in such quantities that after being thoroughly compacted it will be the required thickness, the upper surface true, uniform and parallel to the finished surface. (Ord. 8590)

SEC. 43-53. SAME - PROTECTING AGAINST EXTREME TEMPERATURES, ETC.

Concrete shall be protected against freezing or excessive heat. Concrete shall be kept continuously moist for four days. Concrete shall be protected from traffic until it has developed 80 percent of the required strength. (Ord. 8590)

SEC. 43-54. EXAMINATION AND APPROVAL OF MATERIALS PRIOR TO USE.

The director may inspect any and all materials before pouring the concrete. The contractor shall furnish the required samples when requested for the making of tests and other required examinations prior to the use of the materials. (Ord. Nos. 8590; 22026)

SEC. 43-55. ALL WORK TO COMPLY WITH ESTABLISHED LINES AND GRADES.

The work authorized by construction permits issued pursuant to this article must be aligned with the stakes and set to the grade as determined by the director. (Ord. Nos. 8590; 22026)

SEC. 43-56. PROTECTION OF GRADE AND LINE STAKES.

Stakes set by the director must be protected by the contractor. Grade and line stakes must be set by the director upon request. (Ord. Nos. 8590; 22026)

SEC. 43-57. LIGHTS AND SAFEGUARDS.

The contractor shall provide necessary red lanterns and flares and safeguards so placed that
§ 43-57 Streets and Sidewalks § 43-62

SEC. 43-57. PEDESTRIANS AND VEHICULAR TRAFFIC.

Pedestrians will not be injured and vehicular traffic shall not be unnecessarily impeded and be protected from injury. Provisions shall be made for the passage of water in the street gutter. (Ord. 8590)

SEC. 43-58. REMOVAL OF DEBRIS, ETC., UPON COMPLETION OF WORK.

Immediately upon completion of the work the contractor shall remove from the area all unused material, dirt, debris and loose concrete. He shall see that the entire area is broom clean and usable. (Ord. 8590)

SEC. 43-59. CONSTRUCTION OF RETAINING WALLS ON PUBLIC PROPERTY.

No buttresses, steps, projections, retaining walls or fences shall be constructed on any public property unless such construction is approved by the city council. (Ord. 8590)

SEC. 43-60. TRAFFIC BARRIERS FOR SERVICE STATIONS AND PARKING LOTS.

Premises used as motor vehicle service stations or parking lots shall have a six inch raised curb or other approved traffic barrier along the entire street frontage except at the driveway approaches and access walks. (Ord. 8590)

SEC. 43-61. SAME - PLACEMENT OF CURBS.

The curb for traffic barriers required by the preceding section shall be placed so that automobile bumpers shall not extend over the sidewalk or public property. (Ord. 8590)

SEC. 43-62. INDENTED PARKING.

(a) No indented parking is allowed in the city except as approved in accordance with this section.

(b) The director may approve an application for indented parking if:

(1) the speed limit for the portion of the public roadway required for maneuvering into or out of the proposed indented parking space or spaces is 35 miles per hour or less;

(2) the director determines that the proposed indented parking would not constitute a traffic hazard; and

(3) the application is not required to be denied on the basis of property owner objections under Subsection (e).

(c) An application for indented parking must be submitted to the director, along with a nonrefundable application fee of $50, and include:

(1) a schematic drawing that:

(A) shows the proposed parking layout, the roadway pavement, adjacent uses, nearby right-of-way, curbs, sidewalks, utility poles, street lighting poles, and other above-ground objects;

(B) shows that all geometric, operational, and safety issues have been addressed and mitigated;

(C) is prepared by a professional engineer who is registered in Texas and certified as a professional traffic operations engineer by the Institute of Transportation Engineers; and

(D) complies with all available standards and best practices for angle parking or parallel parking; and
§ 43-62 Streets and Sidewalks

§ 43-63

(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 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

10/18 Dallas City Code 17
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)

SEC. 43-66. ALTERNATIVE MATERIALS AND CONSTRUCTION METHODS.

(a) The provisions of this article do not prevent the use of types of construction or materials or methods of construction offered as an alternate for the types of construction or materials or methods of construction specifically required by this article, but such alternate types of construction or materials or methods of construction to be given consideration must be offered for approval as being sufficient, safe, and equal to the standards set out in this article. When specifically authorized by the building official, upon review of the access facilities and the types of construction or materials or methods of construction by the director, materials and construction that have been so approved must be used and installed in accordance with the terms of the approval. Such approvals and the conditions upon which they are issued must be specific, must be reasonable when considered in the light of convenience and safety to the general public, must not create an injustice, and must be made a matter of public record.

(b) In unusual circumstances, the terms and provisions of this chapter may be varied by resolution of the city council. (Ord. Nos. 8590; 22026)

Subdivision II. Sidewalks.

SEC. 43-67. MINIMUM DIMENSIONS; FINISHING.

Sidewalks shall be a minimum width of four feet and shall be four inches thick. The surface may have a monolithic finish by floating with a wooden float until a slight excess of sand appears on the surfaces or may be brushed after troweling in lieu of floating. The edges of the sidewalk, markings and expansion joints shall be tooled to a smooth finish, not less than two-
inches in width. Exposed edges of the sidewalk shall be rounded with an edger to a radius of one-half inch. The surface of the sidewalk shall not be left with a slick or glossy finish.

Sidewalks shall be a minimum width of four feet and shall be four inches thick unless wider dimensions are required in the Street Design Manual of the city of Dallas. The surface may have a monolithic finish by floating with a wooden float until a slight excess of sand appears on the surfaces or may be brushed after troweling in lieu of floating. The edges of the sidewalk, markings and expansion joints shall be tooled to a smooth finish, not less than two inches in width. Exposed edges of the sidewalk shall be rounded with an edger to a radius of one-half inch. The surface of the sidewalk shall not be left with a slick or glossy finish. (Ord. Nos. 8590; 31313)

SEC. 43-68. CONCRETE SPECIFICATIONS.

(a) Concrete for walks must have a minimum compressive strength of 2,500 pounds per square inch at 28 days. The quantity of mixing water may not exceed seven U.S. gallons per sack (94 pounds) of Portland cement. The slump of the concrete may not exceed four inches.

(a) The minimum compressive strength of the concrete and requirements for the quantity of mixing water and the concrete slump must conform to the city of Dallas Addendum to the Public Works Construction Standards – North Central Texas as Published by the North Central Texas Council of Governments, current edition.

(b) The director may inspect the foundation and forms before concrete is poured.

(c) Concrete must be thoroughly compacted so that the minimum thickness is four inches. Concrete must be free from honey-combing, rock pockets and segregation of ingredients. The addition of neat cement to concrete in order to absorb excess water or to accelerate hardening is prohibited. (Ord. Nos. 8590; 22026; 31313)

SEC. 43-69. FORM, PLACEMENT AND SLOPE.

Forms shall be set to provide for drainage from the property line to the curb line; the slope in general will be one-fourth inch per foot of width of sidewalk, and it shall not exceed one-fourth inch per foot of width of sidewalk. (Ord. 8590)

SEC. 43-70. JOINTS.

One-half inch expansion joints shall be spaced 25 to 30 foot intervals or as otherwise specified and shall be placed where new work abuts old work, or where new work is constructed adjacent to either concrete work, walls, foundations, etc. The expansion joints shall be filled with premoulded bituminous expansion

Subdivision I. Curbs and Gutters.

SEC. 43-71. DESCRIPTION; COMPOSITION OF CONCRETE AND MORTAR USED IN CONSTRUCTION.

Curb, curb and gutter and separate gutter shall consist of a concrete core and a mortar surface.

Concrete shall have a minimum compressive strength of 3,000 pounds per square inch at 28 days. The quantity of mixing water shall not exceed seven U.S. gallons per sack (94 pounds) of Portland cement. The slump of the concrete shall not exceed three inches. Mortar shall be composed of one part Portland cement, one and one-half parts fine aggregate and water. Curb, curb and gutter and separate gutter shall consist of a concrete core and a mortar surface.

The minimum compressive strength of the concrete and requirements for the quantity of mixing water and the concrete slump must conform to the city of Dallas Addendum to Public Works Construction Standards – North Central Texas as published by the North Central Texas Council of Governments, current edition. Mortar shall be composed of one part Portland cement, one and one-half parts fine aggregate and water. (Ord. Nos. 8590; 31313)

SEC. 43-72. CONSTRUCTION OF JOINTS.

Three-fourths inch expansion joints shall be spaced at 25 to 30 foot intervals or as otherwise specified. The three-fourths inch expansion joints shall be filled with a three-fourths inch premoulded bituminous expansion joint filler or other approved type and shall extend the entire depth and width of the concrete section. Curb and gutter shall be grooved three-eighths inch deep on five-foot centers. (Ord. 8590)

SEC. 43-73. FORMS.

Wooden forms shall have a nominal thickness of two inches, surfaced one side and one edge and shall
be straight and devoid of warps, twists, knot holes and other defects to prevent leakage of concrete or mortar.  
(Ord. 8590)

SEC. 43-74. PLACEMENT OF CONCRETE AND MORTAR.

(a) Foundation or subgrade for all work must be set at the grades determined by the director. The director may inspect the foundation, subgrade, and reinforcing before concrete is poured.

(b) Concrete must be thoroughly compacted so that the minimum thickness conforms to the requirements of this article. Concrete must be free from honeycombing, rock pockets, and separation and segregation of ingredients. Upon completion of the concrete core, the one-half inch mortar surface must be placed while the core is still green, the work being carried on uniformly so that a perfect bond is obtained between the concrete core and mortar surface.  
(Ord. Nos. 8590; 22026)

SEC. 43-75. FINISHING.

The mortar surface shall be thoroughly troweled, not less than twice, to a uniformly smooth surface and brush finished. Exposed edges of the gutter and back of curb shall be rounded to a one-half inch radius.  
(Ord. 8590)

SEC. 43-76. PROTECTION OF NEW WORK FROM TRAFFIC; BACKFILLING.

Curb, curb and gutter and separate gutter shall be protected from vehicular traffic for not less than six days.

Earth or sand shall be used for backfill and shall be thoroughly compacted, care being taken not to injure the completed work.  
(Ord. 8590)

SEC. 43-77. FINAL DIMENSIONS; GUTTER RATIO REQUIRED FOR CURB FACING; DWELLING FOR DRIVEWAY CONSTRUCTION.

Curb and gutter shall have the back 12 inches deep and vertical. Curb shall be six inches thick at the top, face battered 1:3. The gutter shall be uniformly six inches thick and a minimum of 24 inches in width, except where gutter joins gutter of a greater width.

Where driveways are to be constructed, the curb may be laid back, radius begun and No. 3 (three-eighths inch diameter) round bars, exposed 15 inches, placed on 24 inches center to center for dowels.  
(Ord. 8590)

Subdivision II. Driveway Approaches.

SEC. 43-78. SPECIFICATIONS FOR MATERIALS USED IN CONSTRUCTION.

Driveway approaches shall conform to the following standards:

CONCRETE. Driveway approaches shall be constructed of one-course concrete, reinforced, six inches minimum thickness, which shall have a minimum compressive strength of 2,500 pounds per square inch at 28 days. The quantity of mixing water shall not exceed seven U.S. gallons per sack (94 pounds) of Portland cement. The slump of the concrete shall not exceed four inches.

REINFORCING STEEL. Reinforcement shall consist of No. 3 (three-eighths inch diameter) round bars placed not more than 24 inches on centers, both directions. Where steel is lapped, the lap shall be not less than 15 inches.

Driveway approaches shall conform to the following standards:

CONCRETE. Driveway approaches shall be constructed of one-course concrete, reinforced, with a six inch minimum thickness. The minimum compressive strength of the concrete and requirements for the quantity of mixing water and the concrete slump must conform to the city of Dallas Addendum to the Public Works Construction Standards – North
REINFORCING STEEL. Reinforcement shall consist of No. 3 (three-eighths inch diameter) round bars placed not more than 24 inches on centers, both directions. Where steel is lapped, the lap shall be not less than 15 inches. (Ord. Nos. 8590; 31313)
SEC. 43-79. PLACEMENT AND COMPACTION OF CONCRETE.

(a) The director may inspect the foundation, forms, and reinforcing before concrete is poured.

(b) Concrete must be thoroughly compacted with an open faced tamper and struck off with a straight edge so that the minimum thickness is six inches. Concrete must be free from honeycombing, rock pockets, and segregation of ingredients. (Ord. Nos. 8590; 22026)

SEC. 43-80. FINISHING.

The surface may have a monolithic finish by floating with a wooden float until a slight excess of sand appears on the surface or may be brushed after troweling in lieu of floating. In no case shall the surface be left slick or with a glossy finish. Exposed edges of driveway shall be rounded with an edger to a radius of one-half inch. (Ord. 8590)

SEC. 43-81. PROTECTION FROM VEHICULAR TRAFFIC.

Driveway approaches shall be protected from vehicular traffic for not less than six days. (Ord. 8590)

SEC. 43-82. REMOVAL OF CURB AND GUTTER WHERE REQUIRED.

Where a driveway approach is to be constructed at a location where there exists a curb and gutter, such curb and gutter shall be removed to the nearest construction joint. The driveway approach shall extend to the back side of the existing or future sidewalk. On concrete pavement with monolithic curb, the breakout line will be nine inches from the back of curb line and shall be parallel to it and form a right angle with the concrete surface. (Ord. 8590)

SEC. 43-83. MAXIMUM SPACE TO BE OCCUPIED.

Driveway approaches shall not occupy more than 70 percent of the frontage abutting the roadway of the tract of ground devoted to one use which abuts the roadway. (Ord. 8590)

SEC. 43-84. NUMBER OF APPROACHES PERMITTED.

Not more than two driveway approaches shall be permitted on any parcel of property with a frontage of 150 feet or less. Additional openings, for parcels of property having a frontage of 150 feet or less, may be permitted, after proof to the traffic engineer of necessity and convenience to the public. (Ord. 8590)

SEC. 43-85. SEPARATION OF DRIVEWAY APPROACHES.

When more than one driveway approach is required to serve a parcel of property, a traffic island shall separate the driveway approaches. The width of the traffic island at the property line shall be a minimum of 20 feet. Where the grade at the property line is the same as the sidewalk, a six inch raised curb shall be constructed at the back of the traffic island along the property line, and on private property. The raised curb shall be constructed so as to end 24 inches from the intersection of the driveway approach with the property line. (Ord. 8590)

SEC. 43-86. LOCATION; PROVISION FOR JOINT APPROACHES.

Driveway approaches shall be located entirely within the frontage of the premises abutting the work and shall be located not less than five feet from each side of the property line, except that joint driveway approaches with adjoining property holders may be
permitted provided joint application is made by all interested parties, and the width set out in Section 43-94 is not exceeded. (Ord. 8590)

SEC. 43-87. MINIMUM ANGLE IN RELATION TO CURB LINE.

The angle of the driveway approach with the curb line shall be not less than 45 degrees. (Ord. 8590)

SEC. 43-88. MINIMUM REQUIREMENTS FOR APPROACHES NEAR STREET INTERSECTIONS.

Where existing right of way permits, driveway approaches nearest an intersection of two streets shall meet the following minimum requirements. The corner rounding shall have curbs constructed with a minimum radius of 20 feet continuously between the points of tangency of the curb lines of both streets. The first driveway may start from the point of tangency of the curb line and corner radius and be cut in with a five foot minimum radius. (Ord. 8590)

SEC. 43-89. LOCATION OF APPROACHES NEAR TRAFFIC INTERCHANGES, ETC.

Driveway approaches at or near streets and traffic interchanges, grade separations and traffic circles shall be so located that traffic entering or leaving the street will not impede, confuse, imperil or otherwise interfere with vehicular traffic. (Ord. 8590)

SEC. 43-90. LOCATION OF APPROACHES AT PEDESTRIAN CROSSINGS, ETC., PROHIBITED.

Driveway approaches shall not be located at street intersections or at established pedestrian crossings. (Ord. 8590)

SEC. 43-91. CONSTRUCTION IN EXISTING ANGLE PARKING AREAS PROHIBITED; EXCEPTIONS.

Driveway approaches shall not be constructed in existing angle parking areas except when the curb is restored to its normal location along the roadway in front of the premises. (Ord. 8590)

SEC. 43-92. STANDING OR PARKING OF VEHICLES, ETC., ON DRIVEWAY APPROACHES PROHIBITED.

Driveway approaches shall not be constructed or designed for use for the standing or parking of vehicles or for use as angle parking. (Ord. 8590)

SEC. 43-93. ABANDONMENT; DUTY OF ABUTTING PROPERTY OWNER TO RESTORE CURB.

Whenever the use of any driveway approach is abandoned and no longer used for vehicular access to the abutting property, it shall be the duty of the abutting property owner to restore the curb according to the standards provided in this article. (Ord. 8590)

SEC. 43-94. RESIDENTIAL DRIVEWAY APPROACHES.

Residential driveway approaches shall comply with the following requirements:

(a) Width. Residential driveway approaches shall not be less than nine feet nor more than 30 feet in width measured at the property line.

(b) Radius. A residential driveway approach shall be constructed with the return curbs having a rolled face disappearing at the sidewalk and joining the street curb with a five foot minimum radius, except
that on an arterial the minimum radius shall be 10 feet. A driveway 18 feet in width and greater may have a five-foot radius on an arterial.

(c) Removal of existing sidewalks. Where the residential driveway approach is designed to cross an existing sidewalk, the sidewalk included in the driveway approach area shall be removed and reconstructed as a driveway approach.

Residential driveway approaches shall comply with the following requirements:

(a) Width. Residential driveway approaches shall not be less than 10 feet nor more than 30 feet in width measured at the property line.

(b) Radius. A residential driveway approach shall be constructed with the return curbs having a rolled face disappearing at the sidewalk and joining the street curb with a five-foot minimum radius, except that on an arterial the minimum radius shall be 10 feet.

(c) Removal of existing sidewalks. Where the residential driveway approach is designed to cross an existing sidewalk, the sidewalk included in the driveway approach area shall be removed and reconstructed as a driveway approach.

(Ord. Nos. 8590; 21186; 31313)

SEC. 43-95. COMMERCIAL DRIVEWAY APPROACHES.

Walks, drives, curbs, gutters, pavements and appurtenances on public property and other facilities to provide access to premises used for other than residential purposes shall be constructed, provided, or repaired in accordance with the following standards and requirements:

(a) Width. The width of any commercial driveway approach shall be not less than 12 feet nor more than 40 feet measured along the property line, except driveway approaches for motor vehicle docks within a building shall not exceed 60 feet in width at the property line. Where more dock space is required, the driveway approaches shall be separated by a traffic island meeting the standards set out in section 43-85.

(b) Radius. Commercial driveway approaches shall be constructed with the return curbs having a roll face disappearing at the sidewalk and joining the street curb with a 10 foot minimum radius.

(c) Removal of existing sidewalks. Where a commercial driveway approach is to be built, the sidewalk shall be removed and the entire area replaced as a driveway. The driveway approach shall extend to the back side of the existing or future sidewalk.

(Ord. Nos. 8590; 31313)
ARTICLE IV.
SNOW AND ICE.

SEC. 43-96. REMOVAL OF SNOW AND ICE FROM SIDEWALKS REQUIRED.

(a) Every owner, lessee, tenant, occupant or other person having charge of any building or lot abutting upon any public way or public place shall remove the snow and ice from the sidewalk in front of the building or lot.

(b) Snow and ice which falls or accumulates before 4:00 p.m. during any day, except Sunday, shall be removed within three hours after the snow or ice has fallen or accumulated. Snow and ice which falls or accumulates on a Sunday or after 4:00 p.m. and during the night on any other day shall be removed before 10:00 a.m. the following day. (Ord. Nos. 3314; 19398)

SEC. 43-97. COVERING SNOW AND ICE WITH SAND, ASHES, ETC.

If the snow and ice on the sidewalk is frozen so hard that it cannot be removed without injury to the pavement, the owner, lessee, tenant, occupant or the person having charge of any building or lot shall, within the time specified in this article, cause the sidewalk abutting on the premises to be strewn with ashes, sand, sawdust or other similar suitable materials and shall, as soon as the weather shall permit, thoroughly clean the sidewalk. (Ord. Nos. 3314; 19398)

SEC. 43-98. WHERE REMOVED SNOW AND ICE TO BE PLACED.

Removed snow and ice shall be uniformly distributed parallel to the curb and in the gutters where there is no parkway. When a parkway exists
between the curb and sidewalk, the snow and ice may be uniformly distributed on the parkway; provided that no snow or ice shall be so placed at crosswalks which must be left open and free of removed snow and ice. (Ord. Nos. 3314; 19398)

SEC. 43-98.1. CAUSING ICE TO FORM ON STREETS AND ALLEYS.

(a) A person commits an offense if he uses water, or allows the use of water under his control, in a manner that causes the water to collect on the roadway of a public street or alley and form ice.

(b) A person violating Subsection (a) of this section shall pay the city for all costs incurred by the city in removing or covering the ice on the roadway of the public street or alley, including, but not limited to, the costs of labor, equipment, and ashes, sand, sawdust or other material used to cover the ice. (Ord. 19398)

SEC. 43-98.2. ENFORCEMENT.

This article shall be enforced by the director of the department designated by the city manager to enforce and administer this article, or the director’s authorized representative. (Ord. 19398)

ARTICLE V.

BUILDING NUMBERING.

SEC. 43-99. OWNER OR OCCUPANT TO NUMBER BUILDINGS.

(a) The owner or occupant of each building in the city shall place and maintain an official building number in a conspicuous place on the premises so that it can be clearly seen from a public street. This requirement does not apply to accessory buildings.

(b) The number must be placed within 10 days after a new building is completed. (Code 1941, Art. 68-2; Ord. Nos. 15072; 15225)

SEC. 43-100. OFFICIAL NUMBERING PLAN MUST BE FOLLOWED.

(a) Buildings must be numbered in compliance with this article and in accordance with the plan delineating and prescribing the method of numbering buildings which is on file in the office of the building official.

(b) The building official shall designate the official number which is to be placed on each building. A person may request an official number designation by submitting a legal description of the property to the building official. (Code 1941, Art. 68-2; Ord. 15072)

SEC. 43-101. SPECIFICATIONS FOR NUMBERS.

An official building number placed pursuant to this article must be at least three inches high, composed of a durable material, and of a color which provides a contrast to the background. (Code 1941, Art. 68-3; Ord. 15072)

SEC. 43-102. ODD AND EVEN NUMBERS.

Odd numbers shall be assigned to the north side, and even numbers assigned to the south side, of streets and public accesses running east and west or substantially in that direction. Odd numbers shall be assigned to the west side, and even numbers assigned to the east side, of streets and public accesses running north and south or substantially in that direction. (Code 1941, Art. 68-4; Ord. 15072)
SEC. 43-103. BASIC UNITS OF SPACE FOR NUMBERING.

The basic unit of space for numbering along public streets and public accesses is 25 feet; however, in shopping centers, townhouse areas, apartment areas, and other building complexes where the building official determines that the 25 foot unit is not adequate, he may assign a basic unit of 10 feet. (Code 1041, Art. 68-5; Ord. 15072)

SEC. 43-104. NUMBERING WITHIN BUILDING COMPLEXES.

(a) A building complex composed of multiple structures must have an official number assigned to each building. Each unit within each building must also be assigned an official number. If there is sufficient street frontage, each unit or building may be assigned an official street address number. The official number must be prominently posted on the building so that it is visible, where possible, from the nearest vehicular access. The official number for each unit must be conspicuously posted on the unit.

(b) If a building is situated within a complex in such a way that it is not visible from a vehicular access the owner shall post and maintain directional signs along the nearest vehicular access indicating the location of the building by building number and unit numbers. (Code 1941, Art. 68-6; Ord. 15072)

SEC. 43-105. DIRECTIONAL SIGNS WITHIN BUILDING COMPLEXES.

(a) In a building complex composed of multiple structures which contains internal vehicular accesses, if each official building number is not discernible from the public street, the owner of the building complex shall post directional signs at each entrance to the complex and at each intersection of vehicular accesses, other than public streets, within the complex.

(b) For the purpose of this section, an “entrance” to a complex is a point at which vehicular access to the complex, other than a public street, intersects with a public street.

(c) The directional signs must indicate the direction to buildings and units by number, must be legible from the vehicular access, and must be painted with a color which is in contrast to the background. Directional signs required by this section are not required to comply with Chapter 41 of this Code. (Code 1941, Art. 68-5; Ord. 15072)

SEC. 43-106. DIAGRAM OF MALL AREAS.

The owner of a building complex which contains a mall area shall submit to the police and fire departments a diagram of the complex, indicating the location of each business. When a change in a business location is made, the owner shall advise the police and fire departments in writing of the change. (Code 1941, Art. 68-9; Ord. 15072)

SECS. 43-107 THRU 43-110. RESERVED.

(Repealed by Ord. No. 15072)

ARTICLE VI.

LICENSE FOR THE USE OF PUBLIC RIGHT-OF-WAY.

Division 1. Licenses for Other than Bicycle Parking Devices, Valet Parking Services, and Newsracks.

(Division title created by Ord. 18838 and amended by Ord. Nos. 25539, 26809)
SEC. 43-111. DEFINITIONS.

In this division,

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

(2) SIDEWALK CAFE has the meaning given that term in Chapter 316 of the Texas Transportation Code, as amended. (Ord. 29906)

SEC. 43-112. APPLICATION; FEE.

(a) If a person, or governmental entity operating a utility, desires to make use of any portion of the public right-of-way for a private or governmental utility use, the person, or governmental entity operating a utility, must apply in writing to the director. The application must be accompanied by plans or drawings showing the area to be used, a statement of the purpose for which the right-of-way is to be used, and a nonrefundable application fee in the amount required by Subsection (b) of this section, plus recording fees; except that the application fee is not required for:

(1) existing encroachments previously licensed; or

(2) a license to place and maintain the facilities of a utility operated by a governmental entity on public right-of-way, where the governmental entity has previously contracted with the city to provide mutual granting of rights-of-way for utility purposes.

(b) The application fee is:

(1) $100 for a sidewalk cafe;

(2) $100 for a use of a public right-of-way described in Section 43-115.1; and

(3) $750 for any other use of the public right-of-way. (Ord. Nos. 18119; 18962; 24051; 25539; 29906)

SEC. 43-113. GRANT BY CITY COUNCIL.

If, in the judgment of the city council, the requested use is not inconsistent with and does not unreasonably impair the public use of the right-of-way, the council may by ordinance grant the license. (Ord. Nos. 18119; 25539)

SEC. 43-114. TERMS AND CONDITIONS; DURATION; RIGHT OF TERMINATION RESERVED BY CITY.

(a) The ordinance shall contain the terms and conditions of the license and shall state the time for which the license exists. Whether or not stated in the ordinance the city council retains the right to terminate a license whenever in its judgment the purpose or use of the license is inconsistent with the public use of the right-of-way or whenever the purpose or use of the license is likely to become a nuisance.

(b) If a private license does not state the time for expiration, it will expire 10 years from the date of the passage of the ordinance granting the license.

(c) If a license to place and maintain the facilities of a utility operated by a governmental entity on public right-of-way does not state the time for expiration, it will expire upon expiration of the governmental entity’s contract with the city providing for mutual granting of rights-of-way. (Ord. Nos. 18119; 18962; 25539)

SEC. 43-115. ANNUAL FEE FOR USE OF PUBLIC RIGHT-OF-WAY.

(a) The annual fee for a license to use a public right-of-way for the following uses is:
§ 43-115 Streets and Sidewalks

(1) Fee for railroad crossing: not less than $50 per track crossing the public right-of-way or an amount determined by the director and established in the ordinance granting the license. The fee will not be assessed for a railroad crossing where the railroad existed before the public right-of-way was established.

(2) Fee for encroachment of historically significant structures into public right-of-way: $1,000.

(3) Fee for placement and maintenance of facilities of a utility operated by a governmental entity on public right-of-way pursuant to a contract with the city providing for mutual grant of rights-of-way: None.

(4) Fee for a sidewalk cafe: $200.

(b) The annual fee for a license to use a public right-of-way for uses other than those listed in Subsection (a) is $1,000 or is calculated in accordance with one of the following formulas, whichever is greater:

(1) Fee for use of public right-of-way: area X market value X 85% X 12%.

(2) Fee for subsurface use only: area X market value X 30% X 12%.

(3) Fee for air rights use only (including awnings and canopies with a premise sign as defined in Section 51A-7.102(28) of the Dallas City Code): area X market value X 85% X 85% X 12%.

(4) Fee for commercial parking operation use: 50% of gross receipts (which include receipts for all parking and tips less sales and use taxes, if applicable).

(c) Except for a sidewalk cafe license, the application fee required by Section 43-112 will be applied to the first year’s fee if a license is granted.

(d) Whether or not stated in the ordinance granting the license, the city council retains the right to increase or decrease the annual fee.

(e) The market value of the area licensed is based on the per square foot appraised value, as determined by the Dallas County Central Appraisal District, of a fee simple interest in a useable tract of abutting property.

(f) The director shall annually review the market values of licensed areas for which fees are based on market value. If it is determined that the market value of a licensed area has decreased, the director shall notify the licensee in writing that the annual fee has been decreased. If it is determined that the market value of a licensed area has increased, the director shall notify the licensee in writing that the annual fee has been increased. If a licensee is unwilling to accept the increased fee, the licensee may terminate the license. (Ord. Nos. 18119; 18962; 22216; 24051; 25539; 26809; 27775; 29906)

SEC. 43-115.1. SPECIAL FEES FOR THE USE OF PUBLIC RIGHT-OF-WAY.

(a) Instead of the annual fee charged under Section 43-115 of this division, the following one-time fees will be charged for a license to use a public right-of-way for the following uses:

(1) Fee for landscaping and appurtenant irrigation systems: $100.

(2) Fee for awnings and canopies without a premise sign as defined in Section 51A-7.102(28) of the Dallas City Code: $100 per awning or canopy.

(3) Fee for subdivision and monument signs: $100 per sign.

(4) Fee for other streetscape elements, including planters, crosswalk texturing and coloring, artwork, lighting, benches, flag poles, bollards, and trash receptacles: $100.

(b) An application fee paid pursuant to Section 43-112 will not be applied to license fees charged under this section. (Ord. Nos. 25539; 27775; 29906)
SEC. 43-115.2. LICENSES FOR SUBDIVISION SIGNS.

(a) In this division, SUBDIVISION SIGN has the meaning given that term in Section 51A-7.102 of the Dallas City Code, as amended.

(b) An application for a license to place a subdivision sign in a residential subdivision must be submitted by a duly-formed and existing homeowners association with jurisdiction over the residential subdivision. If the homeowners association is dissolved for any reason, the license will expire and the subdivision sign must be promptly removed from the public right-of-way.

(c) An application for a license to place a subdivision sign in a business park must be submitted by the owner of the business park.

(d) An application for a license to place a subdivision sign in a residential subdivision or a business park must be supported by the owner of property abutting the proposed subdivision sign, if any, and two-thirds of the property owners located within 300 feet of the proposed subdivision sign.

(e) A subdivision sign licensed under this division, and its placement and location, must comply with all applicable city ordinances, including the sign regulations of the Dallas Development Code. (Ord. 25539)

SEC. 43-115.3. SIDEWALK CAFE DESIGN STANDARDS MANUAL.

All sidewalk cafes must comply with the Sidewalk Cafe Design Standards Manual. The director shall keep an updated electronic copy of the Sidewalk Cafe Design Standards Manual on the city’s website and keep an updated paper copy on file for public inspection and copying. (Ord. 29906)

SEC. 43-116. TEMPORARY LICENSE.

The director may grant a temporary license on a month-to-month basis if a license or abandonment application is being processed for city council action and if failure to grant a temporary license will subject the applicant to a substantial hardship. (Ord. Nos. 18119; 18838; 22026; 25539; 29906)

SEC. 43-117. PENALTIES.

(a) A person using or occupying a public right-of-way for a private use in violation of this division or without a license or other permit granted by the city is guilty of an offense and, upon conviction, is subject to a fine not to exceed $500 for each day that the violation exists.

(b) Any owner, occupant, tenant, or licensee who fails to keep the sidewalks, curbs, and private structures constructed within or over the licensed area in good repair is guilty of maintaining a nuisance and, upon conviction, is subject to a fine not to exceed $500 for each day the nuisance is maintained.

(c) Subsection (b) does not apply to railroad crossings for which maintenance and repair is required in the ordinance granting the license. (Ord. Nos. 18119; 18838; 19963; 25539)

SEC. 43-118. BREACH BY GRANTEE.

The director is authorized to terminate a license granted pursuant to this division if the grantee fails to fulfill any of the conditions stated in the license. (Ord. Nos. 18119; 18838; 25539)

SEC. 43-119. WAIVER.

The provisions of this division that are not required by state law or the city charter may be waived or modified by the city council in the ordinance granting the license. (Ord. Nos. 18119; 18838; 25539)
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 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;

   (2) the applicant makes a false statement of material fact on an application for a bicycle parking device license; or
§ 43-122 Streets and Sidewalks § 43-124

(3) the director determines that the bicycle parking device, with or without bicycles parked in it, would:

(A) endanger the safety of persons or property or otherwise not be in the public interest;

(B) unreasonably interfere with pedestrian or vehicular traffic;

(C) unreasonably interfere with the use of a pole, traffic sign, traffic signal, hydrant, mailbox, or other object permitted at or near the proposed location of the bicycle parking device; or

(D) unreasonably interfere with an existing use permitted at or near the proposed location of the bicycle parking device.

(b) The director shall revoke a bicycle parking device license if:

(1) the applicant fails to comply with the requirements of the bicycle parking device license, this division, or other applicable law;

(2) the applicant made a false statement of material fact on an application for a bicycle parking device license; or

(3) the director determines that the bicycle parking device, with or without bicycles parked in it:

(A) endangers the safety of persons or property or is otherwise not in the public interest;

(B) unreasonably interferes with pedestrian or vehicular traffic;

(C) unreasonably interferes with the use of a pole, traffic sign, traffic signal, hydrant, mailbox, or other object permitted at or near the location of the bicycle parking device; or

(D) unreasonably interferes with an existing use permitted at or near the proposed location of the bicycle parking device.

(c) The city council may, at any time, unconditionally revoke a bicycle parking device license issued pursuant to this division. (Ord. 18838)

SEC. 43-123. EXPIRATION OF LICENSE.

A bicycle parking device license expires one year from the date of issuance, unless sooner terminated by the director or by the city council. A bicycle parking device license may be renewed by making application in accordance with Section 43-121 of this division at least 30 days before expiration of the license. (Ord. 18838)

SEC. 43-124. STANDARDS FOR INSTALLATION, OPERATION, AND MAINTENANCE OF A BICYCLE PARKING DEVICE.

A person issued a license to install or operate a bicycle parking device which in whole or in part rests on any public right-of-way shall:

(1) mount the bicycle parking device on a paved surface;

(2) not chain, belt, or otherwise attach a bicycle parking device to a fixture in the public right-of-way, without written approval from the director;

(3) cut weeds and grass within five feet of a bicycle parking device that rests in part on unpaved public right-of-way;

(4) attach to the bicycle parking device a plaque, to be approved by the director, engraved with the bicycle parking device license number and the licensee’s current telephone; and

(5) maintain the bicycle parking device:

(A) in good working order;

(B) in a manner that, with and without bicycles parked in the device, does not obstruct a
vehicle operator’s ability to see any part of an intersecting road; and

(C) in a manner that, with and without bicycles parked in the device, does not injure, damage, or create a hazard to persons or property. (Ord. 18838)

SEC. 43-125. LOCATION OF A BICYCLE PARKING DEVICE.

(a) A bicycle parking device may not:

(1) project into or rest upon any part of the public right-of-way open to motor vehicle traffic; or

(2) be located in a manner such that a bicycle parked in the device would project into or rest upon any part of the public right-of-way open to motor vehicle traffic.

(b) A bicycle parking device may not be installed or operated on public right-of-way not open to motor vehicle traffic if, measured with bicycles parked in it, the device would:

(1) be within five feet of a marked crosswalk;

(2) be within 12 feet of the curb return of an unmarked crosswalk;

(3) be within 10 feet of a fire hydrant, fire call box, police call box or other emergency facility;

(4) be within five feet of a driveway;

(5) be within three feet in front of or 15 feet behind a sign marking a designated bus stop;

(6) be within three feet of a bus bench;

(7) reduce the unobstructed space for the passage of pedestrians to less than:

(A) the minimum unobstructed sidewalk widths required by the Dallas Development Code for core and secondary pedestrian precinct overlay districts and fringe areas located within CA-1 and CA-1(A) zoning districts; or

(B) four feet in all other areas of the city;

(8) be within three feet of property improved with lawn, flowers, shrubs, trees, or other landscaping; or

(9) be within 10 feet of an exit door of a building. (Ord. Nos. 18838; 19455)

SEC. 43-126. RESTRICTIONS ON THE USE OF A BICYCLE PARKING DEVICE PROHIBITED.

No person may:

(1) restrict the use of a bicycle parking device, located in whole or in part on public right-of-way, to a particular group of people; or

(2) charge a fee for the use of a bicycle parking device located in whole or in part on public right-of-way. (Ord. 18838)

SEC. 43-126.1. INDEMNIFICATION.

An applicant for a bicycle parking device license must execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property arising out of the negligent installation, maintenance, or operation of a bicycle parking device on public right-of-way. (Ord. 18838)
SEC. 43-126.2. RESTORATION OF THE RIGHT-OF-WAY.

Upon termination of a license, the licensee shall remove the bicycle parking device and restore the used portion of the public right-of-way to its previous condition. If the licensee fails to comply with this section, the director shall cause the bicycle parking device to be removed and the public right-of-way restored with costs being assessed against the licensee. (Ord. 18838)

Division 3. Valet Parking Services.

SEC. 43-126.3. DEFINITIONS.

In this division:

(1) CENTRAL BUSINESS DISTRICT means the area bounded by Woodall Rogers Freeway on the north, Central Expressway and Julius Schepps Freeway on the east, Interstate Highway 30 on the south, and Interstate Highway 35E on the west.

(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.

(4) LICENSEE means a person licensed under this division to operate a valet parking service. The term includes any employee, agent, or independent contractor of the person in whose name the license is issued.

(5) PERSON means an individual, assumed name entity, partnership, joint-venture, association, corporation, or other legal entity.

(6) VALET PARKING SERVICE means a business, or any part of a business, which provides a driver to operate a person’s vehicle to and from a parking location so that the person and any passengers in the vehicle may unload and load at their immediate destination. (Ord. Nos. 19190; 22026; 25539)

SEC. 43-126.4. PURPOSE.

This division is intended to only apply to valet parking service provided in connection with a commercial establishment or commercial activity and does not apply to occasional valet parking service provided at a private residence or in connection with a social or fund-raising activity. (Ord. 19190)

SEC. 43-126.5. LICENSE REQUIRED; APPLICATION; ISSUANCE.

(a) A person commits an offense if, without a license issued by the director, he operates a valet parking service within the city on public right-of-way or on private property which requires the use of public right-of-way for maneuvering vehicles.

(b) A licensee commits an offense if, at a time other than the hours and days of operation authorized in his license, he or his employee, agent, or independent contractor operates a valet parking service within the city on public right-of-way or on private property which requires the use of public right-of-way for maneuvering vehicles.

(c) A person who desires to operate a valet parking service on public right-of-way, or on private property which requires the use of public right-of-way for maneuvering vehicles, shall apply in writing to the director for a valet parking service license. The application must be made by the owner or lessee of the premises benefiting from the proposed valet parking service and must contain the following information:

(1) the names, addresses, and telephone numbers of:
§ 43-126.5 Streets and Sidewalks § 43-126.6

(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 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 parking service, plus $1,000 for each space over six reserved by the valet parking service; or

(2) if the valet parking service is being conducted outside the central business district, $350 per space for the first two spaces reserved by the valet
parking service, plus $1,000 for each space over two reserved by the valet parking service.

(c) No annual license fee is required if the valet parking service is conducted completely on private property and the public right-of-way is only used for maneuvering vehicles.

(d) In addition to other fees required by this section, an applicant must pay $25 for each sign or curb marking placed by the city at the valet parking service location in accordance with Section 43-126.14 of this division.

(e) In addition to other fees required by this section, an applicant must pay an annual fee of $50 if a valet parking service stand is placed on public right-of-way. (Ord. Nos. 19190; 19969; 25539)

SEC. 43-126.7. DENIAL OR REVOCATION OF LICENSE; TEMPORARY SUSPENSION.

(a) The director shall deny a valet parking service license if:

(1) the applicant fails to comply with the requirements of this division or other applicable law;

(2) the applicant makes a false statement of material fact on an application for a valet parking service license;

(3) the director determines that the operation of the valet parking service would:

(A) endanger the safety of persons or property or otherwise not be in the public interest;

(B) unreasonably interfere with pedestrian or vehicular traffic;

(C) unreasonably interfere with the use of a pole, traffic sign, traffic signal, hydrant, mailbox, or other object permitted at or near the proposed location of the valet parking service; or

(D) unreasonably interfere with an existing use permitted at or near the proposed location of the valet parking service.

(b) The director shall revoke a valet parking service license if:

(1) the licensee fails to comply with the requirements of the valet parking service license, this division, or other applicable law;

(2) the licensee made a false statement of material fact on an application for a valet parking service license; or

(3) the director determines that the operation of the valet parking service:

(A) endangers the safety of persons or property or is otherwise not in the public interest;

(B) unreasonably interferes with pedestrian or vehicular traffic;

(C) unreasonably interferes with the use of a pole, traffic sign, traffic signal, hydrant, mailbox, or other object permitted at or near the location of the valet parking service; or

(D) unreasonably interferes with an existing use permitted at or near the location of the valet parking service.

(c) The city council may, at any time, unconditionally revoke a valet parking service license issued pursuant to this division.

(d) The director may temporarily suspend the operations of a valet parking service if the public right-of-way reserved by the valet parking service is needed for an emergency or temporary use, including, but not limited to, the construction, maintenance, or repair of
§ 43-126.7 Streets and Sidewalks

a street or utility. The director may refund a part of the annual license fee, prorated according to the duration of the suspension, unless the conditions necessitating the suspension were caused by the valet parking service. (Ord. 19190)

SEC. 43-126.8. EXPIRATION OF LICENSE.

A valet parking service license expires one year from the date of issuance, unless sooner terminated by the director or by the city council. A valet parking service license may be renewed by making application in accordance with Section 43-126.5 of this division at least 30 days before expiration of the license. (Ord. 19190)

SEC. 43-126.9. STANDARDS FOR OPERATION OF A VALET PARKING SERVICE.

(a) A licensee shall:

(1) allow only employees and independent contractors who hold a valid state driver’s license, and who are covered by the insurance required by Section 43-126.12 of this division, to operate any vehicle in connection with the valet parking service;

(2) operate the valet parking service in a manner that does not:

(A) use or occupy more of the public right-of-way than is allowed by his valet parking service license;

(B) obstruct a pedestrian’s use of a sidewalk;

(C) obstruct a vehicle operator’s ability to see any part of an intersecting road; or

(D) injure, damage, or create a hazard to persons or property;

(3) place no more than one valet parking service stand on public right-of-way;

(4) not place or allow the placement of a sign advertising the valet parking service in the public right-of-way;

(5) not park or allow the parking of a vehicle in a valet parking service space, but shall only use the space for loading and unloading passengers; in no event shall a vehicle be allowed to remain in a valet parking service space for more than five minutes;

(6) continuously provide valet parking service during all hours of operation authorized in his license;

(7) only use an off-street parking location to park a vehicle accepted for valet parking service and shall not park the vehicle on public right-of-way; and

(8) notify the director within 10 days of a change in the location of off-street parking and provide the director with a signed agreement or other documentation showing that the licensee has a legal right to park vehicles at the new location.

(b) At all times other than the authorized hours of operation of a valet parking service, spaces reserved by the valet parking service shall be available for use by the general public on a first-come, first-served basis in accordance with posted signs and other traffic control devices, except where parking is restricted or prohibited. (Ord. 19190)

SEC. 43-126.10. VALET PARKING SERVICE STANDS.

(a) A licensee may place one valet parking service stand on the public right-of-way at a location approved by the director. The valet parking service stand must be necessary to the general conduct of the valet parking service and shall be used for such
§ 43-126.10 Streets and Sidewalks

purposes, including, but not limited to, the dispatch of valets and the storage of keys, umbrellas, and other items.

(b) A valet parking service stand shall:

(1) not occupy an area of the public right-of-way exceeding four feet in width and four feet in depth;
(2) not be affixed to the public right-of-way in any manner;
(3) be easily moveable by one person; and
(4) be removed from the public right-of-way when the valet parking service is not being operated;

(c) A name and logo may be placed on a valet parking service stand for the sole purpose of identifying the valet parking service. The identification of the valet parking service shall not:

(1) have dimensions greater than four feet high and four feet wide; or
(2) be placed on more than two sides of the valet parking service stand. (Ord. 19190)

SEC. 43-126.11. LOCATION OF A VALET PARKING SERVICE.

(a) Spaces and stands for a valet parking service may not:

(1) be within 10 feet of a crosswalk;
(2) be within 10 feet of a fire hydrant, fire call box, police or other emergency facility;
(3) be within five feet of a driveway;
(4) be within three feet in front of or 15 feet behind a sign marking a designated bus stop;
(5) be within three feet of a bus bench; or
(6) reduce the unobstructed space for the passage of pedestrians to less than:

(A) the minimum unobstructed sidewalk widths required by the Dallas Development Code for core and secondary pedestrian precinct overlay districts located within CA-1 and CA-1(A) zoning districts; or
(B) four feet in all other areas of the city.

(b) The director may require greater distances than those prescribed in Subsection (a) when warranted by special vehicular or pedestrian traffic conditions. (Ord. Nos. 19190; 19455)

SEC. 43-126.12. INSURANCE.

(a) A licensee shall procure, or cause to be procured, and keep in full force and effect, and shall keep on file with the director, a policy of comprehensive general liability insurance and garage insurance, or a certificate of insurance, issued by a casualty insurance company authorized to do business in this state and in the standard form approved by the board of insurance commissioners of the state. The insured provisions of the policy must include the city, and its officers and employees, as insureds and the coverage provisions must insure the public from loss or damage that may arise to any person or property by reason of the operation of a valet parking service by the licensee.

(b) The comprehensive general liability insurance must be on a broad form and provide limits of liability for bodily injury and property damage of not less than $300,000 combined single limit, or the equivalent.

(c) The garage insurance must provide limits of liability for bodily injury and property damage of not
§ 43-126.12 Streets and Sidewalks § 43-126.16

less than $300,000 combined single limit, or the equivalent, and must provide the following coverages:

(1) Comprehensive and collision coverage for physical damage.

(2) Coverage for vehicle storage.

(3) Coverage for a vehicle driven by or at the direction of the licensee.

(d) The insurance policy required by Subsection (a) of this section shall contain an endorsement which provides for 10 days’ notice to the director in the event of any material change or cancellation of the policy. (Ord. 19190)

SEC. 43-126.13. INDEMNIFICATION.

A licensee, and any independent contractor used by the licensee, must execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property arising out of the operation of the valet parking service by the licensee. (Ord. 19190)

SEC. 43-126.14. SIGNS.

Upon recommendation of the director, the city traffic engineer is authorized to place city signs or curb markings at a location licensed for a valet parking service pursuant to this division. The signs and markings shall:

(1) indicate that the location is restricted for use by a valet parking service; and

(2) state the days and hours of operation of the valet parking service. (Ord. 19190)

Division 4. Newsracks.

SEC. 43-126.15. PURPOSE AND INTENT.

This division only applies to newsracks located on the public right-of-way within the city of Dallas and provides administrative procedures for the grant of annual licenses regarding newsracks to be located on the public right-of-way. This division regulates the placement of newsracks on the public right-of-way within the city. This division also ensures that newsracks do not create a hazard to persons or property, do not interfere with pedestrian or vehicular traffic, and are kept neat, clean, and in good repair. (Ord. Nos. 26809; 27201)

SEC. 43-126.16. DEFINITIONS.

In this division, unless the context requires a different definition:

(1) BLOCK means an area bounded by streets on all sides. If a street deadends, the terminus of the dead-end street will be treated as an intersecting street.

(2) BLOCKFACE means the linear distance of lots along one side of a street between the two nearest intersecting streets. If a street deadends, the terminus of the dead-end street will be treated as an intersecting street.

(3) CITY CONTRACTOR means a person who has a contract with the city for the installation, operation, maintenance, repair, removal, and replacement of multiple newsrack units in a multiple newsrack unit zone.

(4) CROSSWALK has the meaning given that term in Section 541.302 of the Texas Transportation Code, as amended.
§ 43-126.16 Streets and Sidewalks § 43-126.18

(5) DIRECTOR means the director of sustainable development and construction, or a designee.

(6) FREESTANDING NEWSRACK means a newsrack that is not a multiple newsrack unit or a part of a multiple newsrack unit.

(7) LICENSE means permission granted under this division to a person to install, operate, or maintain a newsrack within the public right-of-way of the city for a specified period of time.

(8) LICENSEE means the publisher, and any other person operating and maintaining a newsrack on behalf of a publisher, who is issued a license under this division to install, operate, or maintain a newsrack within the public right-of-way of the city.

(9) MULTIPLE NEWSRACK UNIT means a single structure containing more than one newsrack that is installed by the city or a city contractor in a multiple newsrack unit zone.

(10) NEWSRACK means any self-service or coin-operated container, rack, or structure used or maintained for the display, distribution, or sale of newspapers, periodicals, or other publications.

(11) PERSON means an individual, assumed name entity, partnership, joint venture, association, corporation, or other legal entity.

(12) PUBLISHER means any person who owns and/or distributes newspapers, periodicals, or other publications.

(13) SPLIT-DOOR NEWSRACK means a freestanding newsrack or a newsrack space in a multiple newsrack unit that has been split into two separate distribution areas. (Ord. Nos. 26809; 27201; 27697)

SEC. 43-126.17. LICENSE AND DECAL REQUIRED.

(a) A person commits an offense if:

1. he installs, operates, or maintains a newsrack on any portion of a public right-of-way within the city that is open to vehicular traffic;

2. without a license issued under this division, he installs, operates, or maintains a newsrack on a public right-of-way in the city that is not open to vehicular traffic;

3. he installs, operates, or maintains on a public right-of-way a newsrack that does not display a valid decal issued under this division;

4. he forges, alters, or counterfeits a newsrack decal required by this division or possesses a forged, altered, or counterfeited newsrack decal; or

5. without the consent of the director, he defaces or removes a decal that is displayed on a newsrack as required by this division.

(b) It is a defense to prosecution under Subsection (a)(2) or (a)(3) of this section that the person was installing, operating, or maintaining the newsrack pursuant to a contract with the city for those services. (Ord. Nos. 26809; 27201)

SEC. 43-126.18. LICENSE APPLICATION; ISSUANCE OF LICENSE; AND DISPLAY OF DECALS.

(a) A person who desires to install, operate, or maintain a newsrack on a public right-of-way that is not open to vehicular traffic shall submit an application for a newsrack license to the director on a form provided for that purpose. The applicant must be
the person who will install, operate, or maintain the newsrack. The application must be verified and contain all of the following information:

(1) Name, address, telephone number, and signature of the applicant. If the applicant is a person other than the publisher, then the publisher must also sign the application, agreeing to be bound by the terms contained in the license.

(2) Name, address, and telephone number of the person the city may contact concerning installation, placement, operation, and maintenance of the applicant’s newsracks.

(3) Form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business.

(4) Number of newsracks the applicant wishes to install or operate in the city and a list indicating the proposed location (by blockface) of each newsrack, the name of the publication each newsrack will dispense, and whether the publication will be dispensed free or for a charge.

(5) Dimensional measurements of each style of any freestanding newsracks to be installed, with drawings or photographs.

(6) Proposed method of securing any freestanding newsracks.

(b) Following a review of the application, execution of the written agreement required under Section 43-126.19(b), payment of a nonrefundable $100 application processing fee, and payment of the annual fee for a newsrack license, the director shall, within 60 days following the date of receipt of an application for an initial license and within 30 days following the date of receipt of an application for a license renewal, issue a newsrack license to the applicant unless denial is required by Section 43-126.20.

(c) Upon issuance of a license for the installation, operation, and maintenance of newsracks and payment of the annual fee for the newsrack license, the director shall issue a decal for each newsrack permitted under the license, reflecting the license number and expiration date. A decal must be displayed on each permitted newsrack at all times, so that the decal is visible from the street.

(d) A decal issued to one person may not be transferred to another person. A decal issued for one newsrack may not be transferred to another newsrack without the approval of the director, except that a decal may be transferred to a replacement newsrack at the same location.

(e) If a decal is lost, stolen, or mutilated, the director may issue a duplicate decal, upon written request of the licensee, for a fee of $2.

(f) Before any newsrack not authorized under a newsrack license may be installed, operated, or maintained on the public right-of-way, the licensee must make a written request to the director for the additional newsrack, pay the required annual fee, and display a valid decal on the newsrack as required by this division.

(g) The director may (in accordance with procedures established by this division for the allocation of newsrack locations) approve changes to the location of a validly licensed newsrack, upon written request by a licensee, for no additional fee. An amendment that substantially changes the scope of a license (such as displaying, distributing, or selling in a newsrack a publication not specified in the license application for that newsrack) must be applied for in the same manner as the original license.

(h) A licensee shall notify the director within 10 days of any change in the address or telephone number of the publisher or of the person responsible for the installation, operation, or maintenance of the newsracks permitted under the license.
§ 43-126.18 Streets and Sidewalks § 43-126.19

(i) A license issued to one person may not be transferred to another person. A newsrack location assigned to one person or publication may not be transferred to another person or publication without following the procedures established by this division for the allocation of newsrack locations. (Ord. Nos. 26809; 27201)

SEC. 43-126.19. CONDITIONS OF A LICENSE AND ANNUAL FEES.

(a) It is a condition of a license that the installation, operation, and maintenance of each newsrack be in accordance with this division.

(b) Prior to the issuance of a license, the licensee shall execute a written agreement providing all of the following:

   (1) The licensee will defend, indemnify, and hold whole and harmless the city of Dallas and its officers, agents, representatives, or employees against any and all claims, lawsuits, judgments, costs, or expenses (including attorney’s fees) for bodily injury, property damage, or other harm arising out of, or in any way related to, the licensee’s occupancy, maintenance, or use of the licensed area or the licensee’s placement, installation, operation, or maintenance of any newsrack. The indemnity must include claims for damages that any publicly or privately owned utility or communication company sustains arising from the licensee’s occupancy, maintenance, or use of the licensed area or the licensee’s placement, installation, operation, or maintenance of any newsrack.

   (2) The license is subject to the rights of the city, public utilities, and franchisees in and to the public right-of-way and the rights of the city to make changes to the grade of any street, sidewalk, or parkway, and the licensee will never make a claim against the city for damages it might suffer by reason of the installation, construction, reconstruction, operation, or maintenance of any public improvement, utility, or communication facility on the licensed area.

   (c) The annual license fee for a newsrack license is:

   (1) $15 for each freestanding newsrack located within a public right-of-way of the city; and

   (2) $60 for each newsrack space operated in a multiple newsrack unit, which amount includes $45 for rental of the newsrack space from the city or the city contractor.

   (3) The licensee will procure, prior to the issuance of a license, and keep in full force and effect at all times during the license term, commercial general liability insurance coverage (including, but not limited to, premises/operations, independent contractors, and contractual liability) protecting the city of Dallas against any and all claims for damages to persons or property as a result of, or arising out of, the licensee’s occupancy, maintenance, or use of the licensed area or the licensee’s placement, installation, operation, or maintenance of any newsrack, with minimum combined bodily injury (including death) and property damage limits of not less than $500,000 for each occurrence and $500,000 annual aggregate. The insurance policy must be written by an insurance company approved by the State of Texas and acceptable to the city and issued in a standard form approved by the Texas Department of Insurance. All provisions of the policy must be acceptable to the city and must name the city and its officers and employees as additional insureds and provide for 30 days written notice to the director of cancellation, non-renewal, or material change to the insurance policy.

   (4) The license is subject to the rights of the city, public utilities, and franchisees in and to the public right-of-way and the rights of the city to make changes to the grade of any street, sidewalk, or parkway, and the licensee will never make a claim against the city for damages it might suffer by reason of the installation, construction, reconstruction, operation, or maintenance of any public improvement, utility, or communication facility on the licensed area.
§ 43-126.19  Streets and Sidewalks  § 43-126.21

(d) A licensee shall pay the annual license fee for a newsrack license to the director. The payment must be made on or before the issuance of a license. All sums due under this section must be deposited by the city controller and are subject to a $25 fee for each dishonored check. Except as specifically provided otherwise in this division, no license fees will be prorated upon termination of any license. (Ord. Nos. 26809; 27201)

SEC. 43-126.20.  DENIAL OR REVOCATION OF A LICENSE.

(a) The director shall deny a newsrack license if the director determines that the applicant has:

(1) made a false statement of a material fact on an application for a newsrack license;

(2) failed to provide the information requested on an application for a newsrack license;

(3) failed to execute a written agreement in accordance with Section 43-126.19(b);

(4) failed to pay the nonrefundable application fee or annual license fee at the time due; or

(5) failed to comply with the requirements of this division or other applicable law.

(b) The director shall revoke a newsrack license if the director determines that the licensee has:

(1) made a false statement of a material fact on an application for a newsrack license;

(2) failed to comply with the requirements of the newsrack license, the written agreement executed under Section 43-126.19(b), this division, or any other applicable law;

(3) failed to maintain in full force and effect the insurance as required by this division; or

(4) failed to pay any fees required by this division at the time due.

(c) If the director determines that an applicant must be denied a newsrack license under this section, the director shall notify the person in writing that the application is denied and shall include in the notice the reason for denial and a statement informing the applicant of the right to appeal.

(d) If the director determines that a newsrack license must be revoked under this section, the director shall notify the licensee in writing that the license is revoked and shall include in the notice the reason for revocation and a statement informing the applicant of the right to appeal. (Ord. Nos. 26809; 27201)

SEC. 43-126.21.  APPEAL FROM LICENSE DENIAL OR REVOCATION.

(a) If the director denies the issuance or renewal of a license or revokes a license, the director shall send to the applicant or licensee, by certified mail, return receipt requested, written notice of the reason for denial, nonrenewal, or revocation and of the right to an appeal.

(b) Upon receipt of written notice of the denial, nonrenewal, or revocation, the applicant or licensee whose application for a license or license renewal has been denied or whose license has been revoked has the right to appeal to either the permit and license appeal board or the state district court.

(c) An appeal to a permit and license appeal board must be in accordance with Section 2-96 of this code. The filing of an appeal under this subsection stays the action of the director in revoking a license until a final decision is made by the permit and license appeal board. A revocation upheld by the board takes effect on the first midnight that is at least 24 hours after the board issues its decision.

(d) An appeal to the state district court must be filed within 30 days after receipt of notice of the appeal.
director’s decision. The applicant or licensee shall bear the burden of proof in court. (Ord. Nos. 26809; 27201)

SEC. 43-126.22. EXPIRATION AND RENEWAL OF A LICENSE.

(a) A newsrack license expires and becomes invalid on August 1 of each year, unless sooner terminated by the director in accordance with this division or by city council ordinance in accordance with the city charter. A licensee shall apply for renewal of a newsrack license at least 30 days, but not more than 90 days, before expiration of the license. An application for renewal must be made in accordance with the procedures established in Section 43-126.18.

(b) An existing licensee will be able to renew a license for the same newsrack locations until those newsrack locations are reallocated under a five-year lottery conducted under Section 43-126.23(c) or 43-126.29(h)(3), except that failure to timely renew a license in accordance with Subsection (a), or denial or revocation of a license, will result in the location for that newsrack being made available to other publishers.

(c) A licensee who timely applies for renewal of a license in accordance with Subsection (a) is not required to pay the $100 license application fee. (Ord. Nos. 26809; 27201)

SEC. 43-126.23. ALLOCATION OF FREESTANDING NEWSRACK LOCATIONS.

(a) Initial allocation. Before June 1, 2009, the director shall allocate locations for freestanding newsracks in accordance with the following procedures:

(1) The director shall determine how many freestanding newsracks may be placed on a blockface in locations complying with this division.

(2) The director shall determine how many freestanding newsracks are being lawfully operated on the blockface. A freestanding newsrack will be considered as being lawfully operated on a particular blockface if it is designated as being located on that blockface in the most recent list of newsrack locations:

(A) provided to the director before May 28, 2008 by a publisher holding a valid newsrack license issued by the city council or a valid temporary newsrack license issued by the director before May 28, 2008; or

(B) provided to the director by a publisher within 10 calendar days after the director’s issuance of a temporary newsrack license occurring on or after May 28, 2008.

(3) If the number of lawfully-operated freestanding newsracks on the blockface exceeds the number of newsrack spaces allowed on the blockface under this division, the director shall conduct a lottery to determine the allocation of the newsrack spaces.

(4) The director shall place in a pool the names of all publications dispensed in the freestanding newsracks that are being lawfully operated on the blockface. If the same publication is being dispensed by more than one newsrack on the blockface, its name will be placed in the pool twice. The director shall draw from the pool a number of publication names equal to the number of newsrack spaces allowed under this division on that blockface. The director shall assign numbers to the names, beginning with the Number 1 for the first-drawn name and continuing in a sequential manner. The publications whose names are drawn will be allocated a newsrack space on the blockface as long as compliance with this division is maintained. The publishers of the publications allocated a newsrack space through the lottery process will select locations on the blockface in the order in which their publication names were drawn, with Number 1 having first choice. The director shall draw the remaining publication names from the pool and
assign them a number, beginning with the number following the one assigned to the last publication allocated a newsrack space on the blockface. These remaining publications will be allocated a newsrack space on the blockface (in the order drawn) only if any of the other publications originally allocated a newsrack space on the blockface do not want the space or do not qualify for the space. The publisher of any publication that is not allocated a newsrack space on the blockface shall remove the newsrack containing that publication within 10 days after the date the lottery is conducted.

(5) If the number of lawfully-operated freestanding newsracks on the blockface equals the number of newsrack spaces allowed on the blockface under this division, the publications dispensed in those lawfully-operated newsracks will each be allocated a newsrack space on the blockface as long as compliance with this division is maintained. The publishers of the publications allocated newsrack spaces under this paragraph shall select locations on the blockface in the order in which their completed license applications are received by the director in compliance with this division, with the first received having first choice.

(6) If the number of lawfully-operated freestanding newsracks on the blockface is less than the number of newsrack spaces allowed on the blockface under this division, the publications dispensed in those lawfully-operated newsracks will each be allocated a newsrack space on the blockface as long as compliance with this division is maintained. The publishers of the existing publications allocated newsrack spaces under this paragraph shall select locations on the blockface in the order in which their completed license applications are received by the director in compliance with this division, with the first received having first choice. The remaining newsrack spaces will be allocated through the lottery process described in Subsection (b) of this section.

(b) Future allocation. After the initial allocation of newsrack locations in accordance with the following procedures:

1. The director shall, by personal service or by regular United States mail, notify all publishers that a lottery will be held to allocate the available freestanding newsrack spaces. The notice must:
   A. identify the number and location (by blockface) of the available newsrack spaces;
   B. state the date, time, and location of the lottery;
   C. state the date and time by which the director must receive all requests to have publications entered in the lottery and the address at which the requests must be received; and
   D. state any other information the director determines necessary to conduct the lottery.

2. The director shall place in a pool the names of all publications for which requests to participate in the lottery were timely received. If the same publication was requested more than once, its name will be placed in the pool twice. The director shall draw from the pool a number of publication names equal to the number of newsrack spaces available on that blockface. The director shall assign numbers to the names, beginning with the Number 1 for the first-drawn name and continuing in a sequential manner. The publications whose names are drawn will be allocated a newsrack space on the blockface as long as compliance with this division is maintained. The publishers of the publications allocated a newsrack space through the lottery process will select locations on the blockface in the order in which their publication names were drawn, with Number 1 having first choice. The director shall draw the remaining publication names from the pool and assign them a number, beginning with the number following the one assigned to the last publication allocated a newsrack space on the blockface. These remaining publications will be allocated a newsrack space on the blockface (in the order drawn) only if any
of the other publications originally allocated a newsrack space on the blockface do not want the space or do not qualify for the space.

(c) Random five-year lottery. Five years after the initial allocation of newsrack spaces on a blockface and every five years thereafter, the director shall reallocate the newsrack spaces in accordance with the lottery procedures established in Subsection (b) of this section. The publisher of any publication that is not allocated a newsrack space on the blockface shall remove the newsrack containing that publication within 10 days after the date the lottery is conducted. (Ord. Nos. 26809; 27201)

SEC. 43-126.24. STANDARDS FOR INSTALLATION, OPERATION, AND MAINTENANCE OF NEWSRACKS.

(a) Any newsrack that, in whole or part, rests on any public right-of-way within the city not open to vehicular traffic must:

(1) comply with all applicable city ordinances and state and federal laws; and

(2) not remain continuously empty of publications authorized under the newsrack license for more than 30 consecutive days.

(b) In addition to meeting the requirements of Subsection (a), any freestanding newsrack or multiple newsrack unit that, in whole or part, rests on any public right-of-way within the city not open to vehicular traffic must meet all of the following standards:

(1) Not display advertising, except that a logo or other information identifying the publication and coin operation information may appear on the newsrack. This information must be contained in an area not to exceed six inches high and 20 inches wide on the front, back, and/or sides of the newsrack.

(2) If the newsrack will be located within any special district with an overall design theme that specifies particular colors or materials, then the newsrack material and color must conform to the special district design requirements. If design standards for a special district require that particular materials or colors be used for newsracks, the director shall notify any licensee with a newsrack in that district of the requirements.

(3) Have a notice, not to exceed three inches high and five inches wide, in a readily visible place on the newsrack with the name of the distributor and a working telephone number of whom to call to report a malfunction or to obtain a refund if any coin return mechanism malfunctions. This separate notice is not required if the information required by this paragraph is included with the logo and information allowed under Paragraph (1) of this subsection.

(4) Be maintained in a neat and clean condition and in good repair such that:

(A) the newsrack is reasonably free of dirt and grease;

(B) the newsrack is reasonably free of chipped, faded, peeling, and cracked paint in the visible painted areas;

(C) the newsrack is reasonably free of rust and corrosion in the visible unpainted metal areas;

(D) any clear plastic or glass parts through which the publications are viewed are unbroken and reasonably free of cracks, dents, blemishes, and discoloration;

(E) any paper or cardboard parts or inserts are reasonably free of tears, peeling, or fading; and

(F) no structural parts are broken or excessively misshapen.
§ 43-126.24 Streets and Sidewalks § 43-126.25

(5) Be of sufficient weight, or be anchored in a manner approved by the director to a heavy metal plate of sufficient weight, to prevent tipping over of the newsrack. A freestanding newsrack may not be anchored to the ground, sidewalk, trees, posts, poles, or streetscape furniture. (Ord. Nos. 26809; 27201)

SEC. 43-126.25. LOCATIONAL REQUIREMENTS FOR NEWSRACKS.

(a) No freestanding newsrack or multiple newsrack unit may be located in a manner that:

(1) impairs or interferes with:

(A) pedestrian traffic;

(B) the ability to fully open a door to any building;

(C) the loading or unloading of passengers from a bus or light rail vehicle; or

(D) emergency access to a building or property by the police department, the fire department, or emergency medical services;

(2) reduces the clear, unimpeded sidewalk width to less than:

(A) nine feet for sidewalks 14 feet or wider; or

(B) three-fourths of the sidewalk width (but in no case less than three feet) for sidewalks less than 14 feet wide;

(3) obstructs the visibility of a fire hydrant, fire department inlet connection, fire protection system control valve, fire call box, police call box, traffic control signal box, or other emergency facility so that the emergency facility cannot be clearly seen from a public street or roadway open to motor vehicular traffic; or

(4) is determined by the director to endanger the safety of persons or property.

(b) On each blockface, freestanding newsracks must be placed together in groups, with not more than eight newsracks in each group. A distance of at least 50 feet must separate each group of freestanding newsracks located on the same blockface.

(c) No more than eight newsracks (whether freestanding newsracks or newsrack spaces in multiple newsrack units) on any block may dispense the same publication, and no more than two newsracks (whether freestanding newsracks or newsrack spaces in multiple newsrack units) on any blockface may dispense the same publication. The same publication may not be dispensed in more than one newsrack space in a multiple newsrack unit or in an attached grouping of multiple newsrack units. Notwithstanding any provision of this subsection to the contrary, the same publication may be dispensed in a multiple newsrack unit in excess of the limits set forth in this subsection whenever the director:

(1) determines it is necessary to fill vacant newsrack spaces in a multiple newsrack unit;

(2) determines that there is a lack of demand for the vacant newsrack spaces by other publications; and

(3) conducts a lottery in accordance with Section 43-126.29(h)(2) to allocate the vacant newsrack spaces.

(d) A freestanding newsrack or a multiple newsrack unit may not be located within:

(1) any median or traffic island;

(2) a visibility triangle as defined in Section 51A-4.602(d)(2) of this code;
§ 43-126.25 Streets and Sidewalks § 43-126.28

(3) the area contained within the projection of the width of a midblock crosswalk to the back of an adjacent sidewalk;

(4) the area contained within the projection of the width of a building’s doorway to the curb face or pavement edge of any public street or roadway open to motor vehicular traffic;

(5) two feet of a curb face or pavement edge of any public street or roadway open to motor vehicular traffic if the newsrack opens away from the curb face or pavement edge, except that if the curb face or pavement edge is adjacent to a designated no parking zone or area, then the newsrack may not be located within 1-1/2 feet of the curb face or pavement edge;

(6) three feet of:

(A) any mailbox, water feature, art, monument, planter, kiosk, trash receptacle, drinking fountain, streetscape bench, or parking meter;

(B) a fire hydrant, fire department inlet connection, fire protection system control valve, fire call box, police call box, traffic control signal box, or other emergency facility; or

(C) a bench, shelter, informational sign, or ticketing equipment of a light rail system;

(7) five feet of a curb face or pavement edge of any public street or roadway open to motor vehicular traffic if the newsrack opens towards the curb face or pavement edge;

(8) six feet of a bicycle rack;

(9) seven feet of a bus stop sign, bus stop bench, or bus stop shelter; or

(10) 15 feet of the centerline of rail of any light rail system track.

(e) A freestanding newsrack may not be located within a multiple newsrack unit zone or within 50 feet of a multiple newsrack unit zone. (Ord. Nos. 26809; 27201)

SEC. 43-126.26. DISPLAY AND DISTRIBUTION OF HARMFUL MATERIALS THROUGH NEWSRACKS.

A licensee shall not knowingly display, distribute, or sell any harmful matter, as defined in Section 43.24(a)(2) of the Texas Penal Code, as amended, through any newsrack licensed under this division. (Ord. Nos. 26809; 27201)

SEC. 43-126.27. RESTORATION OF THE RIGHT-OF-WAY.

(a) Upon termination of a license, the licensee (or the director’s designee, who shall assess any costs to the licensee) shall remove a freestanding newsrack and restore the right-of-way to its original condition in a manner satisfactory to the director. A licensee shall remain liable for all license fees from the time a license is issued until such time as all freestanding newsracks are removed, the license area is restored to its original condition, and the license is properly terminated.

(b) Whenever a city contractor removes a multiple newsrack unit from the right-of-way for any reason, the city contractor shall restore the right-of-way to its original condition in a manner satisfactory to the director. (Ord. Nos. 26809; 27201)

SEC. 43-126.28. REMOVAL OF NEWSRACKS AND PUBLICATIONS.

(a) If the director determines that a freestanding newsrack is not in compliance with the requirements of this division or that a newsrack space in a multiple newsrack unit is not being operated in compliance
with the requirements of this division, the director shall send a “Notice of Intent to Remove” by personal service or by certified mail, return receipt requested, to the licensee. The notice must state the violation or violations that constitute the basis for the proposed removal of the licensee’s freestanding newsrack or the proposed removal of publications from the licensee’s newsrack space in a multiple newsrack unit, whichever is applicable, and suggest corrective action if applicable. The notice must specify the date, time, and place for a hearing to be held before removal.

(b) The hearing must be held not less than 10 days following service of notice. Prior to the hearing, the licensee may correct the violation or may file a written statement setting forth the reason or reasons why the newsrack or publications, whichever applies, should not be removed. At the hearing, the director or the director’s designee shall hear evidence and determine whether the licensee’s freestanding newsrack complies with this division or whether the licensee’s newsrack space in a multiple newsrack unit is being operated in compliance with this division, whichever applies. If it is determined that a freestanding newsrack is not in compliance with this division, the newsrack must be removed by the licensee or otherwise brought into compliance. If it is determined that a newsrack space in a multiple newsrack unit is not being operated in compliance with this division, the licensee shall remove all publications from the newsrack space or otherwise bring the operation of the newsrack space into compliance. The decision of the director may be appealed to the city manager in accordance with Subsection (e) of this section. If within 10 days after the date of the hearing or, if an appeal is filed, within 10 days after the date of the city manager renders a decision, the city may remove the newsrack or the publications and recover the costs of removal and storage from the licensee.

(c) The director may summarily remove or order any freestanding newsrack removed if it creates an imminent danger of personal injury or property damage. Promptly following the summary removal, the director shall notify the licensee by personal service or by certified mail, return receipt requested, of the removal, the reason for the removal, and the right to appeal the action to the city manager in accordance with Subsection (e). The licensee may recover any newsracks summarily removed upon reimbursement to the city for the costs of removal and storage. Any coins or publications contained in the newsrack will be returned to the licensee when the newsrack is returned. The licensee may return the freestanding newsrack to its original location upon correction of the violation (unless the location constituted a violation).

(d) Any newsrack or publication not claimed within 10 days after removal by the city may be disposed of by the city as unclaimed property.

(e) If the director orders removal of a freestanding newsrack or a publication under Subsection (b) or summarily removes a freestanding newsrack under Subsection (c), this action is final unless, within 10 days after the receipt of notice of the director’s action, the affected licensee, publisher, or owner of the newsrack or publication, whichever applies, files with the city manager a written appeal. Within 15 days after the appeal is filed, the city manager or the city manager’s designee shall consider all the evidence in support of and against the action appealed and render a decision sustaining, modifying, or reversing all or part of the director’s action. The formal rules of evidence do not apply to an appeal hearing under this subsection, and the city manager or the city manager’s designee shall make a ruling on the basis of a preponderance of the evidence presented at the hearing. The decision of the city manager is final as to administrative remedies. (Ord. Nos. 26809; 27201)

SEC. 43-126.29. MULTIPLE NEWSRACK UNIT ZONES.

(a) The city council may, by ordinance, establish zones within the city where the exclusive use of
multiple newsrack units is required. A request for a multiple newsrack unit zone may be initiated by a city council member or by the signatures of at least 40 percent of the publishers lawfully operating freestanding newsracks in the proposed zone.

(b) Criteria that may be considered in establishing a multiple newsrack unit zone include, but are not limited to:

(1) whether there is extensive availability and use of public transportation services and facilities in the proposed zone;

(2) whether there is a large amount of pedestrian traffic in the proposed zone;

(3) whether there is a proliferation of freestanding newsracks in the proposed zone;

(4) whether limited space is available for freestanding newsracks in the proposed zone; and

(5) whether the proposed zone is located in a distinct area with an established urban or neighborhood character.

(c) The following areas have been established by the city council as multiple newsrack unit zones:

(1) Expanded Central Business District Zone, which is the area contained within the following boundaries:

Dallas North Tollway from Stemmons Freeway to Harry Hines Boulevard;

Harry Hines Boulevard from the Dallas North Tollway to Field Street;

Field Street from Harry Hines Boulevard to Woodall Rodgers Freeway;

Woodall Rodgers Freeway from Field Street to Central Expressway;

Central Expressway from Woodall Rodgers Freeway to Julius Schepps Freeway;

Julius Schepps Freeway from Central Expressway to Interstate 30;

Interstate 30 from Julius Schepps Freeway to Stemmons Freeway; and

Stemmons Freeway from Interstate 30 to the Dallas North Tollway.

(2) Reserved.

(d) Before multiple newsrack units are installed in the Expanded Central Business District Zone and before an ordinance is adopted establishing any additional multiple newsrack unit zone, the director shall prepare a plan that includes:

(1) the number and proposed locations of the multiple newsrack units to be installed in the zone;

(2) the design criteria for the multiple newsrack units to be installed in the zone; and

(3) the number and location of existing freestanding newsracks in the zone.

(e) After the plan is prepared, the director shall place on a city council agenda an item for council consideration of the installation of multiple newsrack units in the Expanded Central Business District Zone or the establishment of an additional proposed multiple newsrack unit zone, whichever applies. At least 10 days before the date of the council meeting at which the city council will consider the item, notice of the meeting must be sent by regular United States mail to:

(1) all publishers having current licenses with the city to operate newsracks in the public right-of-way; and
(2) All owners of property located within 200 feet of the Expanded Central Business District Zone or the proposed multiple newsrack unit zone, whichever applies, except that if more than 10 property owners are located within that distance, the director may, in lieu of mailing notices to the property owners, publish the notice in a newspaper of general circulation in the city at least 10 days before the date of the council meeting.

(f) The notice required in Subsection (e) must include the date, time, and location of the council meeting and a brief summary of the proposed plan for the multiple newsrack unit zone.

(g) After the installation of multiple newsrack units in the Expanded Central Business District Zone is approved by the city council or after a multiple newsrack unit zone is established by the city council, the city will install and maintain multiple newsrack units in the zone. A publisher shall only use a multiple newsrack unit provided by the city or a city contractor to dispense publications in a multiple newsrack unit zone, except that any freestanding newsrack lawfully operating on a blockface at the time the blockface is included in a multiple newsrack unit zone may continue to operate on the blockface until multiple newsrack units are actually installed on the blockface.

(h) The director shall allocate newsrack spaces in multiple newsrack units in accordance with the following procedures:

(1) Initial allocation.

   (A) The director shall determine how many newsrack spaces are available in multiple newsrack units placed on a blockface in compliance with this section.

   (B) The director shall determine how many freestanding newsracks are being lawfully operated on the blockface. A freestanding newsrack will be considered as being lawfully operated on a particular blockface if it is designated as being located on that blockface in the most recent list of newsrack locations provided to the director by a publisher holding a valid newsrack license issued by the city council or a valid temporary newsrack license issued by the director. The list must be received by the director before the date the city council adopts the particular multiple newsrack unit zone.

   (C) If the number of lawfully-operated freestanding newsracks on the blockface exceeds the number of newsrack spaces available in multiple newsrack units on the blockface, the director shall conduct a lottery to determine the allocation of the newsrack spaces.

   (D) The director shall place in a pool the names of all publications dispensed in the freestanding newsracks that are being lawfully operated on the blockface. If the same publication is being dispensed by more than one newsrack on the blockface, its name will be placed in the pool twice. The director shall draw from the pool a number of publication names equal to the number of newsrack spaces available in multiple newsrack units on that blockface. The director shall assign numbers to the names, beginning with the Number 1 for the first-drawn name and continuing in a sequential manner. The publications whose names are drawn will be allocated a newsrack space in a multiple newsrack unit on the blockface as long as compliance with this division is maintained. The publishers of the publications allocated a newsrack space through the lottery process will select locations in the multiple newsrack units on the blockface in the order in which their publication names were drawn, with Number 1 having first choice. The director shall draw the remaining publication names from the pool and assign them a number, beginning with the number following the one assigned to the last publication allocated a newsrack space in a multiple newsrack unit on the blockface. These remaining publications will be allocated a newsrack space in a multiple newsrack unit on the blockface (in the order drawn) only if any of the other publications originally allocated a newsrack space do not want the space or do not qualify for the
§ 43-126.29 Streets and Sidewalks

space. The publisher of any publication that is not allocated a newsrack space in a multiple newsrack unit on the blockface shall remove the newsrack containing that publication within 10 days after the date the lottery is conducted.

(E) If the number of lawfully-operated freestanding newsracks on the blockface equals the number of newsrack spaces available in multiple newsrack units on the blockface, the publications dispensed in those lawfully-operated newsracks will each be allocated a newsrack space in a multiple newsrack unit on the blockface as long as compliance with this division is maintained. The publishers of the publications allocated newsrack spaces under this paragraph shall select locations in the multiple newsrack units on the blockface in the order in which their completed license applications are received by the director in compliance with this division, with the first received having first choice.

(F) If the number of lawfully-operated freestanding newsracks on the blockface is less than the number of newsrack spaces available in multiple newsrack units on the blockface, the publications dispensed in those lawfully-operated newsracks will each be allocated a newsrack space in a multiple newsrack unit on the blockface as long as compliance with this division is maintained. The publishers of the existing publications allocated newsrack spaces under this paragraph shall select locations in a multiple newsrack unit on the blockface in the order in which their completed license applications are received by the director in compliance with this division, with the first received having first choice. The remaining newsrack spaces will be allocated through the lottery process described in Paragraph (2) of this subsection.

(2) Future allocation.

(A) Whenever one or more newsrack spaces become available in a multiple newsrack unit on a blockface, the director shall, by personal service or by regular United States mail, notify all publishers that a lottery will be held to allocate the available newsrack spaces. The notice must:

(i) identify the number and location (by blockface) of the available newsrack spaces;

(ii) state the date, time, and location of the lottery;

(iii) state the date and time by which the director must receive all requests to have publications entered in the lottery and the address at which the requests must be received; and

(iv) state any other information the director determines necessary to conduct the lottery.

(B) The director shall place in a pool the names of all publications for which requests to participate in the lottery were timely received. If the same publication was requested more than once, its name will be placed in the pool twice. The director shall draw from the pool a number of publication names equal to the number of newsrack spaces available in multiple newsrack units on that blockface. The director shall assign numbers to the names, beginning with the Number 1 for the first-drawn name and continuing in a sequential manner. The publications whose names are drawn will be allocated a newsrack space in a multiple newsrack unit on the blockface as long as compliance with this division is maintained. The publishers of the publications whose names are drawn will be allocated a newsrack space in a multiple newsrack unit on the blockface in the order in which their publication names were drawn, with Number 1 having first choice. The director shall draw the remaining publication names from the pool and assign them a number, beginning with the number following the one assigned to the last publication allocated a newsrack space in a multiple newsrack unit on the blockface. These remaining publications will be allocated a newsrack space in a multiple newsrack unit on the blockface (in the order
drawn) only if any of the other publications originally allocated a newsrack space do not want the space or do not qualify for the space.

(3) Random five-year lottery. Five years after the initial allocation of newsrack spaces in a multiple newsrack unit on a blockface and every five years thereafter, the director shall reallocate the newsrack spaces in accordance with the lottery procedures established in Paragraph (2) of this subsection. The publisher of any publication that is not allocated a newsrack space in a multiple newsrack unit on a blockface shall remove any publications from any newsrack space on that blockface within 10 days after the date the lottery is conducted.

(i) A publisher allocated a newsrack space in a multiple newsrack unit in a zone shall install and maintain any coin-operated lock it requires to be on its assigned newsrack. The locking device must be approved by the director (or a city contractor, if applicable) and must not interfere with the use of the other newsracks in the multiple newsrack unit.

(j) The city may contract with another person for the installation, operation, maintenance, repair, removal, and replacement of multiple newsrack units in a multiple newsrack unit zone established under this section. (Ord. Nos. 26809; 27201)

SEC. 43-126.30. SPLIT-DOOR NEWSRACKS.

(a) A freestanding newsrack or a newsrack space in a multiple newsrack unit may be split into two separate distribution areas.

(b) A separate license and license fee is required for each distribution area of a split-door newsrack. (Ord. Nos. 26809; 27201; 27659)

SEC. 43-126.31. VIOLATIONS; PENALTY.

(a) A person who installs, operates, or maintains a newsrack on a public right-of-way within the city in violation of this division or without a license issued under this division is guilty of an offense and, upon conviction, is subject to a fine not to exceed $500 for each day that the violation exists.

(b) It is a defense to prosecution under this section that the person was installing, operating, or maintaining the newsrack pursuant to a contract with the city for those services.

(c) The penalties provided for in Subsection (a) are in addition to any other enforcement remedies that the city may have under this division, other city ordinances, and state law. (Ord. Nos. 26809; 27201)

ARTICLE VII.

SALE OF MERCHANDISE AND PRODUCE ON STREETS AND SIDEWALKS.

SEC. 43-127. UNLAWFUL SOLICITATION AT THE CONVENTION CENTER AND REUNION ARENA.

(a) A person commits an offense if he solicits money on the premises of:

(1) the convention center; or

(2) reunion arena.

(b) If a person engages in conduct that violates Subsection (a), the person must be ordered to stop the solicitation before being arrested. The order to stop the solicitation may be given by a police officer, security officer, or person with authority to control the use of the premises.

(c) It is a defense to prosecution under Subsection (a) that:

(1) no order was given to stop the solicitation;
(2) an order, if given, was promptly obeyed; or

(3) the person had the written consent of the lessee of the premises to conduct a solicitation.

(d) For the purposes of this section, “convention center” means the area contained within the following boundaries:

BEGINNING at the intersection of the west line of Akard Street with the south line of Young Street;

THENCE along the south line of Young Street, in a westerly and northwesterly direction to its intersection with the east line of S. Griffin Street;

THENCE along the east line of S. Griffin Street, in a southerly direction to its intersection with the prolongation of the northerly line of a tract of land conveyed to the City of Dallas, by deed as recorded in Volume 83134, Page 5559, Deed Records of Dallas County, Texas;

THENCE along the prolongation of the northerly line and continuing along the northerly line of the abovementioned tract of land, in a westerly direction, passing the east line of S. Lamar Street and continuing to its intersection with the west line of S. Lamar Street;

THENCE along the west line of S. Lamar Street, in a southerly direction to its intersection with the most northerly line of the Final Plat Dallas Convention Center Expansion (City Plan File #S901-066R);

THENCE along the northerly line of the abovementioned Dallas Convention Center Expansion Plat, in a westerly direction to its intersection with the easterly line of Jefferson Boulevard Viaduct;

THENCE along the easterly line of Jefferson Boulevard Viaduct, in a southerly and southwesterly direction to its intersection with the southwesterly line of Hotel Street;

THENCE along the southwesterly line of Hotel Street, in a southeasterly direction to its intersection with the northwesterly R.O.W. line of E. R.L. Thornton Freeway (I.H. 30);

THENCE along the northwesterly line of E. R.L. Thornton Freeway (I.H. 30), in a northeasterly direction to its intersection with the northwesterly line of Canton Street;

THENCE along the northwesterly line of Canton Street, in a northeasterly direction to its intersection with the southwesterly line of Akard Street, excluding a tract of land bounded by Lamar Street, Canton Street, Griffin Street, and Memorial Drive;

THENCE along the southwesterly line of Akard Street, in a northwesterly and northerly direction to its intersection with the south line of Young Street, and the point of beginning.

(e) For the purposes of this section, “reunion arena” means:

(1) inside the reunion arena building and that area within 50 feet of any entrance to or exit from the reunion arena building; and

(2) parking area A - being the area bounded by Hotel Street, North Drive, Sports Street and “South Park” designated as “Parking Area A”, and being more particularly described as follows:

BEGINNING at a point on the west edge of the west sidewalk along Hotel Street, at a distance of 6 feet north of the north curb line of “Parking Area A”;

THENCE in a southerly, westerly and northerly direction along the back edge of the sidewalk which is 10 feet from the curb line along Hotel Street, North Drive and Sports Street, 413 feet, more or less, to a point 6 feet north of the north curb line of “Parking Area A”;

52 Dallas City Code
THENCE eastward along the south line of “South Park” and along a line which is 6 feet perpendicular distance north from and parallel with the north curb line of “Parking Area A”, 246 feet to the place of beginning; and

(3) parking area B - being the area bounded by Stemmons Freeway, Reunion Boulevard, Sports Street and Sports Place, which is designated as “Parking Area B”, and being more particularly described as follows:

BEGINNING at the intersection of the southeast right-of-way line of Houston Street Viaduct with the northeasterly right-of-way line of Stemmons Freeway;

THENCE in a northwesterly and northerly direction along the northeast and easterly right-of-way line of Stemmons Freeway, and along a line which is 15 feet eastward from the east curb line of the frontage road, 1632 feet, more or less, to the north curb line of “Parking Area B”;

THENCE eastward along the north curb line, 213.24 feet to the southwesterly right-of-way line of Reunion Boulevard;

THENCE southeastward along the southwest right-of-way line of Reunion Boulevard and along a line which is 10 feet southwest from the southwest curb line, 100 feet, more or less, to the easterly right-of-way line of Sports Street;

THENCE southerly and southeasterly along the westerly and northwesterly right-of-way line of Sports Street and along a line which is 10 feet westerly and southwesterly from the westerly curb line of Sports Street, 1367 feet, more or less, to the southeast right-of-way line of Houston Street Viaduct;

THENCE southwesterly along the southeast right-of-way of Houston Street Viaduct and along a line which is 40 feet southeastward from the center line of the Viaduct, 230 feet, more or less, to the place of beginning.

(4) parking area C - being the area bounded by Memorial Drive, Sports Street, Sports Place and Hotel Street, designated as “Parking Area C”, and being more particularly described as follows:

BEGINNING at the intersection of the northwest edge of the sidewalk along the northwest side of Memorial Drive with the northeast edge of the sidewalk along the northeast side of Sports Street;

THENCE northwestward along the northeast edge of the sidewalk along the northeast side of Sports Street, 280 feet, more or less, to a point on the southeast edge of the sidewalk along the southeast side of Sports Place;

THENCE northeastward along the southeast edge of the sidewalk along the southeast side of Sports Place, 445 feet, more or less, to the northeast curb line of “Parking Area C”;

THENCE southeastward along the curb line of the parking area and along the southwest line of Hotel Street, 275 feet, more or less, to a point on the northwest edge of the sidewalk along the northwest side of Memorial Drive;

THENCE southwestward along the northwest edge of the sidewalk along the northwest side of Memorial Drive, 410 feet, more or less, to the place of beginning.

(5) parking area D - being the area bounded by Stemmons Freeway, Sports Place, Sports Street, and Memorial Drive, designated as “Parking Area D”, and being more particularly described as follows:

BEGINNING at the intersection of the southwestward prolongation of the northwest line of the sidewalk along the northwest side of Memorial Drive with the southeastward prolongation of the line of the post with chain, which is approximately 7 feet from and parallel with the northeast curb line of the east frontage road along Stemmons Freeway;

THENCE northward along the line of the post with chain, along the northeast side of Stemmons
§ 43-127 Streets and Sidewalks

Freeway, 265 feet, more or less, to an angle point in the curb line of “Parking Area D”;

THENCE angle right 35° 00’ and northward along the curb line of the parking area, 28 feet, more or less, to a corner in the curb;

THENCE angle right 70° 00’ and northeastward along the curb line of the parking area, 19 feet to an inside corner;

THENCE angle left 90° 00’ and northeastward along the curb line of the parking area, 9 feet to the southeast edge of the 10-foot wide sidewalk along the southeast side of Sports Place;

THENCE northeastward along the southeast edge of the sidewalk along Sports Place, 184 feet to a point for corner in the curb line of the parking area;

THENCE angle right 90° 00’ and southeastward along the curb line of the parking area, 9 feet to the southwest edge of the sidewalk along the southeast side of Memorial Drive;

THENCE angle left 110° 00’ and northward along the curb line of the parking area, 19 feet, more or less, to a point on the southwest edge of the sidewalk along the southwest side of Sports Street;

THENCE southeastward along the line of the southwest edge of said sidewalk, 282 feet, more or less to a corner in the curb line of the parking area, said corner being approximately 13 feet southeast from the southeast line of columns for Jefferson Street Viaduct;

THENCE angle right 90° 00’ and southwestward along the curb line of the parking area, 19 feet, more or less, to an inside corner in the curb line;

THENCE angle left 90° 00’ and southeastward along the curb line of the parking area, 18 feet, more or less, to a point on the northwest edge of a 10-foot wide sidewalk along the northwest side of Memorial Drive;

THENCE southwestward along the line of the northwest edge of the sidewalk along the northwest side of Memorial Drive, 218 feet, more or less, to the place of beginning.

(6) parking area E - being the area bounded by Memorial Drive, Hotel Street, R. L. Thornton Freeway and Stemmons Freeway, designated as “Parking Area E”, and being more particularly described as follows:

BEGINNING at the southeast corner of “Parking Area E”, which is the intersection of the southwest edge of the sidewalk along the southwest side of Hotel Street with the post with chain line along the north line of R. L. Thornton Freeway;

THENCE in a westerly and northwesterly direction along the line of post with chain, along the northerly line of R. L. Thornton Freeway and the northeasterly line of Stemmons Freeway, 1380 feet, more or less, to a curb line at the northwest corner of “Parking Area E”, at a distance of approximately 30 feet south of the prolongation of the southeast curb line of Memorial Drive;

THENCE angle right 90° 00’ and northeastward along the curb line of said parking area, 22 feet, more or less, to an inside corner in said curb line;

THENCE angle left 80° 00’ and northwestward along the curb line of said parking area, 19 feet to the southeast edge of a 10-foot wide sidewalk along the southeast side of Memorial Drive;

THENCE northeastward along the southeast edge of the sidewalk along the southeast side of Memorial Drive, 189 feet to a corner in said parking area;

THENCE angle right 90° 00’ and southwestward along the curb line in said parking area, 19 feet to an inside corner of said curb;

54 Dallas City Code
THENCE angle left 100° 00’ and northeastward along a curb line in said parking area, 20 feet to the southwest edge of the sidewalk along the southwest side of a drive designated as “Driveway E”;  

THENCE angle right 90° 00’ and southeastward along the southwest edge of the sidewalk along the southwest side of said drive, 15 feet, more or less, to its intersection with the southwestward prolongation of the southeast edge of a 10-foot wide sidewalk along the southeast side of Memorial Drive;  

THENCE northeastward along the line of the southeast edge of the 10-foot wide sidewalk along the southeast side of Memorial Drive, 450 feet, more or less, to a corner in the most northerly portion of “Parking Area E”;  

THENCE angle right 90° 00’ and southeastward along a curb line in said parking area, 19 feet to an inside corner in the curb line of said parking area;  

THENCE angle left 90° 00’ and northeastward parallel with Memorial Drive and along a curb line of said parking area, 18 feet, more or less, to the southwest edge of the sidewalk along the southwest side of Hotel Street;  

THENCE southeastward along the southwest edge of the sidewalk along the southwest side of Hotel Street, 1078 feet, more or less, to the place of beginning.  

(7) parking area F - being a fenced area lying within the right-of-way of Stemmons Freeway at R. L. Thornton Freeway, designated as “Parking Area F”, and being more particularly described as follows:  

BEGINNING at a fence corner at the intersection of the northwest right-of-way line of Houston Street Viaduct with the westerly right-of-way line of Stemmons Freeway;  

THENCE in a southeasterly and southerly direction along a chain link fence along the westerly right-of-way line of Stemmons Freeway, 1022 feet, more or less,
to a point on the northeast right-of-way line of Industrial Boulevard;

THENCE in a northerly direction along a line of post, with chain, along the northeast right-of-way line of Industrial Boulevard, 822 feet, more or less, to a fence corner which is 3 feet southeast from the northwest right-of-way line of Houston Street Viaduct;

THENCE in a northerly direction along a chain link fence which is 3 feet southeast from the northwest right-of-way line of Houston Street Viaduct, 121 feet, more or less, to a fence corner;

THENCE angle left 90° 00’ in a northerly direction along a chain link fence, 3 feet to a fence corner;

THENCE angle right 90° 00’ in a northerly direction along a chain link fence along the northwest right-of-way line of Houston Street Viaduct, 336 feet, more or less, to the place of beginning.

(9) the Houston Loop Parking Area - being the area bounded by Houston Street, Houston Street Viaduct, AMTRAK right-of-way and Reunion Boulevard, designated as “Houston Loop Parking Area” and being more particularly described as follows:

BEGINNING at a point on the back of the east curb line of “Houston Loop Parking Area”, which is along the west line of Houston Street said point being approximately 12 feet north of the north end of Houston Street Viaduct;

THENCE southward along the back edge of the east curb line of said parking area and parallel with Houston Street Viaduct, 607 feet, more or less, to a guard rail with post;

THENCE southwestward along the guard rail and post, 40 feet, more or less, to a chain link fence; which is on the northeast right-of-way line of AMTRAK;

THENCE northwestward along the northeast line of the AMTRAK right-of-way and along a chain link fence, 575 feet, more or less, to the northwest curb line of said parking area;

THENCE northeastward along the curb line which is approximately 50 feet southeast from and parallel with the southeast curb line of Reunion Boulevard, 260 feet, more or less, to the beginning of the concrete pavement for the exit drive to Reunion Boulevard, which is also the northeast corner of a concrete pad for a revenue control system;

THENCE angle right 90° and southeastward, 19 feet;

THENCE angle left 45° 00’ and eastward 122 feet, more or less, to the place of beginning. (Ord. Nos. 15167; 16834; 24554)

SEC. 43-128. RESERVED.

(Repealed by Ord. 16309)

SEC. 43-129. CAUSING CROWD TO CONGREGATE ON SIDEWALK.

No person shall occupy any space on the sidewalk or any space near the sidewalk where the same attracts any crowd or causes any crowd to congregate on the sidewalk or where the patrons or customers must remain on the sidewalk, for the purpose of carrying on any kind of business whether for amusement or profit. (Code 1941, Art. 143-8)

SECS. 43-130 THRU 43-132. RESERVED.

(Repealed by Ord. 16309)

SEC. 43-133. USE OF SIDEWALK FOR DISPLAY OF MERCHANDISE.

No merchant or owner of a building, fronting on any street, shall be allowed the use of any portion of
§ 43-133 Streets and Sidewalks

§ 43-135 Streets and Sidewalks

(1) ABOVE GROUND UTILITY STRUCTURE or AGUS means any utility structure that extends higher than the surrounding grade.

(2) AGUS PLACEMENT GUIDELINES means a manual published by the city of Dallas that contains engineering, technical, and other special criteria and standards established by the director for the placement of above ground utility structures.

(3) BACKFILL means:

(A) the placement of new dirt, fill, or other material to refill an excavation; or

(B) the return of excavated dirt, fill, or other material to an excavation.

(4) CITY means the city of Dallas and the city’s officers and employees.

(5) CLOSURE means a complete or partial closing of a sidewalk or one or more lanes of traffic of a thoroughfare for any period of time.

(6) CONSTRUCTION means any of the following activities performed by any person within a public right-of-way:

(A) Installation, excavation, laying, placement, repair, upgrade, maintenance, or relocation of facilities or other improvements, whether temporary or permanent.

(B) Modification or alteration to any surface, subsurface, or aerial space within the public right-of-way.

(C) Performance, restoration, or repair of pavement cuts or excavations.

(D) Reconstruction of any of the work described in Paragraphs (6)(A) through (6)(C) of this subsection.

(E) Other similar construction work.

(7) DESIGN DISTRICT means an area the city council has designated as a:

(A) public improvement district pursuant to Chapter 372 of the Texas Local Government Code, as amended;

(B) reinvestment zone pursuant to Chapter 311 of the Texas Tax Code, as amended;

(C) planned development zoning district;

(D) form zoning district subject to Chapter 51A of this code, as amended; or

(E) conservation district.

(8) DESIGN MANUAL means a manual published by the city that contains engineering, technical, and other special criteria and standards.
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 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 Street Design Manual of the city of Dallas; 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; 31313)
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:
§ 43-136 Streets and Sidewalks

(1) damages the public right-of-way beyond what is incidental or necessary to the performance of the construction;

(2) damages public or private facilities within the public right-of-way; or

(3) knowingly fails to clear debris associated with the construction from a public right-of-way after construction is completed.

(e) It is a defense to prosecution under Subsection (d)(2) if the person complied with all of the requirements of this article and state law and caused the damage because the facilities in question:

(1) were not shown or indicated in a plan document, plan of record, record construction drawing, or field survey, staking, or marking; and

(2) could not otherwise be discovered in the public right-of-way through the use of due diligence.

(f) A person commits an offense if, while performing any construction or other activity along a public right-of-way (whether or not a building or other permit is required for the activity), the person:

(1) damages the public right-of-way or public or private facilities located within the public right-of-way; or

(2) fails to clear debris associated with the construction or other activity from a public right-of-way.

(g) It is a defense to prosecution under Subsections (f)(1) and (f)(2) that the person was performing all of the construction or other activity along the public right-of-way in compliance with any permit issued for the construction or activity.

(h) A person who violates a provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, authorized, directed, or permitted. An offense under Subsection (d)(3) or (f)(2) is punishable by a fine of not less than $500 or more than $2,000. Any other offense under this article is punishable by a fine of $500. The culpable mental state required for the commission of an offense under this article is governed by Section 1-5.1 of this code.

(i) This article may be enforced by civil court action in accordance with state or federal law, in addition to any other remedies, civil or criminal, the city has for a violation of this article.

(j) Prior to initiation of civil enforcement litigation, the permittee or any other person who has violated a provision of this article must be given the opportunity to correct the violation within the time frame specified by the director. This subsection does not prohibit the director or the city from taking enforcement action as to past or present violations of this article, notwithstanding their correction. (Ord. Nos. 24495; 26263; 28066)

SEC. 43-137. REGISTRATION; OTHER REQUIREMENTS.

(a) Nothing in this section relieves any person from obtaining a permit under this article to perform work in the public right-of-way.

(b) In order to protect the public health, safety, and welfare, a public service provider maintaining or operating existing facilities in the public right-of-way, and any other person working in the public right-of-way, must register with the director in accordance with the following requirements:

(1) The registration must be on a form furnished by the director and made in the name of the public service provider that owns the facilities or the person working in the public right-of-way.

(2) Registration expires March 1 of every year after the calendar year in which the first registration occurs. If a registration is not renewed by the expiration date, the director shall furnish written notice to the public service provider or person that the registration has expired. If a public service provider or
person fails to renew registration within 30 calendar days after the director gives notice of the expiration, the facilities of the public service provider or person will be deemed to have been legally abandoned.

(3) If information provided as part of the registration changes, the public service provider or person must inform the director in writing not more than 30 days after the date the change occurs.

(4) The public service provider or person shall also include the following with the registration:

(A) The name of the public service provider or person using the public right-of-way, including any business name, assumed name, or trade name the public service provider operates under or has operated under within the past five years.

(B) If the public service provider is a certificated telecommunications provider, the certificate number issued by the Texas Public Utility Commission.

(C) The ordinance number of any franchise or license issued by the city of Dallas that authorizes the public service provider or person to use the public right-of-way.

(D) The names, mailing addresses, e-mail addresses, and telephone numbers of at least two persons who will be general, day-to-day contacts for the public service provider or person. At least one of the addresses must be within the Dallas/Fort Worth metropolitan area.

(E) The name, mailing address, and e-mail address of the officer or agent designated as the person authorized to receive service of process on behalf of the public service provider or person.

(F) The name, mailing address, e-mail addresses, and telephone number of any contractor or subcontractor, if known, who will be working in the public right-of-way on behalf of the public service provider or person.

(G) The names, telephone numbers, and e-mail addresses of at least two persons serving as emergency contacts who can be reached by telephone 24 hours a day, seven days a week. The telephone numbers should be accessible without the city having to pay a long distance telephone or toll charge.

(H) Proof of existing insurance that complies with the following requirements:

(i) The minimum insurance coverage for a public service provider must be commercial general liability insurance, or any combination of general liability and umbrella/excess insurance, (including, but not limited to, premises operations, personal and advertising injury, products/completed operations, and independent contractors and contractual liability) with a minimum combined bodily injury (including death) and property damage limit of $25,000,000 per occurrence, $25,000,000 products/completed operations aggregate, and $25,000,000 general aggregate, except that public service providers or persons conducting pavement cuts or excavations not more than 18 inches in depth from the top of the pavement must provide a minimum combined bodily injury (including death) and property damage limit of $500,000 per occurrence $500,000 products/completed operations aggregate, and $500,000 general aggregate. The liability insurance policy must also include coverage for explosion, collapse, and underground hazards. The insurance coverage must be written by a company or companies approved to conduct business in the State of Texas. The city must be named as an additional insured on the policy by using endorsement CG 20 26 or broader.

(ii) The insurance filed by a public service provider or person working in the public right-of-way must also meet the same requirements as insurance filed by a permittee under Section 43-140(a)(3) through (a)(7). A public service provider or person registered under this section has the same duties, obligations, and liabilities as a permittee under Section 43-140(a)(3) through (a)(7), except that a public service provider or person registered under this section does not have to file separate proof of
insurance every time it obtains a permit to perform work in the public right-of-way.

(iii) If the public service provider or person is an entity that has a tangible net worth ratio of 3 to 1 (assets to liabilities) with a minimum tangible net worth of at least $100,000,000, proof of self-insurance sufficient to meet the coverage required in this subparagraph is sufficient to satisfy the insurance requirements of this subparagraph.

(5) The insurance requirements of Subsection (b)(4)(H) of this section do not apply to:

(A) construction or other activity performed by the city’s own departments or by contractors hired by the city and working on city-owned facilities within the public right-of-way; or

(B) a public service provider or person operating facilities or performing construction pursuant to a valid existing franchise or license approved by the city council. (Ord. Nos. 24495; 26263; 29993)

SEC. 43-138. PLANS OF RECORD.

(a) Any public service provider with facilities in the public right-of-way shall submit plans of record in accordance with the following requirements:

(1) On or before April 1, 2001, a public service provider shall submit to the director a schedule to provide complete plans of record that show all of its facilities existing in the public right-of-way as of the date the plans of record are submitted to the director in compliance with this section. The schedule must provide for all plans of record for existing facilities inside the central business district to be furnished to the director on or before March 1, 2002 and for all plans of record for existing facilities outside the central business district to be furnished to the director on or before March 1, 2003.

(2) On or before March 1 of each calendar year following the initial submittal of its plans of record, a public service provider shall provide to the director plans of record that show all installations of new facilities, and all changes, additions, abandonments, and relocations relating to existing facilities, completed in the previous calendar year, both inside and outside of the central business district.

(3) The plans of record must be provided in a format specified by the director and must contain such detail and accuracy as are required by the director. Plans of record must be submitted in computerized or digital format.

(b) If plans of record submitted under this section include information expressly designated by the public service provider as a trade secret or other confidential information protected from disclosure by state law, the director may not disclose that information to the public without the consent of the public service provider, unless otherwise compelled by an opinion of the attorney general pursuant to the Texas Open Records Act, as amended, or by a court having jurisdiction of the matter pursuant to applicable law. This subsection may not be construed to authorize a public service provider to designate all matters in its plans of record as confidential or as trade secrets. (Ord. Nos. 24495; 26263)

SEC. 43-139. PERMIT REQUIRED; EXCEPTIONS; CONDITIONS; DENIAL AND REVOCATION.

(a) A person shall not perform any construction, except for an emergency activity, within a public right-of-way without first obtaining a permit from the director prior to the start of construction. A person who undertakes any work outside of the public right-of-way that will cut, break, or otherwise damage the public right-of-way shall also obtain a permit under this section. Except as provided in Subsection (b), a permit is required in accordance with this section for the following types of construction, regardless of whether the construction is in or outside of a public right-of-way:

(1) Installation of an above ground utility structure that does not replace an existing facility.
(2) Replacement or upgrade of an existing above ground utility structure with another above ground utility structure.

(3) Replacement of an existing below ground utility structure with an above ground utility structure.

(b) Exceptions.

(1) A permit is not required under Subsection (a) if the activity in or outside of the public right-of-way consists exclusively of:

(A) the placement of an above ground utility structure on property that is not:

(i) zoned as residential; or

(ii) adjacent to property zoned as residential;

(B) the replacement or upgrade of an existing above ground utility structure on or adjacent to property that is zoned as residential when:

(i) the existing structure is less than 39 inches tall; and

(ii) the replacement or upgrade will not increase the size or change the location of the structure; or

(C) maintenance or service to an existing above ground utility structure.

(2) A permit is not required under Subsection (a) if the activity in the public right-of-way consists exclusively of:

(A) a connection of real property to a retail utility service on the same side of the public right-of-way, if the connection does not require a pavement cut; or

(B) the replacement of a single damaged pole.

(c) The following procedures and requirements govern the application for and issuance of a permit required under Subsection (a) of this section:

(1) A permit application must be made in writing on a form approved by the director. The application must be signed and submitted by the owner of the facility for which the permit is requested or, if the work does not involve a facility, by the owner of the improvement for which the permit is requested.

(2) Except in the case of a major project, a permit application must be submitted to the director not less than three business days before commencement of the proposed construction unless emergency activity is required, in which case immediate notice, including the reasons for the emergency activity, must be given to the director. The proposed construction on the project may commence upon issuance of the permit by the director.

(3) A permit application for a major project must be submitted enough time in advance of the commencement of the proposed construction to allow the director at least 30 business days for review. During this project submission review period, schedules, alternatives to cutting the street, utility assignments, special repair requirements, and all other questions will be resolved. Adjustments to time limits specified in the Pavement Cut and Repair Standards Manual may be granted by the director for major project work. The proposed construction on the project may commence upon issuance of the permit by the director.

(4) A permit application must include a statement by the applicant that the applicant has collected all available plans for existing city of Dallas underground facilities and other public and private utilities and has included those facilities and utilities in the applicant's design, showing no apparent conflict. The statement must also affirm that the applicant will perform field verifications as necessary during construction to locate all city and other existing underground facilities.
(5) A permit application for an above ground utility structure in or outside of a public right-of-way must include identification of appropriate locations for the structure that are consistent with the placement criteria set forth in the AGUS Placement Guidelines.

(6) The permit application on any project must include submittal of plans to the director. When required by the Texas Engineering Practice Act, as amended, the plans must be sealed by a professional engineer licensed to practice in the State of Texas. The plans must include the horizontal and vertical alignments of all proposed facilities in relation to all existing public and private facilities in plan view. The plans must clearly show the proposed locations of all above ground utility structures and include a detail view showing the height, width, and depth dimensions of each type of above ground utility structure (including any supporting pad) to be installed. If the project is a major project that is located within the central business district, crosses street intersections, or involves crossing proposed facilities over or under existing facilities, the plans must also include a representation of the vertical alignment of the facilities in profile view. Each sheet of the plans must have a note instructing the contractor to verify the location of underground utilities at least 100 feet in advance of all proposed utility crossings, and also at locations where the proposed facilities are shown to be running parallel to existing facilities within five feet. The plans must be half size (11” X 17”) at a scale no smaller than 1” = 40’ in plan view and 1” = 6’ in profile view. Each project must be assigned a project number, which must appear on each sheet. Plans must be readable with a minimum lettering size of 1/8”.

(7) A permit is required even if other authority has been granted by the director to make a pavement cut or excavation in a public right-of-way as part of a city construction project.

(8) The director shall state on the permit the activity for which the permit is issued and include any additional restrictions or requirements determined necessary by the director.

(9) The permittee has the exclusive responsibility to coordinate with other public service providers to protect all existing facilities in the public right-of-way in which the construction occurs.

(10) The permittee shall, as an express condition of the permit, comply in all respects with the requirements prescribed for the permitted activity in the Pavement Cut and Repair Standards Manual, the AGUS Placement Guidelines, and the Design Manual, as applicable; and with all other city ordinances and state or federal laws or regulations affecting the permitted activity.

(11) The director shall notify persons who registered under Section 43-137 during the previous calendar year of pavement surfaces to be reconstructed or resurfaced by the city during the next calendar year.

(12) A person or public service provider planning construction within the public right-of-way shall notify the director by March 1 of each year of all then-known facility expansion or replacement projects planned for the next fiscal year that may require pavement cuts or excavations.

(13) The director may require any permittee to use trenchless technology or boring, instead of disturbing a public right-of-way surface, if it is:

(A) in the best interest of the city;

(B) technically, commercially, and economically feasible; and

(C) not in violation of federal or state regulations or industry safety standards.

(14) Directional drilling or boring may not be used in the central business district, unless otherwise approved by the director as being in the best interest of the public health, safety, welfare, and convenience.

(15) In using trenchless technology or boring, whether or not required under Paragraph (13) of this subsection, the permittee must:
(A) obtain and have at the construction site recent plans from the city’s water utilities department, and, where available, plans from owners of all other underground facilities, showing the horizontal and vertical placement of the underground facilities, if the permittee's proposed facilities will:

   (i) cross other existing facilities; or

   (ii) be located within five feet of existing facilities at any point;

(B) locate all water main lines by potholing, if the permittee's proposed facilities will:

   (i) cross other existing facilities; or

   (ii) be located within five feet of existing facilities at any point; and

(C) be able to locate the bore head at all times in accordance with the latest technologies and provide the location of the bore to the director upon request.

(16) The permittee shall maintain the construction area in a public right-of-way in a manner that avoids dust, other health hazards, and hazards to vehicular and pedestrian traffic until the public right-of-way is permanently repaired.

(17) When making a pavement cut or excavation, or placing spoils or excavated material in or along a public right-of-way, the permittee shall place barricades, warning signs, and warning lights at the location sufficient to warn the public of the hazard of the cut, excavation, spoils, or excavated material in compliance with the latest Edition of the Texas Manual on Uniform Traffic Control Devices, as amended, published by the Texas Department of Transportation and City of Dallas requirements. Excavated material and debris must be removed from the right-of-way on a daily basis.

(18) The director may require the permittee to share trench space to minimize the disruption of vehicular and pedestrian traffic or to provide space for needed city facility installations if such sharing is:

   (A) technically, commercially, and economically feasible; and

   (B) not in violation of state or federal regulations or industry safety standards.

(19) A traffic control plan must be submitted with the permit application and must include detailed drawings showing the proposed traffic controls for vehicular and pedestrian traffic for each phase of the proposed work in the public right-of-way. Traffic control plans must show necessary pedestrian sidewalk detours, crosswalk closures, temporary covered walkways, or scaffolding for the safety of pedestrians that comply with the requirements of the latest edition of the Texas Manual of Uniform Traffic Control Devices, as amended, published by the Texas Department of Transportation and City of Dallas requirements. Traffic control plans must be approved by the City of Dallas before commencing work.

(20) The permittee must affirm on the permit application that the permittee has complied with the pre-construction notice requirements in this article.

(21) The director may prohibit street excavation when a permittee seeks to install facilities in a design district or in an area that is part of a major project, unless the permittee can show that existing facilities are unavailable to serve the current needs of the permittee or the permittee’s existing customers, whether through facilities owned by the permittee or are otherwise available.

(d) The following additional procedures apply if it is necessary to close, in whole or in part, a public right-of-way for purposes of making a pavement cut or an excavation:

(1) For any closure of a traffic lane or blocking of a sidewalk or alley lasting one day or less, the permittee shall conspicuously mark its vehicles with the permittee’s name and telephone number.
§ 43-139 Streets and Sidewalks

(2) Any closure of a traffic lane or blocking of a sidewalk or alley lasting longer than one day must be identified by a sign that is clearly legible to the traveling public. The sign must be posted at or in close proximity to the worksite and must contain:

(A) the name of the permittee;

(B) the name of the person performing the construction on behalf of the permittee, if any; and

(C) a local 24-hour contact number that can be used in case of emergency or to answer any questions.

(3) The requirements of Paragraphs (1) and (2) of this subsection are in addition to any other signage, barricades, or warning devices required by law or ordinance. The sign information required by Paragraph (2) of this subsection may be included on barricades or warning devices.

(4) When permitted construction will last longer than two weeks, the permittee shall give written notification to all adjacent property occupants by conspicuously posting the notification on each adjacent property at least 72 hours before commencement of construction, unless the director determines that an emergency exists.

(5) If a street or alley must be totally closed for any duration, the permittee shall provide for reasonable alternative access to the adjacent property by the property’s occupants and invitees, which access must include but is not limited to deliveries to the property.

(6) If construction on a partially closed thoroughfare stops for the day, all thoroughfare lanes must be reopened to traffic, unless an extended time of closure is expressly granted by the permit.

(7) If a pavement cut is to be covered, the permittee shall use steel plates, or equivalent plates, of sufficient strength and thickness to support all traffic.

(8) Plates must be sufficiently secured in place so as not to become dislodged or in any way cause a hazard to any traffic or cause any loud and disturbing noises and vibrations through the use of materials such as asphalt, flexible plastic gaskets, wedges, or other non-asphaltic devices. Transitions must be placed as required with a minimum 2:1 slope to provide a reasonably smooth riding surface.

(9) Plates must be marked with the name of the person performing the construction and with a local 24-hour contact number that can be used in case of an emergency, unless a sign complying with Paragraph (2) of this subsection is posted at or in close proximity to the worksite.

(e) Unless it becomes necessary to conduct emergency activity, a permittee shall not cause or allow interference with traffic flow on a thoroughfare, arterial, or a community collector during the hours of 6:30 a.m. through 9:30 a.m. and 3:30 p.m. through 6:30 p.m., Monday through Friday.

(f) A temporary repair may not remain on public right-of-way for more than 14 calendar days after the completion of the repair or installation of the underground structure or facility, unless a time extension has been granted by the director. The city may, at the expense of the permittee or other responsible person, remove any temporary repair remaining in the public right-of-way beyond the 14-day time limit and make permanent repairs. Any exception to the 14-day time limit, other than a relocation of a facility in advance of a city construction project in the public right-of-way, must be approved by the director prior to expiration of the time limit.

(g) If no construction has commenced under a permit within 60 calendar days after issuance of the permit, the permit becomes null and void, and a new permit is required before construction may be performed in the public right-of-way or, for an above ground utility structure, in or outside of the public right-of-way. An extension to a permit may be granted by the director only before the permit expires.
§ 43-139 Streets and Sidewalks

(h) The director may refuse to issue a permit if:

(1) the proposed construction will substantially interfere with vehicles or pedestrians and no procedures, or procedures inconsistent with this article, have been implemented to minimize the interference;

(2) the proposed construction will substantially interfere with another activity for which a permit has been issued, or will conflict or interfere with existing facilities already in the public right-of-way;

(3) the proposed barricading, channelizing, signing, warning, or other traffic control procedures or equipment do not comply with the requirements of the 1980 edition of the Texas Manual on Uniform Traffic Control Devices, as amended;

(4) the proposed construction, incidental traffic control, or other permitted activity, or the manner in which it is to be performed, will violate a city ordinance or regulation or a state or federal statute or regulation;

(5) the permittee:

(A) failed to furnish all the information required by this article;

(B) knowingly or intentionally furnished materially false or incorrect information to the director;

(C) failed, except for good cause shown, to file the application on the approved form within the time limits prescribed by this section;

(D) failed or refused to submit plans of record as required under Section 43-138;

(E) was convicted of violating a provision of this article twice within the two-year period immediately preceding the date of application;

(F) failed to furnish or have on file with the director the insurance required under this article;

(G) is not in compliance with applicable requirements of an existing permit issued under this article;

(H) has not obtained a current copy of the Pavement Cut and Repair Standards Manual from the director; or

(I) failed to comply with the AGUS Placement Guidelines without having received a waiver by the director under Section 43-141.

(i) The director may suspend construction or revoke an issued permit on the same grounds on which a permit may be denied under Subsection (h), or if the permittee:

(1) commences or performs construction in violation of an applicable requirement of this article or the permit;

(2) creates or is likely to create a public health or safety hazard by performance of the construction in question;

(3) fails to comply with an order or regulation of the director;

(4) fails to comply with restrictions or requirements of other city ordinances or state or federal laws or regulations applicable to the construction; or

(5) commences or performs work without having prior knowledge and understanding of the applicable repair standards or without having obtained a current copy of the Pavement Cut and Repair Standards Manual from the director.

(j) The director shall provide written notice of a suspension or revocation to the permittee or the person hired by the permittee to perform the construction. Construction that is suspended may not resume until the director determines that the permittee has corrected the violation, noncompliance, or hazard that caused the suspension. A permit that has been
revoked may be reinstated by the director if the director
determines that:

(1) the permittee has corrected the violation,
noncompliance, or hazard that caused the revocation; and

(2) the health or safety of the public is not
jeopardized by reinstating the permit.

(k) Any variance from the requirements of this
article must be approved in advance by the director.
The director may grant a variance only if an extreme
hardship exists and the public health, safety, welfare,
and convenience is not adversely affected by granting
the variance. The director may not approve any
variance that would give a competitive advantage to
one person over another person providing the same or
similar service. The director may not grant a variance
from the indemnity requirements of Section 43-140(d).
(Ord. Nos. 24495; 26263; 29993; 30620; 31209)

SEC. 43-139.1. NETWORK NODES AND
RELATED INFRASTRUCTURE.

(a) The terms used in this section have the
meanings ascribed to them in Chapter 284 of the Texas
Local Government Code, as amended.

(b) A person shall not construct, place, install,
replace, upgrade, repair, or collocate a network node or
related infrastructure, including poles, within a public
right-of-way without first obtaining a permit from the
director.

(c) Permit applications must be accepted and
processed as provided in the Design Manual and in
accordance with Chapter 284 of the Texas Local
Government Code, as amended. A permit application
for a network node must be accompanied by a fully
executed pole attachment agreement for the proposed
location or an approved permit for a node support pole
at the proposed location in order for the application to
be deemed complete. The director shall deny
applications that do not include required materials and
information in accordance with state law and the
Design Manual.

(d) A person shall not file, or have pending,
more than 30 permit applications for the installation or
collocation of network nodes at any time.

(e) Permit fees and compensation for use of the
right-of-way and any city infrastructure pursuant to
Chapter 284 of the Texas Local Government Code, as
amended, shall be as provided by state law and the
Design Manual.

(f) The placement, installation, or collocation of
a network node or related infrastructure, including
poles, in a design district with decorative poles or in a
district the city has designated as historic, is subject to
additional design, concealment, and aesthetic
standards, as set out in the Design Manual.

(g) A network provider shall not install a new
node support pole in a public right-of-way if the
public right-of-way is:

(1) adjacent to property under the control
and jurisdiction of the park board; or

(2) adjacent to a street or thoroughfare that
is not more than 50 feet wide and adjacent to property
zoned for residential uses, as that term is defined by
the Dallas Development Code, or deed restriction.

(h) Designations.

(1) Any area that meets the definition of a
design district under this article is hereby designated
a design district for purposes of Chapter 284 of the
Texas Local Government Code, as amended.

(2) Any area within the city without utility
poles is hereby designated as an underground district
pursuant to Chapter 284 of the Local Government
Code, as amended, and is subject to additional design,
concealment, and aesthetic standards as set out in the
Design Manual.
(i) A person acting under this section shall do so in accordance with the terms of the permit, the Design Manual, and all applicable city ordinances, state, and federal laws. (Ord. 30620)

SEC. 43-140. INSURANCE AND INDEMNITY REQUIREMENTS; EXCEPTIONS.

(a) As an express precondition to being granted a permit to perform construction within a public right-of-way, the permittee shall furnish the director proof of existing insurance in accordance with the following requirements:

(1) If the construction will require a pavement cut or excavation not more than 18 inches in depth and 300 feet in length, the permittee must provide proof of commercial general liability insurance (including, but not limited to, premises operations, personal and advertising injury, products/completed operations, and independent contractors and contractual liability) with a minimum combined bodily injury (including death) and property damage limit of $500,000 per occurrence, $500,000 products/completed operations aggregate, and $500,000 general aggregate. The insurance coverage must be written by a company or companies approved to conduct business in the State of Texas. The city must be named as an additional insured on the policy by using endorsement CG 20 26 or broader.

(2) If the construction will require a pavement cut or excavation exceeding either 18 inches in depth or 300 feet in length, the permittee must provide proof of commercial general liability insurance, or any combination of general liability and umbrella/excess insurance, (including, but not limited to, premises operations, personal and advertising injury, products/completed operations, and independent contractors and contractual liability) with a minimum combined bodily injury (including death) and property damage limit of $25,000,000 per occurrence, $25,000,000 products/completed operations aggregate, and $25,000,000 general aggregate. The liability insurance policy must also include coverage for explosion, collapse, and underground hazards. The insurance coverage must be written by a company or companies approved to conduct business in the State of Texas. The city must be named as an additional insured on the policy by using endorsement CG 20 26 or broader.

(3) Each policy must include a provision that requires the insurance company to notify the city in writing at least 30 days before canceling or failing to renew the policy or before reducing policy limits or coverages.

(4) The permittee agrees, with respect to the insurance coverage required by this subsection, to waive subrogation against the city and its officers and employees for bodily injury (including death), property damage, or any other loss.

(5) The insurance coverage required by this subsection is considered primary insurance in regard to the city and its officers, employees, and elected representatives.

(6) Proof of insurance in the form of an original industry standard certificate of insurance showing the city as an additional insured must be provided to the director prior to any commencement of work by the permittee. The certificate of insurance must be executed by the insurer or its authorized agent and must state specific coverage, limits, and expiration dates in accordance with the requirements of this subsection.

(7) The permittee shall make available to the director, upon request, a copy of the insurance policy, including any endorsements, riders, and amendments to the policy and any statements respecting coverage under the policy.

(b) A permittee who is a public service provider who has registered and filed proof of insurance under Section 43-137 of this article is not required to furnish separate proof of insurance under this section when obtaining a permit, but must comply with all other requirements of this section.
§ 43-140 Streets and Sidewalks § 43-140.1

(c) If the permittee is an entity that has a tangible net worth ratio of 3 to 1 (assets to liabilities) with a minimum tangible net worth of at least $100,000,000, proof of self-insurance sufficient to meet the coverage required in Subsection (a) is sufficient to satisfy the requirements of that subsection.

(d) The following indemnity provisions apply to a public service provider registered under Section 43-137 and are also included by reference as express terms of a permit issued under this article:

(1) A permittee who is a certificated telecommunications provider as defined in Chapter 283, Texas Local Government Code, as amended, or a network provider as defined by Chapter 284 of the Texas Local Government Code, as amended, agrees to give to the city the indemnity provided in Section 283.057, Texas Local Government Code, as amended.

(2) A permittee, other than a certificated telecommunications provider described in Paragraph (1) of this subsection, expressly agrees to fully and completely defend, indemnify, and hold harmless the city and its officers, agents, and employees, against any and all claims, lawsuits, judgments, costs, and expenses for personal injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by any negligent, grossly negligent, wrongful, or strictly liable act or omission of the permittee or its agents, employees, or contractors, in the performance of work or activity pursuant to the permit issued under this article, regardless of whether or not the negligence, gross negligence, wrongful act, or fault of the city or its officers, agents, or employees, contributes in any way to the damage, injury, or other harm. The requirement of the permittee to defend the city also unconditionally applies regardless of whether or not the negligence, gross negligence, or fault of the city or its officers, agents, or employees contributes in any way to the damage, injury, or other harm. Nothing in this paragraph may be construed as waiving any governmental immunity available to the city under state law. This provision is solely for the benefit of the permittee and the city and is not intended to create or grant any rights, contractual or otherwise, in or to any other person.

(e) This section does not apply to:

(1) construction or other activity performed by the city’s own forces or by contractors hired by the city and working on city-owned facilities within the public right-of-way;

(2) a person operating facilities or performing construction pursuant to a valid existing franchise or license approved by the city council; or

(3) construction or repair of a sidewalk or driveway approach for an abutting single-family or duplex residential property owner. (Ord. Nos. 24495; 26263; 30620)

SEC. 43-140.1. PERFORMANCE BOND; LETTER OF CREDIT; CASH DEPOSIT.

(a) General. As an express precondition to being granted a permit to perform construction within a public right-of-way, the permittee shall furnish the director a performance bond, letter of credit, or cash deposit, complying with this section, for any project that involves pavement excavation or boring for the installation of a new facility or for a significant facility relocation other than an excavation or boring for the installation of a new facility or for a significant facility relocation other than an excavation or boring for a localized new service line installation or facility repair. Without exception, the city’s forms must be used, and exclusive venue for any lawsuit is specified as Dallas County. A performance bond will automatically be increased by the amount of any change order, which increases the contract price with or without notice to the surety, but in no event may a change, which reduced the contract amount, reduce the penal sum of the bond.

(b) Amount. A good and sufficient bond, letter of credit, or cash deposit must be in an amount not less than 100 percent of the total cost, as determined by the director, of those items of work associated with the
§ 43-140.1 Streets and Sidewalks

temporary and permanent repair of the city’s infrastructure, including, but not limited to backfill, pavement base, street pavement, curb and gutter, drive approaches, sidewalk, sod, irrigation, landscape, traffic control devices, signs, and pavement markings, thereby guaranteeing the full and faithful execution of the work and performance of the contract in accordance with the plans, specifications, and contract documents, including any extensions thereof, for the protection of the city. The bond, letter of credit, or cash deposit agreement must provide for the repair and/or replacement of all defects due to faulty materials and workmanship that appear within a period of one year from the date of completion and acceptance of the work by the city. The permittee may choose to have the amount determined on a per project basis or an aggregate basis. If on an aggregate basis, the amount of a single bond, letter of credit, or cash deposit must be sufficient to cover all of permittee’s projects outstanding at any one time. If the amount of the permittee’s outstanding projects exceeds an existing bond, letter of credit, or cash deposit, the permittee shall immediately increase it or post a new bond, letter of credit, or cash deposit to cover the project that has caused the deficiency.

(c) Sureties. No surety may be accepted by the city who is in default or delinquent on any bonds or who is interested in any litigation against the city. All bonds must be made on the forms furnished by the city and must be executed by not less than one corporate surety authorized to do business in the State of Texas and acceptable to the city. Each surety must be listed in the most current Federal Register Treasury List. The permittee and the surety shall execute each bond. The surety shall designate a resident agent in the city of Dallas acceptable to the city to whom any requisite notices may be delivered and on whom service of process may be had in matters arising out of such suretyship. The city reserves the right to reject any and all sureties.

(d) Additional or substitute bonds. If at any time the city is or becomes dissatisfied with any surety on a performance bond, the permittee shall, within five days after notice from the city to do so, substitute an acceptable bond, or provide an additional bond, in such form and sum signed by such other surety as may be satisfactory to the city. The premiums on the bonds must be paid by the permittee without recourse to the city.

(e) Letter of credit. In lieu of a performance bond, a permittee may provide an irrevocable letter of credit. Each letter of credit must be made on a form furnished by the city.

(f) Cash deposit. In lieu of a performance bond, a permittee may make a cash deposit, for the benefit of the city, pursuant to an agreement in a form acceptable to the city attorney. (Ord. Nos. 25409; 25693; 26263)

SEC. 43-140.2. WAIVER OF BONDING REQUIREMENTS.

(a) A person registered under Section 43-137 may annually submit to the director a written request for a waiver from the requirement that it provide a performance bond, letter of credit, or cash deposit pursuant to Section 43-140.1.

(b) The waiver request must set forth in detail the basis for the request, including but not limited to:

(1) the person’s history of performance in completing its projects and complying with restoration obligations in the city’s rights-of-way; and

(2) documentation, in a form acceptable to the city, demonstrating that the person has unencumbered assets or reserves sufficient to cover the amount of the performance bond, letter of credit, or cash deposit that would otherwise be required under Section 43-140.1.

(c) Within 30 calendar days after receiving a written request for a waiver, the director may, for good cause shown, grant a waiver from the requirement that the person provide a performance bond, letter of credit, or cash deposit pursuant to Section 43-140.1. In making this decision, the director shall consider all of the following:
(1) The person’s record of performance in the city’s rights-of-way.

(2) The person’s record of compliance with this article.

(3) A showing of financial responsibility by the person sufficient to guarantee the full and faithful execution of the estimated work to be performed during the year in which the waiver is in effect.

(4) Any other factor relevant to a determination of the financial responsibility of the person and its ability to safely and fully perform permitted work.

(d) A waiver expires one year after being granted by the director, and the person must reapply for a waiver each year during which it will perform work in the city’s rights-of-way.

(e) Upon determining that a person is in violation of this article, the director may deny any request for a waiver and may terminate any existing waiver that had been granted under this section. A person whose waiver is terminated may not reapply for another waiver until two years have elapsed since the date of termination.

(f) If a waiver is denied or terminated by the director, the person shall immediately take all necessary steps to temporarily restore the right-of-way and then cease all work in the right-of-way until the person has provided a bond, letter of credit, or cash deposit that has been approved by the director. (Ord. Nos. 25693; 26263; 29993)
§ 43-141 Streets and Sidewalks

required if the repairs are made to match pavement color and are approved by the director. The application of slurry seal or micro-surfacing must be made to the entire block of the street in which a cut is made. For an undivided street, the application must be made from curb to curb, and for a divided street, from median curb to outside curb. The City of Dallas Slurry Seal and Micro-surfacing Specifications, as amended, will govern design, material, testing, and construction of surface treatments.

(4) The permittee and any person responsible for construction shall protect the public right-of-way surface, drainage facilities, and all other existing facilities and improvements from excavated materials, equipment operations, and other construction activities. Particular attention must be paid to ensure that no excavated material or contamination of any type is allowed to enter or remain in a water or wastewater main or access structure, drainage facility, or natural drainage feature. Adequate provisions must be made to ensure that traffic and adjacent property owners experience a minimum of inconvenience.

(c) Five-year maintenance period.

(1) All construction must be done in a good and workmanlike manner and in faithful and strict compliance with the permit, this article, other city ordinances, and regulations promulgated by the director relating to construction within the public right-of-way.

(2) All construction performed under any permit granted to a permittee by the city under this article must be maintained to the satisfaction of the director for five years after the date of completion of the construction or repair.

(3) Any damage to, or any defect or other problem in, the permitted construction occurring at any time within five years after the completion of work under the permit must be corrected to the satisfaction of the director within 10 days after the director gives notice to the permittee to correct the damage, defect, or other problem.

(d) Repairs.

(1) All damage caused directly or indirectly to the public right-of-way surface or subsurface outside the pavement cut or excavation area will be regarded as a part of the pavement cut or excavation and must be included in the total area repaired. If repaired by the city, the permittee shall reimburse the city for the actual direct and indirect costs of the repair.

(2) The director shall notify the permittee if the backfill on a permitted construction settles at any time during the five-year maintenance period required in Subsection (c) of this section, causing subsidence in the pavement of one-half inch or more, vertically measured in any three-foot horizontal direction. Upon notification, the permittee shall schedule appropriate repair work and promptly notify the director of the anticipated dates of commencement and completion of the repair work. If the repair work is not commenced or completed within the agreed-upon time schedule, or if no response is received by the director within 24 hours after notification to the permittee, the repair work may be performed by the city. The permittee shall reimburse the city for the actual direct and indirect costs of any repair work performed by the city.

(e) Trench safety.

(1) Trench safety systems that meet U.S. Occupational Safety and Health Administration standards are required for construction in which trench excavation will exceed a depth of five feet.

(2) Paragraph (1) of this subsection does not apply to a construction contract entered into by a
permittee that is subject to the safety standards adopted under Chapter 121, Texas Utilities Code, as amended.

(f) Tests.

(1) The permittee will be required to provide a certified construction materials testing lab, or use a testing method approved by the director, to perform the appropriate tests, at the permittee's expense, to ensure quality control for the backfill and pavement construction phases. Concrete strength test results must be submitted to the director for any placement greater than five cubic yards.

(2) Unless another method is approved by the director, tests must be made in accordance with the latest methods of the American Society of Testing and Materials. The certified results from tests for backfill compaction must be supplied to the city within three days of the backfill work completion and before pavement construction begins. The results from tests for pavement construction must be submitted within one week of completion of the project. Retesting after failure to pass the required tests will be at the expense of the permittee.

(3) Compaction testing is not required when a flowable backfill material that complies with the Pavement Cut and Repair Standards Manual, as amended, is used.

(4) If the materials used for the street repairs do not meet the minimum requirements of the Pavement Cut and Repair Standards Manual, they may be considered unacceptable and may be ordered to be removed and replaced at the permittee's expense. In cases where the repairs are unacceptable and the permittee refuses to make them acceptable, the work may be accomplished by the city, and all of the direct and indirect costs will be charged back to the permittee responsible for the work.

(5) The city at its expense may perform, or have performed, any material tests it deems necessary to verify conformance with the specifications set forth in Paragraph (6) of this subsection. If tests performed at the city's expense show cause for additional work or rework by the permittee, then further testing required to show conformance with the specifications will be at the expense of the permittee, including the cost of the original testing that showed the need for additional work or rework.

(6) Specifications for backfill compaction must meet the requirements contained in the Pavement Cut and Repair Standards Manual. Specifications for pavement testing must meet the requirements in the applicable provisions of the Standard Specifications for Public Works Construction – North Central Texas and the city's addendum thereto, as amended.

(g) Additional requirements for above ground utility structures.

(1) Written notification required.

(A) An owner of an above ground utility structure shall provide written notice to:

(i) the occupant of each single family residence, town home, duplex, tri-plex, or four-plex property adjacent to the proposed location of the above ground utility structure; and

(ii) the management of each multi-family dwelling property adjacent to the proposed location of the above ground utility structure.

(B) The written notice must be provided at least two business days before construction of the above ground utility structure begins.

(C) The notice must be provided on forms approved by the director and must clearly identify:

(i) the proposed location of the above ground utility structure;
(ii) the dimensions and appearance of the above ground utility structure; and

(iii) the names and telephone numbers of the utility company representatives and the city of Dallas representatives authorized to discuss the proposed structure with the property owner.

(D) Written notice is not required for an above ground utility structure that:

(i) is placed in an alley; or

(ii) does not require a permit under Section 43-139.

(E) Upon request, proof of notification must be provided to the director at the time the permit application for the above ground utility structure is submitted to the city.

(F) An owner of an above ground utility structure shall make every reasonable effort to recognize and address the concerns of each property owner, subject to the service demands of the structure’s owner. Requests of property owners that exceed the requirements of the AGUS Placement Guidelines are not a basis to deny a permit.

(2) An above ground utility structure must comply with all requirements of other city ordinances and other state and federal laws and regulations. The owner of the above ground utility structure is responsible for obtaining all other required permits.

(3) The owner of an above ground utility structure shall maintain the structure free of graffiti and other defacements such as posters, stickers, decals, and signs, except those placed on the structure by its owner. The exterior finish of an above ground utility structure must be maintained free of rust, peeling or faded paint, and other visible deterioration. An above ground utility structure and its supporting foundation or pad must be maintained in such a way as to prevent or eliminate leaning and soil erosion underneath. An above ground utility structure that leans beyond five degrees from the perpendicular must be corrected to be as close as possible to perpendicular. Any open space between the bottom of a foundation or pad and the ground underneath must be filled with either additional soil or concrete to maintain continuous contact with the ground. The permit application for installation of an above ground utility structure must include the name, mailing address, and telephone number of a single contact who will be responsible for resolving graffiti and other appearance issues involving the structure.

(4) An above ground utility structure must be clearly marked with the owner’s name and telephone number.

(5) Waiver of AGUS Placement Guidelines.

(A) A request for a waiver from placing an above ground utility structure in accordance with one or more of the AGUS Placement Guidelines may be made to the director with respect to a particular site for a proposed structure.

(B) The request for a waiver must include:

(i) identification of the guideline or guidelines for which a waiver is requested;

(ii) proof that compliance with the guideline or guidelines is impracticable;

(iii) detailed justification for the waiver, including alternative sites sought and reviewed; and

(iv) an explanation of why the proposed above ground utility structure and its size are necessary at the proposed site to provide service to a property or area.

(C) Within 10 business days after receiving a written request for a waiver, the director shall grant or deny the waiver.
(D) The waiver may be granted for good cause shown. In determining whether to grant the waiver, the director shall consider:

(i) the feasibility of other sites located in or outside of the public right-of-way and the efforts of the owner of the proposed above ground utility structure to secure those sites;

(ii) the size and location of the above ground utility structure and its impact at the proposed site and on surrounding properties;

(iii) the need of the structure’s owner to provide services to a property or area to be served by the proposed site;

(iv) the need of the structure’s owner to provide services to a property or area to be served by the proposed site with an above ground utility structure of the size proposed;

(v) the public health, safety, welfare, and convenience; and

(vi) the size and location of other nearby above ground utility structures.

(6) Denial, suspension, or revocation of a permit for an above ground utility structure on private property; denial of a waiver from AGUS Placement Guidelines; appeals to the city manager.

(A) If the director denies, suspends, or revokes a permit for an above ground utility structure on private property, or denies waiver of an AGUS placement guideline, the director shall, in writing, notify the owner of the above ground utility structure of the action and include in the notice the reason for the action and a statement informing the structure’s owner of the right of appeal.

(B) The owner of an above ground utility structure may appeal a denial, suspension, or revocation of a permit for an above ground utility structure on private property, or a denial of a waiver of an AGUS placement guideline, if the structure’s owner requests an appeal in writing, delivered to the city manager not more than 10 business days after notice of the director’s action is received.

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

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

(h) Signage and other display materials.

(1) A copy of the approved permit with verification that all public and private utilities/facilities were properly located must be displayed by the permittee at the worksite at all times during construction in the public right-of-way.

(2) The permittee must display at least two signs in the permitted area of construction in the right-of-way no smaller than 30” x 24”, one facing each direction of traffic. The sign must provide the business name and primary contact information of the permittee and contractor. The sign letters and numbers must be a minimum 2” in height.

(3) Each vehicle and piece of equipment located in the permitted area of construction in the right-of-way must display a sign identifying the business name and primary contact information of the permittee or contractor. The sign letters and numbers must be legible and at least one inch in height.

(4) A copy of the approved traffic control plan required in Section 43-139 must be available at the permitted area of construction at all times when barriers are erected to divert or alter the flow of traffic.
(5) At least one sign labeled "Temporary Paving Repairs" must be displayed in accordance with the *Dallas Pavement Cut and Repair Standards Manual*, as amended, in any location that has temporary paving repairs. If temporary paving repairs exceed 50 feet in length, one "Temporary Paving Repairs" sign must be provided every 50 feet on the perimeter of the permitted area of public right-of-way under construction. Alternatively, a "Temporary Paving Repairs" sign may be stenciled on the temporary paving repairs in accordance with this paragraph. The lettering of the written sign on the temporary paving repairs must be a minimum of three inches using only white paint. If temporary paving repairs exceed 40 feet in length, one painted "Temporary Paving Repairs" sign must be painted on the temporary paving repairs every 30 feet on the perimeter on the perimeter of the permitted area of public right-of-way under construction.

(i) Notice requirements.

(1) Notice to the director. After issuance of a permit under this article, the permittee shall provide written notice to the director:

(A) at least one business day before any material or equipment is placed in the permitted area or the commencement of any temporary construction;

(B) within one business day after completing the temporary construction; and

(C) at least one business day before any permanent construction begins.

(2) Notice to the public.

(A) If construction in the public right-of-way without excavation or a lane closure will last less than 24 hours, individual notice to property within 500 feet of the construction area is not required.

(B) If construction in the public right-of-way without excavation or a lane closure will last more than 24 hours, the permittee must provide individual notice to each property within 500 feet of the construction area at least 24 hours before commencing construction by placing a door hanger or other similar notice. Notification of multi-family properties may be given to the property management teams of those properties.

(C) If construction in the public right-of-way with excavation or a lane closure will last less than 24 hours, the permittee must provide individual notice to each property within 500 feet of the construction area at least 24 hours before commencing construction by placing a door hanger or other similar notice. Notification of multi-family properties may be given to the property management teams of those properties.

(D) If construction in the public right-of-way with excavation or a lane closure will last more than 24 hours, the permittee must provide individual notice to each property within 500 feet of the construction area with two separate notifications by placing a door hanger or other similar notice. The first notification must be placed at least 10 days before commencing construction and the second notification must be placed 72 hours before commencing construction. Notification to multi-family properties may be given to the property management teams of those properties.

(E) If construction on a thoroughfare, arterial, or a community collector in the public right-of-way will involve complete street closures or extended traffic delays, at least two portable changeable message signs (CMS) that comply with the requirements of the latest edition of the *Texas Manual of Uniform Traffic Control Devices*, as amended, published by the Texas Department of Transportation and the City of Dallas requirements, are required to be installed facing each direction of traffic at least one week prior to commencing construction.

(F) The individual notice must include the following:

(i) permittee name and contractor name, if different;
(ii) primary contact information for the permittee and contractor, if different;

(iii) location of the construction area; and

(iv) estimated time of construction as authorized by the permit. (Ord. Nos. 24495; 25409; 26263; 29993; 31209)

SEC. 43-142. RESTORATION REQUIREMENTS.

(a) The Pavement Cut and Repair Standards Manual and the requirements of this section govern the restoration of public right-of-way surfaces within the city. For those restoration activities not covered by the Pavement Cut and Repair Standards Manual or this section, the applicable provisions of the Standard Specifications for Public Works Construction - North Central Texas will govern.

(b) A permittee performing construction in the public right-of-way shall restore the public right-of-way to a condition that is equal to or better than the condition prescribed by the most recent version of the Pavement Cut and Repair Standards Manual or other applicable city design and construction standards.

(c) Restoration work must be performed to the satisfaction of the director. Restoration work must include, but is not limited to, the following:

(1) Replacement of all sod or ground cover with sod or ground cover equal to or better than the type damaged during the work, either by sodding or seeding as required by the director.

(2) Installation or reinstallation of all manholes and handholes, as required by the director.

(3) Backfilling and compaction of all completed bore pits, potholes, trenches, or other holes, which must be performed on a daily basis unless other safety requirements are approved by the director.

(4) Street, sidewalk, and alley repair that conforms with the standards for construction established in this article and by the director.

(5) Leveling of all trenches and backhoe lines.

(6) Restoration of the excavation site to the specifications and requirements established in this article and by the director.

(7) Restoration of all landscaping, ground cover, and sprinkler systems.

(8) Restoration of any damaged traffic control devices, including but not limited to imbedded loop detectors, pavement markings, underground conduits, and signs.

(d) All location flags must be removed during the cleanup process by the permittee or the permittee’s contractor at the completion of the work.

(e) Restoration of special street, sidewalk, or drive approach surfaces designed to present unique visual images, color, or designs (regardless of the type, color, pattern, or texture of special material or process used) must be done so that the restoration matches the color, texture, and pattern of the surrounding special surfaces.

(f) Restoration must be made in a timely manner. If restoration is unsatisfactory or not performed in a timely manner, then all of the permittee’s work in progress on the project in question (except for that work related to the problem of unsatisfactory restoration) will be halted, and no other permit will be approved until all restoration is complete. Any hold on the permittee’s work will include work previously permitted but not completed. (Ord. Nos. 24495; 26263)
§ 43-143  CLEARANCE FOR STREET PAVING AND STORM DRAINAGE PROJECTS.

(a) A person making a pavement cut or excavation for the purpose of adjusting facilities at the request of the city in advance preparation for a city street paving or storm drainage project shall obtain a permit under this article, except that the time limits prescribed in Section 43-139(c) and (g) do not apply.

(b) The permittee shall maintain the pavement cut or excavation until the work order authorizing the construction of the street paving or storm drainage project is issued by the city. Upon notification by the director of any problem with the maintenance of the cut or excavation, the permittee shall promptly correct the problem. The permittee shall notify the director of the anticipated date of correction. If the correction is not made by the anticipated date, or if no response is received by the director within 24 hours after the director gives notice to the permittee, the correction may be made by the city, and the permittee shall reimburse the city for the actual direct and indirect costs of the correction.  (Ord. Nos. 24495; 26263)

SEC. 43-144. CONFORMANCE WITH PUBLIC IMPROVEMENTS.

(a) Whenever the city or the director deems it necessary to remove, alter, change, relocate, or adapt the underground or overhead facilities of a public service provider in the public right-of-way due to the city’s reconstruction, widening, or straightening of streets; replacement of water or wastewater facilities; installation of traffic signals, traffic signs, and markings; or construction of any other city public improvement project, the public service provider that owns the facilities shall conform its facilities with the project as prescribed by the director.

(b) The facilities must be conformed, at the public service provider’s expense, within 90 days after the director issues notice to the public service provider, unless a different schedule for the work is approved by the director.  (Ord. Nos. 24495; 26263)

(c) Facilities of a public service provider that are not conformed within the 90-day notice period or within the approved schedule will be deemed abandoned, and the city will not be liable for any damage to or destruction or removal of the facilities, or for any interruption or termination of service through the facilities, caused by the activity of the city described in this section.  (Ord. Nos. 24495; 26263)

SEC. 43-145. IMPROPERLY CONSTRUCTED FACILITIES.

(a) A permittee shall:

(1) properly construct, install, operate, repair, relocate, upgrade, and maintain its facilities existing within the public right-of-way or, for an above ground utility structure, in or outside of the public right-of-way; and

(2) repair or restore any damage to other facilities, the public right-of-way, or private property that occurs as a result of improper construction, installation, operation, repair, relocation, upgrade, or maintenance of the permittee’s facilities.

(b) Facilities will be considered to be improperly constructed, installed, operated, repaired, relocated, upgraded, or maintained if:

(1) the construction, installation, operation, repair, relocation, upgrade, or maintenance endangers public health or safety or creates a public inconvenience;
§ 43-145 Streets and Sidewalks

(2) the facilities were required to be located within the right-of-way and they encroach upon private property or extend outside the right-of-way location designated in the permit;

(3) above-ground facilities located within the right-of-way are less than one and one-half feet from the face of the curb or less than six inches from a sidewalk;

(4) the construction, design, or configuration of the facilities does not comply with applicable local, state, or federal laws or regulations;

(5) the construction, installation, operation, repair, relocation, upgrade or maintenance is conducted in a manner that damages private property or another public service provider’s facilities;

(6) the facilities are not capable of being located or maintained using standard practices;

(7) the facilities are placed in an area that interferes with another public service provider’s facilities; or

(8) the facilities consist of an above ground utility structure that fails to comply with the AGUS Placement Guidelines without having received a waiver by the director under Section 43-141.

(c) It is a defense to prosecution under Subsections (b)(3) and (b)(4) of this section that the facilities were constructed or installed in the public right-of-way before March 1, 2001.

(d) It is a defense to prosecution under Subsection (b)(8) of this section that the facilities were lawfully constructed or installed before March 1, 2006.

(e) Nothing in this section may be construed to diminish the authority of the director to require specific placement of specific facilities. (Ord. Nos. 24495; 26263)

SEC. 43-146. EMERGENCY REPAIRS.

(a) If the director determines during construction that an emergency repair to a public right-of-way is necessary to correct a situation that is hazardous to the public, the director shall immediately notify the permittee. If the permittee does not commence the emergency repair promptly, the director may, in his sole discretion, cause performance of such emergency repair work as is necessary to correct the hazardous situation. The permittee shall reimburse the city for the actual direct and indirect costs of the work necessary to correct the hazardous situation, including cleanup. The permittee shall maintain the emergency repair until the permittee completes final repairs.

(b) If the director determines that a problem with a public service provider’s existing facility in a public right-of-way requires an emergency repair to correct a situation that is hazardous to the public, the director shall immediately notify the public service provider. If the public service provider does not commence the emergency repair promptly, the director may, in his sole discretion, cause performance of such emergency repair work as is necessary to correct the hazardous situation. The public service provider shall reimburse the city for the actual direct and indirect costs of the work necessary to correct the hazardous situation, including cleanup. The public service provider shall maintain the emergency repair until the public service provider completes final repairs. (Ord. Nos. 24495; 26263)

SEC. 43-147. EFFECT OF ARTICLE ON PERSONS ENGAGED IN CONSTRUCTION.

Any permit issued prior to March 1, 2001 will remain subject to the terms and conditions of city ordinances and requirements in effect at the time of issuance of the permit and is not affected by this article, except that, upon expiration or conclusion of the permit, a new or renewal permit must be obtained in accordance with this article. (Ord. Nos. 24495; 26263)
SEC. 43-148. MARKING EXISTING UNDERGROUND UTILITIES.

A person shall not use, or cause the use of, any nonwashable substance in the public right-of-way to mark the location of existing underground utilities. A person commits an offense if a marking he makes, or causes to be made, in the public right-of-way to mark the location of existing underground utilities remains visible longer than 30 days after being applied. (Ord. Nos. 25438; 26263)

ARTICLE IX.

DRIVEWAYS GENERALLY.

SEC. 43-149. DIRECTOR DEFINED.

In this article, DIRECTOR means the director of the department designated by the city manager to enforce and administer this article, or the director’s designated representative. (Ord. 22026; 24495)

SEC. 43-150. DRIVEWAYS NOT TO BE WITHIN THREE FEET OF POLES, ETC.

No person shall open up or construct any driveway or other way for the use of any character of vehicle on or across any sidewalk, parkway, or other space between any public improved roadway and any private property so as to include or to be within less than three feet of any telephone, telegraph, electric light, or other pole, anchor, or guy wire, or any water plug, mailbox, or other structure located in such portion of any public street in the city where such structure is so located by virtue of any franchise, license, permit, or other right. (Code 1941, Art. 145-2; Ord. 24495)

SEC. 43-151. REMOVAL OF POLES, ETC., TO PERMIT CONSTRUCTION OF DRIVEWAYS - REQUIRED.

Wherever any person desires to locate any driveway and there is any structure that, under Section 43-150, would prevent the location of such driveway as desired, the person owning such structure or having the right to so maintain it shall move it as far as may be necessary to permit the desired location of such driveway, if the person desiring to locate the driveway first complies with all of the terms of this article. (Code 1941, Art. 145-3; Ord. 24495)

SEC. 43-152. SAME - PLANS TO BE APPROVED BY DIRECTOR.

In the event any poles, structures, or improvements are to be located and installed in or upon any public street in the city or relocated for the convenience or necessity of the person maintaining them, the person desiring to construct, erect, install, or relocate such poles, structures, or improvements shall first submit to the director a sketch or blueprint of the plan of such construction or relocation for approval. The director shall immediately inspect the sketch or blueprint of the plan and, if satisfactory, the director shall approve the plan. Until such approval is given, no work may be done in that connection. If the plan of construction or relocation does not meet with the director’s approval, the director shall return the plan to the person submitting it with any objections. The construction or relocation of all structures, improvements, and poles must be subject to the supervision of the director. (Code 1941, Art. 145-4; Ord. Nos. 22026; 24495)

SEC. 43-153. SAME - ALLOCATION OF COSTS FOR RELOCATION.

(a) Any person desiring to locate or open a driveway, the location of which is prevented by reason of any structure described in Section 43-150, and who desires to secure the shifting of the structure so as to permit such location shall, at the time of filing an
application for a permit with the building official to construct, locate, or open such drive and prior to locating, constructing, or opening the drive, file a sketch, drawing, or map with the director that shows the location of the proposed drive or other way, the relative location of the structure or structures in the way of the proposed driveway, and the name of the person maintaining the structure obstructing the proposed driveway or preventing its location. The director shall immediately notify the person maintaining the structure on the street, giving the name of the persons desiring the structure or structures moved.

(b) Immediately upon the filing of the drawing, sketch, or map under Subsection (a), the director shall prepare or obtain a statement of the expense or cost of the removal of the structure. The person requesting the relocation of the structure shall pay the cost of relocation. Upon the ascertainment of the estimated cost or expense as found by the director, such person shall deposit the sum of money required with the director, and then the person maintaining the structure shall promptly remove the structure so as not to interfere with the proposed driveway. Upon completing movement of the structure, with all attachments, to the satisfaction of the director, the person moving or relocating the structure is entitled to receive the deposit. (Code 1941, Art. 145-5; Ord. Nos. 22026; 24495)

SEC. 43-154. PERMIT FOR DRIVEWAY TO BE ISSUED AFTER POLES, ETC., REMOVED.

As soon as the structure interfering with the construction, location, or opening of the proposed driveway has been moved out of the way, the building inspector shall issue a permit authorizing the location, construction, or opening of such way as may be desired upon compliance with all other applicable city ordinances. (Code 1941, Art. 145-6; Ord. 24495)

SEC. 43-155. APPEALS.

If either the person maintaining any pole or structure described in Section 43-150 or the person desiring the structure or pole to be moved is dissatisfied with the estimate of the expense made or obtained by the director under this division or as to the location of the pole or structure, either or both of them may appeal from the decision by filing with the city controller a statement of their objections within five days from the date of the director’s findings of the estimated expense or location. (Code 1941, Art. 145-8; Ord. Nos. 22026; 24495)

SEC. 43-156. FEE WHERE POLES, ETC., TO BE RELOCATED.

At the time the person files the sketch seeking the removal of any obstructing structure described in Section 43-150, he shall also pay the building inspector a fee of one dollar, which must be used in defraying the expense of carrying out the provisions of this article and for no other purpose. (Code 1941, Art. 145-9; Ord. 24495)

ARTICLE X.

DOCKLESS VEHICLE PERMIT.

SEC. 43-157. DEFINITIONS.

In this article:

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

(2) DOCKLESS VEHICLE means a bicycle, an electric bicycle, or an electric motor-assisted scooter, pursuant to the definitions set forth in Texas
Transportation Code, Sections 541.201 and 551.351, that can be located and unlocked using a smartphone app.

(3) OPERATOR means an individual or company that has been issued an operating authority permit under this article.

(4) REBALANCE means moving dockless vehicles from an area of low demand to an area of high demand.

(5) RESIDENTIAL AREA means a residential district as defined in Section 51A-2.102, “Definitions,” of the Dallas Development Code, or a planned development district or conservation district with residential base zoning. (Ord. 30936)

SEC. 43-158. GENERAL AUTHORITY AND DUTY OF DIRECTOR.

The director shall implement and enforce this article and may by written order establish such rules or regulations, consistent with this article and state or federal law, as he determines are necessary to discharge his duty under, or to affect the policy of, this article. (Ord. 30936)

SEC. 43-159. ESTABLISHMENT OF RULES AND REGULATIONS.

(a) Before adopting, amending, or abolishing a rule, the director shall hold a public hearing on the proposal.

(b) The director shall fix the time and place of the hearing and, in addition to notice required under the Open Meetings Act (Chapter 551, Texas Government Code), as amended, shall notify each operator and such other persons as the director determines are interested in the subject matter of the hearing.

(c) After the public hearing, the director shall notify all operators and other interested persons of the director's action and shall post an order adopting, amending, or abolishing a rule on the official bulletin board in city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period. (Ord. 30936)

SEC. 43-160. OPERATING AUTHORITY PERMIT.

A person commits an offense if, within the city, he operates, or causes or permits the operation of, a dockless vehicle service without a valid operating authority permit issued under this article. (Ord. 30936)

SEC. 43-161. APPLICATION FOR OPERATING AUTHORITY PERMIT.

(a) To obtain an operating authority permit, a person shall make application in the manner prescribed by the director. The applicant must be the person who will own, control, or operate the proposed dockless vehicle program.

(b) An applicant shall file with the director a verified application statement, to be accompanied by a non-refundable application fee, containing the following:

(1) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a 20 percent or greater ownership interest in the business;

(2) the verified signature of the applicant;

(3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;

(4) the name of the person designated by the applicant to receive on behalf of the applicant any
future notices sent by the city to the operator, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;

(5) documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this article;

(6) documentary evidence of payment of ad valorem taxes on property within the city, if any, to be used in connection with the operation of the proposed dockless vehicle program;

(7) documentary evidence from a bonding or insurance company or a bank indicating that the bonding or insurance company or bank has bound itself to provide the applicant with the performance bond or irrevocable letter of credit required by this article;

(8) the number and types of dockless vehicles to be operated; and

(9) an agreement to indemnify the city.

(c) An operating authority permit may be renewed following the process in this section.

(d) The initial application for an operating authority permit must be accompanied by an application fee of $808 and the appropriate vehicle fee as specified in Section 43-172. Applications to renew an operating authority permit must be accompanied by an application fee of $404 and the appropriate vehicle fee as specified in Section 43-172. (Ord. 30936)

SEC. 43-163. EXPIRATION OF OPERATING AUTHORITY PERMIT.

An operating authority permit expires one year from the date it is issued. (Ord. 30936)

SEC. 43-164. REFUSAL TO ISSUE OR RENEW OPERATING AUTHORITY PERMIT.

(a) The director shall refuse to issue or renew an operating authority permit if the applicant:

(1) intentionally or knowingly makes a false statement as to a material matter in an application for a permit or permit renewal; or

(2) has been convicted twice within a 12-month period for a violation of this article regarding the deployment of a dockless vehicle or the rebalancing or removal of a dockless vehicle, or a rule or regulation adopted under this article regarding the deployment of a dockless vehicle or the rebalancing or removal of a dockless vehicle, or has had an operating authority permit revoked within two years of the date of application.

(b) If the director determines that a permit should be denied, the director shall notify the applicant or operator in writing that the application is denied and include in the notice the specific reason or reasons for denial and a statement informing the applicant or operator of the right to, and the process for, appeal of the decision. (Ord. 30936)
SEC. 43-165. SUSPENSION OR REVOCATION OF OPERATING AUTHORITY PERMIT.

(a) Suspension. The following regulations apply to the suspension of an operating authority permit:

(1) The director may suspend an operating authority permit if the director determines that:

(A) the operator failed to comply with a request to remove a dockless vehicle or a request to rebalance dockless vehicles issued by the director within the time specified in the order; or

(B) a performance bond or irrevocable letter of credit required by this article is cancelled.

(2) Suspension of an operating authority permit does not affect the expiration date of the permit.

(b) Revocation. The following regulations apply to the revocation of an operating authority permit:

(1) The director shall revoke an operating authority permit if the director determines that the operator has:

(A) made a false statement as to a material matter in the application concerning the operating authority permit;

(B) failed to maintain the insurance required by this article;

(C) operated dockless vehicles that were not authorized by the operating authority permit; or

(D) failed to pay a fee required by this article.

(2) After revocation of an operating authority permit, an operator is not eligible for another permit for a period of up to two years, depending on the severity of the violation resulting in the revocation. (Ord. 30936)

SEC. 43-166. APPEALS.

Any person whose application for an operating authority permit, or renewal of an operating authority permit, is denied by the director, or an operator whose operating authority permit has been revoked or suspended by the director, may file an appeal with the permit and license appeal board in accordance with Section 2-96, "Appeals From Actions of Department Directors," of this code. (Ord. 30936)

SEC. 43-167. NONTRANSFERABILITY.

An operating authority permit is not transferable. This regulation should not be construed to impede the continuing use of trade names. (Ord. 30936)

SEC. 43-168. OPERATIONS.

(a) Each operator shall provide dockless vehicles to accommodate a wide range of users.

(b) Each dockless vehicle permitted under this article must display the emblem of the operator along with a unique identification number.

(c) Dockless vehicles must not display third party advertising.

(d) Dockless vehicles must meet all requirements of local, state, and federal law. Bicycles must meet the safety standards outlined in ISO 43.150 - Cycles, Subsection 4210, as amended.

(e) Dockless vehicles must be high quality and sturdily built to withstand the effects of weather and constant use for five years.

(f) Dockless vehicles must be well maintained and in good riding condition.

(g) Each dockless vehicle permitted under this article must be equipped with active global positioning system technology.
(h) Spoken word alarm systems are prohibited on dockless vehicles.

(i) Operators shall maintain a staffed operations center.

(j) Operators shall maintain a 24-hour customer service number posted on each dockless vehicle for customers and citizens to report safety concerns, make complaints, ask questions, or request a dockless vehicle be relocated.

(k) Operators shall rebalance dockless vehicles at least once per week.

(l) Operators shall provide the director with contact information for someone who can rebalance and relocate dockless vehicles. The operator shall rebalance or relocate dockless vehicles within two hours of receiving notification on weekdays between 6:00 a.m. and 6:00 p.m. (excluding holidays) and within 12 hours of receiving notice at all other times. An operator shall notify the director within 24 hours of a change of contact information.

(m) An operator shall remove any inoperable dockless vehicle, or a dockless vehicle that is not safe to operate, from the right-of-way within 24 hours of notice from the director. A dockless vehicle removed from the right-of-way in accordance with this subsection must be repaired before it is returned to revenue service.

(n) An operator shall provide the director with special access, via the operator’s app or other device, to immediately unlock and remove dockless vehicles that are blocking access to city property or the public right-of-way.

(o) Any dockless vehicle retrieved by the director from a stream, lake, fountain, or other body of water will be disposed of in accordance with Division 2, “Sale of Unclaimed and Surplus Property,” of Article IV, “Purchasing,” of Chapter 2, “Administration,” of the Dallas City Code, as amended, if not collected by the operator after notification.

(p) If the city incurs any costs addressing or abating any violations of this article, or incurs any costs of repair or maintenance of public property, the operator shall reimburse the city for the costs within 30 days of receiving written notice from the director.

(q) An operator shall not place or attach any personal property (other than dockless vehicles), fixtures, or structures in the public right-of-way without the separate written permission of the director. Any permission to place items in the public right-of-way must be incorporated into the permit.

(r) An operator shall not adversely affect the property of any third parties during the use of city property or the public right-of-way.

(s) An operator shall educate customers regarding the law applicable to riding, operating, and parking a dockless vehicle. An operator’s mobile application must provide information notifying the user that:

(1) minors must wear helmets while riding a bicycle as required by Section 9-8, "Bicycle Helmet Required," of the Dallas City Code and while riding a motor assisted scooter as required by Section 28-41.1, "Restrictions on the Use of Motor Assisted Scooters, Pocket Bikes, and Minimotorbikes," of the Dallas City Code;

(2) dockless vehicles must be parked legally and properly;

(3) bicyclists and motor assisted scooters must yield to pedestrians on sidewalks and trails; and

(4) bicycles may not be ridden on sidewalks within the central business district per Section 9-1, "Applicability of Traffic Regulations to Bicycle Riders," of the Dallas City Code.

(t) The number of dockless vehicles in a fleet must be commensurate with the expected level of service. (Ord. 30936)
SEC. 43-169. DOCKLESS VEHICLE PARKING, DEPLOYMENT, AND OPERATION.

(a) Dockless vehicles may not be parked in a manner that would impede normal and reasonable pedestrian access on a sidewalk or in any manner that would reduce the minimum clear width of a sidewalk to less than 48 inches.

(b) Dockless vehicles may not be parked in a manner that would impede vehicular traffic on a street or alley.

(c) Dockless vehicles may not be parked in a manner that would impose a threat to public safety or security.

(d) Dockless vehicles may not be parked on a public street without specific permission from the director.

(e) Dockless vehicles may not be deployed on a block where the sidewalk is less than 96 inches in width, or on a block that does not have sidewalks. The director may determine other blocks where deploying dockless vehicles is prohibited.

(f) Dockless vehicles must be deployed on a sidewalk or other hard surface, at a bicycle rack, or at a city-owned location. Dockless vehicles may only be deployed on private property with the permission of the property owner.

(g) Dockless vehicles must stand upright while parked.

(h) Dockless vehicles may not be parked in a visibility triangle as defined in Section 51A-4.602, "Fence, Screening and Visual Obstruction Regulations," of the Dallas Development Code.

(i) Dockless vehicles may not be parked within five feet of a crosswalk or curb ramp, unless given specific permission by the director.

(j) Dockless vehicles may not be parked in a way that blocks:

(1) Transit stops, shelters, or platforms.

(2) Commercial loading zones.

(3) Railroad or light rail tracks or crossings.

(4) Passenger loading zones or valet parking service areas.

(5) Disabled parking zones.

(6) Street furniture that requires pedestrian access (for example, benches or parking pay stations).

(7) Building entryways.

(8) Vehicular driveways.

(k) Dockless vehicles parked along multi-use trails may only be parked at trailheads or other areas identified by the director.

(l) Dockless vehicles that are parked in an incorrect manner must be re-parked or removed by the operator within two hours of receiving notice from the director on weekdays between 6:00 a.m. and 6:00 p.m. (excluding holidays) and within 12 hours of receiving notice from the director at all other times.

(m) A dockless vehicle that is parked in a residential area may remain in the same location for up to 48 hours as long as it is parked in accordance with this section. An operator shall relocate or rebalance a dockless vehicle parked in a residential area after receiving a citizen request or complaint in accordance with the timeframes specified in Section 43-169(l).

(n) The director may remove and store any dockless vehicle that is left parked at the same location for seven or more consecutive days if the director has sent the operator a notification to rebalance the dockless vehicle.

(1) The operator is responsible for the costs of removal and storage.
§ 43-169 Streets and Sidewalks

(2) The director shall invoice the operator for the cost of removal and storage.

(3) Any dockless vehicle that remains unclaimed with the city for 60 days is subject to sale in accordance with Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, as amended.

(o) The director may identify designated dockless vehicle parking zones. Subject to advance approval of the director, an operator may indicate virtual dockless vehicle parking areas with paint or decals where appropriate in order to guide riders to preferred parking zones in order to assist with orderly parking of dockless vehicles throughout the city.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(q) Any person riding a dockless vehicle upon a sidewalk shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (Ord. 30936)

SEC. 43-170. INSURANCE REQUIREMENTS.

(a) An operator shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by an insurance company that:

(1) is authorized to do business in the State of Texas;

(2) is acceptable to the city; and

(3) does not violate the ownership or operational control prohibition described in Subsection (e) of this section.
§ 43-170 Streets and Sidewalks

(b) The insured provisions of the policy must name the city and its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a dockless vehicle.

(c) An operator shall maintain the following insurance coverages:

1. The commercial general liability insurance must provide single limits of liability for bodily injury (including death) and property damage of $1 million for each occurrence, with a $2 million annual aggregate.

2. If an operator will utilize motor vehicles in its operations, the business automotive liability insurance must cover owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of $500,000 per occurrence.

3. Worker's compensation insurance with statutory limits.

4. Employer's liability insurance with the following minimum limits for bodily injury by:
   (A) accident, $500,000 per each accident; and
   (B) disease, $500,000 per employee with a per policy aggregate of $500,000.

(d) Insurance required under this article must:

1. include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling the insurance policy (for a reason other than non-payment) or before making a reduction in coverage;

2. include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 10 days before cancelling for non-payment;

3. cover all dockless vehicles during the times that the vehicles are deployed or operating in furtherance of the operator's business;

4. include a provision requiring the insurance company to pay every covered claim on a first-dollar basis;

5. require notice to the director if the policy is cancelled or if there is a reduction in coverage; and

6. comply with all applicable federal, state, and local laws.

(e) No person who has a 20 percent or greater ownership interest in the operator may have an interest in the insurance company.

(f) An operator may not be self-insured.

(g) Any insurance policy required by this article must be on file with the city within 45 days of the issuance of the initial operating authority permit, and thereafter within 45 days of the expiration or termination of a previously issued policy. (Ord. 30936)

SEC. 43-171. DATA SHARING.

(a) An operator shall cooperate with the city in the collection and analysis of aggregated data concerning its operations.

(b) An operator shall provide a quarterly report to the director that includes:

1. Total number of rides for the previous quarter.

2. Total number of vehicles in service for the previous quarter.

3. Number of rides per vehicle per day.

Dallas City Code 7/18
§ 43-171 Streets and Sidewalks

(4) Anonymized aggregated data taken by the operator’s dockless vehicles in the form of heat maps showing routes, trends, origins, and destinations.

(5) Anonymized trip data taken by the operator’s dockless vehicles that includes the origin and destination, trip duration, and date and time of trip.

(c) An operator shall provide other reports at the director’s request. (Ord. 30936)

SEC. 43-172. VEHICLE FEE.

An operator shall pay a vehicle fee as follows:

<table>
<thead>
<tr>
<th>Number of Dockless Vehicles</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-100</td>
<td>$2,100</td>
</tr>
<tr>
<td>101-200</td>
<td>$4,200</td>
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<tr>
<td>201-300</td>
<td>$6,300</td>
</tr>
<tr>
<td>301-400</td>
<td>$8,400</td>
</tr>
<tr>
<td>401-500</td>
<td>$10,500</td>
</tr>
<tr>
<td>Fee per dockless vehicle in excess of 500</td>
<td>$21</td>
</tr>
</tbody>
</table>

(Ord. 30936)

SEC. 43-173. PERFORMANCE BOND OR IRREVOCABLE LETTER OF CREDIT.

Before issuance of an operating authority permit, the operator shall give the director a performance 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 the State of Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in the State of 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 the duration of the operating authority permit.

(4) The amount of the performance bond or irrevocable letter of credit must be at least $10,000.

(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 and the operating authority permit. If the performance bond or irrevocable letter of credit is cancelled, the operating authority permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the director 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 or the operating authority permit. (Ord. 30936)

SEC. 43-174. ENFORCEMENT.

(a) The director may, with or without notice, inspect any dockless vehicle operating under this article to determine whether the dockless vehicle complies with this article, rules and regulations established under this article, or other applicable laws.

(b) The director shall enforce this article. Upon observing a violation of this article or the rules or regulations established by the director, the director shall take necessary action to ensure effective regulation of dockless vehicles. (Ord. 30936)
SEC. 43-175. CRIMINAL OFFENSES.

(a) A person commits an offense if he violates or attempts to violate a provision of this article, or a rule or regulation established by the director under this article, that is applicable to a person. A culpable mental state is not required for the commission of an offense under this article unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each day in which an offense occurs.

(b) Prosecution for an offense under Subsection (a) does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense. (Ord. 30936)
CHAPTER 43A

SWIMMING POOLS

ARTICLE I.

GENERAL PROVISIONS.

Sec. 43A-1. Definitions.
Sec. 43A-2. Permit required; application; issuance.
Sec. 43A-3. Inspections and reinspections.
Sec. 43A-3.1. Incorporation of Health and Safety Code Regulations for multiunit pool enclosures.

ARTICLE II.

POOL DESIGN AND CONSTRUCTION.

Sec. 43A-4. Materials.
Sec. 43A-5. Shape.
Sec. 43A-6. Depth and slope; depth markings.
Sec. 43A-7. Projections.
Sec. 43A-8. Diving area.
Sec. 43A-9. Steps, ladders and towers.
Sec. 43A-10. Overflow gutters and skimming devices.
Sec. 43A-11. Deck area; pool enclosure; spectator separation.
Sec. 43A-12. Recirculation system.
Sec. 43A-13. Inlets and outlets; water disposal.
Sec. 43A-14. Heating units.
Sec. 43A-15. Lighting.
Sec. 43A-16. Toilet facilities.

ARTICLE III.

MAINTENANCE AND OPERATION OF SWIMMING POOLS.

Sec. 43A-17. Permit and manager of operations required.
Sec. 43A-18. Certification of manager of operations.
Sec. 43A-19. Operation of a pool.
Sec. 43A-20. Quality of water; public and semi-public pools.

Sec. 43A-20.1. Pools not maintained.
Sec. 43A-21. Safety equipment.
Sec. 43A-22. Regulations in pool area.
Sec. 43A-23. Pool drainage.
Sec. 43A-24. Suspension.
Sec. 43A-25. Appeal.

ARTICLE IV.

SPAS.

Sec. 43A-26. Spa safety standards.

ARTICLE I.

GENERAL PROVISIONS.

SEC. 43A-1. DEFINITIONS.

(a) The terms used in this chapter have the meanings ascribed to them in the Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L, Section 182, as amended.

(b) In addition to the terms defined in Subsection (a), the terms in this chapter have the following meaning:

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

(2) PERSON means an individual, partnership, company, corporation, association, firm, organization, institution, or similar entity.

(3) PRIVATE POOL means a swimming pool appurtenant to a single-family or duplex residence (including condominiums and townhouses) and used only by the occupants of the residence and their guests.
§ 43A-1 Swimming Pools

(4) PUBLIC POOL means a swimming pool to which the general public has access.

(5) SEMI-PUBLIC POOL means a swimming pool that is privately owned and open only to an identifiable class of persons, including, but not limited to, motel guests, apartment residents, and club members. (Ord. Nos. 15256; 30090)

SEC. 43A-2. PERMIT REQUIRED; APPLICATION; ISSUANCE.

No person may construct, modify, or repair a pool in the city without obtaining a permit. The application for a permit must be on a form provided by the building official and must be accompanied by the required fee and a specified number of copies of the plans of which the applicant seeks approval. If the building official and the director are satisfied that the proposed pool will conform in all respects to the requirements of the law, a permit shall be issued by the building official to the applicant. (Ord. Nos. 15256; 30090)

SEC. 43A-3. INSPECTIONS AND REINSPECTIONS.

(a) The director shall have all of the authority granted to the city under Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L, Section 207, as amended, to inspect a pool at any reasonable time and to enter upon the premises where a pool is located to the extent necessary to make a full examination for compliance with this chapter and state law. Advanced notice or permission for inspections or investigations by the director is not required.

(b) Public pools and semi-public pools, excluding multiunit, shall be inspected at least annually, and multiunit pools shall be inspected with the graded inspections for multitenant properties in accordance with Chapter 27 of the Dallas City Code. For purposes of this subsection, "multiunit" has the meaning ascribed to it in Texas Health and Safety Code Section 757.001, as amended.

(c) Water samples from a pool may be taken.

(d) If a reinspection is required, the fee for the reinspection is $43.

(d) If a reinspection is required, the fee for the reinspection is $20. (Ord. Nos. 15256; 29879; 30090; 31332, eff. 10/1/19)

SEC. 43A-3.1. INCORPORATION OF HEALTH AND SAFETY CODE REGULATIONS FOR MULTIUNIT POOL ENCLOSURES.

The provisions of Texas Health and Safety Code Chapter 757, as amended, apply and supersede any regulations in this chapter for pools owned, controlled, or maintained by the owner or manager of a multiunit rental complex or by a property owner’s association and for doors and windows of rental dwellings opening into the pool yard of a multiunit rental complex or condominium, cooperative, or town home project. (Ord. 30090)

ARTICLE II.

POOL DESIGN AND CONSTRUCTION.

SEC. 43A-4. MATERIALS.

A swimming pool must be constructed of materials that are sanitary, enduring, and non-toxic to humans. Materials used on walls and bottom surfaces must provide a watertight structure with a smooth and easily cleaned finish, free from cracks or open joints other than structural expansion joints. (Ord. 15256)

SEC. 43A-5. SHAPE.

The shape of a pool must be designed so that the water is uniformly circulated and so that all interior areas of a pool are visible from the edge of the pool. (Ord. 15256)
SEC. 43A-6. DEPTH AND SLOPE; DEPTH MARKINGS.

(a) The depth and slope of a pool must comply with the specifications indicated in Plate I.

(b) A pool without a diving area must have no sudden increase in slope and must not exceed five feet in depth.

(c) All surfaces on the bottom of a pool must slope toward the main drain. A main drain is not required in vinyl pools with a depth of less than five feet. In areas of a pool that are less than five feet in depth, the following slope requirements apply:

   (1) The slope of the floor in a pool 42 feet or more in length must not exceed one foot in 12 feet.

   (2) The slope of the floor in a pool less than 42 feet in length must not exceed one foot in eight feet.

(d) Walls in the deep portion of a pool must be vertical from the water line for a minimum depth of two feet six inches.

(e) Depth of water must be marked at or above the water surface on the vertical pool wall or on the edge of the deck next to the pool, at maximum and minimum depth points, at points of break between deep and shallow areas, and at intermediate increments of depth, spaced at not more than 25 foot intervals around the entire perimeter of the pool. Depth markings and additional signage for pools must be consistent with the requirements in Texas Administrative Code Title 25, Chapter 265, Subsections 265.199(c)-(f), as amended. Depth markers are not required for private pools.

(f) The depth of the water must be measured from the midpoint of the skimmer opening or the top of the overflow gutter. (Ord. Nos. 15256; 16271; 30090)

SEC. 43A-7. PROJECTIONS.

Pool structures, protrusions, or extensions must not project more than six inches within the pool area, as delineated by the profiles illustrated in Plate I. (Ord. 15256)

SEC. 43A-8. DIVING AREA.

(a) The minimum depth of water below a diving board or platform and other minimum dimensions in the diving area of a pool must comply with the minimum standards indicated in Table I and Plate I.

(b) A diving board or platform must not be placed more than three meters above the water level without approval of the director. The base of a diving board or tower must not extend into the pool water, and the tower must be anchored with sufficient bracing to insure stability under the heaviest load. Both sides of steps, ladders, and platforms of diving towers one meter or higher must be provided with suitable handrails designed to prevent persons from falling.

(c) A minimum clearance of 16 feet must be provided above each diving board or platform, measured from the center of the front end of the board or platform and extending at least eight feet behind and to each side and 16 feet ahead of the measuring point.

(d) The height of a diving board must be measured from the midpoint of the skimmer opening or the top of the overflow gutter. (Ord. Nos. 15256; 16271)

SEC. 43A-9. STEPS, LADDERS AND TOWERS.

(a) Materials used in steps, ladders, and diving towers must be of sufficient structural strength to safely support anticipated loads and must be corrosion resistant, easily cleaned, and of a nonskid design.
§ 43A-9 Swimming Pools

(b) A minimum of one ladder must be provided for each 100 feet of public or semi-public pool perimeter; except that a diving area which is wider than 30 feet at any point must be provided with two ladders at opposite sides.

(c) If recessed steps are used, they must be designed to drain into the pool and to be easily cleaned.

(d) Ladders and recessed steps must be provided with a handrail on both sides. Handrails must be constructed out over the coping and return to the pool deck.

(e) Handrails, ladders, steps, seat ledges, and coping must also comply with the standards for pool safety in Texas Administrative Code Title 25, Part 1, Subchapter L, Chapter 265, Subsection 199(a), as amended. (Ord. Nos. 15256; 30090)

SEC. 43A-10. OVERFLOW GUTTERS AND SKIMMING DEVICES.

(a) All pools must be equipped with either an overflow gutter or surface skimming device.

(b) If surface skimming devices are used:

(1) handholds must be provided around the entire perimeter of the pool except above steps and:

(A) if coping is used, the outer two inches must be not more than 2 1/2 inches thick; and

(B) must be not more than 12 inches above the normal water line;

(2) each skimming device must be individually controlled;

(3) each skimming device must be automatically adjustable to variations in water level over a range of at least three inches;

(4) the rate of flow through the total number of skimming devices must be automatically adjustable from 50 percent to 75 percent of the capacity of the pool filter system;

(5) each skimming device must have an easily removable and cleanable basket or screen to trap material which might clog the circulation pump; and

(6) one skimmer must be provided for each 500 square feet of water surface area plus an additional skimmer for any remaining increment of water surface area less than 500 square feet.

(c) If an overflow gutter is used, it must:

(1) extend around the entire perimeter of the pool except above steps;

(2) be constructed so that the gutter is not completely recessed into the wall and water entering the gutter cannot flow back into the pool;

(3) be capable of continuously removing 50 percent or more of the recirculated water through the filter system;

(4) be connected to a recirculation system with a surge capacity of not less than 1/2 gallon for each square foot of pool surface area, and in pools subject to heavy swimming use, a surge capacity of not less than one gallon for each square foot of surface area;

(5) be designed so that the edge of the gutter can be used as a handhold for bathers;

(6) be designed so that the overflow edge is level within 3/10 inch;

(7) be designed so that the bottom slopes not less than 1/8 inch to the foot, to outlets spaced at 10 foot intervals;

(8) discharge waste into the recirculating system, the drain pipe being not less than 1-1/2 inches in diameter. (Ord. 15256)
SEC. 43A-11. DECK AREA; POOL ENCLOSURE; SPECTATOR SEPARATION.

(a) Each public or semi-public pool must be provided with a deck area which:

(1) is continuous around the entire pool;

(2) is not less than 3 1/2 feet in width, including coping and curbing;

(3) is constructed of sanitary material with a skid resistant surface;

(4) has a minimum slope of 1/8 inch per foot for the first eight feet to points of disposal other than the pool;

(5) is equipped with gratings for drain pipe openings that are two times the diameter of the drain pipe if deck drains are used; and

(6) is equipped around the entire edge of the pool with coping designed to prevent deck water from entering the pool.

(b) Hose bibbs of not less than 3/4 inch must be provided around the perimeter of the deck area at intervals which will allow all parts of a pool to be reached with a 75 foot hose for cleaning. Each bibb must be equipped with an approved back-flow preventer.

(c) The pool enclosure must comply with requirements of the Dallas Building Code and Texas Administrative Code Title 25, Part 1, Subchapter L, Chapter 265, Section 200, as amended.

(d) If spectator galleries are installed:

(1) there must be a separation between the areas used by bathers and the areas used as galleries by spectators;

(2) galleries must not extend over any part of a pool; and

(3) separate entrances and toilet facilities must be provided for bathers and spectators. (Ord. Nos. 15256; 30090)

SEC. 43A-12. RECIRCULATION SYSTEM.

(a) Each pool with a water capacity of 800 gallons or more or a depth greater than two feet must be equipped with a recirculation system consisting of pumps, hair and lint catchers, filters, and pipe connections necessary to connect to the inlets and outlets of the pool.

(b) Filters. Filters must meet National Sanitation Foundation standards, or be approved by the director. The director shall disapprove a filter if it does not backwash thoroughly or does not filter at a sufficient rate.

(c) Pumps. The pumps must be of an adequate size to turn over the pool water capacity within six hours for a public pool and eight hours for a private or semipublic pool.

(d) Hair and lint catcher. A catcher must be installed on the suction side of the pumps to prevent hair, lint, and other extraneous matter from reaching the pumps and filters.

(1) Catchers must be designed so that they are easily dismantled for cleaning.

(2) If the catcher has circular openings, the diameter of each opening must not exceed 1/8 inch. If the catcher has square punched or square mesh openings, the openings must not exceed 1/10 inch on a side.

(3) The total area of catcher openings must be at least four times the cross-sectional area of the inlet pipe to the catcher.

(e) Cross connections. Cross connections between the pool water or the recirculation system and the water supply are prohibited. The pool must be designed so that fresh water added to the pool will not...
create a cross connection. Other cross connections must comply with applicable city ordinances. (Ord. 15256)

SEC. 43A-13. INLETS AND OUTLETS; WATER DISPOSAL.

(a) Inlets. Pool inlets must be arranged to produce a uniform chlorine or equivalent disinfectant residual throughout the pool.

(1) Each inlet must be equipped with an adjustable orifice or valve so that the flow of water to various portions of the pool may be adjusted.

(2) The minimum number of pool inlets required is determined by pool volume as indicated in Table II below.

(3) The fill pipe to a pool must have an air gap of six inches above the pool coping or be protected by a double check backflow preventer assembly.

(b) Outlets. Pool outlets must be arranged to produce a uniform circulation of water throughout a pool.

(1) At least one outlet must be provided at the lowest point of the floor to permit complete drainage of the floor area, except in vinyl pools of less than five feet in depth.

(2) If the width of a pool is more than 40 feet, multiple outlets must be provided. In this case outlets must be not more than 10 feet from each sidewall.

(3) If the exit velocity exceeds two feet per second, a National Sanitation Foundation approved, or equal, anti-vortex outlet must be used.

(4) Outlet gratings in the bottom of a pool must be securely fastened and must have a cross-sectional area of at least four times the cross-sectional area of the discharge pipe.

(5) A pool must be equipped with pipe connections which permit the pool to be emptied as well as recirculated, except vinyl pools of less than five feet in depth.

(c) Water disposal.

(1) Backwash from a filter must go to the sanitary sewer or a separation tank. Filter backwash may go to an approved septic tank system if a sanitary sewer or separation tank is not available.

(2) Pools drained for repairs or cleaning must drain to the sanitary sewer in compliance with the Dallas Plumbing Code, or to a natural drainage course if no sanitary sewer is available or sanitary sewer drainage would be too slow.

(3) A deck drain may go to a lawn, leaching field, dry well, or, if necessary, to a natural drainage course. (Ord. 15256)

SEC. 43A-14. HEATING UNITS.

Heating units for pools, dressing rooms, shower rooms, toilet rooms, and rooms in which pools are contained must be installed in a manner that will protect swimmers from injury and protect the units from damage. (Ord. 15256)

SEC. 43A-15. LIGHTING.

(a) A system of artificial lighting must be provided for pools, dressing rooms, shower rooms, toilet rooms, and rooms in which pools are contained. The system must be installed in conformance with the Dallas Electrical Code, and the design and arrangement of the lights must insure clear vision in all areas of a pool and surrounding pool area. Private pools of less than four feet maximum depth are not required to have a lighting system.
(b) Underwater lighting must provide 5/10 watts per square foot of pool area for private pools, and one watt per square foot of pool area for public or semi-public pools, and must be installed and maintained in a manner that will insure the safety of swimmers. If underwater lighting is used, deck lighting must be directed away from the pool surface as much as possible and be of a capacity not less than 6/10 watts per square foot of deck area. If underwater lighting is not used, pool and pool area lighting must be of a capacity not less than two watts per square foot of total area.

(c) Deck and underwater lighting must also comply with the standards in Texas Administrative Code Title 25, Part 1, Subchapter L, Chapter 265, Subsection 265.199(k), as amended. (Ord. Nos. 15256; 30090)

SEC. 43A-16. TOILET FACILITIES.

(a) Semi-public pools must have toilet facilities available within 200 feet of the pool.

(b) Public pools must have toilet facilities for each sex at the pool site.

(c) Dressing and toilet facilities at public and semi-public pools must comply with the standards in Texas Administrative Code Title 25, Part 1, Subchapter L, Chapter 265, Section 201, as amended. (Ord. Nos. 15256; 30090)

ARTICLE III.
MAINTENANCE AND OPERATION OF SWIMMING POOLS.

SEC. 43A-17. PERMIT AND MANAGER OF OPERATIONS REQUIRED.

(a) A person shall not operate a public or semi-public pool without a permit. To obtain a permit an applicant must complete a form provided by the director. An applicant must designate a manager of operations of each pool for which a permit is sought. A person designated as manager of operations of a pool must reside in the city or be employed on the premises where the pool is located.

(b) If a manager of operations of a pool ceases to perform that function for any reason, the owner of the pool shall designate a new manager within a reasonable period of time.

(c) The director shall issue a permit to an applicant if a qualified manager of operations has been designated and the fee has been paid. The amount of the fee is $47 for each pool owned by an applicant. The fee is due on or before the first day of March of each calendar year. If a permit is initially issued after the first day of March of a calendar year, the fee for that year will be prorated according to the number of whole months remaining in the year. No refunds will be made.

(c) The director shall issue a permit to an applicant if a qualified manager of operations has been designated and the fee has been paid. The amount of the fee is $20 for each pool owned by an applicant. The fee is due on or before the first day of March of each calendar year. If a permit is initially issued after the first day of March of a calendar year, the fee for that year will be prorated according to the number of whole months remaining in the year. No refunds will be made.

(d) This section does not apply to pools owned by the city. (Ord. Nos. 15256; 16271; 17989; 18411; 19300; 25048; 29879; 31332, eff. 10/1/19)

SEC. 43A-18. CERTIFICATION OF MANAGER OF OPERATIONS.
(a) A manager of operations of a public or semipublic pool shall obtain certification from the director by successfully completing a training course conducted by the director. If a person designated by
an owner as manager of operations of a pool is not certified, he shall attend and successfully complete the next training course conducted after his designation.

(b) The certification of a manager of operations expires two years from the date of certification, and a manager must repeat the training course to maintain certification. The fee for the training course and certificate is $47.

(b) The certification of a manager of operations expires two years from the date of certification, and a manager must repeat the training course to maintain certification. The fee for the training course and certificate is $25. (Ord. Nos. 15256; 18411; 20612; 25048; 29879; 31332, eff. 10/1/19)

SEC. 43A-19. OPERATION OF A POOL.

(a) A manager of operations, a manager of premises on which a public or semi-public pool is located, or the owner of a public or semi-public pool shall not:

1. knowingly permit a condition to exist that endangers the life, health, or safety of a swimmer or that violates a provision of this article;

2. knowingly permit a person to swim in a pool who has skin abrasions, open sores, cuts, skin disease, eye disease, nasal or ear discharge, or communicable disease;

3. knowingly allow dogs within a pool area or enclosure;

4. fail to post placards containing pool regulations and instructions in conspicuous places within a pool area or enclosure;

5. fail to maintain a pool in accordance with the standards of health and safety provided in Sections 43A-20 and 43A-21;

6. knowingly violate or permit any person to violate the regulations regarding food, beverages, and trash containers in Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L, Section 202, as amended; or

7. knowingly violate or permit any person to violate the lifeguard training and personnel requirements in Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L, Subsection 265.199(g), as amended.

(b) A manager of operations, a manager of premises on which a public or semi-public pool is located, and the owner of a public or semi-public pool must also comply with the pool and spa standards in Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L, Subsections 265.203(a)-(l), as amended. (Ord. 15256; 16271; 30090)

SEC. 43A-20. QUALITY OF WATER; PUBLIC AND SEMI-PUBLIC POOLS.

(a) Water quality. A manager of operations, a manager of premises on which a public or semi-public pool is located, and the owner of a public or semi-public pool must comply with the water quality standards in Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L, Subsection 265.204 and Figure 265.204(a), as amended.

(b) Disinfectant. In a public or semi-public pool disinfectant capable of killing bacteria and algae, but not harmful to humans, shall be added to the pool water through a continuous feed machine. If chlorine or bromine is used, a residual level shall be maintained consistent with the levels in Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L, Subsection 265.204 and Figure 265.204(a), as amended.

(c) Algae. A public or semi-public pool must be kept free of algae.

(d) Circulation. The recirculation system of a public or semi-public pool must be in operation at all times.

(e) Heating. Hot water must not enter a public or semi-public pool at a temperature exceeding 110 degrees Fahrenheit.
§ 43A-20 Swimming Pools § 43A-24

(f) **Level.** Fresh water must be added to a public or semi-public pool at a rate that will keep the pool water at a level sufficient to allow skimming devices or overflow gutters to work properly.

(g) **Cleaning.** The walls, floors, equipment, and appurtenant facilities of a public or semi-public pool must be maintained in a clean and sanitary condition at all times. (Ord. 15256; 16271; 30090)

SEC. 43A-20.1. POOLS NOT MAINTAINED.

(a) The owner of a semi-public pool that is not being maintained as a swimming pool in accordance with this article shall drain all water from the pool and either:

1. fill the pool with dirt or sand that is not capable of holding water; or

2. cover the pool with a material of sufficient strength, durability, and water tightness to prevent the entrance of water or children.

(b) A semi-public pool that remains drained of water for 60 days is presumed to be no longer maintained as a swimming pool. (Ord. 16271)

SEC. 43A-21. SAFETY EQUIPMENT.

Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L, Subsection 265.199(b), Subsections 265.199(g)-(h), and (j), and Subsection 265.199(i)(1)(A)-(B), as amended, are hereby adopted and incorporated by reference into this chapter. (Ord. Nos. 15256; 30090)

SEC. 43A-22. REGULATIONS IN POOL AREA.

A person commits an offense if he:

1. allows a dog under his control to remain within the pool area or pool enclosure of a public or semi-public pool;

2. has skin abrasions, open sores, cuts, skin disease, eye disease, nasal or ear discharge, or communicable disease and swims in a public or semi-public pool;

3. carries glass within a public or semi-public pool area or enclosure; or

4. alters or removes safety equipment from a public or semi-public pool except in a bona fide emergency. (Ord. 15256)

SEC. 43A-23. POOL DRAINAGE.

A person commits an offense if he drains water from a pool at a rate that causes the water to leave a natural drainage course and flow onto adjacent property. (Ord. 15256)

SEC. 43A-24. SUSPENSION.

(a) The director shall suspend a permit to operate a public or semi-public pool if:

1. the annual permit fee is not paid; or

2. an owner fails to designate and retain a certified manager of operations as specified in this article; or

3. the condition of a pool is hazardous to the health or safety of swimmers or the general public; or

4. the owner fails to keep all pool equipment and devices working properly.

(b) The suspension shall continue until the cause of suspension is corrected. (Ord. 15256)
SEC. 43A-25. APPEAL.

(a) If the director denies the issuance of a permit, or suspends a permit, he shall send to the applicant, or permit holder, by certified mail, return receipt requested, written notice of his action and the right to an appeal. The applicant, or permit holder, may appeal the decision of the director to the city manager by filing with the city manager a written request for a hearing within 10 days after receipt of the notice from the director. If a request for an appeal hearing is not made within the 10 day limit, the action of the director is final.

(b) The city manager, or designee, shall serve as hearing officer at an appeal hearing and consider evidence offered by any interested person. The formal rules of evidence do not apply at an appeal hearing; the hearing officer shall make his decision on the basis of a preponderance of the evidence presented at the hearing. The hearing officer must render a decision within 30 days after the request for an appeal hearing is filed. The hearing officer shall affirm, reverse, or modify the action of the director and his decision is final unless the applicant, or permit holder, files a written request with the city council for a hearing within 10 days after receipt of notice of the action of the hearing officer.

(c) If a request for an appeal hearing with the city council is filed within the 10 day limit, the city council shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply at an appeal hearing before the city council. The city council shall decide the appeal on the basis of a preponderance of the evidence presented at the hearing. The city council shall affirm, reverse, or modify the action of the hearing officer by a majority vote; failure to reach a majority decision on a motion shall leave the hearing officer’s decision unchanged. The result of an appeal hearing before the city council is final. (Ord. 15256)

### TABLE I

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</table>

See Plate I for floor slopes and radii. All pool shell dimensions shall be minimum inside.
### TABLE II

<table>
<thead>
<tr>
<th>Min. No. Inlets (N)</th>
<th>Pool Volume Gals. (V)</th>
</tr>
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<tbody>
<tr>
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<td></td>
</tr>
<tr>
<td>2</td>
<td>12,000</td>
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<tr>
<td>3</td>
<td>18,000</td>
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<td>4</td>
<td>26,000</td>
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<td>5</td>
<td>36,000</td>
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<td>6</td>
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<td>7</td>
<td>62,000</td>
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<td>8</td>
<td>78,000</td>
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<td>9</td>
<td>96,000</td>
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<tr>
<td>10</td>
<td>116,000</td>
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<tr>
<td>11</td>
<td>138,000</td>
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<tr>
<td>12</td>
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<td>31</td>
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<td>806,400</td>
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<tr>
<td>33</td>
<td>831,600</td>
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<td>856,800</td>
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<td>36</td>
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<td>982,800</td>
</tr>
<tr>
<td>40</td>
<td>1,008,000</td>
</tr>
</tbody>
</table>

By formula \( N^2 + N + 6 = \frac{V}{1000} \) through 25 inlets.

Over 25 inlets are limited to a maximum of 70 GPM per each 2" inlet.
PLATE I
MINIMUM SHAPE AND DIVING BOARD DATA

LONGITUDINAL SECTION

TOP VIEW

DEEP END SECTION  SHALLOW END SECTION
ARTICLE IV.

SPAS.

SEC. 43A-26. SPA SAFETY STANDARDS.

Texas Administrative Code Title 25, Part 1, Chapter 265, Subchapter L, Subsection 265.205(f), as amended, is hereby adopted and incorporated by reference into this chapter. (Ord. 30090)
CHAPTER 44

TAXATION

ARTICLE I.

IN GENERAL.

Sec. 44-1. Persons required to render; time for rendition.
Sec. 44-2. Fire insurance companies.
Sec. 44-3. Penalties for failure to make timely and correct rendition of certain property.
Sec. 44-4. Prorating of real property taxes - Authority.
Sec. 44-5. Same - At request of owner; notice to owners when proration made on initiative of assessor and collector.
Sec. 44-6. Duty of building inspector.
Sec. 44-7. Assessment rolls to show name of owner and description of property.
Sec. 44-8. Assessment rolls to show total amount of taxes.
Sec. 44-9. Manner of making up original tax assessment sheets not affected.
Sec. 44-10. Assessment of franchises, etc.
Sec. 44-11. Taxes due on adjudication of bankruptcy.
Sec. 44-12. Assessment, etc., of ad valorem taxes in certain contingencies; support of ad valorem bonds during interim period.
Sec. 44-13. Deduction of penalty and interest accruing after bankruptcy.
Sec. 44-14. Taxes due upon assignment for benefit of creditors or receivership.
Sec. 44-15. Collection of taxes upon assignment for benefit of creditors or receivership.
Sec. 44-16. Service charge for verification of taxes on real property.
Sec. 44-17. Historic landmark tax exemptions.
Sec. 44-17.1. Tax certificates.

ARTICLE II.

TAX ON TELECOMMUNICATIONS SERVICES.

Sec. 44-18. Definitions.
Sec. 44-19. Levy of tax; amount.
Sec. 44-20. Repeal of exemption.
Sec. 44-21. Other obligations not affected by tax.

ARTICLE III.

OCCUPATION TAXES.

Sec. 44-22. Occupation tax levied.
Sec. 44-23. Collection of tax and issuance of receipt generally.
Sec. 44-24. Countersigning licenses; signing receipts.
Sec. 44-25. Collector’s monthly reports; failure to collect tax or give receipt.
Sec. 44-26. Levy and enforcement of payment.
Sec. 44-27. Payment generally; receipt to constitute license.
Sec. 44-28. Unlawful to pursue occupation without license; prosecution not to affect civil remedy.
Sec. 44-29. Exemption of eleemosynary institutions.
Sec. 44-30. Transfer of license - Authority of licensee.
Sec. 44-31. Same - Effect; only one transfer allowed.
Sec. 44-32. Occupation tax on coin-operated machines.
Sec. 44-33. Reserved.

ARTICLE IV.

BINGO GROSS RECEIPTS TAX.

Sec. 44-33.1. Levy of tax; amount.
ARTICLE V.

HOTEL OCCUPANCY TAX.

Sec. 44-34. Definitions.
Sec. 44-35. Levy; amount; disposition of revenue.
Sec. 44-35.1 Exemptions and refunds.
Sec. 44-36. Responsibility for collection, reporting, and payment of tax.
Sec. 44-37. Reports; payments; fees.
Sec. 44-37.1 Tax collection on purchase of a hotel.
Sec. 44-37.2 Convenience charge for certain payments made by credit card.
Sec. 44-38. Rules and regulations.
Sec. 44-39. Penalties.

ARTICLE VI.

SHORT-TERM MOTOR VEHICLE RENTAL TAX.

Sec. 44-40. Definitions.
Sec. 44-41. Tax imposed.
Sec. 44-42. Collection of tax.
Sec. 44-43. Reports; payment to the city; fees; records.
Sec. 44-44. Collection procedures on purchase of a motor vehicle rental business.
Sec. 44-45. Use of revenue derived from imposition of tax.
Sec. 44-46. Rules and regulations.
Sec. 44-47. Penalties.

ARTICLE VII.

ADDITIONAL HOTEL OCCUPANCY TAX.

Sec. 44-48. Definitions.
Sec. 44-49. Levy of tax; amount; duration.
Sec. 44-50. Use of tax revenue.
Sec. 44-51. Exemptions and refunds.
Sec. 44-52. Responsibility for collection, reporting, and payment of tax; statement of tax purpose required.
Sec. 44-53. Reports; payments; fees.
Sec. 44-54. Tax collection on purchase of a hotel.
Sec. 44-55. Rules and regulations.
Sec. 44-56. Penalties.

ARTICLE VIII.

TAXATION OF TANGIBLE PERSONAL PROPERTY IN TRANSIT.

Sec. 44-57. Taxation of tangible personal property in transit.

ARTICLE I.

IN GENERAL.

SEC. 44-1. PERSONS REQUIRED TO RENDER; TIME FOR RENDITION.

(a) All persons shall, on or before the first day of April of each year, furnish the assessor and collector of taxes of the city a full and complete statement, list and schedule, verified by affidavit, of all real and personal property situated in the city not otherwise exempt and all personal property located elsewhere and subject to taxation in the city, owned, held or controlled by them or in their possession as agent, bailee, warehouseman or custodian on the first day of January next preceding and shall, in such statement, list and schedule, state the name and address of the owner of such property.

(b) The assessor and collector of taxes shall provide a form for the rendition of income producing personal property. A person furnishing the statement, list, and schedule of income producing personal property required in Subsection (a) shall use the form provided by the assessor and collector of taxes and shall state the market value of the property listed.

(c) For the purpose of this section “income producing personal property” means tangible personal property used in the course of conducting a business.

(d) For the purpose of this section the market value of income producing personal property shall be established using any method approved by the State...

SEC. 44-2. FIRE INSURANCE COMPANIES.

Each fire insurance company incorporated under the laws of this state or legally authorized to do business in this state, whose property is under the law subject to ad valorem taxation by the city, shall render for taxation by the city all of its real estate as other real estate is rendered and all of the personal property of such insurance company shall be valued as other personal property is valued for assessment for taxation by the city in the following manner. From the total valuation of its assets shall be deducted the legal reserves required to be maintained by it under the laws of the state and from the remainder shall be deducted the assessed value of all real estate owned by the company and the capital stock of such company, except in case its surplus should not equal 50 percent of its capital stock, then only 50 percent of its capital stock shall be deducted, and the remainder of the valuation of its total assets, after the deduction of the assessed value of its reserves, its real estate and its capital stock, in whole or in part as herein provided, shall be the assessed taxable value of its personal property. The surplus provided for in this section shall be computed for the purpose of taxation whether the same constitutes or is made up, in part or in whole, of exempt securities under law, it being the purpose of this section to provide a method for arriving at the proper assessment of such companies irrespective of the character of property constituting the same. (Code 1941, Art. 148-2)

SEC. 44-3. PENALTIES FOR FAILURE TO MAKE TIMELY AND CORRECT RENDITION OF CERTAIN PROPERTY.

(a) A person who willfully fails to deliver a complete and accurate rendition for all income producing personal property in the time and manner required by Section 44-1, is guilty of a separate offense for each day after the first day of April that the person fails to properly file the rendition.

(b) In addition to the penalty prescribed in Subsection (a), a person who fails to deliver a complete and accurate rendition for all income producing personal property in the time and manner required by Section 44-1, is liable to the city for a civil penalty as follows:

(1) $25 a day for each calendar day after April 1st and through April 15th that a person fails to deliver the rendition to the assessor and collector of taxes; and

(2) $200 a day for each calendar day after April 15th and before July 1st that a person fails to deliver the rendition to the assessor and collector of taxes; however,

(3) in no case shall the person be liable to the city for a civil penalty that exceeds one-half the amount ultimately determined to be owed by the person to the city in taxes on income producing personal property.

(c) A rendition form delivered by United States mail that is postmarked on or before April 1st is considered to be delivered timely. For the purposes of calculating the amount of civil penalties owed, a rendition form delivered by the United States mail that is postmarked after April 1st is considered delivered when received by the assessor and collector of taxes.

(d) The assessor and collector of taxes shall notify a person of the amount owed to the city in civil penalties when tax bills are mailed. A person who is liable for a civil penalty shall pay the amount owed when the taxes are paid. If taxes are paid in more than one installment, the civil penalty must be paid with the first installment.

(e) The assessor and collector of taxes shall notify the city attorney of any unpaid civil penalty.
The city attorney shall collect the penalty in a suit on the city’s behalf.

(f) If the assessor and collector of taxes has reason to believe that income producing personal property has been intentionally undervalued on a rendition form, he shall refer the matter to the city attorney for appropriate action. A person who submits an incomplete rendition form or a rendition form on which the income producing property has been intentionally undervalued, is liable for the civil penalty imposed in Subsection (b) until a complete and accurate rendition is made in accordance with Section 44-1. (Ord. 16849)

SEC. 44-4. PRORATING OF REAL PROPERTY TAXES - AUTHORITY.

The assessor and collector of taxes of the city is hereby authorized, and it is hereby made his duty, to prorate the taxes against tracts of land owned by different owners, which have been taxed together as one tract, and apportion the lien held by the city for such taxes on each of the several tracts according to its proportion to the whole assessment. (Code 1941, Art. 149-1)

SEC. 44-5. SAME - AT REQUEST OF OWNER; NOTICE TO OWNERS WHEN PRORATION MADE ON INITIATIVE OF ASSESSOR AND COLLECTOR.

The assessor and collector of taxes shall, upon the request of any owner of any tract of land whose property has been assessed together with any other tract of land, divide and apportion the lien to each of the tracts and prorate the taxes to each, as prescribed by Section 44-4. If deemed necessary by the assessor and collector of taxes for the enforcement of the taxes due the city, he may prorate the taxes and apportion the lien, as prescribed by Section 44-4, without first being requested so to do by the owner or owners of the tracts of land, but in such case he shall notify the owner or owners of such tracts of land of his intention so to do, where the owners of the same are known to him, by giving each of such owners or their agents notice in writing. (Code 1941, Art. 149-2; Ord. 8144)

SEC. 44-6. DUTY OF BUILDING INSPECTOR.

For the purpose of assisting the assessor and collector of taxes in arriving at a just and proper prorating of the assessment, the building inspector, upon the request of the assessor and collector of taxes, shall render to him all assistance and information in his office bearing upon the values of the improvements on such property and other information had in connection therewith. (Code 1941, Art. 149-4)

SEC. 44-7. ASSESSMENT ROLLS TO SHOW NAME OF OWNER AND DESCRIPTION OF PROPERTY.

The tax assessment rolls of the city shall be so compiled that the same shall exhibit a complete record of the name of the owner of each piece of property listed and included upon the assessment rolls, so far as such owner can be ascertained. If the property be real property the assessment roll shall give the assessed value and an adequate description of each piece of property upon the rolls and shall give the number of acres or portion of an acre or number of lots and blocks or portions of such contained in or composing the particular piece of property so listed, together with the value of any improvements that may be located thereon. If the property be personal property the rolls shall give a general description of the personal property owned, according to its class or character, and the total value thereof shall be shown by the assessment rolls. (Code 1941, Art. 149-6)

SEC. 44-8. ASSESSMENT ROLLS TO SHOW TOTAL AMOUNT OF TAXES.

The assessment rolls of the city shall exhibit opposite the property listed for taxation the total amount of taxes assessed against such piece of property so listed, but it shall not be necessary for the
SEC. 44-8. Taxation

assessments roll to show what proportionate amount of
the total tax levied against any particular piece of
property is levied by virtue of the general ad valorem
tax or several special taxes assessed and levied under
the authority of the city; that is to say, it shall not be
required or necessary that the city assessor shall extend
upon the tax assessment roll the amount of taxes levied
and assessed against the property by virtue of the
general ad valorem tax, school tax, tax for interest and
sinking fund or any other partial or special tax of the
city, which partial or special taxes in the aggregate
compose and constitute the total ad valorem tax levy of
the city. (Code 1941, Art. 149-7)

SEC. 44-9. MANNER OF MAKING UP
ORIGINAL TAX ASSESSMENT
SHEETS NOT AFFECTED.

Nothing in this chapter shall be construed to affect
the manner and form of making up the original tax
assessment sheets by the city tax assessor. (Code 1941,
Art. 149-9)

SEC. 44-10. ASSESSMENT OF FRANCHISES,
ETC.

Every franchise, privilege, easement or right of an
intangible or incorporeal character, whether owned by
an individual or corporation, shall be rendered by the
owner thereof or the agent of the owner and shall be
assessed for taxation separately and distinct from the
real property and tangible or corporeal personal
property of the owner. The same shall in every case be
valued separately from the real property and tangible
personal property of the owner, and shall in every
instance be carried as an item of separate and distinct
valuation upon the assessment sheets and tax rolls of
the city. (Code 1941, Art. 149-11)

SEC. 44-11. TAXES DUE ON ADJUDICATION
OF BANKRUPTCY.

When any person shall be adjudged bankrupt
under the laws of the United States, and when such
person shall own any property within the city, real or
personal, which is subject to taxation by the city, such
taxes for such year shall thereupon immediately be
and become due and payable to the city, from and after
such adjudication in bankruptcy. (Code 1941, Art. 149-12)

SEC. 44-12. ASSESSMENT, ETC., OF AD
VALOREM TAXES IN CERTAIN
CONTINGENCIES; SUPPORT OF
ADVALOREM BONDS DURING
INTERIM PERIOD.

During the interim period beginning January 1
and ending the following September when the city
passes its annual tax levy ordinance, for the purposes
stated in this section, there is levied an ad valorem tax,
supported by a lien as of January 1, as provided by the
charter of the city and the state constitution, for all
municipal purposes, upon all taxable property, real,
personal and mixed, within the city, based upon
current valuations and the same rate which the city
levied for those purposes for the preceding year. In
the event any such taxable property was not on the tax
roll for the preceding year but becomes subject to
taxation as of January 1 for the then current calendar
year, the same tax at the same rate is levied, based
upon the current valuations of all other taxable
property.

Taxes at the rate and in the manner provided in
this section are likewise levied upon all taxable
property that was not on the tax roll for the preceding
year by reason of not being in the jurisdiction of the
City, or improvements not in existence on January 1 of
the next preceding year, or property that was tax
exempt by reason of public, charitable or religious order ownership and has lost its tax exempt status prior to January 1 or thereafter loses such status during the calendar year.

All taxes heretofore levied and necessary to meet the city’s obligations in connection with ad valorem tax supported bonds or so much thereof as may be necessary are confirmed, and the levy shall be a continued levy so long as such bonds or any additional bonds issued subsequent to the passage of this section are outstanding.

This section is enacted for the purpose of enabling the assessor of taxes on request to furnish the amount of taxes to be due and owing for the current calendar year beginning January 1 to the owner or purchaser of property subject to taxation who may desire to prorate taxes in the event the property is sold voluntarily, involuntarily or in the custody of the law, or becomes subject to taxation after the first of the year by reason of losing its tax exempt status during the current calendar year.

The taxes levied and assessed in this section also shall likewise apply in all cases where taxes become due and payable under the ordinances and charter of the city and the state law at an earlier date than provided for by law, by reason of special circumstances that may arise.

The provisions of this section shall be in force and effect during the interim period mentioned in this section; provided, such taxes are actually paid prior to enactment of the tax levy ordinance and shall be operative only during that interim period, and shall be superseded by that ordinance when passed as to that particular year. This section shall have prospective application and shall continue in full force and effect from year to year until modified or repealed. (Code 1941, Art. 149-13; Ord. 9581)

SEC. 44-13. DEDUCTION OF PENALTY AND INTEREST ACCRUING AFTER BANKRUPTCY.

When taxes due to the city shall become due and payable by any person who has been adjudged bankrupt under the laws of the United States, the assessor and collector of taxes of the city is hereby authorized and directed to deduct all penalties and interest accruing on such taxes from and after such adjudication in bankruptcy and to accept in full satisfaction thereof all taxes, penalties and interest due to the city at the date of such adjudication. (Code 1941, Art. 149-14)

SEC. 44-14. TAXES DUE UPON ASSIGNMENT FOR BENEFIT OF CREDITORS OR RECEIVERSHIP.

When any person shall make an assignment of his property for the benefit of his creditors or where any person shall suffer, voluntarily or involuntarily or procure or permit the appointment of a receiver or trustee to take charge of his property and when such property shall be subject to taxation by the city such taxes for that year shall thereupon immediately be and become due and payable to the city from and after such assignment for the benefit of creditors or such receivership or trusteeship, and shall be secured by the lien provided by of the charter. (Ord. 8144)

SEC. 44-15. COLLECTION OF TAXES UPON ASSIGNMENT FOR BENEFIT OF CREDITORS OR RECEIVERSHIP.

When any taxes shall become due and payable to the city under the provisions of the preceding section, the assessor and collector of taxes of the city shall be vested with full and complete authority and it shall be his duty to proceed at once to determine the amount of
§ 44-15 Taxation

such taxes and to collect such taxes immediately upon
the assignment for benefit of creditors or the
appointment of the receiver or trustee, and such taxes
shall be collected under the authority and in the
manner provided by the charter of the city and the laws
of the state for the collection of taxes.  (Ord. 8144)

SEC. 44-16. SERVICE CHARGE FOR
VERIFICATION OF TAXES
ON REAL PROPERTY.

(a) A person who requests city personnel to
verify whether taxes have been paid on particular
property, shall pay a charge for this service to the
assessor and collector of taxes.  The service charge is 80
cents on each item of verification.  When the assessor
and collector of taxes issues a statement of verification,
it is a special accommodation to the affected parties and
may be subject to correction by the assessor and
collector of taxes.

(b) In this section, a person means a mortgage,
insurance, land title guaranty or real estate entity, or an
individual who requests five or more items for
verification.  (Ord. Nos. 4456; 15220; 18411)

SEC. 44-17. HISTORIC LANDMARK TAX
EXEMPTIONS.

Property tax exemptions for designated historic
landmarks may be granted to the owner of the property
in accordance with the process established in the Dallas
Development Code.  (Ord. Nos. 17653; 19455; 21874)

SEC. 44-17.1 TAX CERTIFICATES.

At the request of any person, the assessor and
collector of taxes of the city shall issue a certificate
showing the amount of delinquent taxes, penalties, and
interest due on a property according to the city’s
current tax records.  A fee of $10 shall be charged for
each certificate issued.  (Ord. Nos. 19680; 19963)

ARTICLE II.

TAX ON TELECOMMUNICATIONS SERVICES.

SEC. 44-18 DEFINITIONS.

In this article, TELECOMMUNICATIONS
SERVICES has the meaning given that term in Section
151.0103, Chapter 151 of the Tax Code of the State of
Texas.  (Ord. 19580)

SEC. 44-19 LEVY OF TAX; AMOUNT.

(a) A tax is hereby levied on all
telecommunications services sold within the city.  For
purposes of this article, the sale of telecommunications
services is consummated at the location of the
telephone or other telecommunications device from
which the call or other communication originates.  If
the point of origin of the call or other communication
cannot be determined, the sale is consummated at the
address to which the call or other communication is
billed.

(b) The rate of the tax imposed by this article
shall be the same as the rate imposed by the city for all
other local sales and use taxes authorized by state law.
(Ord. 19580)

SEC. 44-20. REPEAL OF EXEMPTION.

The application of the local sales and use tax
exemption for the sale of telecommunications services,
provided by Section 4B(a), Article 1066c, Vernon’s
Texas Civil Statutes, is hereby repealed as authorized
by Section 4B(b) of Article 1066c.  (Ord. 19580)

SEC. 44-21. OTHER OBLIGATIONS NOT
AFFECTED BY TAX.

The tax imposed by this article shall not affect or
offset any amounts payable to the city by a provider of
telecommunications services pursuant to any license, franchise, ordinance, charter provision, or state or federal law. (Ord. 19580)

ARTICLE III.

OCCUPATION TAXES.

SEC. 44-22. OCCUPATION TAX LEVIED.

There is hereby levied and assessed and shall be collected from every person pursuing within the city any calling, occupation, profession, trade, vocation or business upon which a license tax or occupation tax is levied under the laws of the state, a license or occupation tax equal to one-half of such state tax, unless specifically provided otherwise by city ordinance, the city charter, or state law. (Ord. Nos. 8121; 28019)

SEC. 44-23. COLLECTION OF TAX AND ISSUANCE OF RECEIPT GENERALLY.

The assessor and collector of taxes of the city shall issue to each applicant therefor, on payment of the proper fee, a receipt and license showing the occupation paid for, the location where such occupation is to be conducted, the amount paid, the date of payment and the time paid for, and he shall make upon the stub or duplicate impression sheet thereof a correct statement of such receipt. (Ord. 8121)

SEC. 44-24. COUNTERSIGNING LICENSES; SIGNING RECEIPTS.

Each occupation license shall be countersigned by the city manager and city secretary, and the receipt for the payment of the license shall be signed by the assessor and collector of taxes of the city or by his duly appointed deputy. (Ord. Nos. 8121; 20073)

SEC. 44-25. COLLECTOR'S MONTHLY REPORTS; FAILURE TO COLLECT TAX OR GIVE RECEIPT.

It shall be the duty of the assessor and collector of taxes to report monthly the amount of occupation taxes collected, and if he shall knowingly fail to collect or try to collect any occupation tax, or shall collect any occupation tax without giving therefor a receipt as provided for in Section 44-23, reserving the proper stub, he shall be deemed guilty of malfeasance in office and summarily dismissed therefrom. (Ord. 8121)

SEC. 44-26. LEVY AND ENFORCEMENT OF PAYMENT.

The assessor and collector of taxes shall have the right, and it shall be his duty, to levy for all occupation taxes due, just as in the case of taxes for personal property, and he shall pursue the same remedy and in addition thereto it is made his imperative duty to file complaints against any and all persons offending against this article. (Ord. 8121)

SEC. 44-27. PAYMENT GENERALLY; RECEIPT TO CONSTITUTE LICENSE.

All taxes provided for in this article, when not otherwise expressly provided, must be paid for an entire year in advance before a license shall issue. No license shall issue for a less period than 12 months except in cases otherwise provided in this article. The receipt of the assessor and collector, countersigned by the city manager and city secretary, shall constitute the license, and these taxes are hereby made payable in currency or coin of the United States. (Ord. 8121)

SEC. 44-28. UNLAWFUL TO PURSUE OCCUPATION WITHOUT LICENSE; PROSECUTION NOT TO AFFECT CIVIL REMEDY.

(a) Any person who shall pursue or follow any occupation, calling or profession or do any act taxed
by this article, or who shall represent as agent any person, without first having paid the tax required by this article is guilty of an offense.

(b) This section shall not be construed so as to affect any civil remedy for the collection of such taxes. (Ord. Nos. 8121; 19963)

SEC. 44-29. EXEMPTION OF ELEEMOSYNARY INSTITUTIONS.

Associations organized for the promotion of art, science, charity or benevolence shall be exempt from taxation, as shall all entertainments given by citizens for charitable purposes, or for support or aid of any literary or cemetery association. (Ord. 8121)

SEC. 44-30. TRANSFER OF LICENSE - AUTHORITY OF LICENSEE.

Any person who shall be the legal owner of any unexpired occupation license issued in accordance with the provisions of this article is hereby authorized to transfer the same on the books of the assessor and collector of taxes of the city. (Ord. 8121)

SEC. 44-31. SAME - EFFECT; ONLY ONE TRANSFER ALLOWED.

The assignee or purchaser of any unexpired occupation license shall be authorized to pursue such occupation under such unexpired license for and during the unexpired term thereof; provided, that such purchaser or assignee shall, before following such occupation, comply in all other respects with all the terms and requirements of the provisions of this code or other ordinances of the city provided for in the original application for such license; and provided further, that nothing in this article shall be so construed as to authorize two or more persons to follow the same occupation under the same license at the same time; and provided further, that the purchaser of such occupation license shall have the right to pursue the occupation named therein or to transfer it to any other person, but under no circumstances shall such occupation license be transferred more than one time. (Ord. 8121)

SEC. 44-32. OCCUPATION TAX ON COIN-OPERATED MACHINES.

(a) In this section:

(1) COIN-OPERATED MACHINE has the meaning given that term in Section 2153.002 of the Texas Occupations Code, as amended.

(2) DIRECTOR means the director of the water utilities department of the city, or the director’s authorized representative.

(3) OWNER means the owner of a coin-operated machine.

(4) SPECIAL COLLECTIONS DIVISION means the special collections division of the water utilities department of the city.

(5) TAX means the local occupation tax imposed on coin-operated machines under this section.

(b) Pursuant to Section 2153.451 of the Texas Occupations Code, as amended, an annual occupation tax is imposed on each coin-operated machine that an owner exhibits or displays, or permits to be exhibited or displayed, in the city. The rate of the tax is one-fourth the rate of the tax imposed by the state under Section 2153.401 of the Texas Occupations Code, as amended. All exemptions that apply to the state occupation tax on coin-operated machines under Chapter 2153 of the Texas Occupations Code, as amended, apply to the local occupation tax imposed under this section.
§ 44-32 Taxation § 44-34

(c) The special collections division of the water department shall issue a tax permit sticker to an owner who pays the tax for a coin-operated machine. The sticker must be securely attached to the machine in a manner that requires continued application of steam and water to remove the sticker.

(d) If an owner fails to pay the tax on a coin-operated machine, the director may seal or cause the sealing of the machine in a manner that prevents the full operation of the machine. The director shall release or cause the release of the sealed coin-operated machine after the tax on the machine and a fee of $5 is paid to the special collections division.

(e) A person commits an offense if the person:

(1) removes a tax permit sticker from a coin-operated machine;

(2) exhibits or displays a coin-operated machine without a current tax permit sticker attached;

(3) breaks a seal attached to a coin-operated machine;

(4) exhibits or displays a coin-operated machine with a broken seal; or

(5) removes from its location a coin-operated machine that has a broken seal.

(f) It is a defense to prosecution under Subsection (e)(1) of this section that the person was the owner or the owner’s authorized representative and removed the sticker to replace it with a new one issued under this section.

(g) It is a defense to prosecution under Subsection (e) of this section that the person was a city or state employee acting in the performance of official duties.

(h) An offense under this section is punishable by a fine not to exceed $500. (Ord. Nos. 8121; 28019)

SEC. 44-33. RESERVED.

(Repealed by Ord. 28019)

ARTICLE IV.

BINGO GROSS RECEIPTS TAX.

SEC. 44-33.1. LEVY OF TAX; AMOUNT.

(a) There is hereby levied under the Bingo Enabling Act a gross receipts tax on the conduct of bingo games within the city. The tax is equal to one percent of the gross receipts collected from bingo games conducted within the city.

(b) The tax does not apply to the gross receipts of bingo games conducted within those portions of the city in which bingo has not been legalized by an election. (Ord. 18029)

ARTICLE V.

HOTEL OCCUPANCY TAX.

SEC. 44-34. DEFINITIONS.

In this article:

(1) CONSIDERATION means the cost of a room in a hotel, and does not include:

(A) the cost of any food served or personal services rendered to the occupant not related to cleaning and readying the room or space for occupancy; or

(B) any tax assessed by any other governmental agency for occupancy of the room.
(2) **CONVENTION CENTER COMPLEX** means civic centers, civic center buildings, auditoriums, exhibition halls, and coliseums that are owned by the city or other governmental entity or that are managed in whole or part by the city. The term includes parking areas or facilities that are for the parking or storage of conveyances and that are located at or in the vicinity of other convention center facilities.

(3) **DIRECTOR** means the director of the department designated by the city manager to enforce and administer this article, or the director’s designated representative.

(4) **HOTEL** means any building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include:

(A) a hospital, sanitarium, or nursing home; or

(B) a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003 of the Texas Education Code, as amended, that is used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution.

(5) **OCCUPANCY** means the use or possession, or the right to the use or possession, of any room in a hotel.

(6) **OCCUPANT** means any person who, for a consideration, uses, possesses, or has a right to use or possess any room in a hotel under any lease, concession, permit, right of access, license, contract, or agreement.

(7) **TAX** means the hotel occupancy tax levied in this article pursuant to Chapter 351 of the Texas Tax Code, as amended.

(8) **TOURIST** means an individual who travels from the individual’s residence to a different municipality, county, state, or country for pleasure, recreation, education, or culture.

(9) **VISITOR INFORMATION CENTER** means a building or a portion of a building used to distribute or disseminate information to tourists. (Ord. Nos. 12470; 17955; 20073; 22026; 23555)

**SEC. 44-35. LEVY; AMOUNT; DISPOSITION OF REVENUE.**

(a) There is hereby levied a tax upon the occupant of any room that:

(1) is in a hotel;

(2) is ordinarily used for sleeping; and

(3) the cost of occupancy of which is $2 or more each day.

(b) The tax is equal to seven percent of the consideration paid by the occupant of the room to the hotel.

(c) Disposition of revenues collected from the seven percent tax must be as follows:

(1) 2.100 percent to advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the city;

(2) 0.182 percent to the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms; and
§ 44-35 Taxation

(3) 4.718 percent to:

(A) the acquisition of sites for and the constructing, improving, enlarging, equipping, repairing, operating, and maintaining of the convention center complex or visitor centers, or both; or

(B) pledging payment of bonds as authorized by Chapter 1504 of the Texas Government Code, as amended; or

(C) items listed in Subparagraphs (3)(A) and (B) above. (Ord. Nos. 12470; 12572; 15555; 15684; 17955; 19997; 23555; 23915; 29880)

SEC. 44-35.1. EXEMPTIONS AND REFUNDS.

(a) A person described in Section 156.101 or Section 156.103(d) of the Texas Tax Code, as amended, is exempt from the payment of the tax imposed under this article.

(b) A governmental entity excepted from the tax imposed by Chapter 156 of the Texas Tax Code, as amended, under Section 156.103(a)(1) or (a)(3) of that chapter shall pay the tax imposed by this article, but is entitled to a refund of the tax paid.

(c) A person described in Section 156.103(c) of the Texas Tax Code, as amended, shall pay the tax imposed by this article, but the state governmental entity with whom the person is associated is entitled to a refund of the tax paid.

(d) To receive a refund of tax paid under this article, the governmental entity entitled to the refund must file a refund claim with the director on a form prescribed by the state comptroller and provided by the director. A governmental entity may file a refund claim with the director only for each calendar quarter for all reimbursements accrued during that quarter. (Ord. 23555)

SEC. 44-36. RESPONSIBILITY FOR COLLECTION, REPORTING, AND PAYMENT OF TAX.

Every person owning, operating, managing, or controlling any hotel shall collect the tax for the city and report and pay the tax to the city in accordance with all requirements and procedures set forth in this article. (Ord. Nos. 12470; 17955; 23555)

SEC. 44-37. REPORTS; PAYMENTS; FEES.

(a) On the 15th day of the month following each month in which a tax is earned, every person required by this article to collect the tax shall file a report with the director showing:

(1) the consideration paid for all occupancies in the preceding month;

(2) the amount of the tax collected on the occupancies; and

(3) any other information the director may reasonably require.

(b) Every person required by this article to collect the tax shall pay the tax due on all occupancies in the preceding month to the director at the time of filing the report required under Subsection (a) of this section.

(c) Every person collecting a tax under this article may deduct a one percent collection fee from the gross amount of tax collected on all occupancies in the preceding month if the tax is paid to and received by the director no later than the 15th day of the month following the month in which the tax is required to be collected. If the 15th day falls on a weekend or holiday, the director must receive the tax by the next business day. If the tax is paid by mail, the date of receipt by the director is the date postmarked by the U. S. Postal Service.
(d) Each remittance of a tax required by this article must contain the following statement and representation:

The tax remitted and paid to the City of Dallas with this report was collected pursuant to the requirements of Article V, Chapter 44, Dallas City Code, as amended.

(Ord. Nos. 12470; 17955; 23555)

SEC. 44-37.1. TAX COLLECTION ON PURCHASE OF A HOTEL.

(a) If a person who is liable for the payment of a tax under this article is the owner of the hotel and sells the hotel, the successor to the seller or the seller’s assignee shall withhold an amount of the purchase price sufficient to pay the tax due until the seller provides a receipt from the director showing that the amount has been paid or a certificate stating that no tax is due.

(b) The purchaser of a hotel who fails to withhold an amount of the purchase price as required by this section is liable for the amount required to be withheld to the extent of the value of the purchase price.

(c) The purchaser of a hotel may request that the director issue a certificate stating that no tax is due or issue a statement of the amount required to be paid before a certificate may be issued. The director shall issue the certificate or statement not later than 60 days after receiving the request.

(d) If the director fails to issue the certificate or statement within the period provided by Subsection (c) of this section, the purchaser is released from the obligation to withhold the purchase price or pay the amount due. (Ord. Nos. 19388; 23555)

SEC. 44-37.2. CONVENIENCE CHARGE FOR CERTAIN PAYMENTS MADE BY CREDIT CARD.

(a) Pursuant to Chapter 132 of the Texas Local Government Code, as amended, the director shall collect a convenience fee charge in an amount equal to the credit card processing fee charged to the city for all fees, taxes, and payments included in this article, when the payment is made by credit card.

(Ord. 31332, eff. 10/1/19)
SEC. 44-38. RULES AND REGULATIONS.

The director shall have the power to make any rules and regulations necessary to effectively collect the tax. The director shall, upon giving reasonable notice, have access to all books and records necessary to enable him to determine the correctness of any report filed as required by this article and the amount of taxes due under this article. (Ord. Nos. 12470; 17955)

SEC. 44-39. PENALTIES.

(a) A person commits an offense if he:

(1) fails to collect the tax imposed by this article;

(2) fails to file a report as required by this article;

(3) fails to pay the director the tax when payment is due;

(4) files a false report; or

(5) fails to comply with Section 44-37.1(a) when purchasing a hotel.

(b) An offense committed under Subsection (a) of this section is punishable by a fine not to exceed $500.

(c) In addition to any criminal penalties imposed under Subsection (b) of this section, a person failing to pay the tax to the director by the 25th day of the month following the month in which the tax is required by this article to be collected shall pay an amount equal to 15 percent of the tax due as a penalty. Delinquent taxes draw interest at the rate of 10 percent per year beginning 30 days from the date the tax is due to the director.
(d) In addition to the amount of any tax owed, a person is liable to the city for all reasonable attorney’s fees incurred by the city in enforcing this article against the person and in collecting any tax owed by the person under this article. (Ord. Nos. 12470; 17955; 19388; 19963; 23555)

ARTICLE VI.

SHORT-TERM MOTOR VEHICLE RENTAL TAX.

SEC. 44-40. DEFINITIONS.

In this article:

(1) ACT means Chapter 334, Local Government Code, as amended.

(2) APPROVED VENUE PROJECT means the Dallas Sports Arena Project that was approved by a majority of the voters voting at an election held in the city on January 17, 1998, in accordance with the Act.

(3) CITY means the city of Dallas, Texas.

(4) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article, or the director’s designated representative.

(5) GROSS RENTAL RECEIPTS means the value promised or received as consideration to the owner of a motor vehicle for the rental of the motor vehicle, but does not include:

(A) separately stated charges for insurance;

(B) charges for damages to the motor vehicle occurring during the rental agreement period;

(C) separately stated charges for motor fuel sold by the owner of the motor vehicle; or

(D) discounts.

(6) MOBILE OFFICE means a trailer designed to be used as an office, sales outlet, or other workplace.

(7) MOTOR VEHICLE means a self-propelled vehicle designed principally to transport persons or property on a public roadway and includes a passenger car, van, station wagon, sports utility vehicle, and truck. The term does not include:

(A) a trailer, semitrailer, house trailer, truck having a manufacturer’s rating of more than one-half ton, or road-building machine;

(B) a device moved only by human power;

(C) a device used exclusively on stationary rails or tracks;

(D) a farm machine; or

(E) a mobile office.

(8) OWNER OF A MOTOR VEHICLE means a person who:

(A) is named in the certificate of title as the owner of a motor vehicle; or

(B) has the exclusive use of a motor vehicle for the purpose of renting it to another person.

(9) PERSON means any individual, partnership, trust, company, corporation, association, or other entity.

(10) RENTAL means an oral or written agreement by the owner of a motor vehicle that authorizes for not longer than 30 days the exclusive use of that motor vehicle to another person for consideration, where the transfer of possession of the motor vehicle occurs within the corporate limits of the city.
(11) VENUE PROJECT FUND means the “Arena Project Fund” created in Resolution No. 98-0749, adopted by the city council on February 25, 1998, as it may be amended. (Ord. 23456)

SEC. 44-41. TAX IMPOSED.

(a) There is hereby levied and imposed a tax at the rate of five percent on the gross rental receipts from the rental of a motor vehicle, except that the same exemptions provided in Chapter 152, Subchapter E, of the Texas Tax Code apply to the tax imposed under this section.

(b) The tax imposed under this section must be collected on every rental occurring on or after May 1, 1998, and must continue to be collected for so long as any bonds or other obligations that are issued by the city before May 1, 1999 under Section 334.043 of the Act for the purpose of financing a portion of the costs of the approved venue project, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid. (Ord. 23456)

SEC. 44-42. COLLECTION OF TAX.

(a) Every owner of a motor vehicle who enters into a rental of a motor vehicle with any other person shall collect the tax imposed by this article on behalf of the city.

(b) The owner of a motor vehicle subject to the tax imposed by this article shall add the tax to the rental charge.

(c) Each bill or other receipt for a rental subject to the tax imposed by this article must contain a statement in a conspicuous location stating:

The City of Dallas requires that an additional tax of five percent be imposed on each motor vehicle rental for the purpose of financing a portion of the costs of the Dallas Sports Arena Project approved by the voters of the city on January 17, 1998.

(d) An attorney acting on behalf of the city may bring suit against any person who fails to collect the tax imposed by this article and to pay it over to the director as required by this article. (Ord. 23456)

SEC. 44-43. REPORTS; PAYMENT TO THE CITY; FEES; RECORDS.

(a) On the 15th day of the month following each month in which a tax is required to be collected under this article, the owner of a motor vehicle required to collect the tax shall file a report with the director showing:

(1) the consideration paid for all rentals in the preceding month;

(2) the amount of the tax collected on the rentals; and

(3) any other information the director may reasonably require.

(b) Every owner of a motor vehicle required by this article to collect the tax shall pay the tax due on all rentals in the preceding month to the director at the time of filing the report required under Subsection (a) of this section.

(c) Every owner of a motor vehicle collecting a tax under this article may deduct a one percent collection fee from the gross amount of tax collected on all rentals in the preceding month if the tax is paid to and received by the director no later than the 15th day of the month following the month in which the taxes are required to be collected. If the 15th day falls on a weekend or holiday, the director must receive the tax by the next business day. If the tax is paid by mail, the date of receipt by the director is the date postmarked by the U. S. Postal Service.

(d) The owner of a motor vehicle used for rental purposes shall keep for four years records and supporting documents (except that mileage records are not required) containing the following information:
(1) the amount of gross rental receipts received from the rental of the motor vehicle; and

(2) the amount of tax imposed under this article and paid to the city on each motor vehicle used for rental purposes by the owner.  (Ord. 23456)

SEC. 44-44. COLLECTION PROCEDURES ON PURCHASE OF A MOTOR VEHICLE RENTAL BUSINESS.

(a) If the owner of a motor vehicle rental business that makes rentals subject to the tax imposed under this article sells the business, the successor to the seller or the seller’s assignee shall withhold an amount of the purchase price sufficient to pay the amount of tax due until the seller provides a receipt from the director showing that the amount has been paid or a certificate showing that no amount is due.

(b) The purchaser of a motor vehicle rental business who fails to withhold an amount of the purchase price as required by this section is liable for the amount required to be withheld to the extent of the value of the purchase price.

(c) The purchaser of a motor vehicle rental business may request that the director issue a certificate stating that no tax is due or issue a statement of the amount required to be paid before a certificate may be issued. The director shall issue the certificate or statement not later than 60 days after receiving the request.

(d) If the director fails to issue the certificate or statement within the period provided by Subsection (c) of this section, the purchaser is released from the obligation to withhold the purchase price or pay the amount due.  (Ord. 23456)

SEC. 44-45. USE OF REVENUE DERIVED FROM IMPOSITION OF TAX.

The revenue derived from the tax imposed under this article must be deposited in the Arena Tax Proceeds Account within the venue project fund. Money in the account may be used only for the purposes specified in Resolution No. 98-0749 that created the venue project fund, as it may be amended. (Ord. 23456)

SEC. 44-46. RULES AND REGULATIONS.

The director shall have the power to make any rules and regulations necessary to effectively collect the tax. The director shall, upon giving reasonable notice, have access to all books and records necessary to enable the director to determine the correctness of any report filed as required by this article and the amount of taxes due under this article. (Ord. 23456)

SEC. 44-47. PENALTIES.

(a) An owner of a motor vehicle commits an offense if that person:

(1) fails to collect the tax imposed by this article;

(2) fails to file a report as required by this article;

(3) fails to pay the director the tax when payment is due;

(4) files a false report;

(5) fails to make and retain complete records as required by Section 44-43(d) of this article; or

(6) fails to comply with Section 44-44(a) when purchasing a motor vehicle rental business.

(b) An offense committed under Subsection (a) of this section is punishable by a fine not to exceed $500, except that an offense committed under Subsection (a)(5) of this section is punishable by a fine of not less than $25 or more than $500.
(c) In addition to any criminal penalties imposed under Subsection (b) of this section, the owner of a motor vehicle failing to pay the tax to the director by the 25th day of the month following the month in which the tax is required by this article to be collected shall pay an amount equal to 10 percent of the tax due as a penalty. An additional penalty equal to 10 percent of the tax due must be paid 30 days later if the tax is still not paid. The penalties provided by this subsection may never be less than $5. Delinquent taxes draw interest at the rate of 10 percent per year beginning 60 days after the date the tax is due to the director. (Ord. 23456)

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

(6) HOTEL means any building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include:

(A) a hospital, sanitarium, or nursing home; or

(B) a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003 of the Texas Education Code, as amended, that is used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution.

(7) OCCUPANCY means the use or possession, or the right to the use or possession, of any room in a hotel.

(8) OCCUPANT means any person who, for a consideration, uses, possesses, or has a right to use or possess any room in a hotel under any lease, concession, permit, right of access, license, contract, or agreement.

(9) TAX means the hotel occupancy tax levied in this article pursuant to Chapter 334 of the Texas Local Government Code, as amended.

(10) VENUE PROJECT FUND means the fund entitled the “Arena Project Fund,” created in Resolution No. 98-0749, adopted by the city council on February 25, 1998, as it may be amended. (Ord. 23555)
SEC. 44-49. LEVY OF TAX; AMOUNT; DURATION.

(a) In addition to the hotel occupancy tax levied in Section 44-35 of this chapter, there is hereby levied a tax upon an occupant of any room that:

(1) is in a hotel;

(2) is ordinarily used for sleeping; and

(3) the cost of occupancy of which is $2 or more each day.

(b) The tax is equal to two percent of the consideration paid by the occupant of the room to the hotel.

(c) The tax imposed under this section must be collected on every occupancy occurring on or after August 1, 1998, and must continue to be collected for so long as any bonds or other obligations that are issued by the city under Section 334.043 of the Act for the purpose of financing a portion of the costs of the approved venue project, and any bonds refunding or refinancing those bonds or other obligations, are outstanding and unpaid. (Ord. 23555)

SEC. 44-50. USE OF TAX REVENUE.

(a) The revenue derived from the two percent tax imposed under this article must be deposited in the Arena Tax Proceeds Account within the venue project fund. Money in this account may be used only for the following purposes:

(1) to reimburse the city for prior expenditures made in connection with, or to pay the costs of, planning, acquiring, establishing, developing, and constructing the approved venue project to the extent not prohibited by the ordinances or indentures authorizing bonds or other obligations payable from and secured by a pledge of the two percent tax imposed under this article; and

(2) to pay the principal of, interest on, and other costs relating to bonds or other obligations issued by the city, or to refund bonds or other obligations, that were issued for the purpose of providing the approved venue project.

(b) The costs include, but are not limited to, overhead, legal, and accounting expenses of the city. (Ord. 23555)

SEC. 44-51. EXEMPTIONS AND REFUNDS.

(a) A person described in Section 156.101 or Section 156.103(d) of the Texas Tax Code, as amended, is exempt from the payment of the tax imposed under this article.

(b) A governmental entity excepted from the tax imposed by Chapter 156 of the Texas Tax Code, as amended, under Section 156.103(a)(1) or (a)(3) of that chapter shall pay the tax imposed by this article, but is entitled to a refund of the tax paid.

(c) A person described in Section 156.103(c) of the Texas Tax Code, as amended, shall pay the tax imposed by this article, but the state governmental entity with whom the person is associated is entitled to a refund of the tax paid.

(d) To receive a refund of tax paid under this article, the governmental entity entitled to the refund must file a refund claim with the director on a form prescribed by the state comptroller and provided by the director. A governmental entity may file a refund claim with the director only for each calendar quarter for all reimbursements accrued during that quarter. (Ord. 23555)
§ 44-52 RESPONSIBILITY FOR COLLECTION, REPORTING, AND PAYMENT OF TAX; STATEMENT OF TAX PURPOSE REQUIRED.

(a) Every person owning, operating, managing, or controlling any hotel shall collect the tax for the city and report and pay the tax to the city in accordance with all requirements and procedures set forth in this article.

(b) Each bill or other receipt for a hotel charge subject to the tax imposed by this article must contain a statement in a conspicuous location stating:

The City of Dallas requires that an additional tax of two percent be imposed on each hotel charge for the purpose of financing a venue project, consisting of the Dallas Sports Arena Project approved by the voters of the city on January 17, 1998.

(Ord. 23555)

§ 44-53 REPORTS; PAYMENTS; FEES.

(a) On the 15th day of the month following each month in which a tax is earned, every person required by this article to collect the tax shall file a report with the director showing:

(1) the consideration paid for all occupancies in the preceding month;

(2) the amount of the tax collected on the occupancies; and

(3) any other information the director may reasonably require.

(b) Every person required by this article to collect the tax shall pay the tax due on all occupancies in the preceding month to the director at the time of filing the report required under Subsection (a) of this section.

(c) Every person collecting a tax under this article may deduct a one percent collection fee from the gross amount of tax collected on all occupancies in the preceding month if the tax is paid to and received by the director no later than the 15th day of the month following the month in which the tax is required to be collected. If the 15th day falls on a weekend or holiday, the director must receive the tax by the next business day. If the tax is paid by mail, the date of receipt by the director is the date postmarked by the U.S. Postal Service.

(d) Each remittance of a tax required by this article must contain the following statement and representation:

The tax remitted and paid to the City of Dallas with this report was collected pursuant to the requirements of Article VII, Chapter 44, Dallas City Code, as amended.

(Ord. 23555)

§ 44-54 TAX COLLECTION ON PURCHASE OF A HOTEL.

(a) If a person who is liable for the payment of a tax under this article is the owner of the hotel and sells the hotel, the successor to the seller or the seller’s assignee shall withhold an amount of the purchase price sufficient to pay the tax due until the seller provides a receipt from the director showing that the amount has been paid or a certificate stating that no tax is due.

(b) The purchaser of a hotel who fails to withhold an amount of the purchase price as required by this section is liable for the amount required to be withheld to the extent of the value of the purchase price.

(c) The purchaser of a hotel may request that the director issue a certificate stating that no tax is due or
issue a statement of the amount required to be paid before a certificate may be issued. The director shall issue the certificate or statement not later than 60 days after receiving the request.

(d) If the director fails to issue the certificate or statement within the period provided by Subsection (c) of this section, the purchaser is released from the obligation to withhold the purchase price or pay the amount due. (Ord. 23555)

SEC. 44-55. RULES AND REGULATIONS.

The director shall have the power to make any rules and regulations necessary to effectively collect the tax. The director shall, upon giving reasonable notice, have access to all books and records necessary to enable the director to determine the correctness of any report filed as required by this article and the amount of taxes due under this article. (Ord. 23555)

SEC. 44-56. PENALTIES.

(a) A person commits an offense if he:

(1) fails to collect the tax imposed by this article;

(2) fails to file a report as required by this article;

(3) fails to pay the director the tax when payment is due;

(4) files a false report; or

(5) fails to comply with Section 44-54(a) when purchasing a hotel.

(b) An offense committed under Subsection (a) of this section is punishable by a fine not to exceed $500.

(c) In addition to any criminal penalties imposed under Subsection (b) of this section, a person failing to pay the tax to the director by the 25th day of the month following the month in which the tax is required by this article to be collected shall pay an amount equal to 15 percent of the tax due as a penalty. Delinquent taxes draw interest at the rate of 10 percent per year beginning 30 days after the date the tax is due to the director.

(d) In addition to the amount of any tax owed, a person is liable to the city for all reasonable attorney’s fees incurred by the city in enforcing this article against the person and in collecting any tax owed by the person under this article. (Ord. 23555)

ARTICLE VIII.

TAXATION OF TANGIBLE PERSONAL PROPERTY IN TRANSIT.

SEC. 44-57. TAXATION OF TANGIBLE PERSONAL PROPERTY IN TRANSIT.

(a) The definitions set forth in Section 11.253 of the Texas Tax Code, as amended, are hereby adopted and made a part of this article by reference.

(b) Tangible personal property located in the city and consisting of goods-in-transit [which would otherwise be exempt from taxation under Section 11.253(b) of the Texas Tax Code, as amended, and Section 1-n(a), Article VIII of the Texas Constitution, as amended] is subject to ad valorem taxation pursuant to Sections 11.253(j) and 11.253(j-1) of the Texas Tax Code, as amended, and Section 1-n(d), Article VIII of the Texas Constitution, as amended. Such goods-in-transit will remain subject to ad valorem taxation until the city council repeals this subsection or otherwise takes official action to adopt the exemption prescribed.
by Section 11.253(b) of the Texas Tax Code, as amended, and Section 1-n(a), Article VIII of the Texas Constitution, as amended, for such goods-in-transit.

(c) Nothing in this article subjects to ad valorem taxation any tangible personal property that is exempt from taxation under Section 11.251 of the Texas Tax Code, as amended, under Section 1-j, Article VIII of the Texas Constitution, as amended, or under another law. (Ord. Nos. 27026; 28512)
Taxation

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CHAPTER 48B

VACANT BUILDINGS

ARTICLE I.

GENERAL PROVISIONS.

Sec. 48B-1. Purpose of chapter.
Sec. 48B-2. Definitions.
Sec. 48B-3. Authority of director.
Sec. 48B-4. Delivery of notices.
Sec. 48B-5. Violations; penalty.

ARTICLE II.

REGISTRATION AND INSPECTION OF VACANT BUILDINGS.

Sec. 48B-6. Registration required; defenses.
Sec. 48B-7. Registration application.
Sec. 48B-8. Registration fee and inspection charge.
Sec. 48B-9. Issuance, denial, and display of certificate of registration.
Sec. 48B-10. Revocation of registration.
Sec. 48B-11. Appeals.
Sec. 48B-12. Expiration and renewal of registration.
Sec. 48B-13. Nontransferability.
Sec. 48B-14. Property inspections.

ARTICLE III.

MISCELLANEOUS REQUIREMENTS FOR VACANT BUILDINGS.

Sec. 48B-16. Insurance.
Sec. 48B-17. Vacant building plan.
§ 48B-2 Vacant Buildings

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

(5) DWELLING UNIT means one or more rooms designed to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.

(6) OCCUPIED means that one or more persons conduct business in or reside in at least 50 percent of the total area of a building (excluding stairwells, elevator shafts, and mechanical rooms) as the legal or equitable owner, operator, lessee, or invitee on a permanent, nontransient basis pursuant to and within the scope of a valid certificate of occupancy.

(7) OWNER means a person in whom is vested the ownership or title of real property:

   (A) including, but not limited to:

   (i) the holder of fee simple title;

   (ii) the holder of a life estate;

   (iii) the holder of a leasehold estate for an initial term of five years or more;

   (iv) the buyer in a contract for deed;

   (v) a mortgagee, receiver, executor, or trustee in control of real property; and

   (vi) the named grantee in the last recorded deed; and

   (B) not including the holder of a leasehold estate or tenancy for an initial term of less than five years.

(8) PERSON means any individual, corporation, organization, partnership, association, governmental entity, or any other legal entity.

(9) PREMISES or PROPERTY means a lot, plot, or parcel of land, including any structures on the land.

(10) REGISTRANT means a person issued a certificate of registration for a vacant building under this chapter.

(11) 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.

(12) VACANT BUILDING means a building located in the city’s central business district that, regardless of its structural condition, is not occupied. (Ord. 27248, eff. 9-1-08)

SEC. 48B-3. AUTHORITY OF DIRECTOR.

The director shall implement and enforce this chapter and may by written order establish such rules, regulations, or procedures, not inconsistent with this chapter, as the director determines are necessary to discharge any duty under or to effect the policy of this chapter. (Ord. 27248, eff. 9-1-08)

SEC. 48B-4. DELIVERY OF NOTICES.

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

(1) on the date the notice is hand delivered to the applicant or registrant; or

(2) three days after the date the notice is placed in the United States mail with proper postage.
and properly addressed to the applicant or registrant at the address provided for the applicant or registrant in the most recent registration application. (Ord. 27248, eff. 9-1-08)

SEC. 48B-5. VIOLATIONS; PENALTY.

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

(b) *Criminal penalties.*

(1) An offense under this chapter is punishable by a fine not to exceed $2,000.

(2) An offense under this chapter is punishable by a fine of not less than $500 for a first conviction of a violation of Section 48B-6.

(3) The minimum fine established in Subsection (b)(2) will be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (b)(1).

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

(d) As an alternative to imposing the criminal penalty prescribed in Subsection (b), the city may impose administrative penalties, fees, and court costs in accordance with Article IV-b of Chapter 27 of this code, as authorized by Section 54.044 of the Texas Local Government Code, for an offense under this chapter. The alternative administrative penalty range for an offense is the same as is prescribed for a criminal offense in Subsection (b).

(e) The penalties provided for in Subsections (b) and (d) are in addition to any other enforcement remedies that the city may have under city ordinances and state law. (Ord. 27248, eff. 9-1-08)

ARTICLE II.

REGISTRATION AND INSPECTION OF VACANT BUILDINGS.

SEC. 48B-6. REGISTRATION REQUIRED; DEFENSES.

(a) A person commits an offense if the person owns or operates a vacant building without a valid certificate of registration. A separate certificate of registration is required for each street address at which any vacant building is located, regardless of any separate occupied buildings that may also be located at the same street address. If more than one vacant building is located at the same street address, only one certificate of registration is required for all of the vacant buildings. Also, only one certificate of registration is required for a single vacant building that has more than one street address. Suite numbers and apartment unit numbers will not be considered in determining the street address of a vacant building.

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

(1) the building was occupied within the 45-day period preceding the date of the alleged offense;

(2) at the time of the alleged offense, the building was in the process of being renovated, rehabilitated, repaired, or demolished (pursuant to appropriate and valid permits issued by the building official, if required) and had been occupied within the 90-day period preceding the date of the alleged offense;
§ 48B-6 Vacant Buildings

(3) at the time of the alleged offense, the building was in the process of being actively marketed and advertised for lease or sale and had been occupied within the 90-day period preceding the date of the alleged offense;

(4) within the 90-day period preceding the date of the alleged offense, the building suffered damage or destruction from a fire, flood, storm, or similar event that rendered the building incapable of being occupied, except that this defense does not apply if the building was rendered incapable of being occupied by the intentional act of the owner, operator, lessee, or other invitee or an agent of the owner, operator, lessee, or other invitee; or

(5) the building was owned by the city of Dallas, the State of Texas, or the United States government. (Ord. 27248, eff. 9-1-08)

SEC. 48B-7. REGISTRATION APPLICATION.

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

(1) The name, street address, mailing address, and telephone number of the applicant or the applicant’s authorized agent.

(2) The name, all street addresses, and the main telephone number, if any, of the vacant building and a description of the type of property it is (such as, but not limited to, a commercial building, a warehouse, an office, a hotel, an apartment complex, a boarding home, a group home, a loft, a townhome, a condominium, or a single-family residence).

(3) The names, street addresses, mailing addresses, and telephone numbers of all owners of the vacant building and any lien holders and other persons with a financial interest in the vacant building.

(4) The name, street address, mailing address, and telephone number of a person or persons to contact in an emergency as required by Section 48B-15 of this chapter.

(5) The form of business of the applicant (and owner, if different from the applicant); the name, street address, mailing address, and telephone number of a high managerial agent of the business; and, if the business is a corporation or association, a copy of the documents establishing the business.

(6) Proof of insurance required by Section 48B-16 of this chapter.

(7) The number of buildings (including vacant and occupied buildings), dwelling units, swimming pools, and spas located in or on the premises of the vacant building.

(8) Documentary evidence of payment of ad valorem taxes owed in connection with the vacant building and the premises on which it is located.

(9) The total area in square feet of the vacant building, the number of stories contained in the vacant building, the area in square feet of each story, and whether each story is above or below ground level.

(10) The date on which the vacant building was last occupied, a description of the last use of the vacant building, and a description of any hazardous materials, uses, or conditions that currently exist or previously existed in the vacant building.

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

(b) If the application for a certificate of registration is being made for multiple vacant buildings located at the same address, then the information required in Subsection (a) must be provided for each vacant building located at that address.

(c) A registrant shall notify the director within 10 days after any material change in the information contained in the application for a certificate of registration for a vacant building, including any changes in ownership of the property. (Ord. 27248)

SEC. 48B-8. REGISTRATION FEE AND INSPECTION CHARGE.

(a) The fee for a certificate of registration for a vacant building is $73, plus an inspection charge in an amount equal to $185.64 + ($0.009282 x total square feet of building area, excluding stairwells, elevator shafts, and mechanical rooms).

(b) If one certificate of registration is issued for multiple vacant structures located at the same address, the inspection charge will be calculated using the aggregate area in square feet of all the vacant buildings.

(c) If a certificate of registration expires under Section 48B-12 and the registration term was less than six months, then the registration fee (minus the inspection charge) may be prorated on the basis of whole months and partially refunded to the registrant, if the director receives a written request for the refund from the registrant within 90 days after expiration of the certificate of registration. Otherwise, no refund of a registration fee or inspection charge will be made. (Ord. Nos. 27248; 29879, eff. 10/1/15; 31332, eff. 10/1/19)

SEC. 48B-9. ISSUANCE, DENIAL, AND DISPLAY OF CERTIFICATE OF REGISTRATION.

(a) Upon payment of all required fees, the director shall issue a certificate of registration for a vacant building to the applicant if the director determines that:

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

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

(3) the applicant has no outstanding fees assessed under this chapter.

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

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

(d) A certificate of registration issued under this section must be displayed to the public in a manner and location approved by the director. The certificate of registration must be presented upon request to the director or to a peace officer for examination. (Ord. 27248)
SEC. 48B-10. REVOCATION OF REGISTRATION.

(a) The director shall revoke a certificate of registration for a vacant building if the director determines that:

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

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

(3) the registrant failed to pay a fee required by this chapter at the time it was due.

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

(c) If, after 10 days from the date the notice required in Subsection (b) is delivered, the registrant has not complied with the notice, the director shall revoke the certificate of registration and deliver written notice of the revocation to the registrant. The notice must include the reason for the revocation, the date the director orders the revocation, and a statement informing the registrant of the right of appeal. (Ord. 27248)

SEC. 48B-11. APPEALS.

If the director denies issuance or renewal of a certificate of registration or revokes a certificate of registration, this action is final unless the applicant or registrant files an appeal with a permit and license appeal board in accordance with Section 2-96 of this code. (Ord. 27248)

SEC. 48B-12. EXPIRATION AND RENEWAL OF REGISTRATION.

(a) A certificate of registration for a vacant building expires the earlier of:

(1) one year after the date of issuance;

(2) the date the vacant building changes controlling ownership, as determined by the director;

(3) the date the vacant building becomes occupied, as determined by the director; or

(4) the date the vacant building is demolished, as determined by the director.

(b) A certificate of registration may be renewed by making application in accordance with Section 48B-7 and paying the registration fee and inspection charge required by Section 48B-8. A registrant shall apply for renewal at least 30 days before the expiration of the certificate of registration. (Ord. 27248)

SEC. 48B-13. NONTRANSFERABILITY.

A certificate of registration for a vacant building is not transferable. (Ord. 27248)

SEC. 48B-14. PROPERTY INSPECTIONS.

(a) For the purpose of ascertaining whether violations of this chapter or any other city ordinance or state or federal law applicable to the building exist, the director is authorized at a reasonable time to inspect:

(1) the exterior of a vacant building; and

(2) the interior of a vacant building, if the permission of the owner, operator, or other person in control is given or a search warrant is obtained.

(b) The director shall inspect a vacant building at least once during each 12-month period that the building is not occupied.
(c) An applicant or registrant shall permit representatives of the police department, the fire department, the department of code compliance, and the building official to inspect the interior and exterior of a vacant building, for the purpose of ensuring compliance with the law, at reasonable times upon request. The applicant or registrant commits an offense if he, either personally or through an agent or employee, refuses to permit a lawful inspection of the vacant building as required by this subsection.

(d) Whenever a vacant building is inspected by the director and a violation of this chapter or any other city ordinance or state or federal law applicable to the building is found, the building or premises will, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, be reinspected by the director to determine that the violation has been eliminated. (Ord. 27248; 27697)

ARTICLE III.
MISCELLANEOUS REQUIREMENTS FOR VACANT BUILDINGS.

SEC. 48B-15. EMERGENCY RESPONSE INFORMATION.

(a) An owner, operator, or other person in control of a vacant building shall provide the director with the name, street address, mailing address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week, in the event of an emergency condition in or on the premises of the vacant building. An emergency condition includes any fire, natural disaster, collapse hazard, burst pipe, serious police incident, or other condition that requires an immediate response to prevent harm to property or the public.

(b) The owner, operator, or other person in control of the vacant building shall notify the director within five days after any change in the emergency response information.

(c) The owner, operator, or other person in control of a vacant building, or an authorized agent, must arrive at the premises within one hour after a contact person named under this section is notified by the city or emergency response personnel that an emergency condition has occurred on the premises.

(d) A sign containing the emergency contact information required in Subsection (a) of this section must be attached in a conspicuous location on the exterior of each facade of the vacant building that faces a public right-of-way.

(e) The sign required by Subsection (d) must:

1. comply with the city’s sign regulations;
2. be 24 inches tall and 18 inches wide and constructed of a rigid weather-resistant material;
3. contain the words “VACANT BUILDING” in 2-3/8-inch-high and two-inch-wide black letters on a bright yellow background followed by the information required in Subsection (a) in one-inch-high black letters on a bright yellow background;
4. be in a format approved by the director; and
5. be readable day and night.

(f) A person commits an offense if he removes or obstructs or allows the removal or obstruction of a sign required to be posted on a vacant building under this section. It is a defense to prosecution under this subsection that the removal or obstruction was caused by:

1. a city employee in the performance of official duties; or
2. the owner, operator, or lessee of the vacant building for the purpose of:
   (A) repairing or maintaining the sign;
§ 48B-15 Vacant Buildings

(B) complying with this chapter or a rule or regulation promulgated under this chapter; or

(C) removing the sign when registration of the vacant building is no longer required under this chapter.

(g) A minor variation of a required or minimum height or width of a sign or lettering is not a violation of this section. (Ord. 27248, eff. 9-1-08)

SEC. 48B-16. INSURANCE.

(a) The registrant shall procure, prior to the issuance of a certificate of registration, and keep in full force and effect at all times during the registration term, commercial general liability insurance coverage (including, but not limited to, premises/operations and personal and advertising injury) protecting the city of Dallas against any and all claims for damages to persons or property as a result of, or arising out of, the registrant’s operation, maintenance, or use of the vacant building, with minimum combined bodily injury (including death) and property damage limits of not less than $1,000,000 for each occurrence and $2,000,000 annual aggregate.

(b) The insurance policy must be written by an insurance company approved by the State of Texas and acceptable to the city and issued in a standard form approved by the Texas Department of Insurance. All provisions of the policy must be acceptable to the city and must name the city and its officers and employees as additional insureds and provide for 30 days written notice to the director of cancellation, non-renewal, or material change to the insurance policy.

(c) A registrant shall provide to the director an updated certificate of insurance for the vacant building every six months that the building is required to be registered under this chapter. (Ord. 27248, eff. 9-1-08)

SEC. 48B-17. VACANT BUILDING PLAN.

(a) Within 30 days after the date a certificate of registration is issued for a vacant building, the registrant shall submit to the director a vacant building plan complying with this section.

(b) The vacant building plan must contain the following:

(1) A plan of action and a time schedule for correcting all existing violations of this chapter or any other city ordinance or state or federal law applicable to the building or its premises.

(2) A plan of action for maintaining the building and its premises in compliance with this chapter and all applicable city ordinances and state and federal laws.

(3) A plan of action for maintaining the building and its premises in a safe and secure manner, including but not limited to any provisions for lighting, security patrols, alarm systems, fire suppression systems, and securing the building from unauthorized entry.

(4) A plan of action for occupying or selling the building, including but not limited to a time schedule for renovating or repairing the building and a time schedule for marketing, advertising, or offering the building for sale or lease.

(5) A plan of action and time schedule for any demolition of the building.

(c) A registrant may update the vacant building plan at any time, but shall provide the director with an updated vacant building plan at least once every six months that the building is required to be registered under this chapter. (Ord. 27248, eff. 9-1-08)
CHAPTER 49

WATER AND WASTEWATER

ARTICLE I.

GENERAL.

Sec. 49-1. Definitions.
Sec. 49-2. Chapter enforcement.

ARTICLE II.

RATES, CHARGES AND COLLECTIONS.

Sec. 49-3. Application for service; contents of application.
Sec. 49-4. Security deposits; exemptions.
Sec. 49-5. Use of security deposits.
Sec. 49-6. Security deposit refunds.
Sec. 49-7. Payments of fees for services; delinquency of charges; discontinuance or refusal of service; notice of discontinuance.
Sec. 49-8. New application for premises with delinquent charges.
Sec. 49-9. Meters required; meters to be read monthly; estimated charge; water leakage.
Sec. 49-10. Collection regulations; payment substation and payment service contracts.
Sec. 49-11. Waiver of substation security requirement.
Sec. 49-12. Joint owners or users; liability for charges; transfer of accounts.
Sec. 49-13. Water lien procedure.
Sec. 49-14. Notice of water lien.
Sec. 49-15. Notice of vacancy or transfer of property.
Sec. 49-16. Permission of owner or customer to be secured before using water; use before filing application for service.

Sec. 49-17. Director’s authority to contract; rates as consideration.
Sec. 49-18.1. Rates for treated water service.
Sec. 49-18.2. Rates for wastewater service.
Sec. 49-18.3. General service: Separate billing.
Sec. 49-18.4. Rates for wholesale water and wastewater service to governmental entities.
Sec. 49-18.5. Rate for untreated water.
Sec. 49-18.6. Fees for inspection and testing of meters and backflow prevention devices.
Sec. 49-18.7. Service connection charges.
Sec. 49-18.8. Security deposit amounts.
Sec. 49-18.9. Charges for use of fire hydrants.
Sec. 49-18.10. Special assessment rates; lot and acreage fees.
Sec. 49-18.11. Evaluated cost tables for oversize, side, or off-site facilities.
Sec. 49-18.12. Industrial surcharge rate formula for excessive concentrations.
Sec. 49-18.13. Charges for transporters of septic tank waste.
Sec. 49-18.15. Payment table.
Sec. 49-18.16. Miscellaneous charges and provisions; rates where no charge specified.
Sec. 49-18.17. Hydrostatic testing of water mains.

ARTICLE III.

WATER AND WASTEWATER GENERALLY.

Sec. 49-19. Control of and access to systems; interference with access generally.
Sec. 49-20. Emergency authority.
Sec. 49-21. Adequacy of supply.
Sec. 49-21.1. Conservation measures relating to lawn and landscape irrigation.
Sec. 49-22. Temporary discontinuance for construction, maintenance or emergency reasons.
Sec. 49-23. Authorized employees; right of access of employees for inspection and maintenance; access of contractors.

Sec. 49-24. Service connections.

Sec. 49-25. Cross connections; location of water and sewer mains.

Sec. 49-26. Fire protection systems.

Sec. 49-27. Fire hydrants.

Sec. 49-28. Water storage tanks and pumping equipment.

Sec. 49-29. Backflow prevention devices.

Sec. 49-30. Private water mains or systems.

Sec. 49-31. Vending water.

Sec. 49-32. Wastewater indemnity agreements.

Sec. 49-33. Exposing meters or hydrants to damage; notice of work affecting systems; moving meters or hydrants.

Sec. 49-34. Communicating electricity to pipes.

Sec. 49-35. Water used for construction work.

Sec. 49-36. Reserved.

Sec. 49-37. Tampering with or damaging systems; unlawful use of water; prima facie evidence.

Sec. 49-38. Rights as to certain facilities outside of the city; rights upon annexation.

Sec. 49-39. Right to construction mains outside the city.

Sec. 49-40. Service outside the city.

ARTICLE IV.

WATER QUALITY.

Sec. 49-41. Purpose and policy.

Sec. 49-42. Enforcement.

Sec. 49-43. Certain wastes prohibited in the wastewater system.

Sec. 49-44. Waste disposal through vehicles, grease traps/interceptors, or other means.

Sec. 49-45. Right of entry of federal, state, and city employees.

Sec. 49-46. Permits required for discharge of industrial waste; applications; exemptions.

Sec. 49-47. Denial, suspension, or revocation of permits; amending permits.

Sec. 49-48. Pretreatment and disposal.

Sec. 49-49. Industrial surcharge for excessive concentrations; sampling fees.

Sec. 49-50. Estimated industrial surcharge for class group.

Sec. 49-51. Reporting requirements.

Sec. 49-52. Recordkeeping.

Sec. 49-53. Publication of industrial users in significant noncompliance.

Sec. 49-54. Regulation of wastes from other jurisdictions.

Sec. 49-55. Extrajurisdictional users.

Sec. 49-55.1. Inspection chambers.

Sec. 49-55.2. Measurement of waste volume.

Sec. 49-55.3. Inspection and sampling.

Sec. 49-55.4. Confidentiality.

Sec. 49-55.5. Waste management operators.

Sec. 49-55.6. Pollution of water in reservoirs.

Sec. 49-55.7. Deposit or discharge of certain material into wastewater system or storm-sewer.

ARTICLE V.

DEVELOPMENT AND SYSTEM EXTENSIONS.

Sec. 49-56. Authority to make capital improvements; special assessments; lot and acreage fees.

Sec. 49-57. Reserved.

Sec. 49-58. Reserved.

Sec. 49-59. Replacement of substandard mains.

Sec. 49-60. General rules for extensions by developers.

Sec. 49-61. Construction of developer extensions.

Sec. 49-62. Rules regarding the construction and cost of new mains in a development.

Sec. 49-63. Certain existing mains exempt.
ARTICLE I.

GENERAL.

SEC. 49-1. DEFINITIONS.

In this chapter:

(1) ACT means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

(2) AMENABLE TO TREATMENT means that a substance:

(A) does not discharge or interfere with the operations of the wastewater system;

(B) is acceptable for stream discharge and normal sludge disposal methods used by the city; and

(C) does not pose a health or safety threat to city employees or contractors performing work in the wastewater system.

(3) APPLICANT means a person who makes application to receive a service from the department.

(4) APPROVAL AUTHORITY means the Director of the Texas Commission on Environmental Quality (TCEQ).

(5) AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER means:

(A) if the industrial user is a corporation,

(i) the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions governing the operation of the regulated facility (Examples of management decisions or activities include, but are not limited to, having the explicit or implicit duty to make major capital investment recommendations, and initiate and direct these comprehensive measures to assure long-term compliance with environmental laws and regulations; having the authority to establish a system to gather complete and accurate information for individual wastewater discharge permit requirements; and having the authority to sign documents and bind the corporation in accordance with corporate procedures.);

(B) if the industrial user is a partnership or sole proprietorship, a general partner or proprietor, respectively;

(C) if the industrial user is the federal, state, or local government, the director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility governed by these regulations, or the director’s or official’s designee; or

(D) any individual designated to act as the authorized representative by an individual described in Paragraphs (5)(A) through (5)(C) if the authorization is in writing, specifies the individual or the position that is responsible for the overall operation of the facility from which the discharge originates (or position that has the overall responsibility for environmental matters for the entity), and is submitted to the city.

(6) AUTOMATIC IRRIGATION SYSTEM means an irrigation system that will automatically cycle water using landscape sprinklers according to a preset program, whether used on a designated timer or through manual operation.
(7) BACKFLOW PREVENTION DEVICE means a device, including but not limited to reduced pressure devices, double check valves and vacuum breakers, approved by the director and used to prevent water of unknown quality in private plumbing facilities from flowing back into the water system.

(8) BEST MANAGEMENT PRACTICES (BMPs) means a schedule of activities, maintenance procedures, and other management practices that prevent the unlawful discharge of pollutants, listed in Section 49-36(b) and (c), into the wastewater system. BMPs include treatment requirements, operating procedures, and practices that control plant site runoff, spillage or leaks of chemicals, sludge or waste disposal, and drainage from raw material storage.

(9) BOD (BIOCHEMICAL OXYGEN DEMAND) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/L).

(10) BUILDING DRAIN means that part of the lowest horizontal piping of a drainage system that receives wastewater discharge from drainage pipes within a building, and conveys it to the building lateral that begins two feet outside the inner face of the building wall or foundation.

(11) BUILDING LATERAL means the conduit or pipe extending from the building drain to the wastewater service line at the property line or other lawful place of disposal.

(12) BUILDING WATER LINE means the water line on private premises that acts as the main water service to the premises.

(13) BYPASS means the intentional diversion of industrial waste from any portion of an industrial user’s treatment facility.

(14) CATEGORICAL INDUSTRIAL USER means an industrial user subject to a categorical pretreatment standard or categorical standard as defined in Title 40, Code of Federal Regulations, Part 403.3(v)(1)(i), as amended.

(15) CITY means the city of Dallas, Texas.

(16) CITY ATTORNEY means the city attorney of the city, or the city attorney’s authorized assistants.

(17) CITY COUNCIL means the governing body of the city.

(18) CITY ENVIRONMENTAL HEALTH OFFICER means the environmental health officer of the city appointed by the city manager pursuant to Section 19-1(b) of this code, or an authorized representative.

(19) CITY MANAGER means the city manager of the city, or the city manager’s authorized assistants.

(20) CITY PLAN COMMISSION means the city plan and zoning commission of the city. The city plan commission is the body authorized to give final approval to plats of property within the city.

(21) CITY RESERVOIR means Lake Ray Hubbard, White Rock Lake, Bachman Lake, and that portion of Joe Pool Lake located within the territorial jurisdiction of the city.

(22) CITY SECRETARY means the city secretary of the city, or the city secretary’s authorized assistants.

(23) CLOSED SPRINKLER SYSTEM means a fire protection system with automatic water flow sprinklers from which no water may be taken manually except from the test cock.
(24) COD (CHEMICAL OXYGEN DEMAND) means the measure of oxygen consuming capacity, expressed in mg/L. The term is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. The term does not differentiate between stable and unstable organic matter and does not necessarily correlate with biochemical oxygen demand.

(25) COMPOSITE SAMPLES means samples collected during a period of time exceeding 15 minutes and combined into one sample.

(26) CONTROL AUTHORITY means the city of Dallas.

(27) CORNER LOT means a lot that abuts upon not more than one pair of intersecting public streets within a larger platted subdivision.

(28) CROSS CONNECTION means any physical connection or arrangement of pipes or devices between two otherwise separate water supply systems, one of which contains potable water and the other water of unknown or questionable quality, whereby water may flow from one system to the other, the direction of flow depending upon pressure differential between the two systems.

(29) CUSTOMER means a person who:

(A) is the customer of record;

(B) has made application for a service, and the service has been provided or made available by the department at the location specified in the application pending final approval of the application; or

(C) actually uses, receives, or benefits from a service, even though no account for service may exist or no application for service may have been made in that person’s name.

(30) CUSTOMER OF RECORD means a person who has an account in that person’s name with the department for a service, based upon an application made with and approved by the director.

(31) DAILY MAXIMUM LIMIT means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(32) DEPARTMENT means the water utilities department of the city, except that for purposes of administering, implementing, and enforcing provisions of this chapter relating to the construction of public infrastructure improvements by private developers, “department” means the department of sustainable development and construction.

(33) DESIGNATED OUTDOOR WATER USE DAYS means Sundays and Thursdays for a customer with a street address ending in an even number (0, 2, 4, 6, or 8) or with no street address number, and Saturdays and Wednesdays for a customer with a street address ending in an odd number (1, 3, 5, 7, or 9). An apartment complex, office building complex, or other property containing multiple street addresses must use the lowest street address number to determine the designated outdoor water use days for the property.

(34) DEVELOPER means:

(A) the owner or agent of the owner platting, replatting, or otherwise developing lots or tracts of property for further sale, lease, development, or redevelopment for residential, commercial, or industrial uses; or

(B) a person who does not otherwise qualify as an individual owner under this chapter.
(35) DIRECTOR means the director of the department designated to implement, administer, or enforce a particular provision of this chapter, or the director’s authorized assistants and representatives.

(36) EPA means the United States Environmental Protection Agency or, where appropriate, the regional administrator or other duly authorized official of the agency.

(37) EVALUATED COST means the cost of a water or wastewater main, established by unit values for the size of main and appurtenances, as prescribed in Section 49-18.11.

(38) FIRE PROTECTION SYSTEM means any configuration of pipes connected to a sprinkler system or other fire protection device on private premises that, when connected to the water system, is used to extinguish fires.

(39) FOOD SERVICE ESTABLISHMENT means any industrial user engaged primarily or incidentally in the preparation of food for human or animal consumption, except that the term does not include any user discharging domestic wastewater from premises used exclusively for residential purposes. The term includes but is not limited to restaurants, motels, hotels, cafeterias, hospitals, schools, bars, delicatessens, meat processing operations, bakeries, and similar operations.

(40) FLOATABLE GREASE means grease, oil, or fat in a physical state such that it will separate or stratify by gravity in wastewater.

(41) GARBAGE means animal and vegetable waste and residue from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of food products and produce.

(42) GENERAL SERVICE means service to premises that are not residential service premises.

(43) GOVERNMENTAL ENTITY means the United States, the State of Texas, any county, any municipal corporation, town, or village other than the city, any school, college, or hospital district, any district or authority created and existing under Article XVI, Section 59 or Article III, Section 52 of the Texas Constitution, any other entity considered a political subdivision of the State of Texas under state law, and any lawfully created and existing agencies of these governmental entities.

(44) GRAB SAMPLE means a sample taken during a period of 15 minutes or less.

(45) GREASE means oils, fats, cellulose, starch, proteins, wax, or other types of grease, oil, or fat regardless of origin and whether or not emulsified.

(46) GREASE TRAP/INTERCEPTOR means a device that:

(A) is designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases prior to the wastewater entering the wastewater system; and

(B) serves to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap/interceptor and entering the wastewater system.

(47) HOSE-END SPRINKLER means a device through which water flows from a hose to a sprinkler to water any lawn or landscape.

(48) INDIRECT DISCHARGE or DISCHARGE means the introduction of pollutants into the wastewater system from any nondomestic source.

(49) INDIVIDUAL OWNER means:

(A) an owner requesting extension of an existing water or wastewater main to property that is
or will be used in the operation of the owner’s own residence or in the operation of a business not requiring larger than a one-inch water service connection, which property will not be further sold or leased in connection with its intended function; or

(B) a governmental entity requesting the construction or extension of a water or wastewater main to serve property the entity owns or leases for its own use, regardless of the size of service connection utilized, except that this term does not include a governmental entity that requires, among other things, the construction or extension of an off-site water or wastewater main in order to serve its proposed land use or development.

(50) INDUSTRIAL SURCHARGE means the additional charge made to a person who discharges into the wastewater system industrial waste that is amenable to treatment by the wastewater system but that exceeds the strength of normal wastewater.

(51) INDUSTRIAL USER means a source of indirect discharge or the nondomestic source of pollutants into the wastewater system.

(52) INDUSTRIAL WASTE means wastewater or other water-borne solids, liquids, grease, sand, or gaseous substances resulting from an industrial, manufacturing, or food processing operation, from the operation of a food service establishment, from the development of a natural resource, or from any other nondomestic source, or any mixture of these substances with water or normal domestic wastewater.

(53) INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

(54) INTERFERENCE means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the wastewater system, its treatment processes or operations, or its sludge processes, use, or disposal.

(55) INTERRUPTIBLE SERVICE means the supply of untreated water provided by contract specifically stating that the supply may be totally discontinued for indefinite periods of time due to the need to conserve or have the untreated water available for municipal use.

(56) MAYOR means the mayor of the city.

(57) MGD means million gallons per day.

(58) MGL (MILLIGRAMS PER LITER) (mg/L) is a weight per volume concentration; the milligram-per-liter value multiplied by the factor 8.34 is equivalent to pounds of constituent per million gallons of water.

(59) MONTHLY AVERAGE LIMIT means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(60) NATIONAL CATEGORICAL PRETREATMENT STANDARDS means the national pretreatment standards promulgated by the EPA, pursuant to Sections 307(b) and (c) of the Act, imposed upon existing or new industrial users in specific industrial subcategories as specified in Title 40, Code of Federal Regulations, Parts 405 through 471, as amended.

(61) NATIONAL PRETREATMENT STANDARDS means any pretreatment regulations containing pollutant discharge limits that have been established or will be established for industrial users by the EPA, including but not limited to prohibitive discharge limits established pursuant to Title 40, Code of Federal Regulations, Part 403.5, as amended.
(62) NEW SOURCE means any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act, provided that all of the following apply:

(A) The building, structure, facility, or installation is constructed at a site at which no other source is located.

(B) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source. If the construction only alters, replaces, or adds to existing process or production equipment, no new source is created.

(C) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. To determine whether the production or wastewater generating processes are substantially independent, the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, must be considered. If the construction only alters, replaces, or adds to existing process or production equipment, no new source is created. For purposes of this definition, construction of a new source has commenced if the owner or operator has:

(i) begun, as part of a continuous onsite construction program, any placement, assembly, or installation of facilities or equipment or significant site preparation work, including the clearing or excavation of the property, or the removal of existing buildings, structures, or facilities necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. An option to purchase, a contract that can be terminated or modified without substantial loss, or a contract for feasibility, engineering, and design studies does not constitute a contractual obligation.

(63) NONCONTACT COOLING WATER means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(64) NORMAL WASTEWATER means wastewater of the city for which the average concentration of total suspended solids and five-day BOD is established at and does not exceed 250 mg/L.

(65) NORMAL DOMESTIC WASTEWATER means wastewater normally discharged from the commodes or sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free from storm or ground water and industrial waste.

(66) OBSTRUCT means to:

(A) make passage impossible or unreasonably inconvenient or hazardous; or

(B) interfere or cause interference with a specific activity in order to prevent the activity from starting, continuing, or concluding.

(67) OFF-SITE EXTENSION means a water or wastewater main extension lying totally outside of the tract of land to be platted, replatted, developed, or redeveloped, except that this term does not include a water or wastewater main extension directly adjacent to or fronting on, and intended to serve or capable of serving only, the tract of land to be platted, replatted, developed, or redeveloped.

(68) ON-SITE EXTENSION means a water or wastewater main extension that:
(A) lies totally within a tract of land to be platted, replatted, developed, or redeveloped; or

(B) lies directly adjacent to or fronting on the tract of land to be platted, replatted, developed, or redeveloped and is intended to serve or is capable of serving only that tract.

(69) OVERRSIZE COST means the difference between the evaluated cost of a water or wastewater main as built and the evaluated cost of the size of main determined to be the minimum size required to serve the subdivision. The minimum size used to determine oversize cost must never be less than the standard size water and wastewater mains as defined in this section.

(70) OVERRSIZE MAIN means a main that exceeds the minimum size of main necessary to serve a particular subdivision, as determined by the director, in order to allow the main to serve other property, as well as the subdivision.

(71) OWNER means the legal fee title holder of record of property.

(72) PASS THROUGH means the discharge of pollutants through the city’s wastewater system, treatment processes, or operations, or through a publicly-owned treatment works of a governmental entity treating wastewater under a contract with the city, into navigable waters in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the federal or state effluent discharge permit of the city or of a publicly-owned treatment works of a governmental entity treating wastewater under a contract with the city, including an increase in the magnitude or duration of a violation.

(73) PAYMENT DEVICE means any check, item, paper or electronic payment, or other payment device used as a medium for payment.

(74) PERMITTEE means a person granted a permit under this chapter.

(75) PERSON means an individual, private or public corporation, partnership, association, limited liability company, governmental entity, firm, industry, or other entity.

(76) pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration of a solution.

(77) POLLUTANT means any of the following:

(A) Dredged spoil.
(B) Solid waste.
(C) Incinerator residue.
(D) Filter backwash.
(E) Sewage and sewage sludge.
(F) Garbage.
(G) Munitions.
(H) Medical wastes.
(I) Chemical wastes.
(J) Biological or radioactive materials.
(K) Heat.
(L) Wrecked or discarded equipment.
(M) Rock, sand, or cellar dirt.
(N) Municipal, agricultural, and industrial wastes.
(O) Certain characteristics of wastewater (e.g., pH, temperature, total suspended solids, turbidity, color, BOD, COD, toxicity, or odor).
(78) PREMISES or PROPERTY means real property and includes improvements.

(79) PRETREATMENT means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the wastewater system. Pretreatment does not include the dilution of pollutant concentration unless allowed by applicable pretreatment standards.

(80) PRETREATMENT REQUIREMENTS means any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

(81) PRETREATMENT STANDARDS means pollutant concentration discharge limitation requirements established in this chapter and national pretreatment standards, including but not limited to prohibitive discharge limits established pursuant to Title 40, Code of Federal Regulations, Part 403.5, as amended.

(82) PROCESS WASTEWATER means any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

(83) PROGRAMMED EXTENSION means the water or wastewater main extensions included in or consistent with the master plan of the system, for which funds have been currently budgeted and made available through a properly authorized capital expenditure program.

(84) PROPERLY SHREDDED GARBAGE means garbage that has been shredded to such an extent that all particles will be carried freely under the flow conditions normally prevailing in wastewater mains, with no particle having greater than a one-half inch cross-sectional dimension.

(85) PUBLICLY-OWNED TREATMENT WORKS (POTW) means that term as defined in Title 40, Code of Federal Regulations, Part 403.3(o), as amended.

(86) RESIDENTIAL SERVICE means service to premises that are single-family or duplex dwelling units, or other premises containing dwelling units, each of which units is individually metered.

(87) SATISFACTORY CREDIT HISTORY WITH THE DEPARTMENT means that service has not been cut off within the past 12 months for nonpayment of charges.

(88) SERVICE means all water and water-related service provided for the use and benefit of persons inside and outside the city through the operations and facilities of the department, including but not limited to:

(A) supply of untreated water;

(B) supply of treated water;

(C) wastewater collection, treatment, and disposal;

(D) building and extension of service mains;

(E) providing of meters and service connections to property;

(F) discontinuance, restoration, or repair of service;

(G) issuance and use of permits;

(H) extension or replacement of service mains for which lot or acreage fees or other assessments are charged;
(I) collections of rates or fees for service; and

(J) other department activities for the benefit of the general public authorized under this chapter.

(89) SERVICE LINE means the pipe or conduit that extends from the water or wastewater main and that connects with the meter or the building lateral to provide a water or wastewater service connection.

(90) SIGNIFICANT INDUSTRIAL USER means an industrial user that is subject to categorical pretreatment standards under Title 40, Code of Federal Regulations, Part 403.6, as amended, and Title 40, Code of Federal Regulations, Chapter I, Subchapter N, as amended, and:

(A) discharges an average of 25,000 gallons per day or more of process wastewater to the wastewater system, excluding sanitary, noncontact cooling, and boiler blowdown wastewater;

(B) contributes a process wastestream that makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant of the wastewater system; or

(C) is designated as a significant industrial user by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the wastewater system’s operation or for violating any pretreatment standard or requirement in accordance with Title 40, Code of Federal Regulations, Part 403.8(f)(6), amended.

(91) SIGNIFICANT NONCOMPLIANCE means any of the following:

(A) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined in Title 40, Code of Federal Regulations, Part 403.3(1), as amended.

(B) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined in Title 40, Code of Federal Regulations, Part 403.3(1), as amended, multiplied by the applicable TRC (TRC=1.4 for BOD, total suspended solids, fats, oil, and grease, and 1.2 for all other pollutants except pH).

(C) Any other violation of a pretreatment standard or requirement as defined in Title 40, Code of Federal Regulations, Part 403.3(1), as amended (daily maximum, long-term average, instantaneous limit, or narrative standard), that the publicly-owned treatment works determines has caused (alone or in combination with other discharges) interference or pass-through (including endangering the health of the publicly-owned treatment works’ personnel or the general public).

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the publicly-owned treatment works’ exercise of its emergency authority under Title 40, Code of Federal Regulations, Part 403.8(f)(1)(vi)(b), as amended, to halt or prevent such a discharge.

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(F) Failure to provide, within 45 days after the due date, required reports such as baseline

Dallas City Code 11
monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and compliance reports with compliance schedules.

(G) Failure to accurately report noncompliance.

(H) Any other violation or group of violations, including a violation of best management practices, that the director determines will adversely affect the operation or implementation of the local pretreatment program.

(92) SLUG LOAD OR SLUG DISCHARGE means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 49-43 of this chapter. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, that has a reasonable potential to cause interference or pass-through, or in any other way violates the wastewater system’s regulations, local limits, or permit conditions.

(93) STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE means a classification scheme based on the type of manufacturing or commercial activity at a facility. Some facilities, depending on the manufacturing and activities occurring on site, may have more than one code number.

(94) STANDARD METHODS means the laboratory procedures or techniques for the testing, sampling, or analysis of pollutants:

(A) established and approved by the EPA; or

(B) approved by the director with the concurrence of the EPA, where the EPA has not established procedures or techniques for testing, sampling, or analyzing a pollutant in question or determines that approved procedures or techniques are inappropriate for the pollutant in question.

(95) STANDARD SIZE WASTEWATER MAIN means a wastewater main not less than eight inches in diameter.

(96) STANDARD SIZE WATER MAIN means a water main that is:

(A) not less than eight inches in diameter, but also of a size adequate to meet the hydraulic capacity of the water system; and

(B) used for standard fire protection purposes as recognized by the Insurance Services Office, which is not less than six inches in diameter adequately supported by mains not less than eight inches in diameter, but also of a size adequate to meet the hydraulic capacity of the water system.

(97) STANDBY SERVICE means connections, not normally used, to governmental entities contracting with the city for treated water.

(98) STORM SEWER means a conduit, drainage ditch, stream, or other water course that may directly or indirectly carry storm or ground water to the Trinity River.

(99) TCEQ means the Texas Commission on Environmental Quality.

(100) TOTAL SUSPENDED SOLIDS (TSS) means solids that either float on the surface of, or are suspended in, water, wastewater, or other liquids and that, in accordance with standard methods, are removable by a standard, specific laboratory filtration device.

(101) WASTE MANAGEMENT OPERATOR means a person engaged in the private business of receiving, storing, treating, or disposing of industrial waste.

(102) WASTEWATER means water-carried waste.
§ 49-1 Water and Wastewater

(103) WASTEWATER MAIN means a conduit or pipe of the wastewater system that conveys domestic wastewater or industrial wastes, or a combination of both, and into which storm surface water, ground water, or unpolluted wastes are not intentionally admitted. The term includes access structures, valves, and other appurtenances that are incidental to use of the wastewater main.

(104) WASTEWATER SYSTEM means:

(A) all treatment plants, mains, conveyances, pumps, interceptors, lift stations, connections, meters, sludge storage facilities, appurtenances, and other facilities of the city employed in the collection, treatment, and disposal of wastewater; or

(B) the publicly-owned treatment works of the city or of a governmental entity receiving or treating wastewater of the city under a contract with the city.

(105) WATER MAIN means a conduit or pipe of the water system that conveys water. The term includes fire hydrants, access structures, valves, and other appurtenances that are incidental to use of the water main.

(106) WATER SYSTEM means all treatment plants, mains, pumps, meters, connections, supply reservoirs, storage tanks, appurtenances, and other facilities of the city employed in the purification, transportation, and supply of treated and untreated water.

(107) WATER YEAR means the period that begins on June 1 of a year and ends on May 31 of the following year.

(108) WHOLESALE SERVICE means:

(A) the furnishing of untreated water to a customer, except for untreated water furnished only for domestic use;

(B) the furnishing of treated water to a governmental entity for resale to customers of that entity; or

(C) the collection and discharge of wastewater from the collection facilities of a governmental entity into the wastewater system for purposes of treatment. (Ord. Nos. 19201; 19526; 19622; 20653; 21409; 25047; 25214; 25256; 26925; 26961; 27697; 28084; 28622)

SEC. 49-2. CHAPTER ENFORCEMENT.

(a) Authority. The director is authorized to enforce the provisions of this chapter.

(b) Civil jurisdiction.

(1) As an alternative to imposing the applicable criminal penalty prescribed in Section 49-2(d), the city may, as authorized by Section 54.044 of the Texas Local Government Code, impose administrative penalties, fees, and court costs in accordance with Article IV-b of Chapter 27 of this code for an offense under Section 49-21.1 of this chapter. The alternative administrative penalty range for an offense is the same as is prescribed for an offense in Section 49-2(d). The provisions of Article IV-b of Chapter 27 of this code pertaining to financial inability to comply with an administrative order do not apply to violations of this chapter.

(2) This chapter may be enforced by civil court action as provided by state and federal law.

(c) Offenses. A person who violates Sections 49-3(e), 49-16, 49-19(c), 49-20(f), 49-21.1, 49-23(c), 49-25(c),
49-27(b), 49-31(a), 49-34 and 49-37 of this chapter is guilty of a separate offense for each day or portion of a day during which the violation continues.

(d) **Penalty.**

(1) Each offense under Sections 49-20, 49-21.1, 49-25(c), 49-27(b), 49-31(a), 49-34, and 49-37(a)(3) is punishable by a fine not to exceed $2,000. Every other offense under this chapter is punishable by a fine not to exceed $500.

(2) In addition to the maximum fine prescribed by Subsection (d)(1), an offense under Section 49-20 or 49-21.1 is punishable by a fine of not less than $250. This minimum fine will be doubled for the second conviction of the same offense within any 12-month period and trebled for the third and subsequent convictions of the same offense within any 12-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (d)(1).

(e) **Culpability.**

(1) A person is criminally responsible for a violation of this chapter if the person:

(A) commits or assists in the commission of a violation; or

(B) is a customer, owner, tenant, permittee, or other person in control of the premises determined to be the source of a violation.

(2) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

(f) **Exception.** This section does not apply to Article IV of this chapter. (Ord. Nos. 19201; 19682; 21606; 24745; 29618)
§ 49-3 Water and Wastewater § 49-4

(d) Fee. An applicant must pay an application fee in accordance with Section 49-18.16(a).

(e) Accurate information. An applicant shall furnish the names and addresses of any other joint owners, regardless of whether or not they reside at the premises, if this information is known to the applicant. An applicant shall also furnish proper identification and shall correctly furnish any other relevant information, including but not limited to proof of ownership or agency, required by the department in order to properly provide the service. If information is not furnished or is false, the application may be denied and service, where provided, may be discontinued. A person commits an offense if he knowingly makes a false statement on an application for service under this chapter.

(f) Use without application. A person who occupies premises and uses service without making application is responsible for all water used from the date of the last meter reading previous to that person occupying the premises. If the person is a tenant and the owner of the premises has failed to give the notice required in Section 49-15, then the owner is jointly and severally responsible with the tenant for the charges. (Ord. Nos. 19201; 19622; 20653)

SEC. 49-4. SECURITY DEPOSITS; EXEMPTIONS.

(a) Form of security. Unless exempted under Subsection (f), when a customer applies for service, he must also submit a security deposit in one of the following forms:

(1) cash;

(2) guaranty bond;

(3) letter of credit drawn on a state or federally chartered lending institution;

(4) guarantee letter from another person who has an account with the department for service and has a satisfactory credit history with the department; or

(5) other equivalent security approved by the director.

(b) Amount. The director shall establish the amount of a security deposit in accordance with Section 49-18.8.

(c) Failure to provide security. The director may refuse or discontinue service if a person fails to:

(1) make a required security deposit with his application; or

(2) increase the amount of his security deposit after being notified that an increase is required.

(d) Form of noncash security. A customer must submit a noncash security deposit on a form provided by the director or on a form approved by the director and the city attorney.

(e) Hardship cases. In cases of hardship the director may allow residential service customers to make cash deposits in installments.

(f) Exemptions from security deposit requirement. Any of the following persons is not required to post a security deposit, provided he has a satisfactory credit history with the department:

(1) A person seeking residential service who presents proof that he is 65 years of age or older.

(2) A person seeking residential service who presents proof that he owns or is presently buying the residence to be served.

(3) A person seeking service who provides a current report from a consumer credit reporting agency indicating a good credit standing.

(4) A person who has had at least 12 months continuous service within the last 24 months and left no unpaid balance.
§ 49-4 Water and Wastewater § 49-6

(5) A person who can provide proof that his account with another utility is not delinquent and that timely payments have been made to that utility for a minimum of 12 consecutive months within the past 24 months. A letter from the utility indicating that the requirements of this exception have been met, or monthly bills from the utility stamped paid (including a current or final bill), constitutes acceptable proof that the requirements of this exception have been met.

(g) Withdrawal of exemption. If a customer establishes an account without a security deposit, but subsequently loses his satisfactory credit history with the department, a security deposit may be required as a condition for continued service.

(h) Exceptions to section. This section does not apply to:

(1) governmental entities;

(2) wholesale service contracts; or

(3) applications for permits required under this chapter. (Ord. 19201)

SEC. 49-5. USE OF SECURITY DEPOSITS.

(a) Accounting requirements. The director shall keep:

(1) accurate records of all security deposits, including, but not limited to, the depositor’s name, amounts deposited, and deposits refunded; and

(2) separate accounts of all security deposits.

(b) Administration of deposits. The director shall administer cash security deposits in accordance with the following rules:

(1) A deposit will be applied toward payment of the final bill amount due the city when a service account is closed or becomes inactive due to delinquency, transfer of ownership or other reasons. A deposit made to secure service to premises may be transferred or applied toward payment of a final bill due on any other premises within the city where service is provided in the depositor’s name.

(2) Deposits earn simple interest at an annual percentage rate to be fixed by the director each year, which rate shall approximate the average interest rate earned by the department on its cash deposits for the previous year, less two percent.

(3) Interest ceases to accrue on a deposit when service is discontinued.

(4) A deposit and accrued interest, less amounts due for service, will be returned to the customer when service is discontinued unless the deposit is transferred to another address, either at the request of the customer or as provided in Subsection (b)(1).

(5) Deposits may be invested or used for capital improvements, but sufficient cash shall be accounted for and kept on hand to meet the normally anticipated level of refunds. (Ord. 19201)

SEC. 49-6. SECURITY DEPOSIT REFUNDS.

(a) Refund requirements. The director may refund a security deposit to the customer when the customer meets the requirements of Section 49-4(f) or meets all of the following conditions:

(1) The customer has been receiving service for 12 continuous months.

(2) The customer has acquired a satisfactory credit history with the department.

(3) The customer has not made payment during the past 12 months with a payment device returned due to insufficient funds.
(4) The customer has no delinquent bills outstanding.

(b) Refusal to refund. Notwithstanding Subsection (a), the director may refuse to refund a security deposit where the director determines from the circumstances of a customer’s account that there is a substantial risk of financial loss to the department.

(c) Review for eligibility. Upon the request of a customer, the director shall review the customer’s credit history to determine eligibility for a refund. The director will make refunds in the following manner:

(1) A refund will normally be credited to a customer’s bill.

(2) If a refund is greater than the outstanding bill, the remaining portion of the refund will be applied to subsequent bills.

(3) If a customer no longer has an account for service or in special circumstances approved by the director, the director may authorize a refund by check payable to the customer. (Ord. Nos. 19201; 26961)

SEC. 49-7. PAYMENTS OF FEES FOR SERVICES; DELINQUENCY OF CHARGES; DISCONTINUANCE OR REFUSAL OF SERVICE; NOTICE OF DISCONTINUANCE.

(a) When charges are delinquent; bill items. Except where otherwise provided by written contract between the customer and the city, charges for services furnished become delinquent if payment is not received by the department on or before the due date, which is 15 days after bill rendering. After the due date, the customer must pay all charges for service, plus a late payment fee equal to five percent of the outstanding charges for service (unless the late payment fee is prohibited, or otherwise provided for, in another city ordinance or state or federal law). The director shall send the customer a monthly bill indicating:

(1) the service date and the due date;

(2) the amount due for services rendered (including all previous delinquent charges, plus interest, if any, still due and owing) if the bill is paid by the due date; and

(3) the amount due for services rendered (including all previous delinquent charges, plus interest, if any, still due and owing), plus a late payment fee, if the customer fails to pay the bill by the due date.

(b) Bill not received. Failure to receive a bill from the director does not relieve a customer or other person liable for charges under this chapter from liability for service.

(c) Authority to discontinue service. The director may refuse application for service, discontinue service, or refuse to restore service to:

(1) a customer who fails to pay any charges due under this chapter within seven days after the sending of notice of discontinuance;

(2) a person who violates any provision of:

(A) Section 49-9;

(B) Section 49-16;

(C) Article III or Article IV of this chapter;

(D) Article V or Article VI of Chapter 32 of this code;

(E) Chapter 51 or 51A of this code, upon request of the building official; or
§ 49-7 Water and Wastewater § 49-8

(F) the Dallas Plumbing Code;

(3) a person making application for service to property at an address, if the person has delinquent charges outstanding at another address; or

(4) a customer at any premises if the director determines that a substantial waste of water, or a health hazard, is occurring as a result of leaking, damaged, open or disconnected private laterals, pipes, or drains on the premises.

(d) Cutting and plugging connections. The director’s authority to discontinue service includes the right to cut and plug water or wastewater connections to private property. The costs of cutting and plugging connections will be charged to the customer in addition to the delinquent charges due.

(e) Restoration of service. Discontinued service will not be restored until the customer or other person who has or accepts legal responsibility for violations committed or charges unpaid either pays all charges due (including the charges to restore connections), makes arrangements for payment satisfactory to the director, or, where applicable, ceases violation of the particular code provision in question. The decision to restore service while delinquent charges or code violations still exist rests solely with the director.

(f) Notice of discontinuance. The director must notify a customer in the following manner before discontinuing service under Subsection (c):

(1) The director must send the customer at least seven days advance written notice of pending discontinuance.

(2) The notice must provide a statement of reasons for cutoff and a statement of delinquent charges due, where applicable. The notice must also provide a time, place and means by which the customer may cure the delinquency or violation, or dispute the validity of the reasons for discontinuance.

(3) The notice may be served either in person or by mail.

(4) Additionally, in cases of master-metered apartments or condominiums, the director must cause a notice of pending discontinuance to be posted on the door of each dwelling unit known to be occupied and in a conspicuous place within the property manager’s office or the common areas of the premises.

(g) Exceptions to notice requirement. Subsection (f) does not apply to discontinuance of service resulting from a violation of this chapter if the director determines that immediate discontinuance is necessary to prevent an imminent threat or occurrence of:

(1) harm to the health or safety of persons;

(2) damage to city or private property; or

(3) contamination of the water system.

(h) Customer’s request to discontinue. Upon a customer’s written request, the director may discontinue treated or untreated water service to the customer. Upon receipt of the request, the director may remove the water meter and service connections. However, the customer is liable for all charges incurred prior to removal of the meter. Where service is furnished through more than one meter, the customer may request discontinuance of one or more meters and thereafter be billed on the basis of the remaining meter or meters.

(i) Cumulative remedies. Enforcement of this section does not waive any additional remedies, civil or criminal, available to the city under law. (Ord. Nos. 19201; 20215; 20653; 26961)

SEC. 49-8. NEW APPLICATION FOR PREMISES WITH DELINQUENT CHARGES.

(a) When new application not accepted. Where service has been discontinued, refused or posted for
§ 49-8 Water and Wastewater § 49-9

discontinuance at a premises due to nonpayment of delinquent charges or a violation of this code, a new application will not be accepted from another person to resume service in the same place under another name so long as the previous customer continues to occupy or own the premises as his residence or place of business until:

(1) all delinquent charges are paid;

(2) arrangements for payment satisfactory to the director are made; or

(3) the violation is abated.

(b) Avoidance. This section also applies to premises where service is furnished to a tenant, and the premises are transferred to a person with notice of discontinuance for the purpose of avoiding payment of charges or avoiding enforcement of this section. (Ord. 19201)

SEC. 49-9. METERS REQUIRED; METERS TO BE READ MONTHLY; ESTIMATED CHARGE; WATER LEAKAGE.

(a) Meters generally. Unless otherwise provided in this chapter, or by separate written wholesale service contract, a customer shall receive water service only when measured through a meter. The director shall determine the size, type, number, and location of meters and connections to meters to be installed. Each meter shall be read, when possible, once a month and a bill rendered accordingly.

(b) Estimated bill circumstances. The quantity of water delivered to a premises will be estimated under any of the following circumstances:

(1) The meter reader is unable to procure a reading of the meter because access to the meter is obstructed or made hazardous by an animal or otherwise.

(2) The meter does not properly function, or the equipment used to read the meter does not properly function.

(3) Adverse weather or an act of God prevents the reading of the meter.

(4) No meter is in place at the premises.

(5) For some other reason, a meter reading is not available to the billing section of the department at the time of preparing a bill to the customer.

(c) Basis for estimates. An estimate shall be based on past consumption experience at the premises. If there is no past consumption experience, then an estimate will be based on consumptions of the same class under similar conditions using the best information available. If a customer demonstrates that an estimated bill is excessive, then the department shall render a bill based on a revised estimate or on an actual meter reading where possible.

(d) Meter reading verification. If the customer contends that a discrepancy appears in a bill or meter reading, the director will inspect the meter and verify the reading. The charge for the inspection is provided in Section 49-18.6(c).

(e) Water leakage. When a customer experiences a substantial increase in water or wastewater usage from a hidden water leak, the department will adjust the amount and bill the customer in accordance with the rates prescribed in Section 49-18.1(g). The department will adjust a bill only if a customer presents a plumber’s statement, or the customer’s written statement, which indicates the water leak was not reasonably detectable from the surface, the leak has been repaired, and the type of repairs made. The director may request additional information before determining if a water leak was reasonably detectable based upon facts presented to the director. A customer may receive only one adjustment during a 12 month period, unless the
§ 49-9 Water and Wastewater § 49-10

director determines that extenuating circumstances justify allowing additional adjustments.

(f) Return of meters. All water meters furnished to customers are property of the city and will be returned immediately upon request of the director. Failure to return a meter when requested constitutes grounds for discontinuance or refusal of service.

(g) Maintenance of meters. The department is responsible for maintenance, inspection and repair of all water meters. When any act, neglect or carelessness of the customer or owner of any premises causes damage to a meter requiring adjustment, repair or replacement, the resulting expense will be charged against the customer or owner. (Ord. Nos. 19201; 20737; 21334)

SEC. 49-10. COLLECTION REGULATIONS; PAYMENT SUBSTATION AND PAYMENT SERVICE CONTRACTS.

(a) Collection regulations. The director is authorized to promulgate regulations and procedures, not in conflict with this code, the city charter, or applicable state or federal laws or regulations, concerning the collection of charges for service and the handling of customer accounts, receipts, and reports.

(b) Authority for payment substations and payment service companies. The director is authorized to provide substations operated by the department at convenient locations for the general public to pay charges, or the director may negotiate contracts with private persons for the operation of:

(1) payment substations; or

(2) payment service companies, including but not limited to, telephone (interactive voice response) payment services, Internet (on-line) payment services, and payment service agents.

(c) Terms of private contracts. A private substation contract or a payment service contract must be for a fixed term and must contain conditions agreed upon by the parties; except, that each contract must include the collection regulations and procedures promulgated by the director as a part of the conditions. A private substation contract or a payment service contract must be executed by the city manager and approved as to form by the city attorney.

(d) Contract security. All substation contractors and payment service contractors shall provide a surety or guaranty bond payable to the city in an amount, not less than $1,000, that is satisfactory to the director. The bond must secure against loss or disappearance, for whatever reason, of funds collected by the contractor for payment of charges and must generally secure performance under the contract. In lieu of a bond, the director may accept a cash deposit, or an unconditional letter of credit drawn on a state or federally-chartered lending institution.

(e) Convenience charge for payment substations. A private payment substation is authorized to collect a convenience charge, not to exceed $1.00, on each bill collected, which charge may be retained by the substation as a cost of service.

(f) Convenience charge for on-line payment services. The director may collect a convenience charge, not to exceed $1.00, on each bill collected on-line, which charge will be retained by the water utilities department of the city as a cost of service.

(g) Convenience charge for payment service agents. A payment service agent is authorized to collect a convenience charge, not to exceed $1.00, on each bill collected, which charge may be retained by the payment service agent as a cost of service.

(h) The collection and payment regulations and procedures provided for in this section apply to:

(1) charges established under this chapter; and
§ 49-10 Water and Wastewater

(2) charges established under other city ordinances that the director has been authorized to collect by the city manager or the city council. (Ord. Nos. 19201; 25385; 26135)

SEC. 49-11. WAIVER OF SUBSTATION SECURITY REQUIREMENT.

(a) Conditions. The director may waive the security requirement of Section 49-10(d) upon a finding that the requirement is not necessary to secure performance. In order to so find, the director shall consider:

1. any present deposits or security posted by the contractor with the department;
2. whether the contractor’s inventory consists of goods or merchandise;
3. the number of years the contractor has done business in Dallas County;
4. whether the contractor is a subsidiary of an existing authorized substation;
5. the contractor’s credit standing; and
6. the contractor’s financial condition as shown by certified financial statements or other data supplied by the contractor. (Ord. 19201)

SEC. 49-12. JOINT OWNERS OR USERS; LIABILITY FOR CHARGES; TRANSFER OF ACCOUNTS.

(a) Charges a lien. When delinquent charges remain unpaid and the procedures of Section 49-13 are followed, those delinquent charges shall constitute a lien against the property served.

(b) Personal liability. The customer of record has the primary personal liability for service rendered under this chapter. Nevertheless, if service is provided to property owned by a person or entity jointly with the customer of record, or if the customer of record is an agent or property manager for one or more owners of property, the joint owners shall not be treated as new customers, but shall remain jointly and severally liable with the customer of record for unpaid delinquent charges. The director may refuse or discontinue service in the same manner provided for in Section 49-7 until all delinquent charges are paid.

(c) Liability of spouses. Spouses receiving service to premises they jointly own or occupy are deemed to be joint customers of record, notwithstanding that only one spouse may have signed an application, and shall be jointly and severally liable for unpaid delinquent charges.

(d) Liability of tenants. Where service is provided to a tenant in a single-family residence, or to more than one residential or commercial tenant through a master meter or single service connection, and the landlord is the customer of record, a tenant or duly organized association of tenants may establish a new service account without being held responsible for any previous unpaid charges owed by the landlord if the appropriate facilities are in place and the tenant or association of tenants otherwise meets the applicable requirements of this chapter; however, the director may refuse service if it appears that application is being made for the purpose of assisting the landlord to avoid payment of delinquent charges or for the purpose of defrauding the city. Nothing in this subsection shall be construed to require the department to apportion charges or to provide individually-metered service at a master-metered premises.

(e) Transfer of accounts. Where a person liable for delinquent charges at one address is found to have an account in his name at another address, the delinquent amounts due at the previous address may be transferred to the account at the new address, and service discontinued at the new address until the delinquent amounts are paid. (Ord. 19201; 20653)
SEC. 49-13. WATER LIEN PROCEDURE.

(a) Authority. The city is authorized, in accordance with the provisions of Article 402.0025, Texas Local Government Code, to perfect the lien upon property which occurs as provided in Section 49-12, for the purpose of securing the payment of delinquent charges incurred as a result of service to the property. This section shall not apply to delinquent charges for service where a tenant is the customer of record, if the owner of the property served has sent notice to the director that the property is rental property.

(b) When lien is perfected. The lien may be perfected only when charges incurred by a customer for service become delinquent and when the director determines that other means for fully collecting the delinquency are inadequate or unavailable.

(c) Form of the lien. Upon request of the director, the form of the lien must be prepared by the city attorney. The form must contain:

1. a statement indicating the purpose of the lien;
2. the address of the property which is the subject of the lien, where the address is ascertainable;
3. a complete legal description of the property which is the subject of the lien; and
4. the amount of delinquent charges, including penalties, interest and collection costs, if any, incurred upon the property as of the date of execution of the lien.

(d) Execution and recording. The lien must be:

1. executed by the city manager and acknowledged by a notary public of the State of Texas;
2. approved as to form by the city attorney; and
3. filed in the deed or lien records of the county in which the property is located.

(e) Priority of lien. The lien is superior to all other liens except a bona fide mortgage lien recorded prior to the recording of the city’s lien in the deed or lien records of the county in which the property is located.

(f) Additional charges; correction lien. Should additional delinquent charges be incurred subsequent to the date of the original lien’s execution, a correction lien may be executed and filed, in the form provided above, fixing the additional delinquent charges. The correction lien, when filed of record, shall relate back to the date of recording of the original lien and shall become a part of the original lien.

(g) Suit to foreclose. The city attorney, at the request of the director, may file suit to judicially foreclose the lien in a state court of competent jurisdiction. The suit may not be filed earlier than 60 days after the recording date of the lien.

(h) Release of lien. Upon certification by the director that all delinquent charges which existed against the property have been fully paid, the city manager is authorized to execute a release of the lien. The release shall be prepared and approved as to form by the city attorney and shall be duly acknowledged. After execution, the director must immediately file the release in the deed or lien records of the county in which the property is located.

(i) Cumulative remedies. This section is cumulative of any other remedies, methods of collection or security available to the director or the city under the charter and ordinances of the city or under state law. This section does not affect the director’s authority to refuse or to furnish service when delinquent charges exist. (Ord. Nos. 19201; 20215; 20653)
SEC. 49-14. NOTICE OF WATER LIEN.

(a) Form of notice. Prior to recording of the water lien, the director shall send notice, by certified mail, return receipt requested, that a lien will be fixed on the property in accordance with law. The notice must provide a time, place and means by which the charges causing the lien may be paid or disputed. The notice must be sent to:

1. the customer in whose name the account for service to the property exists; and
2. the last known record owner of the property according to the tax rolls of the city, if the customer is not the owner.

(b) Absence of notice. Absence of receipt of notice does not affect the enforceability of a lien perfected under Section 49-13. (Ord. Nos. 19201; 19622)

SEC. 49-15. NOTICE OF VACANCY OR TRANSFER OF PROPERTY.

(a) When notice given. The customer, or the owner of property served, must notify the director within three days after the occurrence of:

1. any total vacancy in the property served;
2. any change in ownership, whether by sale, foreclosure, business reorganization or otherwise; or
3. any occupancy of previously vacant property.

(b) Failure to notify. Failure to give notice in accordance with Subsection (a) shall render the owner and the customer, if he is not the owner, jointly and severally liable for all charges due against the property. Upon receipt of notice under Subsection (a)(1) or (a)(2), the director shall prepare a final bill for the account. (Ord. 19201)

SEC. 49-16. PERMISSION OF OWNER OR CUSTOMER TO BE SECURED BEFORE USING WATER; USE BEFORE FILING APPLICATION FOR SERVICE.

(a) Use without consent. A person commits an offense if, where water is furnished to any premises, the person knowingly takes water from any faucet or water connection on the premises without first securing the consent of, and making arrangements with, the owner of the premises or the customer in whose name the account exists. This section does not apply to a person employed by the city who is engaged in work of an emergency nature in his official capacity as a city employee.

(b) Use without application. A person commits an offense if he knowingly diverts or uses water from any part of the water system without making application and without receiving the director’s consent to use a service. Absence of an account for service on file with the department constitutes prima facie proof of the lack of the director’s consent to use a service.

(c) Defense. It is a defense to prosecution under Subsection (b) of this section if the person uses service pursuant to an approved application request by telephone under Section 49-3. (Ord. Nos. 19201; 20215)

SEC. 49-17. DIRECTOR’S AUTHORITY TO CONTRACT; RATES AS CONSIDERATION.

(a) General contract authority. The director is authorized to provide service without the necessity of city council approval except for:

1. a contract for noninterruptible untreated or treated water service which is for a fixed term of longer than three years;
§ 49-17 Water and Wastewater § 49-18.1

(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:

<table>
<thead>
<tr>
<th>METER SIZE</th>
<th>RATE PER METER</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8-inch meter</td>
<td>$5.33</td>
</tr>
<tr>
<td>3/4-inch meter</td>
<td>7.40</td>
</tr>
<tr>
<td>1-inch meter</td>
<td>10.78</td>
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<tr>
<td>1-1/2-inch meter</td>
<td>20.00</td>
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<td>32.54</td>
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</tr>
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<td>4-inch meter</td>
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<tr>
<td>6-inch meter</td>
<td>251.45</td>
</tr>
<tr>
<td>8-inch meter</td>
<td>418.53</td>
</tr>
<tr>
<td>10-inch meter or larger</td>
<td>642.66</td>
</tr>
</tbody>
</table>

(2) Usage Charge—Rate Per 1,000 Gallons.

<table>
<thead>
<tr>
<th>TYPE OF USAGE</th>
<th>RATE PER 1,000 GALLONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Residential:</td>
<td></td>
</tr>
<tr>
<td>(i) Up to 4,000 gallons</td>
<td>$1.86</td>
</tr>
<tr>
<td>(ii) 4,001 to 10,000 gallons</td>
<td>4.00</td>
</tr>
<tr>
<td>(iii) 10,001 to 20,000 gallons</td>
<td>6.50</td>
</tr>
<tr>
<td>(iv) 20,001 to 30,000 gallons</td>
<td>9.30</td>
</tr>
<tr>
<td>(v) Above 30,000 gallons</td>
<td>10.70</td>
</tr>
<tr>
<td>(B) General service:</td>
<td></td>
</tr>
<tr>
<td>(i) Up to 10,000 gallons</td>
<td>3.73</td>
</tr>
<tr>
<td>(ii) Above 10,000 gallons</td>
<td>4.05</td>
</tr>
<tr>
<td>(iii) Above 10,000 gallons and 1.4 times annual average monthly usage</td>
<td>6.15</td>
</tr>
</tbody>
</table>
(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 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:

(A) Residential $1.86
(B) General service 3.73
(C) Optional general service 3.24 3.65
(D) Municipal service 2.51 2.75

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.
§ 49-18.1 Water and Wastewater § 49-18.2

(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 $2.51 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; 31332, eff. 10/1/19)

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:

<table>
<thead>
<tr>
<th>METER SIZE</th>
<th>RATE PER METER</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8-inch meter</td>
<td>$4.78</td>
</tr>
<tr>
<td>3/4-inch meter</td>
<td>6.55</td>
</tr>
<tr>
<td>1-inch meter</td>
<td>9.45</td>
</tr>
<tr>
<td>1-1/2-inch meter</td>
<td>18.30</td>
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<tr>
<td>2-inch meter</td>
<td>28.50</td>
</tr>
<tr>
<td>3-inch meter</td>
<td>69.50</td>
</tr>
<tr>
<td>4-inch meter</td>
<td>111.42</td>
</tr>
<tr>
<td>6-inch meter</td>
<td>219.31</td>
</tr>
<tr>
<td>8-inch meter</td>
<td>366.09</td>
</tr>
<tr>
<td>10-inch meter or larger</td>
<td>575.21</td>
</tr>
</tbody>
</table>

(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: $4.11 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 usage charge for Section 49-18.1(f) customer: $4.00 per 1,000 gallons of water used.

(5) Monthly general service usage charge for wastewater separately metered: $3.91 per 1,000 gallons of wastewater discharged.

(5) Monthly general service usage charge for wastewater separately metered: $4.05 per 1,000 gallons of wastewater discharged.

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

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

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

(f) Rates for municipal purpose wastewater service. Wastewater service to property owned by the city of Dallas that is used solely for municipal purposes may be charged $2.74 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 $2.75 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; 31332; eff. 10/1/19)

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 $0.3650 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.

(1) The volume charge for treated water is $0.3766 per 1,000 gallons of water used, and the annual water year demand charge is $278,529 per each mgd, as established by the highest rate of flow controller setting.
§ 49-18.4 Water and Wastewater § 49-18.5

(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:

<table>
<thead>
<tr>
<th>Size of Connection</th>
<th>Monthly Standby Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-inch</td>
<td>$77.00</td>
</tr>
<tr>
<td>4-inch</td>
<td>126.62</td>
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<tr>
<td>6-inch</td>
<td>251.45</td>
</tr>
<tr>
<td>8-inch</td>
<td>418.53</td>
</tr>
<tr>
<td>10-inch or larger</td>
<td>642.66</td>
</tr>
</tbody>
</table>

(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.

(4) The rate for regular untreated water service to a governmental entity is $0.8707 per 1,000 gallons of untreated water used. The rate for interruptible untreated water service to a governmental entity is $0.3549 per 1,000 gallons of untreated water used.

(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 $2.8601 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.

(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 $3.0381 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 14.1 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 $0.3590 per 1,000 gallons of water treated, and the annual water year demand charge is $40,783 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; 31332, eff. 10/1/19)

SEC. 49-18.5. RATE FOR UNTREATED WATER.

(a) Regular rate. The charge for untreated water is $0.8707 per 1,000 gallons of water used.

(b) Interruptible rate. The charge for interruptible service is $0.3549 per 1,000 gallons of water used.
(c) Reservoir supply permits. The director may issue permits, without the necessity of council approval, to owners of property abutting water supply lakes or streams for the domestic use of untreated water. A charge for water used will be made as provided in Subsection (a) or (b). The term of such permits may not exceed three years, but the permits are renewable at the option of the city. An application for a permit or permit renewable under this subsection must be accompanied by a non-refundable 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 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 renewable 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 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; 30994; 31332, eff. 10/1/19)

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:

<table>
<thead>
<tr>
<th>Meter-Size</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8 to 1-inch</td>
<td>$50.00</td>
</tr>
<tr>
<td>1-1/2 to 2-inch</td>
<td>$35.00</td>
</tr>
<tr>
<td>Larger than 2-inch</td>
<td>Actual cost of change and test</td>
</tr>
</tbody>
</table>

(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:
§ 49-18.6  Water and Wastewater

(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 connection at the following rates:

(1) Water Service Installation Charges.

<table>
<thead>
<tr>
<th>Connection Size</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/4-inch</td>
<td>$3,600.00</td>
</tr>
<tr>
<td>1-inch</td>
<td>$3,750.00</td>
</tr>
<tr>
<td>1 1/2-inch</td>
<td>$4,800.00</td>
</tr>
<tr>
<td>2-inch</td>
<td>$5,400.00</td>
</tr>
</tbody>
</table>

(2) Connecting Existing Water Service.

<table>
<thead>
<tr>
<th>Connection Size</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/4-inch</td>
<td>$820.00</td>
</tr>
<tr>
<td>1-inch</td>
<td>$910.00</td>
</tr>
<tr>
<td>1 1/2-inch</td>
<td>$1,830.00</td>
</tr>
<tr>
<td>2-inch</td>
<td>$1,830.00</td>
</tr>
<tr>
<td>Up to 2-inch bullhead</td>
<td>$2,580.00</td>
</tr>
</tbody>
</table>

(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) 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.
required for reinstatement of service. If information to
determine the total standard bill for the prior 12
months is unavailable or inapplicable, the director may
determine the amount of the required deposit based on
bills to similar property for those months for which the
information is unavailable or inapplicable.

(4) The director may require a higher
security deposit, not to exceed three times the average
bill at the location served or to be served, for any class
of service, when the director determines that there is a
substantial risk of financial loss to the department.
(Ord. Nos. 19201; 25385)

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

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

(1) a deposit of $1,500 to be refunded when
the service is discontinued and the meter is returned to
the city by the person or the person's authorized
representative, less any unpaid fees for services and
any costs to repair damage in excess of normal wear;

(2) a monthly fire hydrant service charge of
$77.00; and

(3) a usage charge for water that will be
billed at the general service rate prescribed in Section
49-18.1(c)(2)(B). (Ord. Nos. 19201; 19300; 21430; 25385;
26135; 26961; 27698; 28025; 28426; 28795; 29150; 29479;
29879; 30215; 30653)

SEC. 49-18.10. SPECIAL ASSESSMENT RATES;
LOT AND ACREAGE FEES.

(a) Special assessment rate. When a person
owning benefited property is charged in accordance
with Section 49-56(b), the following front foot rates will
be applied:

(1) $6.00 per front foot of the lot or tract of
land to which water service connections are made
available, where the lot or tract benefits by the
enhanced value due to an extension; and

(2) $6.00 per front foot of the lot or tract of
land to which wastewater service connections are
made available, where the lot or tract benefits by the
enhanced value due to an extension.

(b) Adjustment. The city council may adjust the
rates established in Subsection (a) as prescribed in
Section 49-56(d).

(c) Lot or acreage fee for individual owners.
Individual owners required to pay a lot or acreage fee
pursuant to Section 49-56(h) will be charged as
follows:

(1) $0.018 per square foot of lot that is part
of a subdivided tract utilizing an existing water main;
§ 49-18.10 Water and Wastewater

(2) $785.00 per acre of any unsubdivided tract utilizing an existing water main;

(3) $0.018 per square foot of lot that is part of a subdivided tract utilizing an existing wastewater main;

(4) $785.00 per acre of any unsubdivided tract utilizing an existing wastewater main.

(d) Acreage fee for developers. Developers required to pay an acreage fee in accordance with Section 49-62 will be charged as follows:

(1) $785.00 per acre of land for an existing water main; and

(2) $785.00 per acre of land for an existing wastewater main. (Ord. Nos. 19201; 19300; 20653; 22564)

SEC. 49-18.11. EVALUATED COST TABLES FOR OVERSIZE, SIDE, OR OFF-SITE FACILITIES.

The director will use the following evaluated cost tables to calculate city payments and to calculate fees due under Section 49-62. City payments will be calculated by the director by using either the unit prices in the construction contract submitted by the developer, or the unit prices in the evaluated cost tables, whichever is less.

The director will use the following evaluated cost tables to calculate city payments and to calculate fees due under Section 49-62. City payments will be calculated by the director by using either the unit prices in the construction contract submitted by the developer, or the unit prices in the evaluated cost tables, whichever is less.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>UNITS</th>
<th>4-inch pipe</th>
<th>6-inch pipe</th>
<th>8-inch pipe</th>
<th>12-inch pipe</th>
<th>16-inch pipe</th>
<th>20-inch pipe</th>
<th>24-inch pipe</th>
<th>30-inch pipe</th>
<th>36-inch pipe</th>
<th>39-inch pipe</th>
</tr>
</thead>
<tbody>
<tr>
<td>WATER MAINS AND APPURTEINANCES</td>
<td></td>
<td></td>
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<td>ITEM</td>
<td>UNITS</td>
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<tr>
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<tr>
<td>45-inch pipe</td>
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### § 49-18.11 Water and Wastewater

#### SANITARY SEWER MAINS AND APPURTEANCES

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### § 49-18.12

#### SANITARY SEWER MAINS AND APPURTEANCES

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</table>
**MISCELLANEOUS ITEMS**

**ITEM** | **UNITS** | **UNIT PRICE**
---|---|---
Crushed rock for paving repairs | cubic yard | $30.00
Asphalt paving | square yard | 100.00
Concrete paving | cubic yard | 375.00
Driveway | cubic yard | 215.00
Sidewalk | square yard | 40.00
Curb and gutter | linear foot | 20.00
Stabilized backfill | cubic yard | 60.00
Concrete backfill | cubic yard | 170.00
Rip rap | square yard | 40.00
Rock foundation | cubic yard | 60.00

**Excavation: in excess of 10 feet in depth below approved street grade:**

- in dirt | cubic yard | 15.00
- in rock | cubic yard | 20.00

**MISCELLANEOUS ITEMS**

**ITEM** | **UNITS** | **UNIT PRICE**
---|---|---
Crushed rock for paving repairs | cubic yard | $40.00
Asphalt paving | square yard | 150.00
Concrete paving | cubic yard | 375.00
Driveway | cubic yard | 215.00
Sidewalk | square yard | 50.00
Curb and gutter | linear foot | 40.00
Stabilized backfill | cubic yard | 90.00
Concrete backfill | cubic yard | 170.00
Rip rap | square yard | 40.00
Rock foundation | cubic yard | 60.00

**Excavation: in excess of 10 feet in depth below approved street grade:**

- in dirt | cubic yard | 15.00
- in rock | cubic yard | 30.00

**NOTE:**

A payment for an extra depth manhole shall be calculated by adding 10 percent of the manhole unit price for each foot in excess of 10 feet below approved street grade to the unit price.

A payment for an extra depth manhole shall be calculated by adding 10 percent of the manhole unit price for each foot in excess of 10 feet below approved street grade to the unit price. (Ord. Nos. 19201; 19526; 20077; 20449; 20737; 21430; 21824; 22208; 24414; 27355; 31332, eff. 10/1/19)

**SEC. 49-18.12. INDUSTRIAL SURCHARGE RATE FORMULA FOR EXCESSIVE CONCENTRATIONS.**

Surcharge rate formula. The person responsible for industrial waste discharge in excessive concentrations of BOD and suspended solids shall pay an industrial surcharge in addition to regular water and wastewater rates, either under Section 49-49 or in accordance with the following cost factors and formula:

(1) The user’s cost factors for excessive industrial waste are based on the capital and operating cost of wastewater facilities to provide treatment for the reduction of BOD and suspended solids. The formula is:
(A) Surcharge for excessive concentrations:

Payment rate per 1,000 gallons:

\[ \frac{2.33520 \text{ (BOD-250)} + 1.41780 \text{ (SS-250)}}{1,000} \]

(B) Surcharge for excessive concentrations for wastewater metered separately:

Payment rate per 1,000 gallons:

\[ \frac{2.59206 \text{ (BOD-250)} + 1.57376 \text{ (SS-250)}}{1,000} \]

SEC. 49-18.13. CHARGES FOR TRANSPORTERS OF SEPTIC TANK WASTE.

Transporter rates and requirements. A person who transports or disposes of septic tank or portable sanitation waste at the city’s wastewater treatment facility must:

1. obtain and maintain a liquid waste transport permit from the city for each vehicle in accordance with Chapter 19, Article X of this code;

2. deposit $500 with the director for each vehicle, the deposit to be refunded when the vehicle is no longer used to dispose of waste at the city’s wastewater treatment facility and all fees have been paid;

3. pay a disposal fee of $0.045 per gallon for each load of septic tank waste, with the fee calculated as if the permitted vehicle carrying the load was at full capacity; and

4. dispose of waste at the wastewater treatment facility specified by the director. (Ord. Nos. 19201; 19300; 22026; 22927; 26925; 27698)

SEC. 49-18.14. RATES FOR DEVELOPMENT REVIEW ACTIVITIES.

Design review fees. The rates for reviewing engineering plans for the construction of water and wastewater facilities for the purpose of development or redevelopment are as follows:

1. $1,050 for design review of engineering plans requiring more than 100 feet of construction of water and wastewater mains, excluding the footage of building service connections.

2. $300 for design review of engineering plans requiring 100 feet or less of construction of water and wastewater mains, excluding the footage of building service connections.
(3) $300 for each additional design review of engineering plans for:

(A) every design review submission in excess of three engineering design reviews, which submission was not required as a result of a review error by the city; and

(B) each design revision submitted after construction has commenced, which submission was not required as a result of a review error by the city.

(Ord. Nos. 19201; 20215; 22208; 23289; 27355)

SEC. 49-18.15. PAYMENT TABLE.

(a) Off-site rates. The developer will be paid not more than the total evaluated cost of off-site mains which he constructs or for which he advances money under Section 49-62(c), in accordance with the following tables:

(1) Programmed off-site extensions.

By private development contract:

- $240.00 / new residential connection
- $112.50 / new apartment connection
- $  7.50 / each new fixture unit installed for commercial uses, with the reimbursement rate per connection not to be less than $240.00

(2) Nonprogrammed off-site extensions.

By private development contract:

- $160.00 / new residential connection
- $ 75.00 / new apartment connection
- $  5.00 / each new fixture unit installed for commercial uses, with the reimbursement rate per connection not to be less than $160.00

(b) Additional rules. For purposes of this section, a fixture unit is defined in Section 107(d) and Chapter 10 of the Dallas Plumbing Code. A payment under Subsection (a) of this section will be made strictly in accordance with the rules of Section 49-62. (Ord. Nos. 19201; 19526; 20653)

SEC. 49-18.16. MISCELLANEOUS CHARGES AND PROVISIONS; RATES WHERE NO CHARGE SPECIFIED.

(a) Service application fees. Upon application for service under Section 49-3, a fee of $15 will be assessed to establish or transfer a residential or general service account, except that a fee of $30 will be assessed to establish or transfer an account for a general service customer described in Section 49-18.1(f) of this chapter.

(b) Discontinuance and restoration charges. For any discontinuance of service under this chapter, except for a discontinuance under Section 49-22 or Subsection (d) of this section, a charge of $25 will be assessed for each service call. An additional $35 charge will be assessed if the customer pays delinquent charges and requests same day restoration of service. If a meter has to be unpadlocked, set, or unplugged to restore discontinued service, a charge of $25 will be assessed in addition to all other charges.

(c) Returned payment device charge. A charge in an amount allowable under Section 3.506 of the Texas Business and Commerce Code, as amended, will be assessed when a customer pays a service bill with a payment device, and the payment device is dishonored and returned to the city.

(d) Temporary discontinuance charge. The service charge for discontinuing service temporarily at the request of the customer or an agent of the customer is $25, except that the director may waive this charge where the necessity for turning water off is created by an emergency.

(e) Multiple tenant notification for possible service discontinuance. When it is necessary to notify tenants of possible service discontinuance due to the delinquent payments of a customer having a master meter serving four or more units, the customer will be assessed a charge of $2.50 per unit for posting the cutoff alerts.
(f) Service connection permit processing fee. If for any reason, within the term of a service connection permit, an applicant for a service connection under Section 49-24 fails to make the connection or does not require the connection, a $25 processing fee will be retained from any service connection charges paid, with any remainder being refunded to the applicant or property owner.

(g) Fire flow test. A charge of $150 will be assessed for each fire flow test performed on existing city water lines at the request of a customer or other person to determine water availability for fire protection systems.

(h) Where no charge specified. When charges for a service are not specified in this chapter, the director shall establish charges which are based on the cost of performing the services, including, but not limited to, such services as the moving of meter locations, repair to damaged facilities, field location of mains, fire hydrant relocation, installation of traffic lids on meter boxes, replacement of a meter with a meter larger than one inch, water and wastewater main abandonments, installation and removal of temporary service, abandonment of manholes, and provision of printed materials.

(i) Where money credited. All sums of money collected as a charge or fee authorized under this chapter, at the rates specified in this chapter, shall be credited to the appropriate water and wastewater fund of the city. (Ord. Nos. 19201; 19300; 20737; 21824; 23289; 25049; 25385; 26961; 27355; 28426)

SEC. 49-18.17. HYDROSTATIC TESTING OF WATER MAINS.

No charge will be made for the hydrostatic testing or retesting of a water main, except that a fee of $300.00 will be charged if an expedited test or retest is requested. An expedited test or retest requires the department to perform the hydrostatic testing or retesting on the water main within three days after receipt of the request. (Ord. 26479)

ARTICLE III.
WATER AND WASTEWATER
GENERALLY.

SEC. 49-19. CONTROL OF AND ACCESS TO SYSTEMS; INTERFERENCE WITH ACCESS GENERALLY.

(a) Systems as city property. All parts of the water and wastewater systems, including but not limited to those parts defined in Section 49-1, are the property of the city. The director shall maintain and control each system and keep detailed records concerning all aspects of department operations.

(b) Who has access. Only a person who is authorized by the director pursuant to Section 49-23 will have access to the water and wastewater systems for operation, construction, maintenance, repair and other service-related purposes.

(c) Obstruction of authorized persons. A person commits an offense if he knowingly obstructs a person authorized in accordance with Section 49-23 from:

(1) gaining access to a part of the water or wastewater system for purposes of operation, inspection, construction, maintenance or repair; or

(2) performing actual operation, inspection, construction, maintenance or repair of a part of the water or wastewater system. (Ord. 19201)

SEC. 49-20. EMERGENCY AUTHORITY.

(a) Purpose and scope. The purpose of this section is to establish the city’s policy in the event of
shortages or delivery limitations in the city’s water supply. This section applies to:

(1) all persons and premises within the city using water from the water system;

(2) all retail customers who live in unincorporated areas within the city’s extraterritorial jurisdiction and are served by the water system; and

(3) all wholesale service customers outside the city to the extent provided in Subsection (i).

(b) Emergency water management plan. The director shall promulgate and submit an emergency water management plan to the city council for approval, the guidelines of which should include:

(1) the conditions under which a particular stage of emergency will be implemented or terminated; and

(2) provisions defining specific events that will trigger an emergency.

(c) Authority. The city manager is authorized to implement measures prescribed when required by this section and by the emergency water management plan approved by the city council. The director is authorized to enforce the measures implemented and to promulgate regulations, not in conflict with this section or state and federal laws, in aid of enforcement.

(d) Implementation of emergency order. The director, upon determination that the conditions of a water emergency exist, shall advise the city manager. The city manager may order that the appropriate stage of emergency response, as detailed in the emergency water management plan, be implemented. To be effective, the order must be:

(1) made by public announcement; and

(2) published in a newspaper of general circulation in the city within 24 hours after the public announcement, which order becomes immediately effective upon publication.

(e) Duration of order; change; extension. The order can be made effective for up to, but not more than, 60 days from the date of publication. Upon recommendation of the director, the city manager may upgrade or downgrade the stage of emergency when the conditions triggering that stage occur. Any change in the order must be made in the same manner prescribed in Subsection (d) for implementing an emergency order. The city council may, upon the recommendation of the city manager and the director, extend the duration of the emergency order for additional time periods, not to exceed 120 days each. The city manager shall terminate the order in the manner prescribed in Subsection (d) for implementing an emergency order when the director determines that the conditions creating the emergency no longer exist.

(f) Violation of section. A person commits an offense if he knowingly makes, causes or permits a use of water contrary to the measures implemented by the city manager as prescribed in the emergency water management plan. For purposes of this subsection, it is presumed that a person has knowingly made, caused or permitted a use of water contrary to the measures implemented if the mandatory measures have been formally ordered consistent with the terms of Subsection (d) and:

(1) the manner of use has been prohibited by the emergency water management plan;

(2) the amount of water used exceeds that allowed by the emergency water management plan; or

(3) the manner or amount used violates the terms and conditions of a compliance agreement made pursuant to a variance granted by the director under Subsection (g).

(g) Variances. During the times the emergency order is operative, the director may grant variances in special cases to persons demonstrating extreme
§ 49-20 Water and Wastewater § 49-21.1

hardship and need. The director may grant variances only under the following circumstances and conditions:

(1) the applicant must sign a compliance agreement on forms provided by the director, and approved by the city attorney, agreeing to use the water only in the amount and manner permitted by the variance;

(2) granting of a variance must not cause an immediate significant reduction in the city’s water supply;

(3) the extreme hardship or need requiring the variance must relate to the health, safety or welfare of the person requesting it; and

(4) the health, safety and welfare of other persons must not be adversely affected by granting of the variance.

(h) Revocation of variances. The director may revoke a variance granted when he determines that:

(1) the conditions of Subsection (g) are not being met or are no longer applicable;

(2) the terms of the compliance agreement are being violated; or

(3) the health, safety or welfare of other persons requires revocation.

(i) Wholesale service to customers outside the city. The director shall advise customers receiving wholesale water service from the city of actions taken under the emergency water management plan. The director may restrict service to customers outside the city as permitted under the contract and state law.

(j) Authority under other laws. Nothing in this section shall be construed to limit the authority of the mayor, the city council or the city manager to seek emergency relief under the provisions of any state or federal disaster relief act. (Ord. 19201)

SEC. 49-21. ADEQUACY OF SUPPLY.

(a) City supply must be adequate. Under no circumstances shall water be furnished by the city to any applicant or customer unless the supply of the city is adequate. In cases of emergency, priority of users of the city’s water supply shall be determined by the director, subject to the requirements of state law and Section 49-20.

(b) Revisions. The city council may from time to time, upon recommendation of the city manager and the director, make revisions in the emergency water management plan approved under Section 49-20(b) if prudent conservation requires the revisions. (Ord. 19201)

SEC. 49-21.1. CONSERVATION MEASURES RELATING TO LAWN AND LANDSCAPE IRRIGATION.

(a) Purpose. Lawn and landscape irrigation practices within the city, especially during the summer months, can cause a waste of valuable water resources. The purpose of this section is to mandate that water be used for lawn and landscape irrigation in a manner that prevents waste, conserves water resources for their most beneficial and vital uses, and protects the public health.

(b) Lawn and landscape irrigation restrictions. A person commits an offense if, during the period from April 1 through October 31 of any year and between the hours of 10:00 a.m. and 6:00 p.m. on any day during that period, the person irrigates,
waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by the person. It is a defense to prosecution under this paragraph that the person was only using water from a source other the city’s water or wastewater system.

(2) A person commits an offense if, at any time during the year, the person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by the person with a hose-end sprinkler or automatic irrigation system on a day other than a designated outdoor water use day for the property address. It is a defense to prosecution under this paragraph that the person was:

(A) using a hand-held hose, drip irrigation device, soaker hose, or hand-held bucket;

(B) irrigating during the repair or testing of a new or existing automatic irrigation system;

(C) irrigating nursery stock at a commercial plant nursery; or

(D) only using water from a source other than the city’s water or wastewater system.

(3) A person commits an offense if the person knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by the person in a manner that causes:

(A) a substantial amount of water to fall upon impervious areas instead of upon the lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or

(B) an automatic irrigation system or other lawn or landscape watering device to operate during any form of precipitation.

(4) A person commits an offense if, on premises owned, leased, or managed by the person, the person operates a lawn or landscape automatic irrigation system or device that:

(A) has any broken or missing sprinkler head; or

(B) has not been properly maintained in a manner that prevents the waste of water.

(c) Rain and freeze sensing devices.

(1) Any automatic irrigation system installed or operated within the city must be equipped with a working rain and freeze sensing device.

(2) A person commits an offense if, on premises owned, leased, or managed by the person, the person:

(A) installs, or causes or permits the installation of, an automatic irrigation system in violation of Subsection (c)(1); or

(B) operates, or causes or permits the operation of, an automatic irrigation system that does not comply with Subsection (c)(1).

(d) Variances. The director may, in special cases, grant variances from the provisions of Subsections (b)(1), (b)(2), or (c) to persons demonstrating extreme hardship and need. The director may grant variances only under all of the following circumstances and conditions:

(1) The applicant must sign a compliance agreement on forms provided by the director, and approved by the city attorney, agreeing to irrigate or water a lawn or landscape only in the amount and manner permitted by the variance.

(2) Granting of a variance must not cause an immediate significant reduction in the city’s water supply.
(3) The extreme hardship or need requiring the variance must relate to the health, safety, or welfare of the person requesting it.

(4) The health, safety, and welfare of other persons must not be adversely affected by granting the variance.

(e) Revocation of variances. The director may revoke a variance granted when the director determines that:

(1) the conditions of Subsection (d) are not being met or are no longer applicable;

(2) the terms of the compliance agreement are being violated; or

(3) the health, safety, or welfare of other persons requires revocation. (Ord. Nos. 24745; 26518; 28622)

SEC. 49-22. TEMPORARY DISCONTINUANCE FOR CONSTRUCTION, MAINTENANCE OR EMERGENCY REASONS.

(a) Reasons for temporary discontinuance. The director is authorized to temporarily discontinue service to premises for the following reasons:

(1) when a main break or other failure in the water or wastewater systems could injure persons, private or city property, or other parts of the systems;

(2) to perform routine maintenance or repair to any part of the water or wastewater systems;

(3) to perform emergency maintenance or repair to any part of the water or wastewater systems;

(4) in other cases of emergency, when necessary to protect the general health, safety or welfare of persons; or

(b) Responsibilities upon temporary discontinuance. In all cases of temporary discontinuance, the director must restore service as soon as is practical and must take all reasonable steps necessary to protect the public health and safety under the circumstances. (Ord. 19201)

SEC. 49-23. AUTHORIZED EMPLOYEES; RIGHT OF ACCESS OF EMPLOYEES FOR INSPECTION AND MAINTENANCE; ACCESS OF CONTRACTORS.

(a) Authorized employees. The director shall designate those individuals who are employed by the department and authorized to carry a credential of the department. No person other than an authorized employee shall have or use any credential of the department. An employee must surrender credentials to the director upon termination of employment or at the request of the director.

(b) Right to access. An authorized employee shall carry a credential when dealing with the general public. Upon presentation of the credential, an authorized employee shall have free access, at reasonable hours, to private premises receiving service, for the purpose of reading or inspecting a water meter, a backflow prevention device or for other service-related activities. Only an authorized employee may have free access to parts of the water and wastewater systems for purposes of operation, construction, repair or maintenance.

(c) Access by nonauthorized persons. A person commits an offense if he is not an authorized employee under this section and he knowingly:

(1) uses a department credential to obtain access to private property or to a part of the water or wastewater system; or
§ 49-23 Water and Wastewater  § 49-24

(2) falsely represents, by other than the display of a credential, that he is an authorized employee of the department to obtain access to private property or to a part of the water or wastewater system.

(d) Private contractors. A person performing construction or repair work for the department pursuant to a contract with the city, or a private development contract under Section 49-60(f), has a right of access to those parts of the water or wastewater systems as is reasonably necessary to fulfill performance of the contract; provided, that no person shall have the right under this subsection to open or operate any valve in these systems. Access is subject to the express directions of the director, the terms of the contract documents, and all requirements of this code concerning permits. (Ord. 19201)

SEC. 49-24. SERVICE CONNECTIONS.

(a) Maintaining service connections. The director is authorized to maintain service connections from the mains in public rights-of-way to building laterals or building water lines on premises, pursuant to the following rules:

(1) The city is responsible for maintenance of a service connection from the main to the meter, or from the main to the property line where the connection is unmetered, in the case of water service and from the main to the property line in the case of wastewater service.

(2) The city will maintain a service connection at its original size as long as the customer continues use of a service.

(3) The city’s obligation to continue maintenance of a service connection ceases when the customer abandons use of a service.

(4) The city will remove, at the property owner’s expense, a service connection made in violation of this code.

(5) The director is authorized to charge a fee in accordance with Section 49-18.7 to an applicant or property owner for construction, installation, or maintenance of a service connection.

(b) Connection permits. The following rules govern the issuance of a service connection permit:

(1) The plumber must submit a copy of the plumbing permit, obtained from the city’s building inspection division, with the connection permit application. The connection permit application must specify:

(A) the address of the work;

(B) the name of the applicant;

(C) the name of the property owner;

and

(D) the names of other plumbing subcontractors employed to do the work.

(2) The director may revoke a permit at any time before work is completed and connection is made if the director determines that the terms and conditions of the permit are being violated, and no interested party will have a claim for damages or refunds as a result of revocation.

(3) A connection permit must be issued in the name of the applicant and the property owner. A permit is nontransferable and expires one year from the date of issuance. In the event of failure to connect within the term of the permit, a processing fee will be retained in accordance with Section 49-18.16(f) from any service connection charges paid, with any remainder being refunded to the applicant or property owner.

(c) Construction and installation rules. The following rules govern construction and installation of service connections:
(1) A building lateral, building water line, drain and other private plumbing must be constructed in strict accordance with the provisions of the city’s plumbing and building codes. The director may, as a condition of the connection permit, impose additional construction requirements not in conflict with the plumbing and building codes, this chapter, or other applicable state or federal laws and regulations in order to protect the system from damage or contamination, to facilitate connection, or where extraordinary circumstances may require.

(2) A building lateral and building water line must be laid up to the property line and the end left exposed. The permittee or his agent shall provide a ditch safe for entry in accordance with state and federal safety standards. A building lateral and building water line must be stubbed out to meet the service line both as to horizontal location and vertical depth. Location of the service line will be furnished upon request, or upon issuance of a connection permit, but the permittee or the permittee’s agent is responsible for uncovering and confirming the location of the service line before construction of the building lateral or building water line.

(3) For a water service connection two inches or smaller, the department will install the service line and meter and connect them to the building water line when the building water line is properly laid in place. For a residential wastewater service connection, the department will complete the connection from the service line to the building lateral at the property line.

(4) For a water or wastewater service connection other than described in Subsection (c)(3) of this section, the director may require the permittee to construct and install the entire service connection including line connection and meter hookup, if any. In the case of a water service connection under this Subsection (c)(4), the department will inspect the water main tap and all connections from that point to the building water line. In the case of a wastewater service connection under this Subsection (c)(4), the department will inspect the wastewater line tap and the building lateral. Upon inspection and final acceptance of the service connection by the city, that portion of the service connection that is the city’s responsibility to maintain under Subsection (a) of this section becomes the property of the city free and clear of all liens and encumbrances. If the director does not require the permittee to construct and install the entire service connection, the department shall construct and install the service connection in the same manner as described for the connections done under Subsection (c)(3) of this section, at the permittee’s cost.

(5) If the director requires the permittee to construct the service connection, the permittee shall enter into a contract for the purpose pursuant to the format prescribed in Section 49-60(f)(1), (f)(3), and (f)(4). The contract and bonds must be approved by the director before any construction can commence. The permittee shall meet the applicable requirements of the Dallas Plumbing Code, the connection permit and this chapter, and shall pay the applicable charges and costs prescribed in Section 49-18.7. In addition to compliance with the rules set out in this section, the permittee shall obtain and follow the applicable department utility appurtenance sheets to be used in completing the connection.

(6) All service connections must be made only by persons authorized by the director, and the private plumbing must meet the construction requirements of the Dallas Plumbing Code. Any ditch dug for the purpose of constructing or installing a connection must be backfilled by the permittee or his agent upon completion of the connection, following inspection and approval by the city.

(7) Nothing in this Subsection (c) shall be construed to limit the city’s right to construct and install any service connection where the director may deem it appropriate.

(d) Nuisance. Every commode, wastewater drain, privy or other wastewater receptacle used on
premises which is neither connected to the wastewater system nor to a septic tank or receptacle approved under this code is hereby declared to be a nuisance and a public health hazard.

(e) **Enforcement authority.** The director is authorized to promulgate regulations not in conflict with this code, the city charter or state laws and regulations to aid in implementing the provisions of this section. (Ord. Nos. 19201; 19622; 20215; 20653; 20737)

SEC. 49-25. CROSS CONNECTIONS; LOCATION OF WATER AND SEWER MAINS.

(a) **Cross connection prohibited.** A person shall not make or permit a cross connection between a system of piping supplied by the water system and the following sources of supply, unless properly protected by an approved backflow prevention device:

1. a public or private source of primary supply other than the water system; or

2. any secondary supply known or suspected to be unsafe for drinking water, including but not limited to shallow wells, reused industrial supplies, raw surface water or swimming pools.

(b) **Return flow prohibited.** A person shall not make or permit a connection or cross connection that causes the discharge or return of water to the water system, including, but not limited to, water used as process water in or passing through a boiler, heat exchanger, air conditioner, cooling equipment, or other device, appliance, machine, mechanical system or process, in any industrial, commercial, or residential application.

(c) **Nuisance.** A person commits an offense if he makes or permits a cross connection or connection in violation of Subsection (a) or Subsection (b). The making of a cross connection or connection in violation of Subsection (a) or Subsection (b) is hereby declared to be a nuisance and a public health hazard.

(d) **Proximity of water and wastewater mains.** The director shall regulate the relative proximity of water mains to wastewater mains, both existing and under construction, in accordance with the Design Criteria for Public Sewerage Systems and the Rules and Regulations for Public Water Supply of the State Department of Health, in order to prevent contamination of the water system. (Ord. Nos. 19201; 21606)

SEC. 49-26. FIRE PROTECTION SYSTEMS.

(a) **Application required.** A person shall not connect a fire protection system to the water system until application is made to the director, and then approved by the director and the city fire marshal.

(b) **General requirements.** A fire protection system is subject to the following regulations:

1. The director shall not permit a fire protection system without an approved meter or detector check device with a bypass meter.

2. A fire protection service line must be no larger than one size smaller than the water main serving the fire protection system, unless the director approves a size on size connection in writing; provided that, in every case, the water system must be capable of providing, at the point of delivery, the delivery rate specified by the city fire marshal for the customer’s fire protection system.

3. A fire protection service line must not be larger than eight inches without the director’s written approval.

4. A fire protection system must conform to the standards and regulations promulgated by the city fire marshal and other applicable provisions of this code.

5. A fire protection system installed by the customer shall be inspected by the department at the time of installation.
(c) Installation of service connections. On service connections two inches or smaller, the city will perform installation and maintenance of the necessary meters and service lines connecting the fire protection system to the water system, which installation will be done at the sole expense of the customer. On service connections larger than two inches, the customer shall install the service connection in accordance with the rules prescribed for water service connections in Section 49-24(c)(4).

(d) Grounds for discontinuance. The director may, upon 10 days advance notice to the city fire marshal, discontinue treated water service to a fire protection system if:

(1) the director discovers an unauthorized connection has been made;

(2) water has been used from a fire protection system for a purpose other than extinguishing a fire;

(3) a fire protection system has been installed or used without a meter, where a meter is required;

(4) a waste of water is permitted from a fire protection system through pipes or fixtures;

(5) charges for service are delinquent under Section 49-7; or

(6) the director discovers a non-potable contaminant or pollutant in the fire protection system, where the fire protection system and the potable private water system are not separated by a backflow protection device.

(e) Restoration of service. Upon discontinuance under Subsection (d)(3), the director shall not restore the service until the customer remedies the problem causing discontinuance, or makes application for the kind and size of meter prescribed by the director for the particular system. The meter will be installed at the customer’s expense.

(f) Availability of service. Availability of treated water will depend upon water main sizes and normal operating pressures in the area where the applicant’s property is located. The applicant must construct adequate storage facilities on his premises or additional mains, pursuant to a private development contract under Section 49-60(f), to meet the necessary fire flow demand in the event his demand causes inadequate water pressure to other customers in the area for a sustained period.

(g) Storage facilities. The construction and maintenance of water storage facilities for fire protection purposes, as required by Subsection (f), are subject to the following standards:

(1) A storage facility, including pumps installed by an applicant, must discharge into the applicant’s fire protection system. The storage facility, whether or not pumps are used, must not be of the pressure type unless the applicant installs an approved backflow prevention device between the point where the facility discharges into the fire protection system and the point of its connection to the water system so as to prevent backflow into the water system.

(2) A constructed storage facility must be maintained in accordance with the applicable standards of the city and the State Department of Health. Water in the storage facility must be maintained in a potable condition and subject to periodic inspection by the director.

(3) Every storage facility must have an approved air gap, except for a facility of the pressure type permitted in Subsection (g)(1). Quick acting valves must not be used to control the supply line to the storage facility, if such valves cause water hammer in the water system.

(4) A storage facility, if not of the pressure type permitted in Subsection (g)(1), must be equipped with an overflow pipe at least eight inches below the supply line from the water system. The overflow pipe
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 public works, 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.

(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
approved air gap and overflow pipe; except, that a tank of the pressure type will be permitted if an approved backflow prevention device is installed. The delivery of treated water must be controlled by a slow acting automatic valve which does not cause water hammer in the water system. A storage tank must be maintained in a manner satisfactory to the State Department of Health and the director and is subject to periodic inspection by the director.

(b) Tanks with other water sources. Where treated water service is used as a primary or secondary supply to a roof or suction tank which is also supplied by another source of water, the rules of Subsection (a) apply, except that a storage tank under this subsection must not be of the pressure type, but must have an approved air gap and overflow pipe; no backflow prevention devices will be allowed.

(c) Water pumps. Pumps taking suction from the water system and serving water storage tanks, plus other pumping equipment installed by a customer for any other purpose except dewatering, may be installed and operated only upon approval from the director as to size, delivery rate and valving arrangements. (Ord. 19201)

SEC. 49-29. BACKFLOW PREVENTION DEVICES.

(a) Authority to require. The director is authorized to:

(1) give notice and require a customer to install an approved backflow prevention device at the customer’s own expense, where the director determines that the device is necessary for protection of private plumbing on the premises or the water system;

(2) give notice and require a customer to correct a defective backflow prevention device at the customer’s own expense;

(3) refuse or discontinue service if a backflow prevention device is not installed or corrected as provided in this section; and

(4) inspect backflow prevention devices and charge fees for the inspection in accordance with Section 49-18.6(d).

(b) Maintenance responsibility. The customer is responsible for general maintenance and upkeep of an approved backflow prevention device. The city and the director are not responsible for damage done during inspection that is a result of corrosion or improper maintenance of a backflow prevention device. (Ord. 19201)

SEC. 49-30. PRIVATE WATER MAINS OR SYSTEMS.

(a) Mains are property of city. Water and wastewater mains, pipes and appurtenances laid in streets, alleys or other public rights-of-way within the city immediately become property of the city upon their acceptance, except for mains, pipes and appurtenances laid within the city by a governmental entity pursuant to a license granted by the city. Water and wastewater mains, pipes and appurtenances laid within the city and connected to the water or wastewater systems must be constructed under department supervision and in accordance with plans and specifications approved by the director.

(b) Nonconforming mains. The director may refuse application for service to premises inside or outside of the city if, upon examination, the mains, private water lines or laterals, valves, appurtenances, fire hydrants or other equipment serving the premises are of such quality, size or installation as will not comply with the general standards and specifications of the department.

(c) Substandard laterals or water lines. The director may require the customer, as a precondition of
continued service, to replace or repair private plumbing found to be in a substandard condition according to the Dallas Plumbing Code, if the substandard plumbing may cause:

1. a hazard to public health;
2. damage or contamination to the water or wastewater systems;
3. a substantial waste of water; or
4. introduction of extraneous water into the wastewater system. (Ord. Nos. 19201; 20653)

SEC. 49-31. VENDING WATER.

(a) Permit required. A person commits an offense if he sells treated water inside the city, from a source of supply inside or outside the city, without a permit from the director granted subject to the conditions of Subsection (b).

(b) Conditions of permit. No person may sell treated water inside the city from any source of supply without a permit from the director subject to the following conditions:

1. The application for permit must be reviewed and approved by the city environmental health officer prior to its issuance.
2. The production, processing, treatment and distribution of the water is at all times under the supervision of the department or another competent water works operator holding a valid certificate of competency issued by the State Department of Health.
3. The permittee must abide by the applicable state laws and the rules, regulations and other conditions set forth by the State Department of Health, the director and the city environmental health officer regarding the sale of drinking water.

(c) Exceptions. This section does not apply to the retail sale of commercially bottled water by a grocery store, drug store, restaurant or other similar business establishment.

(d) Enforcement authority. The director is authorized to promulgate additional regulations, not in conflict with state laws, rules and regulations or other applicable provisions of this code, to aid implementation of this section. (Ord. 19201)

SEC. 49-32. WASTEWATER INDEMNITY AGREEMENTS.

(a) Grounds for denial of wastewater service. Wastewater service to premises inside or outside the city must be denied if:

1. the premises are subject to frequent, severe flooding;
2. the wastewater main serving the premises surcharges or overflows due to infiltration of ground water from the premises; or
3. the premises are subject to being flooded by a surcharged wastewater main due to the elevation of the premises in relation to the actual or proposed wastewater main.

(b) Indemnity agreement. Notwithstanding Subsection (a), the director may provide wastewater service where these conditions exist if the owner agrees in writing to defend and indemnify the city and save it whole and harmless against all damages, costs and expenses caused by the surcharging, backflow or overflow of the wastewater main serving the premises.

(c) Effect of agreement. The indemnity agreement, when executed by the owner, constitutes a covenant running with the land binding upon the owner, his heirs, successors and assigns. The agreement must be approved as to form by the city
attorney and must be filed in the deed records of the county in which the premises is located. (Ord. 19201)

SEC. 49-33. EXPOSING METERS OR HYDRANTS TO DAMAGE; NOTICE OF WORK AFFECTING SYSTEMS; MOVING METERS OR HYDRANTS.

(a) Exposure to damage. A person shall not build a driveway, sidewalk or other improvement that:

(1) exposes a meter, fire hydrant, air valve, tap, pressure recording instrument, cleanout or other appurtenance to damage from vehicular traffic; or

(2) causes obstruction of access to a meter, fire hydrant, air valve, tap, pressure recording instrument, cleanout or other appurtenance for operation, repair, inspection or maintenance purposes.

(b) Notice of work affecting systems. A person who does work of any nature on a street, alley or sidewalk within the city must notify the director at least 10 days in advance of the removal, raising or lowering of any part of the water or wastewater system that may interfere with the work. Where the director is not notified, damage to any part of the systems resulting from the work will be charged against the person or that person’s agents or contractors performing the work.

(c) Request to move appurtenance. The owner or occupant of premises adversely affected by the location of a meter, fire hydrant, air valve, tap, pressure recording instrument or other appurtenance may make written application to the director to have the device moved, under the following conditions:

(1) The director may approve the application if he determines that the move will not interfere with normal department operations and will not cause damage to the water or wastewater system. The decision of the director in such matters is final.

(2) Upon approval of the application, the director will furnish the applicant an estimate of costs to move the device. The applicant shall bear all estimated moving costs.

(3) Upon deposit of the estimated costs by the applicant, the department will make the agreed-to change in location. (Ord. Nos. 19201; 20653)

SEC. 49-34. COMMUNICATING ELECTRICITY TO PIPES.

(a) A person commits an offense if he makes, causes or permits:

(1) a direct or indirect metallic connection, through which electric current can be transmitted, with a part of the water or wastewater system, or to private pipes, laterals or other private facilities which are connected to either system; or

(2) the transmission of electric current through a part of the water or wastewater system, or through a metal conductor of electricity that is bonded or joined to either system. (Ord. 19201)

SEC. 49-35. WATER USED FOR CONSTRUCTION WORK.

(a) When water is free. The director may furnish water free of charge to:

(1) a contractor or other person performing construction work for the department; or

(2) a licensed plumber performing a pressure test of a private plumbing system, which test has been authorized in advance by the director.

(b) Other construction work. For any construction work other than that described in Subsection (a), the charge for water used will be in
§ 49-35 Water and Wastewater § 49-38

accordance with the general service rates specified in Section 49-18.1(c)(2) and will be charged against the person using the water.

(c) Conditions when charged. If water to be used for construction is subject to charge, the water must not be turned on until all applicable pre-use charges are paid. Water service may be discontinued, or application refused, in the same manner as provided under Sections 49-3 or 49-7. (Ord. Nos. 19201; 21430; 26961)

SEC. 49-36. RESERVED.

(Repealed by Ord. 20653)

SEC. 49-37. TAMPERING WITH OR DAMAGING SYSTEMS; UNLAWFUL USE OF WATER; PRIMA FACIE EVIDENCE.

(a) Tampering with or damaging system. A person commits an offense if, without the written permission of the city manager or the director, he knowingly:

(1) damages or destroys part of the water or wastewater system;

(2) tampers with part of the water or wastewater system; or

(3) damages, destroys or tampers with a fire hydrant within the city.

(b) Certain conditions creating prima facie evidence of tampering. For purposes of this section, it is prima facie evidence that a person has tampered under Subsections (a)(2) or (a)(3) if the person is a customer, owner or person in control of the premises and:

(1) water is prevented from passing through a meter used or furnished by the department to supply water to the premises;

(2) a meter used or furnished by the department is prevented from correctly registering the quantity of water supplied to the premises;

(3) water is diverted or bypassed by the use of a device, from or around a pipe, main, meter, hydrant or other connection of the department;

(4) a meter or service connection of the department used for service to premises is removed; or

(5) wastewater is prevented or diverted from flowing from premises into the wastewater system.

(c) Prima facie evidence of knowledge. The existence on premises of a device used for any of the unlawful purposes stated in this section shall constitute prima facie evidence of knowledge of the unlawful purpose on the part of the customer, owner or person in control of the premises. (Ord. 19201)

SEC. 49-38. RIGHTS AS TO CERTAIN FACILITIES OUTSIDE OF THE CITY; RIGHTS UPON ANNEXATION.

(a) Agreements as to facilities. The director may negotiate agreements with governmental entities defining ownership and maintenance responsibilities of facilities used or installed for service outside the city.

(b) Assumption of service. Where a governmental entity agrees to assume primary service responsibility over an area previously served by the city, because of annexation or other reasons, facilities installed will, upon agreed payment, become the property of the governmental entity, except for:

(1) a meter or other appurtenance belonging to and installed by the city to connect service; or
(2) a facility designated by agreement to be the property of the city.

(c) City’s rights upon annexation. The following rules apply regarding mains, appurtenances and other facilities located within property annexed by the city:

(1) Facilities within annexed property immediately become property of the city.

(2) The city will assume those benefits and obligations required to be assumed under state law, but otherwise must take the facilities free from all liens or encumbrances.

(3) The city may enforce its right to possession of annexed facilities by an action filed in a state court of competent jurisdiction.

(d) Private facilities. Private laterals or building water lines connected to facilities affected under this section remain, to the extent they are not located within public property, the property of the person owning the premises within which the laterals or water lines are located. (Ord. 19201)

SEC. 49-39. RIGHT TO CONSTRUCT MAINS OUTSIDE THE CITY.

(a) Authority to negotiate. The director is authorized to negotiate agreements, to be approved by the city council, with another governmental entity to use the streets, alleys and other public rights-of-way of that governmental entity in order to lay mains, pipes, meters or other facilities of the water or wastewater systems for service inside or outside the city.

(b) Form of agreement. The agreement may take the form of a license, easement or deed. Notwithstanding the form, ownership of the facilities laid must remain with the city, and right-of-way adequate to protect the city’s interest in its facilities must be secured.

(c) Rights to connect and maintain. The city reserves the right to maintain its facilities and must have free access for those purposes. The city also reserves the right to make any connections or extensions it desires for public purposes inside or outside the city. (Ord. 19201)

SEC. 49-40. SERVICE OUTSIDE THE CITY.

(a) Authority to regulate wholesale service. The director is authorized to promulgate policies and regulations, not in conflict with this chapter or other laws, regarding the service of new and existing wholesale service customers outside of the city.

(b) Reciprocal service agreements. The director is authorized to negotiate reciprocal service agreements with other governmental entities covering retail service to limited areas outside of the city, at rates and under such terms and conditions as the parties agree upon, subject to the approval of the city council.

(c) Existing service outside the city. The director is authorized to continue retail service to those areas outside of the city for which the city has previously assumed the obligation to serve pursuant to written agreement authorized under city charter, city ordinances or state law. The director is not required to serve new retail customers outside the city, but the director may serve such customers if he determines that service is within the reasonable service area and capability of the city, subject to the following additional rules:

(1) The applicant shall sign a service contract, on a form prescribed by the director and approved by the city attorney, agreeing to:

(A) build facilities at his cost;

(B) abide by the terms of this chapter; and
enable the city of Dallas to comply with all applicable state and federal laws, including the Federal Water Pollution Control Act, as amended by the Clean Water Act, as amended (33 USC §§1251 et seq.), and the general pretreatment regulations (Title 40, Code of Federal Regulations, Part 403). The objectives of this article are:

1. to prevent the introduction of pollutants into the wastewater system that will interfere with its operation;
2. to prevent the introduction of pollutants into the wastewater system that will pass, inadequately treated, through the wastewater system and into receiving waters, or that will otherwise be incompatible with the wastewater system;
3. to protect the health and safety of both the wastewater system’s personnel and the general public;
4. to promote the reuse and recycling of industrial wastewater and sludge within the wastewater system;
5. to provide for wastewater contracts between the city and other municipalities or extra-jurisdictional users who discharge to the wastewater system; and
6. to enable the city to comply with its Texas Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the wastewater system is subject.

(b) Incorporation of EPA or TCEQ standards. All categorical pretreatment standards, sewage pretreatment rules, lists of toxic pollutants, industrial categories, and other applicable regulations promulgated by the EPA or TCEQ, including all future amendments of those standards, rules, and regulations, are incorporated into this article. (Ord. 28084)
SEC. 49-42. ENFORCEMENT.

(a) Authority to enforce. The director and the city environmental health officer shall have the power to enforce the provisions of this article, including the right to make inspections and take enforcement action against violators. For purposes of this article, state law, and federal law, the wastewater system is a publicly-owned treatment works.

(b) Enforcement response plan.

(1) For the purpose of promoting consistency of enforcement throughout the city’s jurisdiction and service area, the director shall promulgate and enforce an enforcement response plan.

(2) The plan must contain detailed procedures indicating how the city will investigate and respond to instances of industrial user noncompliance. The plan, at a minimum, must:

(A) describe how the city will investigate instances of noncompliance;

(B) describe the types of escalating enforcement responses the city will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;

(C) identify, by title, the official or officials responsible for each type of response; and

(D) adequately reflect the city’s primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in Title 40, Code of Federal Regulations, Sections 403.8 (f)(1) and (f)(2), as amended, and Sections 49-43 and 49-50 of this article.

(c) Administrative search warrants. The municipal court shall have the power to issue to the director or city environmental health officer administrative search warrants, or other process allowed by law, where necessary to aid in enforcing this article.

(d) Penalties. A person who violates any provision of this article or any term or condition of an industrial waste discharge permit granted pursuant to this article is guilty of a separate offense for each day or portion of a day during which the violation is continued. Each offense is punishable by a fine of not less than $1,000 or more than $2,000.

(e) Criminal responsibility. A person is criminally responsible for a violation of this article if the person knowingly, recklessly, intentionally, or with criminal negligence:

(1) commits or assists in the commission of a violation, or causes or permits another person to commit a violation; or

(2) owns or manages the property or facilities determined to be the cause of the illegal discharge under Section 49-43, 49-44, 49-46, 49-55.6, or 49-55.7.

(f) Civil actions. This article or the terms and conditions of a discharge permit granted pursuant to this article may be enforced by civil court action as provided by state or federal law. (Ord. Nos. 19201; 19682; 21409; 26925; 28084)

SEC. 49-43. CERTAIN WASTES PROHIBITED IN THE WASTEWATER SYSTEM.

(a) General prohibitions. A person shall not discharge into the wastewater system, or cause or permit to be discharged into the wastewater system, any pollutant that causes a pass through or interference.

(b) Specific prohibitions. A person shall not discharge, or cause or permit to be discharged, any of the following pollutants into the wastewater system:

(1) Inflows or infiltration, as illustrated by, but not limited to, storm water, ground water, roof
run-off, subsurface drainage, a downspout, a yard drain, a yard fountain or pond, or lawn spray.

(2) Wastewater or industrial waste generated or produced outside the city, unless approval in writing from the director has been given to the person discharging the waste.

(3) A liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).

(4) Gasoline, kerosene, naphtha, fuel oil, vapors, or any other pollutant that creates a fire or explosion hazard in the wastewater system, including but not limited to industrial waste with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade).

(5) A pollutant that will cause corrosive structural damage to the wastewater system, unless the portion of the wastewater system directly or indirectly receiving the discharge is specifically designed to accommodate the corrosive discharge.

(6) Used motor oil.

(7) A solid or viscous pollutant in amounts that will cause obstruction to the flow in the wastewater system, resulting in interference.

(8) Heat in quantities that will cause the temperature to exceed 104 degrees Fahrenheit (40 degrees Celsius) at any point in the wastewater system or will otherwise inhibit biological activity in the wastewater system, unless the director expressly approves alternate temperature limits in the discharger’s industrial waste discharge permit.

(9) Solid or liquid substances in quantities capable of causing obstruction to the flow in wastewater mains or other interference with the proper operation of the wastewater system as illustrated by, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, slops, chemical residues, and paint residues or bulk solids, except when such items as lime slurry or lime residues are used in the treatment of combined storm and wastewater during storm runoff.

(10) A pollutant capable of forming a toxic gas, vapor, or fume in a quantity that may cause, either by itself or by interaction with other waste, hazard to life or acute employee health or safety problems.

(11) Garbage that is not properly shredded as defined in Section 49-1(81).

(12) Except where the director has determined that different limits under an industrial waste discharge permit are appropriate, wastewater exceeding 200 mg/L of oils, fats, and grease (measured as total oil and grease).

(13) A substance having a pH value lower than 5.5 or higher than 10.5.

(14) Radioactive materials in a manner that will permit a transient concentration higher than 100 microcuries per liter.

(15) Unusual taste or odor producing substances, unless pretreated to a concentration acceptable to the director so that the material does not:

(A) cause damage to collection facilities;
(B) impair the city’s treatment processes;
(C) incur treatment costs exceeding those of normal wastewater;
(D) render the water unfit for stream disposal or industrial use; or
(E) create a public nuisance.

(16) A discharge of water, normal domestic wastewater, or industrial waste that in quantity of flow exceeds, for a duration of longer than 15 minutes, more than four times the average 24-hour flow during normal operation.

(17) Without the approval of the director, a substance or pollutant other than industrial waste, normal domestic wastewater, septic tank waste, or chemical toilet waste that is of a toxic or hazardous nature, regardless of whether or not it is amenable to treatment, including but not limited to bulk or packaged chemical products.

(18) Except at discharge points authorized by this chapter, or by regulations promulgated by the director that are not in conflict with this chapter or other laws, wastewater or a pollutant that is trucked or hauled.

(19) Any other pollutant, substance, or material not amenable to treatment, or of a concentration or quantity sufficient to harm the wastewater system, as determined by the director.

(c) Local limits. The following local pollutant limits are established to protect against pass through and interference. The limits apply at the point where the wastewater is discharged to the wastewater system. The director may impose mass limitations in addition to, or in place of, the concentration-based limitations. All concentrations for metallic substances are for total metal unless indicated otherwise. No person may discharge wastewater containing pollutants in the form of compounds or elements with total concentrations exceeding the following uniform concentration and contributory flow limits:

(1) Uniform concentration limits for all wastewater except for wastewater discharged to the Trinity River Authority Central Regional Wastewater Treatment Plant.

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Central Wastewater Treatment Plant</th>
<th>Southside Wastewater Treatment Plant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asbestos</td>
<td>0.07 mg/L</td>
<td>0.50 mg/L</td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.34 mg/L</td>
<td>1.00 mg/L</td>
</tr>
<tr>
<td>Chromium</td>
<td>3.62 mg/L</td>
<td>5.00 mg/L</td>
</tr>
<tr>
<td>Copper</td>
<td>4.00 mg/L</td>
<td>4.00 mg/L</td>
</tr>
<tr>
<td>Cyanide</td>
<td>0.71 mg/L</td>
<td>1.60 mg/L</td>
</tr>
<tr>
<td>Lead</td>
<td>1.60 mg/L</td>
<td>1.60 mg/L</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.0006 mg/L</td>
<td>0.01 mg/L</td>
</tr>
<tr>
<td>Nickel</td>
<td>N/A mg/L</td>
<td>5.58 mg/L</td>
</tr>
<tr>
<td>Selenium</td>
<td>0.20 mg/L</td>
<td>0.20 mg/L</td>
</tr>
<tr>
<td>Silver</td>
<td>0.36 mg/L</td>
<td>3.04 mg/L</td>
</tr>
<tr>
<td>Sulfide</td>
<td>10.00 mg/L</td>
<td>10.00 mg/L</td>
</tr>
<tr>
<td>Zinc</td>
<td>3.06 mg/L</td>
<td>5.00 mg/L</td>
</tr>
</tbody>
</table>

(2) Uniform concentration limits for wastewater discharged to the Trinity River Authority Central Regional Wastewater Treatment Plant.

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>TRA Central Wastewater Treatment Plant Maximum Allowable Discharge Limit, mg/L</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic</td>
<td>0.20</td>
</tr>
<tr>
<td>Cadmium</td>
<td>0.10</td>
</tr>
<tr>
<td>Chromium</td>
<td>2.90</td>
</tr>
<tr>
<td>Copper</td>
<td>2.30</td>
</tr>
<tr>
<td>Cyanide</td>
<td>0.50</td>
</tr>
<tr>
<td>Lead</td>
<td>0.90</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.0004</td>
</tr>
<tr>
<td>Molybdenum</td>
<td>0.80</td>
</tr>
<tr>
<td>Nickel</td>
<td>4.60</td>
</tr>
<tr>
<td>Selenium</td>
<td>0.10</td>
</tr>
<tr>
<td>Silver</td>
<td>0.80</td>
</tr>
<tr>
<td>TTO</td>
<td>2.13</td>
</tr>
<tr>
<td>Sulfide</td>
<td>NA</td>
</tr>
<tr>
<td>Zinc</td>
<td>8.00</td>
</tr>
<tr>
<td>Oil and grease</td>
<td>200.00 mg/L</td>
</tr>
<tr>
<td>pH</td>
<td>5.5 to 11.0 Standard Units</td>
</tr>
</tbody>
</table>
Contributory flow limits at the Central Wastewater Treatment Plant.

(A) For contributing industrial users, the contributory flow pollutant limitation for nickel is 3.14 mg/L.

(B) For non-contributing industrial users, the contributory flow pollutant limitation for nickel is 0.0028 mg/L.

(C) For purposes of this paragraph, a contributing industrial user is an industrial user found by the city to discharge nickel above the industrial contributory screening limits at the Central Wastewater Treatment Plant.

Defenses. It is a defense to prosecution under Subsection (a) of this section and to a civil court action enforcing Subsection (a) of this section if a person can demonstrate that:

(1) a specific numeric local discharge limit to prevent pass through or interference exists under this section for each pollutant in the person’s wastewater discharge that caused pass through or interference and the person’s wastewater discharge was in compliance with the applicable specific local discharge limit for each pollutant directly prior to and during the pass through or interference; or

(2) if a specific numeric local discharge limit does not exist under this section for the pollutant in question, the person’s wastewater discharge did not change substantially in nature or in constituent parts from the person’s prior wastewater discharges when the city was regularly in compliance with its Texas Pollutant Discharge Elimination System permit and, in the case of interference, with applicable federal requirements for wastewater sludge use or disposal.

Enforcement actions. If a person discharges a substance into the wastewater system in violation of this section, fails to comply with the reporting requirements of this article, or falsifies or improperly alters pretreatment records required under Section 49-51, the director may take any of the following actions:

(1) Suspend discharge. After informal notice, immediately suspend or halt an industrial user’s discharge.

(2) Terminate service. Terminate water and wastewater service to the premises from which the substance was discharged.

(3) Suspend or revoke permit. If the person was discharging wastewater pursuant to an industrial waste discharge permit issued under Section 49-46, revoke or suspend the permit.

(4) Require pretreatment. By administrative order, where applicable, or by other authorized means, require pretreatment or control of the quantities and rates of discharge of wastewater to bring the discharge within the limits established by this section.

(5) Criminal or civil enforcement.

(A) Request a court of competent jurisdiction to assess a civil fine against the industrial user in an amount of not less than $1,000. The fine will be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limit violations, the fine will be assessed for each day during the period of violation. In addition, the city may seek to recover the remediation and clean-up costs from the industrial user, and the costs of preparing and bringing the enforcement action. In determining the amount of the fine, the court may consider the following:

(i) The extent of the harm caused by the violation.

(ii) The magnitude and duration of the violation.

(iii) Any economic benefit gained by the industrial user as a result of the violation.

(iv) The timing and nature of any corrective actions taken by the industrial user.
(v) The compliance history of the industrial user.

(vi) The provisions of the enforcement response plan.

(vii) Any other information deemed relevant by the court.

(B) Bring a criminal or any other civil enforcement action as authorized in Section 49-42.

(f) Administrative authority of director. The director has the authority to do any of the following to ensure compliance with this chapter:

(1) Notice of violation. The director may serve a written notice of violation. This does not prevent the director from taking any action, including an emergency action or any other enforcement action, without first issuing a notice of violation.

(2) Consent or administrative orders. The director may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with an industrial user responsible for noncompliance. The agreement must include specific action to be taken by the industrial user to correct the noncompliance within a time period specified in the agreement. The agreement has the same force and effect as the administrative orders issued pursuant to Section 49-43(e)(4) and is judicially enforceable.

(3) Show cause hearing. The director may order an industrial user that has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or any other pretreatment standard or requirement, to appear before the director and show cause why the proposed enforcement action should not be taken. Notice must be served on the industrial user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the industrial user show cause why the proposed enforcement action should not be taken. A show cause hearing is not a bar against, or prerequisite for, taking any other action against the industrial user.

(4) Compliance orders. When the director finds that an industrial user has violated, or continues to violate, any provision of this chapter or any other pretreatment standard or requirement, the director may issue an order to the industrial user responsible for the discharge directing that the industrial user come into compliance within a specified time. If the industrial user does not come into compliance within the time provided, wastewater service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Issuance of a compliance order is not a bar against, or a prerequisite for, taking any other action against the industrial user.

(5) Cease and desist orders. When the director finds that an industrial user has violated, or continues to violate, any provision of this chapter or any other pretreatment standard or requirement, or that the industrial user’s past violations are likely to recur, the director may issue an order to the industrial user directing it to cease and desist all such violations and directing the industrial user to:

(A) immediately comply with all requirements; and

(B) take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge. Issuance of a cease and desist order is not a bar against, or a prerequisite for, taking any other action against the industrial user.

(6) Injunctive relief. When the director finds that an industrial user has violated, or continues to violate, any provision of this chapter, or any other pretreatment standard or requirement, the director may petition a court of competent jurisdiction through the city attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit or other requirement imposed by this chapter on the activities of the industrial user. The director may also seek any other relief, including environmental remediation. A petition
for injunctive relief is not a bar against, or a prerequisite for, taking any other action against an industrial user.

(g) No waiver of other enforcement; remedies nonexclusive.

(1) Action taken by the director under Subsection (e) or (f) does not prevent the use of other enforcement methods available to the city.

(2) The remedies provided for in Subsections (e) and (f) are not exclusive. The director may take any combination of these actions against an industrial user.

(h) Applicability of more stringent pretreatment standards.

(1) National pretreatment standards. If the EPA adopts national pretreatment standards, categorical or otherwise, that are more stringent than the discharge limits prescribed in Subsections (a), (b), and (c) of this section, the more stringent national pretreatment standards will apply. A violation of the more stringent national pretreatment standards will be considered a violation of this article.

(2) Combined wastestream formula. When wastewaters subject to a categorical pretreatment standard (regulated, unregulated, and diluted wastestreams) are mixed prior to effluent sampling, the director shall impose an alternative limit in accordance with Title 40, Code of Federal Regulations, Section 403.6, as amended.

(i) Applicability of more stringent instantaneous discharge limits. An industrial user within the city who discharges industrial waste ultimately received and treated by a publicly-owned treatment works owned by a governmental entity pursuant to a wholesale wastewater contract or a reciprocal agreement with the city is subject to the following additional rules:

(1) If the governmental entity has more stringent instantaneous maximum allowable discharge limits than those prescribed by this section, or by a discharge permit issued under Section 49-46, because the EPA or the TCEQ requires the more stringent maximum allowable discharge limits as a part of the governmental entity’s wastewater pretreatment program, the more stringent discharge limits will prevail. The director shall furnish to all industrial users affected by this subsection a copy of the more stringent discharge limits in effect under the contract. If a permit is issued to an industrial user under this subsection, a copy of the more stringent discharge limits must be included with the permit.

(2) The director shall issue a discharge permit in accordance with Section 49-46 to an industrial user affected by Paragraph (1) of this subsection, to ensure notice of and compliance with the more stringent instantaneous maximum allowable discharge limits. If the industrial user already has a discharge permit, the director shall amend the permit to apply and enforce the more stringent instantaneous maximum allowable discharge limits. An industrial user permitted under this subsection shall submit to the director an expected compliance date and an installation schedule if the more stringent instantaneous maximum allowable discharge limits necessitate technological or mechanical adjustments to discharge facilities or plant processes.

(3) If the director receives notice from the governmental entity of a change to the instantaneous maximum allowable discharge limits or to other applicable requirements, the director shall notify the affected industrial user in writing of the change and of the effective date of the change, amend the permit to apply and enforce the change, and furnish a copy of the change with the amended permit. If the change results in more stringent instantaneous maximum allowable discharge limits or other applicable requirements, an industrial user shall be given a reasonable opportunity to comply with the more stringent limits or requirements.

(4) The more stringent instantaneous maximum allowable discharge limits cease to apply upon termination of the city’s wholesale wastewater contract or reciprocal agreement with the governmental entity, or upon modification or elimination of the limits by the governmental entity,
§ 49-43 Water and Wastewater § 49-45

the EPA, or the TCEQ. The director shall take the appropriate action to notify the affected industrial user of an occurrence under this paragraph.

(j) **Variances in compliance dates.** The director may grant a variance in compliance dates to an industrial user when, in the director’s opinion, such action is necessary to achieve pretreatment or corrective measures. In no case may the director grant a variance in compliance dates to an industrial user affected by national categorical pretreatment standards beyond the compliance dates established by the EPA.

(k) **Authority to regulate.** The director may establish regulations, not in conflict with this chapter or other laws, to control the disposal and discharge of industrial waste into the wastewater system and to ensure compliance of the city’s pretreatment enforcement program with all applicable pretreatment regulations promulgated by the EPA. The regulations established must, where applicable, be made a part of any discharge permit issued to an industrial user by the director under Section 49-46. (Ord. Nos. 19201; 19622; 20215; 21409; 21862; 25214; 25256; 26925; 28084)

SEC. 49-44. WASTE DISPOSAL THROUGH VEHICLES, GREASE TRAPS/INTERCEPTORS, OR OTHER MEANS.

(a) **Illegal waste disposal.** A person commits an offense if:

(1) from a vehicle, portable tank, or other container used for transporting water, normal domestic wastewater, or industrial waste, the person discharges or causes the discharge of water, normal domestic wastewater, or industrial waste into the wastewater system or a private sewer facility directly or indirectly connected to the wastewater system;

(2) by any means, the person discharges or causes the discharge of water, normal domestic wastewater, or industrial waste into a part of the wastewater system generally used for maintenance or monitoring, including but not limited to manholes, cleanouts, or sampling chambers; or

(3) by means of a mechanical device or extraneous water, the person forces normal domestic wastewater or industrial waste collected in a grease trap/interceptor, sand trap/interceptor, or other waste collection device into the wastewater system or a private sewer facility directly or indirectly connected to the wastewater system.

(b) **Defense.** It is a defense to prosecution under Subsection (a) if the discharge of water, normal domestic wastewater, or industrial waste into the wastewater system, or into a private sewer facility directly or indirectly connected to the wastewater system, is from a motor vehicle:

(1) that is specially designed and adapted to treat water, normal domestic wastewater, or industrial waste to concentrations meeting the requirements of this article prior to discharge into the wastewater system; and

(2) the operator of which has written permission from the director to operate the vehicle within the city. (Ord. Nos. 19201; 26925; 28084)

SEC. 49-45. RIGHT OF ENTRY OF FEDERAL, STATE, AND CITY EMPLOYEES.

The following officials, bearing proper credentials and identification, shall be permitted to gain access to properties as may be necessary for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article:

(1) Authorized representatives of the EPA and TCEQ.

(2) The director, the city environmental health officer, and other duly authorized employees of the city. (Ord. Nos. 19201; 26925; 28084)
SEC. 49-46. PERMITS REQUIRED FOR DISCHARGE OF INDUSTRIAL WASTE; APPLICATIONS; EXEMPTIONS.

(a) Permit required. A significant industrial user commits an offense if he discharges, or allows the discharge of, industrial waste into the wastewater system without obtaining and maintaining a valid significant industrial user permit from the director.

(b) Application procedures.

(1) Application for a permit required under Subsection (a) must be made to the director upon a form provided for the purpose.

(2) The application must contain:

(A) a description of the activities, structures, equipment, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility that are, or could be, discharged into the wastewater system;

(B) the site plans, floor plans, and mechanical and plumbing plans of the facility with sufficient detail to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(C) the number and type of employees and proposed or actual hours of operation of the facility;

(D) a list of each product produced by type, the amount of the product produced, the process or processes used to produce the product, and the rate of production;

(E) the type and amount of raw materials processed (average and maximum per day);

(F) the time and duration of discharges;

(G) a certification statement complying with the requirements of Section 49-51(m) and signed by a designated authorized representative of the applicant;

(H) self-monitoring, sampling, reporting, notification, and record-keeping requirements, including an identification of the pollutants to be monitored, sampling location and frequency, and sample type, based on the applicable general pretreatment standards, categorical pretreatment standards, local limits, and the regulations of state law and this chapter;

(I) best management practices if required by the pretreatment standards; and

(J) any other information deemed necessary by the director to evaluate the wastewater discharge permit application.

(3) The director may establish further regulations and procedures not in conflict with this chapter or other laws regarding the granting and enforcement of permits, including but not limited to administrative orders issued for the purpose of bringing a violator back into compliance with a permit.

(c) Terms and conditions of permit, in general. The director shall prescribe such terms and conditions of the permit as are required and authorized by the EPA and TCEQ, as necessary to ensure full compliance with this article and all national pretreatment standards and regulations. In addition, the permit must incorporate all applicable national pretreatment standards and all other pretreatment regulations promulgated by the EPA and TCEQ applicable to significant industrial users. A person commits an offense if the person violates or allows a violation of any term or condition of a permit issued under this section. The director may enforce the terms and conditions of the permit as authorized under this chapter.

(d) Limitation on permit term. The term of a permit may never be longer than five years.

(e) Permit renewal. An industrial user wishing to renew a permit must file a complete application
with the director at least 60 days prior to the expiration of the industrial user’s existing permit. Failure to submit a complete application with the director at least 60 days prior to expiration of the existing permit may subject the industrial user to enforcement actions.

(f) Issuance of permits. The director shall issue a permit under Subsection (a) if:

(1) the director determines that pretreatment facilities are adequate for efficient treatment of discharged waste and comply with the waste concentration level requirement of Section 49-43 or with national pretreatment standards, whichever is applicable;

(2) the applicant has submitted:

(A) an expected compliance date;

(B) an installation schedule of approved pretreatment devices; and

(C) a self-monitoring program prepared in accordance with all applicable federal pretreatment regulations promulgated by the EPA; or

(3) the applicant is not discharging wastewater in violation of Section 49-43.

(g) Nontransferability. A permit granted under this section is not transferable or assignable.

(h) Changes in authorized representative designation. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the director prior to, or together with, any reports to be signed by an authorized representative.

(i) Defense to enforcement actions. It is a defense to prosecution or to civil court action brought under this article for a violation of pretreatment standards that the person held a valid permit issued under this section and the person discharged industrial waste in violation of national categorical pretreatment standards as the result of any of the following:

(1) Any act of God, war, strike, riot, or other catastrophe.

(A) The act of God defense constitutes a statutory affirmative defense contained in Section 7.251 of the Texas Water Code in an action brought in municipal or state court. If a person can establish that an event that would otherwise be a violation of this article, or a permit issued pursuant to this article, was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of this article or the permit.

(B) An industrial user who wishes to establish the act of God affirmative defense must:

(i) demonstrate through relevant evidence that the sole cause of the violation was an act of God, war, strike, riot, or other catastrophe; and

(ii) submit the following information to the city within 24 hours of becoming aware of the violation (if this information is provided orally, a written submission must be provided to the director within five days):

(aa) A description of the event, and the nature and cause of the event.

(bb) The time period of the violation, including exact dates and times or, if still continuing, the anticipated time the violation is expected to continue.

(cc) The steps being taken or planned to reduce, eliminate and prevent recurrence of the violation.

(C) The industrial user seeking to establish the act of God affirmative defense has the burden of proving by a preponderance of the evidence that the violation of this article, or a permit issued
pursuant to this article, was caused solely by an act of God, war, strike, riot or other catastrophe.

(2) A bypass authorized by the director in accordance with Title 40, Code of Federal Regulations, Section 403.17(c), as amended.

(3) An upset authorized by the director in accordance with Title 40, Code of Federal Regulations, Section 403.16(c), as amended. (Ord. Nos. 19201; 21409; 21862; 25256; 26925; 28084)

SEC. 49-47. DENIAL, SUSPENSION, OR REVOCATION OF PERMITS; AMENDING PERMITS.

(a) Grounds for denial, suspension, or revocation. The director may deny a permit required by Section 49-46(a) if the director determines that an applicant is not qualified under Section 49-46(f). The director may suspend or revoke a permit if the director determines that a permittee:

(1) is not qualified under Section 49-46(f);

(2) has violated a provision of this article, the permit, or any administrative order;

(3) has failed to pay a fee required by this chapter;

(4) has failed to comply with applicable federal pretreatment standards and requirements;

(5) has failed to comply with the compliance schedule submitted pursuant to Section 49-46(f)(2);

(6) has failed to comply with procedures for developing, maintaining, or delivering manifest records required to be developed, maintained, or delivered pursuant to this article, Chapter 19, Article X of this code, or state or federal laws or regulations for the transfer, transportation, or disposal of industrial waste; or

(7) has falsified or improperly altered manifest records required to be developed, maintained, or delivered pursuant to this article, Chapter 19, Article X of this code, or state or federal laws or regulations for the transfer, transportation, or disposal of industrial waste.

(b) Reinstatement. After suspension under this section, a permittee may file a request for reinstatement of the permit. The director shall reinstate the permit if the director determines that:

(1) the permittee is again qualified under Section 49-46(f);

(2) all violations of this article and applicable federal pretreatment standards and requirements have been corrected;

(3) precautions have been taken by the permittee to prevent future violations; and

(4) all fees required by this chapter have been paid.

(c) New permit after revocation. If the director revokes a permit, the permittee may not apply for or be issued a new permit for the same facility earlier than 180 days after the date of revocation of the old permit, except that, if, subsequent to the revocation, the director determines that all of the conditions prescribed in Section 49-46(c) and (f) and Section 49-47(b) are completely satisfied, the permittee may apply for and the director may issue a new permit before the 180-day period expires.

(d) Discharge without permit. A permittee whose permit is suspended or revoked shall not discharge industrial waste into the wastewater system.

(e) Amending a permit. The director may amend a permit with additional requirements to ensure compliance with applicable laws and regulations. (Ord. Nos. 19201; 21409; 26925; 28084)
SEC. 49-48. PRETREATMENT AND DISPOSAL.

(a) Operation and maintenance of pretreatment facilities. When pretreatment of industrial waste is required by the director as a condition for acceptance of the waste into the wastewater system, the owner of the premises from which the waste is discharged must operate and maintain treatment facilities in a manner capable of complying with applicable discharge standards.

(b) Best management practices. The director may require a person discharging to the wastewater system to adopt and implement best management, source reduction, and pollution practices if necessary to protect the wastewater system.

(c) Septage and chemical toilet waste.

(1) No transported septage or chemical toilet waste may be discharged into the wastewater system except at such locations and at such times as are established by the director.

(2) The director may collect samples of each transported load to ensure compliance with applicable standards. The director may also require the transporter to provide a waste analysis of any load prior to discharge.

(3) Article X of Chapter 19 of this code provides additional regulations for the production, transportation, and disposal of liquid waste.

(d) Disposal of trucked industrial solid waste.

(1) In order to ensure that trucked industrial solid waste is not being discharged into the wastewater system, the director may require an industrial user who generates such waste to report the type and amount of the waste, and the location and manner of its disposal as specified in Section 49-51(i).

(2) An industrial user commits an offense if the user fails to provide the reports requested by the director pursuant to Subsection (d)(1) of this section.

(e) Dilution. No owner, operator, or permittee of premises shall ever increase the use of process water, or in any way attempt to dilute a discharge, unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on industrial users who are using dilution to meet applicable pretreatment standards or requirements.

(f) Upset. For the purposes of this section, upset occurs when there is an unintentional and temporary noncompliance with categorical pretreatment standards due to factors beyond the reasonable control of the industrial user. An example of this is the inability to use the treatment equipment due to power failure. When upset occurs, an industrial user must first control production of all discharges to the extent necessary to limit noncompliance, and regain compliance, with categorical pretreatment standards. Secondly, the industrial user must file a report of the upset pursuant to the requirements of this section.

(g) Bypass.

(1) Bypasses that do not violate pretreatment standards. An industrial user may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Subsection (g)(2) of this section.

(2) Bypasses that violate pretreatment standards.

(A) If the need for a bypass is known in advance, the industrial user shall provide notice to the director 10 days prior to the bypass. In the event of an unanticipated bypass, oral notice must be provided to the director within 24 hours after the industrial user becomes aware of the bypass. In addition to the oral notice, written notice must be provided to the director within five days after the bypass, unless waived by the director. The written notice must contain the following:
§ 49-48 Water and Wastewater § 49-49

(i) A description of the bypass and its cause.

(ii) The duration of the bypass, including exact dates and times.

(iii) If the bypass has not been corrected, the anticipated time it is expected to continue.

(iv) Steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

(B) The director may take an enforcement action against an industrial user for a bypass that violates pretreatment standards, unless all of the following apply:

(i) The bypass was necessary in order to prevent loss of life, personal injury, or severe property damage.

(ii) There was no feasible alternative to the bypass. The director shall find that a feasible alternative existed if, in the exercise of reasonable engineering judgment, adequate back-up equipment should have been installed to prevent the bypass.

(iii) The industrial user submitted notices as required under Paragraph (2)(A) of this subsection.

(C) The director may approve an anticipated bypass, after considering its adverse effects, if the director finds that all three conditions listed in Paragraph (2)(B) of this subsection have been satisfied. (Ord. Nos. 19201; 19622; 20215; 20335; 22927; 26925; 27698; 28084)

SEC. 49-49. INDUSTRIAL SURCHARGE FOR EXCESSIVE CONCENTRATIONS; SAMPLING FEES.

(a) Excessive BOD/TSS concentrations. A person discharging into the wastewater system industrial waste that exhibits none of the characteristics of wastewater prohibited in Section 49-43(b), but that has a concentration for a duration of 15 minutes that is greater than four times that of normal wastewater as measured by total suspended solids, BOD, or both or a concentration during a 24 hour period average of total suspended solids, BOD, or both in excess of normal wastewater, shall pretreat the industrial waste to meet the concentrations of normal wastewater; except, that the industrial waste may be accepted in the wastewater system for treatment by the city if all the following requirements are met:

(1) The industrial waste will not cause damage to the wastewater system.

(2) The industrial waste will not impair the city’s treatment processes.

(3) The BOD or total suspended solids concentration of industrial waste discharged does not cause the average BOD or total suspended solids of wastewater received at the wastewater treatment plant to increase above 250 mg/L.

(4) The person discharging the industrial waste pays an industrial surcharge in addition to the regular water and sewer rates, in accordance with the formula prescribed in Section 49-18.12(a)(1) or in accordance with Section 49-50.

(b) Sampling fees for determining compliance. A person determined to be discharging industrial waste must compensate the city for the cost of sampling and laboratory service expense required for monitoring the discharges for compliance with this
§ 49-49 Water and Wastewater  § 49-50

article and applicable standards of the EPA. The director shall determine the number of samples and the frequency of sampling necessary to maintain surveillance of the discharges, provided that at least two sampling events will be conducted each calendar year.

(c) Sampling fees for industrial surcharge. A person discharging concentrations of BOD or total suspended solids in excess of 250 mg/L shall compensate the city for the cost of sample collections and laboratory service necessary when an industrial surcharge rate is established each year. This subsection does not apply to a waste management operator, or to a discharger who is billed under Section 49-50. (Ord. Nos. 19201; 21430; 21409; 26925; 28084)

SEC. 49-50. ESTIMATED INDUSTRIAL SURCHARGE FOR CLASS GROUP.

(a) Classes established. The director shall classify commercial and industrial establishments that routinely discharge BOD and total suspended solids concentrations exceeding 250 mg/L into the following class groups:

<table>
<thead>
<tr>
<th>CLASS</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td>(1)</td>
<td>EATING PLACES: Includes restaurants and other establishments that engage in preparation of food and beverage served directly to the consumer.</td>
</tr>
<tr>
<td>(2)</td>
<td>EQUIPMENT SERVICE FACILITIES: Includes establishments that perform washing, cleaning, or servicing of automobiles, trucks, buses, machinery, or equipment and includes public facilities, facilities limited to specific companies, and attended and coin-operated establishments.</td>
</tr>
<tr>
<td>(3)</td>
<td>FOOD AND KINDRED PRODUCTS PROCESSING: Includes commercial establishments that engage in the preparation, packaging, processing, or distribution of food, food products, grains, or produce, other than those included in Class (1) and that discharge less than 200,000 gallons of wastewater per month.</td>
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<tr>
<td>(4)</td>
<td>DRINKING PLACES: Includes bars, lounges, clubs, and other establishments that do not engage in any food preparation but that engage in the sale of beer, wine, liquor, or any other beverage served directly to the consumer.</td>
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</table>

(b) Assessment of surcharge class rate. The director shall assess an industrial surcharge rate for each class group based on industrial waste strength determinations established by averaging grab or composite samples, or both, taken from a representative number of establishments in each group and shall apply this rate to the water consumption or metered wastewater of the establishment. If the establishment is within a larger facility for which water usage is determined from a master meter, the director shall determine an estimated volume for the establishment to which the surcharge rate is applied. The director shall then add the appropriate industrial surcharge to billings for regular water and wastewater service for each establishment classified into a class group.

(c) Exceptions to surcharge class rate. If an establishment contains operations from more than one of the class groups, and the director determines that the surcharge rate for a particular class group would not adequately compensate the city for its cost of treatment, the director may:

1. assess a surcharge rate based on a proportional average of the class group rates involved; or
2. require the establishment to be billed for an industrial surcharge computed under the requirements of Section 49-18.12(1)(A) or (B), whichever applies.

(d) Election of standard surcharges. The owner or agent of the owner of an establishment classified into a class group may elect to have the industrial surcharge billed directly under Section 49-18.12(1)(A) or (B), whichever applies, rather than under this section by making application to the director and paying the required sampling costs.

(e) Authority to revise rates. The director may, from time to time, revise class group surcharge rates based on analysis of current samples. (Ord. Nos. 19201; 21061; 21430; 26925; 28084)
SEC 49-51. REPORTING REQUIREMENTS.

(a) Baseline monitoring reporting.

(1) Deadlines for submission of reports.

(A) Existing categorical users. Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Title 40, Code of Federal Regulations, Section 403.6(a)(4), as amended, whichever is later, existing categorical users currently discharging to or scheduled to discharge to the wastewater system shall submit to the director a report that contains the information listed in Subsection (a)(2) of this section.

(B) New sources and new categorical users. Ninety days prior to commencement of discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit a report containing the information listed in Subsection (a)(2) to the director. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. In addition to the information required in Subsection (a)(2), a new source shall also provide:

(i) the method of pretreatment it intends to use to meet applicable categorical standards; and

(ii) estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Required information in report. The following must be provided in the report required in Subsection (a)(1):

(A) Identifying information. The name and address of the facility, including the name of the operator and owner.

(B) Environmental permits. A list of any environmental control permits held by or for the facility.

(C) Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operations carried out by the industrial user. The description should include a schematic diagram indicating points of discharge to the wastewater system from the regulated processes.

(D) Flow measurement. Information showing the measured average and maximum daily flows (in gallons per day) to the wastewater system from regulated process streams and other streams, if necessary, to allow use of the combined wastestream formula set out in Title 40, Code of Federal Regulations, Section 403.6(e), as amended.

(E) Measurement of pollutants.

(i) The categorical pretreatment standards applicable to each regulated process.

(ii) The results of sampling and analysis identifying the nature and concentration (and mass, where required by the standard or by the director) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations (and mass, where required) must be reported. The sample must be representative of daily operations and analyzed in accordance with procedures set out in Subsection (j).

(iii) Sampling must be performed in accordance with the procedures set out in Subsection (k).

(F) Certification statement. A statement, reviewed by the industrial user’s authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, or, if not, whether additional operation and maintenance or additional pretreatment is required to meet the pretreatment standards and requirements.

(G) Compliance schedule. If additional pretreatment or operation and maintenance is required
§ 49-51 Water and Wastewater § 49-51

to meet the pretreatment standards, the shortest schedule by which the industrial user will provide the pretreatment or operation and maintenance. No completion date in this schedule may be later than the compliance date established for the applicable pretreatment standard. The compliance schedule must meet the requirements of Subsection (b).

(H) Signature and certification. All baseline monitoring reports must be signed and certified in accordance with Subsection (m).

(b) Compliance schedule progress reports.

(1) The initial report must contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required of the industrial user to meet the applicable pretreatment standards (examples of a major event include, but are not limited to, the hiring of an engineer, the completion of preliminary and final plans, the execution of contracts for major components, and the commencement and completion of construction). No progress increment may exceed nine months.

(2) The industrial user shall submit a report to the director no later than 14 days following each scheduled progress increment date. The report must include, at a minimum, whether or not the industrial user complied with the increment of progress, the reason for delay, if any, and, if appropriate, the steps being taken by the user to return to the established schedule. In no event may more than nine months elapse between submission of a progress report to the director.

(c) Reports on compliance with categorical pretreatment standard deadline.

(1) All industrial users with pollutant data results shall submit to the director a report containing the information described in Subsections (a)(2)(E) through (H).

(2) If an industrial user is subject to equivalent mass or concentration limits established in accordance with the procedures in Title 40, Code of Federal Regulations, Section 403.6(c), as amended, the report must also contain a reasonable measure of the industrial user’s long-term production rate.

(3) For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit, the report must include the industrial user’s actual production during the appropriate sampling period.

(d) Periodic compliance reports.

(1) All significant industrial users shall, at a frequency determined by the director but in no event less than twice a year (once in July covering the six-month period between January 1 through June 30, and once in January covering the six-month period between July 1 through December 31), submit a report containing at a minimum:

(A) the nature and concentration of pollutants in the discharge limited by pretreatment standards;

(B) the measured or estimated average and maximum daily flows for the reporting period; and

(C) contributing information necessary to account for water usage, materials recovery, or disposal practices.

(2) All periodic compliance reports must be signed and certified in accordance with Subsection (m).

(3) All wastewater samples must be representative of the industrial user’s discharge. Wastewater monitoring and flow measurement
facilities must be properly operated, kept clean, and maintained in good working order at all times. Failure of an industrial user to keep its monitoring equipment in good working order negates any grounds for the industrial user’s potential claim that sample results are unrepresentative of its discharge.

(4) If an industrial user subject to the reporting requirement in this section monitors any pollutant using the procedures prescribed in Subsections (j) and (k), the results of the monitoring must be included in the report.

(e) Notification of changed conditions.

(1) At least 90 days before any planned significant change to an industrial user’s operations or system that might alter the nature, quality, or volume of its wastewater, the industrial user shall notify the director of the change.

(2) The director may require the industrial user to submit all information deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 49-46(a). The director shall evaluate whether the industrial user needs a plan or other action to control accidental discharges.

(3) The director may issue a wastewater discharge permit or modify an existing wastewater discharge permit in response to changed or anticipated changed conditions.

(4) For purposes of this requirement, significant changes include, but are not limited to, flow increases or decreases of 20 percent or greater, the discharge of any previously unreported pollutants, and the deletion of any pollutant regulated by this article or a permit issued pursuant to this article.

(f) Reports of accidental (Slug) discharges.

(1) In the case of any discharge (including an upset, an accidental discharge, a discharge of a non-routine, episodic nature, a non-routine batch discharge, or a slug load) that may cause potential problems for the wastewater system, the industrial user shall immediately telephone and notify the director of the incident. This notification must include the location of the discharge, the type of waste, the concentration and volume, and corrective actions taken by the industrial user.

(2) Within five days following the discharge, the industrial user shall, unless waived by the director, submit to the director a detailed written report that provides:

(A) a description and cause of the discharge, including location, type, and concentration of the discharge and the volume of water;

(B) the duration of noncompliance, including the exact dates and times of noncompliance and, if the noncompliance is continuing, an immediate response to cause the noncompliant discharge to cease; and

(C) all steps taken or to be taken to reduce, eliminate, and prevent continuation or recurrence of an upset, slug load, or accidental discharge, spill, or other condition of noncompliance.

(3) The notification does not relieve the industrial user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the wastewater system or to natural resources, or any other damage to persons or property, nor does the notification relieve the industrial user of any fines, penalties, or other liability that may be imposed pursuant to this chapter.

(4) A notice must be permanently posted on the industrial user’s bulletin board or in another prominent location advising employees whom to call in the event of a discharge. An industrial user shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
(5) The director shall evaluate whether the industrial user needs a plan or other action to control possible future accidental discharges.

(g) **Reports from non-permitted users.** Industrial users not required to obtain a wastewater discharge permit must still provide appropriate reports to the director when required by the director.

(h) **Submission of self-monitoring reports and violations based on self-monitoring.** The industrial user shall submit all notices and self-monitoring reports necessary to assess and assure compliance with pretreatment standards and requirements, including but not limited to, the reports required in Title 40, Code of Federal Regulations, Section 403.12, as amended. If an industrial user’s monitoring and wastewater analysis indicates that a violation has occurred, the industrial user shall do all of the following:

(1) Notify the director within 24 hours after becoming aware of the violation.

(2) Repeat the sampling and submit to the director a written report of the results of the second analysis within 30 days after becoming aware of the violation. If the city has performed the sampling and analysis in lieu of the industrial user, the city must perform the repeat sampling and analysis unless it notifies the industrial user of the violation and requires the industrial user to perform the repeat analysis.

(i) **Notification of the discharge of hazardous waste.**

(1) **Notification process in general.**

(A) Pursuant to Title 40, Code of Federal Regulations, Section 403.12(p), as amended, any industrial user that commences the discharge of a hazardous waste listed in Title 40, Code of Federal Regulations, Part 261, as amended, shall notify the director, the EPA Region VI Waste Management Division Director, and the TCEQ, in writing, of the discharge.

(B) The notification must include the name of the hazardous waste as set forth in Title 40, Code of Federal Regulations, Part 261, as amended, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other).

(C) If the industrial user discharges more than 100 kilograms of hazardous waste in a calendar month to the wastewater system, the notification must also contain the following information to the extent the information is known and readily available to the industrial user:

(i) An identification of the hazardous constituents contained in the wastes.

(ii) An estimation of the mass and concentration of the constituents in the wastestream discharged during that calendar month.

(iii) An estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

(D) All notifications must be sent within 180 days after the discharge commences. Only one notification is required for each hazardous waste discharged. Notification of changed conditions, however, must be submitted pursuant to Subsection (e). The notification requirement in this subsection does not apply to pollutants already reported by industrial users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 49-51(h) and 49-55.3.

(2) **Certain discharges exempt.** A discharger is exempt from the requirements of Subsection (i)(1) during a calendar month in which it discharges no more than 15 kilograms of non-acute hazardous waste. Discharge of more than 15 kilograms...
of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in Title 40, Code of Federal Regulations, Sections 261.30(d) and 261.33(e), as amended, requires a one-time notification. No additional notification is required for the subsequent discharge of a hazardous waste in excess of the quantities permitted.

(3) **Listing of new hazardous waste.** In the case of any new regulation under Section 3001 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user shall notify the director, the EPA Region VI Waste Management Division Director, and the TCEQ of the discharge of such substance within 90 days after the effective date of the regulation.

(4) **Certification required.** In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5) **No right to discharge created.** This subsection does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued under this chapter, or any applicable federal or state law.

(j) **Analytical requirements.** All pollutant analyses (including sampling techniques) to be submitted as part of a wastewater discharge permit application or report must be performed in accordance with the techniques prescribed in Title 40, Code of Federal Regulations, Part 136, as amended, unless otherwise specified in an applicable categorical pretreatment standard. If Title 40, Code of Federal Regulations, Part 136, as amended, does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA or TCEQ.

(k) **Sample collection.**

(1) Except as indicated in Subsection (k)(2), the industrial user shall collect wastewater samples using flow proportional composite collection techniques. If flow proportional sampling is not feasible, the director may authorize the use of time proportional sampling or a minimum of four grab samples if the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(l) **Date reports deemed received.** Written reports are deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail receptacle serviced by the United States Postal Service, the date the report is received governs.

(m) **Certification and signatory requirements.**

(1) The following must be certified to and signed by the authorized representative:

(A) All permit applications.

(B) Baseline monitoring reports.

(C) Reports on compliance with categorical pretreatment standard deadlines.

(D) Periodic compliance reports.

(E) Any report specifically required by the director.

(2) The following statement must be used to certify the applications and reports listed in Subsection (m)(1):
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(n) Best management practice documentation. If the pretreatment standards require compliance with best management practices or a pollution prevention alternative, the industrial user shall submit documentation to the director demonstrating compliance with these requirements. (Ord. 28084)

SEC. 49-52. RECORDKEEPING.

(a) An industrial user subject to the reporting requirements of this article shall retain (and make available for inspection and copying) all information obtained pursuant to monitoring activities required by this article and any additional information obtained through monitoring activities undertaken by the industrial user, independent of such requirements. Records documenting best management practices are specifically included in this recordkeeping requirement and must be maintained in accordance with this section.

(b) Records must include the following information:

(1) The date, exact place, method, and time of sampling.

(2) The name of each person who took the samples.

(3) The dates the analysis was performed.

(4) The name of each person who performed the analysis.

(5) The analytical technique or method used.

(6) The results of the analysis.

(c) These records must be retained and made available by an industrial user for a period of at least three years. This period will automatically be extended for the duration of any litigation concerning the industrial user or the city, or where the industrial user has been specifically notified of a longer retention period by the director.

(d) Any record submitted pursuant to Subsections (a) and (b) must be retained by the city for a period of at least three years. This period will automatically be extended for the duration of any litigation concerning the industrial user or the city, or where the city has notified the industrial user of a longer retention period. In addition, the city shall make all reports available for inspection and copying by the public. (Ord. 28084)

SEC. 49-53. PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE.

The director shall annually publish, in the largest daily newspaper published in the city, a list of the industrial users who, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. (Ord. 28084)
§ 49-54. REGULATION OF WASTES FROM OTHER JURISDICTIONS.

(a) Prior to contributing wastewater in the wastewater system, a municipality must enter into an interlocal agreement with the city.

(b) The director may request the following information from the contributing municipality:

1. A description of the quality and volume of wastewater to be discharged to the wastewater system by the contributing municipality.

2. An inventory of all industrial users located within the contributing municipality that will be discharging to the wastewater system.

3. Any other information deemed necessary by the director. (Ord. 28084)

SEC. 49-55. EXTRAJURISDICTIONAL USERS.

(a) An extrajurisdictional user shall apply for a permit in accordance with this article as specified in Section 49-46(a) and (b) prior to discharging to the wastewater system.

(b) This section does not apply to extrajurisdictional users in jurisdictions that have an agreement with the city pursuant to Section 49-54.

(c) A wastewater discharge permit issued to an extrajurisdictional user must be in the form of a contract and include, at a minimum, the components found in Title 40, Code of Federal Regulations, Section 403.8(f)(1)(iii), as amended, and be approved by the city council. An extrajurisdictional user must agree to follow and be bound by the requirements of this article. (Ord. Nos. 19201; 26925; 28084)

SEC. 49-55.1. INSPECTION CHAMBERS.

(a) Chambers required. A person who discharges industrial waste into the wastewater system must provide, at his own expense, an inspection manhole or chamber in an accessible location on the premises from which the waste is discharged.

(b) Special requirements. An inspection manhole or chamber must be:

1. near the outlet of each building lateral, sewer, drain, pipe, or channel that connects with the wastewater system;

2. designed and constructed to prevent infiltration by ground and surface water; and

3. maintained so that a person may easily and safely measure the volume and obtain samples of the flow.

(c) Construction plans required. Before beginning construction of an inspection manhole or chamber, a person must submit plans to the director for review and approval to insure compliance with this section. Plans must include the wastewater metering device if one is to be installed. (Ord. Nos. 19201; 26925; 28084)

SEC. 49-55.2. MEASUREMENT OF WASTE VOLUME.

(a) Metering devices. If a person who discharges industrial waste into the wastewater system installs and maintains in proper working condition a wastewater metering device of a type approved by the director, the actual wastewater flow from the premises will be the basis for computing charges for services.

(b) Measurements without a meter. On premises where water is obtained exclusively from the water system and no wastewater metering device is installed, the director shall compute the wastewater flow, for purposes of determining service charges, based on the water consumption during the previous month.

(c) Wastewater from private sources. On premises where all or part of the water is obtained from a source other than the water system and no
wastewater metering device is installed, the owner shall provide and maintain a metering device, of a type approved by the director, to measure sources of private water.

(d) **Estimated usage.** If an activity on premises consumes water by evaporation, includes water in a product, or discharges water into a storm sewer, the owner may make application to the director for reduction in the volume of wastewater estimated to be discharged from the premises. The application must contain supporting data, including but not limited to a flow diagram showing the route and destination of the water supply and wastewater. (Ord. Nos. 19201; 26925; 28084)

SEC. 49-55.3. INSPECTION AND SAMPLING.

(a) **Inspection and sampling.** The director shall inspect and sample each significant industrial user at least once each year. The director may, however, inspect and sample a significant industrial user more frequently. The inspection, surveillance, and monitoring must be independent of information received from the self-monitoring reports program. If a significant industrial user requires additional samples, the director may require the user to pay the cost of the additional service.

(b) **Sample collection and analysis.** Samples must be collected and analyzed in accordance with Sections 49-51(j) and (k). A sample may be taken manually or by use of mechanical equipment.

(c) **Submission of monitoring data.** All significant industrial users shall submit all monitoring data of regulated pollutants that has been collected at the appropriate sampling location, in accordance with Section 49-51.

(d) **Accidental discharge/slug control plans.** Within one year after an industrial user is designated as a significant industrial user, the director shall evaluate and determine whether the significant industrial user needs to develop, submit, and implement an accidental discharge/slug control plan. The director may also require any industrial user to develop, submit, and implement such a plan. Alternatively, the director may develop the plan for any industrial user. An accidental discharge/slug control plan must address, at a minimum, the following:

1. A description of discharge practices, including non-routine batch discharges.
2. A description of stored chemicals.
3. Procedures for immediately notifying the director of any accidental or slug discharge, as required by Section 49-51(i).
4. Procedures to prevent adverse impact from any accidental or slug discharge. The procedures may include, but are not limited to, the inspection and maintenance of storage areas, the handling and transfer of materials, the loading and unloading operations, the control of plant site runoff, worker training, the building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment needed in the event of emergency response.

(e) **Self-monitoring program.** The director may, to the extent permitted by the EPA, delegate self-monitoring and reporting responsibilities to specific industrial waste discharge permittees, based upon the compliance history of a permittee and the volume and character of the waste discharge. Self-monitoring data from an industrial user must be submitted with accompanied chain-of-custody forms.

(f) **Waiver of pollutant sampling.**

1. The city may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated, through sampling and other technical factors, that the pollutant is neither present nor expected to be present in the discharge, or, if present, is only present at background levels from intake water, without any increase in the pollutant due to activities of the industrial user.
(2) The authorization is subject to the following conditions:

   (A) The pollutant is determined to be present solely due to sanitary wastewater discharged from the facility, provided that the sanitary wastewater:

   (i) is not regulated by an applicable categorical standard; and

   (ii) includes no process wastewater.

   (B) The waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five years. The industrial user must submit a new request for a waiver when a subsequent individual wastewater discharge permit is granted.

   (C) The industrial user must provide data from at least one sampling of the facility’s process wastewater prior to any treatment present at the facility. The process wastewater sample must be representative of wastewater from all processes.

   (D) The request for a waiver must be signed in accordance with Section 49-1(5) and include the certification statement in Section 49-51(m).

   (E) Non-detectable sample results may be used as a demonstration that a pollutant is not present if the EPA-approved method from Title 40, Code of Federal Regulations, Part 136, as amended, with the lowest minimum detection level for that pollutant was used in the analysis.

   (F) Any waiver by the director must be included as a condition in the industrial user’s permit. The reasons supporting the waiver and any information submitted by the industrial user in its request for the waiver must be maintained by the director for a period of three years after the expiration of the waiver.

   (G) The industrial user must certify that there has been no increase of the pollutant in its wastestream due to its activities. The certification must appear on all future reports, along with the statement in Section 49-51(m).

   (H) If a waived pollutant is found to be present or is expected to be present because of changes occurring in the industrial user’s operations, the industrial user must immediately:

   (i) comply with the sampling requirements of Section 49-55.3(a) or other more frequent sampling requirements imposed by the director; and

   (ii) notify the director.

(3) This subsection does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise provided in the categorical pretreatment standards. (Ord. Nos. 19201; 20215; 21409; 26925; 28084)

SEC. 49-55.4. CONFIDENTIALITY.

(a) Confidential information. An industrial user who asserts the trade secret exception to disclosure under Chapter 552 of the Texas Government Code (the Public Information Act) and Title 40, Code of Federal Regulations, Part 2, as amended, must clearly mark or stamp the words “confidential business information” on each page that contains proprietary information at the time the information is submitted to the city. If no claim is made at the time of submission, the city shall make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in Title 40, Code of Federal Regulations, Part 2, as amended.

(b) Effluent data. Information and data provided to the city under Subsection (a) of this section that is effluent data will be available to the public without restriction.

(c) All other information. All other information submitted to the city is available to the public in accordance with state and federal law. (Ord. 28084)
§ 49-55.5 WASTE MANAGEMENT OPERATORS.

(a) General requirements. A person who is a waste management operator and discharges industrial waste into the wastewater system must:

(1) discharge only at points in the wastewater system designated by the director;

(2) install and maintain an accurate wastewater metering device, or provide for accurate flow estimates in a manner as required by the director;

(3) compensate the city for the full cost of all sample collection and laboratory analyses for the purpose of monitoring and maintaining control of the discharge of industrial waste into the wastewater system, or implement a self-monitoring and reporting program approved by the director;

(4) maintain accurate records, available to the director upon request, showing:

(A) the volume of industrial waste discharged;

(B) the dates of receipt and disposal of industrial waste;

(C) the type of waste discharged; and

(D) the names and addresses of producers and haulers of all waste being processed; and

(5) comply with all applicable federal, state, and local laws and regulations. (Ord. Nos. 19201; 20215; 21409; 26925; 28084)

SEC. 49-55.6 POLLUTION OF WATER IN RESERVOIRS.

(a) Activities constituting offense. A person commits an offense if he conducts any of the following activities in a city reservoir:

(1) Bathing.

(2) Throwing, depositing, or discharging urine, excrement, trash, garbage, toxic or otherwise hazardous substances, or other pollutants.

(3) Causing some other nuisance upon or in the city reservoir. (Ord. Nos. 19201; 26925; 28084)

SEC. 49-55.7 DEPOSIT OR DISCHARGE OF CERTAIN MATERIAL INTO WASTEWATER SYSTEM OR STORM-SEWER.

(a) Illegal discharges. A person commits an offense if he:

(1) deposits garbage, dead animals, trash, articles, or other substances tending to obstruct the flow of wastewater, into a manhole, cleanout, or other opening;

(2) discharges industrial waste into a storm sewer or storm drain;

(3) discharges normal domestic wastewater into a storm sewer or storm drain; or

(4) discharges storm water collected from a storm sewer or storm drain into the wastewater system.

(b) Gutter connections. A person commits an offense if he connects a private gutter, rainwater conductor, privy, or cistern to a part of the wastewater system. (Ord. Nos. 19201; 26925; 28084)
ARTICLE V.
DEVELOPMENT AND SYSTEM EXTENSIONS.

SEC. 49-56. AUTHORITY TO MAKE CAPITAL IMPROVEMENTS; SPECIAL ASSESSMENTS; LOT AND ACREAGE FEES.

(a) Authority. The director is authorized to:

(1) extend water and wastewater mains to permit connections to persons seeking service;

(2) replace water and wastewater mains which are substandard in size or condition; and

(3) make rules and regulations, not in conflict with this article or other laws, regarding the extension of mains by or for developers to serve newly created or redeveloped subdivisions or resubdivisions.

(b) Special assessments. The cost of extension of a water or wastewater main a distance greater than 100 feet will be charged to an individual owner who specially benefits from the extension in accordance with the provisions of this section and the procedures established in Subchapter D of Chapter 402, Texas Local Government Code, as amended. A special assessment will be based upon the front foot rate prescribed in Section 49-18.10, unless the city council finds it necessary to adjust the rate under the circumstances set forth in Subsection (c) of this section. The director is authorized to promulgate regulations, not in conflict with state law or this chapter, governing how requests for extensions under this subsection are made and presented for assessment. In calculating the 100-foot requirement of this section, street intersection distances will be excluded.

(c) Manner of special assessment. A lot or tract of land which is not a corner lot and which extends between street lines so as to abut on two or more public streets will be specially assessed for each frontage if the property will be or is used in a manner such that service will actually be used from the mains in those streets; otherwise, the property will be specially assessed based only upon the frontage where the connection is made to the main.

(d) Adjustment of rates. If the city council determines in an assessment under Subsection (b) that the front foot rate prescribed in Section 49-18.10 exceeds the special benefit to a lot or tract by its enhanced value, or that the manner of assessment creates an inequality or injustice as to similarly situated lots or tracts, the city council, in order to insure substantial equality of benefits received and burdens imposed, will:

(1) adjust the prescribed front foot rate; or

(2) determine another method of apportioning the charges.

(e) Private service replacements. If the director determines it necessary to replace or relocate a building water line or building lateral incidental to the extension, relocation, or replacement of a main under this article because of the size or location of the main extension, relocation, or replacement, the director is authorized to:

(1) require the property owner to perform the private work at the owner’s expense; or

(2) cause the private work to be done in accordance with Article 402.901, Texas Local Government Code, which article is hereby adopted as the procedure for this subsection in all respects as it applies to the city.

(f) Manner of special assessment payment. A special assessment under Subsection (b) or (d)(2) may be paid in a lump sum, or by installment, in accordance with the terms prescribed in the applicable assessment ordinance. Where paid in installments, a mechanic’s lien contract and installment promissory note must be executed on forms provided by the director and approved by the city attorney.
(g) **Liability in event of transfer.** If a mechanic’s lien contract and installment promissory note have been executed as provided under this section, and ownership of the property changes after execution of the contract and note, the new owner may assume payment of the unpaid installments. The new owner takes the property subject to the lien for special assessments. Notwithstanding the new owner’s assumption of liability, the previous owner remains personally liable for special assessment payments owed under the contract until it is paid in full. In the event of nonpayment, the director may:

1. discontinue service to the property;
2. enforce the lien created under the contract and note; or
3. look to the previous owner for payment due.

(h) **Lot or acreage fee.** If an individual owner of property using the water or wastewater system for the first time connects to an existing main constructed by a developer entitled to city participation under Section 49-62, the individual owner shall be charged a lot or acreage fee to aid in reimbursement of developer construction in accordance with the following rules:

1. The fee shall be charged as prescribed in Section 49-18.10(c). An individual owner of a lot that is part of a subdivided tract shall pay a lot fee; an individual owner of an unsubdivided tract shall pay an acreage fee.

2. Notwithstanding any lot or acreage fee previously paid under this subsection, if an individual owner subdivides, develops or redevelops his property in a manner necessitating new extensions, the rules regarding developers in this article shall apply.

3. The lot or acreage fee charged shall be the fee in effect on the date the individual owner applies for a service connection permit. The fee shall be paid prior to issuance of the connection permit.

(4) All lot and acreage fees collected shall be deposited to the credit of the appropriate city fund. All fees collected shall be used only for the purpose of reimbursing developers as required under Section 49-62.

(i) **No obligation to extend.** The city and the director are not obligated to make a main extension if:

1. funds to pay for the extension are not available to the city;
2. the director determines for engineering or financial reasons that an extension is not practical; or
3. the individual owner or developer requesting the extension fails to abide by the provisions of this article. (Ord. Nos. 19201; 19622; 20215; 20653; 26925; 29645)

SEC. 49-57. RESERVED. (Repealed by Ord. 20653)

SEC. 49-58. RESERVED. (Repealed by Ord. 20653)

SEC. 49-59. REPLACEMENT OF SUBSTANDARD MAINS.

(a) **Substandard size mains.** The director is authorized to replace a substandard size water or wastewater main when:

1. property owners request in writing to the director that the substandard size main be replaced in order to:
   
   (A) provide fire protection;
§ 49-59 Water and Wastewater § 49-60

(B) increase the water supply for consumption;

(C) improve the water pressure in an area; or

(D) improve the quality or capacity of wastewater collection in an area;

(2) a substandard size main must be replaced by a standard size main in advance of paving; or

(3) the director determines that replacement of a substandard size main is necessary to provide for orderly improvement or operation of the system.

(b) Substandard condition mains. The director is authorized to replace a water or wastewater main that is substandard as to condition when he determines that:

(1) due to its overall condition, the main is no longer economical to maintain as a part of the water or wastewater system; or

(2) the main is in such a condition that it poses a threat to the health or safety of persons or property.

(c) Removal and reconnection of main. When a substandard main is replaced, the department shall transfer and reconnect existing service connections to the new main and remove or abandon the substandard main.

(d) Exception. A person connected to an existing substandard main at the time of its replacement will not be required to pay special assessments for the replacement of the substandard main. (Ord. Nos. 19201; 20653)

SEC. 49-60. GENERAL RULES FOR EXTENSIONS BY DEVELOPERS.

(a) No extension without plat. Except in those instances where a plat is not required by law to develop property, the director shall not permit, and no person shall provide, extension of water or wastewater service to a lot, tract or other parcel of land unless:

(1) the lot, tract or other parcel of land has been platted in accordance with the requirements of this code and state law;

(2) the plat has been released for filing by the director and given final approval by the city plan commission; and

(3) the plat has been filed for record in the plat records of the county in which the lot, tract or other parcel of land is located.

(b) Plat approval guidelines. In addition, the following rules apply to the release and approval of plats by the city:

(1) The city plan commission shall not approve a plat for filing without a release from the director verifying that the plat conforms to the city’s requirements for water or wastewater utility development and otherwise conforms to the general plan of the city for water and wastewater extensions.

(2) The city plan commission is not obligated to approve a plat nor is the director obligated to release a plat if the mains proposed to serve the development exceed the existing capacity, or the immediate future capacity, of the water or wastewater system to adequately and economically serve that development and other adjacent property.

(c) Preliminary layout. At the same time that a preliminary plat is filed for consideration with the city plan commission, the developer must submit the following to the director:

(1) a preliminary layout or site plan showing the location and size of all mains, valves and hydrants necessary to serve the proposed development;

(2) designated locations of dedications or public easements, proposed or existing, necessary for
the laying of all mains and appurtenances, to be indicated on the layout or site plan; and

(3) the design review fee charged by the director in accordance with Section 49-18.14(a).

(d) Design criteria. All layouts and designs for proposed mains and appurtenances, whether preliminary or final, must be strictly in accordance with the Water and Wastewater Design Manual of the department. The director may refuse to release any plat for approval by the city plan commission where the criteria of this manual are not met.

(e) Preliminary design phase. Upon review and approval of the preliminary layout or site plan, the developer may proceed as follows:

(1) The developer may begin the preliminary design of water and wastewater mains and appurtenances for the proposed development, in accordance with Subsection (d).

(2) Upon completion of the preliminary design, the developer must submit the preliminary design to the director. Pending review of the design, the developer may then file a final plat with the city plan commission. Changes or corrections in the design will be noted and returned to the developer.

(3) The developer may prepare the final design of the proposed system after the director approves the preliminary design.

(f) Private development contracts. After approval of the preliminary design, the developer may enter into a construction contract to build the proposed facilities, subject to the following rules:

(1) The developer shall enter into one of the following types of private development contract for construction of the facilities:

(A) a private development contract with a private construction contractor, with the city as a beneficiary; or

(B) a private development contract directly with the city for the developer to build the facilities.

(2) The cost of the system to be built must be borne as provided in Section 49-62.

(3) The private development contract must be made according to terms and conditions stated on a form provided by the director and approved by the city attorney.

(4) The private development contract must include performance and payment bonds equivalent to those which the city uses and requires in its standard specifications, and the city must be a named obligee in the bonds.

(5) Charges for additional review of system designs under Section 49-18.14(a) shall be due upon submission of the additional review material.

(7) 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 of release of a final plat, 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 provided, the bond shall be in a form furnished 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. If an escrow account is provided, the account shall be placed with a state or federally chartered lending institution.
chartered lending institution with a principal office or branch in Texas, and any escrow agreement between the developer and the escrow agreement shall provide for a retainage of not less than 10 percent of the private development contract amount, to be held until the director gives written approval of the construction of the facilities. Interest accruing on the special account shall be credited to the developer. This subsection (f)(7) shall expire on January 1, 1994, unless this subsection is terminated sooner or extended by ordinance of the city council.

(g) Final release. Prior to the director’s release of the final plat for approval by the city plan commission, the developer must submit the following items to the director:

1. the approved design of all mains, valves, service connections to be constructed by the developer and hydrants for the proposed development as prepared in accordance with all applicable requirements of this article;

2. an executed private development contract for the proposed development and development surety, both as prescribed in Subsection (f); and

3. if the developer desires to plat more lots than the developer will construct utilities to serve, a covenant for the benefit of the city running with the land and agreeing to construct the utilities necessary to serve the development at total cost in accordance with this article.

(h) Covenant procedures. Covenants required under Subsection (g)(3) must be approved in accordance with the procedure set out in Section 2-11.2 of this code. After approval as to form by the city attorney, the covenant shall be filed in the deed records of the county where the property is located. Upon determination by the director that all the conditions of the 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.

(i) Development on previously platted or unplatted land. If a person develops property without having to file a plat or replat for approval by the city, the requirements of this section still apply, as modified by the following rules:

1. A copy of the existing recorded plat or replat within which the property lies and all layouts, proposed system designs and design review and survey staking fees must be submitted with the request for extension.

2. Any charges due under Section 49-62 must be paid before or upon application for a service connection permit.

3. The director is authorized to promulgate additional procedures, not in conflict with this chapter or other laws, to aid implementation of this subsection. (Ord. Nos. 19201; 20215; 20653; 21045; 21491; 23289)

SEC. 49-61. CONSTRUCTION OF DEVELOPER EXTENSIONS.

(a) Commencement of construction. The department will approve commencement of construction after approval of the final plat by the city plan commission, upon the developer’s meeting the following conditions:

1. the construction plans must be in complete and correct form;

2. all easements, dedications and other public rights-of-way necessary to construction must be in existence;

3. all necessary contract documents and bonds must be submitted; and

4. the final plat, as recorded, must be submitted.
(b) **Early start.** The director may, upon written request from the developer, allow construction to commence before submission of the final recorded plat required in Subsection (a)(4), if all other applicable requirements of this article have been met; except that the city reserves its right to refuse final acceptance of the facilities and building permits until the final plat is approved and recorded.

(c) **Construction conditions.** The following additional rules apply to actual construction of the facilities in a development under this section:

1. Installation of facilities must be made in public rights-of-way belonging to the city and filed of record, and must be made in a manner that does not damage existing facilities of the water or wastewater system.

2. Construction and installation of facilities, including service connections, if any, must be supervised by inspectors of the city to see that it is done in accordance with the plans and specifications, which are a part of the private development contract, and applicable provisions of this chapter.

3. On service connections larger than two inches that are constructed by the developer, the developer shall reimburse the city for any necessary materials or appurtenances furnished by the city.

4. Grade stakes for mains will be set by the developer’s engineer after the plans are released for construction by the director; provided, however, that grade stakes may not be set until after the developer’s engineer has properly staked on the ground with iron pins all easements, points of curves and tangency, all block corners and all lot corners within the subdivision, and has properly staked all fire hydrants.

5. All construction plans must comply with the following publications of the department:

   (A) *Water and Wastewater Procedures and Design Manual.*

   (B) *Development Design Procedure and Policy Manual.*

   (C) *North Central Texas Standard Specifications for Public Works Construction*, as may be modified by the *Water Utilities Department Addendum to the Standard Specifications*, or other special provisions.

   (D) *Water Utilities Department Standard Drawings.*

6. The director may, upon written request of the developer, permit temporary, partial use of installed facilities in a development prior to final acceptance of a system, if the department inspects the facilities to be used and determines that they meet the city’s construction requirements. Temporary permission under this subsection may not be construed as acceptance of any facilities, and the developer shall remain liable for all applicable service charges set forth in this chapter and all costs of construction. The duration of temporary permission will be as determined by the director, but may never exceed 90 days from the date of approval of the request. On the expiration date, the director will discontinue service unless the director approves the developer’s written request for an extension of temporary permission or issues final acceptance in accordance with Subsection (c)(6) of this section. The director may revoke or prohibit temporary permission under this subsection if the developer fails or refuses to comply with the provisions of this chapter.

7. The city will issue final acceptance when construction is complete in accordance with the city’s requirements, the developer has paid all costs of construction due and all charges due the city under this article, and the final plat has been approved and filed of record as required by law. Following issuance of final acceptance, facilities installed become the property of the city, free and clear of all liens, claims, and encumbrances.

8. Facilities constructed in a development pursuant to this article must be hydrostatically tested.
§ 49-61 Water and Wastewater § 49-62

by the department prior to final acceptance. The developer shall cause any deficiencies or nonconformities in construction shown as a result of the hydrostatic test to be corrected and retested by the department until the test is passed. The developer shall pay a fee for hydrostatic testing when required in Section 49-18.17.

(9) Damage to the work, relocation or revisions in the plans necessitated by other construction, or modification of the development will be charged to the developer, and service will be withheld or discontinued to the development until the charges are paid.

(d) City not liable. Nothing in this article shall be construed to render the city liable for sums owed by a developer to private contractors or subcontractors for work done under a private development contract.

(Ord. Nos. 19201; 19622; 20215; 23289; 26479)

SEC. 49-62. RULES REGARDING THE CONSTRUCTION AND COST OF NEW MAINS IN A DEVELOPMENT.

(a) Oversize mains. The city will participate in the cost of any oversize main the developer is required to construct, by purchasing the excess capacity in the main at the oversize cost of the main. The director’s determination of the size of main necessary to adequately serve the subdivision, and the necessary degree of oversizing, is final. Oversize cost will be based upon the evaluated cost tables of Section 49-18.11 and will be paid after acceptance of the oversize main by the city.

(b) On-site extensions. The developer must construct all new on-site extensions necessary to adequately serve the development, subject to applicable city payments for participation in oversize cost under Subsection (a). Construction of an on-site extension shall be pursuant to a private development contract approved by the director and in accordance with Chapter 212, Subchapter C, Texas Local Government Code, as amended.

(c) Off-site extensions. The following rules govern the installation of and city participation in off-site extensions required to be constructed by a developer in order to adequately serve the development:

(1) The developer shall construct any new off-site extension necessary to adequately serve the development, if the city or another developer has not already commenced design or construction of the extension in connection with another development or project, subject to applicable city payments for participation in oversize cost under Subsection (a).

(2) Construction of an off-site extension shall be pursuant to a private development contract approved by the director and in accordance with Chapter 212, Subchapter C, Texas Local Government Code, as amended. The off-site extension construction may be included as a part of any private development contract for construction of on-site extensions or other infrastructure within the development, provided the rules of this article are complied with. The city will participate in the cost of the off-site extension by purchasing the extension, after completion and acceptance by the city, for the total evaluated cost of the extension. City payment will be made in the manner provided in this subsection.

(3) The city will make payment for purchase of the off-site extension based upon new connections to the extension, at the applicable rate stated in Section 49-18.15(a). The developer or other person entitled to payment under Subsection (c)(5) must request payment in writing, and provide addresses and lot and block numbers for new connections, on a semi-annual basis or on such other basis as prescribed by the director in order to better facilitate proper payment. However, if the development requiring the off-site extension and the surrounding property through which the extension is constructed are, at completion of construction, fully developed in a manner consistent with its zoning so that all or substantially all of the new connections to the extension capable of being made are actually made and no additional new connections are expected or
required, the full amount of city payment owed to the
developer will be made upon acceptance of the
extension instead of the rated payment method
described above.

(4) City payments under Subsection (c)(3)
may be made to:

(A) the original developer constructing
the extension;

(B) the original developer’s legal
successor by merger or other proceedings, if the
developer is a corporation, partnership or other
business entity;

(C) the original developer’s heirs or
designated beneficiaries legally established by a validly
probated will or duly created estate administration;

(D) an assignee of the original developer,
pursuant to a written, notarized agreement transferring
the right to a payment which is executed by the original
developer, legal successor, heir, beneficiary or their
authorized agent and which is filed with the director
after execution; or

(E) if after appropriate invest-igation the
director determines that no one else exists who could
claim a right to city payments under Subsections
(c)(4)(A) through (c)(4)(D), any other person the
director determines would have a right to receive city
payments; provided, however, that if no person makes
a claim for city payments owed under this subsection
within 20 years after acceptance of the off-site extension
by the city, the funds will be considered abandoned
and will be placed in the department’s general
operating fund. The director is authorized to
promulgate procedures, not in conflict with this chapter
or other laws, for handling claims under this Subsection
(c)(4).

(5) City payments for off-site extensions will
be processed in accordance with Subsections (h) and (i)
of this section, subject to any other applicable credits or
charges prescribed in this chapter.

(d) Existing mains. The developer may utilize
any existing main that may be available to adequately
serve a proposed development in the design and
construction of extensions subject to the payment of
the acreage fee described in Subsection (e) of this
section, if the director determines that:

(1) the existing main is not substandard as
to size or condition; and

(2) the main is capable of adequately
serving the development and not impractical to use for
engineering or financial reasons; otherwise, the mains
shall not be used or shall be replaced as required in
Subsection (f).

(e) Acreage fee. A developer utilizing an
existing main under this section shall be charged an
acreage fee if the existing main utilized was previously
constructed by a developer entitled to city
participation under this section. The amount of the fee
shall be as prescribed in Section 49-18.10(d), and shall
be paid upon completion of final design of the
proposed system serving the development. All
acreage fees collected shall be deposited to the credit
of the appropriate city fund, and shall be used only for
the purpose of reimbursing developers as required
under this section.

(f) Replacement mains. The following rules
govern the construction of a replacement main:

(1) The developer shall replace every
existing substandard main serving the development
with a main of adequate size and condition for
permanent service, as determined by the director,
subject to applicable city participation under this
section.

(2) The method of city participation in the
cost of replacement of an off-site main within the city
shall be governed by the rules for off-site extensions in
Subsection (c).

(g) Trunk or transmission mains. If platted
property abuts or fronts on an existing water
transmission or trunk wastewater main and connection to the main is not permitted by the director, the developer will not be charged for the existing trunk or transmission main, but may still be required to construct another main to adequately serve the development. City participation in the cost of the alternate main shall be governed by the applicable rules of Subsections (a) through (c) of this section.

(h) Duplicate mains. Subject to the rules of Subsections (d) and (e) of this section, if more than one existing water or wastewater main fronts, abuts or lies within a development, the director shall determine which existing main or mains the developer shall be allowed to connect to, if any.

(i) City payments and other charges offset. The director shall offset any charges payable by developers under this chapter, except charges for retail use of the water or wastewater system, against city payments owed to a developer. If charges exceed city payments, payment must be made to the city prior to commencement of service. If city payments exceed charges the city will make payment upon acceptance of the system by the city, subject to the method of payment for off-site extensions described in Subsection (c)(3); provided, however, that no city payment under this article shall exceed 30 percent of the total private development contract price. Where the city’s participation exceeds $10,000, the director may waive the 30 percent limitation if the director chooses, in the director’s sole discretion, to advertise the construction for competitive bids in accordance with state law. Charges paid to the city, if any, go into the department’s operating fund or into the trust fund, where applicable.

(j) Disbursement of funds. Without additional city council approval, the director of finance is authorized to encumber and allocate funds from the appropriate water and wastewater system improvement fund and to issue checks or warrants from the proper encumbrance out of that fund for the purpose of making payments under this section, upon certification from the director that the developer has met all the applicable requirements of this article and that the amount of the payment accurately reflects the amount due the developer under this section.

(k) No limitation on city. Nothing in this section shall be construed to restrict the city’s authority to construct capital improvements for the benefit of development or the citizens of the city. (Ord. Nos. 19201; 19526; 19622; 20215; 20653; 29645)

SEC. 49-63. CERTAIN EXISTING MAINS EXEMPT.

(a) Exemption. Property platted into lots, tracts or other parcels and having existing water and wastewater mains prior to December 11, 1936 is exempt from pro rata.

(b) Resubdivided property. Where the property described in Subsection (a) is later subdivided, replatted or otherwise developed such that the existing mains are otherwise replaced or extended in order to serve the property, then the terms of this article apply.

(c) Charges already paid. Where an individual owner or developer has already paid or contributed toward an existing main in accordance with the terms of this article, that person will not be assessed any further charges prescribed under this article for that main. No person will be charged a lot or acreage fee for connection to or utilization of an existing main if:

(1) the existing main has been installed and in service for a period of 20 years or greater at the time of connection or utilization; or

(2) the existing main has previously been fully paid for under this article by persons other than the city. (Ord. Nos. 19201; 20653)
CHAPTER 50

CONSUMER AFFAIRS

ARTICLE I.

CONSUMER AFFAIRS ADMINISTRATION.

Sec. 50-1. Director.
Sec. 50-2. Assistants and additional personnel.
Sec. 50-3. Powers of the director.
Sec. 50-4. Power to seize.

ARTICLE II.

RESERVED.

Secs. 50-5 thru 50-35. Reserved.

ARTICLE III.

RESERVED.

Secs. 50-36 thru 50-71. Reserved.

ARTICLE IV.

CONSUMER PROTECTION.

Sec. 50-72. Definitions.
Sec. 50-73. Unlawful acts or practices.
Sec. 50-74. Interpretation.
Sec. 50-75. Advertising - Disclosure of name and address.
Sec. 50-76. Exemption.
Sec. 50-77. Investigation.
Sec. 50-78. Reserved.

ARTICLE V.

WOOD VENDORS.

Sec. 50-79. Definitions.
Sec. 50-80. License required.

Sec. 50-81. Application; issuance; non-transferability.
Sec. 50-82. Fee.
Sec. 50-83. Signs; display; issuance.
Sec. 50-84. Sale of fuel wood - Invoices.
Sec. 50-84.1. Sale of fuel wood - Unit requirement.
Sec. 50-85. Refusal to issue or renew license; revocation.
Sec. 50-86. Appeal.

ARTICLE VI.

COIN-OPERATED DEVICES.

Sec. 50-87. Definitions.
Sec. 50-88. Design and construction.
Sec. 50-89. Maintenance.
Sec. 50-90. Operating instructions.
Sec. 50-91. Instructions for reporting faulty operation.
Sec. 50-92. Statement of rates.
Sec. 50-93. Unlawful to deface signs.
Sec. 50-94. Exemptions.
Sec. 50-95. Penalty.

ARTICLE VII.

MAIL ORDER SALES.

Sec. 50-96. Prohibited acts.
Sec. 50-97. Exceptions.
Sec. 50-98. Failure to disclose legal name and address.

ARTICLE VIII.

ELECTRONIC REPAIRS.

Sec. 50-99. Definitions.
Sec. 50-100. License - Required; trade name registration.
Sec. 50-101. Fees.
Sec. 50-102. License - Application, issuance, and renewal.
Sec. 50-103. License - Display, duplicates, transferability; employee identification.
Sec. 50-104. Powers and duties of the director.
Sec. 50-105. License - Refusal to issue or renew.
Sec. 50-106. License - Revocation.
Sec. 50-107. License - Appeal from refusal to issue or renew; from decision to revoke.
Sec. 50-108. Disclosure required for repairs on premises of owner.
Sec. 50-109. Disclosure required for repairs in licensee’s establishment.
Sec. 50-110. Detailed statement required; return of replaced parts.
Sec. 50-111. Unnecessary repairs; false representation of work.
Sec. 50-112. Advertising.

ARTICLE IX.

MOTOR VEHICLE REPAIRS.

Sec. 50-113. Definitions.
Sec. 50-114. License required; trade name registration.
Sec. 50-115. License application, place of business, issuance, renewal, and expiration.
Sec. 50-116. Fees.
Sec. 50-117. License display, replacement, and transferability.
Sec. 50-118. Refusal to issue or renew license.
Sec. 50-119. License revocation.
Sec. 50-120. Appeal from refusal to issue or renew license; from decision to revoke license.
Sec. 50-121. Powers and duties of the director.
Sec. 50-122. Schedule of charges.
Sec. 50-123. Disclosure of location of repairs, cost of repairs, time to complete.
Sec. 50-124. Detailed invoice required; return of replaced parts.
Sec. 50-125. Disclosure required for warranty.
Sec. 50-126. Advertising.
Sec. 50-127. Unnecessary repairs; charging for work not performed.
Sec. 50-128. Exemptions.
Sec. 50-129. Sign giving customer notice required.
Sec. 50-130. Penalty.

ARTICLE X.

HOME REPAIR.

Sec. 50-131. Article definitions.
Sec. 50-132. Administration of article.
Sec. 50-133. Article cumulative.
Sec. 50-134. Home repair license required.
Sec. 50-135. License exemptions.
Sec. 50-136. License application, expiration, and renewal.
Sec. 50-137. License fees.
Sec. 50-138. Revocation of license.
Sec. 50-139. Appeals.
Sec. 50-140. Notice.
Sec. 50-141. Regulations for home repairs under $500.
Sec. 50-142. Regulations for home repairs of $500 or more.
Sec. 50-143. Offenses.

ARTICLE XI.

CREDIT ACCESS BUSINESSES.


Sec. 50-144. Purpose of article.
Sec. 50-145. Definitions.
Sec. 50-146. Violations; penalty.
Sec. 50-147. Defense.

Division 2. Registration of Credit Access Businesses.

Sec. 50-148. Registration required.
Sec. 50-149. Registration application.
Sec. 50-150. Issuance and display of certificate of registration; presentment upon request.
Sec. 50-151. Expiration and renewal of certificate of registration.
Sec. 50-151.1. Nontransferability.
Division 3. Miscellaneous Requirements for Credit Access Businesses.

Sec. 50-151.2. Maintenance of records.
Sec. 50-151.3. Restrictions on extensions of consumer credit.

ARTICLE XII.

STREET VENDORS.

Division 1. In General.

Sec. 50-152. Declaration of policy.
Sec. 50-153. General authority and duty of the director.
Sec. 50-154. Authority to inspect.
Sec. 50-155. Offenses; penalties.
Sec. 50-156. Article cumulative.
Sec. 50-157. Definitions.

Division 2. Vending on Public Property.

Sec. 50-158. Vendors on public property.
Sec. 50-159. Restrictions for mobile food establishments.

Division 3. Vending on Private Property.

Sec. 50-160. Vendors on private property.

Division 4. Entertainment in the Central Business District.

Sec. 50-161. Entertainment performances in the central business district.

Division 5. Central Business District Concession Licenses.

Sec. 50-162. Central business district concession license.
Sec. 50-163. License application; investigation.
Sec. 50-164. License issuance; fees; transferability; vending location sites; license expiration.

Sec. 50-165. Suspension.
Sec. 50-166. Revocation.
Sec. 50-167. Appeal.

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

Sec. 50-168. Identification badges required.
Sec. 50-169. Duties and conduct of street vendors.
Sec. 50-170. Dress standards for street vendors.
Sec. 50-171. Vehicles and equipment.
Sec. 50-172. Signs and advertising devices.

ARTICLE I.

CONSUMER AFFAIRS ADMINISTRATION.

SEC. 50-1. DIRECTOR.

For the purpose of this chapter, the word “director” shall mean the director of the department designated by the city manager to enforce and administer this chapter or the director’s authorized representative. (Ord. Nos. 13795; 17226)

SEC. 50-2. ASSISTANTS AND ADDITIONAL PERSONNEL.

The director shall appoint such assistants as he shall determine are necessary. Additional personnel will be provided as is customary in other departments, and subject to the provisions of the civil service rules and regulations of the city. (Ord. 13795)

SEC. 50-3. POWERS OF THE DIRECTOR.

(a) The director shall enforce all laws concerning weights and measures.

(b) Reserved.
§ 50-3 Consumer Affairs

(c) The director shall plan, make recommendations, conduct research and develop programs for consumer education and protection, facilitate the exchange and dissemination of information in consultation with agencies, federal and state officials, commercial interest, private groups and others working in this field and coordinate the consumer protection activities of other city departments.

(d) The director shall enforce all laws relating to unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce; in addition he shall receive and evaluate complaints and initiate his own investigations relating to these matters and take appropriate action, including referral to a federal or state agency.

(e) The director, in the performance of his duties, shall be authorized to issue subpoenas and investigative demands to any person, administer an oath or affirmation to any person, conduct hearings in aid of any investigation or inquiry, prescribe such forms and promulgate such rules and regulations as may be necessary to carry out the powers and duties of the department, which rules and regulations shall have the force of law; provided that none of the powers conferred by this chapter shall be used for the purpose of compelling any natural person to furnish testimony or evidence which might tend to incriminate him or subject him to a penalty or forfeiture; and provided further that information obtained pursuant to the powers conferred by this chapter shall not be made public or disclosed by the director beyond the extent necessary for law enforcement purposes in the public interest. (Ord. Nos. 13795; 19312; 21172)

ARTICLE II.

RESERVED.

SECS. 50-5 THRU 50-35. RESERVED.

(Repealed by Ord. 21172)

ARTICLE III.

RESERVED.

SECS. 50-36 THRU 50-71. RESERVED.

(Repealed by Ord. 18252)

ARTICLE IV.

CONSUMER PROTECTION.

SEC. 50-72. DEFINITIONS.

For the purpose of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) PERSONS means natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, and any other legal entity.

(b) TRADE and COMMERCE mean the advertising, offering for sale, rent, lease, sale, or distribution of any services and any property, tangible

SEC. 50-4. POWER TO SEIZE.

Where any duty is placed upon the director under this chapter or any ordinance of the city, the same may be performed by any assistant. The director and the director’s assistants are granted the power to seize, without warrant, for evidence any object or thing involved in an unfair or deceptive act or practice in the conduct of any trade or commerce. (Ord. Nos. 13795; 19312; 21172)
or intangible, real, personal or mixed, and any other article, commodity, or thing of value wherever situate, and shall include any trade or commerce directly or indirectly affecting the people of this city.

(c) DOCUMENTARY MATERIAL means the original or a copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription or other tangible document or recording, wherever situate.

(d) EXAMINATION OF DOCUMENTARY MATERIAL shall include the inspection, study, or copying of any such material, and the taking of testimony under oath or acknowledgment with respect to any such documentary material or copy thereof. (Ord. 13795)

SEC. 50-73. UNLAWFUL ACTS OR PRACTICES.

No person shall engage in one or more of the following unfair or deceptive acts or practices in the conduct of any trade or commerce:

(a) Causing confusion or misunderstanding or likelihood of confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods, or services;

(b) Causing confusion or misunderstanding or likelihood of confusion or misunderstanding as to affiliation, connection or association with, or certification by another;

(c) Using deceptive representations or designations of geographic origin in connection with goods or services;

(d) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he does not have;

(e) Disparaging the goods, services, or business of another by false or misleading representation of fact;

(f) Engaging in any other conduct in trade or commerce which creates confusion or misunderstanding or the likelihood of confusion or misunderstanding;

(g) The sale of goods or services to a consumer and the subsequent failure of the seller or solicitor to honor his express and implied warranties with respect to such goods or services. (Ord. 13795; Ord. 14369)

SEC. 50-74. INTERPRETATION.

(a) This article shall be liberally construed and applied to promote its purpose and policies. It is the intent of the city council that in construing Section 50-73 of this article due consideration and great weight shall be given to the interpretations of the federal trade commission and the federal courts relating to Section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1), as from time to time amended; and

(b) The director may make rules and regulations interpreting the provisions of Section 50-73 of this article. Such rules and regulations shall not be inconsistent with the rules, regulations and decisions of the federal trade commission and the federal courts in interpreting the provisions of Section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C., 45(a)(1), as from time to time amended. (Ord. 13795)

SEC. 50-75. ADVERTISING - DISCLOSURE OF NAME AND ADDRESS.

Whenever any person who is engaged in retail sales within the city advertises in print within the city, goods or services for sale to the public, the advertisement shall include the name of the advertiser and the permanent street address of the advertiser if such street address is not listed under the advertiser’s...
name in the current city of Dallas telephone directory. If the name of the advertiser is different than the name of the owner of the business advertised, and such business is not a corporation holding a permit to do business in this state or the advertiser is not registered with the county clerk of Dallas county as an assumed name, then the true name and permanent address of the owner shall be included in the advertisement. Nothing in this section shall apply to advertising in a classified section of a newspaper. (Ord. Nos. 13795; 13827)

SEC. 50-76. EXEMPTION.

Nothing in this article shall apply to acts done by the publisher, owner, agent, or employee of a newspaper, periodical or radio or television station in the publication or dissemination of an advertisement, when the owner, agent or employee did not have knowledge of the false, misleading or deceptive character of the advertisement, did not prepare the advertisement, and did not have a direct financial interest in the sale or distribution of the advertised product or service. (Ord. 13795)

SEC. 50-77. INVESTIGATION.

(a) When it appears to the director that a person has engaged in, is engaging in, or is about to engage in any act or practice declared to be unlawful by this article, or when he believes it to be in the public interest that an investigation should be made to ascertain whether a person in fact has engaged in, is engaging in, or is about to engage in, any act or practice declared to be unlawful by this article, he may execute in writing and cause to be served upon any person who is believed to have information, documentary material or physical evidence relevant to the alleged or suspected violation, an investigative demand requiring such person to furnish, under oath or otherwise, a report in writing setting forth the relevant facts and circumstances of which he has knowledge, or to appear and testify or to produce relevant documentary material or physical evidence for examination, at such reasonable time and place as may be stated in the investigative demand, concerning the advertisement, sale or offering for sale of any goods or services or the conduct of any trade or commerce that is the subject matter of the investigation.

(b) Failure or refusal to comply with the investigative demand made pursuant to the provisions of Subsection (a), above, shall be deemed a violation of this chapter. (Ord. 13795)

SEC. 50-78. RESERVED.

(Ord. Nos. 13795; 21172)

ARTICLE V.

WOOD VENDORS.

SEC. 50-79. DEFINITIONS.

In this article:

(1) CORD means the amount of wood that is contained in a space of 128 cubic feet, when the wood is ranked and well-stowed and one-half the kerf of the wood is included.

(2) ESTABLISHMENT means any building, motor vehicle, freight car, or stand where fuel wood is sold or offered for sale by a retail dealer.

(3) FUEL WOOD means wood offered for sale by a retail dealer and represented by the retail dealer as being suitable for use as fuel.

(4) PERSON means any individual, assumed named entity, partnership, joint venture, association, or corporation.
§ 50-79  Consumer Affairs

(5) RETAIL DEALER means any person who both sells and delivers fuel wood to the ultimate consumer. (Ord. Nos. 13795; 21172)

SEC. 50-80. LICENSE REQUIRED.

No retail dealer shall sell fuel wood in the city without first obtaining a wood vendor’s license, nor shall a retail dealer sell fuel wood in the city after his license has been revoked. (Ord. 13795)

SEC. 50-81. APPLICATION; ISSUANCE, NON-TRANSFERABILITY.

(a) Application for a wood vendor’s license shall be made to the director upon a form prescribed and supplied by him, which shall include the following information: The retail dealer’s name, the address and telephone number of his business establishment(s), the address and telephone number of the retail dealer’s residence if he does not have a business establishment with an address, the license numbers of all vehicles used in delivering fuel wood, and the method of distribution.

(b) When an application for a license, or renewal thereof, has been filed with the director in proper form, the director shall within a period of 10 days from the date of filing approve or deny said application. If the application is denied, the director shall send to the applicant by certified mail, return receipt requested, a written statement setting forth the reasons for the denial.

(c) Each license issued pursuant to this article shall be numbered and shall expire on August 31st of each year.

(d) No license issued pursuant to this article shall be transferable. (Ord. 13795)

SEC. 50-82. FEE.

The applicant shall pay an annual permit fee of $64 to the director at the time the license is issued. No refund of license fees shall be made.

The applicant shall pay an annual permit fee of $44 to the director at the time the license is issued. No refund of license fees shall be made. (Ord. Nos. 13795; 16700; 29879, eff. 10/1/15; 31332, eff. 10/1/19)

SEC. 50-83. SIGNS; DISPLAY; ISSUANCE.

(a) All vehicles used by a retail dealer in the business of selling fuel wood, shall have posted on the door to the driver’s side, in a form and size prescribed by the director, the retail dealer’s wood vendor’s license number.

(b) Upon issuance of a license, the director shall furnish one magnetic sign each retail dealer. (Ord. 13795)

SEC. 50-84. SALE OF FUEL WOOD - INVOICES.

Upon each sale of fuel wood, the retail dealer shall provide the purchaser with an invoice showing the following information: The name and address of the retail dealer; his wood vendor’s license number; the amount of fuel wood sold; and the selling price of the fuel wood. (Ord. 13795)

SEC. 50-84.1. SALE OF FUEL WOOD - UNIT REQUIREMENT.

A person commits an offense if he sells, offers for sale, or exposes for sale any wood intended for fuel purposes other than by the cord or fraction of a cord. (Ord. 21172)

SEC. 50-85. REFUSAL TO ISSUE OR RENEW LICENSE; REVOCATION.

The director shall refuse to approve issuance or renewal of a wood vendor’s license to any applicant,
and shall revoke the license of a retail dealer, upon determination that the applicant or retail dealer has been convicted of a violation of this article, Section 50-13, or Section 50-26 of this chapter twice within a two year period; or upon determination that the applicant or retail dealer has made any false statement as to a material matter in an application for a license or renewal thereof. (Ord. 13795)

SEC. 50-86. APPEAL.

In the event the director shall refuse to approve the issuance of an original license or the renewal of a license to any applicant, or revokes the license issued to any retail dealer under this article, this action shall be final unless the retail dealer files an appeal with a permit and license appeal board in accordance with Section 2-96 of this code. (Ord. Nos. 13795; 18200)

ARTICLE VI.

COIN-OPERATED DEVICES.

SEC. 50-87. DEFINITIONS.

For the purpose of this article, the following words and phrases shall have the meanings ascribed to them by this section:

(a) COIN-OPERATED DEVICE means any device that will accept a coin or paper money in exchange for any commodity, thing, or service.

(b) COIN-OPERATED TIMING DEVICE means any device that measures the time during which a particular service duly purchased is provided.

(c) OPERATOR means any person, firm, company, association or corporation that exhibits, displays or permits to be exhibited or displayed in the city at his or its place of business or upon premises under his or its control, any “coin-operated device” for customer use.

(d) OWNER means any person, firm, company, association or corporation owning or having the care, control, or management of any “coin-operated device” in the city.

(e) UNATTENDED COIN-OPERATED DEVICE means any such device in a location where there is no person readily available who is authorized to make rebates to users when such device malfunctions. (Ord. 13795)

SEC. 50-88. DESIGN AND CONSTRUCTION.

No owner shall display or permit to be displayed in the city any coin-operated device that dispenses any commodity, thing, or service unless such device is of such materials, design, and construction as to make it reasonably certain under normal operating conditions that:

(a) accuracy will be maintained as to quantity dispensed or interval of service provided.

(b) operating parts will continue to function as intended; and

(c) any adjustments required will remain reasonably permanent. (Ord. 13795)

SEC. 50-89. MAINTENANCE.

The owner of a coin-operated device displayed in the city for customer use shall continuously maintain such device in proper operating condition. (Ord. 13795)

SEC. 50-90. OPERATING INSTRUCTIONS.

The owner of any coin-operated device displayed in the city for customer use which may fail to operate properly, except when special precautions are observed, shall prominently and conspicuously mark such device with suitable operating instructions that include such precautions. (Ord. 13795)
SEC. 50-91. INSTRUCTIONS FOR REPORTING FAULTY OPERATION.

The owner or operator shall prominently display, at all locations where unattended coin-operated devices are displayed for customer use in the city, complete instructions for reporting to him the failure of any such device to function properly. Said instructions shall include the name and either the address or telephone number of the person, firm, corporation, or organization responsible for operation. It shall be the duty of the owner or operator of said devices to rebate all money paid for commodities or services not received, but the owner or operator may elect to check the device before making any rebate; provided that the device must be checked promptly, so that a rebate to which a customer is entitled will be made within 10 days from the time he applies for it. (Ord. 13795)

SEC. 50-92. STATEMENT OF RATES.

At the location of any coin-operated timing device displayed in the city for customer use, where time is a critical factor in the use of the service provided, the owner or operator shall clearly, prominently, and conspicuously display the price in terms of money per unit or units of time for the service provided. (Ord. 13795)

SEC. 50-93. UNLAWFUL TO DEFACE SIGNS.

It shall be unlawful for any person to deface, destroy, or remove any signs placed pursuant to the requirements of this article by the owner or operator at the location where unattended coin operated devices are displayed for customer use in the city. (Ord. 13795)

SEC. 50-94. EXEMPTIONS.

The following coin-operated devices shall be exempt from the terms of this article:

(a) all music and skill or pleasure coin-operated machines displayed in establishments where alcoholic beverages are sold or served for on-premises consumption;

(b) all game type coin-operated devices, including, but not limited to, pinball machines, marble boards, miniature race track, football, golf and bowling machines; and all juke boxes;

(c) all coin-operated devices which are owned by a federal, state, or local government agency;

(d) all coin-operated devices owned by a public utility operating under a franchise granted by the city or other public body. (Ord. 13795)

SEC. 50-95. PENALTY.

A person who violates any provision of this article is guilty of an offense and, upon conviction, is punishable by a fine of not less than $20 nor more than $100. For any second or subsequent conviction, a person is punishable by a fine of not less than $50 nor more than $500. (Ord. Nos. 13795; 19963)

ARTICLE VII.

MAIL ORDER SALES.

SEC. 50-96. PROHIBITED ACTS.

(a) No person (including any business entity), who conducts a mail order or catalog business in or from the city or advertises a city mailing address, shall accept money through the mails from a consumer for merchandise ordered by mail or telephone and then permit six weeks to elapse without:

(1) delivering or mailing the merchandise ordered; or
§ 50-96 Consumer Affairs

(2) making a full refund; or

(3) sending the customer a prior letter or notice advising him of the duration of an expected delay or the substitution of merchandise of equivalent or superior quality, and offering to send him a refund within one week if he so requests; or

(4) sending the consumer substituted merchandise of equivalent or superior quality, with a guarantee that should the merchandise be unacceptable, the seller will accept the return of the merchandise at the seller’s expense and that the purchase price will be refunded.

(b) For purposes of Subparagraphs (a)(3) and (a)(4), above, merchandise may not be considered of “equivalent or superior quality” if it is not substantially similar to the goods ordered, or not fit for the purposes intended, or if the seller normally offers the substituted merchandise at a price lower than the price of the merchandise ordered. (Ord. 13795)

SEC. 50-97. EXCEPTIONS.

Sec. 50-95 shall not apply to:

(a) merchandise ordered pursuant to an open-end credit plan as defined in the Federal Consumer Credit Protection Act or any other credit plan pursuant to which the consumer’s account was opened prior to the mail order in question, and under which the creditor may permit the customer to make purchases from time to time from the creditor or by use of a credit card; or

(b) when all advertising for the merchandise contains a notice (which, in the case of printed advertising, shall be in a type size at least as large as the price) that a delay may be expected of a specified period. In such case, one of the events described in Section 50-95(a)(1) through (a)(4) must occur no later than one week after expiration of the period specified in the advertisement; or

(c) merchandise, such as quarterly magazines, which by their nature are not produced until a future date and for that reason cannot be stocked at the time of order; or

(d) installments other than the first, of merchandise, such as magazine subscriptions, ordered for serial delivery. (Ord. 13795)

SEC. 50-98. FAILURE TO DISCLOSE LEGAL NAME AND ADDRESS.

No person (including any business entity), who conducts a mail order or catalog business in or from the city or advertises a city mailing address, for such business, shall fail to disclose the legal name of the company and the complete street address from which the business is actually conducted, in all advertising or other promotional materials containing a post office box address, including order blanks and forms, unless the person or business entity has its address currently listed in the city of Dallas telephone directory. (Ord. 13795)

ARTICLE VIII.

ELECTRONIC REPAIRS.

SEC. 50-99. DEFINITIONS.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

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

(b) ELECTRONIC EQUIPMENT means electronic apparatus normally used or sold for use by
§ 50-99 Consumer Affairs § 50-102

individuals for entertainment purposes, including, but not limited to, televisions, radios, tape players, recorders or decks, phonograph equipment, and antenna receiving systems.

(c) ELECTRONIC REPAIR means the repairing, servicing, or maintaining of electronic equipment, including the pick-up and delivery of electronic equipment from locations within the city for the purpose of repairing, servicing or maintenance.

(d) LICENSE means an electronic repair license.

(e) LICENSEE means a person licensed to engage in the electronic repair business under the provisions of this article.

(f) PERSON means any individual, assumed name entity, partnership, joint-venture, association or corporation.

(g) PICK-UP AND DELIVERY CHARGE means the fee charged by a licensee for the removal of electronic equipment from the home of a customer for the purposes of repair, transportation to the service dealer's place of business and return to the home of the customer.

(h) SERVICE CHARGE means the total of fees charged by a service dealer for his transportation to and from the premises of a customer and the first 30 minutes of examination and repair of one piece of electronic equipment which he performs on the premises of the customer. Any other term used to describe a service charge shall include these items.

(Ord. Nos. 13966; 17393)

SEC. 50-101. FEES.

The annual fee for an electronic repair license is $72. The fee for issuing a duplicate license for additional establishments or for a lost, destroyed or mutilated license is $4. The fee is payable to the director upon issuance of a license. No refund of license fees shall be made.

The annual fee for an electronic repair license is $53. The fee for issuing a duplicate license for additional establishments or for a lost, destroyed or mutilated license is $4. The fee is payable to the director upon issuance of a license. No refund of license fees shall be made. (Ord. Nos. 13966; 15970; 16476; 18876; 19300; 29879, eff. 10/1/15; 31332, eff. 10/1/19)

SEC. 50-102. LICENSE - APPLICATION, ISSUANCE, AND RENEWAL.

(a) An applicant for a license shall file with the director, a written application upon a form provided for that purpose, which shall be signed by the applicant or his local authorized agent, who shall be an individual responsible for the operation of applicant's local electronic repair business. The following information shall be required in the application:

(1) name, address, and telephone number of the applicant, including the trade name by which applicant does business and the street address of all repair establishments, and if incorporated, the name registered with the secretary of state;

(2) type of electronic equipment repaired
by applicant;
§ 50-102 Consumer Affairs

(3) a statement indicating whether any owner, proprietor, or current employee of applicant has been convicted for violation of this article;

(4) a statement whether an electronic repair license issued to applicant or any proprietor, partner or corporate officer of applicant, has been revoked within one year preceding the date of application; and

(5) a statement that applicant engages in the lawful business of electronic repair and that all facts stated in the application are true.

(b) An applicant shall be required to maintain a permanent and established place of business at a location where an electronic repair business is not prohibited by municipal ordinance and for which any store license and tax permit, if required by law, has been issued and is in force.

(c) When an application for a license, or renewal thereof, has been filed with the director in proper form, the director shall, within a period of 30 days from the date of filing, approve the application or if he finds any of the facts listed in Section 50-105 to be true, deny the application. If the application is denied, the director shall send to the applicant by certified mail, return receipt requested, a written statement setting forth the reasons for the denial.

(d) Repealed by Ord. 16476.

(e) The director may, at any time, require additional information of a licensee or an applicant, to clarify the items on the application. (Ord. Nos. 13966; 16476)

SEC. 50-103. LICENSE - DISPLAY, DUPLICATES, TRANSFERABILITY; EMPLOYEE IDENTIFICATION.

(a) Each license issued pursuant to this article shall be posted and kept in a conspicuous place in the electronic repair establishment.

(b) A duplicate license may be issued for one lost, destroyed or mutilated upon application therefor on a form prescribed by the director. Each duplicate license shall have the word “duplicate” stamped across the face thereof and shall bear the same number as the one it replaces.

(c) No electronic repair license shall be assignable or transferable.

(d) Every licensee, within 10 days after a change or partial change in local ownership or management of the electronic repair business, or if there be no local ownership, then a change in the authorized agent referred to in Section 50-102(a), or a change of address or trade name, shall notify the director of any such change.

(e) Every licensee shall provide each of its electronic repair employees with an identification card which identifies that person as an employee of the licensee. The licensee’s license number shall be prominently printed on the face of the card, and employees shall carry these cards with them at all times while in the course of their employment. (Ord. 13966)

SEC. 50-104. POWERS AND DUTIES OF THE DIRECTOR.

In addition to the powers and duties elsewhere prescribed in this chapter, the director shall be required to:

(a) administer and enforce all provisions of this article;

(b) keep all records of all licenses issued, suspend or revoke;

(c) adopt such rules and regulations, after reasonable notice to licensees, not inconsistent with the provisions of this article, with respect to the form and content of applications for licenses, the receipt thereof,
the investigation of applicants, and other matters incidental or appropriate to his powers and duties as may be necessary for the proper administration and enforcement of the provisions of this article; and

(d) conduct, on his own initiative, periodic investigations of electronic repair establishments throughout the city, concerning their compliance with this article. (Ord. 13966)

SEC. 50-105. LICENSE - REFUSAL TO ISSUE OR RENEW.

The director shall refuse to approve issuance or renewal of an electronic repair license for any one or more of the following reasons:

(a) conviction twice within a two year period of the licensee, applicant or any current employee thereof for a violation of any provision of this article. Notice shall be given to a licensee on the date any formal charges are filed against any employee of the licensee;

(b) the making of any false statement as to a material matter in an application for a license, or renewal thereof, or in a hearing in connection therewith;

(c) revocation of a license, pursuant to this article, or the applicant, or any proprietor, partner or corporate officer therein, within one year preceding application; or

(d) use by the licensee of any trade name for his electronic repair business other than the one registered with the director. (Ord. 13966)

SEC. 50-106. LICENSE - REVOCATION.

(a) An electronic repair license shall be revoked by the director for any one or more of the following reasons:

(1) the making of any false statement as to a material matter in an application for a license, or renewal thereof, or a hearing concerning the license;

(2) conviction twice within a two year period of the licensee or any current employee thereof, of a violation of any provisions of this article. Notice shall be given to a licensee on the date any formal charges are filed against any employee of the licensee; or

(3) use by the licensee of any trade name for his electronic repair business other than the one registered with the director.

(b) Written notice of such revocation shall be sent by the director to the licensee by certified mail, return receipt requested, setting forth the reasons for the revocation. (Ord. 13966)

SEC. 50-107. LICENSE - APPEAL FROM REFUSAL TO ISSUE OR RENEW; FROM DECISION TO REVOKE.

In the event the director shall refuse to approve the issuance of an original license or the renewal of a license to any applicant, or revokes the license issued to any licensee under this article, this action shall be final unless the licensee files an appeal with a permit and license appeal board in accordance with Section 2-96 of this code. (Ord. Nos. 13966; 18200)

SEC. 50-108. DISCLOSURE REQUIRED FOR REPAIRS ON PREMISES OF OWNER.

Prior to work being performed on electronic equipment on the premises of the owner of the electronic equipment, the owner, or his agent shall be furnished a written schedule of charges, if such charges are made, to include the following items:

(1) service charge;
§ 50-108 Consumer Affairs

(2) hourly labor charge with an explanation of fractional hour charges or a flat labor charge;

(3) charges for making an estimate of repairs; and

(4) itemized lists of any and all other charges other than parts; provided that, if a list of parts installation charges is on file in the office of the director, such parts installation charges are not required to be itemized on the schedule. Such lists on file with the director shall be kept confidential.

Upon completion of electronic repair work performed on the premises of the owner, the owner or his agent shall be furnished a written statement showing total charges for items (1), (2), (3), and (4), above, including any installation charges, if such charges are made, and this statement shall include a list of all parts supplied, described with reasonable particularity and identified by part name and designation as to whether new or used parts were installed. If neither the owner nor his agent is present, the schedule of charges and the statement shall be left at the premises. (Ord. 13966)

SEC. 50-109. DISCLOSURE, REQUIRED FOR REPAIRS IN LICENSEE’S ESTABLISHMENT.

(a) When electronic equipment must be removed from the premises of the owner to an electronic repair establishment for repairs, or when electronic equipment is delivered to an electronic repair establishment by the owner of such equipment, or his agent, the licensee shall, before removing or taking custody of the equipment, furnish the owner or his agent a written estimate of time to complete repairs and a written schedule of charges, if such charges are made, and are applicable, to include the following items:

(1) service charge;

(2) pick up and delivery charge;

(3) charges for making an estimate of repairs;

(4) storage charges;

(5) total charges for release of equipment to be repaired in the event it is not repaired;

(6) hourly labor charge or flat labor charge; and

(7) itemized list of any and all other charges, other than parts; provided that, if a list of parts installation charges is on file in the office of the director, such parts installation charges are not required to be itemized on the schedule. Such lists on file with the director shall be kept confidential.

(b) Prior to work being performed, the licensee shall provide the owner or his agent, either in writing or by telephone, an estimate of total charges for repairs. After receiving the estimate, the owner or his agent may either authorize the repairs at the estimate cost or request return of his equipment in reasonably the same condition as when released to the licensee, in which case the licensee shall receive payment only for those items on the schedule of charges to which he is entitled. Total charges for repairs made shall not exceed the original estimate or any subsequent estimate by more than 10 percent unless the owner is notified by telephone or in writing and authorizes the increased cost estimate. If the owner authorizes an estimate or time of completion of repairs by telephone, the licensee or his agent shall record in writing on the work order or invoice, the date, time, name of person authorizing repairs, and the telephone number called.

(c) Should the licensee be unable to complete the repairs in the time estimated, he shall notify the owner of this fact, at which time the owner may request return of his equipment in reasonably the same condition as when released to the licensee, in which case the licensee shall receive payment for those items on the schedule of charges to which he is entitled only. Upon the above request being made by the owner, if the licensee originally picked up the equipment from
§ 50-109 Consumer Affairs § 50-113

the owner’s premises, he shall return the equipment to
the owner’s premises within two working days from
date of request. (Ord. Nos. 13966; 16476)

SEC. 50-110. DETAILED STATEMENT
REQUIRED; RETURN OF
REPLACED PARTS.

All work performed by a licensee shall be recorded
on a statement describing all service work done and all
parts supplied with reasonable particularity,
identifying parts by name, designating whether new or
used parts were installed, and indicating the exact
charge for each part or service. One copy shall be given
to the customer and one copy retained by the licensee
for a period of at least one year. The licensee shall
return replaced parts, other than the picture tube, to the
customer, except such parts as the licensee is required
to return to the manufacturer or distributor under a
warranty or exchange arrangement. (Ord. 13966)

SEC. 50-111. UNNECESSARY REPAIRS; FALSE
REPRESENTATION OF WORK.

(a) A person shall not intentionally make repairs
upon electronic equipment that are not bona fide and
necessary to correct the malfunction for repair of which
his services were sought. This subsection does not
apply to replacement of weak parts of electronic
equipment upon disclosure of the weakness and
authorization of the owner.

(b) A person shall not represent that he has
performed work or replaced a part on electronic
equipment if he has not performed the work or
replaced the part. (Ord. Nos. 13966; 16476)

SEC. 50-112. ADVERTISING.

(a) An advertised fee, charge, or stipulation of no
charge for any electronic repair service involving a trip
to the premises of a customer, shall mean the total of
fees charged by the licensee for his transportation to
and from the premises of a customer and the first 30
minutes of examination and repair of one piece of
electronic equipment which he performs on the
premises of the customer.

(b) It shall be unlawful for a licensee to advertise
in any manner, the fact that he is a holder of a city
electronic repair license. (Ord. Nos. 13966; 14369)

ARTICLE IX.

MOTOR VEHICLE REPAIRS.

SEC. 50-113. DEFINITIONS.

For the purpose of this article, the following
words and phrases shall have the meanings
respectively ascribed to them by this section:

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

(b) MAJOR COMPONENT means the engine
(excluding accessories), transmission, or differential
gear of a motor vehicle.

(c) MOTOR VEHICLE means any self-propelled
device in, upon, or by which persons or property are
or may be transported upon a highway, except devices
moved by human power or used exclusively upon
stationary rails.

(d) MOTOR VEHICLE REPAIR means
mechanical repair, alteration, or addition of equipment
or parts, which includes but is not limited to, tuneup,
brake work, transmission work, engine repair, body
work, painting, and upholstering.

(e) LICENSEE means a person licensed to
engage in the motor vehicle repair business under the
provisions of this article.
§ 50-113 Consumer Affairs

(f) PERSON means an individual, assumed name entity, partnership, joint-venture, association, corporation, or other legal entity. (Ord. Nos. 14487; 17226)

SEC. 50-114. LICENSE REQUIRED; TRADE NAME REGISTRATION.

(a) No person shall own, maintain, conduct, operate, or engage in the business of motor vehicle repair for compensation within the city, or hold himself out as being able to do so, or act as the agent for another who is engaged in the motor vehicle repair business, or take custody of the motor vehicle within the city for the purpose of repair without first obtaining a motor vehicle repair license from the director. Should a person maintain a motor vehicle repair establishment at more than one location, a duplicate license is required for each additional location. The license issued to a motor vehicle repair establishment authorizes the licensee and all its bona fide employees to engage in the business of motor vehicle repair.

(b) A licensee shall register with the director the trade name of his motor vehicle repair establishment and shall not use or permit to be used more than one trade name at a single location. (Ord. 14487)

SEC. 50-115. LICENSE APPLICATION, PLACE OF BUSINESS, ISSUANCE, RENEWAL, AND EXPIRATION.

(a) An applicant for a license shall file with the director a written application upon a form provided for that purpose, which shall be signed by the applicant or his local authorized agent, who shall be an individual responsible for the operation of applicant’s local motor vehicle repair business. Should an applicant maintain a motor vehicle repair establishment at more than one location, a separate application must be filed for each location. The following information shall be required in the application:

1. name, address, and telephone number of the applicant, including the trade name by which applicant does business and the street address of the motor vehicle repair establishment, and if incorporated, the name registered with the secretary of state;
2. a statement whether a motor vehicle repair license issued to applicant or any proprietor, partner, or corporate officer of applicant, has been revoked within one year preceding the date of application; and
3. a statement that applicant engages in the business of motor vehicle repair and that all facts stated in the application are true.

(b) An applicant is required to maintain a permanent and established place of business at a location where a motor vehicle repair business is not prohibited by the comprehensive zoning ordinance of the city.

(c) When an application for a license or license renewal has been filed with the director in proper form, the director shall, within 30 days from the date of filing approve or deny the application. If the application is denied, the director shall send to the applicant by certified mail, return receipt requested, a written statement setting forth the reasons for the denial.

(d) Repealed by Ord. 16476.

(e) The director may, at any time, require additional information of a licensee or an applicant to clarify items on the application. (Ord. Nos. 14487; 16476)

SEC. 50-116. FEES.

The annual fee for a motor vehicle repair license is $75 for the first location and $75 for a duplicate license for each additional location. The fee for issuing
a replacement license for one lost, destroyed, or mutilated is $2. The fee is payable to the director upon issuance of a license. No refund of license fees will be made.

The annual fee for a motor vehicle repair license is $57 for the first location and $75 for a duplicate license for each additional location. The fee for issuing a replacement license for one lost, destroyed, or mutilated is $2. The fee is payable to the director upon issuance of a license. No refund of license fees will be made. (Ord. Nos. 14487; 16476; 16700; 18411; 18876; 20076; 26598; 29879, eff. 10/1/15; 31332, eff. 10/1/19)

SEC. 50-117. LICENSE DISPLAY, REPLACEMENT, AND TRANSFERABILITY.

(a) Each license issued pursuant to this article must be posted and kept in a conspicuous place in the motor vehicle repair establishment.

(b) A replacement license may be issued for one lost, destroyed, or mutilated upon application on a form provided by the director. A replacement license shall have the word “replacement” stamped across its face and shall bear the same number as the one it replaces.

(c) A motor vehicle repair license is not assignable or transferable.

(d) A licensee shall notify the director within 10 days of a change or partial change in local ownership or management of the motor vehicle repair business, or if there is no local ownership, then a change in the authorized agent referred to in Section 50-115(a), or a change of address or trade name. (Ord. 14487)

SEC. 50-118. REFUSAL TO ISSUE OR RENEW LICENSE.

The director shall refuse to approve issuance or renewal of a motor vehicle repair license for one or more of the following reasons:

(1) a false statement as to a material matter intentionally made in an application for a license;

(2) conviction twice within a two year

period of the applicant or a current employee of the applicant while he was in applicant’s employment for a violation of a provision of this article;
(3) revocation of a license, pursuant to this article, of the applicant, or a proprietor, partner, or corporate officer of the applicant, within one year preceding application; or

(4) use by the licensee of a trade name for his motor vehicle repair business other than the one registered with the director. (Ord. 14487)

SEC. 50-119. LICENSE REVOCATION.

(a) The director shall revoke a motor vehicle repair license for one or more of the following reasons:

(1) a false statement as to a material matter intentionally made in an application for a license, license renewal, or a hearing concerning the license;

(2) conviction twice within a two year period of the licensee or a current employee of the licensee while he was in licensee’s employment for a violation of a provision of this article; (Notice shall be given to a licensee on the date formal charges are filed against an employee of the licensee. If licensee discharges a convicted employee within one week after his second final conviction, the license is not subject to revocation under this subparagraph.) or

(3) use by the licensee of a trade name for his motor vehicle repair business other than the one registered with the director.

(b) The director shall send written notice of a revocation to the licensee by certified mail, return receipt requested, setting forth the reasons for the revocation. (Ord. 14487)

SEC. 50-120. APPEAL FROM REFUSAL TO ISSUE OR RENEW LICENSE; FROM DECISION TO REVOKE LICENSE.

If the director refuses to approve the issuance of a license or the renewal of a license to an applicant, or revokes the license issued to a licensee under this article, this action is final unless the applicant or
licensee files an appeal with a permit and license appeal board in accordance with Section 2-96 of this code. (Ord. Nos. 14487; 18200)

SEC. 50-121. POWERS AND DUTIES OF THE DIRECTOR.

In addition to the powers and duties elsewhere prescribed in this chapter the director is required to:

(1) administer and enforce all provisions of this article;

(2) keep records of all licenses issued, suspended, or revoked;

(3) adopt rules and regulations, not inconsistent with the provisions of this article, with respect to the form and content of applications for licenses, the investigation of applicants, and other matters incidental or appropriate to his powers and duties as may be necessary for the proper administration and enforcement of the provisions of this article; and

(4) conduct, on his own initiative, periodic investigations of motor vehicle repair establishments throughout the city concerning their compliance with this article. (Ord. 14487)

SEC. 50-122. SCHEDULE OF CHARGES.

(a) Before taking custody of a motor vehicle, the licensee or his agent, shall provide the owner or his agent, with a written itemized schedule of charges, if such charges are made, to include the following items:

(1) charges for making an estimate of repairs;

(2) total charges for release of the motor vehicle in a disassembled state if it is not repaired;

(3) total charges for release of the motor vehicle in reasonably the same condition as when delivered to licensee if repairs are not made;

(4) storage charges;

(5) towing charges; and

(6) itemized list of all other charges, other than those included in the estimate.

(b) Except for the estimate price a licensee shall not charge a person for a service not recorded on the schedule of charges. The licensee shall retain one copy of the schedule of charges signed by the motor vehicle owner or his agent for a period of one year.

(c) If the motor vehicle is brought to the licensee’s establishment by a towing service, which is either an agent of the motor vehicle owner or an agent of the licensee, and there is no opportunity for licensee to present a schedule of charges to the owner before taking custody, the licensee shall provide, either in writing or by telephone, a schedule of charges at the time of giving the estimate of repairs.

(d) If a schedule of charges is given by telephone, the licensee or his agent shall record in writing on the work order or invoice, the date, time, name of the person authorizing repairs, and the telephone number called. (Ord. Nos. 14487; 16476)

SEC. 50-123. DISCLOSURE OF LOCATION OF REPAIRS, COST OF REPAIRS, TIME TO COMPLETE.

(a) If none of the repairs are to be performed by licensee at licensee’s establishment, then before taking custody of a motor vehicle, the licensee or his agent shall disclose to the owner or his agent, the trade name, address, and telephone number where the vehicle will be repaired.
§ 50-123

(b) Before disassembling a major component of the motor vehicle, the licensee or his agent shall disclose to the owner or his agent that a major component of the motor vehicle will need to be disassembled in order for an estimate to be made.

(c) Prior to repair work being performed on a motor vehicle, the licensee or his agent shall provide the owner or his agent, either in writing or by telephone, an estimate of total charges for repairs, not including sales tax, and an estimate of time to complete the repairs. A licensee is not required to give an estimate of total charges for repairs and an estimate of time to complete repairs for a job of $15 or less.

(d) After receiving the estimate, the owner or his agent may either authorize the repairs at the estimate of cost and time or request return of the motor vehicle in a disassembled state or in reasonably the same condition as when released to the licensee, in which case the licensee or his agent shall make the motor vehicle available for possession within three working days from the time of request, and shall receive payment only for those items on the schedule of charges to which he is entitled. If authorization of an estimate of total charges for repairs or an estimate of time to complete repairs is made by telephone, the licensee or his agent shall record in writing on the work order or invoice, the date, time, name of the person authorizing the repairs, and the telephone number called together with a list of parts, labor, and the total cost.

(e) A licensee shall not charge for repairs an amount exceeding the estimate by more than 10 percent or $10, whichever is greater, unless the owner or his agent is notified by telephone or in writing and authorizes the increased cost estimate. If authorization of an increased cost estimate is made by telephone, the licensee or his agent shall record in writing on the work order or invoice, the date, time, name of the person authorizing the repairs, and the telephone number called together with a list of additional parts, labor, and the total additional cost.

(f) Should the licensee be unable to complete the repairs in the time estimated, he shall notify the owner or his agent of this fact, after which notification the owner or his agent may request return of the motor vehicle in either an assembled or disassembled state, in which case the licensee or his agent shall make the motor vehicle available for possession within three working days from the date of request and the licensee shall receive payment for the work actually done and those items on the schedule of charges to which he is entitled. If authorization of an extended estimate of time to repair is made by telephone, the licensee or his agent shall record in writing on the work order or invoice, the date, time, name of the person authorizing the repairs, and the telephone number called.

(g) The licensee or his agent shall give the owner or his agent a copy of all documents that require the signature of the owner or his agent at the time the documents are signed.

(h) Other than the disclosures required by this article and the following standard work order agreement provisions, if any other preprinted provision is stipulated on a document which the customer signs it must be in eight point type. If any provisions appear on a side other than that which the customer signs, a notice must appear just above the customer’s signature calling attention to additional terms and conditions and their location on the document. For the purposes of this section, the standard work order agreement provisions are as follows:

1. authorization of repairs to be made;
2. permission to operate motor vehicle;
3. acknowledgment of mechanic’s lien to secure amount of repairs; and
4. limitation on liability for loss or damage. (Ord. Nos. 14487; 16476)
§ 50-124. DETAILED INVOICE REQUIRED; RETURN OF REPLACED PARTS.

(a) The licensee shall record all work performed on an invoice describing all service work done and all parts supplied with reasonable particularity, identifying parts by name and the exact charge for each. If used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that fact. The licensee shall disclose the trade name, business address, and business telephone number of the licensee on the invoice unless licensee has its address currently listed in the city of Dallas telephone directory. One copy shall be given to the customer and one copy retained by the licensee for a period of at least one year. Invoices and records pertaining to the invoices shall be open for reasonable inspection by the director. 

(b) The licensee shall return replaced parts to the customer if requested by the owner or his agent when the estimate is given, except those parts which must be returned to the manufacturer or distributor under warranty or for exchange. (Ord. 14487)

SEC. 50-125. DISCLOSURE REQUIRED FOR WARRANTY.

(a) If a licensee provides a warranty or pro rata warranty on repair parts and labor, he shall put it in writing and give a legible copy to the customer. The customer’s copy of the warranty must contain:

(1) the nature and extent of the warranty including a description of parts or services included or excluded from the warranty;

(2) the duration of the warranty and requirements to be performed by warrantee before the warrantor will fulfill the warranty;

(3) all conditions, limitations, and the manner in which the warrantor will fulfill the warranty, such as repair, replacement, or refund;

(4) any options of the warrantor or warrantee; and

(5) the warrantor’s identity and address.

(b) When repair or diagnostic work is performed pursuant to a warranty, licensee shall give an estimate of time to complete the repairs as required in Section 50-123. (Ord. 14487)

SEC. 50-126. ADVERTISING.

(a) A licensee shall disclose in any published or broadcasted advertisement relating to motor vehicle repair the following information:

(1) the name of the licensee, as shown on the license;

(2) the street address of the motor vehicle repair establishment unless the licensee has its address currently listed in the city of Dallas telephone directory; and

(3) if an establishment does not perform repairs on motor vehicles but takes custody of motor vehicles and contracts all repairs to another, it must advertised that it is a motor vehicle repair brokerage business.

(b) An advertisement by a licensee of a warranty which provides for adjustment on a pro rata basis, shall conspicuously disclose the basis on which the warranty will be prorated.

(c) It shall be unlawful for a licensee to advertise in any manner, the fact that he is a holder of a city motor vehicle repair license. (Ord. 14487)

SEC. 50-127. UNNECESSARY REPAIRS; CHARGING FOR WORK NOT PERFORMED.

(a) A person shall not intentionally make repairs upon a motor vehicle which are not bona fide and not necessary to correct the malfunction for repair of which his services were sought.
§ 50-127 Consumer Affairs § 50-131

(b) A person shall not represent that he has performed work or replaced parts on a motor vehicle when he has not performed the work or replaced the parts. (Ord. 14487)

SEC. 50-128. EXEMPTIONS.

(a) A person engaged in the business of adding fluids only to motor vehicles is exempted from the provisions of this article.

(b) A licensee who enters into a contract with a commercial, industrial, or governmental entity to repair motor vehicles belonging to the entity subject to terms established in the contract, is exempted from the provisions of Sections 50-122 and 50-123 while in the performance of repairs pursuant to the contract. (Ord. Nos. 14487; 16476)

SEC. 50-129. SIGN GIVING CUSTOMER NOTICE REQUIRED.

A licensee shall display a sign in a conspicuous place near the service entrance where the customer normally brings his motor vehicle for repair work. The sign shall be not less than 24 inches by 26 inches in size, with 72 point bold face type used for the heading and 48 point bold face type used for the wording in the list. The sign shall contain precisely the following words only:

IN COMPLIANCE WITH THE MOTOR VEHICLE REPAIR ORDINANCE OF THE CITY OF DALLAS THIS FIRM IS PLEASED TO FURNISH EACH CUSTOMER WITH:

(1) AN ESTIMATE FOR COST OF ALL REPAIR WORK IN EXCESS OF $15.00.

(2) AN ESTIMATE OF TIME TO COMPLETE REPAIR WORK.

(3) A DETAILED INVOICE OF WORK DONE AND PARTS SUPPLIED.

SEC. 50-130. PENALTY.

Any person violating any provision of this article shall, upon conviction, be subject to a fine of not less than $50 and not more than $500. (Ord. Nos. 14487; 19963)

ARTICLE X.

HOME REPAIR.

SEC. 50-131. ARTICLE DEFINITIONS.

The definition of a term in this section applies to each grammatical variation of the term. In this article, unless the context requires a different definition:

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

(2) CONTRACTOR means a person who contracts (whether written, oral, express, or implied) to perform a home repair for another but does not include a person who performs a home repair in the capacity of an employee.

(3) EMPLOYEE means a person in the service of another under a contract for hire (whether written, oral, express, or implied) under circumstances in which the employer has the power or right to control and direct the person in the material details of performing the work.
§ 50-131 Consumer Affairs § 50-136

(4) HOME REPAIR means the addition, improvement, remodeling, repair, or replacement to an existing single-family or duplex dwelling or to the fixtures, land, or other permanent structures that are part of the premises on which the dwelling is located, and includes, but is not limited to, addition, improvement, remodeling, repair, or replacement of driveways, swimming pools, porches, garages, landscaping, fences, roofs, floor covering, and central heat and air conditioning. Home repair does not include addition, improvement, remodeling, repair, or replacement of removable appliances or furnishings (as illustrated by, but not limited to, stoves, refrigerators, window air conditioners, and draperies).

(5) HOME REPAIR LICENSE means a license issued under this article.

(6) LICENSEE means a person who holds a home repair license issued to him under this article.

(7) OWNER means a person who is entitled under a contract (whether written, oral, express, or implied) to the performance of a home repair.

(8) PERSON means an individual, corporation, government or governmental subdivision, agency, trust, partnership, of two or more persons having a joint or common economic interest. (Ord. Nos. 16476; 17226)

SEC. 50-132. ADMINISTRATION OF ARTICLE.

The director shall administer and enforce this article and may establish such rules, not inconsistent with this article, as he determines are necessary to implement this article. (Ord. 14990)

SEC. 50-133. ARTICLE CUMULATIVE.

This article is cumulative of other city ordinances and does not affect the operation of other city ordinances applicable to persons or activity regulated under this article. (Ord. 14990)

SEC. 50-134. HOME REPAIR LICENSE REQUIRED.

A person who is not a licensee shall not perform, agree to perform, or advertise or represent that he will perform a home repair for compensation. (Ord. Nos. 14990; 16476)

SEC. 50-135. LICENSE EXEMPTIONS.

(a) A person who is not a licensee may perform or agree to perform a home repair for compensation if:

   (1) city licensing of persons engaged in the kind of home repair performed or agreed to be performed is prohibited under state law;

   (2) he is an electrical contractor or plumbing contractor licensed or registered under city ordinance, and the kind of home repair performed or agreed to be performed is authorized by the city license or registration; or

   (3) he is an employee of the contractor or owner.

(b) This section does not exempt a person from the duty to comply with Sections 50-141 and 50-142 or from prosecution under Section 50-143(a)(2), (3), (4), (5) or (6). (Ord. 14990)

SEC. 50-136. LICENSE APPLICATION, EXPIRATION, AND RENEWAL.

(a) A person may not obtain a home repair license unless he applies for a license in the manner prescribed by this section.

(b) Repealed by Ord. 16476.

(c) A person desiring to obtain a home repair license shall file with the director a written, verified application on a form supplied by the director containing the following:
§ 50-136 Consumer Affairs

(1) name, address, and telephone number of the individual filing the application;

(2) business or trade name, address, and telephone number of the applicant;

(3) form of business of the applicant and:
   (A) if an unincorporated association, the names and addresses of the associates;
   (B) if a corporation, the registered name of the corporation; or
   (C) if an individual proprietorship, the name and address of the proprietor;

(4) name and address of an individual designated by the applicant to receive notice issued under this article;

(5) signature of the applicant; and

(6) such other information as the director determines is necessary to evaluate the license application or to otherwise promote effective administration or enforcement of this article.

(d) A licensee desiring to renew his license shall file a written, verified request for renewal with the director. A renewal request must be made on a form supplied by the director, filed not fewer than 10 days before the license expires, and signed by the licensee. The licensee shall furnish with his renewal request such information as the director determines is necessary to evaluate the renewal request or to otherwise promote effective administration or enforcement of this article.

(e) Upon the filing of a license application or renewal request, the director shall conduct an investigation to determine whether the following requirements and qualifications are satisfied:

   (1) the information contained in the license application or renewal request is true; and
   (2) the applicant or licensee, an individual who is a business associate of the applicant or licensee, or an individual who is a corporate officer of the applicant or licensee, in the applicant or licensee’s home repair business, or a current employee of the applicant or licensee has not been convicted twice in municipal court under Section 50-143 within the two years immediately preceding the date that the license application or renewal request is filed. The time period between conviction in municipal court and final disposition on appeal of the conviction is not included in calculating the two-year period if the conviction is affirmed; and

   (3) The applicant or licensee, an individual who is a business associate of the applicant or licensee, or an individual who is a corporate officer of the applicant or licensee, in the applicant or licensee’s home repair business, has not had a home repair license revoked within the year immediately preceding the date the license application or renewal request is filed.

(f) If the director determines that a license application or renewal request satisfies the requirements and qualifications prescribed by Subsection (e) of this section, the director shall issue or renew the home repair license; otherwise, the director shall deny the license application or renewal request.

(g) The director shall within 10 days of the date of application notify in writing a license applicant or licensee requesting renewal, of the issuance of a license, renewal of a license, or denial of a license application or renewal request. In the case of notice of a denial of a license application or renewal request, the director shall include in the notice the reason for the denial and a statement informing the applicant or licensee of his right of appeal.

(h) If, after a licensee requests renewal of his license in accordance with Subsection (d) of this section, the license expires before the director acts on the request, the licensee may temporarily operate under his expired license pending the determination of
the renewal request by the director, or in the case of an appeal of a denial of a renewal request, pending the decision of the permit and license appeal board. (Ord. Nos. 14990; 16476; 18200)

SEC. 50-137. LICENSE FEES.

(a) The fee for a home repair license is $68 a year.

(b) The fee for issuance of a duplicate home repair license for a license that is destroyed or lost is $2.

(c) License fees required under this section are not refundable and are payable to the director upon issuance or renewal of the license. The director may not issue or renew a home repair license before the fee is paid. (Ord. Nos. 14990; 16476; 18411; 18876; 19300; 20076; 26478; 29879, eff. 10/1/15; 31332, eff. 10/1/19)

SEC. 50-138. REVOCATION OF LICENSE.

(a) The director shall revoke a home repair license if he determines that:

(1) the licensee knowingly made a false representation as to a material matter in a license application, license renewal request, or hearing concerning the license; or

(2) the licensee identified himself with a business or trade name other than that filed with the director; or

(3) the licensee, an individual who is a business associate of the licensee, an individual who is a corporate officer of the licensee, or a current employee of the licensee, while he was in licensee’s employment, has been convicted in municipal court within a two-year period of two or more offenses prescribed by Section 50-143. (The director shall give notice to a licensee on the date formal charges are filed against an employee of the license. If a licensee discharges a convicted employee within one week after his second final conviction, the licensee is not subject to revocation under this subparagraph.) The time period between conviction in municipal court and final disposition on appeal of the conviction is not included in calculating the two-year period if the conviction is affirmed; or

(4) the licensee has knowingly subcontracted with or employed, for the performance of work which requires state or city professional licensing or registration, a person who does not have the requisite license or registration, or in the alternative has negligently failed to ascertain the person’s qualifications prior to subcontracting with or employing the person;

(5) the licensee knowingly misrepresented the quality or quantity of a material or service:

(A) used or rendered in connection with a home repair performed or agreed to be performed by the licensee; or

(B) offered or advertised in connection with the licensee’s home repair business; or

(6) the licensee knowingly misrepresented the price of a material or service:

(A) used or rendered in connection with a home repair performed or agreed to be performed by the licensee; or

(B) offered or advertised in connection with the licensee’s home repair business.

(b) The director shall notify the licensee in writing of a revocation and include in the notice the reasons for the revocation, the date the director orders the revocation and the date the order is to take effect, and a statement informing the licensee of his right of appeal.

(c) A home repair license becomes void on the effective date of notification issued under Subsection (b) of this section, and the licensee shall surrender the revoked license at the demand of the director.
§ 50-138 Consumer Affairs

However, if the licensee appeals the revocation, the licensee may continue to operate under his license pending the appeal. (Ord. Nos. 14990; 18200)

SEC. 50-139. APPEALS.

A person may appeal a denial of a home repair license application, denial of a renewal request, or revocation of a license if the person files an appeal with a permit and license appeal board in accordance with Section 2-96 of this code. (Ord. Nos. 14990; 18200)

SEC. 50-140. NOTICE.

Notice required or authorized under this article must be served on the person to be notified personally or by mailing to the person at the address last-known to the director. Notice to a licensee may be given to a person designated by the licensee to receive notice. The effective date of notice required or authorized under this article is the date the notice is personally served or postmarked, as the case may be. (Ord. 14990)

SEC. 50-141. REGULATIONS FOR HOME REPAIRS UNDER $500.

A contractor who performs or agrees to perform a home repair for a price of less than $500 shall furnish the owner, upon completion of the home repair, a written memorandum (as illustrated by, but not limited to, a work order, invoice or bill) containing:

(1) the name and address of the contractor;

(2) a description of the home repair performed and materials supplied, stated in a manner consistent with generally accepted local trade practice; and

(3) a statement of the price of the home repair that includes each charge incurred by the owner and due to the contractor in connection with the home repair. (Ord. 14990)

SEC. 50-142. REGULATIONS FOR HOME REPAIRS OF $500 OR MORE.

A contractor who performs or agrees to perform a home repair for a price of $500 or more shall comply with the following regulations:

(1) Before beginning the home repair, the contractor shall furnish the owner with a written contract for the home repair containing (but not limited to):

(A) the name and address of the contractor;

(B) the approximate beginning and ending dates for the home repair job. (This requirement does not prohibit or limit contract provisions providing for contingent delays);

(C) a description of the home repair job and materials to be used in the job, stated in a manner consistent with generally accepted local trade practice; and

(D) the consideration for the home repair and a statement of the other charges to be incurred by the owner under the contract (as illustrated by, but not limited to, taxes, permit fees, and material costs).

(2) Before completion of the home repair, the contractor shall furnish the owner with a written memorandum of any changes in the home repair contract made subsequent to its execution. (Ord. 14990)

SEC. 50-143. OFFENSES.

(a) A person commits an offense if he:

(1) violates Section 50-134; or

(2) violates Section 50-141; or

(3) violates Section 50-142; or

Dallas City Code 25
§ 50-143 Consumer Affairs

(4) fails to perform a duty imposed under a home repair contract, without legal excuse or justification, and with intent to violate the contract; or

(5) advertises that he is a home repair licensee; or

(6) intentionally interferes with the director in the performance of his duty or exercise of his authority.

(b) A culpable mental state is not required for the commission of an offense under this section unless the provision defining the offense expressly requires a culpable mental state.

(c) It is a defense to prosecution for the offense prescribed by Subsection (a)(1) of this section that the actor is a person who by virtue of Section 50-135 is not required to obtain a home repair license.

(d) An offense committed under this section is punishable by a fine of not more than $500.

(e) Prosecution for an offense under this section does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense. (Ord. Nos. 14990; 19963)

ARTICLE XI.

CREDIT ACCESS BUSINESSES.


SEC. 50-144. PURPOSE OF ARTICLE.

The purpose of this article is to protect the welfare of the citizens of the city of Dallas by monitoring credit access businesses in an effort to reduce abusive and predatory lending practices. To this end, this article establishes a registration program for credit access businesses, imposes restrictions on extensions of consumer credit made by credit access businesses, and imposes recordkeeping requirements on credit access businesses. (Ord. 28287, eff. 1-1-12)

SEC. 50-145. DEFINITIONS.

In this article:

(1) CERTIFICATE OF REGISTRATION means a certificate of registration issued by the director under this article to the owner or operator of a credit access business.

(2) CONSUMER means an individual who is solicited to purchase or who purchases the services of a credit access business.

(3) CREDIT ACCESS BUSINESS has the meaning given that term in Section 393.601 of the Texas Finance Code, as amended.

(4) DEFERRED PRESENTMENT TRANSACTION has the meaning given that term in Section 393.601 of the Texas Finance Code, as amended.

(5) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article and includes any representatives, agents, or department employees designated by the director.

(6) EXTENSION OF CONSUMER CREDIT has the meaning given that term in Section 393.001 of the Texas Finance Code, as amended.

(7) MOTOR VEHICLE TITLE LOAN has the meaning given that term in Section 393.601 of the Texas Finance Code, as amended.

(8) PERSON means any individual, corporation, organization, partnership, association, financial institution, or any other legal entity.

(9) REGISTRANT means a person issued a certificate of registration for a credit access business under this article and includes all owners and
operators of the credit access business identified in the registration application filed under this article.

(10) STATE LICENSE means a license to operate a credit access business issued by the Texas Consumer Credit Commissioner under Chapter 393, Subchapter G of the Texas Finance Code, as amended. (Ord. 28287)

SEC. 50-146. VIOLATIONS; PENALTY.

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

(b) An offense under this article is punishable by a fine of not more than $500.

(c) The culpable mental state required for the commission of an offense under this article is governed by Section 1-5.1 of this code.

(d) The penalties provided for in Subsection (b) are in addition to any other enforcement remedies that the city may have under city ordinances and state law. (Ord. 28287)

SEC. 50-147. DEFENSE.

It is a defense to prosecution under this article that at the time of the alleged offense the person was not required to be licensed by the state as a credit access business under Chapter 393, Subchapter G of the Texas Finance Code, as amended. (Ord. 28287)

Division 2. Registration of Credit Access Businesses.

SEC. 50-148. REGISTRATION REQUIRED.

A person commits an offense if the person acts, operates, or conducts business as a credit access business without a valid certificate of registration. A certificate of registration is required for each physically separate credit access business. (Ord. 28287)

SEC. 50-149. REGISTRATION APPLICATION.

(a) To obtain a certificate of registration for a credit access business, a person must submit an application on a form provided for that purpose to the director. The application must contain the following:

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

(2) The business or trade name, street address, mailing address, facsimile number, and telephone number of the credit access business.

(3) The names, street addresses, mailing addresses, and telephone numbers of all owners of the credit access business and other persons with a financial interest in the credit access business, and the nature and extent of each person’s interest in the credit access business.

(4) A copy of a current, valid state license held by the credit access business.
§ 50-149  Consumer Affairs  § 50-151.2

(5) A copy of a current, valid certificate of occupancy showing that the credit access business is in compliance with the Dallas Development Code.

(6) A non-refundable application fee of $76.

(6) A non-refundable application fee of $67.

(b) An applicant or registrant shall notify the director within 45 days after any material change in the information contained in the application for a certificate of registration, including, but not limited to, any change of address and any change in the status of the state license held by the applicant or registrant. (Ord. Nos. 28287; 29879, eff. 10/1/15; 31332, eff. 10/1/19)

SEC. 50-150. ISSUANCE AND DISPLAY OF CERTIFICATE OF REGISTRATION; PRESENTMENT UPON REQUEST.

(a) The director shall issue to the applicant a certificate of registration upon receiving a completed application under Section 50-149.

(b) A certificate of registration issued under this section must be conspicuously displayed to the public in the credit access business. The certificate of registration must be presented upon request to the director or any peace officer for examination. (Ord. 28287)

SEC. 50-151. EXPIRATION AND RENEWAL OF CERTIFICATE OF REGISTRATION.

(a) A certificate of registration expires on the earlier of:

(1) one year after the date of issuance; or

(2) the date of expiration, revocation, or other termination of the registrant’s state license.

(b) A certificate of registration may be renewed by making application in accordance with Section 50-149. A registrant shall apply for renewal at least 30 days before the expiration of the registration. (Ord. 28287)

SEC. 50-151.1. NONTRANSFERABILITY.

A certificate of registration for a credit access business is not transferable. (Ord. 28287)

Division 3. Miscellaneous Requirements for Credit Access Businesses.

SEC. 50-151.2. MAINTENANCE OF RECORDS.

(a) A credit access business shall maintain a complete set of records of all extensions of consumer credit made by the credit access business, which must include the following information:

(1) The name and address of the consumer.

(2) The principal amount of cash actually advanced.

(3) The documentation used to establish a consumer’s income under Section 50-151.3.

(b) A credit access business shall maintain a copy of each written agreement between the credit access business and a consumer evidencing an extension of consumer credit (including, but not limited to, any refinancing or renewal granted to the consumer).

(c) A credit access business shall maintain copies of all quarterly reports filed with the Texas Consumer Credit Commissioner under Section 393.627 of the Texas Finance Code, as amended.

(d) The records required to be maintained by a credit access business under this section must be retained for at least three years and made available for inspection by the city upon request during the usual and customary business hours of the credit access business. (Ord. 28287)
SEC. 50-151.3. RESTRICTIONS ON EXTENSIONS OF CONSUMER CREDIT.

(a) The cash advanced under an extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining in the form of a deferred presentment transaction may not exceed 20 percent of the consumer’s gross monthly income.

(b) The cash advanced under an extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining in the form of a motor vehicle title loan may not exceed the lesser of:

(1) three percent of the consumer’s gross annual income; or

(2) 70 percent of the retail value of the motor vehicle.

(c) A credit access business shall use a paycheck or other documentation establishing income to determine a consumer’s income.

(d) An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for repayment in installments may not be payable in more than four installments. Proceeds from each installment must be used to repay at least 25 percent of the principal amount of the extension of consumer credit. An extension of consumer credit that provides for repayment in installments may not be refinanced or renewed.

(e) An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for a single lump sum repayment may not be refinanced or renewed more than three times. Proceeds from each refinancing or renewal must be used to repay at least 25 percent of the principal amount of the original extension of consumer credit.

(f) For purposes of this section, an extension of consumer credit that is made to a consumer within seven days after a previous extension of consumer credit has been paid by the consumer will constitute a refinancing or renewal. (Ord. 28287, eff. 1-1-12)

ARTICLE XII.

STREET VENDORS.

Division 1. In General.

SEC. 50-152. DECLARATION OF POLICY.

It is the policy of the city to promote the protection of the public health, safety, and welfare by the regulation of street vendors operating inside the city. The provisions of this article are to be construed, according to the fair import of their terms, to effect this policy. (Ord. Nos. 16309; 29023)

SEC. 50-153. GENERAL AUTHORITY AND DUTY OF THE DIRECTOR.

The director shall implement and enforce this article. The director may prescribe rules and regulations governing the conduct of street vendors not inconsistent with the provisions of this article, including, but not limited to, the designation of zones and sites from which street vendors may operate. (Ord. Nos. 16309; 17675; 29023)

SEC. 50-154. AUTHORITY TO INSPECT.

The director, any representative of the city health officer or environmental health officer, or a peace officer may inspect any street vendor and the business procedure of a street vendor operating under this article to determine whether the vendor is complying with this article, regulations established under this article, and any other applicable city ordinance or state or federal law. (Ord. 29023)
SEC. 50-155. OFFENSES; PENALTIES.

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

(b) An offense under this article is punishable by a fine of not less than $25 or more than $500, except that a second or subsequent conviction for the same offense within a period of less than one year from the first conviction is punishable by a fine of not less than $100 or more than $500.

(c) The culpable mental state required for the commission of an offense under this article is governed by Section 1-5.1 of this code.

(d) The penalties provided for in Subsection (b) are in addition to any other enforcement remedies and penalties that the city may have under city ordinances and state law. Prosecution for an offense under this article does not prevent the use of other administrative enforcement remedies or procedures applicable to the conduct involved in the offense. (Ord. 29023)

SEC. 50-156. ARTICLE CUMULATIVE.

The provisions of this article 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 article and is otherwise applicable. (Ord. Nos. 16309; 29023)

SEC. 50-157. DEFINITIONS.

In this article:

(1) AGENT means any person employed by or contracting with:

(A) the holder of a central business district concession license to sell or distribute goods or services under the license; or

(B) any other street vendor.

(2) ARTS DISTRICT means the area of the city bounded by Woodall Rogers Freeway on the north, Central Expressway (elevated bypass) on the east, Ross Avenue on the south, and St. Paul Street on the west.

(3) CBD CORE DISTRICT means the area of the city contained within the boundaries of the central business district, but that does not include the arts district and the West End district.

(4) CENTRAL BUSINESS DISTRICT (CBD) means the area of the city bounded by Woodall Rogers Freeway on the north, Central Expressway (elevated bypass) on the east, R. L. Thornton Freeway on the south, and Stemmons Freeway on the west. The central business district includes:

(A) the arts district;

(B) the CBD core district; and

(C) the West End district.

(5) COMMERCIAL PRINTED MATTER means any printed or written matter, whether on a sample, device, dodger, circular, leaflet, pamphlet, paper, or booklet, and whether printed, reproduced, or copied, that:

(A) advertises for sale any merchandise, product, commodity, or service;

(B) directs attention to a business or commercial establishment or other activity for the purpose of either directly or indirectly promoting sales;
(C) directs attention to or advertises a meeting, performance, exhibition, or event, for which an admission fee is charged for the purpose of private gain or profit, unless an admission fee is charged or a collection is taken up at the meeting, performance, exhibition, or event only for the purpose of defraying the expenses; or

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

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

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

(8) GOODS means property of every kind.

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

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

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

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

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

(14) STREET VENDOR or VENDOR means a person who, personally or through an agent, engages in a business of selling or offering for sale goods or services from any structure or vehicle that is not affixed to the ground or from no structure or vehicle. The term does not include any person operating, or employed in the operation of, a licensed taxicab, limousine, bus, shuttle, non-motorized passenger transport vehicle, or motor vehicle tow service.

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

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

Division 2. Vending on Public Property.

SEC. 50-158. VENDORS ON PUBLIC PROPERTY.

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

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

(1) is doing so in connection with the transaction of official government business;

(2) is doing so by authority of a contract with the city to operate a concession on designated areas of public property;
(3) is selling, distributing, or offering for sale only periodicals from a coin-operated machine by authority of a license to operate the machine;

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

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

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

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

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

(9) is operating a vehicle for hire;

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

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

(c) In addition to any enforcement action by a peace officer or the director for a violation of this section, any person who is a victim of an act prohibited under this section, or who witnesses a violation of this section, may file a complaint with the city attorney. Evidence to support a conviction for a violation of this section may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence. (Ord. Nos. 16309; 16835; 17675; 18702; 19517; 19895; 25213; 29023)

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

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

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

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

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

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

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

(2) a contract with the city to operate a concession on designated areas of public property.
§ 50-159 Consumer Affairs

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

Division 3. Vending on Private Property.

SEC. 50-160. VENDORS ON PRIVATE PROPERTY.

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

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

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

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

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

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

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

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

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

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

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

(C) was not conducting the business operation or using any structure in the business operation in violation of any applicable city ordinance or state or federal law or regulation. (Ord. 29023)

Division 4. Entertainment in the Central Business District.

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

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

(b) A person who wishes to provide entertainment in any portion of Stone Place, the public area surrounding Thanksgiving Square, Four-Way Place, or the Bullington Street Mall must obtain a permit from the chief of police as required in Section 31-22 of this code. (Ord. 29023)
Division 5. Central Business District Concession Licenses.

SEC. 50-162. CENTRAL BUSINESS DISTRICT CONCESSION LICENSE.

(a) Notwithstanding other provisions of this code, the director may issue a central business district (CBD) concession license to enable the holder and the holder’s agents to conduct business as street vendors on public or private property in the central business district.

(b) A separate CBD concession license is required for each vending location site from which a person wishes to conduct business as a street vendor on public or private property in the central business district.

(c) The director may not issue a license to authorize the sale or distribution of services or goods on:

(1) property under the control of the park and recreation board; or

(2) the premises of the “convention center” or “reunion arena” as defined in Section 43-127 of this code. 

(Ord. Nos. 16309; 16835; 17675; 29023)

SEC. 50-163. LICENSE APPLICATION; INVESTIGATION.

(a) An applicant for a CBD concession license shall file with the director a written application upon a form provided for that purpose. A separate application is required for each vending location site from which the applicant wishes to do business as a street vendor. The following information is required in the application:

(1) The applicant’s name, address, and date of birth, and the identifying number from the applicant’s driver’s license, military identification card, passport, or personal identification certificate.

(2) The name, address, and telephone number of the business.

(3) The nature, character, and quality of the goods or services to be offered for sale or delivered.

(4) Proof that the applicant possesses a retail vendor’s sales tax permit from the comptroller of the State of Texas, if a sales tax permit is required for the type of proposed operation.

(5) The nature of the proposed advertising to be done for the business at the proposed location.

(6) The license number and type of any vehicle that is to be used.

(7) The nature of the business and the method of distributing or providing goods or services.

(8) Proposed vending location sites for the business (only one of which will be assigned with the license).

(9) Days of the week and hours requested to vend at the proposed site.

(10) The name, address, date of birth, and identifying number from the driver’s license, military identification card, passport, or personal identification certificate of each agent who will be assisting the applicant in the proposed business.

(11) Proof that the applicant possesses all licenses and permits required by this code or any other applicable city ordinance or state or federal law for the operation of the proposed business.

(12) Any other information required by the director to clarify items on the application.
(b) A licensee shall notify the director of any changes or corrections in the information required by Subsection (a) within 30 days after the need for the change or correction occurs.

(c) When an application has been filed with the director in proper form, the director shall initiate appropriate action to process the application. The director shall make an appropriate investigation of the applicant, which may include, but is not limited to, an inspection of the establishment and operation of the applicant to ensure compliance with this code and all applicable city ordinances and state and federal laws governing the sale and distribution of the goods and services. (Ord. Nos. 16309; 17675; 18702; 27353; 29023)

SEC. 50-164. LICENSE ISSUANCE; FEES; TRANSFERABILITY; VENDING LOCATION SITES; LICENSE EXPIRATION.

(a) The director shall issue a license to the applicant within 30 days after receipt of the application, unless the director finds one or more of the following to be true:

(1) The applicant is under 18 years of age.

(2) All available vending location sites, as designated by the director, are occupied by licensees.

(3) The applicant or applicant’s spouse is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or applicant’s spouse.

(4) The applicant is physically or mentally incapacitated to an extent that the applicant cannot operate a vending business.

(5) The applicant has failed to answer or falsely answered a question or request for information on the application form provided.

(6) The applicant has failed to provide proof of a license or permit required by this code or any other applicable city ordinance or state or federal law for the operation of the proposed business.

(7) The applicant, or any agent of the applicant, individually or cumulatively, has been convicted of two violations of this article, other than the offense of operating a business without a license, within the two years immediately preceding the application. A plea of “guilty” or “no contest” in any court of law, including the municipal court, constitutes a conviction for purposes of this section. The fact that a conviction is being appealed has no effect.

(8) The required license fee has not been paid.

(9) The applicant has failed to comply with or the proposed business will violate any applicable law, ordinance, or regulation of the city.

(10) The applicant’s business or method of doing business will interfere with traffic flow on public streets or sidewalks.

(11) The applicant has already received the maximum number of licenses to which the applicant is entitled under Subsection (g) of this section.

(b) If the director finds that one of the items listed in Subsection (a) is true, the director shall deny the application and send to the applicant by certified mail, return receipt requested, a written statement setting forth the reasons for the denial and notifying the applicant of the right to appeal.

(c) A CBD concession license must state on its face the name of the person to whom it is granted and the expiration date. A CBD concession license authorizes the licensee to do business only at a specific vending location site, designated by the director, in the central business district.

(d) The annual fee for each CBD concession license is:

Dallas City Code 35
§ 50-164 Consumer Affairs

(1) $600 ($150 for license processing and regulation and $450 for the use of 40 square feet of public property) to vend entirely or partially on public property, plus $25 for each square foot of public property over 40 square feet that is contained in the vending location site; and

(2) $150 to vend on private property only.

(e) The fees listed in this section may not be prorated and are not refundable.

(f) A CBD concession license is not transferable in any manner to any person or location other than the one for which it was issued. Only agents listed in the licensee’s most recent updated application for a CBD concession license are authorized to operate under the license.

(g) The same vendor, either personally or through an agent, may not simultaneously hold more than a total of 12 CBD concession licenses for vending on public property. Of those 12 licenses, the same vendor may not simultaneously hold more than one in the West End district, one in the arts district, and 10 in the CBD core district.

(h) For purposes of Subsection (g) of this section, an applicant will be considered to be the same vendor if the same sales tax identification number is listed on each license application.

(i) The number and location of vending location sites to be assigned on public property will be determined by the director based upon the availability of space, the congestion that may result, and other factors related to the public health, safety, and welfare. Each site must have an area of not less than 40 square feet. The director may not authorize or assign on public property:

(1) more than two vending location sites for each side of a block face in the central business district;

(2) a vending location site within 50 feet of another site at which the applicant is licensed to vend;

(3) a vending location site within 100 feet of an existing fixed business that sells, distributes, or offers for sale goods or services similar to those to be sold, distributed, or offered for sale by the applicant, unless the applicant files with the director the written consent of the owner of the existing fixed establishment;

(4) a vending location site within 50 feet of an outdoor patio of an existing fixed food establishment located on the same side of the same block face; or

(5) a vending location site within 1,000 feet of the Dallas Farmers Market, as defined in Section 29A-2 of this code, if the vendor will sell potted plants, fruits, or vegetables.

(j) An applicant may select a vending location site from those available at the time of application in accordance with rules and regulations promulgated by the director. If more than one applicant applies for the same vending location site, the director shall award the site by drawing lots in accordance with rules and regulations promulgated by the director.

(k) A CBD concession license expires one year after the date of issuance. To renew a CBD concession license for the same vending location site, a licensee must file an application with the director and pay all required license fees not more than 60 days or less than 30 days before the license expires. Upon expiration of a CBD concession license, the licensee may apply for a new license, but must select a site from those available at the time of application in accordance with rules and regulations promulgated by the director. (Ord. Nos. 17675; 19300; 25048; 27353; 29023)

SEC. 50-165. SUSPENSION.

(a) The director may suspend a CBD concession license for not less than 30 days or more than one year if the director determines that:
§ 50-165 Consumer Affairs

(1) a violation of this article or any other city ordinance or state or federal law concerning the sale or distribution of goods or services by the licensee or an agent has occurred; or

(2) the licensee or a representative has failed to establish policy and take action to discourage, prevent, or correct violations of this article by the licensee’s agents.

(b) The director shall send to the licensee by certified mail, return receipt requested, a written statement of the reasons for the suspension, the date the suspension is to begin, the duration of the suspension, and the licensee’s right to appeal. A timely request for appeal by the licensee stays the effect of the suspension unless the director determines that an emergency exists.

(c) For purposes of this section, an emergency exists if the director determines that a violation has occurred and constitutes an imminent and serious threat to the public health or safety. In case of an emergency, the director may order the licensee or any representative or agent to correct the violation immediately or cease business operations to the extent the director determines is necessary to abate the threat until the violation is corrected. (Ord. 29023)

SEC. 50-166. REVOCATION.

(a) The director shall revoke a license issued under this article if the director determines that:

(1) the licensee or an agent, individually or cumulatively, has been convicted in any court of two violations of this article or any other city ordinance or state or federal law concerning the sale or distribution of goods or services within a 12-month period; the fact that a conviction is being appealed has no effect;

(2) the licensee has given false or misleading information of a material nature or has withheld vital information on the application or in any hearing concerning the application or license;

(3) the licensee or an agent has intentionally or knowingly impeded a lawful inspection by the director, the director’s authorized representative, or any representative of another department who has the authority to inspect the licensee and the licensee’s agents and business procedures;

(4) a cause for suspension under Section 50-165 occurs and the license has been suspended within the preceding 12 months;

(5) the vending location site for which the license was issued is not being used for street vending purposes; or

(6) the conduct of the business at the vending location site for which the license was issued endangers the public health, safety, or welfare.

(b) The director shall send to the licensee by certified mail, return receipt requested, a written statement setting forth the reasons for the revocation and notifying the licensee of the right to appeal.

(c) If the director revokes a license, the fee already paid for the license will be forfeited. A person whose license has been revoked under this section may not apply for a new license for one year after the date the revocation took effect. (Ord. 29023)

SEC. 50-167. APPEAL.

If the director denies the issuance or renewal of a license, suspends or revokes a license, or orders the cessation of any part of the business operation conducted under the license, the aggrieved party may appeal the decision of the director to a permit and license appeal board in accordance with Section 2-96 of this code. The filing of an appeal stays the action of the director in suspending or revoking a license or any part of the business operation being conducted under the license until the permit and license appeal board makes a final decision unless the director determines that operation of the facility or business in violation of
§ 50-167 Consumer Affairs § 50-169

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

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

SEC. 50-168. IDENTIFICATION BADGES REQUIRED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dallas City Code 39
(19) comply with all other applicable laws, ordinances, or regulations of the city. (Ord. Nos. 16309; 17675; 29023)

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

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

1. A vendor may not wear:
   A. cut-offs;
   B. apparel with offensive or suggestive language, pictures, or symbols;
   C. tank tops or halter tops; or
   D. outer apparel made of fishnet or undergarment material.

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

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

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

SEC. 50-171. VEHICLES AND EQUIPMENT.

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

1. have operable wheels;

2. not exceed six feet in length (including any handles measuring six inches or more in length and any permanently attached trailer hitches), three feet in width (exclusive of wheels), or four feet in height (exclusive of wheels);

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

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

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

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

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

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

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

SEC. 50-172. SIGNS AND ADVERTISING DEVICES.

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

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

(c) No free standing signs are permitted as part of the vending operation.
§ 50-172 Consumer Affairs

(d) Prices for goods or services must be conspicuously displayed on the vending vehicle, the individual items offered for sale, or the display surface or container. (Ord. 29023)
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4 Adds 41A-2 (15) and (16)
5 41A-5
6 41A-7
7 41A-10(d) and (e)
8 41A-13(a)
9 19388 11-19-86 1 Adds 44-37.1
2 44-39(a)
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Dallas City Code 61
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| 20470            | 10-11-89               | 1              |                  | 27-8              |
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|                  |                        | 4              |                  | 27-15             |
|                  |                        | 5              |                  | 27-16             |
| 20475            | 10-11-89               | 12-13-89       | 1                | 28-44             |
| 20482            | 10-25-89               | 1              |                  | 2, Art. V         |
| 20488            | 10-25-89               | 1              |                  | Ch. 8             |
| 20526            | 12-13-89               | 1              |                  | Adds 2, Art. XXVII, |
|                  |                        |                |                  | Secs 2-163 thru 2-166 |
|                  |                        | 2              |                  | 34-40             |
| 20527            | 12-13-89               | 1              |                  | 2, Art. VIII-a    |
| 20552            | 01-24-90               | 1              |                  | Renumbers         |
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|                  |                        |                |                  | thru (24) as      |
|                  |                        |                |                  | (15) thru (25)    |
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Dallas City Code 63
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Dallas City Code 75
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Amends 5A-6
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Add 7A-19.1
Add 7A-19.2
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Amends 18-18
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[Amendment to sec. 34-24.1 eff. 1-1-03 per Ord. No. 24930 amendment]
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Amends 2-27(4)

Amends 2-28

Amends Ch. 2, Art. V

Amends 2-49

Amends 2-51

Amends Ch. 2, Art. VII-a

Adds Ch. 2, Art. VII-b, 2-75 thru 2-75.1
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<td>2</td>
<td></td>
<td>Deletes 19-38</td>
</tr>
<tr>
<td>31209</td>
<td>5-22-19</td>
<td>1 Amends 43-139(c)(19)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 Amends 43-139(d)(8)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 Amends 43-139(e)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 Amends 43-139(g)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>5 Amends 43-141(b)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>6 Amends 43-141(h)(1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>7 Amends 43-141(i)(2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31215</td>
<td>5-22-19</td>
<td>1 Amends Ch. 24, Art. I, 24-1 thru 24-6.1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31231</td>
<td>6-12-19</td>
<td>1 Amends 18-2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 Amends 18-4(e)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 Amends 18-4(f)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 Amends 18-4(g)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>5 Amends 18-4(h)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>6 Amends 18-9(c)(11)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31233</td>
<td>6-12-19</td>
<td>1 Amends 15D-15(12)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 Amends 15D-53(a)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31289</td>
<td>8-28-19</td>
<td>1 Amends 15D-4(18.1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 Amends 15D-5(c)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 Amends 15D-5(e)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31313</td>
<td>9-11-19</td>
<td>1 Amends 43-46</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 Amends 43-67</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 Amends 43-68(a)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 Amends 43-71</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>5 Amends 43-78</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>6 Amends 43-94</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>7 Amends 43-95</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>8 Amends 43-135(22)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31332</td>
<td>9-18-19</td>
<td>10-1-19</td>
<td>1 Amends 2-168(b)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 Amends 6-10</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 Amends 7-2.6(a)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 Amends 7-2.7(a)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Amendment References</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Amends 7-4.11(c)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Amends 7-5.5(a)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Amends 7-5.15(a)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Amends 7-6.2(e)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Amends 15D-5(b)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Adds 15D-5.1(c)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Adds 15D-5.2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Amends Ch. 16</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Amends 18-4(h)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Amends 18-9(c)(1)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Amends 18-9(c)(2)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Amends 18-9(c)(5)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Amends 18-11(a)(5)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Amends 18-11(a)(6)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Amends 18-11(b)(2)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Amends 18-11(b)(3)</td>
<td></td>
<td></td>
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<tr>
<td>26</td>
<td>Amends 18-11(b)(4)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Amends 18-11(b)(5)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>28</td>
<td>Amends 18-57</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Amends 18-62(b)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Amends 27-42(e)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Amends 43A-3(d)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Amends 43A-17(c)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Amends 43A-18(b)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Adds 44-37.2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>Amends 48B-8(a)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>Amends 49-18.1(e)(1)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>Amends 49-18.1(g)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>Amends 49-18.1(i)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Amends 49-18.2(c)(4)</td>
<td></td>
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<td>40</td>
<td>Amends 49-18.2(c)(5)</td>
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<td>41</td>
<td>Amends 49-18.2(f)</td>
<td></td>
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<tr>
<td>42</td>
<td>Amends 49-18.4(b)</td>
<td></td>
<td></td>
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<tr>
<td>43</td>
<td>Amends 49-18.4(e)</td>
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<td>44</td>
<td>Amends 49-18.4(f)</td>
<td></td>
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<td>45</td>
<td>Amends 49-18.5(a)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>Amends 49-18.5(b)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>Amends 49-18.11</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>Amends 50-82</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>Amends 50-101</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>Amends 50-116</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>Amends 50-137(a)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>Amends 50-149(a)(6)</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**[sec. 18 eff. 7/1/20]**

<table>
<thead>
<tr>
<th></th>
<th>Amendment References</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Amends 2-37.12</td>
</tr>
<tr>
<td>2</td>
<td>Amends 2-105(a)</td>
</tr>
<tr>
<td>3</td>
<td>Amends Ch. 2, Art. XVI, 2-136 thru 2-137</td>
</tr>
<tr>
<td>4</td>
<td>Amends Ch. 2, Art. XXVI-a, 2-162.1 thru 2-162.4</td>
</tr>
</tbody>
</table>

31333 9/18/19 10/1/19
Code Comparative Table

[Intentionally left blank]
Index

ABANDONED REFRIGERATORS................................................................. Sec. 31-7

ABANDONED VEHICLES (See “Junked vehicles” under MUNICIPAL SOLID WASTES)

ABANDONMENT OF PUBLIC RIGHTS-OF-WAY......................................... Sec. 2-26.2

ACCIDENTS (See EMERGENCY VEHICLES; See also MOTOR VEHICLES AND TRAFFIC)

ADMINISTRATION

Acceptance of conveyance or acquisition by eminent domain
where consideration is $10,000 or less.................................................. Sec. 2-11.2
Advance payment of certain fees, charges, and taxes required;
interest on delinquent accounts......................................................... Sec. 2-1.1
Animal shelter commission (See ANIMAL SHELTER COMMISSION)
Appeals from actions of department directors.................................. Sec. 2-96
Assistant city attorneys
Appointment................................................................. Sec. 2-18
Compensation.......................................................... Sec. 2-20
Duties.............................................................. Sec. 2-19
Guest assistant city attorney program........................................... Sec. 2-20.1
Qualifications..................................................... Sec. 2-18

Chief financial officer (See CHIEF FINANCIAL OFFICER)
City auditor, selection of............................................................... Sec. 2-17.2
City controller’s office (See CITY CONTROLLER’S OFFICE)
City-owned real property, management and sale of
Abandonment of public rights-of-way............................................. Sec. 2-26.2
Alternate manner of sale to nonprofit organizations for affordable housing
Alternate method of sale for tax-foreclosed or seized real property...... Sec. 2-26.6
Appeals................................................................. Sec. 2-26.14
Definitions.......................................................... Sec. 2-26.5
Multiple proposals for the same land............................................... Sec. 2-26.8
Possibility of reverter with right of reentry....................................... Sec. 2-26.12
Purchase price of land.......................................................... Sec. 2-26.9
Purchase proposals by nonprofit organizations; procedures and requirements for
city approval or rejection of proposals............................................... Sec. 2-26.7
Purpose................................................................. Sec. 2-26.4
Quitclaim deed.......................................................... Sec. 2-26.10
Release of reverter rights and deed restrictions............................... Sec. 2-26.13
Restrictions on use of land.......................................................... Sec. 2-26.11
Bidder information.......................................................... Sec. 2-26
City manager recommendation and award of sale............................... Sec. 2-26.1
Decision to sell.......................................................... Sec. 2-23
Examination of need.......................................................... Sec. 2-22
## Index

<table>
<thead>
<tr>
<th>Topic</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inventory of real property</td>
<td>Sec. 2-21</td>
</tr>
<tr>
<td>Procedures for the sale of unneeded real property by formal bid or negotiation.</td>
<td>Sec. 2-24</td>
</tr>
<tr>
<td>Procedures for the sale of unneeded real property by public auction.</td>
<td>Sec. 2-24.1</td>
</tr>
<tr>
<td>Type of conveyance</td>
<td>Sec. 2-25</td>
</tr>
<tr>
<td>Civil service board (See CIVIL SERVICE BOARD)</td>
<td></td>
</tr>
<tr>
<td>Claims against the city (See CLAIMS AGAINST THE CITY)</td>
<td></td>
</tr>
<tr>
<td>Code of ethics (See CODE OF ETHICS)</td>
<td></td>
</tr>
<tr>
<td>Community development commission (See COMMUNITY DEVELOPMENT COMMISSION)</td>
<td></td>
</tr>
<tr>
<td>Contracts (See “Purchases and contracts” below, This Topic)</td>
<td></td>
</tr>
<tr>
<td>Cultural affairs commission (See CULTURAL AFFAIRS COMMISSION)</td>
<td></td>
</tr>
<tr>
<td>Delivery of books, etc., to successor in office</td>
<td>Sec. 2-2</td>
</tr>
<tr>
<td>Department of building services (See DEPARTMENT OF BUILDING SERVICES)</td>
<td></td>
</tr>
<tr>
<td>Department of communication and information and technology services (See DEPARTMENT OF COMMUNICATION AND INFORMATION AND TECHNOLOGY SERVICES)</td>
<td></td>
</tr>
<tr>
<td>Department of convention and event services (See DEPARTMENT OF CONVENTION AND EVENT SERVICES)</td>
<td></td>
</tr>
<tr>
<td>Department of equipment and fleet management (See DEPARTMENT OF EQUIPMENT AND FLEET MANAGEMENT)</td>
<td></td>
</tr>
<tr>
<td>Department of housing &amp; neighborhood revitalization (See DEPARTMENT OF HOUSING &amp; NEIGHBORHOOD REVITALIZATION)</td>
<td></td>
</tr>
<tr>
<td>Department of human resources (See DEPARTMENT OF HUMAN RESOURCES)</td>
<td></td>
</tr>
<tr>
<td>Department of public works (See DEPARTMENT OF PUBLIC WORKS)</td>
<td></td>
</tr>
<tr>
<td>Department of sanitation services (See DEPARTMENT OF SANITATION SERVICES)</td>
<td></td>
</tr>
<tr>
<td>Department of sustainable development and construction (See DEPARTMENT OF SUSTAINABLE DEVELOPMENT AND CONSTRUCTION)</td>
<td></td>
</tr>
<tr>
<td>Department of transportation (See DEPARTMENT OF TRANSPORTATION)</td>
<td></td>
</tr>
<tr>
<td>Economic development advisory board (See ECONOMIC DEVELOPMENT ADVISORY BOARD)</td>
<td></td>
</tr>
<tr>
<td>Eminent domain proceedings for personal property</td>
<td>Sec. 2-16</td>
</tr>
<tr>
<td>Filling temporary vacancies</td>
<td></td>
</tr>
<tr>
<td>Designation, appointment and duties of temporary acting and acting city manager</td>
<td>Sec. 2-118</td>
</tr>
<tr>
<td>Designation, appointment and duties of temporary acting and acting department directors</td>
<td>Sec. 2-119</td>
</tr>
<tr>
<td>Fiscal notes</td>
<td>Sec. 2-17.1</td>
</tr>
<tr>
<td>Hearings and investigations as to city affairs</td>
<td></td>
</tr>
<tr>
<td>Penalty for failure to testify, etc.</td>
<td>Sec. 2-9</td>
</tr>
<tr>
<td>Subpoena powers of person or body conducting same</td>
<td>Sec. 2-8</td>
</tr>
<tr>
<td>Labor unions</td>
<td></td>
</tr>
<tr>
<td>City employees not to organize or join</td>
<td>Sec. 2-5</td>
</tr>
<tr>
<td>Intent and purpose of provision</td>
<td>Sec. 2-6</td>
</tr>
<tr>
<td>Penalty for violating prohibitions</td>
<td>Sec. 2-7</td>
</tr>
</tbody>
</table>
Index

Legal advice. ................................................................. Sec. 2-12
Martin Luther King, Jr. community center board (See MARTIN LUTHER KING, JR. COMMUNITY CENTER BOARD)
Nondiscrimination in the provision of city services. ........................................ Sec. 2-17.3
Office of budget (See OFFICE OF BUDGET)
Office of economic development (See OFFICE OF ECONOMIC DEVELOPMENT)
Office of management services (See OFFICE OF MANAGEMENT SERVICES)
Office of risk management (See OFFICE OF RISK MANAGEMENT)
Officers, etc., of city not to deal in city warrants or obligations. ........................ Sec. 2-3
Payment of cost of publishing ordinance granting franchise or closing street. .......... Sec. 2-17
Permit and license appeal board (See PERMIT AND LICENSE APPEAL BOARD)
Preservation of duties, powers, and functions of city manager. .......................... Sec. 2-3.1
Property purchased by city at tax sale
   City manager to execute quitclaim deed upon redemption of same. .......... Sec. 2-10
   Provisions of quitclaim deed. ............................................. Sec. 2-11
Public art program (See PUBLIC ART PROGRAM)
Public utilities to pay expense of office of supervisor of public utilities. ............... Sec. 2-13
   “Gross receipts” defined. ..................................................... Sec. 2-15
   Notice required. .......................................................... Sec. 2-14
Purchasing
   Definitions. ............................................................... Sec. 2-27
   Office of procurement services; powers and duties of the director
      as city purchasing agent. ................................................... Sec. 2-28
Purchases and contracts
   Alternative methods of procurement for facility construction. ....................... Sec. 2-33
   Approval of plans and specifications. ..................................... Sec. 2-29
   Contracting authority, general delegation of ................................ Sec. 2-30
   Contracts for radio station air time. ...................................... Sec. 2-79
   Contracts with persons indebted to the city. ................................ Sec. 2-36
   Expenditures exceeding $50,000. ......................................... Sec. 2-32
   Expenditures not exceeding $50,000. ..................................... Sec. 2-31
   Interest on certain late or delayed payments. ............................... Sec. 2-35
   Personal, professional, and planning services. .................................. Sec. 2-34
Unclaimed and surplus property, sale of
   Authority to sell; deposit of cash......................................... Sec. 2-37.2
   City-owned animals. ....................................................... Sec. 2-37.16
   Collectible property. ....................................................... Sec. 2-37.12
   Delivery of unclaimed property to director; use for city purposes. ............... Sec. 2-37.3
   Firefighting equipment, supplies, and materials, donation of
      outdated or surplus. ...................................................... Sec. 2-37.17
   Library material. .......................................................... Sec. 2-37.13
   Lien on motor vehicles. .................................................... Sec. 2-37.8
   Method of sale. ............................................................ Sec. 2-37.4
   Personal property to other governmental entities. .................................. Sec. 2-37.14
   Purchase by certain persons prohibited. ..................................... Sec. 2-37.9
   Records; reports to the director of finance; proceeds. .............................. Sec. 2-37.6
Index

Sale of unclaimed and surplus property at the city store ........................................ Sec. 2-37.15
Time and place of sale; notice ................................................................. Sec. 2-37.5
Uniforms, authority to sell to employees .................................................. Sec. 2-37.11

Weapons
Authority to sell to certain personnel ........................................ Sec. 2-37.10
Destruction of restricted ................................................................. Sec. 2-37.7

Real property, sale or release of interests in ........................................ Sec. 2-11.1
Real property acquisitions where consideration exceeds $500,000 .......... Sec. 2-11.3
Removal from office for misconduct or neglect of duty ......................... Sec. 2-4

South Dallas/Fair Park trust fund board (See SOUTH DALLAS/FAIR PARK
TRUST FUND BOARD)
Senior affairs commission (See SENIOR AFFAIRS COMMISSION)
Time within which city officers to deposit money ................................ Sec. 2-1

AD VALOREM TAX (See TAXATION)

ADVERTISING
Advertising by certain acts prohibited ........................................ Sec. 3-1
Aircraft
Release of advertising matter from .................................................. Sec. 5-43
Use of loud speakers ................................................................. Sec. 5-44
Consumer protection ................................................................. Sec. 50-75
Electronic repairs ................................................................. Sec. 50-112
Mail order sales ................................................................. Sec. 50-98
Motor vehicle repairs ............................................................. Sec. 50-126
Use of vehicle for advertising ........................................................ Sec. 3-2
Wood vendors ................................................................. Sec. 50-83

AGGRESSIVE DOGS
Appeals ................................................................. Sec. 7-5.14
Attacks by an aggressive dog ....................................................... Sec. 7-5.16
Definition ................................................................. Sec. 7-5.12
Determination as an aggressive dog ........................................ Sec. 7-5.13
Requirements for ownership of an aggressive dog; noncompliance hearing ........................................ Sec. 7-5.15

AIR POLLUTION
Air pollution information required .................................................. Sec. 5A-5
City air pollution standards ......................................................... Sec. 5A-7
Compliance order and emergency action ........................................ Sec. 5A-9
Declaration of policy ............................................................. Sec. 5A-2
Definitions ................................................................. Sec. 5A-3
General authority and duty of director .......................................... Sec. 5A-4
Inspection of records .............................................................. Sec. 5A-11
Monitoring requirements .......................................................... Sec. 5A-10
Motor vehicle idling ............................................................. Sec. 5A-15
Notice ................................................................. Sec. 5A-12
Index

Nuisance ............................................................... Sec. 5A-13
Offenses ............................................................... Sec. 5A-14
Penalty ................................................................. Sec. 5A-14
Registration fees .................................................. Sec. 5A-8
Short title ............................................................. Sec. 5A-1
Texas Natural Resource Conservation Commission rules ............... Sec. 5A-6

AIRCRAFT AND AIRPORTS
  Aircraft permitted to operate at Dallas Executive Airport .............. Sec. 5-55
  “Airport” defined .................................................. Sec. 5-1
  Aviation fuel sales; license fees and rates .......................... Sec. 5-33
  Aviation schools .................................................. Sec. 5-32
  Balloons, kites near airports prohibited ............................. Sec. 31-9
  Bringing pets into terminals prohibited, exceptions ............... Sec. 5-53
    Installation of signs ........................................... Sec. 5-54
  Compliance with air commerce regulations ........................ Sec. 5-30
  Condition of aircraft ............................................. Sec. 5-38
  Department of aviation created ................................... Sec. 5-2
  Direction of aerial traffic around airport ........................ Sec. 5-14
  Director of aviation
    Accounting for funds received .................................. Sec. 5-10
    Authority over public at airports .................................. Sec. 5-5
    Authority to remove violators from premises .................. Sec. 5-7
    Authority to suspend operations ............................... Sec. 5-6
    Duties .................................................................. Sec. 5-3
    Interest in sales, etc ............................................ Sec. 5-9
    Promulgation of rules and regulations .......................... Sec. 5-4
    Regulation of internal management of municipal airports ...... Sec. 5-8
  Exemption of aircraft owned by federal or state government .... Sec. 5-45
  Exhibitions, authorization for .................................... Sec. 5-37
  Experimental or uncertificated aircraft ............................... Sec. 5-26
  Fees charged for commercial aircraft ............................... Sec. 5-31
  Fire prevention regulations (See “Airports, heliports, helistops” under FIRE PROTECTION)
  Fleet-mix requirements for commercial air carriers at Dallas Love Field .......... Sec. 5-56
  Flight training
    Instruction .......................................................... Sec. 5-27
    Student pilots flying solo ....................................... Sec. 5-28
  Flying at low altitude; permits for landing places ................ Sec. 5-36
  Ground transportation services at Love Field airport
    Customer facility charge ........................................ Sec. 5-64
    Defenses ........................................................... Sec. 5-60
    Definitions ......................................................... Sec. 5-58
    Fees ................................................................. Sec. 5-63
    General authority for enforcement ................................ Sec. 5-58
    Ground transportation service requirements .................... Sec. 5-61
    Registration of ground transportation service at the airport .... Sec. 5-62
    Statement of policy .............................................. Sec. 5-57
Hydroplanes, use on city property ................................................................. Sec. 5-11
International arrival fees .............................................................. Sec. 5-35
Landing .................................................. Sec. 5-15
Landing fees charged for general aviation aircraft at Dallas Love Field .................................................. Sec. 5-31.1
Landing or taking off of aircraft prohibited except at approved airports or areas; flight regulations to be observed. .................................................. Sec. 5-42
Exemption .................................................. Sec. 5-45
Licensed aircraft ........................................ Sec. 5-29
Litter, dropping from aircraft prohibited .................................................. Sec. 7A-15
Location of vehicles on premises .................................................. Sec. 5-40
Maintenance run-ups .................................................. Sec. 5-25
Moving sidewalks and escalators at Dallas Love Field
  Installation of signs regarding use .................................................. Sec. 5-52
  Manner of use generally .................................................. Sec. 5-48
  Use by animals prohibited .................................................. Sec. 5-50
  Use by baby carriages, wheel chairs, etc., prohibited .................................................. Sec. 5-51
  Use by children under 10 years of age; responsibility of parents; nonliability of city .................................................. Sec. 5-49
Operation by unskilled or intoxicated persons .................................................. Sec. 5-38
Operation within jurisdiction of city .................................................. Sec. 5-39
Parking of aircraft on airport ground .................................................. Sec. 5-20
Pilot or competent mechanic only to run engine .................................................. Sec. 5-24
Release of advertising pamphlets or other materials .................................................. Sec. 5-43
  Exemptions .................................................. Sec. 5-45
Repairs to be made in designated spaces .................................................. Sec. 5-12
Right-of-way .................................................. Sec. 5-17
Sale of products at airports; license or permit .................................................. Sec. 5-34
Soliciting business or selling merchandise on airport property .................................................. Sec. 5-46
Take-off and landing direction .................................................. Sec. 5-18
  Authorization for take-offs .................................................. Sec. 5-19
Taking off over hangars, etc .................................................. Sec. 5-21
Taxing .................................................. Sec. 5-22
Traffic, parking regulations established for certain airports (See “Special provisions for Love Field and Dallas Executive Airport” under MOTOR VEHICLES AND TRAFFIC)
Trespassing upon landing, take-off and taxiing areas .................................................. Sec. 5-41
Use of loud-speakers, etc., for advertising .................................................. Sec. 5-44
  Exemption .................................................. Sec. 5-45
Use of passenger interviews, opinion surveys, petitions, etc., in Dallas Love Field terminal building .................................................. Sec. 5-47
Use of two-way radio .................................................. Sec. 5-16
Use of wheel blocks .................................................. Sec. 5-23
Wrecked aircraft, disposal of .................................................. Sec. 5-13

ALARM SYSTEMS (See EMERGENCY REPORTING EQUIPMENT AND PROCEDURES)
Index

ALCOHOLIC BEVERAGES
   Aircraft, operation by intoxicated persons. .............................................. Sec. 5-38
   Churches, schools, day-care centers, child-care facilities, and hospitals, dealers located near. . . . . . . Sec. 6-4
      Variances ......................................................................................... Sec. 6-4
   Enforcement ....................................................................................... Sec. 6-2
   Definitions ......................................................................................... Sec. 6-1
   Enforcement ....................................................................................... Sec. 6-2
   Late hours sales of alcoholic beverages in counties having a population of less than 500,000. . . . . . Sec. 6-14
   Local fees .......................................................................................... Sec. 6-10
   Open containers and consumption prohibited in certain public places. ................................. Sec. 6-6.1
   Possession in parks. ............................................................................ Sec. 32-11.3
   Public school activities. ........................................................................ Sec. 6-5
   Sale of beer prohibited in residential zoning districts. ........................................ Sec. 6-11
   Seizure of alcoholic beverages. ................................................................ Sec. 6-13
   State law to control. ............................................................................. Sec. 6-9
   Zoning laws to be complied with. .......................................................... Sec. 6-3

AMBULANCES (See EMERGENCY VEHICLES)

AMUSEMENT CENTERS
   Coin-operated devices (See CONSUMER AFFAIRS)
   Definitions ........................................................................................ Sec. 6A-1
   Hours of operation. ............................................................................. Sec. 6A-10
   Licenses
      Appeal from refusal to issue or renew license; from decision to revoke license. ................ Sec. 6A-9
      Application ...................................................................................... Sec. 6A-4
      Display ........................................................................................... Sec. 6A-6
      Fee .................................................................................................. Sec. 6A-5
      Refusal to issue or renew license. ...................................................... Sec. 6A-7
      Replacement. .................................................................................. Sec. 6A-6
      Required. ....................................................................................... Sec. 6A-2
      Responsibility of licensee. ............................................................... Sec. 6A-11
      Revocation. ..................................................................................... Sec. 6A-8
      Transferability. ............................................................................... Sec. 6A-6

ANIMAL ADVISORY COMMISSION
   Created .............................................................................................. Sec. 2-157
   Duties and responsibilities. ................................................................. Sec. 2-158
   Meetings ............................................................................................. Sec. 2-157
   Membership. ..................................................................................... Sec. 2-157

ANIMAL SERVICES
   Department of Dallas animal services
      Created. .......................................................................................... Sec. 2-155
      Duties. ......................................................................................... Sec. 2-156
      Membership. .................................................................................. Sec. 2-155
ANIMALS (See also DOGS AND CATS; DANGEROUS DOGS)

Airports

    Bringing pets into terminals.................................................. Sec. 5-53
    Use of moving sidewalks or escalators by pets prohibited.................. Sec. 5-50

Animal-drawn vehicles.............................................................. Secs. 28-78, 28-159

Animal services; city animal shelters

    Adoption of animals ......................................................... Sec. 7-2.7
    Impoundment of animals ..................................................... Sec. 7-2.5
    Killing or euthanasia of animals ......................................... Sec. 7-2.8
    Policies and procedures .................................................... Sec. 7-2.3
    Quarantine of animals ....................................................... Sec. 7-2.4
    Redemption of impounded animals ........................................ Sec. 7-2.6
    Shelters established ........................................................ Sec. 7-2.2
    State law; local rabies control authority designated .................. Sec. 7-2.1

Animal shelter commission (See ANIMAL SHELTER COMMISSION)

    Animals as prizes, promotions, and novelties ........................................ Sec. 7-7.6

Care and treatment of animals

    Loose animals ................................................................. Sec. 7-3.1
    Sanitary conditions; maintenance of premises ................................... Sec. 7-3.2
    Transporting an animal in an open bed of a motor vehicle .................. Sec. 7-3.5
    Trapping animals ............................................................. Sec. 7-3.3
    Unlawful placement of poisonous substances .................................. Sec. 7-3.4

Cats (See DOGS AND CATS)

    Dairy cattle, health of....................................................... Sec. 26-8
    Dead animals, collection by city........................................... Sec. 18-8
    Definitions................................................................................ Sec. 7-1.1
    Disturbance by animals........................................................ Sec. 7-7.4

Dogs (See DOGS AND CATS)

    Interference with an animal services officer .................................. Sec. 7-7.1
    Prohibited animals ............................................................. Sec. 7-6.1
    Regulated animals ............................................................. Sec. 7-6.2
    Roosters, keeping of .......................................................... Sec. 7-7.3
    Sale of animals from public property ...................................... Sec. 7-7.2
    Slaughter of animals in the city.............................................. Sec. 19-19
    Vaccination of ferrets ......................................................... Sec. 7-7.5

Violations, penalties, and enforcement

    Additional enforcement provisions .......................................... Sec. 7-8.2
    Dallas Animal Welfare Fund .................................................. Sec. 7-8.4
    Violations; criminal and civil penalties .................................... Sec. 7-8.1

ANTI-LITTER REGULATIONS

    Charges to be levied against the premises; lien on premises for failure to pay charges.................................................. Sec. 7A-19.2
    City removal of litter from private premises; notice required.............. Sec. 7A-19.1
    Definitions................................................................................ Sec. 7A-2
    Depositing litter on vacant lots prohibited.................................... Sec. 7A-19
Index

Dropping litter, etc., from aircraft prohibited. .......................................................... Sec. 7A-15
Duty to maintain premises free from litter. ............................................................... Sec. 7A-18
Duty of merchants and contractors as to litter in abutting sidewalks, streets, etc. .... Sec. 7A-6
Fountains, lakes, etc., litter in. ............................................................... Sec. 7A-9
Handbills, depositing on uninhabited or vacant premises. .................................. Sec. 7A-12
Handbills, distribution of where posted or indicated as prohibited. ................. Sec. 7A-13
Handbills, manner of distribution to inhabited premises. .............................. Sec. 7A-14
Handbills, placing in or upon vehicles. ............................................................... Sec. 7A-11
Handbills, throwing, distributing, etc. in public places. .............................. Sec. 7A-10
Manner of placing litter in receptacles. ............................................................... Sec. 7A-4
Parks, litter in. ............................................................... Sec. 7A-8
Penalty for violation of chapter; enforcement of chapter. .............................. Sec. 7A-20
Posting of notices on poles, trees, and structures prohibited. ................. Sec. 7A-16
Removal of injurious material from streets. .................................................. Sec. 7A-7.1
Shopping cart, city removal from a public place. .................................... Sec. 7A-3.1
Short title ............................................................... Sec. 7A-1
Sweeping litter into gutters, etc. prohibited; sidewalks to be kept free of litter by abutting property owners or occupants. .............................................................. Sec. 7A-5
Throwing or depositing litter on private premises. ........................................ Sec. 7A-17
Throwing litter from vehicles prohibited. ................................................... Sec. 7A-7
Throwing or depositing litter in public places prohibited; exceptions. ........ Sec. 7A-3

ARTS AND CULTURE ADVISORY COMMISSION (See also PUBLIC ART PROGRAM)

Arts committee. ............................................................... Sec. 2-102
Created ............................................................... Sec. 2-161
Duties and responsibilities. ............................................................... Secs. 2-105, 2-162
Meetings. ............................................................... Sec. 2-161
Membership. ............................................................... Sec. 2-161
Terms ............................................................... Sec. 2-161

ASSISTANT CITY ATTORNEYS (See ADMINISTRATION)

ASSISTED LIVING FACILITIES

City health, safety, and construction standards applicable. .................................. Sec. 33-4
Civil penalties. ............................................................... Sec. 33-7
Definitions. ............................................................... Sec. 33-2
Injunction. ............................................................... Sec. 33-6
Inspection. ............................................................... Sec. 33-5
Offenses and criminal penalties. ............................................................... Sec. 33-8
Purpose and construction. ............................................................... Sec. 33-1
State license required. ............................................................... Sec. 33-3

AUTOMOBILE TIRE REBUILDING PLANTS

Fire protection regulations (See “Automobile tire rebuilding plants” under FIRE PROTECTION)

AWNINGS (See STREETS AND SIDEWALKS)

BACHMAN LAKE RESERVOIR (See PARKS AND WATER RESERVOIRS)
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>BICYCLES</td>
<td></td>
</tr>
<tr>
<td>Applicability of traffic regulations to bicycle riders</td>
<td>Sec. 9-1</td>
</tr>
<tr>
<td>Bicycle helmets</td>
<td></td>
</tr>
<tr>
<td>Bicycle helmet required</td>
<td>Sec. 9-8</td>
</tr>
<tr>
<td>Definitions</td>
<td>Sec. 9-7</td>
</tr>
<tr>
<td>Penalty</td>
<td>Sec. 9-10</td>
</tr>
<tr>
<td>Sale or lease of bicycles</td>
<td>Sec. 9-9</td>
</tr>
<tr>
<td>Bicycles prohibited on enumerated streets</td>
<td>Sec. 9-6</td>
</tr>
<tr>
<td>Bicycles prohibited on pedestrianways</td>
<td>Sec. 28-34</td>
</tr>
<tr>
<td>Removal, etc., of serial numbers on bicycles; authorizing the chief of police to confiscate same</td>
<td>Sec. 9-4</td>
</tr>
<tr>
<td>Responsibility of parent or guardian</td>
<td>Sec. 9-5</td>
</tr>
<tr>
<td>BILLIARD HALLS</td>
<td></td>
</tr>
<tr>
<td>Definitions</td>
<td>Sec. 9A-1</td>
</tr>
<tr>
<td>Hours of operation</td>
<td>Sec. 9A-5</td>
</tr>
<tr>
<td>Inspection</td>
<td>Sec. 9A-12</td>
</tr>
<tr>
<td>Licenses</td>
<td></td>
</tr>
<tr>
<td>Appeal</td>
<td>Sec. 9A-9</td>
</tr>
<tr>
<td>Expiration of license; denial of renewal application</td>
<td>Sec. 9A-6</td>
</tr>
<tr>
<td>Fees</td>
<td>Sec. 9A-4</td>
</tr>
<tr>
<td>Issuance</td>
<td>Sec. 9A-3</td>
</tr>
<tr>
<td>Posting</td>
<td>Sec. 9A-3</td>
</tr>
<tr>
<td>Required</td>
<td>Sec. 9A-2</td>
</tr>
<tr>
<td>Revocation</td>
<td>Sec. 9A-8</td>
</tr>
<tr>
<td>Suspension</td>
<td>Sec. 9A-7</td>
</tr>
<tr>
<td>Transfer of license</td>
<td>Sec. 9A-10</td>
</tr>
<tr>
<td>Occupation tax</td>
<td>Sec. 9A-13</td>
</tr>
<tr>
<td>Persons under 17 prohibited</td>
<td>Sec. 9A-11</td>
</tr>
<tr>
<td>BINGO GROSS RECEIPTS TAX (See TAXATION)</td>
<td></td>
</tr>
<tr>
<td>BOARDING HOME FACILITIES</td>
<td></td>
</tr>
<tr>
<td>Administrative</td>
<td></td>
</tr>
<tr>
<td>Appeals of denials, suspensions, and revocations</td>
<td>Sec. 8A-12</td>
</tr>
<tr>
<td>Emergency response information</td>
<td>Sec. 8A-17</td>
</tr>
<tr>
<td>Exemptions</td>
<td>Sec. 8A-5</td>
</tr>
<tr>
<td>Expiration and renewal of license</td>
<td>Sec. 8A-13</td>
</tr>
<tr>
<td>Failure to pay ad valorem taxes, fees, fines and penalties</td>
<td>Sec. 8A-18</td>
</tr>
<tr>
<td>Fees</td>
<td>Sec. 8A-8</td>
</tr>
<tr>
<td>Inspections; fees</td>
<td>Sec. 8A-20</td>
</tr>
<tr>
<td>Issuance and denial of license</td>
<td>Sec. 8A-9</td>
</tr>
<tr>
<td>License application</td>
<td>Sec. 8A-6</td>
</tr>
<tr>
<td>License required</td>
<td>Sec. 8A-4</td>
</tr>
<tr>
<td>Nontransferability</td>
<td>Sec. 8A-14</td>
</tr>
<tr>
<td>Notification of change of information</td>
<td>Sec. 8A-7</td>
</tr>
<tr>
<td>Posting requirements</td>
<td>Sec. 8A-16</td>
</tr>
<tr>
<td>Prohibition of new residents; suspension of license</td>
<td>Sec. 8A-10</td>
</tr>
</tbody>
</table>
Index

Reasonable accommodations .......................................................... Sec. 8A-19
Records ................................................. Sec. 8A-15
Reports to the Texas Health and Human Services Commission .................. Sec. 8A-21
Revocation of license .......................................................... Sec. 8A-11
When written notice is deemed delivered ........................................... Sec. 8A-21.1

Enforcement
Violations; penalty .......................................................... Sec. 8A-40

General provisions
Authority of director .......................................................... Sec. 8A-3
Definitions ................................................. Sec. 8A-2
Purpose .......................................................... Sec. 8A-1

Resident health and safety
Assessment and periodic monitoring of residents ...................................... Sec. 8A-39
Assistance with self-administration of medication ...................................... Sec. 8A-35
Criminal history .......................................................... Sec. 8A-37
Emergency precautions .......................................................... Sec. 8A-29
Food and drink; meals .......................................................... Sec. 8A-33
Linens and laundry .......................................................... Sec. 8A-31
Poisonous, toxic, and flammable materials ................................................ Sec. 8A-32
Policies and procedures to ensure resident health and safety ...................... Sec. 8A-34
Qualifications to own, operate, or work in facilities with persons recovering
from substance or alcohol abuse .................................................. Sec. 8A-38
Requirements for in-service education of boarding home facility staff ........ Sec. 8A-36
Water quality .......................................................... Sec. 8A-30

Structure and maintenance
Bathroom facilities .......................................................... Sec. 8A-24
Construction, remodeling, and maintenance .............................................. Sec. 8A-22
Dining room .......................................................... Sec. 8A-28
Kitchen .......................................................... Sec. 8A-27
Laundry facilities .......................................................... Sec. 8A-26
Sleeping rooms .......................................................... Sec. 8A-23
Telephone .......................................................... Sec. 8A-25

BOARDS AND COMMISSIONS (See also specific names of boards and commissions in Main Index)

Administrative procedures
Board recommendations .......................................................... Sec. 8-26
Dealings with city employees .......................................................... Sec. 8-27

Code of conduct
Administrative staff .......................................................... Sec. 8-23
Board members .......................................................... Sec. 8-22
Members of the public .......................................................... Sec. 8-25
News media members .......................................................... Sec. 8-24

Definitions .......................................................... Sec. 8-1

Duties and privileges of members
Attendance .......................................................... Sec. 8-20
Confidentiality .......................................................... Sec. 8-14.1
Demand for roll card .......................................................... Sec. 8-18
Excusal during meeting .......................................................... Sec. 8-21

Dallas City Code
Index

Financial interest. ................................................................. Sec. 8-14
Limitation of debate. ............................................................ Sec. 8-16
Personal privilege. ............................................................... Sec. 8-19
Right of appeal. ................................................................. Sec. 8-15
Right to floor. ................................................................. Sec. 8-13
Special attendance requirements. ........................................ Sec. 8-20.1
Voting. ................................................................. Sec. 8-17
Eligibility of employee of franchise holder. ........................... Sec. 8-1.3
Limitation of terms. ............................................................ Sec. 8-1.5
Legal opinions. ................................................................. Sec. 8-28
Meetings
  Notice of meetings. .......................................................... Sec. 8-7
  Public character of meetings and actions; executive sessions. ................................. Sec. 8-6
  Quorum. ................................................................. Sec. 8-4
  Regular meetings. ......................................................... Sec. 8-2
  Report of minutes. ........................................................ Sec. 8-8
  Rules of order. .............................................................. Sec. 8-5
  Special meetings. ........................................................... Sec. 8-3
Notice of appointment; acceptance. ........................................ Sec. 8-1.2
Officers
  Chair and vice-chair. ..................................................... Sec. 8-9
  Preservation of order...................................................... Sec. 8-10
  Questions to be stated. ................................................ Sec. 8-11
Qualification considerations in appointments to boards. ............... Sec. 8-1.4
Reports to the city council.................................................. Sec. 8-1.1

BOWLING ALLEYS (See “Bowling alleys” under FIRE PROTECTION)

BUDGET (See OFFICE OF BUDGET)

BUILDING NUMBERING (See STREETS AND SIDEWALKS)

BUILDING SECURITY
  Areas permanently closed to the public. ................................ Sec. 9B-2
  Authority to post signs. .................................................. Sec. 9B-5
Dallas security officers (See DALLAS SECURITY OFFICERS)
  Definitions. ................................................................. Sec. 9B-1
  Hours buildings are closed to the public. ................................ Sec. 9B-3
  Unlawful to enter closed sections. ..................................... Sec. 9B-4

BULLINGTON STREET TRUCK TERMINAL (See MOTOR VEHICLES AND TRAFFIC)

BUSES AND SHUTTLES (See TRANSPORTATION FOR HIRE)
  Stopping vehicle in public carrier stands (See “Stopping, standing and parking” under MOTOR VEHICLES AND TRAFFIC)

BUSINESSES (For regulations concerning a specific business, see name of business in Main Index)
Index

CEMETERIES AND BURIALS
Burial generally
- On private property; director of public health authorized to disinter; exception .......................................................... Sec. 11-11
- Outside authorized cemetery .................................. Sec. 11-10
Burial of paupers
- City contract for interment .................................. Sec. 11-9
- Use of public pauper cemetery generally ......................... Sec. 11-8
Burial-transit permit .................................................. Sec. 11-12
Depth of grave; exception for burial vaults ...................... Sec. 11-6
Establishment of new cemeteries prohibited; exception .......... Sec. 11-1
Extension of cemetery limits ........................................ Sec. 11-3
Official visiting hours ............................................... Sec. 11-19
Orders for immediate interment .................................. Sec. 11-7
Recognition and authorization of existing cemeteries .......... Sec. 11-2
Regulations ................................................................ Sec. 11-18
Report of death required ............................................ Sec. 11-13
Sexton
- Report of state law violators .................................. Sec. 11-5
- Required; approval by council .................................. Sec. 11-4
- Unlawful delivery and receipt of body ......................... Sec. 11-14

CENTRAL BUSINESS DISTRICT
- Parking meters ......................................................... Secs. 28-114.1, 28-114.11
- Pedestrians ............................................................... Sec. 28-63.1
- Trucks .................................................................. Sec. 28-69
- Turning of motor vehicles ....................................... Secs. 28-56, 28-57

CHARITABLE SOLICITATION (See SOLICITORS)

CHIEF FINANCIAL OFFICER
- Duties .................................................................. Sec. 2-134
- Position created ...................................................... Sec. 2-133

CITIZEN HOMELESSNESS COMMISSION
- Created; membership; terms; meetings ......................... Sec. 2-148
- Duties and functions .............................................. Sec. 2-149
- Purpose ................................................................. Sec. 2-147

CITIZENS POLICE REVIEW BOARD (See POLICE)

CITY AUDITOR (See ADMINISTRATION)
Index

CITY CONTROLLER’S OFFICE
City controller
  Duties .............................................................. Sec. 2-135.1
  Head of office .................................................. Sec. 2-135
  Created ......................................................... Sec. 2-135

CITY HALL
  Security (See BUILDING SECURITY)

CITY HALL PARKING GARAGE (See MOTOR VEHICLES AND TRAFFIC)

CITY HEALTH OFFICER (See HEALTH AND SANITATION)

CITY-OWNED REAL PROPERTY (See ADMINISTRATION)

CITY YOUTH PROGRAM STANDARDS OF CARE
  Administration.................................................. Sec. 12-4
  Definitions....................................................... Sec. 12-3
  Enrollment......................................................... Sec. 12-6
  Expiration date.................................................. Sec. 12-2
  Facility standards
    Fire ............................................................... Sec. 12-18
    Health.......................................................... Sec. 12-19
    Safety......................................................... Sec. 12-17
  Inspection; monitoring; enforcement.................................. Sec. 12-5
  Operations
    Communication.................................................. Sec. 12-14
    Discipline...................................................... Sec. 12-12
    Programming.................................................... Sec. 12-13
    Release of participants........................................ Sec. 12-16
    Staff-participant ratio........................................ Sec. 12-11
    Transportation.................................................. Sec. 12-15
  Purpose ................................................................ Sec. 12-1
  Staffing: responsibilities and training
    Training and orientation........................................ Sec. 12-10
    Youth program coordinator: qualifications and responsibilities. Sec. 12-8
    Youth program leaders: qualifications and responsibilities. Sec. 12-9
  Suspected abuse .................................................. Sec. 12-7

CIVIL SERVICE BOARD
  Adjunct members, special qualifications for. ............................... Sec. 2-163
  Administrative law judges
    Appointment; qualifications; termination of contract. .......................... Sec. 2-164
    Attendance of members.............................................. Sec. 2-166
    Responsibilities of members........................................ Sec. 2-166
    Training of members................................................ Sec. 2-165
Index

CLAIMS AGAINST THE CITY
Breach of contract claims
Notice required for certain breach of contract claims .............................................. Sec. 2-86
Payment of a breach of contract claim without prior city council approval ............... Sec. 2-87
Miscellaneous claims, fines, penalties, and sanctions against the city
Handling and investigation of miscellaneous claims, fines, penalties, and sanctions against the city ................................................................. Sec. 2-88
Payment of a miscellaneous claim, fine, penalty, or sanction without prior city council approval ............................................. Sec. 2-89
Tort claims
Filing of .................................................................................................................. Sec. 2-81
Handling by city attorney ......................................................................................... Sec. 2-82
Handling by director of risk management ............................................................... Sec. 2-83
Non-waiver of notice of claim .................................................................................. Sec. 2-85
Payment of property damage, personal injury, or wrongful death claim
without prior city council approval ........................................................................ Sec. 2-84

CLEAN-AIR ORDINANCE (See AIR POLLUTION)

CODE OF ETHICS
Administrative provisions
City ethics officer ....................................................................................................... Sec. 12A-44
Dissemination of code of ethics ................................................................................. Sec. 12A-42
Ethics pledge ............................................................................................................. Sec. 12A-42.1
Ethics training ............................................................................................................ Sec. 12A-45
Other ethical obligations ......................................................................................... Sec. 12A-41
Retaliation prohibited .............................................................................................. Sec. 12A-43
Declaration of policy
Definitions .................................................................................................................. Sec. 12A-2
Fiduciary duty ............................................................................................................ Sec. 12A-1.1
Standards of behavior; standards of civility ............................................................. Sec. 12A-1.2
Statement of purpose and principles of conduct ....................................................... Sec. 12A-1
Enforcement, culpable mental state, and penalties
City attorney action ................................................................................................... Sec. 12A-40
Culpable mental state ............................................................................................... Sec. 12A-36
Disciplinary action ................................................................................................. Sec. 12A-37
Disqualification from contracting ............................................................................ Sec. 12A-39
Frivolous complaint ................................................................................................. Sec. 12A-40.1
General .................................................................................................................... Sec. 12A-35
Interference with an investigation ............................................................................. Sec. 12A-38.1
Prosecution for perjury ............................................................................................ Sec. 12A-38
Sanctions .................................................................................................................. Sec. 12A-37.1
Violations; penalty ................................................................................................... Sec. 12A-35.1
Ethics advisory commission
Annual report ............................................................................................................. Sec. 12A-34
Complaints ............................................................................................................... Sec. 12A-26
Creation; composition, terms, and qualifications .................................................... Sec. 12A-24

Dallas City Code 15
Index

Disposition of complaint ...................................................... Sec. 12A-29
Hearing procedures ............................................................ Sec. 12A-27
Hearing rules ................................................................. Sec. 12A-28
Jurisdiction and powers ...................................................... Sec. 12A-25
Legal counsel ................................................................. Sec. 12A-32
Opinions issued by the city attorney .................................. Sec. 12A-33
Petition for declaratory ruling ............................................. Sec. 12A-31
Referral of matter for appropriate action; recommendation of sanctions ........ Sec. 12A-30
Ex parte communications .................................................. Sec. 12A-18
Financial disclosure
Financial disclosure report ............................................... Sec. 12A-19
Short form annual report .................................................. Sec. 12A-20
Travel reporting requirements .......................................... Sec. 12A-21
Violation of reporting requirements .................................. Sec. 12A-23
Former city officials and employees
Continuing confidentiality .................................................. Sec. 12A-13
Discretionary contracts .................................................... Sec. 12A-15
Restrictions on lobbying .................................................. Sec. 12A-15.1
Subsequent representation ............................................ Sec. 12A-14
Identification of persons represented before city
Appearance before city council, boards, commissions, and other city bodies ....Sec. 12A-16
Representation of others ................................................ Sec. 12A-17
Lobbyists
Activity reports ............................................................. Sec. 12A-15.6
Administration .......................................................... Sec. 12A-15.11
Definitions ............................................................... Sec. 12A-15.2
Exceptions ............................................................... Sec. 12A-15.4
Identification of clients ................................................ Sec. 12A-15.9
Non-registrant disclosure statements .................................. Sec. 12A-15.7
Persons required to register as lobbyists .................................. Sec. 12A-15.3
Registration ............................................................... Sec. 12A-15.5
Restricted activities ................................................... Sec. 12A-15.8
Timeliness of filing registrations, activity reports, and
non-registrant disclosure statements .................................. Sec. 12A-15.10
Violations; penalty .................................................. Sec. 12A-15.12
Present city officials and employees
Actions of others .......................................................... Sec. 12A-11
Confidential information .................................................. Sec. 12A-6
Conflicting outside employment ........................................ Sec. 12A-8
Donations ................................................................. Sec. 12A-5.1
Gifts ...................................................................... Sec. 12A-5
Improper economic interest .......................................... Sec. 12A-3
Political activity .......................................................... Sec. 12A-10
Prohibited interests in contracts ....................................... Sec. 12A-12
Public property and resources ........................................ Sec. 12A-9
Recusal and disclosure .................................................. Sec. 12A-12.1
Representation of private interests ................................... Sec. 12A-7
Unfair advancement of private interests; nepotism .................... Sec. 12A-4
Index

CODE OF ORDINANCES; GENERAL PROVISIONS
Amendments or additions to code; printing. .......................................................... Sec. 1-6
Catchlines of sections. ......................................................................................... Sec. 1-3
Culpable mental state. ......................................................................................... Sec. 1-5.1
Disannexation
  Application. ........................................................................................................ Sec. 1-7
  Procedure. .......................................................................................................... Sec. 1-8
How code designated and cited. ......................................................................... Sec. 1-1
Notice to property owners; presumption of ownership. ...................................... Sec. 1-9
Official city newspaper. ..................................................................................... Sec. 1-10
Provisions considered as continuation of existing ordinances. ......................... Sec. 1-2
Rules of construction. ......................................................................................... Sec. 1-5
Severability of parts of code. ................................................................................ Sec. 1-4
Standard of judicial review for city board and commission decisions. ............. Sec. 1-11

COIN-OPERATED DEVICES (See CONSUMER AFFAIRS)

COMMUNITY CENTER BOARD (See MARTIN LUTHER KING, JR. COMMUNITY CENTER BOARD)

COMMUNITY DEVELOPMENT COMMISSION
  Created .............................................................................................................. Sec. 2-150
  Duties and functions. ......................................................................................... Sec. 2-151
  Standards of conduct. ...................................................................................... Sec. 2-152

CONSUMER AFFAIRS
  Administration
    Assistants and additional personnel............................................................... Sec. 50-2
    Director.......................................................................................................... Sec. 50-1
    Power to seize............................................................................................... Sec. 50-4
    Powers of the director.................................................................................. Sec. 50-3
  Coin-operated devices
    Definitions...................................................................................................... Sec. 50-87
    Design and construction. ............................................................................. Sec. 50-88
    Exemptions .................................................................................................. Sec. 50-94
    Instructions for reporting faulty operation. ................................................ Sec. 50-91
    Limited hours for certain types of devices. ............................................... Sec. 31-12
    Maintenance. ............................................................................................... Sec. 50-89
    Occupation tax............................................................................................. Secs. 44-32
    Operating instructions. ............................................................................... Sec. 50-90
    Penalty ........................................................................................................ Sec. 50-95
    Statement of rates......................................................................................... Sec. 50-92
    Unlawful to deface signs............................................................................ Sec. 50-93
  Consumer protection
    Advertising - Disclosure of name and address. ....................................... Sec. 50-75
    Definitions.................................................................................................... Sec. 50-72
## Index

<table>
<thead>
<tr>
<th>Topic</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exemption</td>
<td>50-76</td>
</tr>
<tr>
<td>Interpretation</td>
<td>50-74</td>
</tr>
<tr>
<td>Investigation</td>
<td>50-77</td>
</tr>
<tr>
<td>Unlawful acts or practices</td>
<td>50-73</td>
</tr>
<tr>
<td><strong>Credit access businesses</strong></td>
<td></td>
</tr>
<tr>
<td><strong>General provisions</strong></td>
<td></td>
</tr>
<tr>
<td>Defense</td>
<td>50-147</td>
</tr>
<tr>
<td>Definitions</td>
<td>50-145</td>
</tr>
<tr>
<td>Purpose of article</td>
<td>50-144</td>
</tr>
<tr>
<td>Violations; penalty</td>
<td>50-146</td>
</tr>
<tr>
<td><strong>Miscellaneous requirements for credit access businesses</strong></td>
<td></td>
</tr>
<tr>
<td>Maintenance of records</td>
<td>50-151.2</td>
</tr>
<tr>
<td>Restrictions on extensions of consumer credit</td>
<td>50-151.3</td>
</tr>
<tr>
<td><strong>Registration of credit access businesses</strong></td>
<td></td>
</tr>
<tr>
<td>Expiration and renewal of certificate of registration</td>
<td>50-151</td>
</tr>
<tr>
<td>Issuance and display of certificate of registration; presentation upon request</td>
<td>50-150</td>
</tr>
<tr>
<td>Nontransferability</td>
<td>50-151.1</td>
</tr>
<tr>
<td>Registration application</td>
<td>50-149</td>
</tr>
<tr>
<td>Registration required</td>
<td>50-148</td>
</tr>
<tr>
<td><strong>Electronic repairs</strong></td>
<td></td>
</tr>
<tr>
<td>Advertising</td>
<td>50-112</td>
</tr>
<tr>
<td>Definitions</td>
<td>50-99</td>
</tr>
<tr>
<td>Detailed statement required; return of replaced parts</td>
<td>50-110</td>
</tr>
<tr>
<td>Disclosure required for repairs in licensee’s establishment</td>
<td>50-109</td>
</tr>
<tr>
<td>Disclosure required for repairs on premises of owner</td>
<td>50-108</td>
</tr>
<tr>
<td>Fees</td>
<td>50-101</td>
</tr>
<tr>
<td><strong>License</strong></td>
<td></td>
</tr>
<tr>
<td>Appeal from refusal to issue or renew; from decision to revoke</td>
<td>50-107</td>
</tr>
<tr>
<td>Application, issuance, and renewal</td>
<td>50-102</td>
</tr>
<tr>
<td>Display, duplicates, transferability; employee identification</td>
<td>50-103</td>
</tr>
<tr>
<td>Refusal to issue or renew</td>
<td>50-105</td>
</tr>
<tr>
<td>Required; trade name registration</td>
<td>50-100</td>
</tr>
<tr>
<td>Revocation</td>
<td>50-106</td>
</tr>
<tr>
<td><strong>Powers and duties of the director</strong></td>
<td>50-104</td>
</tr>
<tr>
<td><strong>Unnecessary repairs; false representation of work</strong></td>
<td>50-111</td>
</tr>
<tr>
<td><strong>Home repair</strong></td>
<td></td>
</tr>
<tr>
<td>Administration of article</td>
<td>50-132</td>
</tr>
<tr>
<td>Appeals</td>
<td>50-139</td>
</tr>
<tr>
<td>Article cumulative</td>
<td>50-133</td>
</tr>
<tr>
<td>Article definitions</td>
<td>50-131</td>
</tr>
<tr>
<td>Home repair license required</td>
<td>50-134</td>
</tr>
<tr>
<td>License application, expiration, and renewal</td>
<td>50-136</td>
</tr>
<tr>
<td>License exemptions</td>
<td>50-135</td>
</tr>
<tr>
<td>License fees</td>
<td>50-137</td>
</tr>
<tr>
<td><strong>Notice</strong></td>
<td>50-140</td>
</tr>
</tbody>
</table>
Index

Offenses. ................................................................. Sec. 50-143
Regulations for home repairs of $500 or more. .......................... Sec. 50-142
Regulations for home repairs under $500. ................................ Sec. 50-141
Revocation of license. .................................................. Sec. 50-138

Mail order sales
Exceptions. .............................................................. Sec. 50-97
Failure to disclose legal name and address. ............................... Sec. 50-98
Prohibited acts. ......................................................... Sec. 50-96

Motor vehicle repairs
Advertising. ............................................................. Sec. 50-126
Appeal from refusal to issue or renew license; from decision to revoke license. Sec. 50-120
Definitions. ............................................................. Sec. 50-113
Detailed invoice required; return of replaced parts. ........................ Sec. 50-124
Disclosure of location of repairs, cost of repairs, time to complete. .............. Sec. 50-123
Disclosure required for warranty. ........................................ Sec. 50-125
Exemptions. .............................................................. Sec. 50-128
Fees. .......................................................................... Sec. 50-116
License application, place of business, issuance, renewal, and expiration. ........ Sec. 50-115
License display, replacement, and transferability. .......................... Sec. 50-117
License required; trade name registration. .................................... Sec. 50-114
License revocation. ....................................................... Sec. 50-119
Penalty. ...................................................................... Sec. 50-130
Powers and duties of the director. ............................................. Sec. 50-121
Refusal to issue or renew license. .......................................... Sec. 50-118
Schedule of charges. ..................................................... Sec. 50-122
Sign giving customer notice required. ....................................... Sec. 50-129
Unnecessary repairs; charging for work not performed. ....................... Sec. 50-127

Street vendors
Article cumulative ......................................................... Sec. 50-156
Authority to inspect ........................................................ Sec. 50-154
Central business district concession licenses
Appeal .......................................................... Sec. 50-167
Central business district concession license .................................. Sec. 50-162
License application; investigation ............................................. Sec. 50-163
License issuance; fees; transferability; vending location sites;
license expiration ....................................................... Sec. 50-164
Revocation ............................................................. Sec. 50-166
Suspension ............................................................... Sec. 50-165
Declaration of policy ....................................................... Sec. 50-152
Definitions ................................................................. Sec. 50-157
Entertainment in the central business district
Entertainment performances in the central business district ............... Sec. 50-161
General authority and duty of the director .................................... Sec. 50-153

Dallas City Code 19
Index
Index

Miscellaneous requirements for street vendors in the central business district
  Dress standards for street vendors ........................................ Sec. 50-170
  Duties and conduct of street vendors .................................... Sec. 50-169
  Identification badges required ............................................ Sec. 50-168
  Signs and advertising devices ............................................. Sec. 50-172
  Vehicles and equipment .................................................... Sec. 50-171
  Offenses; penalties ....................................................... Sec. 50-155
  Vending on private property
    Vendors on private property ........................................... Sec. 50-160
  Vending on public property
    Restrictions for mobile food establishments ........................ Sec. 50-159
    Vendors on public property ........................................... Sec. 50-158
  Wood vendors
    Appeal ................................................................. Sec. 50-86
    Application; issuance; non-transferability .......................... Sec. 50-81
    Definitions .......................................................... Sec. 50-79
    Fee ................................................................. Sec. 50-82
    License required .................................................... Sec. 50-80
    Refusal to issue or renew license; revocation ...................... Sec. 50-85
  Sale of fuel wood
    Invoices .............................................................. Sec. 50-84
    Unit requirement .................................................... Sec. 50-84.1
    Signs; display; issuance .............................................. Sec. 50-83

CONTRACTS OF THE CITY (See “Purchasing” under ADMINISTRATION)

CONVENIENCE STORES
  General provisions
    Authority of chief of police, fire department, and department of code compliance.  Sec. 12B-3
    Definitions .......................................................... Sec. 12B-2
    Delivery of notices .................................................. Sec. 12B-4
    Purpose of chapter .................................................. Sec. 12B-1
    Violations; penalty .................................................. Sec. 12B-5
  Registration of convenience stores
    Appeals ............................................................... Sec. 12B-10
    Expiration and renewal of registration ................................ Sec. 12B-11
    Issuance, denial, and display of certificate of registration; registration compliance decal  Sec. 12B-8
    Nontransferability .................................................... Sec. 12B-12
    Property inspections ................................................ Sec. 12B-13
    Registration application ............................................. Sec. 12B-7
    Registration required; fees .......................................... Sec. 12B-6
    Revocation of registration .......................................... Sec. 12B-9
Index

Safety requirements for convenience stores
- Alarm system ................................................. Sec. 12B-15
- Drop safes .................................................. Sec. 12B-16
- Employee safety training; telephone access .................. Sec. 12B-19
- Security signs; height markers ................................ Sec. 12B-17
- Store visibility .............................................. Sec. 12B-18
- Surveillance camera system; video recording and storage ..... Sec. 12B-14
- Trespass affidavits ......................................... Sec. 12B-20

CONVENTION CENTER PARKING FACILITY (See MOTOR VEHICLES AND TRAFFIC)

COURTS, FINES AND IMPRISONMENTS
- Authority to issue citations to appear in municipal court. .......... Sec. 13-1.1
- Continuing violations .......................................... Sec. 13-1
- Compliance not a defense to prosecution .......................... Sec. 13-1.2
- General penalty ................................................ Sec. 13-1
  - Liability of corporate officers for penalty. ...................... Sec. 13-2
- Municipal court of record
  - Alternative methods for payment of fines; imprisonment for default in payments. ........................................ Sec. 13-22
  - Appeal bonds .............................................. Sec. 13-23
  - Appeals from the municipal court of record ........................ Sec. 13-17
  - Bailiffs of the municipal court of record ........................ Sec. 13-6
  - City marshal’s authority; eligibility for pension ................ Sec. 13-11
  - City officials or employees not to recommend attorneys or sureties. ........................................ Sec. 13-26
  - Collection of fines .......................................... Sec. 13-13
  - Convenience charge for certain payments through the internet or an interactive voice response telephone system ................................ Sec. 13-28.3
  - Delivery of appearance bonds to municipal clerk; destruction of certain records .......................... Sec. 13-21
  - Department of court and detention services created; director. ........................................... Sec. 13-7
  - Disposition of court records .................................. Sec. 13-15
  - Duties of the city marshal ..................................... Sec. 13-10
  - Duties of the municipal clerk; court administrator and director; deputy clerks. .......................... Sec. 13-8
  - Fidelity bonds .............................................. Sec. 13-12
  - Form of appearance bonds ..................................... Sec. 13-20
  - Judicial nominating commission created .......................... Sec. 13-5.1
  - Judicial nominating commission duties and responsibilities;
    selection of municipal judges .................................. Sec. 13-5.2
  - Minutes of the municipal court of record ........................ Sec. 13-14
  - Municipal court building security fund .......................... Sec. 13-28.1
  - Municipal court juvenile case manager fund ........................ Sec. 13-28.4
  - Municipal court of record; created and designated; jurisdiction; session .................................. Sec. 13-3
  - Municipal court technology fund ................................ Sec. 13-28.2
  - Office of the city marshal ..................................... Sec. 13-9
  - Other terms and laws applicable to the municipal court of record .................................. Sec. 13-4
  - Powers and duties of municipal judges .......................... Sec. 13-5
Index

Recognizance before trial. ................................................................. Sec. 13-24
Record of case on appeal; record preparation fee. ................................ Sec. 13-18
Recording of proceedings; fees. ...................................................... Sec. 13-16
Return of deposits made with recognizance agreements. .................... Sec. 13-25
Traffic citations and complaints to be delivered to the municipal clerk. .......... Sec. 13-27
Violation of promise to appear. ...................................................... Sec. 13-28

Prisoners

Allowance for labor. ........................................................................ Sec. 13-43
“City prisoners” defined; working prisoners; control of prisoners generally.. Sec. 13-42
Conversing with prisoners. ............................................................... Sec. 13-41
Escape. ......................................................................................... Sec. 13-48
Feeding prisoners. ......................................................................... Sec. 13-39
Parole of prisoners

  Authority of manager; recommendation of police chief. ...................... Sec. 13-45
  Conditions and limitations. .......................................................... Sec. 13-47
  Reason to be stated; filing copy. .................................................... Sec. 13-46
Penalty for violation of article. ......................................................... Sec. 13-49

Property of prisoners

  Authority to sell unclaimed property. .............................................. Sec. 13-32
  City officers and employees not to purchase at sales. ....................... Sec. 13-36
  Delivery to claimant. ................................................................. Sec. 13-31
  Delivery to purchasing agent. ...................................................... Sec. 13-33
  Deposit of proceeds of sale. ........................................................ Sec. 13-35
  Notice and manner of sale. ........................................................ Sec. 13-34
  Searching; record of valuables. .................................................... Sec. 13-30
  Supervision of prison generally; separation of prisoners by sexes. ........ Sec. 13-38
  Use of force to restrain prisoners. ............................................... Sec. 13-37

CURFEW HOURS FOR MINORS. ......................................................... Sec. 31-33

DALLAS CITIZENS POLICE REVIEW BOARD (See POLICE)

DALLAS CITY HALL PARKING GARAGE (See MOTOR VEHICLES AND TRAFFIC)

DALLAS CONVENTION CENTER PARKING FACILITY (See MOTOR VEHICLES AND TRAFFIC)
Index

DALLAS SECURITY OFFICERS
Authority .......................................................... Sec. 9B-7
Created; duties .................................................. Sec. 9B-6
Retirement eligibility ........................................... Sec. 9B-8
Survivor's assistance .......................................... Sec. 9B-9

DALLAS TRANSIT SYSTEM
Assurances to department of labor .......................... Sec. 13A-3
Claims for damage or injury ................................... Sec. 13A-7
Created; purpose .................................................. Sec. 13A-1
Dallas area rapid transit authority ......................... Sec. 13A-4
Free transportation ............................................. Sec. 13A-11
Irregular route transit services .............................. Sec. 13A-5
Penalty ............................................................... Sec. 13A-10
Personnel rules and social security ......................... Sec. 13A-2
Purchases and sales ............................................ Sec. 13A-6
Refusing to pay fare ........................................... Sec. 13A-9
Smoking ............................................................. Sec. 13A-8

DANCE HALLS
Dance hall supervisor ......................................... Sec. 14-7
Definitions ........................................................ Sec. 14-1
Exemption from locational restrictions for late-hours permits . Sec. 14-2.3
Exemption from locational restrictions for Class E dance halls .......................... Sec. 14-2.4
Hours of operation .............................................. Sec. 14-5
Identification records ........................................ Sec. 14-6.1
Injunction .......................................................... Sec. 14-15
Inspection .......................................................... Sec. 14-6
License
Appeals ............................................................ Sec. 14-12
Expiration of license ............................................ Sec. 14-9
Fees ................................................................. Sec. 14-4
Issuance of license; posting .................................. Sec. 14-3
Late-hours permit .............................................. Sec. 14-3.1
Required .......................................................... Sec. 14-2
Revocation ........................................................ Sec. 14-11
Surrender .......................................................... Sec. 14-11.1
Suspension ........................................................ Sec. 14-10
Transfer of license or late-hours permit .................... Sec. 14-13
Location of Class E dance hall within 1,000 feet of a business serving or selling alcoholic beverages .................................. Sec. 14-2.1
Penalty ............................................................. Sec. 14-14
Persons under 14 and over 18 prohibited .................. Sec. 14-8.1
Persons under 17 prohibited ................................. Sec. 14-8
Index

DANGEROUS DOGS (See also AGGRESSIVE DOGS; ANIMALS; DOGS AND CATS)

Appeal of director's dangerous dog determination. Sec. 7-5.4
Attacks by dangerous dog; hearing. Sec. 7-5.6
Dangerous dog owned or harbored by minor. Sec. 7-5.9
Dangerous dog registry. Sec. 7-5.11
Defenses. Sec. 7-5.10
Definitions. Sec. 7-5.1
Determination as dangerous dog. Sec. 7-5.3
Prohibition on owning a dog determined dangerous by another jurisdiction. Sec. 7-5.7
Requirements for ownership of a dangerous dog; noncompliance hearing. Sec. 7-5.5
State law; animal control authority. Sec. 7-5.2
Surrender of a dangerous dog. Sec. 7-5.8


DEPARTMENT OF AVIATION (See AIRCRAFT AND AIRPORTS)

DEPARTMENT OF BUILDING SERVICES

Created Sec. 2-43
Director of building services
Appointment. Sec. 2-43
Duties. Sec. 2-44

DEPARTMENT OF CODE COMPLIANCE

Created Sec. 2-71
Director of code compliance
Appointment. Sec. 2-71
Duties. Sec. 2-72

DEPARTMENT OF COMMUNICATION AND INFORMATION SERVICES

Created Sec. 2-136
Director of communication and information services
Appointment. Sec. 2-136
Duties. Sec. 2-137

DEPARTMENT OF CONVENTION AND EVENT SERVICES

Created Sec. 2-46
Director of convention and event services
Appointment. Sec. 2-46
Duties. Sec. 2-47

DEPARTMENT OF DALLAS ANIMAL SERVICES (See ANIMAL SERVICES)

DEPARTMENT OF EQUIPMENT AND FLEET MANAGEMENT

Created Sec. 2-54
Director of equipment and fleet management
Appointment. Sec. 2-54
Duties. Sec. 2-55
## Index

<table>
<thead>
<tr>
<th>Department</th>
<th>Created</th>
<th>Director</th>
<th>Appointment</th>
<th>Duties</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT OF HOUSING &amp; NEIGHBORHOOD REVITALIZATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2-142</td>
</tr>
<tr>
<td>Director of housing &amp; neighborhood revitalization</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2-142</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2-143</td>
</tr>
<tr>
<td>DEPARTMENT OF HUMAN RESOURCES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2-61</td>
</tr>
<tr>
<td>Director of human resources</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2-61</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2-62</td>
</tr>
<tr>
<td>DEPARTMENT OF INFORMATION AND TECHNOLOGY SERVICES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2-136</td>
</tr>
<tr>
<td>Director of information and technology services</td>
<td></td>
<td></td>
<td></td>
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<td>2-136</td>
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DIRECTOR OF AVIATION (See AIRCRAFT AND AIRPORTS)

DIRECTOR OF BUILDING SERVICES (See DEPARTMENT OF BUILDING SERVICES)

DIRECTOR OF CODE COMPLIANCE (See DEPARTMENT OF CODE COMPLIANCE)

DIRECTOR OF COMMUNICATION AND INFORMATION AND TECHNOLOGY SERVICES (See DEPARTMENT OF COMMUNICATION AND INFORMATION AND TECHNOLOGY SERVICES)
Index

DIRECTOR OF CONSUMER AFFAIRS ................................................................. Sec. 50-1

DIRECTOR OF CONVENTION AND EVENT SERVICES (See DEPARTMENT OF CONVENTION AND EVENT SERVICES)

DIRECTOR OF ECONOMIC DEVELOPMENT (See OFFICE OF ECONOMIC DEVELOPMENT)

DIRECTOR OF HOUSING & NEIGHBORHOOD REVITALIZATION (See DEPARTMENT OF HOUSING & NEIGHBORHOOD REVITALIZATION)

DIRECTOR OF HUMAN RESOURCES (See DEPARTMENT OF HUMAN RESOURCES)

DIRECTOR OF MANAGEMENT SERVICES (See OFFICE OF MANAGEMENT SERVICES)

DIRECTOR OF RISK MANAGEMENT (See OFFICE OF RISK MANAGEMENT)

DIRECTOR OF SANITATION SERVICES (See DEPARTMENT OF SANITATION SERVICES)

DIRECTOR OF SUSTAINABLE DEVELOPMENT AND CONSTRUCTION (See DEPARTMENT OF SUSTAINABLE DEVELOPMENT AND CONSTRUCTION)

DIRECTOR OF TRANSPORTATION (See DEPARTMENT OF TRANSPORTATION)

DIRECTOR OF TRINITY WATERSHED MANAGEMENT (See DEPARTMENT OF TRINITY WATERSHED MANAGEMENT)

DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION .............................. Sec. 31-3

DISCRIMINATION RELATING TO SEXUAL ORIENTATION
(See UNLAWFUL DISCRIMINATORY PRACTICES RELATING TO SEXUAL ORIENTATION)

DISEASES, INFECTIOUS AND COMMUNICABLE (See HEALTH AND SANITATION)

DOGS AND CATS (See also AGGRESSIVE DOGS; ANIMALS; DANGEROUS DOGS)

Authorized registrars ...................................................................................... Sec. 7-4.4
Breeding permit .................................................................................................. Sec. 7-4.11
Confinement of dogs or cats in unattended motor vehicles................................ Sec. 7-4.13
Confinement requirements for dogs kept outdoors ........................................... Sec. 7-4.9
Dangerous dogs (See DANGEROUS DOGS)
Defecation of dogs on public and private property; failure to carry materials and implements for the removal and disposal of dog excreta.......................... Sec. 7-4.8
Dog bites .......................................................................................................... Sec. 7-4.14
Duty to locate owners of loose dogs ................................................................. Sec. 7-4.12
Impoundment.................................................................................................... Sec. 7-2.5
Limitation on the number of dogs and cats in dwelling units ......................... Sec. 7-4.6
Microchipping of ................................................................. Sec. 7-4.2
Off-leash sites for dogs ....................................................... Sec. 32-6.1
Public parks ........................................................................ Sec. 32-6
Restrictions on unsterilized dogs and cats ......................... Sec. 7-4.6
Revocation and denial of registration .................................. Sec. 7-4.10
Sale of ................................................................................. Sec. 7-4.3
Tethered dogs ................................................................. Sec. 7-4.7
Vaccination of ..................................................................... Sec. 7-4.1

DRAINAGE DISTRICTS (See HEALTH AND SANITATION)

DRESS CODES ................................................................. Sec. 31-3

DRUGS
Glue .................................................................................... Sec. 31-5
Other solvents ..................................................................... Sec. 31-6
Selling illegal drugs ............................................................ Sec. 31-30

EARNED PAID SICK TIME
Definitions ............................................................................ Sec. 20-2
Earned paid sick time requirements
  Accrual requirements and yearly cap .................................. Sec. 20-4
  No change to more generous leave policies ..................... Sec. 20-6
Notice and other requirements .......................................... Sec. 20-7
Retaliation prohibited ....................................................... Sec. 20-8
Usage requirements ......................................................... Sec. 20-5

Enforcement
  Annual report ..................................................................... Sec. 20-12
  Investigation ....................................................................... Sec. 20-10
  Procedures for filing complaints ....................................... Sec. 20-9
  Voluntary compliance; violations; penalties; appeals ......... Sec. 20-11
General authority and duty of the director ................. Sec. 20-3
Purpose ............................................................................. Sec. 20-1

ELECTIONS
Campaign contributions
  Campaign contribution limitation ...................................... Sec. 15A-2
  Campaign contributions by applicants in zoning cases and public subsidy matters
    and by bidders and proposers on city contracts ............. Sec. 15A-4.1
  Campaign contributions by political committees .............. Sec. 15A-3
Definitions ................................................................. Sec. 15A-1
Enforcement ................................................................. Sec. 15A-7
Personal services .......................................................... Sec. 15A-4
Responsibility of campaign treasurer and candidate ........ Sec. 15A-6
Use of legal name .......................................................... Sec. 15A-5
Index

City-funded officeholder accounts
   Enforcement .................................................. Sec. 15A-7.5
   Purpose ...................................................... Sec. 15A-7.3
   Use of city-funded officeholder accounts .................. Sec. 15A-7.4

Electronic filing of campaign finance reports
   Computer access; posting of reports; availability of paper copies .......... Sec. 15A-11
   Definitions .................................................. Sec. 15A-9
   Electronic filing required; defenses; penalty .......................... Sec. 15A-10
   Purpose ...................................................... Sec. 15A-8
   Supplemental reports required ................................  Sec. 15A-17

Officeholder campaign contributions
   Enforcement .................................................. Sec. 15A-7.2
   Use of officeholder campaign contributions ...................... Sec. 15A-7.1

Temporary political campaign signs on public property
   Allowed on public property; requirements and restrictions ............. Sec. 15A-15
   Definitions .................................................. Sec. 15A-14
   Penalty; enforcement ........................................ Sec. 15A-17
   Placement and removal of .................................... Sec. 15A-16

ELECTRONIC REPAIRS (See CONSUMER AFFAIRS)

ELM FORK (See PARKS AND WATER RESERVOIRS)

EMERGENCY MANAGEMENT
   Appointment of special municipal court judges ....................... Sec. 14B-10
   City attorney, powers and duties of during disaster .................. Sec. 14B-9
   City manager, powers and duties. ................................ Sec. 14B-7
   Declaration of state of disaster .................................. Sec. 14B-6
   Definitions .................................................. Sec. 14B-3
   Emergency management volunteers .................................. Sec. 14B-11
   Governmental function ........................................ Sec. 14B-12
   Intent and purpose ............................................ Sec. 14B-2
   Offenses; penalties .......................................... Sec. 14B-13
   Office and director of management services (See OFFICE OF MANAGEMENT SERVICES)
      State-designated emergency management director and state-designated
         emergency management coordinator, powers and duties ............ Sec. 14B-8
   Title ................................................................... Sec. 14B-1

EMERGENCY REPORTING EQUIPMENT AND PROCEDURES
   Alarms responded to by the fire department
      Alarm dispatch records ...................................... Sec. 15C-24
      Alarm system operating instructions .......................... Sec. 15C-23
      Appeal of service fees ....................................... Sec. 15C-27
      Definitions .................................................. Sec. 15C-19
Index

Fire Alarms
  Registration of alarm system. ......................................................... Sec. 15C-28
  Service fee for false fire alarm notification. ..................................... Sec. 15C-29
  Waiver of service fee. ................................................................. Sec. 15C-30
  Indirect alarm reporting. .............................................................. Sec. 15C-22
Medical Alarms
  Registration of alarm system. ......................................................... Sec. 15C-31
  Service fee for false medical alarm notification. ............................... Sec. 15C-32
  Waiver of service fee. ................................................................. Sec. 15C-33
  Proper alarm system operation and maintenance................................. Sec. 15C-20
  Purpose ......................................................................................... Sec. 15C-18
  Reporting of alarm signals. .............................................................. Sec. 15C-21
  System performance reviews. ............................................................ Sec. 15C-25
  Violations; penalty; corporations, partnerships and associations............ Sec. 15C-26
Alarms responded to by the police department
  Alarm dispatch records. ................................................................. Sec. 15C-10
  Alarm system operating instructions. ................................................ Sec. 15C-9
Index

[Intentionally left blank]
Index

Alarm systems in apartment complexes .................................................. Sec. 15C-2.1
Definitions .......................................................................................... Sec. 15C-1
Direct alarm reporting; automatic alarm notification .............................. Sec. 15C-8
Monitoring procedures ........................................................................ Sec. 15C-7
Notice of denial or revocation of a permit; appeals ................................. Sec. 15C-14
Permit duration and renewal ................................................................. Sec. 15C-3
Permit required; application; fees; transferability; false statements ....... Sec. 15C-2
Proper alarm system operation and maintenance .................................. Sec. 15C-4
Reinstatement of permit ....................................................................... Sec. 15C-14.1
Requirements for alarm companies .................................................... Sec. 15C-7.1
Requirements for the use of state-licensed alarm companies
and relaying intermediaries ................................................................. Sec. 15C-6
Revocation of an alarm permit ............................................................. Sec. 15C-13
Service fees; payment plan ................................................................. Sec. 15C-12
System performance reviews ............................................................... Sec. 15C-11
Violations; penalty; corporations, partnerships and associations ......... Sec. 15C-16
Dialing “911” when no emergency exists ............................................. Sec. 31-29

EMERGENCY VEHICLES
Ambulances
Ambulance personnel permit
Application for ambulance personnel permit ........................................ Sec. 15D-9.10
Appeal of denial, suspension, or revocation ......................................... Sec. 15D-9.22
Current mailing address of permittee .................................................. Sec. 15D-9.23
Display of permit .............................................................................. Sec. 15D-9.17
Duplicate permit ................................................................................ Sec. 15D-9.16
Expiration of permit; voidance upon suspension or
revocation of state driver’s license ..................................................... Sec. 15D-9.13
Investigation of application ................................................................ Sec. 15D-9.11
Issuance and denial of ambulance personnel permit ........................... Sec. 15D-9.12
Permit required .................................................................................. Sec. 15D-9.8
Private ambulance operation after suspension, revocation
or denial of permit renewal ............................................................... Sec. 15D-9.21
Probationary permit ......................................................................... Sec. 15D-9.15
Provisional permit ............................................................................ Sec. 15D-9.14
Qualification for ambulance personnel permit .................................... Sec. 15D-9.9
Revocation of ambulance personnel permit ........................................ Sec. 15D-9.20
Suspension by a designated representative .......................................... Sec. 15D-9.18
Suspension of ambulance personnel permit ....................................... Sec. 15D-9.19

Emergency medical services
Mobile community healthcare program provided by fire department .... Sec. 15D-5.1
Private emergency ambulance service regulations ............................... Sec. 15D-6
Provision by fire department; fee ....................................................... Sec. 15D-5
Training program .............................................................................. Sec. 15D-5.2
## Index

### Enforcement
- Appeal .......................................................... Sec. 15D-9.38
- Authority to inspect ........................................ Sec. 15D-9.34
- Correction order ............................................. Sec. 15D-9.36
- Criminal offenses; defenses ................................ Sec. 15D-9.39
- Enforcement by police department ....................... Sec. 15D-9.35
- Service of notice ............................................. Sec. 15D-9.37

### General provisions
- Definitions ...................................................... Sec. 15D-4
- General authority and duty of director .................. Sec. 15D-2
- Rules and regulations, establishment of ............... Sec. 15D-3
- Statement of policy ........................................ Sec. 15D-1

### Miscellaneous regulations
- Duty of licensee and permittee to comply ................ Sec. 15D-9.24
- Insurance ...................................................... Sec. 15D-9.26
- Licensee’s duty to enforce compliance by permittees .. Sec. 15D-9.25

### Private ambulance service license
- Appeal from license denial or revocation ............... Sec. 15D-9.7
- Appeal from license suspension ........................... Sec. 15D-9.6
- Application for license ....................................... Sec. 15D-9
- Expiration and renewal of license ......................... Sec. 15D-9.3
- License issuance; fee; display; transferability ...... Sec. 15D-9.2
- License required ............................................. Sec. 15D-7
- Public hearing; burden of proof ............................ Sec. 15D-9.1
- Qualification for private ambulance license .......... Sec. 15D-22
- Refusal to issue or renew license ......................... Sec. 15D-8
- Suspension and revocation of license ................. Sec. 15D-9.5

### Service rules and regulations
- Apparel to be worn by ambulance personnel ........... Sec. 15D-9.28
- Miscellaneous offenses ..................................... Sec. 15D-9.30
- Private ambulance service .................................. Sec. 15D-9.27
- Records and reports of private ambulance service .... Sec. 15D-9.29

### Vehicles and equipment
- Decals .................................................................. Sec. 15D-9.33
- Inspection of private ambulances and equipment .... Sec. 15D-9.31
- Vehicles and equipment ....................................... Sec. 15D-9.32

### Emergency wreckers
- Emergency wrecker service license
  - Appeals ......................................................... Sec. 15D-27
  - License application; change of zone ................... Sec. 15D-21
  - License issuance; fee; display; transferability; expiration Sec. 15D-23
  - License qualifications ..................................... Sec. 15D-22
  - License required; trade name registration; business location Sec. 15D-20
  - Refusal to issue or renew license ....................... Sec. 15D-24
  - Revocation of license ..................................... Sec. 15D-26
  - Suspension of license ..................................... Sec. 15D-25
# Index

## Enforcement
- Appeal .................................................. Sec. 15D-63
- Authority to inspect .................................. Sec. 15D-59
- Correction order ....................................... Sec. 15D-61
- Enforcement by police department .................... Sec. 15D-60
- Offenses .................................................. Sec. 15D-64
- Service of notice ....................................... Sec. 15D-62

## Fee schedule
- Maximum fee schedule for emergency wrecker service  Sec. 15D-57

## General provisions
- Definitions .............................................. Sec. 15D-15
- Driving wrecker to a police scene prohibited; exception Sec. 15D-16
- Establishment of rules and regulations .................. Sec. 15D-13
- Exceptions ............................................. Sec. 15D-14
- Powers and duties of the chief of police .............. Sec. 15D-12
- Powers and duties of the director ..................... Sec. 15D-11
- Response to private calls prohibited .................. Sec. 15D-19
- Soliciting by advertising ................................ Sec. 15D-18
- Soliciting wrecker business at a police scene prohibited; presence at scene as evidence of violation Sec. 15D-17
- Statement of policy .................................... Sec. 15D-10

## Miscellaneous licensee and driver regulations
- Apparel to be worn by drivers ......................... Sec. 15D-45
- Emergency wrecker service records .................... Sec. 15D-48
- Failure to pay ad valorem taxes ....................... Sec. 15D-49
- Information to be supplied upon request of director Sec. 15D-47
- Insurance .................................................. Sec. 15D-46
- Licensee’s and driver’s duty to comply ............... Sec. 15D-43
- Licensee’s duty to enforce compliance by drivers .... Sec. 15D-44

## Service rules and regulations
- City-owned wreckers .................................... Sec. 15D-56
- Disposition of towed vehicles .......................... Sec. 15D-54
- Emergency wrecker service zones; wrecker rotation list procedure Sec. 15D-50
- Notification of police department; impounded vehicle receipts Sec. 15D-55
- Rapid response locations ................................ Sec. 15D-53.1
- Rapid response program ................................ Sec. 15D-53
- Removal of a vehicle with a wrecker .................. Sec. 15D-51
- Requirements and operating procedures for emergency wrecker service Sec. 15D-52

## Vehicles and equipment
.................................................. Sec. 15D-58

## Wrecker driver’s permit
- Appeal from denial, suspension, or revocation .......... Sec. 15D-42
- Application for wrecker driver’s permit; fee .......... Sec. 15D-30
- Display of permit ....................................... Sec. 15D-37
- Duplicate permit ........................................ Sec. 15D-36
Index

Expiration of wrecker driver’s permit; voidance upon suspension or revocation of state driver’s license or state towing operator’s license .......... Sec. 15D-33
Investigation of application ..................................................... Sec. 15D-31
Issuance and denial of wrecker driver’s permit ................................ Sec. 15D-32
Probationary permit ............................................................... Sec. 15D-35
Provisional permit ................................................................. Sec. 15D-34
Qualifications for a wrecker driver’s permit ................................. Sec. 15D-29
Revocation of wrecker driver’s permit ....................................... Sec. 15D-40
Suspension by a designated representative ................................. Sec. 15D-38
Suspension of wrecker driver’s permit ...................................... Sec. 15D-39
Wrecker driver’s permit required .............................................. Sec. 15D-28
Wrecker operation after suspension or revocation ......................... Sec. 15D-41

Motor vehicle accident cleanup fee
Motor vehicle accident cleanup fee ........................................... Sec. 15D-71

Public service corporations
Application for permit ............................................................. Sec. 15D-67
Definitions ............................................................................ Sec. 15D-65
Operators to have chauffeur’s license ......................................... Sec. 15D-70
Permit issuance; standards of operation ..................................... Sec. 15D-68
Permit required ....................................................................... Sec. 15D-66
Term; posting ......................................................................... Sec. 15D-69

EQUAL EMPLOYMENT OPPORTUNITY CONTRACT COMPLIANCE
Cancellation provisions ............................................................. Sec. 15B-7
Contract compliance enforcement ................................................ Sec. 15B-2
Contract disposition ................................................................ Sec. 15B-5
Definitions .............................................................................. Sec. 15B-1
Equal employment opportunity clause ...................................... Sec. 15B-3
Notice to bidders ..................................................................... Sec. 15B-4
Recommendation and hearing before city council ......................... Sec. 15B-6

EQUIPMENT AND FLEET MANAGEMENT (See DEPARTMENT OF EQUIPMENT AND FLEET MANAGEMENT )

EQUIPMENT, COMMUNICATION, AND INFORMATION SERVICES (See DEPARTMENT OF EQUIPMENT, COMMUNICATION AND INFORMATION AND TECHNOLOGY SERVICES)

ESCORTS FOR HIRE—MOTOR VEHICLE (See MOTOR VEHICLES AND TRAFFIC)

ETHICS (See CODE OF ETHICS)

EVENT SERVICES AND CULTURAL AFFAIRS (See DEPARTMENT OF EVENT SERVICES AND CULTURAL AFFAIRS)

EXPLOSIVES (See “Explosives, blasting agents, and explosive ingredients” under FIRE PROTECTION)
## Index

### FAIR HOUSING AND MIXED INCOME HOUSING

**Fair housing**

- Additional remedies .......................................................... Sec. 20A-18
- Civil action in state district court ........................................... Sec. 20A-14
- Complaint and answer ......................................................... Sec. 20A-7
- Conciliation .............................................................................. Sec. 20A-10
- Criminal penalties for violation .............................................. Sec. 20A-21
- Declaration of policy ............................................................... Sec. 20A-2
- Defenses to criminal prosecution and civil action ....................... Sec. 20A-5
- Definitions .............................................................................. Sec. 20A-3
- Discriminatory housing practices ............................................ Sec. 20A-4
- Dismissal of complaint ............................................................. Sec. 20A-13
- Education and public information ............................................. Sec. 20A-19
- Effect of civil action on certain contracts ................................. Sec. 20A-16
- Effect on other law ................................................................. Sec. 20A-20
- Enforcement by private persons .............................................. Sec. 20A-15
- Fair housing administrator ....................................................... Sec. 20A-6
- Housing voucher incentives ..................................................... Sec. 20A-4.1
- Investigation ........................................................................... Sec. 20A-8
- Reasonable cause determination and charge .............................. Sec. 20A-12
- Service of notice and computation of time ................................ Sec. 20A-17
- Short title .................................................................................. Sec. 20A-1
- Temporary or preliminary relief ............................................... Sec. 20A-9
- Violation of conciliation agreement .......................................... Sec. 20A-11

**Mixed-income housing**

- Administration of the mixed-income housing program ............... Sec. 20A-27
- Applicability ........................................................................... Sec. 20A-23
- Applicant and eligible household responsibilities ..................... Sec. 20A-29
- Compliance, reporting, and recordkeeping ................................. Sec. 20A-31
- Definitions and interpretations ................................................ Sec. 20A-24
- Fees ......................................................................................... Sec. 20A-33
- Market value analysis category and reserved dwelling unit verifications .......................... Sec. 20A-25
- Mixed-income restrictive covenant .......................................... Sec. 20A-26
- Non-discrimination ................................................................ Sec. 20A-30
- Purpose ..................................................................................... Sec. 20A-22
- Tenant selection and other written policies ............................... Sec. 20A-28
- Violations, corrective action period, and penalty ....................... Sec. 20A-32

### FAIR PARK AND STATE FAIRGROUNDS (See PARKS AND WATER RESERVOIRS)

### FETAL MATERIAL, DISPOSAL OF (See HEALTH AND SANITATION)

### FINES AND IMPRISONMENTS (See COURTS, FINES AND IMPRISONMENTS)

### FIRE ALARMS (See EMERGENCY REPORTING EQUIPMENT AND PROCEDURES)
FIREARMS
  Discharge in private places.............................................................. Sec. 31-4
  Replica firearms................................................................. Sec. 31-16

FIRE DEPARTMENT
  Emergency ambulance service provided by........................................... Sec. 15D-2

FIRE PROTECTION......................................................... Ch. 16
  Demolition sites.......................................................... Sec. 15-20
  Penalty .......................................................... Sec. 2-1.209

FIRE WELFARE FUND (See POLICE AND FIRE WELFARE FUND)

FIREWORKS (See DALLAS FIRE CODE).......................................... Ch. 16

FOOD ESTABLISHMENTS
  Bed and breakfast extended establishments
    Additional requirements .......................................................... Sec. 17-12.2
    Adoption of Section 228.223, Texas Food Establishment Rules ............ Sec. 17-12.1
  Compliance and enforcement
    Additional requirements .......................................................... Sec. 17-10.2
    Adoption of Subchapter I, Texas Food Establishment Rules ............... Sec. 17-10.1
  Equipment, utensils, and linens
    Additional requirements .......................................................... Sec. 17-4.2
    Adoption of Subchapter D, Texas Food Establishment Rules ............... Sec. 17-4.1
  Food
    Additional requirements .......................................................... Sec. 17-3.2
    Adoption of Subchapter C, Texas Food Establishment Rules ............... Sec. 17-3.1
  Food establishments generally
    Chapter cumulative ............................................................... Sec. 17-1.4
    Cooperation among departments ................................................ Sec. 17-1.2
    Defenses for certain types of activities ..................................... Sec. 17-1.6
    Definitions ............................................................... Sec. 17-1.5
    General authority and duty of the director, city health authority, and
      environmental health officer ............................................... Sec. 17-1.3
    Purpose ............................................................... Sec. 17-1.1
  Heimlich maneuver poster
    Additional requirements .......................................................... Sec. 17-11.2
    Adoption of Section 229.173, Texas Food Establishment Rules ............ Sec. 17-11.1
  Management and personnel
    Additional requirements .......................................................... Sec. 17-2.2
    Adoption of Subchapter B, Texas Food Establishment Rules ............... Sec. 17-2.1
  Mobile food establishments
    Additional requirements .......................................................... Sec. 17-8.2
    Adoption of Section 228.221, Texas Food Establishment Rules ............ Sec. 17-8.1
Index

Outfitter operations
  Additional requirements .................................................. Sec. 17-13.2
  Adoption of Section 228.224, Texas Food Establishment Rules ........ Sec. 17-13.1

Physical facilities
  Additional requirements .................................................. Sec. 17-6.2
  Adoption of Subchapter F, Texas Food Establishment Rules ............ Sec. 17-6.1

Poisonous or toxic materials
  Additional requirements .................................................. Sec. 17-7.2
  Adoption of Subchapter G, Texas Food Establishment Rules ............ Sec. 17-7.1

Self service food market
  Additional requirements .................................................. Sec. 17-14.2
  Adoption of Chapter 228, Subchapter H, Section 225 ....................... Sec. 17-14.1
Index

[Intentionally left blank]
Index

Temporary food establishments and catering services
   Election not to adopt Section 228.222, Texas Food Establishment Rules .................. Sec. 17-9.1
   Requirements for catering services ................................................................. Sec. 17-9.3
   Requirements for temporary food establishments ........................................... Sec. 17-9.2

Water, plumbing, and waste
   Additional requirements ...................................................................................... Sec. 17-5.2
   Adoption of Subchapter E, Texas Food Establishment Rules ............................. Sec. 17-5.1

FUMIGATION PROCEDURES (See HEALTH AND SANITATION)

FUNERAL PROCESSIONS
   Funeral escort guides - Motor vehicle ......................................................... Secs. 28-181, 28-183
   Operation of vehicles in procession ............................................................... Sec. 28-38
   Procession identification .................................................................................. Sec. 28-37

GARBAGE (See MUNICIPAL SOLID WASTES)

HANDICAPPED PARKING (See “Stopping, standing and parking” under MOTOR VEHICLES
AND TRAFFIC)

HEALTH AND SANITATION
   Bringing infected person or property into city ................................................ Sec. 19-25
   Businesses or substances injurious to health .................................................. Sec. 19-26
   Causing offensive substance to be discharged on adjacent premises ............... Sec. 19-22
   Cisterns, etc., to be screened ........................................................................... Sec. 19-34
   City health officer, city environmental officer, and director .......................... Secs. 19-1, 19-11
      Authority to inspect ....................................................................................... Sec. 19-43
      Authority to issue warrants .......................................................................... Sec. 19-40
      Authority to pass rules and regulations ....................................................... Sec. 19-46
      Police powers ................................................................................................. Sec. 19-42
      Refusal to allow inspection .......................................................................... Sec. 19-44
      Supervision and control over matters pertaining to health ......................... Sec. 19-41
   Departing tenants required to leave building and premises clean and sanitary.. Sec. 19-16
   Diaper changing accommodations in restrooms ............................................ Sec. 19-38
   Depositing filth on premises prohibited; owner to remove animal carcasses .... Sec. 19-20
   Diseases, infectious and communicable
      Communicable diseases enumerated ............................................................. Sec. 19-61
      Control of contacts ....................................................................................... Sec. 19-74
      Definitions...................................................................................................... Sec. 19-60
      Disinfection .................................................................................................... Sec. 19-79
      Hotel keepers, etc., to report infectious diseases ........................................ Sec. 19-70
      Immunization, registration, and record fee schedule ................................... Sec. 19-82.1
      Incubation periods ....................................................................................... Sec. 19-75
      Interference with director of public health .................................................. Sec. 19-65
      Isolation of infected persons ....................................................................... Sec. 19-67
      Laboratory examinations and reports; authority of health officer to inspect laboratories and blood banks and blood transfusion services .................. Sec. 19-6
      Measures for control in schools .................................................................... Sec. 19-64
Medical certificates required of domestic servants............................................ Sec. 19-66
Methods of isolation in various diseases.............................................................. Sec. 19-71
Minimum periods of isolation................................................................. Sec. 19-73
Physicians to report certain diseases............................................................. Sec. 19-68
Placarding.......................................................................................................... Sec. 19-72
Precautions by attendants................................................................................ Sec. 19-78
Procedure when dwelling infected.................................................................. Sec. 19-76
Regulation of funerals for persons dying from certain diseases......................... Sec. 19-83
Removal of certain cases to hospital.............................................................. Sec. 19-77
Reports of communicable diseases.................................................................. Sec. 19-62
Serum to be furnished indigent persons.......................................................... Sec. 19-82
Special rules for tuberculosis................................................................. Sec. 19-81
Specific provisions for controlling certain diseases........................................ Sec. 19-80
When school children to be examined; prohibiting school attendance............. Sec. 19-69

Drainage districts
   Additional methods of financing................................................................. Sec. 19-117
   Charter to govern bidding................................................................. Sec. 19-116
   Condemnation proceedings..................................................................... Sec. 19-105
   Construction of article........................................................................ Sec. 19-102
   Creation of drainage district; preparation of plat; estimate of cost................. Sec. 19-104
   Defined.................................................................................................. Sec. 19-101
   Purchase of property............................................................................ Sec. 19-103
   Report of amount to be paid by city....................................................... Sec. 19-115
Special assessments, generally.................................................................. Sec. 19-106
   Errors; corrections; reassessments....................................................... Sec. 19-109
   Hearing; notice required, payment, etc........................................ Sec. 19-107
   Issuance of certificates, etc............................................................... Sec. 19-108
   Method; judgment of commissioners to be conclusive........................ Sec. 19-111
   Suit to set aside or correct.................................................................. Sec. 19-110
   Specifications; bids; contract; bond................................................... Sec. 19-113
   State law to control article.................................................................. Sec. 19-112
   Use of day work by city................................................................. Sec. 19-114
Drinking cups for common use................................................................. Sec. 19-23
Dry closets
   Cleaning; prevention of odor............................................................... Sec. 19-85
   Construction and maintenance.......................................................... Sec. 19-84
Fetal material, disposal of
   Definitions......................................................................................... Sec. 19-132
   Exemptions....................................................................................... Sec. 19-135
   Method of disposal........................................................................... Sec. 19-136
   Permit required
     Transporter...................................................................................... Sec. 19-133
     Disposer........................................................................................ Sec. 19-134
Fumigation
   Definitions......................................................................................... Sec. 19-94
   Doors to be locked, etc...................................................................... Sec. 19-98
   General safeguards........................................................................... Sec. 19-95
Index

Guards required................................................. Sec. 19-100
Notice of occupants........................................... Sec. 19-97
Notice required generally.................................. Sec. 19-96
Warning signs to be posted.................................. Sec. 19-99

Gill well

Generally....................................................... Sec. 19-36
Trespassing upon.............................................. Sec. 19-37

Green or decayed hides....................................... Sec. 19-21

Liquid waste

Accumulation and disposal

Accumulation of liquid waste................................ Sec. 19-127
Disposal of liquid waste..................................... Sec. 19-129
Responsibilities of liquid waste disposers.............. Sec. 19-130
Septage and chemical toilet waste........................ Sec. 19-128

Definitions..................................................... Sec. 19-119

Enforcement

Criminal responsibility of corporations or associations.. Sec. 19-131
Enforcement..................................................... Sec. 19-131.2
Right of entry of city employees............................. Sec. 19-131.1

Production

Permit required for traps/interceptors...................... Sec. 19-126.3
Producer of waste and manifest system..................... Sec. 19-126.1
Responsibilities of liquid waste producer.................. Sec. 19-126.5
Suspension or revocation of permits........................ Sec. 19-126.4
Traps/interceptors required.................................. Sec. 19-126.2

Transportation

Appeal............................................................. Sec. 19-126
Fee and display of permit.................................... Sec. 19-121
Liquid waste vehicles; impoundment........................ Sec. 19-122
Permit required................................................ Sec. 19-120
Responsibilities of a liquid waste transporter............ Sec. 19-123
Rules and regulations........................................ Sec. 19-124
Suspension or revocation of permit........................ Sec. 19-125

Mosquito-breeding waters - Generally........................ Sec. 19-30

Defined.......................................................... Sec. 19-31
Method of treatment.......................................... Sec. 19-32
Penalty.......................................................... Sec. 19-33

Polluting wells.................................................. Sec. 19-35

Power of city council to control unsanitary conditions by resolution.................. Sec. 19-2

City to perform work upon default of owner

Assessment of cost against property or owner.............. Sec. 19-8
Assessment to be made by ordinance; recording lien; assessment to equal benefit to property or owner.................. Sec. 19-10
Contest of assessment; bar.................................. Sec. 19-13
Notice of assessment; objections; hearing................ Sec. 19-9
Index

Ordinance to fix lien and time of payment; interest rate. ......................... Sec. 19-11
Priority of assessment lien; enforcement. ........................................ Sec. 19-12
Notice required. ................................................................. Sec. 19-3
Council may require personal service. ........................................ Sec. 19-4
Owner to comply with notice within 10 days. .................................. Sec. 19-5
Penalty for failure to comply with notice...................................... Sec. 19-6

Reportable health conditions
Definitions................................................................. Sec. 19-83.1
Environmentally related health condition level of lead...................... Sec. 19-83.2
Penalty................................................................. Sec. 19-83.5
Reporting requirements................................................ Sec. 19-83.3
Use of reports........................................................... Sec. 19-83.4

Septic tanks
Application for permit; fee; percolation test .............................. Sec. 19-88
Approval of plans by the director before issuance of permit................ Sec. 19-89
Cesspools................................................................. Sec. 19-93
Construction standards..................................................... Sec. 19-90
Definitions................................................................. Sec. 19-86
Inspection................................................................. Sec. 19-91
Permit required............................................................. Sec. 19-97
Tanks not to be offensive.................................................. Sec. 19-92

Slaughter of animals in the city................................................ Sec. 19-19

Stormwater drainage system
Compliance monitoring......................................................... Sec. 19-118.8
Definitions................................................................. Sec. 19-118
Discharge prevention, reporting, and cleanup.............................. Sec. 19-118.5
Enforcement................................................................. Sec. 19-118.1
Prohibited discharges........................................................ Sec. 19-118.2
Regulation of pesticides, herbicides, and fertilizers...................... Sec. 19-118.3
Stormwater discharges associated with industrial activity............... Sec. 19-118.7
Stormwater discharges from construction activities.................... Sec. 19-118.6
Used oil regulation; household hazardous waste.......................... Sec. 19-118.4

Tires, accumulation of....................................................... Sec. 19-34.1
Trash, etc., not to be thrown from houses.................................. Sec. 19-14
Throwing trash upon public places prohibited.............................. Sec. 19-15
Towels for common use...................................................... Sec. 19-24
Unwholesome premises....................................................... Sec. 19-17
Inspection of premises; report of offenses................................ Sec. 19-18

Vital statistics
Fees for vital statistics records............................................. Sec. 19-28
Record of certified copies issued to be kept; disposition of fees........ Sec. 19-29
Records to be kept........................................................ Sec. 19-27

HOME REPAIRS (See CONSUMER AFFAIRS)
Index

HOME SOLICITATION (See SOLICITORS)

HOTEL OCCUPANCY TAX (See TAXATION)

HOUSING (See DEPARTMENT OF HOUSING & NEIGHBORHOOD REVITALIZATION)

HUMAN RESOURCES (See DEPARTMENT OF HUMAN RESOURCES)

HYDROPLANES (See AIRCRAFT AND AIRPORTS)

IMPRISONMENTS AND FINES (See COURTS, FINES AND IMPRISONMENTS)

IMPOUNDMENT OF MOTOR VEHICLES (See “Stopping, standing, and parking” under MOTOR VEHICLES AND TRAFFIC)

JUNKED VEHICLES (See “Junked vehicles” under MUNICIPAL SOLID WASTES)

JUNKYARDS (See “Wrecking yards, salvage yards, junkyards, and waste material handling plants” under FIRE PROTECTION)

LABOR UNIONS (See ADMINISTRATION)

LAKE RAY HUBBARD (See PARKS AND WATER RESERVOIRS)

LIBRARY

Books from houses where there is contagious disease

   Generally........................................................................................................... Sec. 24-5
   Notice to be given by director of public health..................................................... Sec. 24-6
   Failure to return library property......................................................................... Sec. 24-2
   Fees and charges.................................................................................................. Sec. 24-3
   Amnesty periods.................................................................................................. Sec. 24-4

Municipal library board

   Created................................................................. Sec. 24-7
   Powers and duties................................................................. Sec. 24-8

Municipal library department

   Created................................................................. Sec. 24-9
   Library director
      Appointment.................................................................................................. Sec. 24-10
      Office created................................................................................................. Sec. 24-10
      Powers and duties.......................................................................................... Sec. 24-11
   Penalty.................................................................................................................. Sec. 24-6.1
   “Public library” defined...................................................................................... Sec. 24-1
   Sale of surplus materials..................................................................................... Sec. 2-37.13

LIGHT RAIL TRANSIT SYSTEM (See MOTOR VEHICLES AND TRAFFIC)
Index

LIMOUSINES (See TRANSPORTATION FOR HIRE)

LIQUID WASTES (See HEALTH AND SANITATION)

LITTER (See ANTI-LITTER REGULATIONS)

LOAN BROKERS
Applicability of chapter............................................................... Sec. 25-1
Communications with employer of borrower................................ Sec. 25-3
Licenses
Applicability of article............................................................... Sec. 25-4
Application................................................................. Sec. 25-6
Change of location.............................................................. Sec. 25-12
Duty of licensee to pay taxes....................................................... Sec. 25-9
Fee ........................................................................ Sec. 25-13
License to be posted in place of business........................................ Sec. 25-10
Renewal of license................................................................. Sec. 25-8
Required................................................................. Sec. 25-5
Revocation................................................................. Sec. 25-14
Separate application and license for each establishment................ Sec. 25-7
Transfer and assignment......................................................... Sec. 25-11
Records to be kept; statements to borrower................................ Sec. 25-2

MAIL ORDER SALES (See CONSUMER AFFAIRS)

MANAGEMENT SERVICES (See OFFICE OF MANAGEMENT SERVICES)

MARSALIS PARK ZOO (See PARKS AND WATER RESERVOIRS)

MARTIN LUTHER KING, JR. COMMUNITY CENTER BOARD
Appointment................................................................. Sec. 2-126
Created ................................................................. Sec. 2-126
Definitions................................................................. Sec. 2-125
Filling of vacancies.............................................................. Sec. 2-126
Functions and duties.............................................................. Sec. 2-127
Membership................................................................. Sec. 2-126
Officers ................................................................. Sec. 2-126
Terms of members............................................................... Sec. 2-126
Treatment of budget............................................................ Sec. 2-129

MASSAGE ESTABLISHMENTS
Administering massage to person of opposite sex.......................... Sec. 25A-15
Definitions................................................................. Sec. 25A-1
Hours of operation; living, etc., quarters therein prohibited................. Sec. 25A-10
Inspection of massage establishments; examination of employees........ Sec. 25A-11
Index

License

Appeal from refusal to grant or renew; from decision to revoke or suspend.............. Sec. 25A-9
Applicant to furnish names of employees and other information......................... Sec. 25A-5
Display.................................................. Sec. 25A-3
Fee; refund............................................. Sec. 25A-6
Investigation of applicant................................................. Sec. 25A-4
Refusal to issue or renew.................................................. Sec. 25A-7
Required.................................................. Sec. 25A-2
Revocation, suspension.................................................. Sec. 25A-8
List of employees.................................................. Sec. 25A-12
Operation in residential area prohibited.................................................. Sec. 25A-13
Sanitary requirements.................................................. Sec. 25A-14

MINIMUM PROPERTY STANDARDS

Administration

Donation of noncomplying property to a nonprofit corporation......................... Sec. 27-5.1
Inspection.................................................. Sec. 27-5
Retaliation against tenants prohibited.................................................. Sec. 27-5.2
Violations; penalty.................................................. Sec. 27-4

Administrative adjudication procedure for premises, property, and certain other violations

Administrative citation.................................................. 27-16.13
Alternative administrative adjudication procedure.................................................. 27-16.12
Answering an administrative citation.................................................. 27-16.15
Appeal to municipal court.................................................. 27-16.20
Dallas Tomorrow Fund.................................................. 27-16.22
Administration of the Dallas Tomorrow Fund.................................................. 27-16.23
Disposition of administrative penalties, fees, and court costs.................................................. 27-16.21
Failure to appear at an administrative hearing.................................................. 27-16.16
Financial inability to comply with an administrative order, pay for transcription of a record, or post an appeal bond.................................................. 27-16.19
Hearing for disposition of an administrative citation; citation as rebuttable proof of offense.................................................. 27-16.18
Hearing officers; qualifications, powers, duties, and functions.................................................. 27-16.17
Service of an administrative citation.................................................. 27-16.14

Code enforcement official.................................................. Sec. 27-3.1

Definitions.................................................. Sec. 27-3

Habitual criminal properties

Accord meeting.................................................. Sec. 27-49
Annual review.................................................. Sec. 27-50
Appeal from chief of police’s determination.................................................. Sec. 27-51
Authority of the chief of police.................................................. Sec. 27-47
Definitions.................................................. Sec. 27-46
Delivery of notices.................................................. Sec. 27-54
Fees.................................................. Sec. 27-53
Placarding; inspections.................................................. Sec. 27-52
Presumptions.................................................. Sec. 27-48
Purpose.................................................. Sec. 27-45
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>27-1</td>
<td>Legislative findings of fact.</td>
</tr>
<tr>
<td>27-2</td>
<td>Master metered utilities</td>
</tr>
<tr>
<td>27-4</td>
<td>Definitions.</td>
</tr>
<tr>
<td>27-6</td>
<td>Nonpayment of utility bills - Essential utility service.</td>
</tr>
<tr>
<td>27-8</td>
<td>Notice of utility interruption.</td>
</tr>
<tr>
<td>27-13</td>
<td>Notice to tenants.</td>
</tr>
<tr>
<td>27-19</td>
<td>Records of ownership and management maintained by utility companies.</td>
</tr>
<tr>
<td>27-10.1</td>
<td>Municipal court jurisdiction over urban nuisances</td>
</tr>
<tr>
<td>27-15.7</td>
<td>Hearing procedures; court orders.</td>
</tr>
<tr>
<td>27-16.4</td>
<td>Initiation of proceeding; petition requirements.</td>
</tr>
<tr>
<td>27-16.6</td>
<td>Jurisdiction, powers, and duties relating to urban nuisances.</td>
</tr>
<tr>
<td>27-16.11</td>
<td>Miscellaneous notice provisions.</td>
</tr>
<tr>
<td>27-16.11</td>
<td>Modification of court orders.</td>
</tr>
<tr>
<td>27-16.11</td>
<td>Noncompliance with court orders; civil penalties; liens.</td>
</tr>
<tr>
<td>27-16.11</td>
<td>Notice of hearing.</td>
</tr>
<tr>
<td>27-16.11</td>
<td>Request for continuance of hearing.</td>
</tr>
<tr>
<td>27-20</td>
<td>Purpose of chapter.</td>
</tr>
<tr>
<td>27-32</td>
<td>Registration application.</td>
</tr>
<tr>
<td>27-33</td>
<td>Registration and posting requirements; defenses.</td>
</tr>
<tr>
<td>27-34</td>
<td>Required emergency response.</td>
</tr>
<tr>
<td>27-34</td>
<td>Review and acceptance of registration application.</td>
</tr>
<tr>
<td>27-34</td>
<td>Revocation of certificate of occupancy.</td>
</tr>
</tbody>
</table>
Index

Vacation, reduction of occupancy load, and securing of structures and relocation of occupants
   Occupancy limits................................................................. Sec. 27-15
   Placarding of a structure by the director.................................. Sec. 27-15.1
   Securing of a structure by the director..................................... Sec. 27-16
   Treatment for insects and rodents........................................... Sec. 27-14.1

MOTORCYCLES, OPERATION OF................................................. Secs. 28-34, 28-40

MOTOR VEHICLE ESCORTS FOR HIRE (See MOTOR VEHICLES AND TRAFFIC)

MOTOR VEHICLE REPAIRS (See CONSUMER AFFAIRS)

MOTOR VEHICLES AND TRAFFIC
   Accidents
      Duty to give information and render aid........................................ Sec. 28-22
      Intentional collisions............................................................... Sec. 28-21
      Presumption in hit and run accidents.......................................... Sec. 28-23
      Removal of glass from highway after accident............................... Sec. 43-9
   Advertising, use of vehicle for.................................................. Sec. 3-2
   Applicability of traffic regulations in parks, public housing projects and public hospital grounds .............................................................. Sec. 28-3
   Authority to immobilize vehicles; redemption; fees................................ Sec. 28-5.1
   Authority to remove vehicles; redemption; fees................................... Sec. 28-4
   Release of impounded vehicle to lienholder...................................... Sec. 28-5

Bicycles (See BICYCLES)
   Bullington Street Truck Terminal (See also “Trucks and truck routes” below, This Topic)
      Area designated................................................................. Sec. 28-128.8
      Authority to remove vehicles and issue citations................................ Sec. 28-128.15
      Certain vehicles prohibited during normal operating hours................ Sec. 28-128.11
      Operating hours........................................................................ Sec. 28-128.10
      Permission from director to engage in certain prohibited conduct; defenses... Sec. 28-128.13
      Purpose...................................................................................... Sec. 28-128.9
      Speed limit.................................................................................. Sec. 28-52.1
      Stopping, standing, or parking prohibited........................................ Sec. 28-128.12
      Traffic control............................................................................. Sec. 28-128.16
Dallas City Hall Parking Garage
Area designated .......................................................... Sec. 28-128.1
Certain vehicles prohibited from entering .......................... Sec. 28-128.3
Erection of signs
Authority to remove illegally parked vehicles and issue parking citations. .... Sec. 28-128.6
Failure to obey signs .................................................. Sec. 28-128.4
Purpose ................................................................. Sec. 28-128.2
Speed limit ............................................................. Sec. 28-52
Traffic control ......................................................... Sec. 28-128.7
Dallas Convention Center Parking Facility
Area designated .......................................................... Sec. 28-122
Certain vehicles prohibited from stopping, standing or parking .............. Sec. 28-124
Parking prohibited
Authority to issue parking citations to illegally parked vehicles. .............. Sec. 28-128
Authority to remove illegally parked vehicles .................................... Sec. 28-127
Erection of signs regulating same .................................... Sec. 28-125
Purpose ................................................................. Sec. 28-123
Speed limit ............................................................. Sec. 28-51
Definitions ............................................................. Sec. 28-2
Enforcement and obedience to traffic regulations
Authority of police and fire department officials .......................... Sec. 28-18
Obedience to chapter required; penalty ..................................... Sec. 28-20
Presumption in fleeing from a police officer .................................. Sec. 28-20.1
Traffic and parking controllers ......................................... Sec. 28-19
Freeway regulations
Animal-drawn vehicles, motor driven cycle and pushcarts prohibited from using enumerated streets ........................................ Sec. 28-159
Drivers prohibited from stopping on enumerated streets; defenses ............ Sec. 28-159.1
Hitchhiking prohibited on freeways ...................................... Sec. 28-158
Pedestrians prohibited from crossing enumerated streets ....................... Sec. 28-157
Speed limits .................................................................. Sec. 28-45
Vehicular access to enumerated streets to be designated ..................... Sec. 28-156
Funeral processions (See FUNERAL PROCESSIONS)
Impoundment of motor vehicles (See “Stopping, standing and parking” below, This Topic)
Light rail transit system
Definitions ............................................................... Sec. 28-200
Operation of vehicles in the transitway mall and transit corridor .......... Sec. 28-201
Transitway mall safety quadrants ......................................... Sec. 28-202
Litter, throwing from vehicles prohibited .................................. Sec. 7A-7
Index

Motor vehicle escorts for hire
  Advertisement regulations........................................... Sec. 28-185
  Chauffeur’s license required; application............................ Sec. 28-173
    Appeal from refusal to issue or renew; from decision to revoke.. Sec. 28-176
    Fee, fingerprints and photograph; nontransferable. Sec. 28-177
    Issuance; denial..................................................... Sec. 28-174
    Revocation.................................................................. Sec. 28-175
  To be carried on person............................................. Sec. 28-178

Definitions................................................................. Sec. 28-160

Employment of qualified operators responsibility of owner. .............. Sec. 28-179

Escort license required................................................. Sec. 28-161
  Appeal................................................................. Sec. 28-167
  Application; information required.................................. Sec. 28-163
  Fee; transferability.................................................. Sec. 28-170
  Insurance..................................................................... Sec. 28-168
  Investigation; issuance.............................................. Sec. 28-164
  Minimum age of person obtaining.................................... Sec. 28-162
  One year term......................................................... Sec. 28-169
  Posting........................................................................ Sec. 28-171
  Refusal to issue or renew........................................... Sec. 28-165
  Revocation............................................................... Sec. 28-166

Escorts for funeral cortege not required........................................ Sec. 28-181

Functions, powers and duties of police department........................ Sec. 28-172

Funeral escort guides; uniform and equipment requirements................ Sec. 28-183

Operating procedures..................................................... Sec. 28-184

Police officers may furnish escorts........................................ Sec. 28-180

Requirements for motor vehicles used in escort service...................... Sec. 28-182

One-way streets and alleys
  One-way pedestrian zones............................................. Sec. 28-63.2
  One-way streets and alleys.......................................... Sec. 28-59
  One-way streets in certain airports................................ Sec. 28-133
  One-way streets in school zones.................................... Sec. 28-60

Operation of vehicles
  Backing into intersection prohibited................................ Sec. 28-35
  Cruising prohibited in designated areas.............................. Sec. 28-42.1
  Driving on Four-Way Place and Stone Place............................ Sec. 28-42
  Driving through prohibited.......................................... Sec. 28-39
  Funeral or other procession; operation of vehicles...................... Sec. 28-38
  Identification of funeral procession.................................. Sec. 28-37
  Operation of motorcycles, etc........................................ Sec. 28-40
  Operation upon parkways............................................. Sec. 28-36
  Regulating the use of hand-held mobile telephones and
    mobile communication devices in school zones..................... Sec. 28-41.2
  Restrictions on the use of motor assisted scooters, pocket bikes,
    and minimotorbikes.................................................. Sec. 28-41.1, 28-41.1.1
  Riding in portions of vehicles not designed or equipped for passengers. Sec. 28-41
Index

Operation of vehicles near vulnerable road users
  Definition ................................................................. Sec. 28-58.1
  Protection of vulnerable road users ................................ Sec. 28-58.2
Parades
  Appeal of denial or revocation of parade permit .................. Sec. 28-192
  Application for parade permit; fee .................................. Sec. 28-188
  Definitions .............................................................. Sec. 28-186
  Denial of parade permit ................................................. Sec. 28-190
  Issuance of parade permit ............................................. Sec. 28-189
  Permit required; exceptions ........................................... Sec. 28-187
  Revocation of parade permit .......................................... Sec. 28-191
Parking (See “Stopping, standing and parking” below, This Topic)
  Parking of commercial vehicles ....................................... Sec. 28-80
Pedestrians
  Designation of one-way pedestrian zones .......................... Sec. 28-63.2
  Duties of pedestrians while on sidewalks ............................ Sec. 28-61
  Entering or alighting from vehicle; loading and unloading so not to interfere with traffic ........................................ Sec. 28-62
  Freeway restrictions ................................................... Sec. 28-157
  Prohibiting crossing in central business district other than at crosswalk ........................................ Sec. 28-63.1
  Signs designating pedestrianways ..................................... Sec. 28-33
  Solicitations to occupants of vehicles on public roadways prohibited ........................................ Sec. 28-63.3
  Use of coasters, roller skates and similar devices restricted ........................................ Sec. 28-63
Penalty, general .......................................................... Sec. 28-20
Photographic enforcement and administrative adjudication of red light violations
  Automated red light enforcement commission .......................... Sec. 28-218
    Created ................................................................. Sec. 28-218
    Duties and functions ................................................ Sec. 28-219
  Definitions .............................................................. Sec. 28-203
  Enforcement of red light violations as civil offenses .......... Sec. 28-207
    Adjudication by mail ................................................. Sec. 28-211
    Answering a civil red light citation .............................. Sec. 28-210
    Appeal from hearing ................................................. Sec. 28-215
    Civil fines for red light violations; penalties and other costs ........................................ Sec. 28-214
    Civil red light citations; form ..................................... Sec. 28-208
    Disposition of civil fines, penalties, and costs assessed for red light violations .................. Sec. 28-217
    Effect of liability; exclusion of civil remedy; enforcement ........................................ Sec. 28-216
    Failure to answer a civil red light citation or appear at a hearing ........................................ Sec. 28-213
    Hearings for disposition of a red light citation; citation and photographic recorded images as prima facie evidence ........................................ Sec. 28-212
    Red light violations as civil offenses; defenses; presumptions ........................................ Sec. 28-207
    Service of a civil red light citation ................................ Sec. 28-209
  Enforcement officers - Powers, duties, and functions ........ Sec. 28-205
  General authority and duties of the director and department ........................................ Sec. 28-204
  Hearing officers - Powers, duties, and functions ................ Sec. 28-206
Index

Photographic enforcement and administrative adjudication of school bus stop arm violations
Definitions .................................................................................................................. Sec. 28-220

Enforcement of school bus stop arm violations as civil offenses
   Adjudication by mail ...................................................................................... Sec. 28-228
   Answering a civil school bus stop arm citation ........................................ Sec. 28-227
   Appeal from hearing .................................................................................. Sec. 28-232
   Civil fines for school bus stop arm violations; penalties and other costs .... Sec. 28-231
   Civil school bus stop arm citations; form .................................................. Sec. 28-225
   Disposition of civil fines, penalties, and costs assessed for school bus stop arm violations .................................................. Sec. 28-234
   Effect of liability; exclusion of civil remedy; enforcement ....................... Sec. 28-233
   Failure to answer a civil school bus stop arm citation or appear at a hearing .. Sec. 28-230
   Hearings for disposition of a school bus stop arm citation; citation and photographic recorded images as prima facie evidence ........ Sec. 28-229
   School bus stop arm violations as civil offenses; defenses; presumptions .... Sec. 28-224
   Service of a civil school bus stop arm citation ........................................... Sec. 28-226

   Enforcement officers - powers, duties, and functions .................................. Sec. 28-222
   General authority and duties of the director and department .................... Sec. 28-221
   Hearing officers - powers, duties, and functions ......................................... Sec. 28-223

Railroads (See RAILROADS)
   Short title ........................................................................................................ Sec. 28-1
   Signs ............................................................................................................. Sec. 28-74

   Size and weight of vehicles
      Civil liability for violation of article. ............................................................... Sec. 28-66
      Routes for over-size equipment; damage caused by over-size equipment. .... Sec. 28-68
      Signs warning of maximum load limit on bridges ....................................... Sec. 28-67
      Weight of load on enumerated bridges, per axle ......................................... Sec. 28-64
         Vehicles carrying greater loads on said bridges ....................................... Sec. 28-65

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

Dallas City Code 47
Index

Speed regulations
- Airports. Sec. 28-132
- Expressways and freeways. Sec. 28-45

Maximum speed limits
- Alteration. Sec. 28-48
- Determination. Sec. 28-47

Posting of speed limit signs. Sec. 28-49

Railroads (See RAILROADS)

Speed bumps in alleys. Sec. 28-34.1
Speed in parking lot of Dallas Convention Center. Sec. 28-51
Speed in school zones; signs; designated streets. Sec. 28-50
Speed in the Bullington Street Truck Terminal. Sec. 28-52.1
Speed in the Dallas City Hall Parking Garage. Sec. 28-52

Speeds greater than thirty miles per hour on public streets or fifteen miles per hour on public alleys not reasonable or prudent. Sec. 28-43

Streets in park areas. Sec. 28-46
Streets other than expressways and freeways. Sec. 28-44

Stopping, standing, and parking
- Airport parking. Secs. 28-141, 28-144
- Animal-drawn wagons, pushcarts or bicycles. Sec. 28-78

Bullington Street Truck Terminal (See “Bullington Street Truck Terminal” above, This Topic)
City Hall Parking Garage (See “Dallas City Hall Parking Garage” above, This Topic)
Convention Center Parking Facility (See “Dallas Convention Center Parking Facility” above, This Topic)

Fair Park parking area. Secs. 32-21, 32-22
Illegally stopped vehicles; may be required to move. Sec. 28-76.2

Impoundment of illegally parked vehicle. Secs. 28-4, 28-5
Indented parking. Sec. 43-62
Obedience to signs. Sec. 28-76

Authority to install. Sec. 28-26

Parking ban. Sec. 28-76.3
Parking defenses for city council members and law enforcement officers. Sec. 28-76.4

Parking for disabled persons
- Definitions. Sec. 28-121.1
- Offenses. Sec. 28-121.2
- Removal of unauthorized vehicles. Sec. 28-121.5

Voluntary designation of parking spaces or areas for disabled persons on private property. Sec. 28-121.3

Parking meters
- Authority to install meters; where installed. Sec. 28-103
- Central business district. Sec. 28-114.11
- Collection and disposition of money deposited. Sec. 28-113
- Convenience fee for parking payments by telephone or the Internet. Sec. 28-114
- Deposit of slugs and non-authorized payment devices prohibited. Sec. 28-112
Index

Indication of expiration of parking time. .................................................. Sec. 28-104
Parking meter hooping and temporary removal fees; exceptions. .......... Sec. 28-114.12
Parking where meter has expired. .......................................................... Sec. 28-107
Parking where meter is displaying a violation signal. ................. Sec. 28-108
Payment required. ............................................................................ Sec. 28-106
Stopping, standing, or parking beyond maximum legal time limit prohibited. .... Sec. 28-109
Tampering with parking meters. ......................................................... Sec. 28-111
Use of metered parking spaces for loading and unloading. .......... Sec. 28-110
Vehicle to be parked within limit lines at meters. .................. Sec. 28-105
Zones outside the central business district. .......................... Sec. 28-114.2
Zones within the central business district. .......................... Sec. 28-114.1
Parking of commercial vehicles. ....................................................... Sec. 28-80
Parking of vehicles with capacity of more than one and one-half tons in certain districts. ................................. Sec. 28-81
Prohibited in specified places
Parking by parking lot owners. .......................................................... Sec. 28-86
Parking for certain purposes and parking on highways and parkways prohibited. .......... Sec. 28-85
Parking for more than 24 hours prohibited. ......................... Sec. 28-84
Parking in alleys. ............................................................................. Sec. 28-87
Parking near railroad tracks; prohibited generally; permitted for loading. .......... Sec. 28-82
Standing or parking on one-way and two-way roadways. .......... Sec. 28-88

Resident-parking-only program
Definitions. ...................................................................................... Sec. 28-121.14
Designation of resident-parking-only zones; elimination or modification of zones. .......... Sec. 28-121.15
General authority and duty of director. ........................................... Sec. 28-121.13
Offenses; permit revocation. ............................................................ Sec. 28-121.18
Purpose. ............................................................................................. Sec. 28-121.12
Resident-parking-only permit. .......................................................... Sec. 28-121.16
Temporary parking permits. .............................................................. Sec. 28-121.17

Restricted or prohibited in certain areas
Parking, stopping, and standing vehicles in private parking areas - authority to regulate; application of section. ......................... Sec. 28-115
Approval of time limit, parking ban and parking plan; Sections 28-115 to 28-119 not mandatory. ......................................................... Sec. 28-116
Erection of signs; content of signs; marking of parking spaces. .......... Sec. 28-117
Enforcement. .................................................................................... Sec. 28-119
Parking on vacant property in residential or apartment districts
Erection of signs. ............................................................................. Sec. 28-120
Prohibited when signs erected. ......................................................... Sec. 28-121

Residential permit parking program
Definitions. ...................................................................................... Sec. 28-121.8
Designation of residential permit parking zones. .......................... Sec. 28-121.9
Offenses; permit revocation. .............................................................. Sec. 28-121.11
Index

Purpose. ................................................................. Sec. 28-121.7
Residential parking permit. ........................................ Sec. 28-121.10
Stopping for loading or unloading only
  Authority to designate public carrier stands. .................. Sec. 28-99
  Curb loading zones - Authority to designate; times operative. Sec. 28-89
  Loading zone permit - Application; fee; expiration; transferability. Sec. 28-96.1
  Parking of busses and taxicabs regulated. ........................ Sec. 28-96
  Position of vehicles backed to curb for loading, etc. .............. Sec. 28-98
  Restricted use of bus stops and taxicab stands. .................. Sec. 28-101
  Stopping of busses within intersection or crosswalk. .............. Sec. 28-102
  Use not exclusive. .................................................. Sec. 28-93
  Use of freight curb loading zones
    By commercial vehicles. ......................................... Sec. 28-95
    By non-commercial vehicles. .................................. Sec. 28-96
    Use of passenger curb loading zones. .......................... Sec 28-94
    Vehicles backed to curb for loading. .......................... Sec. 28-97
Violations, administrative adjudication of
  Adjudication by mail. ............................................... Sec. 28-130.6
  Answering a parking citation...................................... Sec. 28-130.5
  Appeal from hearing. .............................................. Sec. 28-130.12
  Disposition of fines, penalties, and costs. ........................ Sec. 28-130.13
  Enforcement of order. ............................................. Sec. 28-130.10
  Failure to answer a parking citation or appear at a hearing. ....... Sec. 28-130.8
  Fine schedule; other fees. ........................................ Sec. 28-130.9
  General authority and duty of director. .......................... Sec. 28-130
  Hearing officers; powers, duties, and functions. .................. Sec. 28-130.1
  Hearings for disposition of a parking citation; parking citation as prima
    facie evidence. .................................................. Sec. 28-130.7
  Immobilization/impoundment hearing. .............................. Sec. 28-130.11
  Liability of the vehicle owner and operator; presumption of liability. Sec. 28-130.4
  Parking citations; form. .......................................... Sec. 28-130.2
  Parking violations made civil offenses. .......................... Sec. 28-129
  Service of a parking citation; presumption of service. .............. Sec. 28-130.3
Stopping, standing, or parking prohibited in specified places. ......... Sec. 28-81.1
  Unattended motor vehicles. ....................................... Sec. 28-76.5
  Unattended vehicles presumed left by owner. ....................... Sec. 28-76.1
  Unauthorized reserving of parking spaces. ........................ Sec. 28-77
  Vehicle to be parked within limit lines. .......................... Sec. 28-79
Stops
  Vehicles to stop when traffic is obstructed. .......................... Sec. 28-58
Streetcar regulations
  Authority of the director of transportation. ........................ Sec. 28-194
  Definitions. ...................................................... Sec. 28-193
  Obstructing tracks; defacing or disturbing property. .............. Sec. 28-198
  Operation of streetcars and other vehicles. ........................ Sec. 28-195
Index

Police assistance required.......................................................... Sec. 28-199
Smoking, eating, and drinking prohibited on a streetcar............................ Sec. 28-197
Unlawful conduct on or near a streetcar.......................................... Sec. 28-196

Traffic administration

Traffic division
- Duties generally................................................................. Sec. 28-12
- Establishment and control................................................ Sec. 28-11
- Investigation of accidents.................................................. Sec. 28-14
- Records of traffic violations............................................... Sec. 28-14
- Submission of annual traffic safety reports............................ Sec. 28-16
- Traffic accident reports..................................................... Sec. 28-15
- Traffic accident studies..................................................... Sec. 28-17

Traffic Engineer
- Appointment of technicians and clerical staff; fees for services........ Sec. 28-9
- Duties.................................................................................. Sec. 28-8
- Emergency and experimental regulations................................ Sec. 28-10

Traffic-control devices
- Authority to designate crosswalks, establish safety zones and mark traffic lanes.... Sec. 28-32
- Authority to install.............................................................. Sec. 28-24
- Authorized installation presumed............................................ Sec. 28-25
- Bicycles, motorcycles, etc., prohibited from using pedestrianways........ Sec. 28-34
- Bus lane designations; authority to install; prohibition; exception............................. Sec. 28-26.1
- Display of unauthorized signs, signals or markings........................ Sec. 28-30
- Existing devices affirmed and ratified..................................... Sec. 28-29
- Installation, removal, and repair of speed bumps in alleys; fees.................. Sec. 28-34.1
- Interference with devices or railroad signs or signals........................ Sec. 28-31
- Manual and specifications.................................................... Sec. 28-27
- Parking designations; authority to install.................................. Sec. 28-26
- Placement of crime watch signs and volunteer in patrol signs.................. Sec. 28-27.1
- Testing under actual conditions of traffic.................................. Sec. 28-28
- Traffic barricade manual..................................................... Sec. 28-24.1
- Traffic engineer to erect signs designating pedestrianways.................... Sec. 28-33

Trucks and truck routes
- Alternate routes................................................................. Sec. 28-75
- Bullington Street Truck Terminal (See “Bullington Street Truck Terminal” above, This Topic)
  - Departure from designated routes
    - Hours on residential streets............................................. Sec. 28-72
    - Justification of departure.............................................. Sec. 28-73
  - Designated for trailers, semitrailers or pole trailers.......................... Sec. 28-71
  - Operation in public parks................................................ Sec. 28-70
  - Operation within central business district; boundaries of central business district defined........................................................ Sec. 28-69
  - Parking of commercial vehicles........................................ Sec. 28-74
  - Signs............................................................................... Sec. 28-74
Index

Turning movements
- Central business district defined. Sec. 28-56
- Left turns restricted when emerging from or entering alleys or private driveways in the central business district. Sec. 28-55
- Limitation on U turns. Sec. 28-54
- Obedience to no-turn signs. Sec. 28-53

Violations and penalties
- Authority to arrest without warrant for violations of chapter. Sec. 28-154
- Disposition of fines and forfeitures. Sec. 28-153
- Giving false address upon arrest for traffic violations. Sec. 28-149
- Giving false name upon arrest for traffic violations. Sec. 28-148
- Payment of fines; when pleading guilty. Sec. 28-152
- Procedure upon arrest for violation of chapter. Sec. 28-147
- Procedure upon failure of traffic violator to appear. Sec. 28-151
- Violation of written promise to appear. Sec. 28-150

MUNICIPAL BUILDING, SECURITY (See BUILDING SECURITY)

MUNICIPAL COURT OF RECORD (See COURTS, FINES AND IMPRISONMENTS)

MUNICIPAL LIBRARY BOARD (See “Municipal library board” under LIBRARY)

MUNICIPAL LIBRARY DEPARTMENT (See “Municipal library department” under LIBRARY)

MUNICIPAL SOLID WASTES (See also HEALTH AND SANITATION)

Collection and disposal
- Collection and removal of solid waste
  - Apartments, institutions, commercial establishments, and mobile home parks. Sec. 18-5
  - Collection and removal of illegally dumped solid waste materials on private premises. Sec. 18-12
  - Containers for municipal solid waste materials. Sec. 18-3
  - Dead animals. Sec. 18-7
  - Downtown area. Sec. 18-6
  - Penalties for violation. Sec. 18-12.1
  - Processing and disposal of solid waste materials. Sec. 18-10
  - Recyclable materials from multifamily sites. Sec. 18-5.1
  - Regulations for food establishments. Secs. 17-5.1, 17-5.2
  - Residences and duplexes. Sec. 18-4
- Definitions. Sec. 18-2
- Scope of chapter. Sec. 18-1
- Solid waste materials not handled by city sanitation services. Sec. 18-8
- Specifying charges for disposal of solid waste materials. Sec. 18-11
- Specifying charges for sanitation service. Sec. 18-9

Junked vehicles
- Deemed public nuisance; declared unlawful. Sec. 18-20
- Definitions. Sec. 18-19
Index

Exceptions......................................................... Sec. 18-21
Motor vehicle description........................................ Sec. 18-23
Notice to abate nuisance......................................... Sec. 18-22
Notice to Texas Department of Highways and Public Transportation. Sec. 18-28
Penalties for violation............................................ Sec. 18-28.1
Removal
  Property, occupied or unoccupied premises by court order.................. Sec. 18-27
  With permission of owner........................................ Sec. 18-26
Trial in municipal court
  Judge; penalty.................................................. Sec. 18-25
  Preliminaries.................................................... Sec. 18-24
Multifamily site recycling collection and removal services
  Director of sanitation’s authority.............................. Sec. 18-52
  Inspections, suspensions, revocations, and penalties..................... Sec. 18-54
  Multifamily site recycling collection service.......................... Sec. 18-53
Private solid waste collection service
  Authority of director.......................................... Sec. 18-30
  Defenses.................................................................. Sec. 18-31
  Definitions.......................................................... Sec. 18-29
Miscellaneous requirements relating to solid waste collection, disposal, and vehicles
  Accumulations and deposit of waste prohibited............................. Sec. 18-50
  Hazardous waste material......................................... Sec. 18-47
  Requirements for solid waste collection vehicles.......................... Sec. 18-45
  Responsibility of producer of dry or wet solid waste................... Sec. 18-46
  Restrictions on disposal of waste.................................. Sec. 18-49
  Restrictions on removal of solid waste............................... Sec. 18-48
Solid waste collection franchises
  Amendments to and transfer of a franchise................................ Sec. 18-38
  Annual report...................................................... Sec. 18-41
  Expiration and renewal of franchise; voidance of authority to operate vehicles Sec. 18-39
  Failure to pay ad valorem taxes.................................... Sec. 18-42
  Franchise and decal required....................................... Sec. 18-32
  Franchise application............................................. Sec. 18-33
  Franchise fees..................................................... Sec. 18-35
  Franchise grant.................................................... Sec. 18-34
  Franchisee’s records and reports.................................... Sec. 18-40
  Issuance and display of vehicle decal; proof of franchise to be shown
    upon request..................................................... Sec. 18-36
  Notification of change of address or ownership......................... Sec. 18-43
  Suspension or revocation of franchise; assessment of civil penalties.... Sec. 18-37
  Vehicle inspection................................................. Sec. 18-44
Violations and penalties
  Penalties for violations.......................................... Sec. 18-51

Septic tanks (See HEALTH AND SANITATION)
Storm sewers (See HEALTH AND SANITATION)
Index

Tires
Appeals ................................................................. Sec. 18-60
Definitions ............................................................ Sec. 18-55
Exemptions ............................................................. Sec. 18-65
Expiration and renewal of license; voidance of authority to operate
a mobile tire repair unit ........................................... Sec. 18-61
Impoundment of vehicles .......................................... Sec. 18-63
Issuance, denial, and display of a license or permit .......... Sec. 18-58
License and permit fees ........................................... Sec. 18-57
Penalty ................................................................. Sec. 18-66
Revocation of a license ............................................ Sec. 18-59
Tire business license and mobile tire repair unit permit required;
application; transferability ....................................... Sec. 18-56
Transporting scrap tires ........................................... Sec. 18-62
Unauthorized disposal of tires ................................... Sec. 18-64
Weeds, grass, and vegetation
Charges to be collected from the property owner; lien on premises for
failure to pay charges .............................................. Sec. 18-18
City removal of weeds and vegetation upon failure of owner, occupant,
or person in control to do so; notice required .................. Sec. 18-17
Duty to prevent weeds, grass, or vegetation from becoming a nuisance
or fire hazard ....................................................... Sec. 18-14
Enforcement .......................................................... Sec. 18-15
Growth to certain height prohibited; offenses .................. Sec. 18-13
Penalties for violation .............................................. Sec. 18-16
Vegetation in alley, street, or sidewalk .......................... Sec. 18-14.1

NEIGHBORHOOD FARMERS MARKETS (eff. thru 5-31-19)
Chapter cumulative .................................................. Sec. 29A-4
Definitions ............................................................ Sec. 29A-2
Enforcement
Offenses ............................................................... Sec. 29A-14
Penalty ................................................................. Sec. 29A-15
General authority and duty of director .......................... Sec. 29A-3
Miscellaneous provisions
Location of a neighborhood farmers market ................... Sec. 29A-10
Operation of a neighborhood farmers market .................. Sec. 29A-11
Products at a neighborhood farmers market .................... Sec. 29A-12
Vendor’s statement .................................................. Sec. 29A-13
Permits
Appeal from denial or revocation of a neighborhood farmers market permit . Sec. 29A-9
Application; issuance ............................................... Sec. 29A-5
Denial or revocation ................................................ Sec. 29A-8
Fees ................................................................. Sec. 29A-6
Indemnification ...................................................... Sec. 29A-7
Purpose ............................................................... Sec. 29A-1
Index

NOISE

Animals, disturbance by. .......................................................... Sec. 7-7.4
Commercial motor vehicles, idling of........................................ Sec. 30-3.1
Loud and disturbing noises and vibrations................................ Sec. 30-1
Presumed offensive................................................................. Sec. 30-2
Loudspeakers and amplifiers.................................................... Sec. 30-4
Penalties .......................................................... Sec. 30-5
Presumption.......................................................... Sec. 30-2.1
Use of bell, siren, compression, or exhaust whistle on vehicles.  Sec. 30-3
Use of engine compression brakes prohibited ......................... Sec. 30-3.2

NON-MOTORIZED PASSENGER TRANSPORT VEHICLES (See TRANSPORTATION FOR HIRE)

NUISANCES

Abatement of.......................................................... Secs. 31-10, 37-25
Judgment in municipal court .................................................. Sec. 31-11
Junked vehicles (See “Junked vehicles” under MUNICIPAL SOLID WASTES)
Weeds, grass, and vegetation (See “Weeds, grass, and vegetation” under MUNICIPAL
SOLID WASTES)

OBSCENITY (See OFFENSES - MISCELLANEOUS)

OFFENSES - MISCELLANEOUS

Air pollution standards violations............................................... Sec. 5A-14
Dialing 9-1-1 when no emergency exists.................................. Sec. 31-29
Discharging a firearm in a private place.................................... Sec. 31-4
Discrimination and dress codes in places of public accommodation. Sec. 31-3
Entering motor vehicles without consent.................................... Sec. 31-14.1
Entering portions of buildings without consent.......................... Sec. 31-14
Failure to disclose representation............................................ Sec. 31-28
Graffiti
  Duty of property owner to remove........................................ Sec. 31-38
  Possession of graffiti implements prohibited; presumptions; defenses.. Sec. 31-39.1
  Responsibility of parent or guardian for graffiti created by a minor.  Sec. 31-39
Glue - Use, sale, and possession.............................................. Sec. 31-5
  Other solvents - Use, sale, and possession............................. Sec. 31-6
Icebox or refrigerator - Abandonment or dangerous exposure prohibited. Sec. 31-7
Illegal smoking products and related paraphernalia prohibited........ Sec. 31-32.1
Hours of closure for certain city property.................................. Sec. 31-37
Kites and moored balloons prohibited near airports.................... Sec. 31-9
Kites with metallic frames prohibited..................................... Sec. 31-8
Limited hours of certain coin-operated devices......................... Sec. 31-12
(See also “Coin-operated devices” under CONSUMER AFFAIRS)
Lock, take, and hide signs..................................................... Sec. 31-41
Manifesting the purpose of engaging in prostitution.................. Sec. 31-27
<table>
<thead>
<tr>
<th>Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manifesting the purpose of selling illegal drugs and chemicals.</td>
</tr>
<tr>
<td>Menacing another person.</td>
</tr>
<tr>
<td>Noise (See NOISE)</td>
</tr>
<tr>
<td>Nuisances (See NUISANCES)</td>
</tr>
<tr>
<td>Picketing in residential areas.</td>
</tr>
<tr>
<td>Prohibiting free distribution of tobacco products in public places.</td>
</tr>
<tr>
<td>Prohibiting release of rats; defenses.</td>
</tr>
<tr>
<td>Prohibition on the unauthorized placement, erection, or maintenance of temporary shelters on designated public property.</td>
</tr>
<tr>
<td>Regulations for public speeches in public areas surrounding Thanksgiving Square.</td>
</tr>
<tr>
<td>Regulations for public speeches in Stone Place, Four-Way Place, and Bullington Street Mall.</td>
</tr>
<tr>
<td>Replica firearms.</td>
</tr>
<tr>
<td>Restrictions on sex offenders residing in the same dwelling unit.</td>
</tr>
<tr>
<td>Setting of booby-traps.</td>
</tr>
<tr>
<td>Shopping carts, possession of.</td>
</tr>
<tr>
<td>Sleeping in a public place.</td>
</tr>
<tr>
<td>Solicitation by coercion; solicitation near designated locations and facilities; solicitation after sunset; solicitation-free zones.</td>
</tr>
<tr>
<td>Solicitation for obscene conduct - Not for hire.</td>
</tr>
<tr>
<td>Solicitation for sodomy - Not for hire.</td>
</tr>
<tr>
<td>Solicitation in certain buildings without consent.</td>
</tr>
<tr>
<td>Solicitation in food and drink establishment.</td>
</tr>
<tr>
<td>Solicitation to purchase a prohibited substance.</td>
</tr>
<tr>
<td>Specified sex offenders near schools and child-care facilities.</td>
</tr>
<tr>
<td>Swimming in certain water prohibited.</td>
</tr>
<tr>
<td>Unauthorized use of city seal or other insignia.</td>
</tr>
<tr>
<td>Urinating or defecating in public.</td>
</tr>
</tbody>
</table>

**OFFICE OF ARTS AND CULTURE**

Created: Sec. 2-162.1

**Director of arts and culture**

Appointment: Sec. 2-162.1

Contracts for radio station air time required; other radio station contracts: Sec. 2-162.2

Duties: Sec. 2-162.3

**OFFICE OF BUDGET**

Created: Sec. 2-135.2

**Director of budget**

Duties: Sec. 2-135.3

**OFFICE OF COMMUNITY POLICE OVERSIGHT**

Created: Sec. 2-154

**Director/monitor of office of community police oversight**

Appointment: Sec. 2-154

Duties: Sec. 2-155

Purpose: Sec. 2-153

**OFFICE OF CULTURAL AFFAIRS**

Created: Sec. 2-162.4
Director of cultural affairs

Appointment. ................................................................. Sec. 2-162.1

Contracts for radio station air time required; other radio station contracts. .......... Sec. 2-162.4

Duties. ........................................................................... Sec. 2-162.2

Procurement of cultural services. ...................................................... Sec. 2-162.3
Index

OFFICE OF ECONOMIC DEVELOPMENT
  Created .......................................................... Sec. 2-38
  Director of economic development
    Appointment ..................................................... Sec. 2-38
    Duties .......................................................... Sec. 2-39

OFFICE OF MANAGEMENT SERVICES
  Created; director of management services .......................... Sec. 2-73
  Duties of the director of management services ....................... Secs. 2-74, 14B-5

OFFICE OF PROCUREMENT SERVICES
  Director of procurement services
    Powers and duties ............................................. Sec. 2-28

OFFICE OF RISK MANAGEMENT
  Created; director of risk management .................................. Sec. 2-135.4
  Duties of the director of risk management .......................... Sec. 2-135.5

OFFICERS AND EMPLOYEES, IN GENERAL (See also PERSONNEL RULES; See also RETIREMENT; See also specific title of officer in Main Index)
  Officer and employee liability plan
    Coverage .......................................................... Sec. 31A-5
    Defense ......................................................... Sec. 31A-6
    Definitions .................................................... Sec. 31A-4
    Determination of coverage ..................................... Sec. 31A-13
    Exclusions ...................................................... Sec. 31A-10
    Legal representation ........................................... Sec. 31A-12
    Limits of coverage .............................................. Sec. 31A-12
    No creation of cause of action ................................ Sec. 31A-14
    Notice of occurrence, claim, or suit; cooperation ................. Sec. 31A-8
    Plan period ..................................................... Sec. 31A-9
    Subrogation ..................................................... Sec. 31A-11

ONE-WAY STREETS AND ALLEYS ......................................... Sec. 28-59
  School zones ...................................................... Sec. 28-60

PARADES (See MOTOR VEHICLES AND TRAFFIC)

PARKING METERS (See “Stopping, standing and parking” under MOTOR VEHICLES AND TRAFFIC)

PARKING OF MOTOR VEHICLES (See “Stopping, standing and parking” under MOTOR VEHICLES AND TRAFFIC)

PARKS AND WATER RESERVOIRS
  Abusive, obscene, etc., language or acts .................................. Sec. 32-4
Index

Dogs
  Dogs at large. ......................................................... Sec. 32-6
  Off-leash sites for dogs. ........................................ Sec. 32-6.1
Driving and parking vehicles. ..................................... Sec. 32-8
  Driving upon walkways. ............................................ Sec. 32-2
  Speed limits (See “Speed Limits” below, This Topic)
Elm Fork
  Authority of director of public health and chief of police. ......................................................... Sec. 32-58
  Penalty; civil actions. ............................................ Sec. 32-60
  Pollution deemed nuisance. ........................................ Sec. 32-57
    Creating filth...................................................... Sec. 32-56
    Polluting waters. ................................................ Sec. 32-55
  Power and authority of city; guards. ............................ Sec. 32-59
Fair Park and state fair grounds
  Applicability of building code. ................................ Sec. 32-14
  Authority of building inspector and fire marshal. ............ Sec. 32-20
  Definitions. ....................................................... Sec. 32-21
  Electrical wiring. ................................................ Sec. 32-18
  Fair Park boundaries. .............................................. Sec. 32-11.5
  Fair Park parking area
    Maximum parking fee. ............................................ Sec. 32-28.1
    Posting of parking fees required. ............................. Sec. 32-28.2
  Fair Park parking license required. .............................. Sec. 32-22
    Application. ..................................................... Sec. 32-23
    Investigation of application. ................................... Sec. 32-24
    Issuance of license; expiration. ............................... Sec. 32-25
    License fee. ..................................................... Sec. 32-26
    Revocation; appeal. ............................................. Sec. 32-27
    Supervising attendant; display of license .................... Sec. 32-28
  Posting signs to prohibit parking on certain property near Fair Park. ........................................ Sec. 32-28.3
Purpose of article. .................................................. Sec. 32-13
  Regulations pertaining to structures used one month or less. ......................................................... Sec. 32-15
  Rides, elevators, hoists, etc. .................................... Sec. 32-16
  “State fair area” defined. ......................................... Sec. 32-12
  Temporary waste lines. ............................................ Sec. 32-17
  Use, storage, etc., of liquefied petroleum gases. .............. Sec. 32-19
Hang-gliders, para-sails, para-kites, parachutes, and similar
  devices prohibited; defense. ...................................... Sec. 32-11.2
Hours of closure for public parks and park amenities. ........ Sec. 32-9.1
Injury to trees, shrubs, fences, etc. ............................... Sec. 32-3
Lake Ray Hubbard
  Abandonment of personal property. .............................. Sec. 32-74
  Advertisements. .................................................... Sec. 32-71
  Authority to enforce regulations. ............................... Sec. 32-83
  Camping prohibited in certain areas. .......................... Sec. 32-78
  Commercial fishing prohibited. .................................. Sec. 32-76
  Construction prohibited. ......................................... Sec. 32-63
  Definitions. ....................................................... Sec. 32-62
Index

Destruction of city property .................................................. Sec. 32-67
Discarding of waste prohibited .............................................. Sec. 32-69
Diversion of water prohibited ................................................. Sec. 32-73
Fishing prohibited in certain areas ........................................ Sec. 32-75
Gasoline or oil storage ....................................................... Sec. 32-70
Hunting prohibited ............................................................... Sec. 32-77
Local additions to the Texas Water Safety Act .......................... Sec. 32-82
Picnicking in designated areas .............................................. Sec. 32-79
Prohibited uses ................................................................. Sec. 32-72
Recreational programs ....................................................... Sec. 32-80
Restricted areas ................................................................. Sec. 32-65
Solicitation prohibited .......................................................... Sec. 32-64
Temporary scope .................................................................. Sec. 32-61
Trespassing prohibited in certain areas ................................... Sec. 32-66
Use of firearms and other discharge devices prohibited ............. Sec. 32-68
Vehicle control ..................................................................... Sec. 32-81
Littering in parks ................................................................... Sec. 7A-8
Marsalis Park Zoo
   Hours of opening and closing established; exceptions ............... Sec. 32-29
   Notice of closing hours .......................................................... Sec. 32-30
   Remaining in zoo after closing hours....................................... Sec. 32-31
Noises interfering with enjoyment of public park and recreation areas .......................... Sec. 32-11.4
Possession of alcoholic beverages in parks .................................. Sec. 32-11.3
Promulgation and posting of rules and regulations ......................... Sec. 32-11
Protection of fish, animals, and fowl .......................................... Sec. 32-7
Public shooting ranges ............................................................ Sec. 32-11.1
Safety of patrons generally; limitation of activities by permit ............ Sec. 32-1
Sale of services or goods on park property .................................. Sec. 32-10
Schedules for operating facilities ............................................... Sec. 32-9
Speed limit ........................................................................... Secs. 28-46, 32-2
Traffic regulations, applicability of ............................................ Sec. 28-3
Trucks, operation in public parks .............................................. Sec. 28-70
Use of commercial vehicles, etc .............................................. Sec. 32-5
White Rock Lake and Bachman Lake Reservoirs
   Authority of city police on reservoir property .......................... Sec. 32-33
   Commercial vehicles prohibited; speed limit of vehicles .......... Sec. 32-36
   Disturbing trees and shrubs; gathering pecans ......................... Sec. 32-35
   Jurisdiction of park board subject to primary right of waterworks department .......................... Sec. 32-32
Operation of boats
   Catching fish for sale ............................................................ Sec. 32-50
   Designation of area for anchoring sailboats ............................ Sec. 32-51
   Disposition of impounded boats for normal sales to redeem .......... Sec. 32-54
   Equipment prohibited on the water ........................................ Sec. 32-40
   Impoundment for lack of license; redemption .......................... Sec. 32-53
   Inspection and approval prerequisite to issuance of licenses ........ Sec. 32-52
Index

Life preservers; lights; mufflers; speed. ................................................ Sec. 32-47
Manner of operation generally. ............................................................... Sec. 32-45
Passenger capacity. .................................................................. Sec. 32-46
Prohibition of boats to suppress epidemic. ........................................... Sec. 32-42
Sanitary requirements generally. ......................................................... Sec. 32-41
Seaworthiness generally; impounding loose boats. ............................... Sec. 32-48
Sirens. .................................................................................. Sec. 32-49
Special recreational events. ................................................................. Sec. 32-44
Use of boat under influence of intoxicants; forfeiture of license for
violation of section. ................................................................... Sec. 32-43
Powers and duties of superintendent of White Rock Lake generally. ........ Sec. 32-34
Seining for minnows. ........................................................................ Sec. 32-37
Swimming. .............................................................................. Sec. 32-39
Taking fish from hatchery. ................................................................. Sec. 32-38

PEDESTRIANS (See MOTOR VEHICLES AND TRAFFIC)

PERMIT AND LICENSE APPEAL BOARD

Appeals from actions of department directors. ........................................ Sec. 2-96
Appeals to state district court. ............................................................... Sec. 2-99
Created; function; terms. ................................................................. Sec. 2-95
Public notice requirements for hearings on exemptions
from locational restrictions. ................................................................. Sec. 2-98
Resets and continuances of hearings before the permit and
license appeal board. ................................................................. Sec. 2-97
Training .................................................................................. Sec. 2-95.1

PERSONNEL RULES

Benefits
Health benefit plans. ................................................................. Sec. 34-32
Life insurance .............................................................................. Sec. 34-33
Compensation
Distribution of pay checks. ................................................................. Sec. 34-21
Exempt employees. ........................................................................ Sec. 34-20
General. ................................................................................ Sec. 34-15
Overtime and paid leave for civilian employees. .................................. Sec. 34-17
Pay for vacation leave. ................................................................. Sec. 34-18
Work hours. .............................................................................. Sec. 34-16
Work hours, paid leave, and overtime for public safety employees. ....... Sec. 34-19
Dallas transit system employees. ........................................................ Sec. 13A-2
Discipline, grievance, and appeal procedures
Appeals to the civil service board. ........................................................ Sec. 34-39
Appeals to the trial board or administrative law judge. ......................... Sec. 34-40
Discipline procedures. ................................................................. Sec. 34-37
Grievance and appeal procedures. ..................................................... Sec. 34-38
Index

General provisions
  Administration .................................................. Sec. 34-2
  Application for employment .................................. Sec. 34-7
  Appointments .................................................... Sec. 34-8
  Conditions of employment ..................................... Sec. 34-5
  Definitions ....................................................... Sec. 34-4
  Demotions ........................................................ Sec. 34-12
  Eligibility for benefits ......................................... Sec. 34-9
  Penalty ............................................................ Sec. 34-3
  Policy ............................................................. Sec. 34-1
  Probation ........................................................ Sec. 34-11
  Reappointments ................................................ Sec. 34-10
  Requirements for induction ..................................... Sec. 34-6
  Terminations ...................................................... Sec. 34-14
  Transfers and reassignments .................................. Sec. 34-13

Injured employees
  Injury leave ....................................................... Sec. 34-31

Leave policies
  Compensatory leave ............................................. Sec. 34-24
  Court leave ....................................................... Sec. 34-26
  Death-in-family leave ........................................... Sec. 34-27
  Family leave ...................................................... Sec. 34-24.1
  General .......................................................... Sec. 34-21.1
  Holidays .......................................................... Sec. 34-25
  Injury leave ....................................................... Sec. 34-25
  Leave with pay (excused absence) ............................. Sec. 34-29
  Leave without pay ............................................... Sec. 34-28
  Mandatory city leave .......................................... Sec. 34-31.1
  Medical testing ................................................ Sec. 34-22.1
  Military service/military leave ............................... Sec. 34-30
  Sick leave ......................................................... Sec. 34-22
  Vacation leave .................................................... Sec. 34-23

Officer and employee liability plan (See OFFICERS AND EMPLOYEES, IN GENERAL)

Retirement (See RETIREMENT)

Rules of conduct
  Fair employment practices ..................................... Sec. 34-35
  Rules of conduct ............................................... Sec. 34-36

Wage supplementation
  Benefit policy for off-duty security or traffic control services .................................. Sec. 34-45
  Wage supplementation plan .................................... Sec. 34-43

POLES AND WIRES
  Apparatus with exposed parts ................................ Sec. 36-39
  Attachment of wires to buildings .............................. Sec. 36-42
  Change of location of poles or change of height of wires ........................................ Sec. 36-9
Index

City may prescribe further regulations......................................................... Sec. 36-11
Compliance with chapter................................................................. Sec. 36-1
Connections with conductors to be made at right angles................................. Sec. 36-22
Consent of city required to erect poles, wires, etc....................................... Sec. 36-2
Copper wire standards; submission of samples for tests................................ Sec. 36-31
Crossarms.................................................................................. Sec. 36-7
Daily testing of circuits.................................................................. Sec. 36-27
Fire indicators in electric light or power company stations; duty of company in case
of fire........................................................................ Sec. 36-34
Guard irons and guard wires.......................................................... Sec. 36-26
Height of wires........................................................................ Sec. 36-8
Initials of owners required on poles...................................................... Sec. 36-12
Inspection of work....................................................................... Sec. 36-33
Joints....................................................................................... Sec. 36-20
Line of poles to be on one side of street............................................... Sec. 36-14
Linemen and lampmen to wear badges.................................................. Sec. 36-38
Location of poles and other fixtures.................................................... Sec. 36-6
Minimum distance of poles from fireplugs.............................................. Sec. 36-37
Minimum distance of wire on crossarm from pole.................................... Sec. 36-17
Minimum distance of wires from buildings, poles, etc............................... Sec. 36-16
Minimum distance of wires from fire alarm wire.................................... Sec. 36-36
Minimum height of wires above roofs.................................................. Sec. 36-18
Penalty for violations.................................................................. Sec. 36-41
Permission required for electric light or power conductors on fixtures maintained
for other wires.................................................. Sec. 36-15
Poles to be perpendicular............................................................... Sec. 36-13
Removal upon abandonment.......................................................... Sec. 36-4
Reports, records, and inspections
   Article not a grant of additional privileges........................................ Sec. 36-46
   City may order audit of books and records....................................... Sec. 36-44
   Effect of article on other ordinances............................................. Sec. 36-47
   Inspection of poles and wires; notice to remove, replace, or alter......... Sec. 36-45
   Reports required.............................................................. Sec. 36-43
   Rights of certain companies................................................... Sec. 36-49
   Rights reserved by the city................................................ Sec. 36-48
Rights nontransferable.............................................................. Sec. 36-10
Safety cutouts for conductors.......................................................... Sec. 36-32
Secondary generators and converters.................................................. Sec. 36-35
Specifications for poles................................................................. Sec. 36-5
Standard of insulation resistance...................................................... Sec. 36-30
Street lights
   Frames and exposed parts to be insulated....................................... Sec. 36-29
   Minimum height above sidewalk................................................ Sec. 36-28
Supports of conductors................................................................ Sec. 36-19
Use of poles by another company..................................................... Sec. 36-40
Index

When alleys to be used rather than streets. .................................................. Sec. 36-3
Wires along walls. .................................................................................. Sec. 36-24
Wires crossing other wires. ................................................................. Sec. 36-23
Wires entering buildings. ..................................................................... Sec. 36-25
Wires to be stretched and attached to insulators. ................................. Sec. 36-21

POLICE

Arrest without warrant
  Authority.................................................................................. Sec. 37-5
  Person arrested to be brought before court. .................................. Sec. 37-7
  When offense committed in officer’s presence. ............................... Sec. 37-6

Badges
  Additional colors and attachments.................................................. Sec. 37-17
  Description
    Breast badge. ........................................................................... Sec. 37-15
    Cap badge. ................................................................................ Sec. 37-16
    Required to be worn. ................................................................ Sec. 37-14
    Loss or destruction; return of badges upon leaving department.  Sec. 37-19

Beating or striking prisoner or other person. ........................................ Sec. 37-13
Certificate of appointment; oath. ...................................................... Sec. 37-3

Chief of police
  Assignment of men to beats; reports by chief; other duties of chief.  Sec. 37-4
  Attendance at meetings of city council; summoning members, etc., to same. Sec. 37-26
  Deposit of moneys collected .......................................................... Sec. 37-27
  Execution of processes; assistance to city attorney. ......................... Sec. 37-29
  Keeper of the city prison................................................................. Sec. 37-28
  May close barrooms, etc................................................................ Sec. 37-24
  Member of police department........................................................ Sec. 37-21
  Oath and bond. ............................................................................. Sec. 37-22
  Powers and duties generally......................................................... Sec. 37-23
  Qualifications; appointment; term................................................ Sec. 37-20
  Release of prisoners without bond or before payment of fine. ........ Sec. 37-30
  Reports of breaches of the peace, etc.; abatement of nuisances. ...... Sec. 37-25

Community police oversight board
  Administrative assistance............................................................... Sec. 37-37
  Board created; appointment; term; meetings.................................. Sec. 37-31
  Chief of police ............................................................................. Sec. 37-38.2
  Community engagement ................................................................ Sec. 37-31.3
  Confidentiality. ............................................................................ Sec. 37-34
  Definitions ................................................................................... Sec. 37-31.1
  Division referrals .......................................................................... Sec. 37-32.1
  Duties .......................................................................................... Sec. 37-31.2
  Functions....................................................................................... Sec. 37-32
  Funding.......................................................................................... Sec. 37-38
  Mediation procedures .................................................................... Sec. 37-32.2
  Procedures for critical incident review......................................... Sec. 37-33
  Procedures for external administrative complaint review .............. Sec. 37-32.3
  Technical resource panel............................................................... Sec. 37-36
Index

Transparency ................................................................. Sec. 37-38.1
Witnesses................................................................. Sec. 37-35
Composition of police force........................................... Sec. 37-1
Courtesy to city officers, etc........................................... Sec. 37-10
Dallas security officers (See DALLAS SECURITY OFFICERS)
Duties and powers of policemen.................................. Sec. 37-2
Grounds for dismissal................................................ Sec. 37-11
Impersonation of police; blowing whistles, etc.................. Sec. 37-8
Moral character of policemen; references; bond................ Sec. 37-9
Motor vehicle escorts for hire....................................... Secs. 28-172, 28-180
Personnel of the police department
   Offices created; enumeration; several offices of same grade.. Sec. 37-74
Police and fire welfare fund (See POLICE AND FIRE WELFARE FUND)
Police reserve battalion
   Authority to carry weapons at the direction of the chief of police... Sec. 37-80
   Call to active service by chief of police.......................... Sec. 37-79
   Established.......................................................... Sec. 37-75
   No compensation; medical expenses............................... Sec. 37-83
   Status as peace officers.......................................... Sec. 37-84
   Supplementary capacity........................................... Sec. 37-81
   Training.............................................................. Sec. 37-78
   Under control of chief of police................................ Sec. 37-76
   Uniforms............................................................. Sec. 37-82
   Voluntary; limited in number..................................... Sec. 37-77
Restoration to prior rank upon dismissal from certain offices.. Sec. 37-12

POLICE AND FIRE WELFARE FUND
   Creation of board.................................................. Sec. 37A-2
   Definitions......................................................... Sec. 37A-1
   Establishment of trust fund....................................... Sec. 37A-7
   Investigation and payment of grant-in-aid........................ Sec. 37A-6
   Nonalienation of benefits......................................... Sec. 37A-9
   Nonvested rights.................................................. Sec. 37A-8
   Powers and duties of the board.................................. Sec. 37A-4
   Qualified beneficiaries............................................ Sec. 37A-5
   Terms of board..................................................... Sec. 37A-3

POLICE RESERVE BATTALION (See POLICE)

POOL HALLS (See BILLIARD HALLS)

PRISONERS, TREATMENT OF (See COURTS, FINES AND IMPRISONMENTS)

PRIVATE DETECTIVES
   Application for license
      Action by city manager; issuance of license..................... Sec. 38-8
      Appeal to city council......................................... Sec. 38-10
### Index

Factors to be considered by city manager.................................................. Sec. 38-9
Information required............................................................. Sec. 38-6
Investigation............................................................. Sec. 38-7

**Bond**
- Amount; conditions.................................................. Sec. 38-13
- Applicability of provisions.................................................. Sec. 38-15
- Renewal; failure to renew.................................................. Sec. 38-14
- Required............................................................. Sec. 38-12

**Certain persons exempted from provisions of chapter.**.................................. Sec. 38-25

**Definitions.**............................................................. Sec. 38-1

**Divulging of certain information prohibited.**.................................. Sec. 38-24

**Effect of chapter.**............................................................. Sec. 38-17

**Employees**
- Certain persons prohibited from employment.................................. Sec. 38-20
- “Employee’s statement” required.................................................. Sec. 38-21
- Fingerprinting............................................................. Sec. 38-22
- Number permitted; responsibility of employer.................................. Sec. 38-19
- Revocation of license............................................................. Sec. 38-23

**Functions, powers and duties of police department.**.................................. Sec. 38-11

**License**
- Expiration date............................................................. Sec. 38-5
- Fee............................................................. Sec. 38-4
- Fingerprinting; minimum age.................................................. Sec. 38-3
- Required............................................................. Sec. 38-2

**Posting and surrender of license certificate.**.................................. Sec. 38-16

**Removal of bureau, agency, etc...**............................................ Sec. 38-18

**PROSTITUTION** (See OFFENSES - MISCELLANEOUS)

**PUBLIC ART PROGRAM**
- Administration of the public art program - Responsibilities.................................. Sec. 2-105
- Arts and culture advisory commission (See ARTS AND CULTURE ADVISORY COMMISSION)
- Definitions............................................................. Sec. 2-102
- Funding............................................................. Sec. 2-103
- Purpose............................................................. Sec. 2-101
- Uses of monies in public art accounts.................................................. Sec. 2-104

**PUBLIC SERVICE CORPORATIONS** (See “Public service corporations” under EMERGENCY VEHICLES)

**PUBLIC SPEECHES IN CERTAIN AREAS** (See OFFENSES - MISCELLANEOUS)

**RAILROADS**
- Blocking of streets.................................................. Sec. 39-14
- Definitions............................................................. Sec. 39-2
- Enforcement............................................................. Sec. 39-3
Index

Jumping off or clinging to trains. .................................................. Sec. 39-11
Maintenance, construction standards
   Adoption of FRA track safety standards. .................................. Sec. 39-16
   Grade crossings. ................................................................. Sec. 39-19
   Railroad tracks. ................................................................. Sec. 39-17
   Standards for FRA class 5 track, FRA class 6 track, and special class track. .......... Sec. 39-20
Operating railroad cars without engines. ........................................ Sec. 39-8
Purpose ................................................................................. Sec. 39-1
Reporting duties and requests for city action. .................................. Sec. 39-5
Right-of-way fencing. ............................................................... Sec. 39-13
Ringing bell. ........................................................................... Sec. 39-9
Running switches. ................................................................. Sec. 39-12
Sounding whistle or horn. .......................................................... Sec. 39-10
Speed limits, maximum
   Train operation in reverse. ....................................................... Sec. 39-28
   With verification. ..................................................................... Sec. 39-27
   Without verification. ............................................................... Sec. 39-26
Speed limits, verification of track class
   Appeal of director’s action. ....................................................... Sec. 39-24
   Interim speeds. ....................................................................... Sec. 39-25
   Notification of railroad company. ............................................. Sec. 39-22
   Posting of speed limit signs. .................................................... Sec. 39-23
   Verification procedure. ......................................................... Sec. 39-21
Subcommittee. ........................................................................ Sec. 39-4
Taxicabs and buses - Use of designated parking places. .................... Sec. 39-15
Transporting hazardous materials and shiftable load materials. ............ Sec. 39-6
Transporting loose materials. ....................................................... Sec. 39-7

RAT CONTROL
Accumulation of lumber, boxes, etc. ................................................ Sec. 40-4
Business buildings
   Authority to close building. ....................................................... Sec. 40-12
   Construction of buildings to conform to chapter. ......................... Sec. 40-6
   Inspections to determine compliance with chapter. ....................... Sec. 40-8
   Inspections to determine rat infestation; order to protect against infestation. ........ Sec. 40-7
   Minimum requirements for applying rat-stoppage to buildings. .......... Sec. 40-9
   Protection against climbing or roof rats. .................................... Sec. 40-11
   Trapping and poisoning rats. ..................................................... Sec. 40-10
   Using building so that rat harborage brought into existence. ............ Sec. 40-13
Definitions. ............................................................................. Sec. 40-1
Dumping or placing garbage and waste on land or water. .................... Sec. 40-3
Penalty .................................................................................. Sec. 40-5
Places where food exposed or offered for sale. .................................. Sec. 40-2
Release of rats prohibited. .......................................................... Sec. 31-25
# Index

**REAL PROPERTY, CITY-OWNED** (See ADMINISTRATION)

**RECORDS MANAGEMENT PROGRAM**

- City of Dallas records. .......................................................... Sec. 39C-2
- Dallas municipal archives and records center. ......................... Sec. 39C-17
- Definitions.............................................................................. Sec. 39C-3
- Designation of records liaison officers. .................................. Sec. 39C-12
- Designation of records management officer............................. Sec. 39C-4
- Destruction of unscheduled records. ...................................... Sec. 39C-16
- Duties and responsibilities
  - City council................................. Sec. 39C-7
  - Department directors.................. Sec. 39C-11
  - Records liaison officers.............. Sec. 39C-13
  - Records management officer........ Sec. 39C-9
- Electronic storage of city records........................................ Sec. 39C-19
- Establishment of the records management policy committee........ Sec. 39C-8
- Implementation of records retention and disposition schedules;
  destruction of city records under schedule............................ Sec. 39C-15
- Microfilming city records.................................................... Sec. 39C-18
- Ownership and custody of city records.................................... Sec. 39C-5
- Penalty.................................................................................. Sec. 39C-21
- Records involved in public information requests, pending litigation, or
  pending audits................................................................. Sec. 39C-6
- Records management program to be developed; approval of program;
  authority of program.......................................................... Sec. 39C-10
- Records retention and disposition schedules; approval; filing with the state.. Sec. 39C-14
- Right of recovery.............................................................. Sec. 39C-20
- Statement of policy............................................................. Sec. 39C-1

**REGULATED PROPERTY - PURCHASE AND SALE**

- Definitions.............................................................................. Sec. 39B-2
- General purpose................................................................. Sec. 39B-1
- Hold notice............................................................................ Sec. 39B-4
- Hours of operation.............................................................. Sec. 39B-2.1
- Licensing of regulated property dealers
  - Appeal.................................................................................. Sec. 39B-13
  - Expiration of license......................................................... Sec. 39B-10
  - Fees.................................................................................... Sec. 39B-9
  - Issuance of license; posting................................................ Sec. 39B-8
  - License required.............................................................. Sec. 39B-7
  - Revocation...................................................................... Sec. 39B-11
  - Transfer of license............................................................ Sec. 39B-14
- Offenses................................................................................ Sec. 39B-5
- Penalty.................................................................................. Sec. 39B-5
- Regulated property purchases; records.................................... Sec. 39B-6
- Repair of business machines; reporting requirements.................. Sec. 39B-3

1/18 **Dallas City Code** 67
Index

RELOCATION ASSISTANCE - EMINENT DOMAIN

Appeals .................................................. Sec. 39A-7
Code enforcement, rehabilitation, or demolition program. .................. Sec. 39A-3
Definitions ........................................... Sec. 39A-2
Purpose .................................................. Sec. 39A-1
Records .................................................. Sec. 39A-8
Scope .................................................... Sec. 39A-1

RESTAURANTS (See FOOD ESTABLISHMENTS AND DRUGS)

RETIRED (See also PERSONNEL RULES)

Actuarial assumptions .................................. Sec. 40A-9
Administrator of the retirement fund. .................................. Sec. 40A-5
Amendment to this chapter. .................................. Sec. 40A-35
Benefits to incompetent retirees or beneficiaries .......................... Sec. 40A-25
City contributions ...................................... Sec. 40A-7
Compliance with federal tax laws. .................................. Sec. 40A-33
Cost-of-living adjustment to benefits. ................................ Sec. 40A-28
Creation of the retirement fund and board of trustees; composition and officers of the board .................................. Sec. 40A-2
Credited service
  Computation of benefits .................................. Sec. 40A-10
  Employment before a break in service. ........................... Sec. 40A-11
  Leave of absence ..................................... Sec. 40A-13
  Military active duty .................................... Sec. 40A-12
  Restricted prior service credit ............................. Sec. 40A-10.1
Death benefits
  After retirement ....................................... Sec. 40A-23
  Before retirement ..................................... Sec. 40A-21
    Selection of ....................................... Sec. 40A-22
  To minors ............................................ Sec. 40A-24
Definitions ............................................ Sec. 40A-1
Direct rollover ........................................ Sec. 40A-26
Disability retirement ..................................... Sec. 40A-17
Disability retirement pension .................................. Sec. 40A-18
Effect of membership in the retirement fund. .......................... Sec. 40A-8
Employee contributions .................................. Sec. 40A-6
Health benefit supplements .................................. Sec. 40A-27
Investment custody account .................................. Sec. 40A-4.2
Investment managers; fiduciary duties ............................... Sec. 40A-4.1
Leave for military active duty ................................ Sec. 40A-32
Leave of absence ....................................... Sec. 40A-31
Modification of contribution rates ................................. Sec. 40A-7.1
Nonalienation and nonreduction of benefits .......................... Sec. 40A-34
Index

Officer and employee liability plan (See OFFICERS AND EMPLOYEES) .................................................. Sec. 40A-4
Powers, duties, and immunities of the board. .................................................. Sec. 40A-4
Re-employment of a retiree. .................................................. Sec. 40A-20
Reduction in force. .................................................. Sec. 40A-14
Refund or forfeiture of contributions. .................................................. Sec. 40A-30
Retirement .................................................. Sec. 40A-15
Retirement pension .................................................. Sec. 40A-16
Selection of a designee .................................................. Sec. 40A-20.1
Selection of survivor options for death benefits .................................................. Sec. 40A-21
Termination of a disability retirement pension .................................................. Sec. 40A-19
Termination of city employment prior to retirement; benefits .................................................. Sec. 40A-29
Terms and remuneration of the board .................................................. Sec. 40A-3

SCHOOLS
Fire prevention regulations (See “Places of assembly” under FIRE PROTECTION)

SECONDARY METALS RECYCLERS
Definitions .................................................. Sec. 40B-2
Facsimile, telex, or similar equipment required .................................................. Sec. 40B-5
Five-day hold on regulated metal property; segregation, labeling,
and inspection of regulated metal property; exceptions .................................................. Sec. 40B-7
Hold on stolen regulated metal property; hold notice .................................................. Sec. 40B-8
Licensing of secondary metals recyclers
Appeal .................................................. Sec. 40B-16
Expiration of license .................................................. Sec. 40B-13
Fees .................................................. Sec. 40B-12
Issuance of license; posting .................................................. Sec. 40B-11
License required .................................................. Sec. 40B-10
Revocation .................................................. Sec. 40B-15
Suspension .................................................. Sec. 40B-14
Transfer of license .................................................. Sec. 40B-17
Notice to sellers .................................................. Sec. 40B-4
Offenses; defenses; penalty .................................................. Sec. 40B-9
Purpose .................................................. Sec. 40B-1
Records required .................................................. Sec. 40B-3
Restrictions on the purchase of regulated metal property .................................................. Sec. 40B-6

SENIOR AFFAIRS COMMISSION
Created .................................................. Sec. 2-140
Functions .................................................. Sec. 2-141
Meetings .................................................. Sec. 2-140
Membership .................................................. Sec. 2-140

SEPTIC TANKS (See HEALTH AND SANITATION)
Index

SEXUALLY ORIENTED BUSINESSES

Additional regulations

- Adult cabarets.  Sec. 41A-18.1
- Adult motels.  Sec. 41A-18
- Adult motion picture theaters.  Sec. 41A-17
- Escort agencies.  Sec. 41A-15
- Nude model studios.  Sec. 41A-16
- Prostitution (See OFFENSES - MISCELLANEOUS)
  Solicitation for purposes of prostitution (See OFFENSES - MISCELLANEOUS)

- Amendment of this chapter.  Sec. 41A-23
- Appeal.  Sec. 41A-11
- Classification.  Sec. 41A-3
- Definitions.  Sec. 41A-2
- Denial, suspension, revocation, or denial of renewal of a license for criminal convictions.  Sec. 41A-10.1
- Display of sexually explicit material to minors.  Sec. 41A-20
- Enforcement.  Sec. 41A-21
- Exemption from location restrictions.  Sec. 41A-14
- Expiration of license.  Sec. 41A-8
- Exterior portions of sexually oriented businesses.  Sec. 41A-14.1
- Fees.  Sec. 41A-6
- Identification records.  Sec. 41A-7.1
- Injunction.  Sec. 41A-22
- Inspection.  Sec. 41A-7
- Issuance of license.  Sec. 41A-7
- License and designated operator required.  Sec. 41A-5
- Location of sexually oriented businesses.  Sec. 41A-13
- Notice of denial of issuance or renewal of license or suspension or revocation of license; surrender of license.  Sec. 41A-10.2
- Prohibitions against minors in sexually oriented businesses.  Sec. 41A-20.1
- Purpose and intent.  Sec. 41A-1
- Regulations pertaining to exhibition of sexually explicit films or videos.  Sec. 41A-19
- Revocation.  Sec. 41A-10
- Sign requirements.  Sec. 41A-14.2
- Surrender of license.  Sec. 41A-10.2
- Suspension.  Sec. 41A-9
- Transfer of license.  Sec. 41A-12

SIGNS

- Temporary political campaign signs (See ELECTIONS)

SMOKE DETECTORS (See “Alarm systems” under FIRE PROTECTION)

SMOKING

- Definitions.  Sec. 41-1
- Enforcement
  - Penalties.  Sec. 41-9
Index

Smoking prohibitions
   Signage and other requirements. ..................................................  Sec. 41-3
   Smoking in transit bus system. ..................................................  Sec. 13A-8
   Smoking prohibited in certain areas. .......................................  Sec. 41-2

Tobacco-product vending machines
   Definitions. ........................................................................  Sec. 41-10
   Lock-out devices. ..................................................................  Sec. 41-12
   Prohibition against; defenses. ..............................................  Sec. 41-11

SNOW AND ICE (See STREETS AND SIDEWALKS)

SOLICITATION FOR PURPOSES OF PROSTITUTION (See OFFENSES - MISCELLANEOUS)

SOLICITATIONS, HOME
   Authority of chief ..................................................................  Sec. 42-3
   Definitions .............................................................................  Sec. 42-2
   Delivery of notices ..................................................................  Sec. 42-4
   Miscellaneous requirements for home solicitations
      Exhibiting signs prohibiting home solicitors .........................  Sec. 42-14
      Records ................................................................................  Sec. 42-15
      Time and manner for conducting home solicitations .............  Sec. 42-13
   Presumption of distribution of commercial printed matter ..........  Sec. 42-6
   Purpose ..................................................................................  Sec. 42-1
   Registration of home solicitors
      Appeals ................................................................................  Sec. 42-12
      Application for registration; fee; expiration; nontransferability; material changes...  Sec. 42-8
      Issuance, denial, and display of registration; identification badge ...........................................  Sec. 42-9
      Registration required; defenses ..........................................  Sec. 42-7
      Revocation ...........................................................................  Sec. 42-11
      Suspension ...........................................................................  Sec. 42-10
   Violations; penalty ..................................................................  Sec. 42-5

SOLICITORS
   Airports, sale of products or soliciting business at .........................  Secs. 5-34, 5-46

SOLID WASTE (See MUNICIPAL SOLID WASTES)

SOUTH DALLAS/FAIR PARK OPPORTUNITY FUND BOARD
   Created ..................................................................................  Sec. 2-130
   Duties and responsibilities. .....................................................  Sec. 2-131
   Membership. ..........................................................................  Sec. 2-130
   Terms .....................................................................................  Sec. 2-130
**Index**

SPECIAL EVENTS *(effective thru 5-31-19)*

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 42A-4</td>
<td>Chapter cumulative.</td>
</tr>
<tr>
<td>Sec. 42A-2</td>
<td>Definitions.</td>
</tr>
<tr>
<td>Sec. 42A-15</td>
<td>Enforcement.</td>
</tr>
<tr>
<td>Sec. 42A-16</td>
<td>Penalties.</td>
</tr>
<tr>
<td>Sec. 42A-5</td>
<td>Exemptions.</td>
</tr>
<tr>
<td>Sec. 42A-3</td>
<td>General authority and duty of special event manager.</td>
</tr>
<tr>
<td>Sec. 42A-1</td>
<td>Purpose.</td>
</tr>
<tr>
<td>Sec. 42A-6</td>
<td>Special event permits.</td>
</tr>
<tr>
<td>Sec. 42A-14</td>
<td>Appeal from denial or revocation of a special event permit.</td>
</tr>
<tr>
<td>Sec. 42A-7</td>
<td>Application; issuance.</td>
</tr>
<tr>
<td>Sec. 42A-13</td>
<td>Denial or revocation.</td>
</tr>
<tr>
<td>Sec. 42A-11.1</td>
<td>Emergency medical services.</td>
</tr>
<tr>
<td>Sec. 42A-8</td>
<td>Fees.</td>
</tr>
<tr>
<td>Sec. 42A-11</td>
<td>Indemnification.</td>
</tr>
<tr>
<td>Sec. 42A-10</td>
<td>Insurance.</td>
</tr>
<tr>
<td>Sec. 42A-9</td>
<td>Notice.</td>
</tr>
<tr>
<td>Sec. 42A-12.1</td>
<td>Portable restroom requirements.</td>
</tr>
<tr>
<td>Sec. 42A-12</td>
<td>Security; crowd control; and traffic control.</td>
</tr>
<tr>
<td>Sec. 42A-6</td>
<td>Vendors at a special event.</td>
</tr>
</tbody>
</table>

SPECIAL EVENTS; NEIGHBORHOOD MARKETS; DALLAS FARMERS MARKET FARMERS MARKET; STREETLIGHT POLE BANNERS *(effective 6-1-19)*

Dallas Farmers Market farmers market

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 42A-29</td>
<td>Application; issuance.</td>
</tr>
<tr>
<td>Sec. 42A-34</td>
<td>Denial or revocation.</td>
</tr>
<tr>
<td>Sec. 42A-32</td>
<td>Operations of Dallas Farmers Market farmers market.</td>
</tr>
<tr>
<td>Sec. 42A-31</td>
<td>Parking.</td>
</tr>
<tr>
<td>Sec. 42A-33</td>
<td>Products at Dallas Farmers Market.</td>
</tr>
<tr>
<td>Sec. 42A-30</td>
<td>Street closures.</td>
</tr>
</tbody>
</table>

Enforcement

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 42A-40</td>
<td>Offenses.</td>
</tr>
<tr>
<td>Sec. 42A-41</td>
<td>Penalties.</td>
</tr>
</tbody>
</table>

General provisions

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 42A-9</td>
<td>Amplified outdoor sound and lighting.</td>
</tr>
<tr>
<td>Sec. 42A-8</td>
<td>Appeal from denial or revocation of a permit.</td>
</tr>
<tr>
<td>Sec. 42A-4</td>
<td>Chapter cumulative.</td>
</tr>
<tr>
<td>Sec. 42A-11</td>
<td>Clean zone.</td>
</tr>
<tr>
<td>Sec. 42A-2</td>
<td>Definitions.</td>
</tr>
<tr>
<td>Sec. 42A-5</td>
<td>Exemptions.</td>
</tr>
<tr>
<td>Sec. 42A-6</td>
<td>Fees.</td>
</tr>
<tr>
<td>Sec. 42A-3</td>
<td>General authority and duty of director.</td>
</tr>
<tr>
<td>Sec. 42A-10</td>
<td>High impact areas.</td>
</tr>
</tbody>
</table>
Index

Indemnification ................................................................. Sec. 42A-7
Purpose .............................................................................. Sec. 42A-1

Neighborhood market
  Application; issuance ....................................................... Sec. 42A-21
  Denial or revocation ......................................................... Sec. 42A-28
  Location of a neighborhood market .................................... Sec. 42A-22
  Operation of a neighborhood market .................................... Sec. 42A-23
  Parking .............................................................................. Sec. 42A-25
  Products at a neighborhood market ...................................... Sec. 42A-26
  Street closures ................................................................... Sec. 42A-24
  Vendor's statement ............................................................ Sec. 42A-27

Special event permits
  Application; issuance ....................................................... Sec. 42A-12
  Denial or revocation ......................................................... Sec. 42A-20
  Emergency medical services .............................................. Sec. 42A-14
  Insurance ......................................................................... Sec. 42A-15
  Notice ............................................................................... Sec. 42A-18
  Parking .............................................................................. Sec. 42A-17
  Portable restroom and trash receptacle requirements ............... Sec. 42A-19
  Security; crowd control; and traffic control .......................... Sec. 42A-13
  Street closures ................................................................... Sec. 42A-16

Streetlight pole banners
  Application; issuance ....................................................... Sec. 42A-35
  Denial or revocation ......................................................... Sec. 42A-39
  Insurance ......................................................................... Sec. 42A-37
  Permit extension ............................................................... Sec. 42A-36
  Streetlight pole banner regulations .................................... Sec. 42A-38

SPEED LIMITS (See “Speed regulations” under MOTOR VEHICLES AND TRAFFIC)

STATE FAIR GROUNDS (See PARKS AND WATER RESERVOIRS)

STORM DRAINAGE SYSTEM (See HEALTH AND SANITATION)

STORMWATER DRAINAGE UTILITY
  Definitions; stormwater drainage utility rates; exemptions; incentives for residential-benefitted properties; billing and collection procedures ........................................ Sec. 2-168
  Purpose and creation; adoption of state law; and administration of stormwater drainage utility ........................................ Sec. 2-167
  Service area ...................................................................... Sec. 2-169

STREETCARS (See “Streetcar regulations” under MOTOR VEHICLES AND TRAFFIC)

STREET LIGHTS (See POLES AND WIRES)

STREET VENDORS (See CONSUMER AFFAIRS)
Index

STREETS AND SIDEWALKS

Advertising, use of vehicle on. .................................................. Sec. 3-2
Allowing weeds, grass, etc., to obstruct gutters and sidewalks. .................. Sec. 43-15
Attracting crowds on sidewalks. .............................................. Sec. 43-5

Awnings

Awnings posts. ................................................................. Sec. 43-29
Coverings to be fireproof; exceptions. ........................................ Sec. 43-28
Extending over public property. ............................................. Sec. 43-30
Fastening to buildings; supports. ............................................. Sec. 43-27
Height above sidewalk. ...................................................... Sec. 43-26

Building numbering

Basic units of space for numbering. ........................................ Sec. 43-103
Diagram of mall areas. ...................................................... Sec. 43-106
Directional signs within building complexes. .................................. Sec. 43-105
Numbering within building complexes. ....................................... Sec. 43-104
Odd and even numbers. ..................................................... Sec. 43-102
Official numbering plan must be followed. .................................. Sec. 43-100
Owner or occupant to number buildings. .................................... Sec. 43-99
Specifications for numbers. .................................................. Sec. 43-101

Certain uses of public right-of-way

Clearance for street paving and storm drainage projects ....................... Sec. 43-143
Conformance with public improvements ..................................... Sec. 43-144
Definitions ................................................................. Sec. 43-135
Director’s authority; enforcement; offenses .................................. Sec. 43-136
Effect of article on persons engaged in construction ......................... Sec. 43-147
Emergency repairs ....................................................... Sec. 43-146
Improperly constructed facilities ............................................ Sec. 43-145
Insurance and indemnity requirements; exceptions .......................... Sec. 43-140
Marking existing underground utilities ..................................... Sec. 43-148
Miscellaneous requirements for street excavation and installations, trench safety, and above ground utility structures ........................................ Sec. 43-141

Network nodes and related infrastructure ................................ Sec. 43-139.1
Performance bond; letter of credit; cash deposit ................................ Sec. 43-140.1
Permit required; exceptions; conditions; denial and revocation ............... Sec. 43-139
Plans of record .......................................................... Sec. 43-138
Registration; other requirements ........................................... Sec. 43-137
Restoration requirements .................................................. Sec. 43-142
Waiver of bonding requirements ........................................... Sec. 43-140.2

Construction and repair of sidewalks, curbs and driveway approaches

 Administration and enforcement of article

Authority of director generally. ............................................ Sec. 43-37
Director not personally liable for good faith actions. ......................... Sec. 43-36
Police power of director. .................................................. Sec. 43-35
All work to comply with established lines and grades. ....................... Sec. 43-55
Alternative materials and construction methods. ................................ Sec. 43-66
Index

Concrete
Ingredients and consistency required. .................................................. Sec. 43-51
Placement. .................................................. Sec. 43-52
Protecting against extreme temperatures, etc. .................................. Sec. 43-53
Construction of retaining walls on public property. .................................. Sec. 43-59

Construction permit
Required. .................................................. Sec. 43-39
Application
Information to be furnished by applicants. .......................................... Sec. 43-40
Lot plan to be furnished when requested. ........................................ Sec. 43-41
Expiration; new permit required before recommencing work. ............... Sec. 43-42

Definitions. .................................................. Sec. 43-32
Effect of article on responsibility for damages. .................................. Sec. 43-38
Examination and approval of materials prior to use. .................................. Sec. 43-54
Form, specifications, and placement. ........................................ Sec. 43-50
Indented parking. .................................................. Sec. 43-62

Liability of abutting property owners for injuries caused by defective sidewalks. .................................. Sec. 43-33
Liability of persons making special use of sidewalks. .................................. Sec. 43-34
Lights and safeguards. .................................................. Sec. 43-57

Material specifications and construction methods
Curbs and gutters
Construction of joints. .................................................. Sec. 43-72
Description; composition of concrete and mortar used in construction. .................................. Sec. 43-71
Final dimensions; gutter ratio required for curb facing; dwelling for driveway construction. .................................. Sec. 43-77
Finishing. .................................................. Sec. 43-75
Forms. .................................................. Sec. 43-73
Placement of concrete and mortar. ........................................ Sec. 43-74
Protection of new work from traffic; backfilling. .................................. Sec. 43-76

Driveway approaches
Abandonment; duty of abutting property owner to restore curb. .................. Sec. 43-93
Commercial driveway approaches. ........................................ Sec. 43-95
Construction in existing angle parking areas prohibited; exceptions. .................................. Sec. 43-91
Finishing. .................................................. Sec. 43-80
Location of approaches at pedestrian crossings, etc., prohibited. ............... Sec. 43-90
Location of approaches near traffic interchanges, etc. .................................. Sec. 43-89
Location; provision for joint approaches. ........................................ Sec. 43-86
Maximum space to be occupied........................................ Sec. 43-83
Minimum angle in relation to curb line. ........................................ Sec. 43-87
Minimum requirements for approaches near street intersections. .................. Sec. 43-88
Number of approaches permitted. ........................................ Sec. 43-84
Placement and compaction of concrete. ........................................ Sec. 43-79
Protection from vehicular traffic. ........................................ Sec. 43-81
Removal of curb and gutter where required. ........................................ Sec. 43-82
Residential driveway approaches. ........................................ Sec. 43-94
Separation of driveway approaches. ........................................ Sec. 43-85
Dockless vehicle permit

AppGeo

Application for operating authority permit. Sec. 43-161
Changes to information in operating authority application. Sec. 43-162
Criminal offenses. Sec. 43-175
Data sharing. Sec. 43-171
Definitions. Sec. 43-157
Dockless vehicle parking, deployment, and operation. Sec. 43-169
Enforcement. Sec. 43-174
Establishment of rules and regulations. Sec. 43-159
Expiration of operating authority permit. Sec. 43-163
General authority and duty of director. Sec. 43-158
Insurance requirements. Sec. 43-170
Nontransferability. Sec. 43-167
Operating authority permit. Sec. 43-160
Operations. Sec. 43-168
Performance bond or irrevocable letter of credit. Sec. 43-173
Refusal to issue or renew operating authority permit. Sec. 43-164
Suspension or revocation of operating authority permit. Sec. 43-165
Vehicle fee. Sec. 43-172
Index

Driveways, in general
   Appeals ................................................................. Sec. 43-155
   Director defined .................................................. Sec. 43-149
   Driveways not to be within three feet of poles, etc. .......... Sec. 43-150
   Fee where poles, etc., to be relocated ........................ Sec. 43-156
   Permit for driveway to be issued after poles, etc., removed. Sec. 43-154
   Removal of poles, etc., to permit construction of driveways required. Sec. 43-151
      Allocation of costs for relocation ............................ Sec. 43-153
      Plans to be approved by director ............................ Sec. 43-152
   Driving horses, cattle, etc., on certain streets forbidden........ Sec. 43-2
   Fruit stands, stalls, etc., on sidewalks ........................ Sec. 43-4
   Glass to be removed from highway after a wreck ............... Sec. 43-9
   Heavy articles not to be carried along sidewalks ............... Sec. 43-24
   Injuring or defacing street signs and signposts ............... Sec. 43-23
   Leaving rubbish in street after completion of building ......... Sec. 43-14
   License for the use of public right-of-way
      Bicycle parking devices
         Definitions .......................................................... Sec. 43-120
         Denial or revocation of license ............................. Sec. 43-122
         Expiration of license ......................................... Sec. 43-123
         Indemnification ................................................ Sec. 43-126.1
         License required; application; issuance .................... Sec. 43-121
         Location of a bicycle parking device ........................ Sec. 43-125
         Restoration of the right-of-way .............................. Sec. 43-126.2
         Restrictions on the use of a bicycle parking device prohibited. Sec. 43-126
         Standards for installation, operation, and maintenance of a bicycle parking device ............................. Sec. 43-124
   Licenses for other than bicycle parking devices, valet parking services, and newsracks
      Annual fee for use of public right-of-way ..................... Sec. 43-115
      Application; fee .................................................. Sec. 43-112
      Breach by grantee ............................................... Sec. 43-118
      Definitions ....................................................... Sec. 43-111
      Grant by city council .......................................... Sec. 43-113
      Licenses for subdivision signs ................................ Sec. 43-115.2
      Penalties .......................................................... Sec. 43-117
      Sidewalk Cafe Design Standards Manual ........................ Sec. 43-115.3
      Special fees for the use of public right-of-way ............... Sec. 43-115.1
      Temporary license ............................................... Sec. 43-116
      Terms and conditions; duration; right of termination reserved by city ................................. Sec. 43-114
      Waiver ............................................................ Sec. 43-119
   Newsracks
      Allocation of freestanding newsrack locations ................ Sec. 43-126.23
      Appeal from license denial or revocation ........................ Sec. 43-126.21
      Conditions of a license and annual fees ........................ Sec. 43-126.19
      Definitions ....................................................... Sec. 43-126.16
      Denial or revocation of a license ................................ Sec. 43-126.20
## Index

<table>
<thead>
<tr>
<th>Topic</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Display and distribution of harmful materials through newsracks.</td>
<td>43-126.26</td>
</tr>
<tr>
<td>Expiration and renewal of a license.</td>
<td>43-126.22</td>
</tr>
<tr>
<td>License and decal required.</td>
<td>43-126.17</td>
</tr>
<tr>
<td>License application; issuance of license; and display of decals.</td>
<td>43-126.18</td>
</tr>
<tr>
<td>Locational requirements for newsracks.</td>
<td>43-126.25</td>
</tr>
<tr>
<td>Multiple newsrack unit zones.</td>
<td>43-126.29</td>
</tr>
<tr>
<td>Purpose and intent.</td>
<td>43-126.15</td>
</tr>
<tr>
<td>Removal of newsracks and publications.</td>
<td>43-126.28</td>
</tr>
<tr>
<td>Restoration of the right-of-way.</td>
<td>43-126.27</td>
</tr>
<tr>
<td>Split-door newsracks.</td>
<td>43-126.30</td>
</tr>
<tr>
<td>Standards for installation, operation, and maintenance of newsracks.</td>
<td>43-126.24</td>
</tr>
<tr>
<td>Violations; penalty.</td>
<td>43-126.31</td>
</tr>
</tbody>
</table>

### Valet parking services

<table>
<thead>
<tr>
<th>Topic</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definitions.</td>
<td>43-126.3</td>
</tr>
<tr>
<td>Denial or revocation of license; temporary suspension.</td>
<td>43-126.7</td>
</tr>
<tr>
<td>Expiration of license.</td>
<td>43-126.8</td>
</tr>
<tr>
<td>Fees.</td>
<td>43-126.6</td>
</tr>
<tr>
<td>Indemnification.</td>
<td>43-126.13</td>
</tr>
<tr>
<td>Insurance.</td>
<td>43-126.12</td>
</tr>
<tr>
<td>License required; application; issuance.</td>
<td>43-126.5</td>
</tr>
<tr>
<td>Location of a valet parking service.</td>
<td>43-126.11</td>
</tr>
<tr>
<td>Purpose.</td>
<td>43-126.4</td>
</tr>
<tr>
<td>Signs.</td>
<td>43-126.14</td>
</tr>
<tr>
<td>Standards for operation of a valet parking service.</td>
<td>43-126.9</td>
</tr>
<tr>
<td>Valet parking service stands.</td>
<td>43-126.10</td>
</tr>
</tbody>
</table>
INDEX

Litter, sidewalks to be kept free of. .......................................................... Sec. 7A-5
Marking sidewalks with stencils, etc. .................................................. Sec. 43-22
Mixing concrete on paved streets. ..................................................... Sec. 43-19
Moving horses and vehicles at request of street cleaner. ................... Sec. 43-3
Open cellar or trap doors; permitting sidewalk to remain in disrepair. Sec. 43-7
Each day an offense continues deemed separate offense. .................. Sec. 43-8
Permits required for alterations, obstructions, etc., of sewers, gutters, etc. Sec. 43-21
Playing ball, throwing stones, etc., in streets. ................................. Sec. 43-17
Sale of merchandise and produce on streets and sidewalks
  Causing crowd to congregate on sidewalk. ..................................... Sec. 43-129
  Unlawful solicitation at the convention center and reunion arena. ...... Sec. 43-127
  Use of sidewalk for display of merchandise. ................................. Sec. 43-133
  Use of sidewalk to forward or receive merchandise. ...................... Sec. 43-134
Skating on streets and sidewalks. .................................................... Sec. 43-18
Snow and ice
  Causing ice to form on streets and alleys. .................................. Sec. 43-98.1
  Covering snow and ice with sand, ashes, etc. ............................... Sec. 43-97
  Enforcement. ............................................................................ Sec. 43-98.2
  Removal of snow and ice from sidewalks required. ....................... Sec. 43-96
  Where removed snow and ice to be placed. ................................ Sec. 43-98
Throwing fruit peeling on sidewalks. ................................................. Sec. 43-16
Trash, etc., not to accumulate or remain on sidewalks. .................... Sec. 43-13
  Property owner to keep sidewalk free of litter. ......................... Sec. 7A-5
Unsafe scaffolds. .......................................................................... Sec. 43-6

SWIMMING POOLS

Definitions. ................................................................................. Sec. 43A-1
Incorporation of Health and Safety Code Regulations for multiunit pool enclosures. Sec. 43A-3.1
Inspections and reinspections. ....................................................... Sec. 43A-3
Maintenance and operation of swimming pools
  Appeal. .................................................................................. Sec. 43A-25
  Certification of manager of operations. ....................................... Sec. 43A-18
  Operation of a pool. ............................................................... Sec. 43A-19
  Permit and manager of operations required. ............................... Sec. 43A-17
  Pool drainage. ....................................................................... Sec. 43A-23
  Pools not maintained. .......................................................... Sec. 43A-20.1
  Quality of water; public and semi-public pools. ......................... Sec. 43A-20
  Regulations in pool area. ....................................................... Sec. 43A-22
  Safety equipment. ............................................................... Sec. 43A-21
  Suspension. ........................................................................ Sec. 43A-24
Permit required; application; issuance. ............................................ Sec. 43A-2
Pool design and construction
  Deck area; pool enclosure; spectator separation. ......................... Sec. 43A-11
  Depth and slope; depth markings. ........................................... Sec. 43A-6
  Diving area. ......................................................................... Sec. 43A-8
  Heating units. ...................................................................... Sec. 43A-14
  Inlets and outlets; water disposal. ......................................... Sec. 43A-13
Index

Lighting................................................................. Sec. 43A-15
Materials............................................................... Sec. 43A-4
Overflow gutters and skimming devices............................. Sec. 43A-10
Projections.......................................................... Sec. 43A-7
Recirculation system................................................ Sec. 43A-12
Shape................................................................. Sec. 43A-5
Steps, ladders and towers........................................... Sec. 43A-9
Toilet facilities..................................................... Sec. 43A-16

Spas
Spa safety standards.............................................. Sec. 43A-26

TAXATION
Assessment, etc., of ad valorem taxes in certain contingencies; support of ad valorem bonds during interim period................................................................. Sec. 44-12
Assessment of franchises, etc....................................... Sec. 44-10
Assessment rolls to show name of owner and description of property................................................. Sec. 44-7
Assessment rolls to show total amount of taxes................ Sec. 44-8
Bingo gross receipts tax
   Levy of tax; amount............................................... Sec. 44-33.1
Collection of taxes upon assignment for benefit of creditors or receivership........................................ Sec. 44-15
Deduction of penalty and interest accruing after bankruptcy.......................................................... Sec. 44-13
Duty of building inspector........................................... Sec. 44-6
Fire insurance companies........................................... Sec. 44-2
Historic landmark tax exemptions.................................. Sec. 44-17
Hotel occupancy tax
   Additional 2% hotel occupancy tax
      Definitions.................................................. Sec. 44-48
      Exemptions and refunds.................................. Sec. 44-51
      Levy of tax; amount; duration............................ Sec. 44-49
      Penalties.................................................... Sec. 44-56
      Reports; payments; fees.................................. Sec. 44-53
      Responsibility for collection, reporting, and payment of tax................................................. Sec. 44-52
      Rules and regulations...................................... Sec. 44-55
      Statement of tax purpose required....................... Sec. 44-52
      Tax collection on purchase of a hotel.................... Sec. 44-54
      Use of tax revenue........................................... Sec. 44-50

7% hotel occupancy tax
   Convenience charge for certain payments made by credit card............................................... Sec. 44-37.2
   Definitions.................................................. Sec. 44-34
   Exemptions and refunds.................................. Sec. 44-35.1
   Levy; amount; disposition of revenue....................... Sec. 44-35
   Penalties.................................................... Sec. 44-39
   Reports; payments; fees.................................. Sec. 44-37
   Responsibility for collection, reporting, and payment of tax................................................. Sec. 44-36
   Rules and regulations...................................... Sec. 44-38
   Tax collection on purchase of a hotel....................... Sec. 44-37.1
Manner of making up original tax assessment sheets not affected................................................. Sec. 44-9
Index

Occupation taxes

Coin-operated machines. ................................................................. Sec. 44-32
Collection of tax and issuance of receipt generally. .......................... Sec. 44-23
Collector’s monthly reports; failure to collect tax or give receipt. ....... Sec. 44-25
Countersigning licenses; signing receipts. ................................. Sec. 44-24
Exemption of eleemosynary institutions. ........................................ Sec. 44-29
Levied. ................................................................................ Sec. 44-22
Levy and enforcement of payment. ............................................. Sec. 44-26
Payment generally; receipt to constitute license. ......................... Sec. 44-27
Transfer of license
  Authority of licensee. ................................................................. Sec. 44-30
  Effect; only one transfer allowed. ............................................. Sec. 44-31
Unlawful to pursue occupation without license; prosecution not to affect civil remedy.. .......................................................... Sec. 44-28

Penalties for failure to make timely and correct rendition of certain property. ................................................................. Sec. 44-3
Persons required to render; time for rendition. .......................... Sec. 44-1
Poles and wires, taxation of (See “Tax on poles and wires” under POLES AND WIRES)
Prorating of real property taxes - Authority. .................................. Sec. 44-4
  At request of owner; notice to owners when proration made on initiative of assessor and collector. ..................................... Sec. 44-5
Service charge for verification of taxes on real property. .................. Sec. 44-16
Short-term motor vehicle rental tax
  Collection of tax. .................................................................. Sec. 44-42
  Collection procedures on purchase of a motor vehicle rental business. ................................................................. Sec. 44-44
  Definitions. ......................................................................... Sec. 44-40
  Penalties. ............................................................................. Sec. 44-47
  Reports; payment to the city; fees; records. .............................. Sec. 44-43
  Rules and regulations. ............................................................ Sec. 44-46
  Tax imposed. ....................................................................... Sec. 44-41
  Use of revenue derived from imposition of tax. ......................... Sec. 44-45
Tax certificates. ........................................................................... Sec. 44-17.1
Tax on telecommunications services
  Definitions. ......................................................................... Sec. 44-18
  Levy of tax; amount. .............................................................. Sec. 44-19
  Other obligations not affected by tax. ...................................... Sec. 44-21
  Repeal of exemption. ............................................................. Sec. 44-20
Taxation of tangible personal property in transit. ......................... Sec. 44-57
Taxes due on adjudication of bankruptcy. ...................................... Sec. 44-11
Taxes due upon assignment for benefit of creditors or receivership. .... Sec. 44-14

TAXICABS (See TRANSPORTATION FOR HIRE)
  Stopping of vehicle in public carrier stands (See “Stopping, standing and parking” under MOTOR VEHICLES AND TRAFFIC)

TELECOMMUNICATION SERVICES TAX (See TAXATION)
Index

TRAFFIC DIVISION (See “Traffic administration” under MOTOR VEHICLES AND TRAFFIC)

TRAFFIC ENGINEER (See “Traffic administration” under MOTOR VEHICLES AND TRAFFIC)

TRAILERS, TRAILER PARKS AND TOURIST CAMPS

    Building permit
          Application .......................................................... Sec. 47-5
          Building inspector to approve plans ........................................ Sec. 47-6
          Required ..................................................................... Sec. 47-4

    Certificate of occupancy .................................................. Sec. 47-18

    Definitions ................................................................. Sec. 47-1

    Fire regulations .......................................................... Sec. 47-22

    Location of court, camp or park .......................................... Sec. 47-11

    One family to use one unit plot ........................................ Sec. 47-23

    Parking house trailer in city ............................................. Sec. 47-19

    Purpose of chapter ...................................................... Sec. 47-2

    Records to be kept - Inspection ........................................ Sec. 47-20
          Registration of guests .................................................. Sec. 47-21

    Requirements for each unit plot generally ........................ Sec. 47-12

    Sanitary facilities for dependent trailers ............................. Sec. 47-15

    Scope of chapter ......................................................... Sec. 47-3

    Toilet buildings generally ............................................ Sec. 47-13

    Unit plots occupied by independent trailers ........................ Sec. 47-14

    Utilities ......................................................................... Sec. 47-24

    Waste disposal .................................................................. Sec. 47-17

TRANSPORTATION FOR HIRE

    Enforcement
          Appeal of correction order ............................................. Sec. 47A-4.6
          Correction order ......................................................... Sec. 47A-4.4
          Criminal offenses ....................................................... Sec. 47A-4.7
          Removal of evidence of authorization ............................... Sec. 47A-4.2
          Responsibility for enforcement ....................................... Sec. 47A-4.1
          Service of notice .......................................................... Sec. 47A-4.5
          Towing and impounding ................................................ Sec. 47A-4.3

    General provisions
          Definitions ................................................................. Sec. 47A-1.5
          Establishment of rules and regulations ............................. Sec. 47A-1.3
          Exclusions ................................................................. Sec. 47A-1.4
          General authority and duty of director ............................. Sec. 47A-1.2
          Permit fees ................................................................. Sec. 47A-1.6

          Statement of policy ..................................................... Sec. 47A-1.1
Index

Regulations applicable to all transportation-for-hire services

Driver permit
Application for driver permit .................................................. Sec. 47A-2.2.3
Approval or denial of driver permit .......................................... Sec. 47A-2.2.5
Changes to information in driver permit application .................. Sec. 47A-2.2.6
Display of driver permit .......................................................... Sec. 47A-2.2.9
Driver permit required ............................................................. Sec. 47A-2.2.1
Driver regulations ................................................................. Sec. 47A-2.2.12
Duplicate driver permit ........................................................... Sec. 47A-2.2.8
Duration of driver permit ....................................................... Sec. 47A-2.2.7
Investigation of application for driver permit ......................... Sec. 47A-2.2.4
Nontransferability ................................................................. Sec. 47A-2.2.11
Qualifications for driver permit .............................................. Sec. 47A-2.2.2
Suspension or revocation of driver permit ............................... Sec. 47A-2.2.10

Insurance
Insurance policy requirements and prohibitions ....................... Sec. 47A-2.5.1
Minimum insurance limits ...................................................... Sec. 47A-2.5.2

Operating authority permit
Application for operating authority permit ............................... Sec. 47A-2.1.2
Changes to information in operating authority application .......... Sec. 47A-2.1.3
Expiration of operating authority permit ................................. Sec. 47A-2.1.4
Nontransferability ................................................................. Sec. 47A-2.1.9
Operating authority permit required ................................-------- Sec. 47A-2.1.1
Publicly remotely accessible data site ................................... Sec. 47A-2.1.7
Suspension or revocation of operating authority ....................... Sec. 47A-2.1.5
Transportation-for-hire service at Dallas Love Field Airport and
Dallas-Fort Worth International Airport .................................. Sec. 47A-2.1.8
Zero-tolerance drug policy ..................................................... Sec. 47A-2.1.6

Service rules
Additional requirements for hailable vehicles ........................... Sec. 47A-2.4.9
City-wide service ................................................................. Sec. 47A-2.4.3
Direct and expeditious route .................................................. Sec. 47A-2.4.5
Driver availability log ........................................................... Sec. 47A-2.4.13
Gouging prohibited ............................................................. Sec. 47A-2.4.10
Non-discrimination ............................................................... Sec. 47A-2.4.2
No solicitation ................................................................. Sec. 47A-2.4.1
Payment by credit card ....................................................... Sec. 47A-2.4.6
Rates and fares ................................................................. Sec. 47A-2.4.8
Signage .......................................................... Sec. 47A-2.4.7
SmartWay certified vehicles .................................................. Sec. 47A-2.4.11
Solicitation of passengers by business establishments .............. Sec. 47A-2.4.12
Wheelchair accessibility ........................................................ Sec. 47A-2.4.4

Vehicle permit
Display of vehicle permit ........................................................ Sec. 47A-2.3.4
Expiration of vehicle permit .................................................. Sec. 47A-2.3.5
Index

Requirements for vehicle permit .............................................. Sec. 47A-2.3.2
Vehicle permit required ...................................................... Sec. 47A-2.3.1
Vehicle quality standards ..................................................... Sec. 47A-2.3.3

Regulations specific to non-motorized passenger transport vehicles
Application for operating authority ............................................ Sec. 47A-3.4
Required equipment .......................................................... Sec. 47A-3.3
Requirements for horses in service ......................................... Sec. 47A-3.2
Route ............................................................................ Sec. 47A-3.1

TREES AND SHRUBS
Discharge of oil, brine or substance likely to injure grass, shrubs or trees. ........ Sec. 48-10
Duty to encourage planting of trees; pecuniary interest in marketing trees. ........ Sec. 48-3
Duty to remove dead, diseased, and damaged trees from parkway. .................. Sec. 48-11
Injuring trees ................................................................. Sec. 48-5
Injuring trees, shrubs or plants on another’s property. ................................ Sec. 48-9
Interfering with work of park board ........................................ Sec. 48-6
Park board
Appointment and qualifications of city forester .................................... Sec. 48-2
Authority to regulate planting, cutting, etc.................................. Sec. 48-1
Permits required for planting, trimming, spraying, etc............................... Sec. 48-4
Posting notices on ............................................................. Sec. 7A-16
Protection of trees in case of erection or repair of buildings ......................... Sec. 48-7
Removal of electric wires to permit pruning, etc.................................. Sec. 48-8

TRUCKS (See “Trucks and truck routes” under MOTOR VEHICLES AND TRAFFIC)

UNLAWFUL DISCRIMINATORY PRACTICES RELATING TO SEXUAL ORIENTATION AND GENDER

IDENTITY AND EXPRESSION
Administration ................................................................. Sec. 46-2
Declaration of policy ........................................................ Sec. 46-1
Definitions ..................................................................... Sec. 46-4

Enforcement
Conciliation ........................................................................ Sec. 46-11
Disposition of a complaint .................................................. Sec. 46-12
Investigation ........................................................................ Sec. 46-10
Procedures for filing complaints ............................................. Sec. 46-9
Exceptions ......................................................................... Sec. 46-5
Interpretation and effect ....................................................... Sec. 46-3
Offenses and penalties ....................................................... Sec. 46-13
Unlawful employment practices ............................................. Sec. 46-6
Unlawful housing practices ................................................... Sec. 46-7
Unlawful intimidation, retaliation, and coercion .................................... Sec. 46-8
Unlawful public accommodation practices .................................... Sec. 46-6.1

82 Dallas City Code 1/19
### VACANT BUILDINGS

<table>
<thead>
<tr>
<th>Topic</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authority of director</td>
<td>48B-3</td>
</tr>
<tr>
<td>Definitions</td>
<td>48B-2</td>
</tr>
<tr>
<td>Delivery of notices</td>
<td>48B-4</td>
</tr>
<tr>
<td>Miscellaneous requirements for vacant buildings</td>
<td></td>
</tr>
<tr>
<td>Emergency response information</td>
<td>48B-15</td>
</tr>
<tr>
<td>Insurance</td>
<td>48B-16</td>
</tr>
<tr>
<td>Vacant building plan</td>
<td>48B-17</td>
</tr>
<tr>
<td>Purpose of chapter</td>
<td>48B-1</td>
</tr>
<tr>
<td>Registration and inspection of vacant buildings</td>
<td></td>
</tr>
<tr>
<td>Appeals</td>
<td>48B-11</td>
</tr>
<tr>
<td>Expiration and renewal of registration</td>
<td>48B-12</td>
</tr>
<tr>
<td>Issuance, denial, and display of certificate of registration</td>
<td>48B-9</td>
</tr>
<tr>
<td>Nontransferability</td>
<td>48B-13</td>
</tr>
<tr>
<td>Property inspections</td>
<td>48B-14</td>
</tr>
<tr>
<td>Registration application</td>
<td>48B-7</td>
</tr>
<tr>
<td>Registration fee and inspection charge</td>
<td>48B-8</td>
</tr>
<tr>
<td>Registration required; defenses</td>
<td>48B-6</td>
</tr>
<tr>
<td>Revocation of registration</td>
<td>48B-10</td>
</tr>
<tr>
<td>Violations; penalty</td>
<td>48B-5</td>
</tr>
</tbody>
</table>

### VEHICLE IMMOBILIZATION SERVICE

<table>
<thead>
<tr>
<th>Topic</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enforcement</td>
<td></td>
</tr>
<tr>
<td>Appeal</td>
<td>48C-50</td>
</tr>
<tr>
<td>Authority to inspect</td>
<td>48C-46</td>
</tr>
<tr>
<td>Correction order</td>
<td>48C-48</td>
</tr>
<tr>
<td>Enforcement by police department</td>
<td>48C-47</td>
</tr>
<tr>
<td>Offenses</td>
<td>48C-51</td>
</tr>
<tr>
<td>Service of notice</td>
<td>48C-49</td>
</tr>
<tr>
<td>General provisions</td>
<td></td>
</tr>
<tr>
<td>Definitions</td>
<td>48C-5</td>
</tr>
<tr>
<td>Establishment of rules and regulations</td>
<td>48C-3</td>
</tr>
<tr>
<td>Exceptions</td>
<td>48C-4</td>
</tr>
<tr>
<td>General authority and duty of director</td>
<td>48C-2</td>
</tr>
<tr>
<td>Statement of policy</td>
<td>48C-1</td>
</tr>
<tr>
<td>Miscellaneous licensee and operator regulations</td>
<td></td>
</tr>
<tr>
<td>Failure to pay ad valorem taxes</td>
<td>48C-33</td>
</tr>
<tr>
<td>Information to be supplied upon request of director</td>
<td>48C-31</td>
</tr>
<tr>
<td>Insurance</td>
<td>48C-30</td>
</tr>
<tr>
<td>Licensee’s and operator’s duty to comply</td>
<td>48C-28</td>
</tr>
</tbody>
</table>
Index

Licensee’s duty to enforce compliance by operators ........................................ Sec. 48C-29
Vehicle immobilization service records .......................................................... Sec. 48C-32

Service rules and regulations

  Apparel to be worn by vehicle immobilization operators .............................. Sec. 48C-34
  Financial interests of parking lot owner and licensee prohibited ................. Sec. 48C-37
  Immobilization of authorized vehicles prohibited .................................. Sec. 48C-36
  Immobilization of vehicles on public rights-of-way .................................. Sec. 48C-35
  Notification of vehicle owner ...................................................................... Sec. 48C-43
  Requirement for parking fee receipt ......................................................... Sec. 48C-38
  Requirements for immobilization .............................................................. Sec. 48C-41
  Requirements for installation and removal of a boot ................................ Sec. 48C-42
  Requirements for parking lot attendants .................................................. Sec. 48C-39
  Requirements for posting signs .................................................................. Sec. 48C-40

Vehicle immobilization equipment ................................................................. Sec. 48C-45

Vehicle immobilization operator’s permit

  Appeal from denial, suspension, or revocation .......................................... Sec. 48C-27
  Application for vehicle immobilization operator’s permit; fee ..................... Sec. 48C-15
  Display of permit ....................................................................................... Sec. 48C-22
  Duplicate permit ....................................................................................... Sec. 48C-21
  Expiration of vehicle immobilization operator’s permit ............................ Sec. 48C-18
  Immobilizing a vehicle after suspension or revocation ............................... Sec. 48C-26
  Investigation of application ....................................................................... Sec. 48C-16
  Issuance and denial of vehicle immobilization operator’s permit ............... Sec. 48C-17
  Probationary permit .................................................................................. Sec. 48C-20
  Provisional permit ..................................................................................... Sec. 48C-19
  Qualifications for a vehicle immobilization operator’s permit .................... Sec. 48C-14
  Revocation of vehicle immobilization operator’s permit ............................ Sec. 48C-25
  Suspension by a designated representative ............................................... Sec. 48C-23
  Suspension of vehicle immobilization operator’s permit ............................ Sec. 48C-24
  Vehicle immobilization operator’s permit required .................................... Sec. 48C-13

Vehicle immobilization service fees

  Maximum fee schedule; receipt for payment of immobilization fee and outstanding parking fees .......................................................... Sec. 48C-44

Vehicle immobilization service license

  Appeals ......................................................................................................... Sec. 48C-12
  License issuance; fee; display; transferability; expiration ......................... Sec. 48C-8
  License qualifications .................................................................................. Sec. 48C-7
  License required; application ..................................................................... Sec. 48C-6
  Refusal to issue or renew license .............................................................. Sec. 48C-9
  Revocation of license ................................................................................ Sec. 48C-11
  Suspension of license ................................................................................ Sec. 48C-10
Index

VEHICLE TOW SERVICE (See also EMERGENCY VEHICLES)

Definitions. .............................................................................................................. Sec. 48A-5
Enforcement

Appeal. .................................................................................................................. Sec. 48A-49
Authority to inspect. ......................................................................................... Sec. 48A-45
Correction order. ............................................................................................... Sec. 48A-47
Enforcement by police department. ................................................................. Sec. 48A-46
Offenses. ............................................................................................................. Sec. 48A-50
Service of notice. .............................................................................................. Sec. 48A-48
Establishment of rules and regulations. ......................................................... Sec. 48A-3
Exceptions ....................................................................................................... Sec. 48A-4
Fees

Maximum fee schedule. .................................................................................... Sec. 48A-43
Towing fee studies. ............................................................................................. Sec. 48A-43.1
General authority and duty of director. .......................................................... Sec. 48A-2
Miscellaneous licensee and driver regulations

Failure to pay ad valorem taxes. ......................................................................... Sec. 48A-32
Information to be supplied upon request of director. .................................... Sec. 48A-30
Insurance. ......................................................................................................... Sec. 48A-29
Licensee’s and driver’s duty to comply. ............................................................ Sec. 48A-27
Licensee’s duty to enforce compliance by drivers. .......................................... Sec. 48A-28
Vehicle tow service records. ............................................................................ Sec. 48A-31
Service rules and regulations

Authorization for removal. ................................................................................. Sec. 48A-37
Designation of restricted parking spaces in otherwise unrestricted area. ........ Sec. 48A-36.2
Financial interests of private property owner and licensee prohibited. ........ Sec. 48A-35
Individual parking restrictions in restricted area. ........................................... Sec. 48A-36.1
Notification of police department; wrecker slips or tickets. ......................... Sec. 48A-40
Notification of vehicle owner. .......................................................................... Sec. 48A-41
Release of a vehicle prior to removal. ............................................................. Sec. 48A-38
Removal of authorized vehicles prohibited. ............................................... Sec. 48A-34
Removal of vehicle with a wrecker. ................................................................. Sec. 48A-39
Removal of vehicles from public rights-of-way. ............................................ Sec. 48A-33
Removal to vehicle storage facility. ................................................................. Sec. 48A-42
Requirements for posting signs. .................................................................... Sec. 48A-36
Statement of policy. .......................................................................................... Sec. 48A-1
Vehicle tow service license

Appeals. ......................................................................................................... Sec. 48A-11
License issuance; fee; display; transferability; expiration. ......................... Sec. 48A-8
License qualifications. ....................................................................................... Sec. 48A-7
License required; application. .......................................................................... Sec. 48A-6
Refusal to issue or renew license. .................................................................... Sec. 48A-9
Revocation of license. ....................................................................................... Sec. 48A-10

Dallas City Code 85
Index

Vehicles and equipment. ......................................................... Sec. 48A-44

Wrecker driver’s permit
- Appeal from denial, suspension, or revocation. .................. Sec. 48A-26
- Application for wrecker driver’s permit; fee. ....................... Sec. 48A-14
- Display of permit. .......................................................... Sec. 48A-21
- Duplicate permit. .......................................................... Sec. 48A-20
- Expiration of wrecker driver’s permit; voidance upon suspension or revocation of state driver’s license. ........ Sec. 48A-17
- Investigation of application. .......................................... Sec. 48A-15
- Issuance and denial of wrecker driver’s permit. ............... Sec. 48A-16
- Probationary permit. ..................................................... Sec. 48A-19
- Provisional permit. ...................................................... Sec. 48A-18
- Qualifications for a wrecker driver’s permit. .................... Sec. 48A-13
- Revocation of wrecker driver’s permit. ........................... Sec. 48A-24
- Suspension by a designated representative. ..................... Sec. 48A-22
- Suspension of wrecker driver’s permit. .......................... Sec. 48A-23
- Wrecker driver’s permit required. ................................. Sec. 48A-12
- Wrecker operation after suspension or revocation. ........... Sec. 48A-25

VIDEO ARCADES (See AMUSEMENT CENTERS)

WATER AND WASTEWATER
- Chapter enforcement. .................................................... Sec. 49-2
- Definitions ............................................................... Sec. 49-1

Development and system extensions
- Authority to make capital improvements; special assessments; lot and acreage fees.  Sec. 49-56
- Certain existing mains exempt. ..................................... Sec. 49-63
- Construction of developer extensions. .............................. Sec. 49-61
- General rules for extensions by developers. ...................... Sec. 49-60
- Replacement of substandard mains. ................................ Sec. 49-59
- Rules regarding the cost of new and existing mains. .......... Sec. 49-62

Rates, charges and collections
- Application for service; contents of application. ............... Sec. 49-3
- Charges for transporters of septic tank waste. ................. Sec. 49-18.13
- Charges for use of fire hydrants. .................................. Sec. 49-18.9
- Collection regulations; payment substation and payment service contracts.  Sec. 49-10
- Director’s authority to contract; rates as consideration. ..... Sec. 49-17
- Evaluated cost tables for oversize, side, or off-site facilities. Sec. 49-18.11
- Fees for inspection and testing of meters and backflow prevention devices. Sec. 49-18.6
- General service: Separate billing. ................................ Sec. 49-18.3
- Hydrostatic testing of water mains. ............................... Sec. 49-18.17
- Industrial surcharge rate formula for excessive concentrations. Sec. 49-18.12
- Joint owners or users; liability for charges; transfer of accounts. Sec. 49-12
- Meters required; meters to be read monthly; estimated charge; water leakage. Sec. 49-9
- Miscellaneous charges and provisions; rates where no charge specified. Sec. 49-18.16
Index

New application for premises with delinquent charges. Sec. 49-8
Notice of vacancy or transfer of property. Sec. 49-15
Notice of water lien. Sec. 49-14
Payment table. Sec. 49-18.15
Payments of fees for services; delinquency of charges; discontinuance or refusal of service; notice of discontinuance. Sec. 49-7
Permission of owner or customer to be secured before using water; use before filing application for service. Sec. 49-16
Rate for untreated water. Sec. 49-18.5
Rates for development review activities. Sec. 49-18.14
Rates for treated water service. Sec. 49-11
Special assessment rates; lot and acreage fees. Sec. 49-5
Rates for wastewater service. Sec. 49-18.2
Rates for wholesale water and wastewater service to governmental entities. Sec. 49-18.4
Security deposit amounts. Sec. 49-18.8
Security deposit refunds. Sec. 49-6
Security deposits; exemptions. Sec. 49-4
Service connection charges. Sec. 49-18.7
Use of security deposits. Sec. 49-5
Waiver of substation security requirement. Sec. 49-11
Water lien procedure. Sec. 49-13
Water and wastewater generally
Adequacy of supply. Sec. 49-21
Authorized employees; right of access of employees for inspection and maintenance; access of contractors. Sec. 49-23
Backflow prevention devices. Sec. 49-29
Communicating electricity to pipes. Sec. 49-34
Conservation measures relating to lawn and landscape irrigation. Sec. 49-21.1
Control of and access to systems; interference with access generally. Sec. 49-19
Cross connections; location of water and sewer mains. Sec. 49-25
Emergency authority. Sec. 49-20
Exposing meters or hydrants to damage; notice of work affecting systems; moving meters or hydrants. Sec. 49-33
Fire hydrants. Sec. 49-27
Fire protection systems. Sec. 49-26
Private water mains or systems. Sec. 49-30
Right to construction mains outside the city. Sec. 49-39
Rights as to certain facilities outside of the city; rights upon annexation. Sec. 49-38
Service connections. Sec. 49-24
Service outside the city. Sec. 49-40
Tampering with or damaging systems; unlawful use of water; prima facie evidence. Sec. 49-37
Temporary discontinuance for construction, maintenance or emergency reasons. Sec. 49-22
Vending water. Sec. 49-31
Wastewater indemnity agreements. Sec. 49-32
Water storage tanks and pumping equipment. Sec. 49-28
Water used for construction work. Sec. 49-35
Index

Water quality
  Certain wastes prohibited in the wastewater system ............................................. Sec. 49-43
  Confidentiality .............................................................................................................. Sec. 49-55.4
  Denial, suspension, or revocation of permits; amending permits ................................. Sec. 49-47
  Deposit or discharge of certain material into wastewater system or storm-sewer ........ Sec. 49-55.7
  Enforcement ................................................................................................................. Sec. 49-42
  Estimated industrial surcharge for class group ............................................................. Sec. 49-50
  Extrajurisdictional users ............................................................................................... Sec. 49-55
  Industrial surcharge for excessive concentrations; sampling fees .............................. Sec. 49-49
  Inspection and sampling ............................................................................................... Sec. 49-55.3
  Inspection chambers ................................................................................................... Sec. 49-55.1
  Measurement of waste volume ..................................................................................... Sec. 49-55.2
  Permits required for discharge of industrial waste; applications; exemptions ............... Sec. 49-46
  Pollution of water in reservoirs ...................................................................................... Sec. 49-55.6
  Pretreatment and disposal ............................................................................................ Sec. 49-48
  Publication of industrial users in significant noncompliance ........................................ Sec. 49-53
  Purpose and policy ........................................................................................................ Sec. 49-41
  Recordkeeping ................................................................................................................ Sec. 49-52
  Regulation of wastes from other jurisdictions .............................................................. Sec. 49-54
  Reporting requirements ............................................................................................... Sec. 49-51
  Right of entry of federal, state, and city employees ..................................................... Sec. 49-45
  Waste disposal through vehicles, grease traps/interceptors, or other means ................ Sec. 49-44
  Waste management operators ...................................................................................... Sec. 49-55.5

WATER UTILITIES DEPARTMENT
  Created; director of water utilities .................................................................................. Sec. 2-50
  Duties of the director of water utilities ......................................................................... Sec. 2-51

WEEDS (See “Weeds, grass, and vegetation” under MUNICIPAL SOLID WASTES)

WHITE ROCK LAKE (See PARKS AND WATER RESERVOIRS)

WRECKERS (See EMERGENCY VEHICLES; See also VEHICLE TOW SERVICE AND VEHICLE STORAGE FACILITIES)

WOOD VENDORS (See CONSUMER AFFAIRS)

YOUTH COMMISSION
  Created ................................................................................................................................. Sec. 2-159.1
  Duties and responsibilities .............................................................................................. Sec. 2-160
  Purpose ............................................................................................................................. Sec. 2-159
  Meetings ............................................................................................................................. Sec. 2-159.1
  Membership ..................................................................................................................... Sec. 2-159.1
  Terms ................................................................................................................................. Sec. 2-159.1
CHAPTER 51A

DALLAS DEVELOPMENT CODE:
ORDINANCE NO. 19455, AS AMENDED

ARTICLE I.

GENERAL PROVISIONS.
Sec. 51A-1.101. Reserved.
Sec. 51A-1.102. Applicability and purpose.
Sec. 51A-1.103. Enforcement.
Sec. 51A-1.104. Certificate of occupancy.
Sec. 51A-1.104.1. Applications.
Sec. 51A-1.105. Fees.
Sec. 51A-1.105.1. Fee exemptions and refunds.
Sec. 51A-1.106. Notification signs required to be obtained and posted.
Sec. 51A-1.107. Special exceptions for the handicapped.
Sec. 51A-1.108. Comprehensive plan.
Sec. 51A-1.109. Apportionment of exactions.

ARTICLE II.

INTERPRETATIONS AND DEFINITIONS.
Sec. 51A-2.101. Interpretations.
Sec. 51A-2.102. Definitions.

ARTICLE III.

DECISIONMAKING AND ADMINISTRATIVE BODIES.
Sec. 51A-3.101. City plan and zoning commission.
Sec. 51A-3.102. Board of adjustment.
Sec. 51A-3.103. Landmark commission.
Sec. 51A-3.104. Reserved.
Sec. 51A-3.105. Building official.

ARTICLE IV.

ZONING REGULATIONS.

Division 51A-4.100. Establishment of Zoning Districts.
Sec. 51A-4.101. New zoning districts established.
Sec. 51A-4.102. Reserved.
Sec. 51A-4.103. Zoning district map.
Sec. 51A-4.104. Zoning district boundaries.
Sec. 51A-4.105. Interpretation of district regulations.

Division 51A-4.110. Residential District Regulations.
Sec. 51A-4.111. Agricultural [A(A)] District.
Sec. 51A-4.112. Single family districts.
Sec. 51A-4.113. Duplex [D(A)] district.
Sec. 51A-4.114. Townhouse [TH-1(A), TH-2(A), and TH-3(A)] districts.
Sec. 51A-4.115. Clustered housing (CH) district.
Sec. 51A-4.116. Multifamily districts.
Sec. 51A-4.117. Manufactured home [MH(A)] district.
Secs. 51A-4.118 thru 51A-4.119. Reserved.

Division 51A-4.120. Nonresidential District Regulations.
Sec. 51A-4.121. Office districts.
Sec. 51A-4.122. Retail districts.
Sec. 51A-4.123. Commercial service and industrial districts.
Sec. 51A-4.124. Central area districts.
Sec. 51A-4.125. Mixed use districts.
Sec. 51A-4.126. Multiple commercial districts.

Sec. 51A-4.127. Urban corridor districts.

Division 51A-4.200. Use Regulations.

Sec. 51A-4.201. Agricultural uses.
(1) Animal production.
(2) Commercial stable.
(3) Crop production.
(4) Private stable.

(1) Building repair and maintenance shop.
(2) Bus or rail transit vehicle maintenance or storage facility.
(3) Catering service.
(4) Commercial cleaning or laundry plant.
(5) Custom business services.
(6) Custom woodworking, furniture construction, or repair.
(7) Electronics service center.
(8) Job or lithographic printing.
(8.1) Labor hall.
(9) Machine or welding shop.
(10) Machinery, heavy equipment, or truck sales and service.
(11) Medical or scientific laboratory.
(12) Technical school.
(13) Tool or equipment rental.
(14) Vehicle or engine repair or maintenance.

Sec. 51A-4.203. Industrial Uses.
(0) Alcoholic beverage manufacturing.
(1) Industrial (inside).
(1.1) Industrial (inside) for light manufacturing.
(2) Industrial (outside).
(2.1) Medical/infectious waste incinerator.
(3) Metal salvage facility.

(3.1) Mining.
(3.2) Gas drilling and production.
(3.3) Gas pipeline compressor station.
(4) Municipal waste incinerator.
(4.1) Organic compost recycling facility.
(5) Outside salvage or reclamation.
(5.1) Pathological waste incinerator.
(6) Temporary concrete or asphalt batching plant.

Sec. 51A-4.204. Institutional and community service uses.
(1) Adult day care facility.
(2) Cemetery or mausoleum.
(3) Child-care facility.
(4) Church.
(5) College, university, or seminary.
(6) Reserved.
(7) Community service center.
(8) Convalescent and nursing homes, hospice care, and related institutions.
(9) Convent or monastery.
(10) Reserved.
(11) Foster home.
(12) Reserved.
(13) Halfway house.
(14) Hospital.
(15) Reserved.
(16) Library, art gallery, or museum.
(17) Public or private school.

Sec. 51A-4.205. Lodging uses.
(1) Hotel or motel.
(1.1) Extended stay hotel or motel.
(2) Lodging or boarding house.
(2.1) Overnight general purpose shelter.
(3) Reserved.

Sec. 51A-4.206. Miscellaneous uses.
(1) Carnival or circus (temporary).
(1.1) Hazardous waste management facility.
(1.2) Placement of fill material.
(2) Temporary construction or sales office.

Sec. 51A-4.207. Office uses.
(1) Alternative financial establishment.
(2) Financial institution without drive-in window.
(3) Financial institution with drive-in window.
(4) Medical clinic or ambulatory surgical center.
(5) Office.

Sec. 51A-4.208. Recreation uses.
(1) Country club with private membership.
(2) Private recreation center, club or area.
(3) Public park, playground, or golf course.

Sec. 51A-4.209. Residential uses.
(1) College dormitory, fraternity or sorority house.
(2) Duplex.
(3) Group residential facility.
(3.1) Handicapped group dwelling unit.
(4) Manufactured home park, manufactured home subdivision, or campground.
(5) Multifamily.
(5.1) Residential hotel.
(5.2) Retirement housing.
(6) Single family.

Sec. 51A-4.210. Retail and personal service uses.
(1) Ambulance service.
(2) Animal shelter or clinic.
(3) Auto service center.
(4) Alcoholic beverage establishments.
(5) Business school.
(6) Car wash.
(7) Commercial amusement (inside).

(8) Commercial amusement (outside).
(8.1) Commercial motor vehicle parking.
(9) Commercial parking lot or garage.
(9.1) Convenience store with drive-through.
(10) Drive-in theater.
(11) Dry cleaning or laundry store.
(12) Furniture store.
(13) General merchandise or food store 3,500 square feet or less.
(14) General merchandise or food store greater than 3,500 square feet.
(15) Home improvement center, lumber, brick or building materials sales yard.
(16) Household equipment and appliance repair.
(16.1) Liquefied natural gas fueling station.
(17) Liquor store.
(18) Mortuary, funeral home, or commercial wedding chapel.
(19) Motor vehicle fueling station.
(20) Nursery, garden shop, or plant sales.
(21) Outside sales.
(22) Pawn shop.
(23) Personal service use.
(24) Restaurant without drive-in or drive-through service.
(25) Restaurant with drive-in or drive-through service.
(26) Surface parking.
(27) Swap or buy shop.
(28) Taxidermist.
(29) Temporary retail use.
(30) Theater.
(30.1) Truck stop.
(31) Vehicle display, sales, and service.
Sec. 51A-4.211. Transportation uses.
(1) Airport or landing field.
(2) Commercial bus station and terminal.
(3) Heliport.
(4) Helistop.
(5) Private street or alley.
(6) Railroad passenger station.
(7) Railroad yard, roundhouse, or shops.
(8) STOL (short takeoff or landing) port.
(9) Transit passenger shelter.
(10) Transit passenger station or transfer center.

Sec. 51A-4.212. Utility and public service uses.
(1) Commercial radio or television transmitting station.
(2) Electrical generating plant.
(3) Electrical substation.
(4) Local utilities.
(5) Police or fire station.
(6) Post office.
(7) Radio, television, or microwave tower.
(8) Refuse transfer station.
(9) Sanitary landfill.
(10) Sewage treatment plant.
(10.1) Tower/antenna for cellular communication.
(11) Utility or government installation other than listed.
(12) Water treatment plant.

Sec. 51A-4.213. Wholesale, distribution, and storage uses.
(1) Auto auction.
(2) Building mover's temporary storage yard.
(3) Contractor's maintenance yard.
(4) Freight terminal.
(5) Livestock auction pens or sheds.
(6) Manufactured building sales lot.
(7) Mini-warehouse.
(8) Office showroom/warehouse.
(9) Outside storage.
(10) Petroleum product storage and wholesale.
(11) Recycling buy-back center.
(11.1) Recycling collection center.
(11.2) Recycling drop-off container.
(11.3) Recycling drop-off for special occasion collection.
(12) Sand, gravel, or earth sales and storage.
(13) Trade center.
(14) Vehicle storage lot.
(15) Warehouse.

Secs. 51A-4.214 thru 51A-4.216. Reserved.

Sec. 51A-4.217. Accessory uses.
(1) Accessory community center (private).
(1.1) Accessory electric vehicle charging station.
(2) Accessory game court (private).
(3) Accessory helistop.
(3.1) Accessory medical/infectious waste incinerator.
(4) Accessory outside display of merchandise.
(5) Accessory outside sales.
(6) Accessory outside storage.
(6.1) Accessory pathological waste incinerator.
(7) Amateur communication tower.
(7.1) Day home.
(7.2) General waste incinerator.
(8) Home occupation.
(8.1) Live unit.
(9) Occasional sales (garage sales).
(10) Private stable.
(11) Swimming pool (private).
(12) Pedestrian skybridges.

Sec. 51A-4.218. Limited uses.

Sec. 51A-4.219. Specific use permit (SUP).

Sec. 51A-4.220. Classification of new uses.

Sec. 51A-4.221. Sexually oriented businesses.
Division 51A-4.300. Off-Street Parking and Loading Regulations.

Sec. 51A-4.301. Off-street parking regulations.
Sec. 51A-4.302. Parking [P(A)] district regulations.
Sec. 51A-4.303. Off-street loading regulations.
Sec. 51A-4.304. Off-street stacking space regulations.
Sec. 51A-4.305. Handicapped parking regulations.
Sec. 51A-4.306. Off-street parking in the central business district.
Sec. 51A-4.307. Nonconformity as to parking or loading regulations.
Secs. 51A-4.308 thru 51A-4.309. Reserved.

Division 51A-4.310. Off-Street Parking Reductions.

Sec. 51A-4.311. Special exceptions.
Sec. 51A-4.312. Tree preservation parking reduction.
Sec. 51A-4.313. Administrative parking reduction.
Sec. 51A-4.314. Reductions for providing bicycle parking.

Division 51A-4.320. Special Parking Regulations.

Sec. 51A-4.321. Definitions.
Sec. 51A-4.322. Purpose.
Sec. 51A-4.323. Procedures for special parking approval.
Sec. 51A-4.324. Review by the director.
Sec. 51A-4.325. Decision of the director.
Sec. 51A-4.326. Notice.
Sec. 51A-4.327. Appeals.
Sec. 51A-4.328. Agreement required.
Sec. 51A-4.329. Special parking license.
Sec. 51A-4.329.1. Offenses.
Sec. 51A-4.329.2. Revocation of certificate of occupancy.


Sec. 51A-4.331. Applicability.
Sec. 51A-4.332. General provisions.
Sec. 51A-4.333. Spaces required.

Sec. 51A-4.334. Location and design.
Sec. 51A-4.335. Waivers.


Sec. 51A-4.341. Purpose.
Sec. 51A-4.342. Definitions.
Sec. 51A-4.343. Procedures for mechanized parking approval.
Sec. 51A-4.344. Mechanized parking license.
Sec. 51A-4.345. General standards.

Division 51A-4.400. Yard, Lot, and Space Regulations.

Sec. 51A-4.401. Minimum front yard.
Sec. 51A-4.402. Minimum side yard.
Sec. 51A-4.403. Minimum rear yard.
Sec. 51A-4.404. Minimum lot area for residential use.
Sec. 51A-4.405. Minimum lot width for residential use.
Sec. 51A-4.406. Minimum lot depth for residential use.
Sec. 51A-4.407. Maximum lot coverage.
Sec. 51A-4.408. Maximum building height.
Sec. 51A-4.409. Maximum floor area ratio.
Sec. 51A-4.410. Schedule of yard, lot, and space regulations.
Sec. 51A-4.411. Shared access development.
Sec. 51A-4.412. Residential proximity slope.

Division 51A-4.500. Overlay and Conservation District Regulations.

Sec. 51A-4.501. Historic overlay district.
Sec. 51A-4.502. Institutional overlay district.
Sec. 51A-4.503. D and D-1 liquor control overlay districts.
Sec. 51A-4.504. Demolition delay overlay district.
Sec. 51A-4.505. Conservation districts.
Sec. 51A-4.506. Modified delta overlay district.
Sec. 51A-4.507. Neighborhood stabilization overlay.
Sec. 51A-4.508. Turtle Creek Environmental Corridor.
Sec. 51A-4.509. Parking management overlay district.
Sec. 51A-4.510. Accessory dwelling unit overlay.
Sec. 51A-4.511. Neighborhood forest overlay.

Division 51A-4.600. Regulations of Special Applicability.
Sec. 51A-4.601. Creation of a building site.
Sec. 51A-4.602. Fence, screening and visual obstruction regulations.
Sec. 51A-4.603. Use of conveyance as a building.
Sec. 51A-4.604. Restrictions on access through a lot.
Sec. 51A-4.605. Design standards.

Sec. 51A-4.701. Zoning amendments.
Sec. 51A-4.702. Planned development (PD) district regulations.
Sec. 51A-4.703. Board of adjustment hearing procedures.
Sec. 51A-4.704. Nonconforming uses and structures.
Sec. 51A-4.705. Annexed territory temporarily zoned.
Sec. 51A-4.706. Reserved.

Division 51A-4.800. Development Impact Review.
Sec. 51A-4.801. Purpose.
Sec. 51A-4.802. Definitions.
Sec. 51A-4.803. Site plan review.

Division 51A-4.900. Affordable Housing.
Sec. 51A-4.901. Purpose.
Sec. 51A-4.902. Definitions.
Sec. 51A-4.903. Application of division.
Sec. 51A-4.904. Special exception.
Sec. 51A-4.905. Procedures to obtain a density bonus.
Sec. 51A-4.906. Review by the director.
Sec. 51A-4.907. Decision by the director.
Sec. 51A-4.908. Affordable housing instrument required.

Sec. 51A-4.909. Operation of affordable housing program.
Sec. 51A-4.910. Alternative ways to satisfy SAH unit obligation.

Division 51A-4.1000. Park Land Dedication.
Sec. 51A-4.1001. Purpose.
Sec. 51A-4.1002. Applicability.
Sec. 51A-4.1003. Definitions and interpretations.
Sec. 51A-4.1004. Dedication.
Sec. 51A-4.1005. Fee-in-lieu.
Sec. 51A-4.1006. Park development fee.
Sec. 51A-4.1007. Calculations, deductions, and credits.
Sec. 51A-4.1008. Park land dedication standards.
Sec. 51A-4.1009. Park land dedication fund.
Sec. 51A-4.1010. Tree mitigation.
Sec. 51A-4.1011. Appeals.
Sec. 51A-4.1012. Review.

Division 51A-4.1100. Mixed-Income Housing.
Sec. 51A-4.1101. Purpose.
Sec. 51A-4.1102. Applicability.
Sec. 51A-4.1103. Definitions and interpretations.
Sec. 51A-4.1104. Development bonus period.
Sec. 51A-4.1105. Procedures to obtain a development bonus.
Sec. 51A-4.1106. Development requirements.
Sec. 51A-4.1107. Design standards.
Sec. 51A-4.1108. Board of adjustment variances.

ARTICLE V.

FLOOD PLAIN AND ESCARPMENT ZONE REGULATIONS.

Division 51A-5.100. Flood Plain Regulations.
Sec. 51A-5.101. Definitions and interpretations applicable to the flood plain regulations.
Sec. 51A-5.102. Designation or removal of FP areas.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>51A-5.103</td>
<td>Compliance in undesignated flood plain areas.</td>
</tr>
<tr>
<td>51A-5.103.1</td>
<td>Vegetation alteration in flood plain prohibited.</td>
</tr>
<tr>
<td>51A-5.104</td>
<td>Uses and improvements permitted.</td>
</tr>
<tr>
<td>51A-5.105</td>
<td>Filling in the flood plain.</td>
</tr>
<tr>
<td>51A-5.106</td>
<td>Setback from natural channel required.</td>
</tr>
<tr>
<td>51A-5.107</td>
<td>Trinity river corridor development certificate process.</td>
</tr>
</tbody>
</table>
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### Division 51A-5.200. Escarpment Regulations.

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>51A-5.201</td>
<td>Definitions.</td>
</tr>
<tr>
<td>51A-5.202</td>
<td>Development in escarpment zone prohibited.</td>
</tr>
<tr>
<td>51A-5.203</td>
<td>Permit required for development in geologically similar areas.</td>
</tr>
<tr>
<td>51A-5.204</td>
<td>Escarpment permit application and review.</td>
</tr>
<tr>
<td>51A-5.205</td>
<td>Slope stability analysis.</td>
</tr>
<tr>
<td>51A-5.206</td>
<td>Soil erosion control plan.</td>
</tr>
<tr>
<td>51A-5.207</td>
<td>Grading plan.</td>
</tr>
<tr>
<td>51A-5.208</td>
<td>Vegetation plan.</td>
</tr>
<tr>
<td>51A-5.209</td>
<td>Escarpment area review committee.</td>
</tr>
<tr>
<td>51A-5.210</td>
<td>Platting in the escarpment zone and in the geologically similar area.</td>
</tr>
</tbody>
</table>

### ARTICLE VI.

#### ENVIRONMENTAL PERFORMANCE STANDARDS.

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>51A-6.101</td>
<td>Definitions applicable to the environmental performance standards.</td>
</tr>
<tr>
<td>51A-6.102</td>
<td>Noise regulations.</td>
</tr>
<tr>
<td>51A-6.103</td>
<td>Toxic and noxious matter.</td>
</tr>
<tr>
<td>51A-6.104</td>
<td>Glare.</td>
</tr>
<tr>
<td>51A-6.105</td>
<td>Vibration.</td>
</tr>
<tr>
<td>51A-6.106</td>
<td>Odors, smoke, particulate matter and other air contaminants.</td>
</tr>
<tr>
<td>51A-6.107</td>
<td>Nonconformance with the environmental performance standards.</td>
</tr>
<tr>
<td>51A-6.108</td>
<td>Municipal setting designation ordinance.</td>
</tr>
</tbody>
</table>

### ARTICLE VII.

#### SIGN REGULATIONS.

##### Division 51A-7.100. Purposes and Definitions.

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>51A-7.101</td>
<td>Purpose.</td>
</tr>
<tr>
<td>51A-7.102</td>
<td>Definitions.</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>51A-7.201</td>
<td>Application of division.</td>
</tr>
<tr>
<td>51A-7.202</td>
<td>Imitation of traffic and emergency signs prohibited.</td>
</tr>
<tr>
<td>51A-7.203</td>
<td>Roof and right-of-way signs.</td>
</tr>
<tr>
<td>51A-7.204</td>
<td>Other codes not in conflict, applicable.</td>
</tr>
<tr>
<td>51A-7.205</td>
<td>Athletic field signs, portable signs, special purpose signs, movement control signs, and protective signs.</td>
</tr>
<tr>
<td>51A-7.206</td>
<td>Vehicular signs.</td>
</tr>
<tr>
<td>51A-7.207</td>
<td>Government signs.</td>
</tr>
<tr>
<td>51A-7.208</td>
<td>Creation of site.</td>
</tr>
<tr>
<td>51A-7.209</td>
<td>Signs displaying noncommercial messages.</td>
</tr>
<tr>
<td>51A-7.211</td>
<td>Signs attached to structures located on buildings.</td>
</tr>
<tr>
<td>51A-7.212</td>
<td>Street construction alleviation signs.</td>
</tr>
<tr>
<td>51A-7.213</td>
<td>Detached sign unity agreements.</td>
</tr>
<tr>
<td>51A-7.214</td>
<td>City kiosks.</td>
</tr>
<tr>
<td>51A-7.216</td>
<td>Digital display on certain premise signs.</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>51A-7.301</td>
<td>Application of division.</td>
</tr>
<tr>
<td>51A-7.302</td>
<td>Reserved.</td>
</tr>
<tr>
<td>51A-7.303</td>
<td>General provisions applicable to signs in business zoning districts.</td>
</tr>
</tbody>
</table>
Sec. 51A-7.304. Detached signs.
Sec. 51A-7.305. Attached signs.
Sec. 51A-7.306. Detached non-premise signs prohibited generally.
Sec. 51A-7.307. Relocation of certain detached non-premise signs.
Sec. 51A-7.308. Digital display on certain detached non-premise signs.


Sec. 51A-7.401. Application of division.
Sec. 51A-7.402. General provisions applicable to signs in non-business zoning districts.
Sec. 51A-7.403. Detached signs.
Sec. 51A-7.404. Attached signs.


Sec. 51A-7.501. Purpose of special provision sign districts.
Sec. 51A-7.502. Creation of a special provision sign district.
Sec. 51A-7.502.1. Non-premise signs in special provision sign districts.
Sec. 51A-7.503. Modifications allowed in special provision sign districts.
Sec. 51A-7.504. Special sign district advisory committee created.
Sec. 51A-7.505. Permit procedures for special provision sign districts.
Sec. 51A-7.506. Expiration of special provision sign districts.
Sec. 51A-7.507. Temporary signs in special provision sign districts.

Division 51A-7.600. Permit Procedures.

Sec. 51A-7.601. Administration of article by division of building inspection.
Sec. 51A-7.602. Permits.
Sec. 51A-7.603. Applications.
Sec. 51A-7.604. Reserved.
Sec. 51A-7.605. Extraordinarily significant signs.


Sec. 51A-7.701. Purpose of division.
Sec. 51A-7.702. Removal and maintenance of certain non-conforming signs.
Sec. 51A-7.703. Board of adjustment.
Sec. 51A-7.704. Reserved.
Sec. 51A-7.705. Determination of noncommercial and primarily political messages.
Sec. 51A-7.706. Reserved.

Division 51A-7.800. Procedure For Changes and Amendments.

Sec. 51A-7.801. Authority to amend; submission of proposed amendments to city plan commission.
Sec. 51A-7.802. Public hearings provided.
Sec. 51A-7.803. Three-fourths vote of city council in certain cases.

Division 51A-7.900. Downtown Special Provision Sign District.

Sec. 51A-7.901. Designation of Downtown Special Provision Sign District.
Sec. 51A-7.901.1. Designation of subdistricts.
Sec. 51A-7.902. Purpose.
Sec. 51A-7.903. Definitions.
Sec. 51A-7.904. Detached non-premise signs.
Sec. 51A-7.905. Sign permit requirement.
Sec. 51A-7.906. General provisions for all signs in the downtown sign district.

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

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

Sec. 51A-7.907. General provisions.
Sec. 51A-7.908. Videoboard sign.
Sec. 51A-7.909. Attached non-premise district activity videoboard signs.
Sec. 51A-7.910. Operational requirements for attached videoboard signs.
C 51A  Dallas Development Code: Ordinance No. 19455, as amended  C 51A

Sec. 51A-7.911. Attached premise signs.
Sec. 51A-7.912. Detached premise signs.
Sec. 51A-7.913. Construction barricade signs.
Sec. 51A-7.914. Banners on streetlight poles.
Sec. 51A-7.915. Window art displays in vacant buildings.
Sec. 51A-7.916. Noncommercial message nondiscrimination.
Sec. 51A-7.917. Activity district changeable message signs.
Sec. 51A-7.918. Kiosks.
Sec. 51A-7.919. Movement control signs.
Sec. 51A-7.920. District identification signs.
Sec. 51A-7.921. Protective signs.
Sec. 51A-7.922. Special purpose signs.
Sec. 51A-7.923. Other temporary signs.
Sec. 51A-7.930. Supergraphic signs.
Sec. 51A-7.932. Akard Station subdistrict.

Division 51A-7.1000. Provisions For Uptown Sign District.

Sec. 51A-7.1101. Designation of Uptown Sign District.
Sec. 51A-7.1102. Purpose.
Sec. 51A-7.1103. Definitions.
Sec. 51A-7.1104. Special provisions for all signs.
Sec. 51A-7.1105. Special provisions for attached signs.
Sec. 51A-7.1106. Special provisions for detached signs.
Sec. 51A-7.1108. Special provisions for special purpose signs.
Sec. 51A-7.1109. Sign permit requirement.


Sec. 51A-7.1201. Designation of Arts District Sign District.
Sec. 51A-7.1202. Purpose.
Sec. 51A-7.1203. Definitions.
Sec. 51A-7.1204. Arts District sign permit requirement.
Sec. 51A-7.1205. Special provisions for all signs.
Sec. 51A-7.1205.1. Operational requirements for signs with digital displays.
Sec. 51A-7.1206. Public signs.
Sec. 51A-7.1208. Detached private signs.
Sec. 51A-7.1209. Building identification signs.
Sec. 51A-7.1210. Cultural institution identification sign.
Sec. 51A-7.1211. Canopy fascia signs.
Sec. 51A-7.1212. Cultural institution digital signs.
Sec. 51A-7.1213. Freestanding identification signs.
Sec. 51A-7.1214. Construction barricade signs.
Sec. 51A-7.1214.1. Subdistrict A.
Sec. 51A-7.1214.2. Subdistrict B.
Sec. 51A-7.1214.3. Subdistrict C.

Sec. 51A-7.1301. Designation of sign district.
Sec. 51A-7.1302. Purpose.
Sec. 51A-7.1303. Definitions.
Sec. 51A-7.1304. Sign permit requirements.
Sec. 51A-7.1305. Special provisions for all signs.
Sec. 51A-7.1306. Special provisions for attached signs.
Sec. 51A-7.1307. Special provisions for detached signs.
Sec. 51A-7.1308. Parking ad signs.


Sec. 51A-7.1401. Designation of sign district.
Sec. 51A-7.1402. Purpose.
Sec. 51A-7.1403. Definitions.
Sec. 51A-7.1404. Sign permit requirements.
Sec. 51A-7.1405. General requirements for all signs.
Sec. 51A-7.1406. Attached signs.
Sec. 51A-7.1407. Detached signs.


Sec. 51A-7.1501. Designation of sign district.
Sec. 51A-7.1502. Purpose.
Sec. 51A-7.1504. Sign permit requirements.
Sec. 51A-7.1505. Special provisions for all signs.
Sec. 51A-7.1506. Special provisions for attached signs.
Sec. 51A-7.1507. Special provisions for detached signs.
Sec. 51A-7.1508. Special provisions for detached signs.

Division 51A-7.1600. Farmers Market Sign District.

Sec. 51A-7.1601. Designation of sign district.
Sec. 51A-7.1601.1. Designation of sign subdistricts.
Sec. 51A-7.1602. Purpose.
Sec. 51A-7.1603. Definitions.

Sec. 51A-7.1604. Sign permit requirements.
Sec. 51A-7.1605. Special provisions for all signs.
Sec. 51A-7.1606. Special provisions for attached signs.
Sec. 51A-7.1607. Special provisions for detached signs.
Sec. 51A-7.1608. Special provisions for the Market Center sign subdistrict.


Sec. 51A-7.1701. Designation of Victory Sign District.
Sec. 51A-7.1702. Designation of subdistricts.
Sec. 51A-7.1703. Purpose.
Sec. 51A-7.1704. Definitions.
Sec. 51A-7.1705. Applicability of highway beautification acts.
Sec. 51A-7.1706. Victory District sign permit requirements.
Sec. 51A-7.1707. Imitation of traffic and emergency signs prohibited.
Sec. 51A-7.1708. Other codes not in conflict, applicable.
Sec. 51A-7.1709. Creation of site.
Sec. 51A-7.1710. Detached sign unity agreements.
Sec. 51A-7.1711. General maintenance.
Sec. 51A-7.1712. Government signs.
Sec. 51A-7.1713. Signs over the public right-of-way.
Sec. 51A-7.1714. Commercial versus noncommercial messages.
Sec. 51A-7.1715. Premise versus non-premise advertisement.
Sec. 51A-7.1716. Movement control signs.
Sec. 51A-7.1717. Signs in public places.
Sec. 51A-7.1718. Protective signs.
Sec. 51A-7.1719. Vehicular signs.
Sec. 51A-7.1720. Street construction alleviation signs.
Sec. 51A-7.1721. Attached signs on machinery or equipment.
Sec. 51A-7.1722. District identification signs.
Sec. 51A-7.1723. Detached signs in access easements.
Sec. 51A-7.1724. Streamers, pennants, and inflatable signs prohibited.

Sec. 51A-7.1725. General provisions for all signs.

Sec. 51A-7.1726. Sign regulations for Subdistrict A (the entertainment complex subdistrict).

Sec. 51A-7.1727. Sign regulations for Subdistrict B (retail and entertainment subdistrict).

Sec. 51A-7.1728. Sign regulations for Subdistrict C (expressway adjacency subdistrict).

Sec. 51A-7.1729. Sign regulations for Subdistrict D (office and residential subdistrict).

Sec. 51A-7.1730. Non-conformance and board of adjustment authority.

Sec. 51A-7.1731. Relocation of non-premise signs prohibited.


Sec. 51A-7.1801. Designation of Southside Entertainment Sign District.

Sec. 51A-7.1802. Purpose.

Sec. 51A-7.1803. Definitions.

Sec. 51A-7.1804. General provisions.

Sec. 51A-7.1805. Attached signs.

Sec. 51A-7.1806. Event signs.

Sec. 51A-7.1807. Window display signs.

Sec. 51A-7.1808. Detached signs.

Sec. 51A-7.1809. Construction barricade signs.

Sec. 51A-7.1810. Movement control signs.

Sec. 51A-7.1811. Protective signs.


Sec. 51A-7.1901. Designation of West Village Sign District.

Sec. 51A-7.1902. Designation of subdistricts.

Sec. 51A-7.1903. Purpose.

Sec. 51A-7.1904. Definitions.

Sec. 51A-7.1905. General provisions for all signs.

Sec. 51A-7.1906. Detached signs.

Sec. 51A-7.1907. Attached signs.

Sec. 51A-7.1908. Special provisions for special purpose signs.

Sec. 51A-7.1909. Special provisions for facade-mounted banner signs.

Sec. 51A-7.1910. Special provisions for kiosk signs.

Sec. 51A-7.1911. Special provisions for newsstand signs.

Sec. 51A-7.1912. Special provisions for signs attached to machinery or equipment.

Sec. 51A-7.1913. Special provisions for movement control signs.

Sec. 51A-7.1914. Special provisions for construction barricade signs.

Sec. 51A-7.1915. Special provisions for other temporary signs.

Sec. 51A-7.1916. Special provisions for district signs.

Sec. 51A-7.1917. Special provisions for district identification signs.


Sec. 51A-7.2001. Designation of the West Commerce Street/Fort Worth Avenue Sign District.


Sec. 51A-7.2006. Provisions applicable to all signs.

Sec. 51A-7.2007. Attached signs.


Division 51A-7.2100. Provisions for the Arts District Extension Area Sign District.

Sec. 51A-7.2101. Designation of the Arts District Extension Area Sign District.

Sec. 51A-7.2102. Purpose.

Sec. 51A-7.2103. Definitions.
Sec. 51A-7.2104. Arts District Extension Area sign permit requirement.
Sec. 51A-7.2105. Special provisions for all signs.
Sec. 51A-7.2106. Public signs.
Sec. 51A-7.2107. Attached private signs.
Sec. 51A-7.2108. Detached private signs.
Sec. 51A-7.2109. Building identification signs.
Sec. 51A-7.2110. One Arts Plaza Subdistrict.
Sec. 51A-7.2111. Two Arts Plaza And Three Arts Plaza Subdistrict.
Sec. 51A-7.2112. Dallas Black Dance Theatre Subdistrict.

Division 51A-7.2200. Parkland Hospital Sign District.

Sec. 51A-7.2201. Designation of Parkland Hospital Sign District.
Sec. 51A-7.2202. Designation of corridors.
Sec. 51A-7.2203. Purpose.
Sec. 51A-7.2204. Definitions.
Sec. 51A-7.2205. Sign permit requirements.
Sec. 51A-7.2206. Imitation of traffic and emergency signs prohibited.
Sec. 51A-7.2207. Creation of site.
Sec. 51A-7.2208. Signs over the public right-of-way.
Sec. 51A-7.2209. General provisions for all signs.
Sec. 51A-7.2210. Movement control signs.
Sec. 51A-7.2211. District identification signs.
Sec. 51A-7.2212. Banner signs.
Sec. 51A-7.2213. Branding signs.
Sec. 51A-7.2214. Donor recognition signs.
Sec. 51A-7.2215. Streamers, pennants, and inflatable seasonal decorations prohibited.
Sec. 51A-7.2216. Attached signs.
Sec. 51A-7.2217. Window display signs.
Sec. 51A-7.2218. Kiosk signs.
Sec. 51A-7.2219. Construction barricade signs.
Sec. 51A-7.2220. Temporary signs.

Division 51A-7.2300. Southwestern Medical District Sign District.

Sec. 51A-7.2301. Designation of Southwestern Medical Special Provision Sign District.

Sec. 51A-7.2302. Purpose.
Sec. 51A-7.2303. Definitions and interpretations.
Sec. 51A-7.2304. Southwestern Medical District identification sign permit requirements.
Sec. 51A-7.2305. Imitation of traffic and emergency signs prohibited.
Sec. 51A-7.2306. Creation of site.
Sec. 51A-7.2308. Signs within and over the public right-of-way.
Sec. 51A-7.2309. General provisions for all signs.
Sec. 51A-7.2310. Prohibited signs.
Sec. 51A-7.2311. Southwestern Medical District identification signs.
Sec. 51A-7.2312. Banners.
Sec. 51A-7.2313. Construction barricade signs.

ARTICLE VIII.

PLAT REGULATIONS.

Division 51A-8.100. Title and Purpose.

Sec. 51A-8.101. Title.
Sec. 51A-8.102. Policy.
Sec. 51A-8.103. Purpose.
Sec. 51A-8.104. Function of commission.
Sec. 51A-8.105. Jurisdiction.


Sec. 51A-8.201. Definitions.

Division 51A-8.300. Reserved.

Division 51A-8.400. Procedures.

Sec. 51A-8.401. When plating is required.
Sec. 51A-8.402. Plating of street right-of-way prohibited.
Sec. 51A-8.403. Plating process.
Sec. 51A-8.404. Engineering plan approval procedure.
Sec. 51A-8.405. Apportionment of exactions and park land dedication.
### Division 51A-8.500. Subdivision Layout and Design.

- **Sec. 51A-8.501.** Compliance with zoning.
- **Sec. 51A-8.502.** Designation of abandoned, franchised, or licensed property.
- **Sec. 51A-8.503.** Lots.
- **Sec. 51A-8.504.** Blocks.
- **Sec. 51A-8.505.** Building lines.
- **Sec. 51A-8.506.** Street layout.
- **Sec. 51A-8.507.** Alleys.
- **Sec. 51A-8.508.** Parks and common areas.
- **Sec. 51A-8.509.** Fire and police access.
- **Sec. 51A-8.510.** Community unit development.
- **Sec. 51A-8.511.** Conservation easement.
- **Sec. 51A-8.512.** Shared access development.

### Division 51A-8.600. Infrastructure Design and Construction.

- **Sec. 51A-8.601.** General standards.
- **Sec. 51A-8.602.** Dedications.
- **Sec. 51A-8.603.** Construction required.
- **Sec. 51A-8.604.** Street engineering design and construction.
- **Sec. 51A-8.605.** Sanitation collection access required.
- **Sec. 51A-8.606.** Sidewalks.
- **Sec. 51A-8.607.** Median openings, extra lanes, and driveways.
- **Sec. 51A-8.608.** Street appurtenances.
- **Sec. 51A-8.609.** Railroad crossings.
- **Sec. 51A-8.610.** Utilities.
- **Sec. 51A-8.611.** Storm drainage design.
- **Sec. 51A-8.612.** Private development contracts.
- **Sec. 51A-8.613.** Covenant procedures.
- **Sec. 51A-8.614.** Cost sharing contract.
- **Sec. 51A-8.615.** Nonstandard materials.
- **Sec. 51A-8.616.** Reserved.
- **Sec. 51A-8.617.** Monumentation.
- **Sec. 51A-8.618.** Traffic barriers.
- **Sec. 51A-8.619.** Screening walls.
- **Sec. 51A-8.620.** Retaining walls.

### Division 51A-8.700. Administration.

- **Sec. 51A-8.701.** Nothing deemed submitted until fees paid.
- **Sec. 51A-8.702.** Early release of building or foundation permit.
- **Sec. 51A-8.703.** Circumvention of regulations prohibited.
- **Sec. 51A-8.704.** Utilities.
- **Sec. 51A-8.705.** Taxes.
- **Sec. 51A-8.706.** Approvals and agreements in writing.
- **Sec. 51A-8.707.** Platting in the escarpment zone and in the geologically similar area.
- **Sec. 51A-8.708.** Waiver by city council.

### ARTICLE IX. THOROUGHFARES.

#### Division 51A-9.100. Thoroughfare Plan Amendments.

- **Sec. 51A-9.101.** Thoroughfare plan defined.
- **Sec. 51A-9.102.** Thoroughfare plan amendment process.


- **Sec. 51A-9.201.** Procedures for establishment of thoroughfare alignment.
- **Sec. 51A-9.202.** Procedure for approval of state or county thoroughfare improvements.

#### Division 51A-9.300. Street Naming and Name Change Process.

- **Sec. 51A-9.301.** Definitions.
- **Sec. 51A-9.302.** General provisions.
- **Sec. 51A-9.303.** Application.
- **Sec. 51A-9.304.** Standards for street names and street name changes.
- **Sec. 51A-9.305.** Review of application.
Sec. 51A-9.306. Hearing before the city plan commission.
Sec. 51A-9.307. Hearing before the city council.
Sec. 51A-9.308. Notification of name change.
Sec. 51A-9.309. Effective date of name change.

Division 51A-9.400. Four-Way/All-Way Stop Controls at Residential Intersections.
Sec. 51A-9.403. Appeals.

Sec. 51A-9.504. Standards for ceremonial street naming.
Sec. 51A-9.505. Notification of ceremonial street naming.
Sec. 51A-9.506. Effective date of ceremonial street name and end date.
Sec. 51A-9.507. Installation and replacement.

ARTICLE X.

LANDSCAPE AND TREE CONSERVATION REGULATIONS.

Division 51A-10.100. In General.
Sec. 51A-10.101. Definitions.
Sec. 51A-10.102. Purpose.
Sec. 51A-10.103. Acceptable plant materials.
Sec. 51A-10.104. Soil and planting area requirements.
Sec. 51A-10.105. Measurements.
Sec. 51A-10.106. Irrigation requirements.
Sec. 51A-10.107. Reserved.
Sec. 51A-10.108. General maintenance.
Sec. 51A-10.109. Landscape and tree manual.
Sec. 51A-10.110. Special exceptions.

Division 51A-10.120. Landscaping.
Sec. 51A-10.121. Application of division.
Sec. 51A-10.122. Artificial lot delineation.
Sec. 51A-10.123. Landscape plan submission.
Sec. 51A-10.124. Landscape plan review.
Sec. 51A-10.125. Mandatory landscaping requirements.
Sec. 51A-10.126. Landscape design options.
Sec. 51A-10.127. When landscaping must be completed.
Sec. 51A-10.128. Enforcement by building official.

Division 51A-10.130. Urban Forest Conservation.
Sec. 51A-10.131. Application of division.
Sec. 51A-10.131.1. Intent.
Sec. 51A-10.131.2. Planned development districts.
Sec. 51A-10.132. Tree removal applications.
Sec. 51A-10.133. Historic trees.
Sec. 51A-10.133.1. Transplanted trees.
Sec. 51A-10.134. Replacement of removed or seriously injured trees.
Sec. 51A-10.135. Alternative methods of compliance with tree replacement requirements.
Sec. 51A-10.136. Conservation and maintenance of protected trees during construction or other disturbance.
Sec. 51A-10.137. Violation of this division.
Sec. 51A-10.138. Appeals.
Sec. 51A-10.139. Fines.
Sec. 51A-10.140. Criminal responsibility, and defenses to prosecution.

ARTICLE XI.

HISTORIC PRESERVATION TAX EXEMPTIONS AND ECONOMIC DEVELOPMENT INCENTIVES FOR HISTORIC PROPERTIES.

Division 51A-11.100. Purpose and Definitions.
Sec. 51A-11.101. Purpose and authority.
Sec. 51A-11.102. Definitions.

Sec. 51A-11.201. Initial application, completion of rehabilitation, and final application are all required for tax exemption.

Sec. 51A-11.202. Penalties for failure to complete a project or failure to obtain a certificate of occupancy.

Sec. 51A-11.203. Historic property destruction or alteration.

Sec. 51A-11.204. Tax exemptions in the urban historic districts.

Sec. 51A-11.205. Tax exemptions in endangered and revitalizing historic districts.

Sec. 51A-11.206. Tax exemptions in historic districts other than urban historic districts, endangered historic districts, and revitalizing historic districts.

Sec. 51A-11.207. Tax exemption for historic properties open to the public and owned by non-profit organizations.

Sec. 51A-11.208. Citywide tax exemption.

Division 51A-11.300. Other Incentives for Historic Preservation in Urban Historic Districts.

Sec. 51A-11.301. Historic conservation easement program.

Sec. 51A-11.302. Transfer of development rights.

Division 51A-11.400. Sunset Provision and Coordination with Pending Tax Exemptions.

Sec. 51A-11.401. Sunset provision.

Sec. 51A-11.402. Coordination with pending tax exemptions.

ARTICLE XII.

GAS DRILLING AND PRODUCTION.

Division 51A-12.100. In General.

Sec. 51A-12.101. Purpose.

Sec. 51A-12.102. Definitions.

Sec. 51A-12.103. Administration.

Sec. 51A-12.104. SUP requirement and use regulations.

Division II. Gas Drilling.

Sec. 51A-12.201. Seismic survey permit.


Sec. 51A-12.203. Insurance and security instruments.

Sec. 51A-12.204. Operations.

Sec. 51A-12.205. Abandonment and restoration.

Division III. Regulated Pipelines.

Sec. 51A-12.301. Pipeline permit.

Sec. 51A-12.302. Insurance.

Sec. 51A-12.303. General provisions.

Sec. 51A-12.304. Emergency response plan and incident reporting.

Sec. 51A-12.305. Markers.

Sec. 51A-12.306. One-call system.

Sec. 51A-12.307. Pipeline information reporting requirements.

Sec. 51A-12.308. Public education.

Sec. 51A-12.309. Repairs and maintenance.

Sec. 51A-12.310. No assumption of responsibility by city.

Sec. 51A-12.311. Abandoned pipelines.

Division IV. Violations.

Sec. 51A-12.401. Violations.

ARTICLE XIII.

FORM DISTRICTS.
Dallas Development Code: Ordinance No. 19455, as amended

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ARTICLE I.

GENERAL PROVISIONS.

SEC. 51A-1.101. RESERVED. (Ord. 24637)

SEC. 51A-1.102. APPLICABILITY AND PURPOSE.

(a) Applicability.

(1) At any time prior to March 1, 1987, an applicant for a change in zoning district classification or boundary may voluntarily elect to proceed under either this chapter or Chapter 51. The zoning procedures in this chapter automatically apply to any request for a change in zoning district classification or boundary that is formally initiated on or after March 1, 1987.

(2) This chapter (and not Chapter 51) automatically applies to:

(A) all property that is annexed into the city on or after March 1, 1987; and

(B) all property that is rezoned on or after March 1, 1987, if the request for the change in zoning district classification or boundary was formally initiated on or after that date.

(3) The passage of an ordinance granting or amending a specific use permit is not considered to be "rezoning" for purposes of this section.

(b) Purpose.

(1) In general. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city in order to:

(A) lessen the congestion in the streets;

(B) secure safety from fire, flooding, and other dangers;

(C) provide adequate light and air;

(D) prevent the overcrowding of land;

(E) avoid undue concentration of population;

(F) facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements;

(G) promote the character of areas of the city;

(H) limit the uses in areas of the city that are peculiarly suitable for particular uses;

(I) conserve the value of buildings; and

(J) encourage the most appropriate use of land throughout the city.

(2) Compliance with FHAA. The city council intends that this chapter fully comply with the Federal Fair Housing Amendments Act of 1988 ("FHAA") and all other applicable state and federal legislation. Residential use and district regulations in this chapter are based on the family unit as defined in Section 51A-2.102. It is the express intent of the city council that all families as defined herein be treated alike without regard to the handicapped or non-handicapped status of individual family members, and that this chapter be construed in a manner consistent with the FHAA and all other applicable state and federal legislation at all times. (Ord. Nos. 19455; 21044)

SEC. 51A-1.103. ENFORCEMENT.

(a) Criminal prosecution.

(1) A person who knowingly violates any provision of this chapter is guilty of a separate offense...
for each day or portion of a day during which the violation is continued. Each offense is punishable by a fine of not more than $2,000 nor less than $200. The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

(2) A person is criminally responsible for a violation of this chapter if:

(A) the person knowingly commits the violation or assists in the commission of the violation;

(B) the person owns part or all of the property and knowingly allows the violation to exist;

(C) the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner’s name, street address, and telephone number to code enforcement officials; or

(D) the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property.

(3) A person may not use land or a structure on land located in the city for other than those uses designated as permitted uses in accordance with the provisions of this chapter.

(4) It is a defense to prosecution under this chapter that a person is in compliance with an order of the board of adjustment that specifically authorizes otherwise unlawful conduct.

(5) It is a defense to prosecution under this chapter that a use or structure is nonconforming unless the nonconforming rights attendant to the use or structure have been lost or terminated under Section 51A-4.704.

(b) Civil action. This chapter may be enforced through civil court action as provided by state law.

(c) Utility disconnection. The building official may order city or private utilities to be disconnected upon failure to comply with this chapter or the building laws.

(d) Enforcement authority. This chapter may be enforced by the building official or any other representative of the city. (Ord. Nos. 19455; 19963; 20236; 20599; 26286)

SEC. 51A-1.104. CERTIFICATE OF OCCUPANCY.

Except as provided in Section 306.1, “Use or Occupancy,” of Chapter 52, “Administrative Procedures for the Construction Codes,” a person shall not use or occupy or change the use or occupancy of a building, a portion of a building, or land without obtaining a certificate of occupancy from the building official in compliance with Section 306, “Certificate of Occupancy,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code. (Ord. Nos. 19455; 21735; 22204; 24439; 26579; 29023)

SEC. 51A-1.104.1. APPLICATIONS.

(a) Except conservation district applications and neighborhood stabilization overlay applications, when submitting an application, the applicant must submit proof, such as a tax certificate, that property taxes and any city fees, fines, or penalties are not delinquent on the subject property. Unless such proof is submitted, the application will be considered incomplete and returned to the applicant. A waiver of this requirement may be granted by a two-thirds vote of the city council if:
§ 51A-1.104.1 Dallas Development Code: Ordinance No. 19455, as amended § 51A-1.105

(1) a waiver will facilitate urban redevelopment, historic conservation, or an important planning objective;

(2) a pending sale of the property is contingent on the zoning application, and the applicant can supply evidence, such as a contract of sale, that the taxes and any city fees, fines, or penalties will be paid at closing; or

(3) the applicant can demonstrate financial hardship that makes payment of taxes impossible, and approval of a waiver will improve the applicant's ability to pay the taxes and any city fees, fines, or penalties.

(b) A waiver application form may be obtained from the department. The waiver application form and waiver application fee must be filed with the city secretary.

(c) Consideration of a waiver application under this procedure is not a consideration of the merits of the zoning application, and does not imply that the zoning application will be approved or disapproved when considered on its merits. (Ord. Nos. 21633; 25047; 26536; 28073)

SEC. 51A-1.105. FEES.

(a) Fees for zoning and SUP amendments and renewals.

(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.

(3) With respect to an application for automatic renewal of an SUP, if no public hearings are held in conjunction with the renewal, the city controller shall refund the appropriate portion of the fee as specified in this subsection. In all other respects, the refund of all or part of an application fee is controlled by Section 51A-4.701(f).

(4) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
<th>Area of Notification for Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amendment to planned development district or institutional overlay district site plan and/or conditions only</td>
<td>$2,610.00 + $1,000.00 per regulation type being amended</td>
<td>500 feet</td>
</tr>
<tr>
<td>All other applications related to planned development districts, including the creation of subdistricts, or institutional overlay districts:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-5 acres</td>
<td>$5,820.00 + $1,000.00 per regulation type</td>
<td>500 feet</td>
</tr>
<tr>
<td>over 5 acres</td>
<td>$5,820.00 + $250.00 per each acre over 5 and $1,000.00 per regulation type</td>
<td>500 feet</td>
</tr>
<tr>
<td>Maximum fee</td>
<td>$50,000.00</td>
<td></td>
</tr>
<tr>
<td>Applications for straight form districts, planned form districts, and parking management overlay districts:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-1 acre</td>
<td>$1,050.00</td>
<td>200 feet</td>
</tr>
<tr>
<td>over 1 acre to 5 acres</td>
<td>$2,610.00</td>
<td>300 feet</td>
</tr>
<tr>
<td>over 5 acres to 15 acres</td>
<td>$5,820.00</td>
<td>400 feet</td>
</tr>
<tr>
<td>over 15 acres to 25 acres</td>
<td>$5,820.00 + $113.00 per each acre over 15</td>
<td>400 feet</td>
</tr>
<tr>
<td>over 25 acres</td>
<td>$6,950.00 + $113.00 per each acre over 25</td>
<td>500 feet</td>
</tr>
<tr>
<td>Maximum fee</td>
<td>$30,000.00</td>
<td></td>
</tr>
<tr>
<td>Applications for height map overlay districts and shopfront overlay districts</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$1,170.00</td>
<td>200 feet</td>
</tr>
</tbody>
</table>
§ 51A-1.105 | Dallas Development Code: Ordinance No. 19455, as amended | § 51A-1.105

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
<th>Area of Notification for Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>All applications relating to neighborhood stabilization overlay districts and accessory dwelling unit overlays:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-1 acre</td>
<td>$500.00</td>
<td>200 feet</td>
</tr>
<tr>
<td>over 1 acre to 5 acres</td>
<td>$1,200.00</td>
<td>200 feet</td>
</tr>
<tr>
<td>over 5 acres to 25 acres</td>
<td>$2,400.00</td>
<td>200 feet</td>
</tr>
<tr>
<td>over 25 acres</td>
<td>$2,400.00*</td>
<td>200 feet</td>
</tr>
<tr>
<td>All applications relating to conservation districts:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-1 acre</td>
<td>$500.00</td>
<td>200 feet</td>
</tr>
<tr>
<td>over 1 acre to 5 acres</td>
<td>$1,200.00</td>
<td>200 feet</td>
</tr>
<tr>
<td>over 5 acres to 25 acres</td>
<td>$2,400.00</td>
<td>200 feet</td>
</tr>
<tr>
<td>over 25 acres</td>
<td>$2,400.00</td>
<td>200 feet</td>
</tr>
</tbody>
</table>

Application for original SUP:

| 0-1 acre | $1,170.00 | 200 feet |
| over 1 acre to 5 acres | $1,170.00 | 300 feet |
| over 5 acres to 25 acres | $1,170.00 | 400 feet |
| over 25 acres | $1,170.00 | 500 feet |

Pedestrian skybridge

Gas drilling and production

Application for SUP amendment or renewal:

| 0-1 acre | $825.00* | 200 feet |
| over 1 acre to 5 acres | $825.00* | 300 feet |
| over 5 acres to 25 acres | $825.00* | 400 feet |

(b) Fees for board of adjustment applications.

(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) The city controller shall refund 75 percent of the filing fee to the applicant if the applicant withdraws the application prior to the case being advertised for hearing. After the case is advertised, no refund of the filing fee may be made.
§ 51A-1.105 Dallas Development Code: Ordinance No. 19455, as amended

(4) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family variance</td>
<td>$600.00</td>
</tr>
<tr>
<td>Single family special exception</td>
<td>$600.00</td>
</tr>
<tr>
<td>Multifamily or nonresidential variance</td>
<td>$900.00 + $25 per acre</td>
</tr>
<tr>
<td>Multifamily or nonresidential special exception</td>
<td>$1,200.00 + $25 per acre</td>
</tr>
<tr>
<td>Landscaping or tree mitigation special exception</td>
<td>$1,200.00 + $50 per acre</td>
</tr>
<tr>
<td>Variance and special exception to off-street parking requirements</td>
<td>$900.00 + $100 per parking space variance or special exception requested</td>
</tr>
<tr>
<td>Compliance request for a nonconforming use</td>
<td>$1,000</td>
</tr>
<tr>
<td>All other non-sign appeals</td>
<td>$900.00</td>
</tr>
<tr>
<td>Sign special exceptions</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>All other sign appeals</td>
<td>$900.00</td>
</tr>
</tbody>
</table>

(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 a filing fee to the director of water utilities. The director of water utilities 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.

(d) Fees for extraordinarily significant sign 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. The director shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.
§ 51A-1.105 Dallas Development Code: Ordinance No. 19455, as amended

(3) No refund of a fee may be made.

(4) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
<th>Area of Notification for Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designation of an existing sign as an extraordinarily significant sign</td>
<td>$600.00</td>
<td>200 feet</td>
</tr>
</tbody>
</table>

(e) Fees for creating or amending a voluntary deed restriction.

(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.

(3) The controller shall refund 35 percent of the filing fee to the applicant if the application is not forwarded to council after a public hearing by the commission.

(4) If a deed restriction amendment is submitted as part of an application for a change in a zoning district classification or boundary, the fee outlined in this subsection is not required.

(5) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Inspection</th>
<th>Inspection Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creation of a voluntary deed restriction where the city is a party</td>
<td>$350.00</td>
</tr>
<tr>
<td>Amendment to a voluntary deed restriction where the city is a party</td>
<td>$900.00</td>
</tr>
</tbody>
</table>

(f) Fees for notification signs.

(1) An application will not be processed until the fee for notification signs 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) There is no fee for a sign required under Section 51A-1.106(a)(4). The fee for all other notification signs required under Section 51A-1.106 is $10 for each sign.

(g) Fees for inspection of infrastructure improvements constructed under private development contracts.

(1) An inspection of infrastructure improvements constructed under a private development contract, as required under Section 51A-8.612, will not be performed until the fee has been paid.

(2) The owner of the property to be platted under a private development contract shall pay the inspection 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) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Inspection</th>
<th>Inspection Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>The value of the proposed improvement is $25,000 or less</td>
<td>$500.00</td>
</tr>
<tr>
<td>The value of the proposed improvement is from $25,001 to $100,000</td>
<td>$500.00, plus $0.02 multiplied by the value of the improvement in excess of $25,001</td>
</tr>
<tr>
<td>The value of the proposed improvement is 100,001 or more</td>
<td>$2,000.00, plus $0.01 multiplied by the value of the improvements in excess of $100,001</td>
</tr>
</tbody>
</table>
(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:

<table>
<thead>
<tr>
<th>Processing Time</th>
<th>Surcharge</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 day</td>
<td>$25.00</td>
</tr>
<tr>
<td>2-3 days</td>
<td>$20.00</td>
</tr>
<tr>
<td>4-5 days</td>
<td>$15.00</td>
</tr>
<tr>
<td>6 days</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

(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:

<table>
<thead>
<tr>
<th>Length of Roadway</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-25 miles</td>
<td>$2,660.00</td>
</tr>
<tr>
<td>Longer than .25 miles</td>
<td>$2,660.00 plus $.87 per linear foot</td>
</tr>
</tbody>
</table>

(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.
(3) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
<th>Area of Notification for Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor plan amendment</td>
<td>$825.00</td>
<td></td>
</tr>
<tr>
<td>Appeal of the decision of the director to city plan commission or the decision of the city plan commission to the city council for a minor plan amendment</td>
<td>$300.00</td>
<td></td>
</tr>
<tr>
<td>Detailed development plan when submitted after passage of an ordinance establishing a planned development district</td>
<td>$600.00 for each submission</td>
<td></td>
</tr>
<tr>
<td>Waiver of the two year waiting period under Section 51A-4.701(d)(3)</td>
<td>$300.00</td>
<td></td>
</tr>
<tr>
<td>Extension of the development schedule under Section 51A-4.702(g)(3)</td>
<td>$75.00</td>
<td></td>
</tr>
<tr>
<td>Waiver of the requirement of proof that taxes, fees, fines, and penalties are not delinquent under Section 51A-1.104.1</td>
<td>$200.00</td>
<td></td>
</tr>
<tr>
<td>Appeal to the city council of a moratorium on a zoning or nonzoning matter handled by the department</td>
<td>$300.00</td>
<td></td>
</tr>
<tr>
<td>Request for a letter from the department explaining the availability of water services for a development site</td>
<td>$200.00</td>
<td></td>
</tr>
<tr>
<td>Request for a letter from the department explaining the availability of wastewater services for a development site.</td>
<td>$200.00</td>
<td></td>
</tr>
<tr>
<td>Request for performance of a wastewater capacity analysis on an existing wastewater line to determine its capacity for a proposed development or land use</td>
<td>$2,500.00</td>
<td></td>
</tr>
<tr>
<td>Appeal of an apportionment determination to the city plan commission</td>
<td>$600.00</td>
<td></td>
</tr>
<tr>
<td>Appeal an apportionment determination decision of the city plan commission to the city council</td>
<td>$600.00</td>
<td></td>
</tr>
<tr>
<td>Appeal a decision of the landmark commission on a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal to the city plan commission regarding a single family use or a handicapped group dwelling unit use</td>
<td>$300.00</td>
<td></td>
</tr>
<tr>
<td>Appeal an apportionment determination decision of the city plan commission to the city council</td>
<td>$700.00</td>
<td></td>
</tr>
<tr>
<td>Request for a sidewalk width waiver under Section 51A-4.124(a)(9)(C)(v)</td>
<td>$300.00</td>
<td></td>
</tr>
<tr>
<td>Request for an administrative parking reduction under Section 51A-4.313</td>
<td>$375.00 and $25 per space over 10 spaces</td>
<td></td>
</tr>
</tbody>
</table>

Note: The director shall also send notification of minor plan amendments to the city plan commission members, any known neighborhood associations covering the property, and persons on the early notification list at least 10 days prior to the city plan commission meeting.

(I) Fees for a street name change and for a ceremonial street naming.

(1) The following fees are required for a street name change.

(A) A street name change fee must be paid to the director before an application will be processed.

(B) A fee for new street identification signs must be paid to the director of sustainable development and construction within 60 days of the approval of a street name change by the city council.

(C) A fee for change of official address records must be paid to the building official within 60 days of the approval of a street name change by the city council.
(D) Fee schedule.

<table>
<thead>
<tr>
<th>Application Fee</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the street is less than one-fourth mile</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>If the street is less than one-half mile but more than or equal to one-fourth mile</td>
<td>$2,100.00</td>
</tr>
<tr>
<td>If the street is less than one mile but more than or equal to one-half mile</td>
<td>$2,700.00</td>
</tr>
<tr>
<td>If the street is more than or equal to one mile</td>
<td>$2,700.00 for first mile plus $600.00 for each additional one-fourth mile.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street Identification Sign Fee</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For each blade to be replaced</td>
<td>$1,130.00</td>
</tr>
<tr>
<td>For each mast arm to be replaced</td>
<td>$233.00</td>
</tr>
<tr>
<td>For Texas Department of Transportation signs to be replaced</td>
<td>To be determined based upon Texas Department of Transportation cost calculation at the time of installation.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Change of Official Address Fee</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For each address change up to 10</td>
<td>$150.00</td>
</tr>
<tr>
<td>For more than 10 address changes</td>
<td>$1,500.00 for the first ten address changes plus $113.00 per hour of service required for additional address changes.</td>
</tr>
</tbody>
</table>

(E) No fee is required for street name change applications filed by the governmental entities listed in Section 51A-1.105.1.
Dallas Development Code: Ordinance No. 19455, as amended

[Intentionally left blank]
§ 51A-1.105 Dallas Development Code: Ordinance No. 19455, as amended

(2) The following fee is required for a ceremonial street naming.

(A) A ceremonial street naming fee must be paid to the director before an application will be processed.

(B) Fee schedule.

<table>
<thead>
<tr>
<th>Application Fee</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the street is less than one-fourth mile</td>
<td>$750.00</td>
</tr>
<tr>
<td>If the street is less than one-half mile but more than or equal to one-fourth mile</td>
<td>$1,050.00</td>
</tr>
<tr>
<td>If the street is less than one mile but more than or equal to one-half mile</td>
<td>$1,350.00</td>
</tr>
<tr>
<td>If the street is more than or equal to one mile</td>
<td>$1,350.00 for first mile plus $300.00 for each additional one-fourth mile.</td>
</tr>
</tbody>
</table>

(C) Additional fees may be required for production and installation of ceremonial street name toppers.

(D) No fee is required for a ceremonial street naming application filed by the governmental entities listed in Section 51A-1.105.1.

(m) Fees for special parking and mechanized parking.

(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.

(n) Fees for platting, replatting, and other related fees.

(1) Terms used in this subsection are defined in Articles II and VIII of this chapter.

(2) An application will not be processed until the fee has been paid. 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.

(3) It might be necessary to submit a plat for review and approval more than once. There is a separate fee for submission of a preliminary plat and submission of a final plat (except there is no fee for a final minor plat or a final amending plat (minor)). Fees for each revised submission are indicated in the fee schedule below. The fee for submission of a final plat for a phase is calculated as if the phase was a freestanding plat. The submission fee for an amending plat (major) is calculated as for a preliminary plat. The addition of up to 10 percent of the area of a previously submitted preliminary plat is considered a revision; if more area than that is added, the revised plat is considered a new preliminary plat.
(4) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary plat, amending plat (major), or final plat containing 20 lots or fewer</td>
<td>$1,548 plus: (a) $17 per lot if no lot exceeds 3 acres; or (b) $70 per acre if any lot exceeds 3 acres</td>
</tr>
<tr>
<td>Preliminary plat, amending plat (major), or final plat containing more than 20 lots</td>
<td>$2,193 plus: (a) $17 per lot if no lot exceeds 3 acres; or (b) $70 per acre if any lot exceeds 3 acres; no fee for a final minor plat</td>
</tr>
<tr>
<td>Minor plat submitted as a final plat</td>
<td>$2,664 plus (a) $26 per lot if no lot exceeds 3 acres; or (b) $140 per acre if any lot exceeds 3 acres</td>
</tr>
<tr>
<td>Amending plat (minor), vacation of plat, or certificate of correction</td>
<td>$323; no fee for a final amending plat (minor)</td>
</tr>
<tr>
<td>Each revised submission of a preliminary plat, amending plat (major or minor), minor plat, or final plat that has not been recorded</td>
<td>one half of the original fee schedule in effect at the time revision is submitted</td>
</tr>
<tr>
<td>Maximum charge, not including fees charged under Subsection (6), for a preliminary plat, amending plat (major or minor), minor plat, or a final plat, and all revised submissions</td>
<td>$19,350 each type of plat</td>
</tr>
</tbody>
</table>

(5) The subdivision administrator may waive the fee required if it is determined that a subsequent plat submission is necessary due to an error or omission by the city in the review of an earlier plat submission.

(6) An applicant who submits engineering plans shall pay to the director of development services:

(A) $1,500 for the initial submission of engineering plans;

(B) no fee for the applicant’s submission of the first modification of the initial submission of engineering plans if it includes only those modifications required in response to comments and requirements made by the department of development services after reviewing the initial submission; and

(C) $500 for each subsequent submission.

The fees required in this paragraph must be paid to the director of development services at the time of each submission. After the department of development services has approved all engineering plans and received payment of all required fees, the director of development services shall notify the commission of such approval and payment.

(7) The city controller shall refund 35 percent of the filing fee to the applicant if the applicant withdraws the application prior to the case being posted for hearing. After the case is posted, the applicant may withdraw the plat but the city controller will not refund any part of the filing fee. If the applicant withdraws the application in writing prior to the hearing date, the applicant may request that the filing fee be credited to a subsequent application for the same property if it is submitted within one year of the withdrawal date.

(o) Fee for amendment to Article VII, “Sign Regulations.”

(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) No refund of a fee may be made.

(4) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amendment to create a special provision sign district</td>
<td>$5,600</td>
</tr>
<tr>
<td>All other amendments, supplementations, or changes to Article VII, “Sign Regulations”</td>
<td>$1,100</td>
</tr>
</tbody>
</table>
(p) Fee for amendment to the Dallas Development Code other than to Article VII, “Sign Regulations.”

(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) No refund of a fee may be made.

(4) The fee for an application to amend, supplement, or change the Dallas Development Code, other than Article VII, “Sign Regulations,” is $6,700.

(q) Fees for sign review in special provision sign districts.

(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) No refund of a fee may be made.

(4) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificate of appropriateness for a sign in a special provision sign district when review by the city plan commission is required under Section 51A-7.505.</td>
<td>$345</td>
</tr>
<tr>
<td>Appeal of the decision of the director to city plan commission for a sign permit in a special provision sign district</td>
<td>$300</td>
</tr>
<tr>
<td>Appeal of the decision of the city plan commission to the city council for a sign permit in a special provision sign district</td>
<td>$300</td>
</tr>
</tbody>
</table>

(r) Fee for an escarpment permit.

(1) An application for an escarpment permit under Section 51A-5.204 of this chapter 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) No refund of a fee may be made.

(4) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Escarpment permit</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

(s) Fee for tree removal application.

(1) An application for a tree removal under Section 51A-10.132 of this chapter 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) No refund of a fee may be made.
§ 51A-1.105 Dallas Development Code: Ordinance No. 19455, as amended

(4) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree removal application</td>
<td>Cost of tree removal x $0.0095, with a minimum charge of $60.00 for the project</td>
</tr>
<tr>
<td>First reinspection of work not completed, not corrected, or not accessible in initial inspection</td>
<td>$60.00</td>
</tr>
<tr>
<td>Second reinspection of work not completed, not corrected, or not accessible in prior inspections</td>
<td>$90.00</td>
</tr>
<tr>
<td>Third or subsequent reinspection of work not completed, not corrected, or not accessible in prior inspections</td>
<td>$120.00</td>
</tr>
</tbody>
</table>

(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 $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.

(u) Fees for gas drilling and production.

(1) The city may use a qualified third party to conduct any inspections required by Article XII. The operator shall pay the city for any fees charged by third party inspectors within 30 days of receipt of an invoice from the city.

(2) Any permit that lapses for nonpayment of the annual permit fee will be reinstated upon payment of an additional fee of $50.00 for each thirty-day period during the lapse.

(3) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seismic survey permit</td>
<td>$150.00</td>
</tr>
<tr>
<td>New gas well permit</td>
<td>$3,000.00 for the first well on an operation site and $1,000 for each additional well on that same operation site</td>
</tr>
<tr>
<td>Amended permit</td>
<td>$600.00</td>
</tr>
<tr>
<td>Reworking fee</td>
<td>$800.00</td>
</tr>
<tr>
<td>Operator transfer</td>
<td>$600.00</td>
</tr>
<tr>
<td>Annual fee (per well)</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Regulated pipeline permit</td>
<td>$1,500.00</td>
</tr>
</tbody>
</table>

(v) Fee for the city’s review and consent to the creation of or amendment to a municipal utility district or any other district created under Article 16, Section 59 of the Texas Constitution.

(1) The fee shall be paid to the director when the application is filed. An application will not be processed until the fee has been paid.

(2) The director shall deposit fees 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.
§ 51A-1.105  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-1.105

(4) Fee schedule.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>City's review and consent to the creation of or amendment to a municipal utility district or any other district created under Article 16, Section 59 of the Texas Constitution</td>
<td>$3,825.00</td>
</tr>
</tbody>
</table>

(w) Fees for annexation, disannexation, boundary adjustment agreement, and waiver of extraterritorial jurisdiction applications.

(1) The fee shall be paid to the director when the application is filed. An application will not be processed until the fee has been paid.

(2) 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) There is no fee for the first occasional sale permit in each 12 month period. The fee for the second occasional sale permit in a 12 month period is $25.00.

(5) A person may not operate an occasional sale without a valid permit issued by the director of code compliance. Only the owner or lessee of the property where the occasional sale is being conducted may obtain a permit. The applicant shall provide proof (driver’s license, utility bills, or other proof) that the applicant is the owner or lessee of the property.

(6) The application for an occasional sale permit must be on a form provided by the director and must contain the dates, location, hours of operation of the occasional sale, and any other information that may be reasonably required by the director of code compliance.

(7) The director of code compliance shall deny the application for an occasional sale permit if the director of code compliance determines that:

(A) the applicant has not paid the required fee;

(B) the applicant made a false statement of material fact in the application;

(C) the applicant has been given two or more citations for violating the provisions of this subsection or Section 51A-4.217(b)(9) within 12 months before submitting an application; or

(D) the occasional sale would not meet the requirements of this subsection or of Section 51A-4.217(b)(9).

(8) The applicant may appeal the denial of an application for an occasional sale permit to the...
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:

<table>
<thead>
<tr>
<th>Type of Property Description</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Platted</td>
<td>$12.50</td>
</tr>
<tr>
<td>Metes and bounds less than four pages</td>
<td>$25.00</td>
</tr>
<tr>
<td>Metes and bounds four pages and more</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

(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.

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Fee-in-lieu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family or duplex</td>
<td>$762.00 per dwelling unit</td>
</tr>
<tr>
<td>Multifamily (one bedroom)</td>
<td>$299.00</td>
</tr>
<tr>
<td>Multifamily (two or more bedrooms)</td>
<td>$600.00</td>
</tr>
<tr>
<td>College dormitory, fraternity, or sorority house</td>
<td>$299.00 per sleeping room</td>
</tr>
<tr>
<td>Hotel and motel</td>
<td>$327.00 per guest room</td>
</tr>
</tbody>
</table>

(3) Park development fees.

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Park land development fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family or duplex</td>
<td>$403.00 per dwelling unit</td>
</tr>
<tr>
<td>Multifamily (one bedroom)</td>
<td>$158.00</td>
</tr>
<tr>
<td>Multifamily (two or more bedrooms)</td>
<td>$317.00</td>
</tr>
<tr>
<td>College dormitory, fraternity, or sorority house</td>
<td>$158.00 per sleeping room</td>
</tr>
<tr>
<td>Hotel and motel</td>
<td>$173.00 per guest room</td>
</tr>
</tbody>
</table>

(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; 30993; 30994; 31040)
SEC. 51A-1.105.1. FEE EXEMPTIONS AND REFUNDS.

(a) No fee is required for applications filed under this chapter by the U.S. Government, the State of Texas, or the city of Dallas if the property that is the subject of the application is devoted exclusively to governmental use.

(b) No fee is required for applications made to the board of adjustment pursuant to Section 51A-1.107, requesting a special exception to a regulation in this chapter based on a handicap.

(c) Whenever affordable housing units are provided as a part of a project in accordance with Division 51A-4.900, the director shall authorize a refund of a percentage of the total zoning and platting application fees paid for the project equal to the percentage of standard affordable housing units provided in the project. (Ord. Nos. 20037; 21176; 21183; 21663; 28096)

SEC. 51A-1.106. NOTIFICATION SIGNS REQUIRED TO BE OBTAINED AND POSTED.

(a) In general.

(1) The notification signs required in this section are intended to supplement state law and other Dallas Development Code notice requirements.

(2) The city plan commission, landmark commission, board of adjustment, or city council shall determine if an applicant has complied with the notification sign posting requirements in this section.

(b) Signs required to be obtained from the city. An applicant is responsible for obtaining the required number of notification signs and posting them on the property that is the subject of the application. Notification signs must be obtained from the director or the building official. An application will not be processed until the fee for the signs has been paid. For purposes of this section, an applicant is one who makes a request:

- (1) for a change in a zoning classification or boundary;
- (2) to the board of adjustment;
- (3) for a certificate of appropriateness for a sign that is to be located in a special provision sign district and is either a detached sign or an attached sign that has more than 100 square feet of effective area; or
- (4) to the landmark commission for a certificate for demolition or removal.

(c) Number of signs required. A minimum of one notification sign is required for every 500 feet or less of street frontage, with one additional notification sign required for each additional 500 feet or less of street frontage. For tracts without street frontage, a minimum of one notification sign is required for every five acres or less, with one additional notification sign required for each additional five acres or less. A maximum of five notification signs are required.

(d) Posting of signs.

- (1) Except as provided in Subsection 51A-1.106(e), the applicant shall post the required number of notification signs on the property within 14 days after an application is filed.
- (2) The signs must remain posted until a final decision is made on the application.
- (3) For tracts with street frontage, signs must be evenly spaced over the length of every street frontage, posted at a prominent location adjacent to a public street, and be easily visible from the street. For tracts without street frontage, signs must be evenly posted in prominent locations most visible to the public.
§ 51A-1.106 Dallas Development Code: Ordinance No. 19455, as amended

(4) An applicant has complied with the required posting of notification signs if any lost, stolen, or vandalized notification signs are timely replaced, and the applicant has made good faith efforts to keep the notification signs posted in accordance with this section.

(e) Failure to comply.

(1) If the city plan commission, landmark commission, or board of adjustment determines that the applicant has failed to comply with the provisions of this section, it shall take no action on the application other than to postpone the public hearing for at least four weeks or deny the applicant’s request, with or without prejudice.

(2) If the hearing is postponed, the required notification signs must be posted within 24 hours after the case is postponed and comply with all other requirements of this section.

(f) Illegal removal of signs.

(1) A person commits an offense if he intentionally or knowingly removes a notification sign that has been posted pursuant to this section.

(2) It is a defense to prosecution under this subsection that the sign was no longer required to be posted pursuant to this section at the time of its removal.

(g) Posting of signs by the director.

(1) When the city council or city plan commission authorizes a hearing on a change in zoning district classification or boundary pursuant to Paragraph 51A-4.701(a)(1), the city council, city plan commission, or landmark commission authorizes a public hearing to establish or amend a historic overlay district pursuant to Paragraph 51A-4.501(c)(2), the board of adjustment authorizes a hearing pursuant to Paragraph 51A-4.703(a)(1), or the city council or an applicant requests that the board of adjustment consider establishing a compliance date for a nonconforming use pursuant to Subparagraph 51A-4.704(a)(1), the director shall post the required number of notification signs on the subject property at least 30 days before the first public hearing unless the body authorizing a hearing approves a shorter time period for posting the required notification signs at the time of authorization.

(2) If the property owner denies permission for the post of the signs, the signs may be posted on the nearest public right-of-way.

(3) Illegal removal of a notification sign that has been posted pursuant to this subsection does not require postponement or denial under Subsection 51A-1.106(e). (Ord. Nos. 19455; 19872; 19963; 20599; 20926; 20949; 21044; 22389; 24542; 26287; 26577; 27184; 29626)

SEC. 51A-1.107. SPECIAL EXCEPTIONS FOR THE HANDICAPPED.

(a) Purpose. It is the express intent of the city council to comply with the Federal Fair Housing Amendments Act of 1988, and to ensure that all handicapped persons have equal opportunity to use and enjoy a dwelling. This section allows a person to seek relief from the enforcement of any regulation contained in this chapter that would result in illegal discrimination against the handicapped.

(b) General provisions.

(1) The board of adjustment shall grant a special exception to any regulation in this chapter if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term “handicapped person” means a person with a “handicap,” as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.

(2) The board may impose reasonable conditions upon the granting of this special exception consistent with the purpose stated in this section.
§ 51A-1.107 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-1.109

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

SEC. 51A-1.108. COMPREHENSIVE PLAN.

(a) Adoption. The comprehensive plan was adopted following review by the department and the city plan commission, and following a hearing at which the public was given the opportunity to give testimony and present written evidence.

(b) Purpose. The purpose of this comprehensive plan is to promote sound development of the city and promote the public health, safety, and welfare. The comprehensive plan is a plan for the long-range development of the city. The comprehensive plan sets forth policies to govern the future physical development of the city. The comprehensive plan shall serve as a guide to all future city council action concerning land use and development regulations, urban conservation and rehabilitation programs, and expenditures for capital improvements.

(c) Components. The comprehensive plan is composed of the following components:

(1) Vision component. This component expresses the ideas, ideals, and goals residents have for the future of the city, and includes a vision illustration showing possible general locations of building blocks or development patterns.

(2) Policy plan. This plan provides the overall policy framework to guide decisions over time toward achieving the vision.

(3) Implementation plan. This plan provides timelines for accomplishing goals outlined in the vision statement and policy plan. Goals are divided into the implementation plan, which are long-term projects, and action plans, which are short-term projects.

(4) Monitoring program. This program gives the city and citizens a framework for tracking progress toward implementation of the vision.

(5) Other plans. All other area plans and programmatic plans, as existing, amended, or created in the future, are incorporated into the comprehensive plan.

(d) Amendment.

(1) The vision, policy plan, area plans, and programmatic plans may be amended if authorized by city council and by following the procedure for city council authorized amendments as set out in Section 51A-4.701, “Zoning Amendments,” of Article IV, “Zoning Regulations,” of the Dallas Development Code, as amended.

(2) The implementation plan and monitoring program may be amended by ordinance of the city council.

(e) Relation to zoning. The relationship between the comprehensive plan and development regulations is that the comprehensive plan serves merely as a guide for rezoning requests rather than as a mandatory restriction on the city’s authority to regulate land use. The comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. The comprehensive plan does not limit the ability of the city to prepare other plans, policies, or strategies as required. (Ord. Nos. 26371; 28073)

SEC. 51A-1.109. APPORTIONMENT OF EXACTIONS.

(a) Exactions must be related and proportionate.

(1) No exactions may be imposed unless the exactions are:

(A) related to the needs created by the property development project; and
(B) roughly proportionate to the impact of the property development project.

(2) No precise mathematical calculation is required, but the city must make an individualized determination that the required exaction is related both in nature and extent to the impact of the property development.

(b) Developer report. If the director determines that a developer report is necessary, the developer shall submit a report prepared by a professional engineer licensed to practice in Texas to the director containing an analysis of existing municipal infrastructure, including streets capacity and condition, alleys, street lighting, street signals, water service, wastewater service, fire hydrants, storm water drainage system, solid waste collection, and sanitary sewer; an analysis of the need for municipal infrastructure additions or improvements; and any other information related to the property development project that the director deems necessary.

(c) Waiver. The director may waive the developer report if:

(1) The developer will bear the total cost of the exactions, such as infrastructure improvement necessitated solely by, and internal to, the property development project.

(2) The developer has volunteered to pay a greater proportion of the costs of the exactions.

(3) The director determines that the developer report is unnecessary.

(d) Apportionment determination.

(1) Within 30 days after submission of the developer report, the director shall notify the developer that the report is complete or notify the developer in writing of any deficiencies in the report and of any additional documentation required.

(2) A professional engineer licensed to practice in Texas and retained by the city shall evaluate the complete developer report and make the apportionment determination.

(3) The apportionment determination is a determination of the proportion of exactions to be borne by the developer. For example, if the total cost of the municipal infrastructure additions or improvements is $10,000, and the need for the municipal infrastructure additions or improvements is related to the needs created by the property development project, and the property development project accounts for 80 percent of the impact on the municipal infrastructure additions or improvements, then the developer’s portion is 80 percent of the cost of the municipal infrastructure additions or improvements, or $8,000.

(4) The director shall notify the developer of the apportionment determination within 60 days after deeming the developer report complete, prior to approval of any related zoning district classification or boundary change, prior to final release of any related plat, or prior to execution of any related private development contract, whichever is earliest.

(5) Cost sharing of municipal infrastructure additions or improvements between the developer and the city shall be documented in a cost sharing contract pursuant to Section 51A-8.614.

(e) Appeal.

(1) No waiver. A developer shall not be required to waive the right of appeal as a condition for approval of a development project.

(2) City plan commission. A developer may appeal the director’s apportionment determination to the city plan commission by filing written notice with the director within 30 days after the date of the determination. If an appeal is filed, the city plan commission shall hear the appeal within 60 days after the date of its filing. The director shall forward to the city plan commission the complete record of the matter
being appealed, including the developer report, if any, and the apportionment determination. The city plan commission shall hold a public hearing where the developer and director may present evidence and testimony under procedures adopted by the city plan commission. The developer shall have the burden of proof at the public hearing. The city plan commission shall have the same authority as the director and may affirm, in whole or in part, modify the apportionment determination, or remand the apportionment determination back to the director for further consideration. In reviewing the apportionment determination, the city plan commission shall use the standard in Subsection (a). The city plan commission shall make its determination within 30 days after the hearing.

(3) City council. A developer may appeal the city plan commission’s decision to the city council by filing a written notice with the director within 30 days after the date of the city plan commission’s decision. If an appeal is filed, the city council shall hear the appeal within 60 days after the date of its filing. The director shall forward to the city council the complete record of the matter being appealed, including the developer report, if any, the apportionment determination, and the record of the city plan commission hearing. City council shall hold a public hearing where the developer and the director may present evidence and testimony under procedures adopted by city council. The developer shall have the burden of proof at the public hearing. The city council shall have the same authority as the director and may affirm, in whole or in part, modify the apportionment determination, or remand the apportionment determination back to the director for further consideration. In reviewing the apportionment determination, the city council shall use the standard in Subsection (a). The city council shall make its determination within 30 days after the hearing.

(4) County or district court. A developer may appeal the city council’s decision to a county or district court of the county where the development project is located within 30 days after the date of the city council’s final determination. The sole issue on appeal is whether the city council erred in its review of the city plan commission determination. (Ord. 26530)
Dallas Development Code: Ordinance No. 19455, as amended

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ARTICLE IV.

ZONING REGULATIONS.

Division 51A-4.100. Establishment of Zoning Districts.

SEC. 51A-4.101. NEW ZONING DISTRICTS ESTABLISHED.

(1) Residential districts.

(A) A(A) Agricultural district.

(B) R-1ac(A) Single family district 1 acre.

(C) R-1/2ac(A) Single family district 1/2 acre.

(D) R-16(A) Single family district 16,000 square feet.

(E) R-13(A) Single family district 13,000 square feet.

(F) R-10(A) Single family district 10,000 square feet.

(G) R-7.5(A) Single family district 7,500 square feet.

(H) R-5(A) Single family district 5,000 square feet.

(I) D(A) Duplex district.

(J) TH-1(A) Townhouse district 1.

(K) TH-2(A) Townhouse district 2.

(L) TH-3(A) Townhouse district 3.

(M) CH Clustered housing district.

(2) Office districts.

(A) NO(A) Neighborhood office district.

(B) LO-1 Limited office district 1.

(C) LO-2 Limited office district 2.

(D) LO-3 Limited office district 3.

(E) MO-1 Mid-range office district 1.

(F) MO-2 Mid-range office district 2.

(G) GO(A) General office district.

(3) Retail districts.

(A) NS(A) Neighborhood service district.

(B) CR Community retail district.

(C) RR Regional retail district.
§ 51A-4.101 Dallas Development Code: Ordinance No. 19455, as amended

(4) Commercial service and industrial districts.
   (A) CS Commercial service district.
   (B) LI Light industrial district.
   (C) IR Industrial / research district.
   (D) IM Industrial/manufacturing district.

(5) Central area districts.
   (A) CA-1(A) Central area district 1.
   (B) CA-2(A) Central area district 2.

(6) Mixed use districts.
   (A) MU-1 Mixed use district 1.
   (B) MU-1(SAH) Mixed use district 1 affordable.
   (C) MU-2 Mixed use district 2.
   (D) MU-2(SAH) Mixed use district 2 affordable.
   (E) MU-3 Mixed use district 3.
   (F) MU-3(SAH) Mixed use district 3 affordable.

(7) Multiple commercial districts.
   (A) MC-1 Multiple commercial district 1.
   (B) MC-2 Multiple commercial district 2.
   (C) MC-3 Multiple commercial district 3.
   (D) MC-4 Multiple commercial district 4.

(8) Special purpose districts.
   (A) C Conservation district.
   (B) PD Planned development district.
   (C) P(A) Parking district.

(9) Overlay districts.
   (A) AF suffix Airport flight path overlay district.
   (B) CP suffix Core pedestrian precinct overlay district.
   (C) H suffix Historic overlay district.
   (D) ID suffix Institutional overlay district.
   (E) D suffix D liquor control overlay district.
   (F) D-1 suffix D-1 liquor control overlay district.
   (G) SP suffix Secondary pedestrian precinct overlay district.
   (H) MD suffix Modified delta overlay district.
   (I) NSO suffix Neighborhood stabilization overlay district.
   (J) TC suffix Turtle Creek environmental corridor overlay district.
   (K) SH suffix Shopfront overlay. [See Article XIII.]
§ 51A-4.101 Dallas Development Code: Ordinance No. 19455, as amended

(L) HM suffix Height map overlay. [See Article XIII.]

(M) PM suffix Parking management overlay.

(10) Urban corridor districts.

(A) UC-1 Urban corridor district 1.

(B) UC-2 Urban corridor district 2.

(C) UC-3 Urban corridor district 3.

(11) Form districts.

(A) WMU Walkable urban mixed use. [See Article XIII.]

(B) WR Walkable urban residential. [See Article XIII.]

(C) RTN Residential transition. [See Article XIII.]

(Ord. Nos. 19455; 19786; 20360; 21663; 24718; 27404; 27495)

SEC. 51A-4.102. RESERVED. (Ord. 19455)

SEC. 51A-4.103. ZONING DISTRICT MAP.

(a) The boundaries of zoning districts are recorded on the Geographic Information System (GIS) maintained by the department which is the official zoning district map of the city. The official zoning district map is made a part of and incorporated into this chapter.

(b) The director shall maintain the zoning district map in the department. The director shall revise the map to reflect any subsequent zoning district amendment.

(c) In case of any question involving a district designation within the city, the updated copy of the official zoning district map on file in the office of the director is presumed correct, and the person challenging the accuracy of that copy has the burden of presenting the official zoning map, together with the ordinances amending the map, to prove the inaccuracy of the updated copy. (Ord. 19455; 20729; 28072)

SEC. 51A-4.104. ZONING DISTRICT BOUNDARIES.

(a) When uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules apply:

(1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys are construed to follow those center lines.

(2) Boundaries indicated as approximately following platted lot lines are construed as following those lot lines.

(3) Boundaries indicated as approximately following city limits are construed as following city limits.

(4) Boundaries indicated as following railroad lines are construed as following the established center line of a railroad right-of-way. If no center line is established, the boundary is midway between the railroad right-of-way lines.

(5) Boundaries indicated as following shore lines are construed to follow shore lines. If the shore line changes, the boundaries are construed as moving with the actual shore line.

(6) Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water are construed to follow those center lines. The center line is interpreted as being midway between the shore lines of the body of water. If the center line changes, the boundaries are construed as moving with the center line.
§ 51A-4.104 Dallas Development Code: Ordinance No. 19455, as amended

(7) Boundaries indicated as parallel to or extensions of the features described in Subsections (a)(1) through (a)(6) are construed as being parallel to or extensions of the features.

(8) Boundaries indicated as dividing a lot or tract are construed to be located as shown on the zoning district map.

(b) Distances not specifically indicated on a zoning district map are determined by the scale of the map.

(c) Whenever a street, alley, or other public way is vacated by official action of the city council, the zoning district line adjoining each side of the street, alley, or other public way automatically extends to the center line of the vacated street, alley, or public way.

(d) When there is a question as to the boundary of a tract and that question cannot be resolved by the application of Subsections (a) through (c), the board of adjustment shall determine the boundary by interpreting the official zoning district map and ordinances amending the map.

(e) When there is a question as to whether or how a tract is zoned and that question cannot be resolved by the application of this section, the tract is temporarily classified as an agricultural district, and the tract is subject to the same regulations as provided for annexed territory temporarily zoned. (Ord. 19455)

SEC. 51A-4.105. INTERPRETATION OF DISTRICT REGULATIONS.

(a) The following rules apply in interpreting the district regulations:

(1) The symbol [L] appearing after a listed use means that the use is permitted by right as a limited use only.

(b) The symbol [SUP] appearing after a listed use means that the use is permitted by specific use permit only.

(3) The symbols [L] and [SUP] appearing together after a listed use mean that the use is permitted by right as a limited use; otherwise it is permitted by specific use permit only.

(4) The symbol [DIR] appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803. (“DIR” means “development impact review.” For more information regarding development impact review generally, see Division 51A-4.800.)

(5) The symbol [RAR] appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, a site plan must be submitted and approved in accordance with the requirements of that section. (RAR means residential adjacency review. For more information regarding residential adjacency review generally, see Division 51A-4.800.)

(b) If there is a conflict between the text of the district regulations and the charts or any other graphic display in this chapter, the text of the district regulations controls.

(c) If there is a conflict between the text of the district regulations and the text of the use regulations (Division 51A-4.100, et seq.), the text of the use regulations controls. (Ord. Nos. 19455; 19786)

SECS. 51A-4.106 THRU 51A-4.109. RESERVED.

(Ord. 19455)
Division 51A-4.110. Residential District Regulations.

SEC. 51A-4.111. AGRICULTURAL [A(A)] DISTRICT.

(1) Purpose. There exists in certain fringe areas of the city, land which is presently used for agricultural purposes and to which urban services are not yet available. These lands should appropriately continue to be used for agricultural purposes until needed for urban purposes in conformity with the orderly growth of the city. The uses permitted in the A(A) district are intended to accommodate normal farming, ranching, and gardening activities. It is anticipated that all of the A(A) district area will be changed to other urban zoning categories as the area within the corporate limits of Dallas becomes fully developed. Newly annexed territory will be temporarily zoned as an A(A) district until permanent zoning is established.

(2) Main uses permitted.

(A) Agricultural uses.

-- Animal production.
-- Commercial stable.
-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]
-- Mining. [SUP]
-- Organic compost recycling facility. [SUP]
-- Temporary concrete or asphalt batching plant.

(D) Institutional and community service uses.

-- Adult day care facility. [SUP]
-- Cemetery or mausoleum. [SUP]
-- Child-care facility. [SUP]
-- Church.
-- College, university or seminary.
-- Community service center. [SUP]
-- Convalescent and nursing homes, hospice care, and related institutions. [SUP]
-- Convent or monastery.
-- Foster home. [SUP]
-- Hospital. [SUP]
-- Library, art gallery, or museum. [SUP]
-- Open-enrollment charter school or private school. [SUP]
-- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.

None permitted.
§ 51A-4.111  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.111

(H) Recreation uses.

-- Country club with private membership. [SUP]
-- Private recreation center, club or area. [SUP]
-- Public park, playground, or golf course.

(I) Residential uses.

-- College dormitory, fraternity, or sorority house.
-- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]
-- Single family.

(J) Retail and personal service uses.

-- Animal shelter or clinic without outside run.
-- Animal shelter or clinic with outside run. [SUP]
-- Commercial amusement (outside). [SUP]
-- Drive-in theater. [SUP]
-- Nursery, garden shop, or plant sales.

(K) Transportation uses.

-- Helistop. [SUP]
-- Transit passenger shelter.
-- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.

-- Commercial radio or television transmitting station. [SUP]
-- Electrical substation. [SUP]
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]

-- Police or fire station. [SUP]
-- Radio, television, or microwave tower. [SUP]
-- Refuse transfer station. [SUP]
-- Sanitary landfill. [SUP]
-- Sewage treatment plant. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212 (10.1).]
-- Utility or government installation other than listed. [SUP]
-- Water treatment plant. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Livestock auction pens or sheds. [SUP]
-- Recycling drop-off container. [See Section 51A-4.213(11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]
-- Sand, gravel, or earth sales and storage. [SUP]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Accessory community center (private).
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.
§ 51A-4.111 Dallas Development Code: Ordinance No. 19455, as amended

(B) In this district, the following accessory use is permitted by SUP only:

-- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217(3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is 50 feet.

(B) Side and rear yard.

(i) Minimum side yard is 20 feet.

(ii) Minimum rear yard is:

(aa) 50 feet for single family structures; and

(bb) 10 feet for other permitted structures.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. No maximum floor area ratio.

(E) Height. Maximum structure height is 24 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 10 percent for residential structures; and

(bb) 25 percent for nonresidential structures.

(ii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size.

(i) Minimum lot area for residential use is three acres.

(ii) Repealed by Ord. 20441.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions. None. (Ord. Nos. 19455; 19786; 20384; 20441; 20625; 20950; 21002; 21314; 22255; 24271; 24543; 26920)

SEC. 51A-4.112. SINGLE FAMILY DISTRICTS.

(a) R-1ac(A) district.

(1) Purpose. There exists in certain parts of the city large areas of single family residential development on estate type lots of one acre or more in
area. This development has been supplied with utilities and other public services based upon an estate type density. To conserve the character and value of buildings and building sites existing in these areas and to provide for the gradual expansion of this residential development in accordance with the need and a comprehensive plan for various types of residential districts, the R-1ac(A) district is provided. This district is intended to be composed of single family dwellings together with public and private schools, churches, and public park areas to serve the area. The sections designated in the R-1ac(A) districts are limited in area and are not intended to be subject to major alteration by future amendment except at the fringe of the districts where minor adjustments may become appropriate to permit the reasonable development of vacant tracts or gradual transition from other districts.

(2) **Main uses permitted.**

(A) **Agricultural uses.**

-- Crop production.

(B) **Commercial and business service uses.**

None permitted.

(C) **Industrial uses.**

-- Gas drilling and production. [SUP]
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) **Institutional and community service uses.**

-- Adult day care facility. [SUP]
-- Cemetery or mausoleum. [SUP]
-- Child-care facility. [SUP]
-- Church.

-- College, university or seminary. [SUP]
-- Community service center. [SUP]
-- Convent or monastery. [SUP]
-- Foster home. [SUP]
-- Library, art gallery, or museum. [SUP]
-- Public or private school. [SUP]

(E) **Lodging uses.**

None permitted.

(F) **Miscellaneous uses.**

-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) **Office uses.**

None permitted.

(H) **Recreation uses.**

-- Country club with private membership. [SUP]
-- Private recreation center, club, or area. [SUP]
-- Public park, playground, or golf course.

(I) **Residential uses.**

-- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]
-- Single family.

(J) **Retail and personal service uses.**

None permitted.
§ 51A-4.112 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.112

(K) Transportation uses.
-- Private street or alley. [SUP]
-- Transit passenger shelter. [See Section 51A-4.211.]
-- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.
-- Electrical substation. [SUP]
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station. [SUP]
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.
-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:
-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:
-- Accessory community center (private).

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is 40 feet.

(B) Side and rear yard. Minimum side and rear yard is:

(i) 10 feet for single family structures; and

(ii) 20 feet for other permitted structures.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. No maximum floor area ratio.

(E) Height. Maximum structure height is 36 feet.
§ 51A-4.112 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.112

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 40 percent for residential structures; and

(bb) 25 percent for nonresidential structures.

(ii) Surface parking lots and underground parking structures are not included in lot coverage calculations.

(G) Lot size.

(i) Minimum lot area for residential use is one acre.

(ii) Repealed by Ord. 20441.

(iii) Repealed by Ord. 20441.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. In this district, off-street parking must be provided at or below ground level.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Electrical service for single family uses. In this district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will:

(1) not be contrary to the public interest;

(2) not adversely affect neighboring properties; and

(3) not be used to conduct a use not permitted in this district.

(b) R-1/2ac(A) district.

(1) Purpose. There exists in certain parts of the city large areas of single family residential development on estate type lots of one-half acre or more in area. This development has been supplied with utilities and other public services based upon an estate type density. To conserve the character and value of buildings and building sites existing in these areas and to provide for the gradual expansion of this residential development in accordance with the need and a comprehensive plan for various types of residential districts, the R-1/2ac(A) district is provided. This district is intended to be composed of single family dwellings together with public and private schools, churches, and public park areas to serve the area. The sections designated in the R-1/2ac(A) districts are limited in area and are not intended to be subject to major alteration by future amendment except at the fringe of the districts where minor adjustments may become appropriate to permit the reasonable development of vacant tracts or gradual transition from other districts.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.
### (B) Commercial and business service uses.

None permitted.

### (C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *By special authorization of the building official.*

### (D) Institutional and community service uses.

- Adult day care facility. [SUP]
- Cemetery or mausoleum. [SUP]
- Child-care facility. [SUP]
- Church.
- College, university or seminary. [SUP]
- Community service center. [SUP]
- Convent or monastery. [SUP]
- Foster home. [SUP]
- Library, art gallery, or museum. [SUP]
- Public or private school. [SUP]

### (E) Lodging uses.

None permitted.

### (F) Miscellaneous uses.

- Carnival or circus (temporary). *By special authorization of the building official.*
- Temporary construction or sales office.

### (G) Office uses.

None permitted.

### (H) Recreation uses.

- Country club with private membership. [SUP]
- Private recreation center, club, or area. [SUP]
- Public park, playground, or golf course.

### (I) Residential uses.

- Handicapped group dwelling unit. *See Section 51A-4.209(3.1).*
- Single family.

### (J) Retail and personal service uses.

None permitted.

### (K) Transportation uses.

- Private street or alley. [SUP]
- Transit passenger shelter. *See Section 51A-4.211.*
- Transit passenger station or transfer center. [SUP]

### (L) Utility and public service uses.

- Electrical substation. [SUP]
- Local utilities. *SUP or RAR may be required. See Section 51A-4.212(4).*
- Police or fire station. [SUP]
- Radio, television, or microwave tower. [SUP]
- Tower/antenna for cellular communication. *See Section 51A-4.212 (10.1).*
§ 51A-4.112 Dallas Development Code: Ordinance No. 19455, as amended

-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:

-- Accessory community center (private).

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is 40 feet.

(B) Side and rear yard. Minimum side and rear yard is:

(i) 10 feet for single family structures; and
(ii) 20 feet for other permitted structures.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. No maximum floor area ratio.

(E) Height. Maximum structure height is 36 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 40 percent for residential structures; and

(bb) 25 percent for nonresidential structures.

(ii) Surface parking lots and underground parking structures are not included in lot coverage calculations.

(G) Lot size.

(i) Minimum lot area for residential use is one-half acre.

(ii) Repealed by Ord. 20441.

(iii) Repealed by Ord. 20441.

(H) Stories. No maximum number of stories.
§ 51A-4.112 Dallas Development Code: Ordinance No. 19455, as amended

(5) **Off-street parking and loading.** Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. In this district, off-street parking must be provided at or below ground level.

(6) **Environmental performance standards.** See Article VI.

(7) **Landscape regulations.** See Article X.

(8) **Additional provisions.**

   (A) **Electrical service for single family uses.** In this district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will:

      (i) not be contrary to the public interest;

      (ii) not adversely affect neighboring properties; and

      (iii) not be used to conduct a use not permitted in this district.

   (c) **R-16(A) district.**

   (1) **Purpose.** Single family residential development has taken place on intermediate sized lots in portions of the city in recent years. In order to protect and encourage the continued development of intermediate density with single family residences in appropriate areas of the city, the R-16(A) district is provided. In addition to single family residences, it is intended that churches, public and private schools, and public parks necessary to serve and complement the intermediate density development be permitted. The areas placed in the R-16(A) district are generally limited in area and are not intended to be subject to major alteration by future amendment except where changed conditions might justify the action or where minor adjustments in the boundary of a district may be appropriate to secure a reasonable development of the land.

(2) **Main uses permitted.**

   (A) **Agricultural uses.**

      -- Crop production.

   (B) **Commercial and business service uses.**

      None permitted.

   (C) **Industrial uses.**

      -- Gas drilling and production. [SUP]

      -- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

   (D) **Institutional and community service uses.**

      -- Adult day care facility. [SUP]

      -- Cemetery or mausoleum. [SUP]

      -- Child-care facility. [SUP]

      -- Church.

      -- College, university or seminary. [SUP]

      -- Community service center. [SUP]

      -- Convent or monastary. [SUP]

      -- Foster home. [SUP]

      -- Library, art gallery, or museum. [SUP]
§ 51A-4.112  Dallas Development Code: Ordinance No. 19455, as amended

-- Public or private school. [SUP]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

-- Country club with private membership. [SUP]
-- Private recreation center, club, or area. [SUP]
-- Public park, playground, or golf course.

(I) Residential uses.

-- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]
-- Single family.

(J) Retail and personal service uses.

None permitted.

(K) Transportation uses.

-- Private street or alley. [SUP]
-- Transit passenger shelter. [See Section 51A-4.211.]
-- Transit passenger station or transfer center. [SUP]}

(L) Utility and public service uses.

-- Electrical substation. [SUP]
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station. [SUP]
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212 (10.1).]
-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.
§ 51A-4.112 Dallas Development Code: Ordinance No. 19455, as amended

(B) In this district, the following accessory uses are permitted by SUP only:

-- Accessory community center (private).

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is 35 feet.

(B) Side and rear yard.

(i) Minimum side and rear yard for single family structures is 10 feet.

(ii) Minimum side yard for other permitted structures is 15 feet.

(iii) Minimum rear yard for other permitted structures is 20 feet.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. No maximum floor area ratio.

(E) Height. Maximum structure height is 30 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 40 percent for residential structures; and

(bb) 25 percent for nonresidential structures.

(ii) Surface parking lots and underground parking structures are not included in lot coverage calculations.

(G) Lot size.

(i) Minimum lot area for residential use is 16,000 square feet.

(ii) Repealed by Ord. 20441.

(iii) Repealed by Ord. 20441.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. In this district, off-street parking must be provided at or below ground level.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Electrical service for single family uses. In this district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will:

(i) not be contrary to the public interest;
(ii) not adversely affect neighboring properties; and

(iii) not be used to conduct a use not permitted in this district.

(d) R-13(A) district.

(1) Purpose. Single family residential development has taken place on intermediate sized lots in portions of the city in recent years. In order to protect and encourage the continued development of intermediate density with single family residences in appropriate areas of the city, the R-13(A) district is provided. In addition to single family residences, it is intended that churches, public and private schools, and public parks necessary to serve and complement the intermediate density development be permitted. The areas placed in the R-13(A) district are generally limited in area and are not intended to be subject to major alteration by future amendment except where changed conditions might justify the action or where minor adjustments in the boundary of a district may be appropriate to secure a reasonable development of the land.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility. [SUP]

-- Cemetery or mausoleum. [SUP]

-- Child-care facility. [SUP]

-- Church.

-- College, university or seminary. [SUP]

-- Community service center. [SUP]

-- Convent or monastery. [SUP]

-- Foster home. [SUP]

-- Library, art gallery, or museum. [SUP]

-- Public or private school. [SUP]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

-- Carnival or circus (temporary). [By special authorization of the building official.]

-- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

-- Country club with private membership. [SUP]

-- Private recreation center, club, or area. [SUP]

-- Public park, playground, or golf course.
§ 51A-4.112 Dallas Development Code: Ordinance No. 19455, as amended

(I) Residential uses.

-- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]

-- Single family.

(J) Retail and personal service uses.

None permitted.

(K) Transportation uses.

-- Private street or alley. [SUP]

-- Transit passenger shelter. [See Section 51A-4.211.]

-- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.

-- Electrical substation. [SUP]

-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]

-- Police or fire station. [SUP]

-- Radio, television, or microwave tower. [SUP]

-- Tower/antenna for cellular communication. [See Section 51A-4.212 (10.1).]

-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]

-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Accessory helistop.

-- Accessory medical/infectious waste incinerator.

-- Accessory outside display of merchandise.

-- Accessory outside sales.

-- Accessory pathological waste incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:

-- Accessory community center (private).

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is 30 feet.

(B) Side and rear yard. Minimum side and rear yard is:

(i) 8 feet for single family structures; and

(ii) 15 feet for other permitted structures.

(C) Dwelling unit density. No maximum dwelling unit density.
(D) **Floor area ratio.** No maximum floor area ratio.

(E) **Height.** Maximum structure height is 30 feet.

(F) **Lot coverage.**

(i) Maximum lot coverage is:

(aa) 45 percent for residential structures; and

(bb) 25 percent for nonresidential structures.

(ii) Surface parking lots and underground parking structures are not included in lot coverage calculations.

(G) **Lot size.**

(i) Minimum lot area for residential use is 13,000 square feet.

(H) **Stories.** No maximum number of stories.

(5) **Off-street parking and loading.** Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. In this district, off-street parking must be provided at or below ground level.

(6) **Environmental performance standards.** See Article VI.

(7) **Landscape regulations.** See Article X.

(8) **Additional provisions.**

(A) **Electrical service for single family uses.** In this district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will:

(i) not be contrary to the public interest;

(ii) not adversely affect neighboring properties; and

(iii) not be used to conduct a use not permitted in this district.

(e) **R-10(A) district.**

(1) **Purpose.** Single family residential development has taken place on intermediate sized lots in portions of the city in recent years. In order to protect and encourage the continued development of intermediate density with single family residences in appropriate areas of the city, the R-10(A) district is provided. In addition to single family residences, it is intended that churches, public and private schools, and public parks necessary to serve and complement the intermediate density development be permitted. The areas placed in the R-10(A) district are generally limited in area and are not intended to be subject to major alteration by future amendment except where changed conditions might justify the action or where minor adjustments in the boundary of a district may be appropriate to secure a reasonable development of the land.

(2) **Main uses permitted.**

(A) **Agricultural uses.**

-- Crop production.
§ 51A-4.112 Dallas Development Code: Ordinance No. 19455, as amended

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility. [SUP]
-- Cemetery or mausoleum. [SUP]
-- Child-care facility. [SUP]
-- Church.
-- College, university or seminary. [SUP]
-- Community service center. [SUP]
-- Convent or monastery. [SUP]
-- Foster home. [SUP]
-- Library, art gallery, or museum. [SUP]
-- Public or private school. [SUP]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

-- Country club with private membership. [SUP]
-- Private recreation center, club, or area. [SUP]
-- Public park, playground, or golf course.

(I) Residential uses.

-- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]
-- Single family.

(J) Retail and personal service uses.

None permitted.

(K) Transportation uses.

-- Private street or alley. [SUP]
-- Transit passenger shelter. [See Section 51A-4.211.]
-- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.

-- Electrical substation. [SUP]
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station. [SUP]
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212 (10.1).]
§ 51A-4.112 Dallas Development Code: Ordinance No. 19455, as amended

--- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:

-- Accessory community center (private).

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is 30 feet.

(B) Side and rear yard.

(i) Minimum side and rear yard for single family structures is six feet.

(ii) Minimum side yard for other permitted structures is 10 feet.

(iii) Minimum rear yard for other permitted structures is 15 feet.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. No maximum floor area ratio.

(E) Height. Maximum structure height is 30 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 45 percent for residential structures; and

(bb) 25 percent for non-residential structures.

(ii) Surface parking lots and underground parking structures are not included in lot coverage calculations.

(G) Lot size.

(i) Minimum lot area for residential use is 10,000 square feet.

(ii) Repealed by Ord. 20441.

(iii) Repealed by Ord. 20441.
§ 51A-4.112 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.112

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. In this district, off-street parking must be provided at or below ground level.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Electrical service for single family uses. In this district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will:

(i) not be contrary to the public interest;

(ii) not adversely affect neighboring properties; and

(iii) not be used to conduct a use not permitted in this district.

(f) R-7.5(A) district.

(1) Purpose. This district comprises a major portion of the existing single family dwelling development of the city and is considered to be the proper zoning classification for large areas of the undeveloped land remaining in the city appropriate for single family dwelling use. This district is intended to be composed of single family dwellings together with public and private schools, churches, and public parks essential to create basic neighborhood units. Limited portions of these neighborhood units may consist of denser residential zoning classifications which are shown on the zoning district map or which later may be created by amendments to the map.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility. [SUP]

-- Cemetery or mausoleum. [SUP]

-- Child-care facility. [SUP]

-- Church.

-- College, university or seminary. [SUP]

-- Community service center. [SUP]

-- Convent or monastery. [SUP]

-- Foster home. [SUP]

-- Library, art gallery, or museum. [SUP]

-- Public or private school. [SUP]
§ 51A-4.112 Dallas Development Code: Ordinance No. 19455, as amended

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

-- Carnival or circus
(temporary).  [By special
authorization of the building
official.]

-- Temporary construction or
sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

-- Country club with private
membership. [SUP]

-- Private recreation center, club,
or area. [SUP]

-- Public park, playground, or
golf course.

(I) Residential uses.

-- Handicapped group dwelling
unit.  [See Section
51A-4.209(3.1).]

-- Single family.

(J) Retail and personal service uses.

None permitted.

(K) Transportation uses.

-- Private street or alley. [SUP]

-- Transit passenger shelter. [See
Section 51A-4.211.]

-- Transit passenger station or
transfer center. [SUP]

(L) Utility and public service uses.

-- Electrical substation. [SUP]

-- Local utilities. [SUP or RAR
may be required.  See Section
51A-4.212(4).]

-- Police or fire station. [SUP]

-- Radio, television, or
microwave tower. [SUP]

-- Tower/antenna for cellular
communication. [See Section
51A-4.212(10.1).]

-- Utility or government
installation other than listed.
[SUP]

(M) Wholesale, distribution, and
storage uses.

-- Recycling drop-off container.
[See Section 51A-4.213(11.2).]

-- Recycling drop-off for special
occasion collection. [See
Section 51A-4.213(11.3).]

(3) Accessory uses. As a general rule, an
accessory use is permitted in any district in which the
main use is permitted. Some specific types of
accessory uses, however, due to their unique nature,
are subject to additional regulations contained in
Section 51A-4.217. For more information regarding
accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not
permitted in this district:

-- Accessory helistop.

-- Accessory medical/infectious
waste incinerator.

-- Accessory outside display of
merchandise.

-- Accessory outside sales.

-- Accessory pathological waste
incinerator.
(B) In this district, the following accessory uses are permitted by SUP only:

- Accessory community center (private).

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is 25 feet.

(B) Side and rear yard.

(i) Minimum side and rear yard for single family structures is five feet.

(ii) Minimum side yard for other permitted structures is 10 feet.

(iii) Minimum rear yard for other permitted structures is 15 feet.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. No maximum floor area ratio.

(E) Height. Maximum structure height is 30 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 45 percent for residential structures; and

(bb) 25 percent for nonresidential structures.

(ii) Surface parking lots and underground parking structures are not included in lot coverage calculations.

(G) Lot size.

(i) Minimum lot area for residential use is 7,500 square feet.

(ii) Repealed by Ord. 20441.

(iii) Repealed by Ord. 20441.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. In this district, off-street parking must be provided at or below ground level.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Electrical service for single family uses. In this district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will:

(i) not be contrary to the public interest;
(ii) not adversely affect neighboring properties; and

(iii) not be used to conduct a use not permitted in this district.

(g) R-5(A) district.

(1) Purpose. This classification creates a single family dwelling district which is appropriate in area requirements for moderate value single family housing development and which, at the same time, provides a reasonable standard of light, air, and similar living amenities. It is intended that the R-5(A) classification be added by amendment in specific areas where higher density single family residence development is shown to be appropriate because of existing development and the adequacy of utilities and where redevelopment of substandard areas at increased single family density is appropriate.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility. [SUP]

-- Cemetery or mausoleum. [SUP]

-- Child-care facility. [SUP]

-- Church.

-- College, university or seminary. [SUP]

-- Community service center. [SUP]

-- Convent or monastery. [SUP]

-- Foster home. [SUP]

-- Library, art gallery, or museum. [SUP]

-- Public or private school. [SUP]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

-- Carnival or circus (temporary). [By special authorization of the building official.]

-- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

-- Country club with private membership. [SUP]

-- Private recreation center, club, or area. [SUP]

-- Public park, playground, or golf course.

(I) Residential uses.

-- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]

-- Single family.
§ 51A-4.112 Dallas Development Code: Ordinance No. 19455, as amended

(J) Retail and personal service uses.

None permitted.

(K) Transportation uses.

-- Private street or alley. [SUP]
-- Transit passenger shelter. [See Section 51A-4.211.]
-- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.

-- Electrical substation. [SUP]
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station. [SUP]
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:

-- Accessory community center (private).

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is 20 feet.

(B) Side and rear yard. Minimum side and rear yard is:

(i) five feet for single family structures; and

(ii) 10 feet for other permitted structures.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. No maximum floor area ratio.

(E) Height. Maximum structure height is 30 feet.
§ 51A-4.112 Dallas Development Code: Ordinance No. 19455, as amended

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 45 percent for residential structures; and

(bb) 25 percent for nonresidential structures.

(ii) Surface parking lots and underground parking structures are not included in lot coverage calculations.

(G) Lot size.

(i) Minimum lot area for residential use is 5,000 square feet.

(ii) Repealed by Ord. 20441.

(iii) Repealed by Ord. 20441.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. In this district, off-street parking must be provided at or below ground level.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Electrical service for single family uses. In this district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will:

(1) not be contrary to the public interest;

(2) not adversely affect neighboring properties; and

(3) not be used to conduct a use not permitted in this district. (Ord. Nos. 19455; 19786; 19808; 20122; 20384; 20441; 20625; 20950; 21002; 21044; 21314; 24543; 26920)

SEC. 51A-4.113. DUPLEX [D(A)] DISTRICT.

(1) Purpose. Duplex dwellings have long been a recognized form of housing in the city. In order to provide standards which will protect and encourage the various types of duplex dwellings existing in the city, a duplex dwelling district with minimum area requirements is provided.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]
§ 51A-4.113 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.113

(D) Institutional and community service uses.

-- Adult day care facility. [SUP]
-- Cemetery or mausoleum. [SUP]
-- Child-care facility. [SUP]
-- Church.
-- College, university or seminary. [SUP]
-- Community service center [SUP]
-- Convent or monastery. [SUP]
-- Foster home. [SUP]
-- Library, art gallery, or museum. [SUP]
-- Public or private school. [SUP]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

-- Country club with private membership. [SUP]
-- Private recreation center, club, or area. [SUP]
-- Public park, playground, or golf course.

(I) Residential uses.

-- Duplex.
-- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]
-- Single family.

(J) Retail and personal service uses.

None permitted.

(K) Transportation uses.

-- Private street or alley. [SUP]
-- Transit passenger shelter. [See Section 51A-4.211.]
-- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.

-- Electrical substation. [SUP]
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station. [SUP]
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]
§ 51A-4.113 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.113

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:

-- Accessory community center (private).

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is 25 feet.

(B) Side and rear yard.

(i) Minimum side and rear yard for single family structures is five feet.

(ii) Minimum side yard for duplex structures is five feet.

(iii) Minimum rear yard for duplex structures is 10 feet.

(iv) Minimum side and rear yard for other permitted structures is 10 feet.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. No maximum floor area ratio.

(E) Height. Maximum structure height is 36 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 60 percent for residential structures; and

(bb) 25 percent for nonresidential structures.

(ii) Surface parking lots and underground parking structures are not included in lot coverage calculations.

(G) Lot size.

(i) Minimum lot area for residential use is 6,000 square feet.

(ii) Repealed by Ord. 20441.

(iii) Repealed by Ord. 20441.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. In this district, off-street parking must be provided at or below ground level.
(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Electrical service for duplex uses. In this district, a lot for a duplex use may be supplied by not more than one electrical utility service and metered by not more than two electrical meters. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than two electrical meters on a lot for a duplex use in this district when, in the opinion of the board, the special exception will:

(i) not be contrary to the public interest;

(ii) not adversely affect neighboring properties; and

(iii) not be used to conduct a use not permitted in this district.

(B) Electrical service for single family uses. In this district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will:

(i) not be contrary to the public interest;

(ii) not adversely affect neighboring properties; and

(iii) not be used to conduct a use not permitted in this district.

SEC. 51A-4.114. TOWNHOUSE [TH-1(A), TH-2(A), and TH-3(A)] DISTRICTS.

(1) Purpose. These classifications create districts that are being recognized as a form of housing in the city, and provide standards which will protect and encourage various types of single family dwellings in the city. The townhouse districts are also established in an effort to provide a more dense single family residential character by providing minimum standards for lot area, yards, lot coverage, and lot frontage.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production.

-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility. [SUP]

-- Cemetery or mausoleum. [SUP]

-- Child-care facility. [SUP]

-- Church.

-- College, university or seminary. [SUP]

-- Community service center. [SUP]
§ 51A-4.114 Dallas Development Code: Ordinance No. 19455, as amended

-- Convalescent and nursing homes, hospice care, and related institutions. [SUP]
-- Convent or monastery. [SUP]
-- Foster home. [SUP]
-- Library, art gallery, or museum. [SUP]
-- Public or private school. [SUP]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

-- Country club with private membership. [SUP]
-- Private recreation center, club, or area. [SUP]
-- Public park, playground, or golf course.

(I) Residential uses.

-- Duplex.
-- Retirement housing. [SUP]
-- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]
-- Single family.

(J) Retail and personal service uses.

None permitted.

(K) Transportation uses.

-- Private street or alley. [SUP]
-- Transit passenger shelter.
-- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.

-- Electrical substation. [SUP]
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station. [SUP]
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.
(A) The following accessory uses are not permitted in these districts:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.

(B) In these districts, the following accessory uses are permitted by SUP only:

-- Accessory community center (private).

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. No minimum front yard.

(B) Side and rear yard.

(i) No minimum side and rear yard for single family structures.

(ii) Minimum side yard for duplex structures is five feet.

(iii) Minimum rear yard for duplex structures is 10 feet.

(iv) Minimum side and rear yard for other permitted structures is 10 feet.

(v) If a townhouse district abuts a district that requires a greater side yard, the side yard requirements of the more restrictive district apply to the abutting side yard in the townhouse district.

(C) Dwelling unit density.

(i) In a TH-1(A) district, no more than six dwelling units for each acre are allowed.

(ii) In a TH-2(A) district, no more than nine dwelling units for each acre are allowed.

(iii) In a TH-3(A) district, no more than 12 dwelling units for each acre are allowed.

(D) Floor area ratio. No maximum floor area ratio.

(E) Height. Maximum structure height is 36 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 60 percent for residential structures; and

(bb) 25 percent for nonresidential structures.

(ii) Surface parking lots and underground parking structures are not included in lot coverage calculations.

(iii) In these districts, 80 percent of an individual lot may be covered by structures if the coverage for the total project does not exceed 60 percent and at least 40 percent is reserved for open space.

(G) Lot size.

(i) Minimum lot area for residential use is:

(aa) 2,000 square feet for single family structures; and

(bb) 6,000 square feet for duplex structures.
§ 51A-4.114 Dallas Development Code: Ordinance No. 19455, as amended

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. In this district, off-street parking must be provided at or below ground level.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Single family structure spacing. In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat.

(B) Electrical service for single family uses. In this district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will:

(i) not be contrary to the public interest;

(ii) not adversely affect neighboring properties; and

(iii) not be used to conduct a use not permitted in this district.

(C) Electrical service for duplex uses. In this district, a lot for a duplex use may be supplied by not more than one electrical utility service and metered by not more than two electrical meters. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than two electrical meters on a lot for a duplex use in this district when, in the opinion of the board, the special exception will:

(i) not be contrary to the public interest;

(ii) not adversely affect neighboring properties; and

(iii) not be used to conduct a use not permitted in this district. (Ord. Nos. 19455; 19786; 19808; 19912; 19913; 20384; 20441; 20625; 20950; 21002; 21044; 21314; 24543; 26920)

SEC. 51A-4.115. CLUSTERED HOUSING (CH) DISTRICT.

(1) Purpose. To provide for the development and protection of areas of moderate density housing with flexibility to allow for common open space.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]
§ 51A-4.115 Dallas Development Code: Ordinance No. 19455, as amended

<table>
<thead>
<tr>
<th>(D) Institutional and community service uses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]</td>
</tr>
<tr>
<td>(E) Lodging uses.</td>
</tr>
<tr>
<td>None permitted.</td>
</tr>
<tr>
<td>(F) Miscellaneous uses.</td>
</tr>
<tr>
<td>-- Carnival or circus (temporary). [By special authorization of the building official.]</td>
</tr>
<tr>
<td>-- Temporary construction or sales office.</td>
</tr>
<tr>
<td>(G) Office uses.</td>
</tr>
<tr>
<td>None permitted.</td>
</tr>
<tr>
<td>(H) Recreation uses.</td>
</tr>
<tr>
<td>-- Country club with private membership. [RAR]</td>
</tr>
<tr>
<td>-- Private recreation center, club, or area. [SUP]</td>
</tr>
<tr>
<td>-- Public park, playground, or golf course.</td>
</tr>
<tr>
<td>(I) Residential uses.</td>
</tr>
<tr>
<td>-- Duplex.</td>
</tr>
<tr>
<td>-- Group residential facility. [See Section 51A-4.209(3).]</td>
</tr>
<tr>
<td>-- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]</td>
</tr>
<tr>
<td>-- Multifamily.</td>
</tr>
<tr>
<td>-- Retirement housing.</td>
</tr>
<tr>
<td>-- Single family.</td>
</tr>
<tr>
<td>(J) Retail and personal service uses.</td>
</tr>
<tr>
<td>None permitted.</td>
</tr>
<tr>
<td>(K) Transportation uses.</td>
</tr>
<tr>
<td>-- Private street or alley. [SUP]</td>
</tr>
<tr>
<td>-- Transit passenger shelter.</td>
</tr>
<tr>
<td>-- Transit passenger station or transfer center. [SUP]</td>
</tr>
<tr>
<td>(L) Utility and public service uses.</td>
</tr>
<tr>
<td>-- Electrical substation. [SUP]</td>
</tr>
<tr>
<td>-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]</td>
</tr>
<tr>
<td>-- Police or fire station. [SUP]</td>
</tr>
<tr>
<td>-- Radio, television, or microwave tower. [SUP]</td>
</tr>
<tr>
<td>-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]</td>
</tr>
</tbody>
</table>
§ 51A-4.115 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.115

-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.
-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:

-- Accessory community center (private).

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is:

(i) 15 feet where adjacent to an expressway or a thoroughfare; and

(ii) no minimum in all other cases.

(B) Side and rear yard. Minimum side and rear yard is:

(i) 10 feet where adjacent to or directly across an alley from a zoning district other than a TH or TH(A) district; and

(ii) no minimum in all other cases.

(C) Dwelling unit density. Maximum dwelling unit density is 18 dwelling units per net acre.

(D) Floor area ratio. No maximum floor area ratio.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 36 feet.

(F) Lot coverage. Maximum lot coverage is 60 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.
§ 51A-4.115 Dallas Development Code: Ordinance No. 19455, as amended

(G) Lot size. Minimum lot size is 2,000 square feet for each dwelling unit.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. In this district, off-street parking must be provided at or below ground level.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Minimum district size. A minimum of one-half acre is required for the establishment of this district unless the city council determines that a smaller district is justified in a transitional circumstance separating a residential district from a higher density district.

(B) Limit on attached units. No group of attached dwelling units may exceed eight in number. (Ord. Nos. 19455; 19786; 19808; 19912; 20384; 20625; 20950; 21002; 21044; 21186; 21314; 22139; 22782; 24543; 26920)

SEC. 51A-4.116. MULTIFAMILY DISTRICTS.

(a) MF-1(A) and MF-1(SAH) districts.

(1) Purpose. The MF-1(A) and MF-1(SAH) districts are composed mainly of areas containing mixtures of single family, duplex, and multifamily dwellings and certain uniformly developed multifamily dwelling sections. These districts are medium density districts and are located in certain areas close into the center of the city and at various outlying locations. The area regulations are designed to protect the residential character and to prevent the overcrowding of the land by providing minimum standards for building spacing, yards, off-street parking, and coverage. All commercial and office uses are prohibited. It is anticipated that additional areas may be designated in the MF-1(A) or MF-1(SAH) district from time to time in the future where the change is appropriate and access and utility services can reasonably accommodate these medium density dwellings. Additionally, the MF-1(SAH) district is created to encourage the provision of affordable housing.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility. [SUP]

-- Cemetery or mausoleum. [SUP]

-- Child-care facility. [SUP]

-- Church.

-- College, university or seminary. [SUP]

-- Community service center. [SUP]
§ 51A-4.116 Dallas Development Code: Ordinance No. 19455, as amended

-- Convalescent and nursing homes, hospice care, and related institutions. [RAR]
-- Convent or monastery.
-- Foster home.
-- Hospital. [SUP]
-- Library, art gallery, or museum. [SUP]
-- Public or private school. [SUP]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

-- Country club with private membership. [RAR]
-- Private recreation center, club, or area. [SUP]
-- Public park, playground, or golf course.

(I) Residential uses.

-- College dormitory, fraternity, or sorority house.
-- Duplex.
-- Group residential facility. [See Section 51A-4.209(3).]
-- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]

-- Multifamily.
-- Retirement housing.
-- Single family.

(J) Retail and personal service uses.

None permitted.

(K) Transportation uses.

-- Transit passenger shelter.
-- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.

-- Electrical substation. [SUP]
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station. [SUP]
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.
§ 51A-4.116 Dallas Development Code: Ordinance No. 19455, as amended

(A) The following accessory uses are not permitted in this district:
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:
-- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:
-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217(3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard. Minimum front yard is 15 feet.

(B) Side and rear yard.

(i) No minimum side and rear yard for single family structures.

(ii) Minimum side yard for duplex structures is five feet.

(iii) Minimum side yard for other permitted structures is 10 feet.

(iv) Minimum rear yard for duplex structures is 10 feet.

(v) Minimum rear yard for other permitted structures is 15 feet. A minimum rear yard of 10 feet may be provided when a building site backs upon an MF, MF(A), O-1, O-2, NO, NO(A), LO, LO(A), MO, MO(A), GO, GO(A), NS, NS(A), SC, CR, RR, GR, LC, HC, CS, CA-1, CA-1(A), CA-2, CA-2(A), I-1, I-2, I-3, LI, IR, IM, mixed use, or multiple commercial district.

(C) Dwelling unit density.

(i) MF-1(A) district. No maximum dwelling unit density.

(ii) MF-1(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 as follows:

<table>
<thead>
<tr>
<th>Percentage of SAH Units Provided</th>
<th>Dwelling Units Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>0%</td>
<td>15</td>
</tr>
<tr>
<td>5%</td>
<td>16</td>
</tr>
<tr>
<td>10%</td>
<td>17</td>
</tr>
<tr>
<td>15%</td>
<td>20</td>
</tr>
<tr>
<td>20%</td>
<td>30</td>
</tr>
</tbody>
</table>

(D) Floor area ratio. No maximum floor area ratio.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a
height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

    (ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 36 feet.

(F) Lot coverage.

    (i) Maximum lot coverage is:

    (aa) 60 percent for residential structures; and

    (bb) 25 percent for nonresidential structures.

(ii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. Minimum lot area per dwelling unit is as follows:

<table>
<thead>
<tr>
<th>TYPE OF STRUCTURE</th>
<th>MINIMUM LOT AREA PER DWELLING UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family</td>
<td>3,000 sq. ft.</td>
</tr>
<tr>
<td>Duplex</td>
<td>3,000 sq. ft.</td>
</tr>
<tr>
<td>Multifamily:</td>
<td></td>
</tr>
<tr>
<td>No separate bedroom</td>
<td>1,000 sq. ft.</td>
</tr>
<tr>
<td>One bedroom</td>
<td>1,400 sq. ft.</td>
</tr>
<tr>
<td>Two bedrooms</td>
<td>1,800 sq. ft.</td>
</tr>
<tr>
<td>More than two bedrooms</td>
<td>200 sq. ft. (Add this amount for each bed over two)</td>
</tr>
</tbody>
</table>

(H) Stories. No maximum number of stories.

(I) Development bonuses for mixed-income housing. In an MF-1(A) district, lot coverage, lot size, and height may vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

    (i) Height and lot coverage. Except as provided in this paragraph, the following increased height and lot coverage requirements apply:
§ 51A-4.116 Dallas Development Code: Ordinance No. 19455, as amended

<table>
<thead>
<tr>
<th>MVA Categories</th>
<th>Set aside minimums (% of total residential units reserved in each income band, adjusted annually)</th>
<th>Maximum Height</th>
<th>Maximum Lot Coverage (residential)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A, B, C</td>
<td>5% at Income band 3; 5% at Income band 3; and 5% at Income band 2; and 5% at Income band 1</td>
<td>51 ft.</td>
<td>80%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>66 ft.</td>
<td>80%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>85 ft.</td>
<td>85%</td>
</tr>
<tr>
<td>D, E, F</td>
<td>5% at Income band 2; 10% at Income band 2; and 5% at Income band 1</td>
<td>51 ft.</td>
<td>80%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>66 ft.</td>
<td>80%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>85 ft.</td>
<td>85%</td>
</tr>
<tr>
<td>G, H, I</td>
<td>5% at Income band 1</td>
<td>85 ft.</td>
<td>85%</td>
</tr>
</tbody>
</table>

(ii) **Residential proximity slope.** In addition to the items listed in Section 51A-4.408 (a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) **No minimum lot area per dwelling unit.** No minimum lot area per dwelling unit is required for qualifying developments.

(iv) **Developments with transit proximity.** For a development with transit proximity as defined in Section 51A-4.1102, maximum lot coverage is 85 percent.

(v) **Urban form setback.** An additional 10-foot front yard setback is required for that portion of a structure above 45 feet in height.

(vi) **Retirement housing.** The density limits in Section 51A-4.209(b)(5.2)(E)(ii) do not apply.

(5) **Off-street parking and loading.** Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) **Environmental performance standards.** See Article VI.

(7) **Landscape regulations.** See Article X.
(8) **Additional provisions.**

(A) **Single family structure spacing.** In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat.

(b) **MF-2(A) and MF-2(SAH) districts.**

(1) **Purpose.** The MF-2(A) and MF-2(SAH) districts are composed mainly of areas containing mixtures of single family, duplex, and multifamily dwellings and certain uniformly developed multifamily dwelling sections. These districts are medium density districts and are located in certain areas close into the center of the city and at various outlying locations. The area regulations are designed to protect the residential character and to prevent the overcrowding of the land by providing minimum standards for building spacing, yards, off-street parking, and coverage. All commercial and office uses are prohibited. It is anticipated that additional areas may be designated in the MF-2(A) or MF-2(SAH) district from time to time in the future where the change is appropriate and access and utility services can reasonably accommodate these medium density dwellings. Additionally, the MF-2(SAH) district is created to encourage the provision of affordable housing.

(2) **Main uses permitted.**

(A) **Agricultural uses.**

-- Crop production.

(B) **Commercial and business service uses.**

None permitted.

(C) **Industrial uses.**

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) **Institutional and community service uses.**

-- Adult day care facility. [SUP]
-- Cemetery or mausoleum. [SUP]
-- Child-care facility. [SUP]
-- Church.
-- College, university or seminary. [SUP]
-- Community service center. [SUP]
-- Convalescent and nursing homes, hospice care, and related institutions. [RAR]
-- Convent or monastery.
-- Foster home.
-- Hospital. [SUP]
-- Library, art gallery, or museum. [SUP]
-- Public or private school. [SUP]

(E) **Lodging uses.**

-- Lodging or boarding house.

(F) **Miscellaneous uses.**

-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) **Office uses.**

None permitted.
§ 51A-4.116  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.116

(H) Recreation uses.
-- Country club with private membership. [RAR]
-- Private recreation center, club, or area. [SUP]
-- Public park, playground, or golf course.

(I) Residential uses.
-- College dormitory, fraternity, or sorority house.
-- Duplex.
-- Group residential facility. [See Section 51A-4.209(3).]
-- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]
-- Multifamily.
-- Residential hotel.
-- Retirement housing.
-- Single family.

(J) Retail and personal service uses.
None permitted.

(K) Transportation uses.
-- Transit passenger shelter.
-- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.
-- Electrical substation. [SUP]
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station. [SUP]
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]

-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.
-- Recycling drop-off container. [See Section 51A-4.213(11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:
-- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:
-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217(3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the

4/19 Dallas City Code 93
§ 51A-4.116 Dallas Development Code: Ordinance No. 19455, as amended

event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard. Minimum front yard is 15 feet.

(B) Side and rear yard.

(i) No minimum side and rear yard for single family structures.

(ii) Minimum side yard for duplex structures is five feet.

(iii) Minimum side yard for other permitted structures is 10 feet.

(iv) Minimum rear yard for duplex structures is 10 feet.

(v) Minimum rear yard for other permitted structures is 15 feet. A minimum rear yard of 10 feet may be provided when a building site backs upon an MF, MF(A), O-1, O-2, NO, NO(A), LO, LO(A), MO, MO(A), GO, GO(A), NS, NS(A), SC, CR, RR, GR, LC, HC, CS, CA-1, CA-1(A), CA-2, CA-2(A), I-1, I-2, I-3, LI, IR, IM, mixed use, or multiple commercial district.

(C) Dwelling unit density.

(i) MF-2(A) district. No maximum dwelling unit density.

(ii) MF-2(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 as follows:

<table>
<thead>
<tr>
<th>Percentage of SAH</th>
<th>Dwelling Units Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>0%</td>
<td>20</td>
</tr>
<tr>
<td>5%</td>
<td>22</td>
</tr>
<tr>
<td>10%</td>
<td>24</td>
</tr>
<tr>
<td>15%</td>
<td>30</td>
</tr>
<tr>
<td>20%</td>
<td>40</td>
</tr>
</tbody>
</table>

(D) Floor area ratio. No maximum floor area ratio.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 36 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 60 percent for residential structures; and

(bb) 50 percent for nonresidential structures.
(ii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) **Lot size.** Minimum lot area per dwelling unit is as follows:

<table>
<thead>
<tr>
<th>TYPE OF STRUCTURE</th>
<th>MINIMUM LOT AREA PER DWELLING UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family</td>
<td>1,000 sq. ft.</td>
</tr>
<tr>
<td>Duplex</td>
<td>3,000 sq. ft.</td>
</tr>
<tr>
<td><strong>Multifamily:</strong></td>
<td></td>
</tr>
<tr>
<td>No separate bedroom</td>
<td>800 sq. ft.</td>
</tr>
<tr>
<td>One bedroom</td>
<td>1,000 sq. ft.</td>
</tr>
<tr>
<td>Two bedrooms</td>
<td>1,200 sq. ft.</td>
</tr>
<tr>
<td>More than two bedrooms (Add this amount for each bedroom over two)</td>
<td>150 sq. ft.</td>
</tr>
</tbody>
</table>

(H) **Stories.** No maximum number of stories.

(I) **Development bonuses for mixed-income housing.** In an MF-2(A) district, lot coverage, lot size per bedroom, and height may vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) **Height and lot coverage.** Except as provided in this paragraph, the following increased height and lot coverage requirements apply:

<table>
<thead>
<tr>
<th>MVA Categories A, B, C</th>
<th>Maximum Height</th>
<th>Maximum Lot coverage (residential)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5% at Income band 3</td>
<td>51 ft.</td>
<td>80%</td>
</tr>
<tr>
<td>5% at Income band 3; and</td>
<td>66 ft.</td>
<td>80%</td>
</tr>
<tr>
<td>5% at Income band 2</td>
<td>85 ft.</td>
<td>85%</td>
</tr>
<tr>
<td>5% at Income band 3; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5% at Income band 2; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5% at Income band 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MVA Categories D, E, F</td>
<td>51 ft.</td>
<td>80%</td>
</tr>
<tr>
<td>5% at Income band 2</td>
<td>66 ft.</td>
<td>80%</td>
</tr>
<tr>
<td>10% at Income band 2</td>
<td>85 ft.</td>
<td>85%</td>
</tr>
<tr>
<td>5% at Income band 1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(ii) **Residential proximity slope.** In addition to the items listed in Section 51A-4.408 (a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:
§ 51A-4.116 Dallas Development Code: Ordinance No. 19455, as amended

(aa) railings;
(bb) parapet walls;
(cc) trellises; and
(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) No minimum lot area per dwelling unit. No minimum lot area per dwelling unit is required for qualifying developments.

(iv) Developments with transit proximity. For a development with transit proximity as defined in Section 51A-4.1102, maximum lot coverage is 85 percent.

(v) Urban form setback. An additional 10-foot front yard setback is required for that portion of a structure above 45 feet in height.

(vi) Retirement housing. The density limits in Section 51A-4.209(b)(5.2)(E)(ii) do not apply.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Single family structure spacing. In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat.

(c) MF-3(A) district.

(1) Purpose. To provide for the development and protection of midrise, medium density multifamily residential dwellings built on one lot. This district is not intended to be located in areas of low density residential development.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility. [L] [SUP]

-- Cemetery or mausoleum. [SUP]

-- Child-care facility. [L] [SUP]

-- Church.

-- College, university or seminary. [SUP]

-- Community service center. [SUP]

-- Convalescent and nursing homes, hospice care, and related institutions. [RAR]

-- Convent or monastery.

-- Foster home.
§ 51A-4.116 Dallas Development Code: Ordinance No. 19455, as amended

(E) Lodging uses.

-- Lodging or boarding house.

(F) Miscellaneous uses.

-- Carnival or circus (temporary). [By special authorization of the building official.]

-- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

-- Country club with private membership. [RAR]

-- Private recreation center, club, or area. [SUP]

-- Public park, playground, or golf course.

(I) Residential uses.

-- College dormitory, fraternity, or sorority house.

-- Group residential facility. [See Section 51A-4.209(3).]

-- Multifamily.

-- Residential hotel.

-- Retirement housing.

(J) Retail and personal service uses.

-- Dry cleaning or laundry store. [L]

-- General merchandise or food store 3,500 square feet or less. [L]

-- Motor vehicle fueling station. [SUP]

-- Personal service uses. [L]

(K) Transportation uses.

-- Transit passenger shelter.

-- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.

-- Electrical substation. [SUP]

-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]

-- Police or fire station. [SUP]

-- Post office. [SUP]

-- Radio, television, or microwave tower. [SUP]

-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]

-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]

-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.
(A) The following accessory uses are not permitted in this district:

-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:

-- Accessory helistop.
-- Amateur communication tower.

(C) In this district, an SUP may be required for the following accessory uses:

-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217(3.1).]

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district; and

(bb) 10 feet in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure over 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density. Maximum dwelling unit density is 90 dwelling units per net acre.

(D) Floor area ratio. Maximum floor area ratio is 2.0.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 90 feet.
§ 51A-4.116 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.116

(F) **Lot coverage.** Maximum lot coverage is 60 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) **Lot size.**

(i) Minimum lot size for residential use is 6,000 square feet.

(ii) Minimum lot area per dwelling unit is as follows:

<table>
<thead>
<tr>
<th>TYPE OF STRUCTURE</th>
<th>MINIMUM LOT AREA PER DWELLING UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multifamily:</td>
<td></td>
</tr>
<tr>
<td>No separate bedroom</td>
<td>450 sq. ft.</td>
</tr>
<tr>
<td>One bedroom</td>
<td>500 sq. ft.</td>
</tr>
<tr>
<td>Two bedrooms</td>
<td>550 sq. ft.</td>
</tr>
<tr>
<td>More than two bedrooms (Add this amount for each bedroom over two)</td>
<td>50 sq. ft.</td>
</tr>
</tbody>
</table>

(H) **Stories.** No maximum number of stories.

(I) **Development bonuses for mixed-income housing.** In an MF-3(A) district, lot coverage, lot size per bedroom, and height may vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) **Height and lot coverage.** Except as provided in this paragraph, the following increased height and lot coverage requirements apply:

<table>
<thead>
<tr>
<th>MVA Categories A, B, C</th>
<th>Set aside minimums (% of total residential units reserved in each income band, adjusted annually)</th>
<th>Maximum Unit Density per Acre</th>
<th>Maximum Height</th>
<th>Maximum Lot coverage (residential)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5% at Income band 3</td>
<td>100</td>
<td>90 ft.</td>
<td>80%</td>
</tr>
<tr>
<td></td>
<td>5% at Income band 3 and</td>
<td>120</td>
<td>105 ft.</td>
<td>80%</td>
</tr>
<tr>
<td></td>
<td>5% at Income band 2 and</td>
<td>150</td>
<td>120 ft.</td>
<td>85%</td>
</tr>
<tr>
<td></td>
<td>5% at Income band 2 and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>5% at Income band 1 and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MVA Categories D, E, F</td>
<td>5% at Income band 2</td>
<td>100</td>
<td>90 ft.</td>
<td>80%</td>
</tr>
<tr>
<td></td>
<td>10% at Income band 2</td>
<td>120</td>
<td>105 ft.</td>
<td>80%</td>
</tr>
<tr>
<td></td>
<td>10% at Income band 2 and</td>
<td>150</td>
<td>120 ft.</td>
<td>85%</td>
</tr>
<tr>
<td></td>
<td>5% at Income band 1 and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>5% at Income band 1</td>
<td>150</td>
<td>120 ft.</td>
<td>85%</td>
</tr>
</tbody>
</table>
(ii) **Residential proximity slope.** In addition to the items listed in Section 51A-4.408 (a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;  
(bb) parapet walls;  
(cc) trellises; and  
(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) **No minimum lot area per dwelling unit.** No minimum lot area per dwelling unit is required for qualifying developments.

(iv) **Floor area ratio.** Maximum floor area ratio includes non-residential uses only.

(v) **Developments with transit proximity.** For developments with transit proximity as defined in Section 51A-4.1102, maximum lot coverage is 85 percent.

(vi) **Retirement housing.** The density limits in Section 51A-4.209(b)(5.2)(E)(ii) do not apply.

(5) **Off-street parking and loading.** Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) **Environmental performance standards.** See Article VI.

(7) **Landscape regulations.** See Article X.

(8) **Additional provisions.** None.

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(d) **MF-4(A) district.**

(1) **Purpose.** To provide for the development and protection of highrise, high density multifamily residential dwellings built on one lot. This district is not intended to be located in areas of low and medium density residential development.

(2) **Main uses permitted.**

(A) **Agricultural uses.**

-- Crop production.
§ 51A-4.116 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.116

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility. [L] [SUP]
-- Cemetery or mausoleum. [SUP]
-- Child-care facility. [L] [SUP]
-- Church.
-- College, university or seminary. [SUP]
-- Community service center. [SUP]
-- Convalescent and nursing homes, hospice care, and related institutions. [RAR]
-- Convent or monastery.
-- Foster home.
-- Hospital. [SUP]
-- Library, art gallery, or museum. [SUP]
-- Public or private school. [SUP]

(E) Lodging uses.

-- Lodging or boarding house.

(F) Miscellaneous uses.

-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

-- Country club with private membership. [RAR]
-- Private recreation center, club, or area. [SUP]
-- Public park, playground, or golf course.

(I) Residential uses.

-- College dormitory, fraternity, or sorority house.
-- Group residential facility. [See Section 51A-4.209(3).]
-- Multifamily.
-- Residential hotel.
-- Retirement housing.

(J) Retail and personal service uses.

-- Alcoholic beverage establishments. [See Section 51A-4.210 (b)(4).]
-- Dry cleaning or laundry store. [L]
-- General merchandise or food store 3,500 square feet or less. [L]
-- Motor vehicle fueling station. [SUP]
-- Personal service uses. [L]
§ 51A-4.116 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.116

-- Restaurant without drive-in or drive-through service. [L] [RAR]
-- Theater. [SUP]

(K) Transportation uses.
-- Transit passenger shelter.
-- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.
-- Electrical substation. [SUP]
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station. [SUP]
-- Post office. [SUP]
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.
-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(A) The following accessory uses are not permitted in this district:
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:
-- Accessory helistop.
-- Amateur communication tower.

(C) In this district, an SUP may be required for the following accessory uses:
-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217(3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard.

(i) Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure over 45 feet in height.

(B) Side and rear yard.

(i) Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A),
§ 51A-4.116 Dallas Development Code: Ordinance No. 19455, as amended

TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district; and

(bb) 10 feet in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure over 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density. Maximum dwelling unit density is 160 dwelling units per net acre.

(D) Floor area ratio. Maximum floor area ratio is 4.0.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 240 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size.

(i) Minimum lot size is 6,000 square feet.

(ii) Minimum lot area per dwelling unit is as follows:

<table>
<thead>
<tr>
<th>TYPE OF STRUCTURE</th>
<th>MINIMUM LOT AREA PER DWELLING UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multifamily:</td>
<td></td>
</tr>
<tr>
<td>No separate bedroom</td>
<td>225 sq. ft.</td>
</tr>
<tr>
<td>One bedroom</td>
<td>275 sq. ft.</td>
</tr>
<tr>
<td>Two bedrooms</td>
<td>325 sq. ft.</td>
</tr>
<tr>
<td>More than two bedrooms (Add this amount for each bedroom over two)</td>
<td>50 sq. ft.</td>
</tr>
</tbody>
</table>

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions. None. (Ord. Nos. 19455; 19786; 19808; 19912; 19913; 20384; 20441; 20625; 20920; 20950; 21002; 21044; 31314; 21663; 21735; 22139; 22531; 22782; 24543; 26920; 31152)

SEC. 51A-4.117 MANUFACTURED HOME [MH(A)] DISTRICT.

(1) Purpose. The manufactured home is recognized as a specific form of housing for which accommodations should be provided. To provide appropriate standards for density, spacing, and use, a separate district is created and designated for the specific purpose of providing at appropriate locations, area for the development of manufactured home parks, courts, or subdivisions. In certain commercial
and industrial districts, a manufactured home development may be provided for by amending the zoning district map where these projects are appropriate by approval of a specific use permit. The standards for commercial manufactured home development for transient occupancy differ from those of a manufactured home subdivision where more or less permanent occupancy is anticipated.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production.  [SUP]
-- Temporary concrete or asphalt batching plant.  [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility.  [SUP]
-- Cemetery or mausoleum.  [SUP]
-- Child-care facility.  [SUP]
-- Church.
-- Community service center.  [SUP]
-- Foster home.  [SUP]
-- Library, art gallery, or museum.  [SUP]
-- Public or private school.  [SUP]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

-- Carnival or circus (temporary).  [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

-- Country club with private membership.  [RAR]
-- Public park, playground, or golf course.

(I) Residential uses.

-- College dormitory, fraternity, or sorority house.
-- Handicapped group dwelling unit.  [See Section 51A-4.209(3.1).]
-- Manufactured home park or subdivision.
-- Single family.

(J) Retail and personal service uses.

None permitted.

(K) Transportation uses.

-- Transit passenger shelter.
-- Transit passenger station or transfer center.  [SUP]
§ 51A-4.117 Dallas Development Code: Ordinance No. 19455, as amended

(1) Utility and public service uses.

-- Electrical substation. [SUP]
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station. [SUP]
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]

(1M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. The following accessory uses are not permitted in this district:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard.

(i) Minimum front yard is 20 feet.

(ii) In this district, a manufactured home may not be located closer than 20 feet to a public street right-of-way or a private drive used for access, circulation, or service to a lot or stand where a manufactured home is located.

(B) Side and rear yard. Minimum side and rear yard is ten feet.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. No maximum floor area ratio.

(E) Height. Maximum structure height is 24 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 20 percent for residential structures; and

(bb) 25 percent for nonresidential structures.

(ii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size.

(i) In this district, a manufactured home must have the following minimum lot area:
(aa) 1,500 square feet for a manufactured home on a transient stand; or

(bb) 4,000 square feet for a manufactured home on a subdivided lot.

(ii) Repealed by Ord. 20441.

(iii) Repealed by Ord. 20441.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) In this district, no person may locate a manufactured home nearer than 10 feet to the side line of any lot or stand, and the minimum space between adjacent manufactured homes must be 20 feet. (Ord. Nos. 19455; 19786; 20360; 20441; 20625; 20950; 21002; 21044; 21314; 21442; 22392; 24543; 26920)

Division 51A-4.120. Nonresidential District Regulations.

SEC. 51A-4.121. OFFICE DISTRICTS.

(a) Neighborhood office [NO(A)] district.

(1) Purpose. This district represents a group of uses that is restricted to office uses which predominantly serve neighborhood or community needs. They are, therefore, compatible with and are intended for location adjacent to single family, duplex, and townhouse neighborhoods. This district is designed to preserve the environmental quality of neighborhood areas.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility. [L]

-- Cemetery or mausoleum. [SUP]

-- Child-care facility. [L]

-- Church.
-- Community service center. [SUP]
-- Library, art gallery, or museum.
-- Open-enrollment charter school or private school. [SUP]
-- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.

-- Financial institution without drive-in window.
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) Recreation uses.

-- Country club with private membership.
-- Private recreation center, club, or area. [SUP]
-- Public park, playground, or golf course.

(I) Residential uses.

-- College dormitory, fraternity or sorority house. [SUP]

(J) Retail and personal service uses.

-- Business school. [SUP]
-- Personal service use up to 1,000 square feet in floor area. [L]
-- Restaurant without drive-in or drive-thru service. [SUP]

(K) Transportation uses.

-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

(L) Utility and public service uses.

-- Electrical substation. [SUP]
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station. [SUP]
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]
(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. The following accessory uses are not permitted in this district:

-- Accessory community center (private).
-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.
-- Amateur communication tower.
-- Home occupation.
-- Private stable.

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is 15 feet.

(B) Side and rear yard. Minimum side and rear yard is:

(i) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(ii) no minimum in all other cases.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. Maximum floor area ratio is 0.5.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is:

(aa) 35 feet for a structure with a gable, hip, or gambrel roof; and

(bb) 30 feet for any other structure.

(F) Lot coverage. Maximum lot coverage is 50 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories above grade is two. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) Off-street parking and loading.

(A) In general. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions
51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(B) Special off-street loading provisions.

(i) In this district, off-street loading spaces may not be located in the required front yard.

(ii) In this district, off-street loading spaces may be located in the front yard behind the setback line if they are screened from the street. Screening 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 described in Section 51A-4.602(b)(3).

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(C) Garbage collection and mechanical equipment areas. Garbage collection and mechanical equipment areas may not be located closer than 20 feet to the nearest building site in an R, R(A), D, D(A), TH, TH(A), or CH district, or that portion of a planned development district restricted to single family and/or duplex uses.

(D) Screening surface parking lots from street. In this district, all off-street surface parking lots, excluding driveways used for ingress or egress, must be screened from the street. For more information regarding this requirement, see Section 51A-4.301.

(E) Screening side and rear yards from residential districts. In this district, if a building or parking structure is erected on a building site and a portion of the side or rear yard abuts or is across an adjoining alley from an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district, any portion of the building site directly across from that district must be screened from that district.

(b) LO(A) districts (LO-1, LO-2, and LO-3).

(1) Purpose. These districts represent a group of uses that is restricted to office uses which predominantly serve neighborhood or community needs. In addition, certain limited service uses are allowed where they are contained primarily within the building and primarily serve the occupants of the building and not the general public.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

-- Catering service. [L]

-- Medical or scientific laboratory. [SUP]
§ 51A-4.121 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.121

(C) Industrial uses.
-- Gas drilling and production.
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.
-- Adult day care facility. [L]
-- Cemetery or mausoleum. [SUP]
-- Child-care facility. [L]
-- Church.
-- College, university, or seminary.
-- Community service center. [SUP]
-- Convent or monastery.
-- Library, art gallery, or museum.
-- Open-enrollment charter school or private school. [SUP]
-- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.
-- Overnight general purpose shelter. [See Section 51A-4.205 (2.1)]

(F) Miscellaneous uses.
-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.
-- Alternative financial establishment. [SUP]
-- Financial institution without drive-in window.
-- Financial institution with drive-in window. [SUP]
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) Recreation uses.
-- Country club with private membership.
-- Private recreation center, club, or area. [SUP]
-- Public park, playground, or golf course.

(I) Residential uses.
-- College dormitory, fraternity or sorority house.

(J) Retail and personal service uses.
-- Alcoholic beverage establishments. [See Section 51A-4.210 (b)(4).]
-- Business school.
-- Dry cleaning or laundry store. [L]
-- General merchandise or food store 3,500 square feet or less. [L]
-- Personal service uses. [L]
-- Restaurant without drive-in or drive-through service. [L] [RAR]
(K) Transportation uses.

-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

(L) Utility and public service uses.

-- Commercial radio or television transmitting station. [SUP]
-- Electrical substation.
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station. [SUP]
-- Post office. [SUP]
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. The following accessory uses are not permitted in this district:

-- Accessory community center (private).
-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.
-- Home occupation.
-- Private stable.

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard.

(i) Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure over 45 feet in height.

(B) Side and rear yard.

(i) Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure over 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.
(C) **Dwelling unit density.** No maximum dwelling unit density.

(D) **Floor area ratio.** Maximum floor area ratio is:

(i) 1.0 in the LO-1 district;

(ii) 1.5 in the LO-2 district; and

(iii) 1.75 in the LO-3 district.

(E) **Height.**

(i) **Residential proximity slope.** If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. **Exception:** Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) **Maximum height.** Unless further restricted under Subparagraph (i), maximum structure height is:

(aa) 70 feet in the LO-1 district;

(bb) 95 feet in the LO-2 district; and

(cc) 115 feet in the LO-3 district.

(F) **Lot coverage.** Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) **Lot size.** No minimum lot size.

(H) **Stories.**

(i) Maximum number of stories above grade is:

(aa) five in the LO-1 district;

(bb) seven in the LO-2 district; and

(cc) nine in the LO-3 district.

(ii) Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) **Off-street parking and loading.**

(A) **In general.** Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(B) **Special off-street loading provisions.**

(i) In these districts, off-street loading spaces may not be located in the required front yard.

(ii) In these districts, off-street loading spaces may be located in the front yard behind the setback line if they are screened from the street. Screening 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 described in Section 51A-4.602(b)(3).

(6) **Environmental performance standards.** See Article VI.

(7) **Landscape regulations.** See Article X.
§ 51A-4.121 Dallas Development Code: Ordinance No. 19455, as amended

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in these districts if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(C) Garbage collection and mechanical equipment areas. Garbage collection and mechanical equipment areas may not be located closer than 20 feet to the nearest building site in an R, R(A), D, D(A), TH, TH(A), or CH district, or that portion of a planned development district restricted to single family and/or duplex uses.

(D) Screening surface parking lots from street. In these districts, all off-street surface parking lots, excluding driveways used for ingress or egress, must be screened from the street. For more information regarding this requirement, see Section 51A-4.301.

(E) Screening side and rear yards from residential districts. In these districts, if a building or parking structure is erected on a building site and a portion of the side or rear yard abuts or is across an adjoining alley from an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district, any portion of the building site directly across from that district must be screened from that district.

(c) MO(A) districts (MO-1 and MO-2).

(1) Purpose. These districts represent a group of uses that is restricted to office and limited service uses, which serve the building occupants. These districts are intended to serve both community and city-wide needs, and should be located adjacent to higher density residential, and low and medium density office, retail, commercial, and light industrial districts. In addition to office uses, certain complementary retail uses are permitted in these districts in order to meet the day-to-day retail needs of area residents and office patrons.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

-- Catering service. [L]
-- Electronics service center. [L]
-- Medical or scientific laboratory.

(C) Industrial uses.

-- Gas drilling and production. [SUP]
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility. [L]
-- Cemetery or mausoleum. [SUP]
-- Child-care facility. [L]
§ 51A-4.121 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-4.121

-- Church.
-- College, university, or seminary.
-- Community service center. [SUP]
-- Convent or monastery.
-- Hospital. [SUP]
-- Library, art gallery, or museum.
-- Open-enrollment charter school or private school. [SUP]
-- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

-- Extended stay hotel or motel. [SUP]
-- Hotel or motel. [RAR] or [SUP] [See Section 51A-4.205(1).]
-- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]

(F) Miscellaneous uses.

-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.

-- Alternative financial establishment. [SUP]
-- Financial institution without drive-in window.
-- Financial institution with drive-in window. [DIR]
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) Recreation uses.

-- Country club with private membership.
-- Private recreation center, club, or area. [SUP]
-- Public park, playground, or golf course.

(I) Residential uses.

-- College dormitory, fraternity or sorority house.

(J) Retail and personal service uses.

-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
-- Business school.
-- Dry cleaning or laundry store. [L]
-- General merchandise or food store 3,500 square feet or less. [L]
-- Motor vehicle fueling station. [L]
-- Personal service uses. [L]
-- Restaurant without drive-in or drive-through service. [L] [RAR]
-- Theater. [SUP]

(K) Transportation uses.

-- Helistop. [SUP]
-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]
(L) Utility and public service uses.

-- Commercial radio or television transmitting station. [SUP]
-- Electrical substation.
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4)].
-- Police or fire station. [SUP]
-- Post office. [SUP]
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1)].
-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. [See Section 51A-4.213 (11.2)].
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3)].

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Accessory community center (private).
-- Accessory outside display of merchandise.
-- Accessory outside sales.

-- Accessory pathological waste incinerator.
-- Home occupation.
-- Private stable.

(B) In these districts, the following accessory use is permitted by SUP only:

-- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217 (3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard.

(i) Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure over 45 feet in height.

(B) Side and rear yard.

(i) Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet
in height above 45 feet is required for that portion of a structure over 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density. Not applicable.

(D) Floor area ratio. Maximum floor area ratio is:

(i) 2.0 in the MO-1 district; and

(ii) 3.0 in the MO-2 district.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is:

(aa) 135 feet in the MO-1 district; and

(bb) 160 feet in the MO-2 district.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories.

(i) Maximum number of stories above grade is:

(aa) 10 stories in the MO-1 district; and

(bb) 12 stories in the MO-2 district.

(ii) Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) Off-street parking and loading.

(A) In general. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(B) Special off-street loading provisions.

(i) In these districts, off-street loading spaces may not be located in the required front yard.

(ii) In these districts, off-street loading spaces may be located in the front yard behind the setback line if they are screened from the street. Screening 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 described in Section 51A-4.602(b)(3).

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.
§ 51A-4.121   Dallas Development Code: Ordinance No. 19455, as amended    § 51A-4.121

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in these districts if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(C) Garbage collection and mechanical equipment areas. Garbage collection and mechanical equipment areas may not be located closer than 20 feet to the nearest building site in an R, R(A), D, D(A), TH, TH(A), or CH district, or that portion of a planned development district restricted to single family and/or duplex uses.

(D) Screening surface parking lots from street. In these districts, all off-street surface parking lots, excluding driveways used for ingress or egress, must be screened from the street. For more information regarding this requirement, see Section 51A-4.301.

(E) Screening side and rear yards from residential districts. In these districts, if a building or parking structure is erected on a building site and a portion of the side or rear yard abuts or is across an adjoining alley from an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district, any portion of the building site directly across from that district must be screened from that district.

(d) General office [GO(A)] district.

(1) Purpose. This district represents a group of uses which would accommodate sophisticated office developments and may include certain complementary retail and residential uses as a minor component of such developments. This district is intended to serve city-wide needs and should be located near higher density zoning districts, especially where the potential trip generation allowed by this group will have a minimal effect on low density communities.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

-- Catering service. [L]
-- Electronics service center. [L]
-- Medical or scientific laboratory.

(C) Industrial uses.

-- Gas drilling and production. [SUP]
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility. [L]
-- Cemetery or mausoleum. [SUP]
-- Child-care facility. [L]
-- Church.
-- College, university, or seminary.
§ 51A-4.121 Dallas Development Code: Ordinance No. 19455, as amended

(E) Lodging uses.

-- Extended stay hotel or motel. [SUP]
-- Hotel or motel. [RAR]
-- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]

(F) Miscellaneous uses.

-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.

-- Alternative financial establishment. [SUP]
-- Financial institution without drive-in window.
-- Financial institution with drive-in window. [DIR]
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) Recreation uses.

-- Country club with private membership.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(I) Residential uses.

-- College dormitory, fraternity or sorority house.
-- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]
-- Single family, duplex, and multifamily uses may occupy up to five percent of the total floor area of any building. See the “additional provisions” [Paragraph (8)] in this subsection.

(J) Retail and personal service uses.*

-- Alcoholic beverage establishments. [See Section 51A-4.210 (b)(4).]
-- Business school.
-- Dry cleaning or laundry store.
-- General merchandise or food store 3,500 square feet or less.
-- Motor vehicle fueling station. [L]
-- Nursery, garden shop, or plant sales.
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. [RAR]
-- Theater. [SUP]

*In this district, a retail and personal service use: (1) must be contained entirely within a building; and (2) may not have a floor area that, in combination with the
floor areas of other retail and personal service uses in the building, exceeds 10 percent of the total floor area of the building.

§ 51A-4.121 Dallas Development Code: Ordinance No. 19455, as amended

(K) Transportation uses.
-- Helistop. [SUP]
-- Railroad passenger station. [SUP]
-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

(L) Utility and public service uses.
-- Commercial radio or tele- vision transmitting station.
-- Electrical substation.
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower. [RAR]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.
-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. The following accessory uses are not permitted in these districts:

(A) The following accessory uses are not permitted in this district:
-- Accessory community center (private).
-- Accessory pathological waste incinerator.
-- Home occupation.
-- Private stable.

(B) Reserved.

(C) In this district, an SUP may be required for the following accessory uses:
-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217 (3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard.
   (i) Minimum front yard is 15 feet.
   (ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure over 45 feet in height.

(B) Side and rear yard.
   (i) Minimum side and rear yard is:

Dallas City Code 115
(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure over 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. Maximum floor area ratio is 4.0.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 270 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories above grade is 20. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) Off-street parking and loading.

(A) In general. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(B) Special off-street loading provisions.

(i) In this district, off-street loading spaces may not be located in the required front yard.

(ii) In this district, off-street loading spaces may be located in the front yard behind the setback line if they are screened from the street. Screening 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 described in Section 51A-4.602(b)(3).

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH,
TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(C) Garbage collection and mechanical equipment areas. Garbage collection and mechanical equipment areas may not be located closer than 20 feet to the nearest building site in an R, R(A), D, D(A), TH, TH(A), or CH district, or that portion of a planned development district restricted to single family and/or duplex uses.

(D) Screening surface parking lots from street. In this district, all off-street surface parking lots, excluding driveways used for ingress or egress, must be screened from the street. For more information regarding this requirement, see Section 51A-4.301.

(E) Screening side and rear yards from residential districts. In this district, if a building or parking structure is erected on a building site and a portion of the side or rear yard abuts or is across an adjoining alley from an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district, any portion of the building site directly across from that district must be screened from that district.

(F) Residential use restrictions. In this district, single family, duplex, and multifamily uses are permitted as a component of a building if they collectively comprise no more than five percent of the total floor area of the building.

(G) Retail and personal service use restrictions. In this district, a retail and personal service use:

(i) must be contained entirely within a building; and

(ii) may not have a floor area that, in combination with the floor areas of other retail and personal service uses in the building, exceeds 10 percent of the total area of the building. (Ord. Nos. 19455; 19786; 19806; 19808; 19873; 19928; 20382; 20625; 20920; 20950; 21002; 21044; 21314; 21399; 21442; 21663; 21735; 22392; 22531; 22782; 24232; 24271; 24543; 24857; 25815; 26920; 28214)

SEC. 51A-4.122. RETAIL DISTRICTS.

(a) Neighborhood service [NS(A)] district.

(1) Purpose. To accommodate convenience retail shopping, services, and professional offices principally servicing and compatible in scale and intensity of use with adjacent residential uses.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility.
-- Cemetery or mausoleum. [SUP]
-- Child-care facility.
§ 51A-4.122 Dallas Development Code: Ordinance No. 19455, as amended

-- Church.
-- College, university, or seminary. [SUP]
-- Community service center. [SUP]
-- Convent or monastery.
-- Library, art gallery, or museum.
-- Open-enrollment charter school or private school. [SUP]
-- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.

-- Financial institution without drive-in window.
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) Recreation uses.

-- Country club with private membership.
-- Private recreation center, club, or area. [SUP]
-- Public park, playground, or golf course.

(I) Residential uses.

-- College dormitory, fraternity, or sorority house. [SUP]

(J) Retail and personal service uses.

-- Dry cleaning or laundry store.
-- General merchandise or food store 3,500 square feet or less.
-- Motor vehicle fueling station. [SUP]
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. [RAR]

(K) Transportation uses.

-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

(L) Utility and public service uses.

-- Electrical substation. [SUP]
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station. [SUP]
-- Post office. [SUP]
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]

118 Dallas City Code
§ 51A-4.122 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-4.122

-- Recycling drop-off for special occasion collection.  [See Section 51A-4.213 (11.3).]

(3) **Accessory uses.** As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. The following accessory uses are not permitted in this district:

-- Accessory community center (private).
-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory pathological waste incinerator.
-- Amateur communication tower.
-- Home occupation.
-- Private stable.

(4) **Yard, lot, and space regulations.** (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) **Front yard.** Minimum front yard is 15 feet.

(B) **Side and rear yard.** Minimum side and rear yard is:

(i) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(ii) no minimum in all other cases.

(C) **Dwelling unit density.** No maximum dwelling unit density.

(D) **Floor area ratio.** Maximum floor area ratio is 0.5.

(E) **Height.**

(i) **Residential proximity slope.** If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) **Maximum height.** Unless further restricted under Subparagraph (i), maximum structure height is:

(aa) 35 feet for a structure with a gable, hip, or gambrel roof; and

(bb) 30 feet for any other structure.

(F) **Lot coverage.** Maximum lot coverage is 40 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) **Lot size.** No minimum lot size.

(H) **Stories.** Maximum number of stories above grade is two. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) **Off-street parking and loading.** Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.
(6) Environmental performance standards.
See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(b) Community retail (CR) district.

(1) Purpose. To provide for the development of community-serving retail, personal service, and office uses at a scale and intensity compatible with residential communities.

(2) Main uses permitted.

(A) Agricultural uses.
-- Crop production.

(B) Commercial and business service uses.
-- Building repair and maintenance shop. [RAR]
-- Catering service.
-- Custom business services.
-- Electronics service center.
-- Medical or scientific laboratory. [SUP]
-- Tool or equipment rental.

(C) Industrial uses.
-- Gas drilling and production. [SUP]
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.
-- Adult day care facility.
-- Cemetery or mausoleum. [SUP]
-- Child-care facility.
-- Church.
-- College, university, or seminary.
-- Community service center. [SUP]
-- Convent or monastery.
-- Hospital. [SUP]
-- Library, art gallery, or museum.
-- Open-enrollment charter school or private school. [SUP]
-- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.
-- Hotel and motel. [SUP]
-- Lodging or boarding house. [SUP]
-- Overnight general purpose shelter. [See Section 51A-4.205 (2.1)]
(F) **Miscellaneous uses.**

-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) **Office uses.**

-- Alternative financial establishment. [SUP]
-- Financial institution without drive-in window.
-- Financial institution with drive-in window. [DIR]
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) **Recreation uses.**

-- Country club with private membership.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(I) **Residential uses.**

-- College dormitory, fraternity, or sorority house.

(J) **Retail and personal service uses.**

-- Alcoholic beverage establishments. [See Section 51A-4.210 (b)(4).]
-- Ambulance service. [RAR]
-- Animal shelter or clinic without outside runs. [RAR]
-- Auto service center. [RAR]
-- Business school.

-- Car wash. [DIR]
-- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
-- Commercial amusement (outside). [SUP]
-- Commercial parking lot or garage. [RAR]
-- Convenience store with drive-through. [SUP]
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
-- General merchandise or food store 100,000 square feet or more. [SUP]
-- Home improvement center, lumber, brick or building materials sales yard. [DIR]
-- Household equipment and appliance repair.
-- Liquor store.
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Paraphernalia shop. [SUP]
-- Pawn shop.
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. [RAR]
-- Restaurant with drive-in or drive-through service. [DIR]
-- Swap or buy shop. [SUP]
-- Temporary retail use.
-- Theater.

(K) **Transportation uses.**

-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

(L) Utility and public service uses.

-- Commercial radio and television transmitting station.
-- Electrical substation.
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station.
-- Post office.
-- Radio, television or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Mini-warehouse. [SUP]
-- Recycling buy-back center. [See Section 51A-4.213 (11).]
-- Recycling collection center. [See Section 51A-4.213 (11.1).]
-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(A) The following accessory uses are not permitted in this district:

-- Accessory community center (private).
-- Home occupation.
-- Private stable.

(B) In this district, the following accessory use is permitted by SUP only:

-- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217 (3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is 15 feet.

(B) Side and rear yard. Minimum side and rear yard is:

(i) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and
(ii) no minimum in all other cases.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. Maximum floor area ratio is:

(i) 0.5 for office uses; and
§ 51A-4.122 Dallas Development Code: Ordinance No. 19455, as amended

(ii) 0.75 for all uses combined.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 54 feet.

(F) Lot coverage. Maximum lot coverage is 60 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories above grade is four. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(c) Regional retail (RR) district.

(1) Purpose. To provide for the development of regional-serving retail, personal service, and office uses. This district is not intended to be located in areas of low density residential development.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

-- Building repair and maintenance shop. [RAR]

-- Catering service.

-- Custom business services.
§ 51A-4.122 Dallas Development Code: Ordinance No. 19455, as amended

(E) Lodging uses.
-- Extended stay hotel or motel. [SUP]
-- Hotel or motel. [RAR] or [SUP] [See Section 51A-4.205(1).]
-- Lodging or boarding house.
-- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]

(F) Miscellaneous uses.
-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.
-- Alternative financial establishment. [SUP]
-- Financial institution without drive-in window.
-- Financial institution with drive-in window. [DIR]
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) Recreation uses.
-- Country club with private membership.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.
§ 51A-4.122 Dallas Development Code: Ordinance No. 19455, as amended

(I) Residential uses.

-- College dormitory, fraternity, or sorority house.

(J) Retail and personal service uses.

-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
-- Ambulance service. [RAR]
-- Animal shelter or clinic without outside runs. [RAR]
-- Animal shelter or clinic with outside runs. [SUP]
-- Auto service center. [RAR]
-- Business school.
-- Car wash. [RAR]
-- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
-- Commercial amusement (outside). [SUP]
-- Commercial parking lot or garage. [RAR]
-- Convenience store with drive-through. [SUP]
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
-- General merchandise or food store 100,000 square feet or more.
-- Home improvement center, lumber, brick or building materials sales yard. [RAR]
-- Household equipment and appliance repair.
-- Liquor store.
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.

-- Nursery, garden shop, or plant sales.
-- Outside sales. [SUP]
-- Paraphernalia shop. [SUP]
-- Pawn shop.
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. [RAR]
-- Restaurant with drive-in or drive-through service. [DIR]
-- Swap or buy shop. [SUP]
-- Temporary retail use.
-- Theater.
-- Vehicle display, sales, and service. [RAR]

(K) Transportation uses.

-- Commercial bus station and terminal. [DIR]
-- Heliport. [SUP]
-- Helistop. [SUP]
-- Railroad passenger station. [SUP]
-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

(L) Utility and public service uses.

-- Commercial radio or television transmitting station.
-- Electrical substation.
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station.
-- Post office.
-- Radio, television or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
§ 51A-4.122 Dallas Development Code: Ordinance No. 19455, as amended

(M) Wholesale, distribution, and storage uses.

-- Mini-warehouse. [SUP]
-- Recycling buy-back center. [See Section 51A-4.213 (11).]
-- Recycling collection center. [See Section 51A-4.213 (11.1).]
-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Accessory community center (private).
-- Home occupation.
-- Private stable.

(B) In this district, the following accessory use is permitted by SUP only:

-- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217 (3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard.

(i) Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure over 45 feet in height.

(B) Side and rear yard. Minimum side and rear yard is:

(i) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(ii) no minimum in all other cases.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. Maximum floor area ratio is:

(i) 0.5 for office uses; and

(ii) 1.5 for all uses combined.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.
§ 51A-4.122 Dallas Development Code: Ordinance No. 19455, as amended

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 70 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories above grade is five. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use. (Ord. Nos. 19455; 19786; 19806; 19808; 19873; 19931; 20242; 20273; 20382; 20494; 20625; 20895; 20902; 20920; 20950; 21002; 21044; 21259; 21314; 21399; 21442; 21663; 21735; 22204; 22531; 22782; 24232; 24271; 24543; 24857; 25785; 26920; 27572; 28079; 28214; 30477)

SEC. 51A-4.123. COMMERCIAL SERVICE AND INDUSTRIAL DISTRICTS.

(a) Commercial service (CS) district.

(1) Purpose. To provide for the development of commercial and business serving uses that may involve outside storage, service, or display. This district is not intended to be located in areas of low and medium density residential development.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

-- Building repair and maintenance shop. [RAR]

-- Bus or rail transit vehicle maintenance or storage facility. [RAR]

-- Catering service.

-- Commercial bus station and terminal. [DIR] [By right or SUP. See Section 51A-4.211(2).]

-- Commercial cleaning or laundry plant. [RAR]

-- Custom business services.
§ 51A-4.123 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.123

-- Custom woodworking, furniture construction, or repair.
-- Electronics service center.
-- Job or lithographic printing. [RAR]
-- Labor hall. [SUP]
-- Machine or welding shop. [RAR]
-- Machinery, heavy equipment, or truck sales and services. [RAR]
-- Medical or scientific laboratory.
-- Technical school.
-- Tool or equipment rental.
-- Vehicle or engine repair or maintenance. [RAR]

(C) Industrial uses.

-- Gas drilling and production. [SUP]
-- Industrial (inside) for light manufacturing.
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility.
-- Cemetery or mausoleum. [SUP]
-- Child-care facility.
-- Church.
-- College, university, or seminary.
-- Community service center. [SUP]
-- Convent or monastery.
-- Halfway house. [SUP]
-- Hospital. [RAR]

-- Open-enrollment charter school or private school. [SUP]
-- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

-- Extended stay hotel or motel. [SUP]
-- Hotel or motel. [RAR] or [SUP] [See Section 51A-4.205(1).]
-- Lodging or boarding house.
-- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]

(F) Miscellaneous uses.

-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.

-- Alternative financial establishment. [SUP]
-- Financial institution without drive-in window.
-- Financial institution with drive-in window. [RAR]
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) Recreation uses.

-- Country club with private membership.
## § 51A-4.123 Dallas Development Code: Ordinance No. 19455, as amended

<table>
<thead>
<tr>
<th>(I) Residential uses.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>-- College dormitory, fraternity, or sorority house.</td>
<td>-- General merchandise or food store 100,000 square feet or more. [SUP]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(J) Retail and personal service uses.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]</td>
<td>-- Home improvement center, lumber, brick or building materials sales yard. [RAR]</td>
</tr>
<tr>
<td>-- Animal shelter or clinic without outside runs. [RAR]</td>
<td>-- Liquefied natural gas fueling station. [SUP]</td>
</tr>
<tr>
<td>-- Animal shelter or clinic with outside runs. [SUP may be required. See Section 51A-4.210(b)(2).]</td>
<td>-- Liquor store.</td>
</tr>
<tr>
<td>-- Auto service center. [RAR]</td>
<td>-- Mortuary, funeral home, or commercial wedding chapel.</td>
</tr>
<tr>
<td>-- Business school.</td>
<td>-- Motor vehicle fueling station.</td>
</tr>
<tr>
<td>-- Car wash. [RAR]</td>
<td>-- Nursery, garden shop, or plant sales.</td>
</tr>
<tr>
<td>-- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]</td>
<td>-- Outside sales. [SUP]</td>
</tr>
<tr>
<td>-- Commercial motor vehicle parking. [By SUP only if within 500 feet of a residential district.]</td>
<td>-- Pawn shop.</td>
</tr>
<tr>
<td>-- Commercial parking lot or garage. [RAR]</td>
<td>-- Personal service uses.</td>
</tr>
<tr>
<td>-- Convenience store with drive-through. [SUP]</td>
<td>-- Restaurant without drive-in or drive-through service. [RAR]</td>
</tr>
<tr>
<td>-- Drive-in theater. [SUP]</td>
<td>-- Restaurant with drive-in or drive-through service. [DIR]</td>
</tr>
<tr>
<td>-- Dry cleaning or laundry store.</td>
<td>-- Swap or buy shop. [DIR]</td>
</tr>
<tr>
<td>-- Furniture store.</td>
<td>-- Taxidermist.</td>
</tr>
<tr>
<td>-- General merchandise or food store 3,500 square feet or less.</td>
<td>-- Temporary retail use.</td>
</tr>
<tr>
<td>-- General merchandise or food store greater than 3,500 square feet.</td>
<td>-- Theater.</td>
</tr>
<tr>
<td></td>
<td>-- Truck stop. [SUP]</td>
</tr>
<tr>
<td></td>
<td>-- Vehicle display, sales, and service. [RAR]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(K) Transportation uses.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>-- Commercial bus station and terminal. [DIR]</td>
<td>-- Commercial bus station and terminal. [DIR]</td>
</tr>
<tr>
<td>-- Heliport. [SUP]</td>
<td>-- Helistop. [SUP]</td>
</tr>
<tr>
<td>-- Helistop. [SUP]</td>
<td>-- Railroad passenger station. [SUP]</td>
</tr>
<tr>
<td></td>
<td>-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]</td>
</tr>
</tbody>
</table>
§ 51A-4.123 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.123

(L) Utility and public service uses.

-- Commercial radio or television transmitting station.
-- Electrical substation.
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower. [RAR]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Auto auction. [SUP]
-- Building mover’s temporary storage yard. [SUP]
-- Contractor’s maintenance yard. [RAR]
-- Freight terminal. [RAR]
-- Manufactured building sales lot. [RAR]
-- Mini-warehouse.
-- Office showroom/warehouse.
-- Outside storage. [RAR]
-- Petroleum product storage and wholesale. [SUP]
-- Recycling buy-back center. [See Section 51A-4.213(11).]
-- Recycling collection center. [See Section 51A-4.213(11.1).]
-- Recycling drop-off container. [See Section 51A-4.213(11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]
-- Sand, gravel, or earth sales and storage. [SUP]
-- Trade center.
-- Vehicle storage lot. [SUP]
-- Warehouse. [RAR]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Accessory community center (private).
-- Home occupation.
-- Private stable.

(B) In this district, the following accessory use is permitted by SUP only:

-- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217 (3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is:

(i) 15 feet where adjacent to an expressway or a thoroughfare; and
§ 51A-4.123 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.123

(ii) no minimum in all other cases.

(B) Side and rear yard. Minimum side and rear yard is:

(i) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(ii) no minimum in all other cases.

(C) Dwelling unit density. Not applicable.

(D) Floor area ratio. Maximum floor area ratio is:

(i) 0.5 for any combination of lodging, office, and retail and personal service uses; and

(ii) 0.75 for all uses combined.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 45 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories above grade is three. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(b) Light industrial (LI) district.

(1) Purpose. To provide for light industrial office, research and development, and commercial uses in an industrial park setting. This district is designed to be located in areas appropriate for industrial
development which may be adjacent to residential communities.

(2) Main uses permitted.

(A) Agricultural uses.
   -- Crop production.

(B) Commercial and business service uses.
   -- Building repair and maintenance shop. [RAR]
   -- Bus or rail transit vehicle maintenance or storage facility. [RAR]
   -- Catering service.
   -- Commercial bus station and terminal.
   -- Commercial cleaning or laundry plant. [RAR]
   -- Custom business services.
   -- Custom woodworking, furniture construction, or repair.
   -- Electronics service center.
   -- Job or lithographic printing. [RAR]
   -- Labor hall. [SUP]
   -- Machine or welding shop. [RAR]
   -- Machinery, heavy equipment, or truck sales and services. [RAR]
   -- Medical or scientific laboratory.
   -- Technical school.
   -- Tool or equipment rental.
   -- Vehicle or engine repair or maintenance.

(C) Industrial uses.
   -- Alcoholic beverage manufacturing. [RAR]

   -- Gas drilling and production. [SUP]
   -- Industrial (inside) for light manufacturing.
   -- Inside industrial. [RAR]
   -- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.
   -- Adult day care facility.
   -- Cemetery or mausoleum. [SUP]
   -- Child-care facility.
   -- Church.
   -- College, university, or seminary.
   -- Community service center. [SUP]
   -- Halfway house. [SUP]
   -- Hospital. [SUP]
   -- Open-enrollment charter school or private school. [SUP]
   -- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.
   -- Extended stay hotel or motel. [SUP]
   -- Hotel or motel. [RAR] or [SUP] [See Section 51A-4.205(1).]
   -- Lodging or boarding house.
   -- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]
§ 51A-4.123 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.123

(F) Miscellaneous uses.
-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.
-- Alternative financial establishment. [SUP]
-- Financial institution without drive-in window.
-- Financial institution with drive-in window. [RAR]
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) Recreation uses.
-- Country club with private membership.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(I) Residential uses.
-- None permitted.

(J) Retail and personal service uses.
-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
-- Animal shelter or clinic without outside runs.
-- Animal shelter or clinic with outside runs. [SUP may be required. See Section 51A-4.210(b)(2).]
-- Auto service center. [RAR]
-- Business school.
-- Car wash. [RAR]
-- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
-- Commercial motor vehicle parking. [By SUP only if within 500 feet of a residential district.]
-- Commercial parking lot or garage. [RAR]
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store 100,000 square feet or more. [SUP]
-- Home improvement center, lumber, brick or building materials sales yard. [RAR]
-- Household equipment and appliance repair.
-- Liquefied natural gas fueling station. [By SUP only if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.]
-- Motor vehicle fueling station.
-- Paraphernalia shop. [SUP]
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. [RAR]
-- Restaurant with drive-in or drive-through service. [DIR]
-- Taxidermist.
-- Temporary retail use.
-- Theater.
-- Truck stop. [SUP]
-- Vehicle display, sales, and service. [RAR]
§ 51A-4.123 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.123

(K) Transportation uses.

-- Commercial bus station and terminal. [RAR]
-- Heliport. [SUP]
-- Helistop. [SUP]
-- Railroad passenger station. [SUP]
-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

(L) Utility and public service uses.

-- Commercial radio or television transmitting station. [SUP]
-- Electrical substation.
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station.
-- Post office.
-- Radio, television or microwave tower. [RAR]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Freight terminal. [RAR]
-- Manufactured building sales lot. [RAR]
-- Mini-warehouse.
-- Office showroom/warehouse.
-- Outside storage. [RAR]
-- Recycling buy-back center. [See Section 51A-4.213(11).]

-- Recycling collection center. [See Section 51A-4.213(11.1).]
-- Recycling drop-off container. [See Section 51A-4.213(11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]
-- Trade center.
-- Warehouse. [RAR]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Accessory community center (private).
-- Accessory pathological waste incinerator.
-- Home occupation.
-- Private stable.

(B) In this district, the following accessory uses are permitted by SUP only:

-- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217 (3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)
(A) **Front yard.** Minimum front yard is 15 feet.

(B) **Side and rear yard.** Minimum side and rear yard is:

(i) 30 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(ii) no minimum in all other cases.

(C) **Dwelling unit density.** No maximum dwelling unit density.

(D) **Floor area ratio.** Maximum floor area ratio is:

(i) 0.5 for retail and personal service uses;

(ii) 0.75 for any combination of lodging, office, and retail and personal service uses; and

(iii) 1.0 for all uses combined.

(E) **Height.**

(i) **Residential proximity slope.** If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. **Exception:** Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) **Maximum height.** Unless further restricted under Subparagraph (i), maximum structure height is 70 feet.

(F) **Lot coverage.** Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) **Lot size.** No minimum lot size.

(H) **Stories.** Maximum number of stories above grade is five. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) **Off-street parking and loading.** Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) **Environmental performance standards.** See Article VI.

(7) **Landscape regulations.** See Article X.

(8) **Additional provisions.**

(A) **Development impact review.** A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) **Visual intrusion.** No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.
(c) Industrial/research (IR) district.

(1) Purpose. To provide for research and development, light industrial, office, and supporting commercial uses in an industrial research park setting. This district is not intended to be located in areas of low and medium density residential development.

(2) Main uses permitted.

(A) Agricultural uses.
-- Crop production.

(B) Commercial and business service uses.
-- Building repair and maintenance shop. [RAR]
-- Bus or rail transit vehicle maintenance or storage facility. [RAR]
-- Catering service.
-- Commercial cleaning or laundry plant. [RAR]
-- Custom business services.
-- Custom woodworking, furniture construction, or repair.
-- Electronics service center.
-- Job or lithographic printing. [RAR]
-- Labor hall. [SUP may be required. See Section 51A-4.202(8.1).]
-- Machine or welding shop. [RAR]
-- Machinery, heavy equipment, or truck sales and services. [RAR]
-- Medical or scientific laboratory.
-- Technical school.
-- Tool or equipment rental.
-- Vehicle or engine repair or maintenance.

(C) Industrial uses.
-- Alcoholic beverage manufacturing. [RAR]
-- Gas drilling and production. [SUP]
-- Industrial (inside). [See Section 51A-4.203(b)(1).]
-- Industrial (inside) for light manufacturing.
-- Industrial (outside). [See Section 51A-4.203(b)(2).]
-- Medical/infectious waste incinerator. [SUP]
-- Municipal waste incinerator. [SUP]
-- Organic compost recycling facility. [SUP]
-- Pathological waste incinerator. [SUP]
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.
-- Adult day care facility.
-- Cemetery or mausoleum. [SUP]
-- Child-care facility.
-- Church.
-- College, university, or seminary.
-- Community service center.
-- Hospital. [RAR]
-- Public or private school. [SUP]

(E) Lodging uses.
-- Extended stay hotel or motel. [SUP]
-- Hotel or motel. [RAR]
-- Lodging or boarding house.
-- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]

(F) Miscellaneous uses.
-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Hazardous waste management facility. [Except when operated as a hazardous waste incinerator.]
-- Temporary construction or sales office.

(G) Office uses.
-- Alternative financial establishment. [SUP]
-- Financial institution without drive-in window.
-- Financial institution with drive-in window. [RAR]
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) Recreation uses.
-- Country club with private membership.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(I) Residential uses.
-- None permitted.

(J) Retail and personal service uses.
-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
-- Animal shelter or clinic without outside runs.
-- Animal shelter or clinic with outside runs. [SUP may be required. See Section 51A-4.210(b)(2).]
-- Auto service center. [RAR]
-- Business school.
-- Car wash. [RAR]
-- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
-- Commercial motor vehicle parking. [By SUP only if within 500 feet of a residential district.]
-- Commercial parking lot or garage. [RAR]
-- Convenience store with drive-through. [SUP]
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- Home improvement center, lumber, brick or building materials sales yard. [RAR]
-- Household equipment and appliance repair.
-- Liquefied natural gas fueling station. [By SUP only if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.]
-- Motor vehicle fueling station.
-- Paraphernalia shop. [SUP]
-- Pawn shop.
-- Personal service uses.
§ 51A-4.123 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.123

-- Restaurant without drive-in or drive-through service. [RAR]
-- Restaurant with drive-in or drive-through service. [DIR]
-- Taxidermist.
-- Temporary retail use.
-- Theater.
-- Truck stop. [SUP]
-- Vehicle display, sales, and service. [RAR]

(K) Transportation uses.
-- Airport or landing field. [SUP].
-- Commercial bus station and terminal. [RAR].
-- Heliport. [RAR]
-- Helistop. [RAR]
-- Railroad passenger station. [SUP]
-- STOL (short take off or landing) port. [SUP]
-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

(L) Utility and public service uses.
-- Commercial radio or television transmitting station.
-- Electrical substation.
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower. [RAR]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]

-- Water treatment plant. [SUP]

(M) Wholesale, distribution, and storage uses.
-- Freight terminal. [RAR]
-- Manufactured building sales lot. [RAR]
-- Mini-warehouse.
-- Office showroom/warehouse.
-- Outside storage. [RAR]
-- Recycling buy-back center. [See Section 51A-4.213(11).]
-- Recycling collection center. [See Section 51A-4.213(11.1).]
-- Recycling drop-off container. [See Section 51A-4.213(11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]
-- Trade center.
-- Warehouse. [RAR]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. The following accessory uses are not permitted in this district:

(A) The following accessory uses are not permitted in this district:

-- Accessory community center (private).
-- Accessory pathological waste incinerator.
-- Home occupation.
-- Private stable.

(B) Reserved.

(C) In this district, an SUP may be required for the following accessory uses:
§ 51A-4.123 Dallas Development Code: Ordinance No. 19455, as amended

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. Minimum front yard is 15 feet.

(B) Side and rear yard. Minimum side and rear yard is:

   (i) 30 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

   (ii) no minimum in all other cases.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. Maximum floor area ratio is:

   (i) 0.5 for retail and personal service uses;

   (ii) 0.75 for any combination of lodging, office, and retail and personal service uses; and

   (iii) 2.0 for all uses combined.

(E) Height.

   (i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

   (ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 200 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories above grade is 15. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

   (A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

   (B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH,
TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(d) **Industrial manufacturing (IM) district.**

(1) **Purpose.** To provide for heavy industrial manufacturing uses with accompanying open storage and supporting commercial uses. This district is not intended to be located in or near areas of residential development.

(2) **Main uses permitted.**

(A) **Agricultural uses.**

-- Crop production.

(B) **Commercial and business service uses.**

-- Building repair and maintenance shop. [RAR]
-- Bus or rail transit vehicle maintenance or storage facility. [RAR]
-- Catering service.
-- Commercial cleaning or laundry plant. [RAR]
-- Custom business services.
-- Custom woodworking, furniture construction, or repair.
-- Electronics service center.
-- Job or lithographic printing. [RAR]
-- Labor hall. [SUP may be required. See Section 51A-4.202 (8.1).]
-- Machine or welding shop. [RAR]

-- Machinery, heavy equipment, or truck sales and services. [RAR]
-- Medical or scientific laboratory.
-- Technical school.
-- Tool or equipment rental.
-- Vehicle or engine repair or maintenance. [RAR]

(C) **Industrial uses.**

-- Alcoholic beverage manufacturing. [RAR]
-- Gas drilling and production. [SUP]
-- Gas pipeline compressor station. [SUP]
-- Industrial (inside). [SUP may be required. See Section 51A-4.203(a); otherwise RAR.]
-- Industrial (inside) for light manufacturing.
-- Industrial (outside). [SUP may be required. See Section 51A-4.203(a); otherwise RAR.]
-- Medical/infectious waste incinerator. [SUP]
-- Metal salvage facility. [SUP]
-- Mining. [SUP]
-- Municipal waste incinerator. [SUP]
-- Organic compost recycling facility. [RAR]
-- Outside salvage or reclamation. [SUP]
-- Pathological waste incinerator. [SUP]
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]
## § 51A-4.123 Dallas Development Code: Ordinance No. 19455, as amended

<table>
<thead>
<tr>
<th>Subject</th>
<th>Uses</th>
</tr>
</thead>
</table>
| **(D) Institutional and community service uses.** | -- Adult day care facility.  
-- Cemetery or mausoleum.  
-- Child-care facility.  
-- Church.  
-- College, university, or seminary.  
-- Hospital.  
-- Public or private school. |
| **(E) Lodging uses.** | -- Extended stay hotel or motel.  
-- Hotel or motel.  
-- Lodging or boarding house. |
| **(F) Miscellaneous uses.** | -- Attached non-premise sign.  
-- Carnival or circus (temporary). *By special authorization of the building official.*  
-- Hazardous waste management facility.  
-- Temporary construction or sales office. |
| **(G) Office uses.** | -- Alternative financial establishment.  
-- Financial institution without drive-in window.  
-- Financial institution with drive-in window.  
-- Medical clinic or ambulatory surgical center.  
-- Office. |
| **(H) Recreation uses.** | -- Country club with private membership.  
-- Private recreation center, club, or area.  
-- Public park, playground, or golf course. |
| **(I) Residential uses.** | None permitted. |
| **(J) Retail and personal service uses.** | -- Alcoholic beverage establishments. *See Section 51A-4.210(b)(4).*  
-- Animal shelter or clinic without outside runs.  
-- Animal shelter or clinic with outside runs. *SUP may be required. See Section 51A-4.210(b)(2).*  
-- Auto service center.  
-- Business school.  
-- Car wash.  
-- Commercial amusement (inside). *SUP may be required. See Section 51A-4.210(b)(7)(B).*  
-- Commercial motor vehicle parking. *SUP only if within 500 feet of a residential district.*  
-- Commercial parking lot or garage. |
| | -- Convenience store with drive-through. *SUP*  
-- Drive-in theater. *SUP*  
-- Dry cleaning or laundry store.  
-- Furniture store.  
-- General merchandise or food store 3,500 square feet or less.  
-- Home improvement center, lumber, brick or building materials sales yard. *RAR* |
§ 51A-4.123 Dallas Development Code: Ordinance No. 19455, as amended

-- Household equipment and appliance repair.
-- Liquefied natural gas fueling station. [By SUP only if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.]
-- Motor vehicle fueling station.
-- Paraphernalia shop. [SUP]
-- Pawn shop.
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. [RAR]
-- Restaurant with drive-in or drive-through service. [DIR]
-- Taxidermist.
-- Temporary retail use.
-- Theater.
-- Truck stop. [SUP]
-- Vehicle display, sales, and service. [RAR]

(K) Transportation uses.

-- Airport or landing field. [SUP]
-- Commercial bus station and terminal. [RAR]
-- Heliport. [RAR]
-- Helistop. [RAR]
-- Railroad passenger station. [SUP]
-- Railroad yard, roundhouse, or shops. [RAR]
-- STOL (short take off or landing) port. [SUP]
-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

(L) Utility and public service uses.

-- Commercial radio or television transmitting station.
-- Electrical generating plant. [SUP]
-- Electrical substation.
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower. [RAR]
-- Refuse transfer station. [SUP]
-- Sanitary landfill. [SUP]
-- Sewage treatment plant. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]
-- Water treatment plant. [RAR]

(M) Wholesale, distribution, and storage uses.

-- Auto auction. [SUP]
-- Building mover’s temporary storage yard. [SUP]
-- Contractor’s maintenance yard. [RAR]
-- Freight terminal. [RAR]
-- Livestock auction pens or sheds. [SUP]
-- Manufactured building sales lot. [RAR]
-- Mini-warehouse.
-- Office show room/warehouse.
-- Outside storage. [RAR]
-- Petroleum product storage and wholesale. [RAR]
§ 51A-4.123 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.123

-- Recycling buy-back center.  [See Section 51A-4.213(11).]
-- Recycling collection center.  [See Section 51A-4.213(11.1).]
-- Recycling drop-off container.  [See Section 51A-4.213(11.2).]
-- Recycling drop-off for special occasion collection.  [See Section 51A-4.213(11.3).]
-- Sand, gravel, or earth sales and storage.  [RAR]
-- Trade center.
-- Vehicle storage lot.
-- Warehouse.  [RAR]

(3) Accessory uses.  As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. The following accessory uses are not permitted in this district:

(A) The following accessory uses are not permitted in this district:

-- Accessory community center (private).
-- Accessory pathological waste incinerator.
-- Home occupation.
-- Private stable.

(B) Reserved.

(C) In this district, an SUP may be required for the following accessory uses:

-- Accessory medical/infectious waste incinerator.  [See Section 51A-4.217 (3.1).]

(4) Yard, lot, and space regulations.  (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard.  Minimum front yard is:

(i) 15 feet where adjacent to an expressway or a thoroughfare; and

(ii) no minimum in all other cases.

(B) Side and rear yard.  Minimum side and rear yard is:

(i) 30 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(ii) no minimum in all other cases.

(C) Dwelling unit density.  No maximum dwelling unit density.

(D) Floor area ratio.  Maximum floor area ratio is:

(i) 0.5 for retail and personal service uses;

(ii) 0.75 for any combination of lodging, office, and retail and personal service uses; and

(iii) 2.0 for all uses combined.

(E) Height.

(i) Residential proximity slope.  If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope,
whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 110 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories above grade is eight. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope originating in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use. (Ord. Nos. 19455; 19786; 19806; 19873; 19931; 20242; 20273; 20363; 20382; 20425; 20478; 20625; 20806; 20895; 20902; 20920; 20950; 21002; 21044; 21186; 21259; 21314; 21399; 21442; 21456; 21663; 21735; 22204; 22255; 22392; 22531; 22782; 23735; 24232; 24271; 24543; 24759; 24857; 25056; 25785; 25815; 26269; 26920; 27563; 28079; 28214; 28700; 28737; 28803; 29228; 29917; 30477)

SEC. 51A-4.124. CENTRAL AREA DISTRICTS.

(a) CA-1(A) district.

(1) Purpose. This district is provided to accommodate existing development in the central area of the city, to encourage the most appropriate future use of land, and to prevent the increase of street congestion. This district is hereby designated as an area of historical, cultural, and architectural importance and significance.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business services uses.

-- Building repair and maintenance shop.
-- Bus or rail transit vehicle maintenance or storage facility.
-- Catering service.
§ 51A-4.124 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-4.124

(C) Industrial uses.

-- Alcoholic beverage manufacturing. [SUP]
-- Gas drilling and production. [SUP]
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility.
-- Cemetery or mausoleum. [SUP]
-- Child-care facility.
-- Church.
-- College, university, or seminary.
-- Community service center. [SUP]
-- Convalescent and nursing homes, hospice care, and related institutions.
-- Convent or monastery.
-- Foster home. [SUP]
-- Halfway house. [SUP]
-- Hospital.

(E) Lodging uses.

-- Extended stay hotel or motel. [SUP]
-- Hotel or motel.
-- Lodging or boarding house.
-- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]

(F) Miscellaneous uses.

-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.

-- Alternative financial establishment. [SUP]
-- Financial institution without drive-in window.
-- Financial institution with drive-in window. [DIR]
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) Recreation uses.

-- Country club with private membership.
§ 51A-4.124 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.124

<table>
<thead>
<tr>
<th>(I) Residential uses.</th>
<th>(J) Retail and personal service uses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>-- College dormitory, fraternity, or sorority house.</td>
<td>-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]</td>
</tr>
<tr>
<td>-- Duplex.</td>
<td>-- Ambulance service.</td>
</tr>
<tr>
<td>-- Group residential facility. [See Section 51A-4.209(3).]</td>
<td>-- Auto service center.</td>
</tr>
<tr>
<td>-- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]</td>
<td>-- Business school.</td>
</tr>
<tr>
<td>-- Multifamily.</td>
<td>-- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]</td>
</tr>
<tr>
<td>-- Residential hotel.</td>
<td>-- Commercial amusement (outside).</td>
</tr>
<tr>
<td>-- Retirement housing.</td>
<td>-- Commercial parking lot or garage.</td>
</tr>
<tr>
<td>-- Single family.</td>
<td>-- Dry cleaning or laundry store.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(K) Transportation uses.</th>
<th>(L) Utility and public service uses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>-- Commercial bus station and terminal. [DIR]</td>
<td>-- Commercial radio or television transmitting station.</td>
</tr>
<tr>
<td>-- Heliport. [SUP]</td>
<td>-- Electrical substation.</td>
</tr>
<tr>
<td>-- Helistop. [SUP]</td>
<td>-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]</td>
</tr>
<tr>
<td>-- Private street or alley. [SUP]</td>
<td>-- Police or fire station.</td>
</tr>
<tr>
<td>-- Railroad passenger station.</td>
<td>-- Railroad yard, roundhouse, or shops.</td>
</tr>
<tr>
<td>-- Railroad passenger shelter.</td>
<td>-- STOL (short takeoff or landing) port. [SUP]</td>
</tr>
<tr>
<td>-- Transit passenger shelter.</td>
<td>-- Transit passenger station or transfer center.</td>
</tr>
</tbody>
</table>

- Private recreation center, club, or area.
- Public park, playground, or golf course.
- College dormitory, fraternity, or sorority house.
- Duplex.
- Group residential facility. [See Section 51A-4.209(3).]
- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]
- Multifamily.
- Residential hotel.
- Retirement housing.
- Single family.
- Household equipment and appliance repair.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Outside sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Restaurant with drive-in or drive-through service. [SUP]
- Swap or buy shop. [SUP]
- Taxidermist.
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service. [SUP]
- Commercial bus station and terminal. [DIR]
- Heliport. [SUP]
- Helistop. [SUP]
- Private street or alley. [SUP]
- Railroad passenger station.
- Railroad yard, roundhouse, or shops.
- STOL (short takeoff or landing) port. [SUP]
- Transit passenger shelter.
- Transit passenger station or transfer center.
- Commercial radio or television transmitting station.
- Electrical substation.
- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
- Police or fire station.
§ 51A-4.124  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.124

-- Post office.
-- Radio, television, or microwave tower.
-- Sewage treatment plant. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [See Section 51A-4.212 (11)]
-- Water treatment plant. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Freight terminal. [DIR]
-- Mini-warehouse.
-- Office showroom/warehouse.
-- Outside storage. [SUP]
-- Recycling buy-back center. [See Section 51A-4.213(11).]
-- Recycling collection center. [See Section 51A-4.213(11.1).]
-- Recycling drop-off container. [See Section 51A-4.213(11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]
-- Trade center.
-- Warehouse.

(C) In this district, an SUP may be required for the following accessory uses:

-- Accessory helistop.

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. In this district, the following accessory use is permitted by SUP only:

(A) Reserved.

(B) In this district, the following accessory use is permitted by SUP only:

-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217 (3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. No minimum front yard.

(B) Side and rear yard.

(i) Minimum side yard is:

(aa) five feet for duplex structures;

(bb) 10 feet for multifamily structures 36 feet or less in height; and

(cc) no minimum in all other cases.

(ii) Minimum rear yard is:

(aa) 10 feet for duplex structures;

(bb) 15 feet for multifamily structures 36 feet or less in height; and

(cc) no minimum in all other cases.

(C) Dwelling unit density. No maximum dwelling unit density.
§ 51A-4.124  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.124

(D) Floor area ratio.

(i) Maximum floor area ratio is 20.0.

(ii) Reserved. (Repealed by Ord. 20361)

(iii) The maximum floor area ratio in the CA-1(A)-CP and CA-1(A)-SP districts may be increased to 24 to 1 by the use of the building setback bonus provisions in the “additional provisions” [Paragraph (8)] in this subsection.

(E) Height. Maximum structure height is any legal height.

(F) Lot coverage. Maximum lot coverage is 100 percent.

(G) Lot size. No minimum lot size.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading.

(A) In general. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(B) Special off-street parking provisions.

(i) Except as provided in this section, for all uses except single-family and duplex, off-street parking is only required for a building built after June 26, 1967, or an addition to an existing building, at a ratio of one parking space for each 2,000 square feet of floor area.

(ii) Except as provided in this section, no parking is required for ground-floor retail and personal service uses except for the following:

(aa) Alcoholic beverage establishment operating as a bar, lounge, or tavern.

(bb) Commercial amusement (inside).

(iii) No parking is required for the first 5,000 square feet of ground-floor floor area for a restaurant without drive-in or drive-through service.

(iv) If there is a conflict, this paragraph controls over other off-street parking regulations in this chapter.

(C) Special off-street loading provisions.

(i) In this district, off-street loading spaces must be provided in accordance with Section 51A-4.303(a) for only new structures or additions to an existing structure.

(ii) In this district, once the required off-street loading has been established for a structure, no additional off-street loading is required if the use of the structure changes.

(iii) In this district, once an off-street loading space has been provided, the off-street loading space may not be reduced, eliminated, or made unusable in any manner during the life of the structure.

(iv) In this district, on-street loading spaces may satisfy the off-street loading space requirement subject to the following standards:

(aa) Any on-street loading spaces must be approved by the traffic engineer.

(bb) Required off-street loading spaces furnished on-street must be provided at curbside contiguous to the building site.

(cc) If no adjacent curb space is available due to traffic or transit needs, indented curb space may be provided if the required sidewalk width is maintained.
(dd) All required medium and large loading spaces must be provided off-street.

(ee) Structures meeting Subparagraphs (aa) through (dd) above and requiring seven or more off-street loading spaces may satisfy the off-street loading requirement as follows:

<table>
<thead>
<tr>
<th>REQUIRED SPACES</th>
<th>MINIMUM OFF-STREET</th>
<th>NUMBER ON STREET</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>8</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>9</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>10 or more</td>
<td>60%</td>
<td>40%</td>
</tr>
</tbody>
</table>

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Single family structure spacing. In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat.

(B) Minimum 10-foot setback in CA-1(A)-CP and CA-1(A)-SP districts. In the CA-1(A)-CP and CA-1(A)-SP districts, a 10 foot setback is required that is measured from the street curb as established by the Dallas Central Business District Streets and Vehicular Circulation Plan, Ordinance No. 13262, as amended. When an owner establishes a setback on his property greater than the 10 foot requirement, a floor area bonus of six times the additional setback area is allowed. The maximum permitted floor area ratio with a bonus is 24 to one.

(C) Sidewalk regulations. In this district, a sidewalk must be provided between the back of the street curb and the face of a building at grade in accordance with this subsection. The face of a building is behind the columns for a building with exterior columns.

(i) Average sidewalk width equals the total sidewalk surface area divided by the lineal feet of frontage.

(aa) Each frontage on each blockface must contain the required average sidewalk width.

(bb) The computation of average sidewalk width excludes the area occupied by structural walls or columns.

(cc) In computing average sidewalk width, the surface area at a corner is counted only once.

(ii) In a CA-1(A)-CP district, sidewalks must be constructed and maintained in accordance with the following regulations:

(aa) An average sidewalk width of 18 feet is required.

(bb) A minimum sidewalk width of 12 feet that is unobstructed by any structure or planting is required. The 12 foot minimum sidewalk width may be divided into seven and five foot minimum segments.

(iii) In the CA-1(A)-SP district, sidewalks must be constructed and maintained in accordance with the following regulations:

(aa) A building with a floor area ratio of more than 15 to one is subject to the requirements of the CA-1(A)-CP district in Subparagraph (ii).

(bb) A building with a floor area ratio of 15 to one or less must have an average sidewalk width of 15 feet and a minimum sidewalk width of nine feet that is unobstructed by any structure or planting.

(iv) In a CA-1(A) district without a CP or SP overlay district designation, sidewalks must
be constructed and maintained in accordance with the following regulations:

(aa) A building with a floor area ratio of more than 15 to one is subject to the requirements of the CA-1(A)-CP district in Subparagraph (ii).

(bb) A building with a floor area ratio of 10 to one through 15 to one must have an average sidewalk width of 15 feet and a minimum sidewalk width of nine feet that is unobstructed by any structure.

(cc) All other buildings must provide a minimum sidewalk width of 10 feet with seven feet unobstructed by any structure or planting.

(v) Waiver of sidewalk width requirements. An applicant for a sidewalk width waiver shall submit an application to the director on a form approved by the director and signed by all owners of property abutting the sidewalk. The director shall take into account the needs of pedestrians and the proximity of the sidewalk to intersections and crosswalks, transit stops, parks and playgrounds, and other pedestrian-intensive areas when considering the application. The director may grant a sidewalk waiver if the director finds:

(aa) the potential pedestrian traffic in the area does not warrant the width of the sidewalk required;

(bb) the waiver will facilitate an amenity that promotes pedestrian activity such as sidewalk seating areas, enhanced landscaping, or retail kiosks; or

(cc) there are sufficient alternative pedestrian passageways to accommodate pedestrian traffic in the area.

The granting of a waiver does not preclude the city from requiring compliance with all sidewalk standards at some later time and assessing the abutting owners for the cost of the installation or replacement.

(9) Commercial parking garages and surface parking lots.

(A) Intent. The intent of this paragraph is to create a distinct boundary between public space and private parking facilities, raise the aesthetic standards for parking facilities, and improve the quality of right-of-ways.

(B) Definitions. In this paragraph:

(i) COMMERCIAL PARKING GARAGE means a multistory vehicle parking facility that is operated as a business enterprise by charging a fee for parking.

(ii) CORNER LANDSCAPING AREA means an area of any shape abutting the intersection of two right-of-ways equal to the area on a surface parking lot covered by a triangle formed by connecting together the point of intersection of adjacent right-of-way lines and points on each of the right-of-way lines 12.5 percent of the length of the surface parking lot’s right-of-way frontage from the intersection, but in no case to exceed 225 square feet.

(iii) PARKWAY means the portion of a right-of-way located between the street curb and the property line of an adjoining commercial parking garage or surface parking lot.

(iv) RIGHT-OF-WAY means an area dedicated to public use for pedestrian and vehicular movement, but does not include alleys.

(v) SELF-PARK SPACE means a parking space where a customer parks his vehicle and it remains there until a customer drives it away. It does not include a space where an attendant parks a customer vehicle.

(vi) STRIP LANDSCAPING AREA means an area 1.5 feet in width abutting the parkway...
(or right-of-way if there is no parkway) and extending
the length of the street frontage of a surface parking lot,
excluding the corner landscaping area and openings for
pedestrian and vehicular access.

(vii) SURFACE PARKING LOT
means an at-grade parking lot that is operated as a
business enterprise by charging a fee for parking.

(viii) WROUGHT IRON includes
metal that resembles wrought iron in appearance.

(C) Site plan.

(i) When required. A site plan
must be submitted to and approved by the building
official in accordance with this subparagraph before a
building permit or certificate of occupancy may be
issued.

(ii) Requisites. The site plan must
include the following information:

(aa) The number of existing
and proposed parking spaces on the property.

(bb) The location and
dimensions of the property.

(cc) The location and
dimensions of all existing and proposed off-street
parking and loading areas, parking bays, aisles,
driveways, pedestrian access openings, and attendant
booths.

(dd) The location and type of
all existing and proposed landscaping, fencing, trash
receptacles, lighting, and signs.

(ee) Any other reasonable and
pertinent information that the building official
determines to be necessary for site plan review.

(iii) Development. If a site plan is
approved by the building official, development of the
property must be in accordance with the site plan.

(D) Construction.

(i) Slope. The entire surface of a
surface parking lot may not deviate more than seven
degrees from the horizontal plane. No portion of the
surface may deviate more than 12 degrees from the
horizontal plane.

(ii) Driveways. No more than one
two-way driveway or two one-way driveways may be
maintained for each 300 feet, or fraction thereof, of
frontage of a surface parking lot. This provision does
not require the closure or relocation of driveways

(iii) Pervious surface. The use of
pervious surfacing materials for surface parking lots is
encouraged.

(E) Striping. All self-park spaces must
be clearly and permanently identified by stripes. All
self-park spaces for compact cars must be at least 7.5-
foot wide stalls and must be clearly and permanently
marked “compact car only.” All other self-park spaces
must be at least 8-foot wide stalls. Except as specified
in this provision, these spaces must be provided and
striped in accordance with Section 51A-4.301(d)(1).

(F) Lighting.

(i) Requirement. The following
must be lighted between one-half hour after sunset and
2:30 a.m. and between 6:00 a.m. and one-half hour
before sunrise:

(aa) A surface parking lot.

(bb) The first story of an
above-grade commercial parking garage.

(cc) All other portions of a
commercial parking garage that are accessible to
pedestrians or vehicles during the time between one-
half hour after sunset and one-half hour before sunrise.
(ii) **Intensity.** The intensity of required lighting on the surface where vehicles are parked must be:

(aa) an average of at least two footcandles, initial measurement, and at least one footcandle on a maintained basis; and

(bb) a minimum at any point of at least 0.6 footcandle initial, and at least 0.3 footcandle maintained or one-third of the average footcandle measurement for the lighted area, whichever is greater.

(iii) **Type of fixtures.** Light sources must be indirect, diffused, or shielded-type fixtures, installed to reduce glare and the consequent interference with boundary streets. Bare bulbs or strings of lamps are prohibited.

(iv) **Location of fixtures for surface parking lots.** Fixtures must be attached to buildings or mounted on permanent poles. Fixtures may be located on adjoining property. This requirement does not apply to commercial parking garages.

(v) **Height of fixtures for surface parking lots.** Fixtures on surface parking lots must be at least 20 feet above the lot surface. This requirement does not apply to commercial parking garages.

(vi) **Reconciliation.** This subparagraph controls over Section 51A-4.301(e).

(G) **Trash receptacles.** At least one trash receptacle must be provided for each commercial parking garage or surface parking lot. Trash receptacles must not have a fluorescent color.

(H) **Attendant booths.** An attendant booth may not be constructed of flammable materials or have a fluorescent color.

(I) **Access openings.**

(i) Access openings for surface parking lots may not exceed:

(aa) 30 feet in width for a two-way drive.

(bb) 20 feet in width for a one-way drive.

(cc) 10 feet in width for pedestrian access openings.

(ii) At least one pedestrian access opening must be provided for each commercial parking garage and surface parking lot. The spacing between pedestrian access openings must be from 30 feet to 150 feet.

(iii) This subparagraph does not require the closure or relocation of access openings existing as of January 28, 2004.

(J) **Fencing.**

(i) Fencing must be provided:

(aa) For surface parking lots, along an abutting right-of-way, excluding openings for pedestrian and vehicular access. Fencing may be located behind a corner landscaping area.

(bb) For commercial parking garages, to eliminate openings not intended for pedestrian and vehicular access in the first story above grade where the garage abuts the right-of-way.

(cc) Fencing is not required along a DART right-of-way if DART has provided fencing along the right-of-way.
§ 51A-4.124 Dallas Development Code: Ordinance No. 19455, as amended

(ii) Surface parking lots in the middle of a blockface with buildings on both adjoining lots and less than 100 feet of frontage and all commercial parking garages must have wrought iron fencing.

(iii) All other surface parking lots must have:

(aa) a wrought iron fencing;

(bb) bollards;

(cc) post-and-cable fencing; or

(dd) other fencing that is in keeping with the intent of this paragraph, as determined by the director.

(iv) If a wrought iron fence is provided:

(aa) it must be at least 36 inches in height;

(bb) its bars must be spaced no more than eight inches apart; and

(cc) it may have a foundation that does not exceed twelve inches in height.

(v) If bollards are provided, each bollard must be:

(aa) constructed of concrete, brick or stone;

(bb) at least eight inches in width or diameter;

(cc) at least 30 inches in height;

(dd) no more than seven feet from another bollard, unless connected by a metal chain, in which case they may be no more than nine feet from another bollard.

(vi) If post-and-cable fencing is provided, the posts must:

(aa) be finished metal with caps;

(bb) have a minimum diameter of two and one-half inches;

(cc) be spaced no more than 18 feet apart; and

(dd) be connected with stainless steel tension cable.

(K) Landscaping.

(i) Parkway landscaping requirement for commercial parking garages and surface parking lots. Unless a parkway landscape permit is denied or revoked, one tree or shrub must be provided in the adjoining parkway for each 30 feet along the frontage abutting the right-of-way. This provision does not apply to commercial parking garages or surface parking lots existing as of January 28, 2004.

(ii) Perimeter landscaping requirement for surface parking lots. The corner landscaping area must be planted with a combination of ground cover, shrubs, and trees, or used for kiosks with decorative paving. As used in this subparagraph, “kiosk” means a multi-sided structure for the display of premise and non-premise signs. The strip landscaping area must be planted with a combination of ground cover, shrubs, and trees. Car bumpers may overhang the strip landscaping area.

(iii) Exemption along certain DART right-of-ways. Landscaping is not required along a DART right-of-way if DART has provided landscaping along the right-of-way.

(iv) Exemption for certain small surface parking lots. Landscaping is not required for surface parking lots with a total area of 10,000 square
§ 51A-4.124 Dallas Development Code: Ordinance No. 19455, as amended

feet or less, unless two or more contiguous lots have an aggregate area of 10,000 square feet or more.

(v) Alternative landscape plan. The director may approve an alternative landscape plan only if compliance with this paragraph is not possible, the inability to comply is not self-created, and the alternative landscape plan is in keeping with the intent of this paragraph. An alternative landscape plan may include placement of landscaping in alternative locations. An alternative landscape plan may reduce the square footage of landscape area if additional trees or shrubs are provided.

(vi) Trees. All trees provided must be recommended for local area use by the director. Each tree planted must have a caliper of at least two and one-half inches.

(vii) Shrubs. All shrubs provided must be recommended for local area use by the director. Each shrub provided must be at least 30 inches in height.

(viii) Minimum tree clearance. All portions of a tree above street pavement must be at least thirteen and one-half feet in height.

(ix) Tree grates. Tree grates conforming to state and federal standards and specifications adopted to eliminate, insofar as possible, architectural barriers encountered by aged, handicapped, or disabled persons, and of a size adequate to permit healthy tree growth must be provided for all trees planted within a public sidewalk.

(x) Private license granted. The city council hereby grants a private license to the owners of all commercial parking garages and surface parking lots in this district for the exclusive purpose of authorizing compliance with the parkway landscaping requirements. A property owner is not required to pay an initial or annual fee for this license. This private license shall not terminate at the end of any specific time period, however, the city council retains the right to terminate this license whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or whenever the purpose or use of this license is likely to become a nuisance. A property owner is not required to comply with any landscaping requirement of this subparagraph if compliance is made impossible due to the termination of this license. This provision controls over Article VI, “License for Use of Public Right-of-Way,” of Chapter 43, “Streets and Sidewalks,” of this code. Note: This private license does not eliminate the need for a parkway landscape permit or commercial general liability insurance.

(xi) Parkway landscape permit. A parkway landscape permit must be obtained from the director for all landscaping in the parkway.

(aa) An application for a parkway landscape permit must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the planting proposed.

(bb) Upon receipt of the application, the director shall circulate it to all affected city departments, utilities, and other franchise holders for review and comment. If, after receiving those comments, the director determines that the construction and planting proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, he shall issue a parkway landscape permit to the property owner; otherwise, he shall deny the permit.

(cc) A parkway landscape permit issued by the director is subject to immediate revocation upon written notice if at any time he determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way.

(dd) The issuance of a parkway landscape permit under this subparagraph does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees or shrubs in the right-of-way.
§ 51A-4.124 Dallas Development Code: Ordinance No. 19455, as amended

(xii) **Xeriscape.** The use of xeriscape is encouraged.


(M) **Compliance.**

(i) All commercial parking garages and surface parking lots in the Central Subdistrict must comply with this paragraph before January 28, 2007. Fencing within the Central Subdistrict is required only when the City Center Tax Increment Financing District finances its installation. As used in this subparagraph, “Central Subdistrict” means the area bounded by Ross Avenue, Pearl Street, Bryan Street, Central Expressway, Live Oak Street, Olive Street, Harwood Street, Young Street, Akard Street, Wood Street, and Griffin Street.

(ii) All commercial parking garages and surface parking lots in the Secondary Subdistrict must comply with this paragraph before January 28, 2009. As used in this subparagraph, “Secondary Subdistrict” means the area with CA-1(A) zoning inside the Central Business District (including property under the freeways), but excluding the Central Subdistrict.

(N) **Maintenance.**

(i) Any improvements required by this paragraph must be properly maintained in a state of good repair and neat appearance at all times.

(ii) Plant materials required by this paragraph must be maintained in a healthy, growing condition at all times.

(O) **Special exception.**

(i) **In general.** The board of adjustment may grant a special exception to any requirement of this paragraph if the board finds, after a public hearing, the special exception will not adversely affect the other properties within the subdistrict and strict compliance with the requirement would result in unnecessary hardship. If the board grants a special exception, it must specify the length of time the special exception is effective.

(ii) **Lighting.** The board shall not grant a special exception to a lighting requirement unless the board also finds, after a public hearing, that the special exception will not compromise the safety of persons using the parking. In determining whether to grant this special exception, the board shall consider:

(aa) the extent to which the parking will be used after dark;

(bb) the crime statistics for the area;

(cc) the extent to which adequate lighting may be provided by light sources located on adjacent property; and

(dd) the extent to which the commercial parking garage or surface parking lot will be secured by fences, gates, and chains.

(b) **CA-2(A) district.**

(1) **Purpose.** This district is provided to accommodate existing development in the central area of the city, to encourage the most appropriate future use of land, and to prevent the increase of street congestion.
§ 51A-4.124 Dallas Development Code: Ordinance No. 19455, as amended

(2) Main uses permitted.

(A) Agricultural uses.
-- Crop production.

(B) Commercial and business services uses.
-- Building repair and maintenance shop.
-- Bus or rail transit vehicle maintenance or storage facility.
-- Catering service.
-- Commercial cleaning or laundry plant.
-- Custom business services.
-- Custom woodworking, furniture construction, or repair.
-- Electronics service center.
-- Job or lithographic printing.
-- Labor hall. [SUP]
-- Medical or scientific laboratory.
-- Technical school.
-- Tool or equipment rental.
-- Vehicle or engine repair or maintenance. [DIR]

(C) Industrial uses.
-- Alcoholic beverage manufacturing. [SUP]
-- Gas drilling and production. [SUP]
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.
-- Adult day care facility.

(E) Lodging uses.
-- Extended stay hotel or motel. [SUP]
-- Hotel or motel.
-- Lodging or boarding house.
-- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]

(F) Miscellaneous uses.
-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.
(G) Office uses.

-- Alternative financial establishment. [SUP]
-- Financial institution without drive-in window.
-- Financial institution with drive-in window. [DIR]
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) Recreation uses.

-- Country club with private membership.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(I) Residential uses.

-- College dormitory, fraternity or sorority house.
-- Duplex.
-- Group residential facility. [See Section 51A-4.209(3).]
-- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]
-- Multifamily.
-- Residential hotel.
-- Retirement housing.
-- Single family.

(J) Retail and personal service uses.

-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
-- Ambulance service.
-- Auto service center.
-- Business school.
-- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]

(K) Transportation uses.

-- Commercial bus station and terminal. [DIR]
-- Heliport. [SUP]
-- Helistop. [SUP]
-- Private street or alley. [SUP]
-- Railroad passenger station.
Railroad yard, roundhouse, or shops.
-- STOL (short takeoff or landing) port. [SUP]
-- Transit passenger shelter.
-- Transit passenger station or transfer center.

(L) Utility and public service uses.

-- Commercial radio or television transmitting station.
-- Electrical substation.
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower.
-- Sewage treatment plant. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed.
-- Water treatment plant. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Freight terminal. [DIR]
-- Mini-warehouse.
-- Office showroom/warehouse.
-- Outside storage. [SUP]
-- Recycling buy-back center. [See Section 51A-4.213(11).]
-- Recycling collection center. [See Section 51A-4.213(11.1).]
-- Recycling drop-off container. [See Section 51A-4.213(11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]

Trade center.
-- Warehouse.

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. In this district, the following accessory use is permitted by SUP only:

(A) Reserved.

(B) In this district, the following accessory use is permitted by SUP only:

-- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217 (3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. There is no minimum front yard.

(B) Side and rear yard.

(i) Minimum side yard is:

(aa) five feet for duplex structures;

(bb) 10 feet for multifamily structures 36 feet or less in height; and
(cc) no minimum in all other cases.

(ii) Minimum rear yard is:

(aa) 10 feet for duplex structures;

(bb) 15 feet for multifamily structures 36 feet or less in height; and

(cc) no minimum in all other cases.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. Maximum floor area ratio is 20.0.

(E) Height. Maximum structure height is any legal height.

(F) Lot coverage. Maximum lot coverage is 100 percent.

(G) Lot size. Minimum lot area per dwelling unit is as follows:

<table>
<thead>
<tr>
<th>TYPE OF STRUCTURE</th>
<th>MINIMUM LOT AREA PER DWELLING UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family</td>
<td>1000 sq. ft.</td>
</tr>
<tr>
<td>Duplex</td>
<td>2500 sq. ft.</td>
</tr>
</tbody>
</table>

Multifamily:

No separate bedroom 50 sq. ft.

One bedroom 65 sq. ft.

Two bedrooms 75 sq. ft.

More than two bedrooms (Add this amount for each bedroom over two) 10 sq. ft.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. In this district, for all uses except single family and duplex, off-street parking is only required for a building built after June 1, 1981, or an addition to an existing building, at a ratio of one parking space for each 2,000 square feet of floor area which exceeds 5,000 square feet. No off-street parking is required for a building with 5,000 square feet or less of floor area. If there is a conflict, this paragraph controls over other off-street parking regulations in this chapter. Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Single family structure spacing. In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat. (Ord. Nos. 19455; 19786; 19806; 19912; 20242; 20273; 20361; 20731; 20752; 20902; 20920; 20950; 21001; 21044; 21259; 21314; 21735; 21960; 22097; 22139; 22204; 22531; 22799; 24232; 24271; 24543; 24857; 25047; 25133; 25487; 25785; 26920; 28073; 28125; 28214; 28272; 28700; 29128; 29917; 30932)

SEC. 51A-4.125. MIXED USE DISTRICTS.

(a) In general. Single or multiple uses may be developed on one site in a mixed use district as in any other district; however, in order to encourage a mixture of uses and promote innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel, density bonuses are awarded to developments that qualify as “mixed use projects” as defined in Subsection (b). If a development does not qualify as an MUP, it is limited to a “base” dwelling unit density and floor area ratio.
When a development qualifies as an MUP, it earns a higher maximum dwelling unit density and floor area ratio and, in some instances, a greater maximum structure height. Additional FAR bonuses are incrementally awarded to encourage the inclusion of “residential” as part of an MUP. The exact increments of increase vary depending on the actual use categories mixed and the district that the MUP is in. For more information regarding the exact increments of increase, consult the yard, lot, and space regulations in this section governing the particular district of interest.

(b) Qualifying as a mixed use project. To qualify as a MIXED USE PROJECT (MUP) for purposes of this section, a development must contain uses in two or more of the following categories, and the combined floor areas of the uses in each category must equal or exceed the following percentages of the total floor area of the project:

<table>
<thead>
<tr>
<th>Use Category</th>
<th>% of Total Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodging</td>
<td>15%</td>
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<tr>
<td>Office</td>
<td>15%</td>
</tr>
<tr>
<td>Residential</td>
<td>15%</td>
</tr>
<tr>
<td>Retail and personal service</td>
<td>10%</td>
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</table>

<table>
<thead>
<tr>
<th>Use Category</th>
<th>% of Total Floor Area</th>
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</thead>
<tbody>
<tr>
<td>Lodging</td>
<td>10%</td>
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<tr>
<td>Office</td>
<td>15%</td>
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<td>Residential</td>
<td>10%</td>
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<tr>
<td>Retail and personal service</td>
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</table>

<table>
<thead>
<tr>
<th>Use Category</th>
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<tbody>
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<td>Office</td>
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<tr>
<td>Residential</td>
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</tr>
<tr>
<td>Retail and personal service</td>
<td>5%</td>
</tr>
<tr>
<td>Wholesale, distribution, and</td>
<td>15%</td>
</tr>
<tr>
<td>storage</td>
<td></td>
</tr>
</tbody>
</table>

(c) Mixed use project (MUP) regulations.

(1) If an MUP is proposed, a project plan must be submitted to and approved by the building official.

(2) If an MUP is constructed in phases:

(A) the first phase must independently qualify as an MUP under Subsection (b); and

(B) each subsequent phase combined with all previous phases already completed or under construction must also qualify as an MUP under Subsection (b).

(3) An MUP may consist of two or more building sites if they are developed under a unified development plan. The plan must be:

(A) signed by or on behalf of all of the owners of the property involved;

(B) approved by the building official; and

(C) filed in the deed records of the county where the property is located.

(4) When an MUP consists of multiple building sites, its development standards and off-street parking and loading requirements are calculated by combining the sites and treating them as a single building site.
§ 51A-4.125  Dallas Development Code: Ordinance No. 19455, as amended

(d) **MU-1 and MU-1(SAH) districts.**

(1) **Purpose.** To provide for the development of moderate density retail, office, and/or multifamily residential uses in combination on single or contiguous building sites; to encourage innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel. Additionally, the MU-1(SAH) district is created to encourage the provision of affordable housing.

(2) **Main uses permitted.**

(A) **Agricultural uses.**

-- Crop production.

(B) **Commercial and business service uses.**

-- Catering service.
-- Custom business services.
-- Electronics service center.
-- Labor hall. [SUP]
-- Medical or scientific laboratory. [SUP]

(C) **Industrial uses.**

-- Gas drilling and production. [SUP]
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) **Institutional and community service uses.**

-- Adult day care facility.
-- Cemetery or mausoleum. [SUP]
-- Child-care facility.
-- Church.

-- College, university or seminary.
-- Community service center. [SUP]
-- Convalescent and nursing homes, hospice care, and related institutions. [RAR]
-- Convent or monastery.
-- Foster home.
-- Hospital. [SUP]
-- Library, art gallery, or museum.
-- Open-enrollment charter school or private school. [SUP]
-- Public school other than an open-enrollment charter school. [RAR]

(E) **Lodging uses.**

-- Extended stay hotel or motel. [SUP]
-- Hotel or motel. [RAR] or [SUP] [See Section 51A-4.205(1).]

(F) **Miscellaneous uses.**

-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) **Office uses.**

-- Financial institution without drive-in window.
-- Financial institution with drive-in window. [DIR]
-- Medical clinic or ambulatory surgical center.
§ 51A-4.125  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.125

-- Office.

(H) Recreation uses.

-- Country club with private membership.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(I) Residential uses.

-- College dormitory, fraternity, or sorority house.
-- Duplex.
-- Group residential facility. [See Section 51A-4.209(3).]
-- Handicapped group dwelling unit. [See Section 51A-4.209 (3.1).]
-- Multifamily.
-- Residential hotel.
-- Retirement housing.
-- Single family.

(J) Retail and personal service uses.

-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
-- Animal shelter or clinic without outside runs. [RAR]
-- Auto service center. [RAR]
-- Business school.
-- Car wash. [RAR]
-- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
-- Commercial amusement (outside). [SUP]
-- Commercial parking lot or garage. [RAR]
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
-- General merchandise or food store 100,000 square feet or more. [SUP]
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Paraphernalia shop. [SUP]
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. [RAR]
-- Restaurant with drive-in or drive-through service. [DIR]
-- Swap or buy shop. [SUP]
-- Temporary retail use.
-- Theater.

(K) Transportation uses.

-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

(L) Utility and public service uses.

-- Commercial radio or television transmitting station.
-- Electrical substation.
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
§ 51A-4.125 Dallas Development Code: Ordinance No. 19455, as amended

(M) Wholesale, distribution, and storage uses.

-- Mini-warehouse. [SUP]
-- Recycling buy-back center [See Section 51A-4.213 (11).]
-- Recycling collection center. [See Section 51A-4.213 (11.1).]
-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Private stable.

(B) In this district, the following accessory use is permitted by SUP only:

-- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217 (3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density.

(i) MU-1 district. Maximum dwelling unit density varies depending on whether the development is a "mixed use project" as follows:

<table>
<thead>
<tr>
<th>MAXIMUM DWELLING UNIT DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>(dwelling units per net acre)</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>Base (No MUP)</td>
</tr>
<tr>
<td>MUP with Mix of 2 Categories</td>
</tr>
<tr>
<td>MUP with Mix of 3 or More Categories</td>
</tr>
<tr>
<td>15</td>
</tr>
<tr>
<td>20</td>
</tr>
<tr>
<td>25</td>
</tr>
</tbody>
</table>
(ii) MU-1(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 and the development is a "mixed use project" as follows:

MAXIMUM DWELLING UNIT DENSITY
(dwelling units per net acre)

<table>
<thead>
<tr>
<th>Percentage of SAH Units Provided</th>
<th>Base (No MUP)</th>
<th>MUP with Mix of 2 Categories</th>
<th>MUP with Mix of 3 or More Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>0%</td>
<td>10</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>20%</td>
<td>15</td>
<td>20</td>
<td>25</td>
</tr>
</tbody>
</table>

(D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a "mixed use project" as follows:

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is "residential." The third column (MUP=2/with Res) is the FAR for an MUP with a mix of "residential" plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is "residential." The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of "residential" plus two or more other use categories.]

MAXIMUM FLOOR AREA RATIO

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Base (no MUP)</th>
<th>MUP=2 (no Res)</th>
<th>MUP=2 (with Res)</th>
<th>MUP=3 (no Res)</th>
<th>MUP=3 (with Res)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodging</td>
<td>0.8</td>
<td>0.85</td>
<td>0.9</td>
<td>0.85</td>
<td>0.95</td>
</tr>
<tr>
<td>Office</td>
<td>0.8</td>
<td>0.85</td>
<td>0.9</td>
<td>0.85</td>
<td>0.95</td>
</tr>
<tr>
<td>Residential</td>
<td>0.8</td>
<td>---</td>
<td>0.95</td>
<td>---</td>
<td>0.95</td>
</tr>
<tr>
<td>Retail and personal service</td>
<td>0.4</td>
<td>0.5</td>
<td>0.5</td>
<td>0.6</td>
<td>0.6</td>
</tr>
<tr>
<td>TOTAL DEVELOPMENT</td>
<td>0.8</td>
<td>0.9</td>
<td>1.0</td>
<td>1.0</td>
<td>1.1</td>
</tr>
</tbody>
</table>

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height varies depending on whether the development is a "mixed use project" as follows:

[Note: The first column is the base height, which applies when there is no MUP. The second column (MUP=No Retail) is the height for an MUP with a mix of two use categories when neither category is "retail and personal service." The third column (MUP=with Retail) is the height for an MUP with a mix of "retail and personal service" plus one or more other use categories.]

MAXIMUM STRUCTURE HEIGHT
(in feet)

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Base (No MUP)</th>
<th>MUP with Mix of 2 Categories (No Retail)</th>
<th>MUP with Mix of 3 or More Categories (with Retail)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>80</td>
<td>90</td>
<td>120</td>
</tr>
</tbody>
</table>

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories.

(i) Maximum number of stories above grade is:
(aa) seven when the maximum structure height is 90 feet; and

(bb) nine when the maximum structure height is 120 feet.

(ii) Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(I) Development bonuses for mixed-income housing. In an MU-1 district, certain regulations vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Maximum dwelling unit density. Except as provided in this paragraph, the following density bonuses apply:

<table>
<thead>
<tr>
<th>MVA Category</th>
<th>Minimum Set Aside (3% of total residential units reserved in each income band, adjusted annually)</th>
<th>Additional Maximum Unit Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category A, B, C</td>
<td>5% at Income band 3; 5% at Income band 2; 5% at Income band 1</td>
<td>65 per acre; 80 per acre; 105 per acre</td>
</tr>
<tr>
<td>Category D, E, F</td>
<td>5% at Income band 2; 10% at Income band 2; 5% at Income band 1</td>
<td>65 per acre; 80 per acre; 105 per acre</td>
</tr>
<tr>
<td>Categories G, H, I</td>
<td>5% at Income band 1</td>
<td>105 per acre</td>
</tr>
</tbody>
</table>

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) Floor area ratio. In calculating the maximum floor area ratios in Subparagraph (D), residential uses are not included.

(iv) Developments with transit proximity. For developments with transit proximity as defined in Section 51A-4.1102, an additional bonus of 15 dwelling units is allowed and the maximum lot coverage is 85 percent.
(5) **Off-street parking and loading.** Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) **Environmental performance standards.** See Article VI.

(7) **Landscape regulations.** See Article X.

(8) **Additional provisions.**

   (A) **Development impact review.** A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

   (B) **Visual intrusion.** No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(SAH), MF-1(A), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope which originates in that district. (See Section 1A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

   (e) **MU-2 and MU-2(SAH) districts.**

   (1) **Purpose.** To provide for the development of medium density retail, office, hotel, and/or multifamily residential uses in combination on single or contiguous building sites; to encourage innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel. Additionally, the MU-2(SAH) district is created to encourage the provision of affordable housing.

   (2) **Main uses permitted.**

      (A) **Agricultural uses.**

         -- Crop production.

      (B) **Commercial and business services uses.**

         -- Catering service.
         -- Custom business services.
         -- Electronics service center.
         -- Labor hall. [SUP]
         -- Medical or scientific laboratory.
         -- Tool or equipment rental.

      (C) **Industrial uses.**

         -- Gas drilling and production. [SUP]
         -- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

      (D) **Institutional and community service uses.**

         -- Adult day care facility.
         -- Cemetery or mausoleum. [SUP]
         -- Child-care facility.
         -- Church.
         -- College, university or seminary.
         -- Community service center. [SUP]
         -- Convalescent and nursing homes, hospice care, and related institutions. [RAR]
         -- Convent or monastery.
         -- Foster home.
         -- Halfway house. [SUP]
         -- Hospital. [SUP]
§ 51A-4.125 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.125

-- Library, art gallery, or museum.
-- Open-enrollment charter school or private school. [SUP]
-- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.
-- Extended stay hotel or motel. [SUP]
-- Hotel or motel. [RAR]
-- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]

(F) Miscellaneous uses.
-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.
-- Alternative financial establishment. [SUP]
-- Financial institution without drive-in window.
-- Financial institution with drive-in window. [DIR]
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) Recreation uses.
-- Country club with private membership.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(I) Residential uses.
-- College dormitory, fraternity, or sorority house.
-- Duplex.
-- Group residential facility. [See Section 51A-4.209(3).]
-- Multifamily.
-- Residential hotel.
-- Retirement housing.

(J) Retail and personal service uses.
-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
-- Animal shelter or clinic without outside runs. [RAR]
-- Auto service center. [RAR]
-- Business school.
-- Car wash. [RAR]
-- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
-- Commercial amusement (outside). [SUP]
-- Commercial parking lot or garage. [RAR]
-- Convenience store with drive-through. [SUP]
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
-- General merchandise or food store greater than 3,500 square feet.
§ 51A-4.125 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-4.125

-- General merchandise or food store 100,000 square feet or more. [SUP]
-- Household equipment and appliance repair.
-- Liquor store.
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Paraphernalia shop. [SUP]
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. [RAR]
-- Restaurant with drive-in or drive-through service. [DIR]
-- Swap or buy shop. [SUP]
-- Temporary retail use.
-- Theater.

(K) Transportation uses.
-- Helistop. [SUP]
-- Railroad passenger station. [SUP]
-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

(L) Utility and public service uses.
-- Commercial radio or television transmitting station.
-- Electrical substation.
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower. [SUP]

-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.
-- Mini-warehouse. [SUP]
-- Recycling buy-back center [See Section 51A-4.213 (11).]
-- Recycling collection center. [See Section 51A-4.213 (11.1).]
-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:
-- Private stable.

(B) In this district, the following accessory use is permitted by SUP only:
-- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:
-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217 (3.1).]
§ 51A-4.125 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.125

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply.

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density.

(i) MU-2 district. Maximum dwelling unit density varies depending on whether the development is a "mixed use project" as follows:

<table>
<thead>
<tr>
<th>Percentage of SAH Units Provided</th>
<th>Base (No MUP)</th>
<th>MUP with Mix of 2 Categories</th>
<th>MUP with Mix of 3 or More Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>0%</td>
<td>30</td>
<td>45</td>
<td>60</td>
</tr>
<tr>
<td>5%</td>
<td>33</td>
<td>50</td>
<td>65</td>
</tr>
<tr>
<td>10%</td>
<td>37</td>
<td>55</td>
<td>70</td>
</tr>
<tr>
<td>15%</td>
<td>42</td>
<td>60</td>
<td>75</td>
</tr>
<tr>
<td>20%</td>
<td>50</td>
<td>75</td>
<td>100</td>
</tr>
</tbody>
</table>

(ii) MU-2(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 and whether the development is a "mixed use project" as follows:

<table>
<thead>
<tr>
<th>Percentage of SAH Units Provided</th>
<th>Base (No MUP)</th>
<th>MUP with Mix of 2 Categories</th>
<th>MUP with Mix of 3 or More Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>0%</td>
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<td>45</td>
<td>60</td>
</tr>
<tr>
<td>5%</td>
<td>33</td>
<td>50</td>
<td>65</td>
</tr>
<tr>
<td>10%</td>
<td>37</td>
<td>55</td>
<td>70</td>
</tr>
<tr>
<td>15%</td>
<td>42</td>
<td>60</td>
<td>75</td>
</tr>
<tr>
<td>20%</td>
<td>50</td>
<td>75</td>
<td>100</td>
</tr>
</tbody>
</table>

(D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a "mixed use project" as follows:

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is "residential." The third column (MUP=2/with Res) is the FAR for an MUP with a mix of "residential" plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is "residential." The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of "residential" plus two or more other use categories.]
(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height varies depending on whether the development is a “mixed use project” as follows:

[Note: The first column is the base height, which applies when there is no MUP. The second column (MUP/no Retail) is the height for an MUP with a mix of two use categories when neither category is “retail and personal service.” The third column (MUP/with Retail) is the height for an MUP with a mix of “retail and personal service” plus one or more other use categories.]

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories.

(i) Maximum number of stories above grade is:

(aa) 10 when the maximum structure height is 135 feet; and

(bb) 14 when the maximum structure height is 180 feet.

(ii) Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(I) Development bonuses for mixed-income housing. In an MU-2 district, certain regulations vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Maximum dwelling unit density. Except as provided in this paragraph, the following density bonuses apply:
§ 51A-4.125 Dallas Development Code: Ordinance No. 19455, as amended

Set aside minimums (% of total residential units reserved in each income band, adjusted annually)

Additional Maximum Unit Density:

51A-4.125e(4)(C), plus:

- MVA Categories A, B, C
  - 5% at Income band 3
  - 5% at Income band 3; and
  - 5% at Income band 2
  - 5% at Income band 3;
  - 5% at Income band 2; and
  - 5% at Income band 1
  - 40 per acre
  - 60 per acre
  - 80 per acre

- MVA Categories D, E, F
  - 5% at Income band 2
  - 10% at Income band 2;
  - 10% at Income band 2; and
  - 5% at Income band 1
  - 35 per acre
  - 55 per acre
  - 75 per acre

- MVA Categories G, H, I
  - 5% at Income band 1
  - 75 per acre

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408 (a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) Floor area ratio. In calculating the maximum floor area ratios in Subparagraph (D), residential uses are not included.

(iv) Developments with transit proximity. For developments with transit proximity as defined in Section 51A-4.1102, an additional bonus of 15 dwelling units is allowed and the maximum lot coverage is 85 percent.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope which originates in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term "opening" means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.
§ 51A-4.125  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.125

(f)  MU-3 and MU-3(SAH) districts.

(1) Purpose.  To provide for the development of high density retail, office, hotel, and/or multifamily residential uses in combination on single or contiguous building sites; to encourage innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel. Additionally, the MU-3(SAH) district is created to encourage the provision of affordable housing.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

-- Catering service.
-- Custom business services.
-- Electronics service center.
-- Labor hall. [SUP]
-- Medical or scientific laboratory.
-- Tool or equipment rental.

(C) Industrial uses.

-- Gas drilling and production. [SUP]
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility.
-- Cemetery or mausoleum. [SUP]
-- Child-care facility.
-- Church.

-- College, university or seminary.
-- Community service center. [SUP]
-- Convalescent and nursing homes, hospice care, and related institutions. [RAR]
-- Convent or monastery.
-- Foster home.
-- Halfway house. [SUP]
-- Hospital. [RAR]
-- Library, art gallery, or museum.
-- Open-enrollment charter school or private school. [SUP]
-- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

-- Extended stay hotel or motel. [SUP]
-- Hotel or motel. [RAR]
-- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]

(F) Miscellaneous uses.

-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.

-- Alternative financial establishment. [SUP]
-- Financial institution without drive-in window.
§ 51A-4.125 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.125

-- Financial institution with drive-in window. [DIR]
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) Recreation uses.

-- Country club with private membership.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(I) Residential uses.

-- College dormitory, fraternity or sorority house.
-- Duplex.
-- Group residential facility. [See Section 51A-4.209(3).]
-- Multifamily.
-- Residential hotel.
-- Retirement housing.

(J) Retail and personal service uses.

-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
-- Animal shelter or clinic without outside runs. [RAR]
-- Auto service center. [RAR]
-- Business school.
-- Car wash. [RAR]
-- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
-- Commercial amusement (outside). [SUP]
-- Commercial parking lot or garage. [RAR]
-- Convenience store with drive-through. [SUP]
-- Dry cleaning or laundry store.

-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
-- General merchandise or food store 100,000 square feet or more. [SUP]
-- Household equipment and appliance repair.
-- Liquor store.
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Paraphernalia shop. [SUP]
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. [RAR]
-- Restaurant with drive-in or drive-through service. [DIR]
-- Swap or buy shop. [SUP]
-- Temporary retail use.
-- Theater.

(K) Transportation uses.

-- Heliport. [SUP]
-- Helistop. [SUP]
-- Railroad passenger station. [SUP]
-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

(L) Utility and public service uses.

-- Commercial radio or television transmitting station.
-- Electrical substation.
§ 51A-4.125  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.125

-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Mini-warehouse. [SUP]
-- Office showroom/warehouse.
-- Recycling buy-back center. [See Section 51A-4.213 (11).]
-- Recycling collection center. [See Section 51A-4.213 (11.1).]
-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]
-- Trade center.

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory use is not permitted in this district:

-- Private stable.

(B) Reserved.

(C) In this district, an SUP may be required for the following accessory uses:

-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217 (3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.
§ 51A-4.125  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.125

(C) Dwelling unit density.

(i) MU-3 district. No maximum dwelling unit density.

(ii) MU-3(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 and whether the development is a "mixed use project" as follows:

<table>
<thead>
<tr>
<th>Percentage of SAH Units Provided</th>
<th>Base (No MUP)</th>
<th>MUP with Mix of 2 Categories</th>
<th>MUP with Mix of 3 Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>0%</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>5%</td>
<td>53</td>
<td>55</td>
<td>55</td>
</tr>
<tr>
<td>10%</td>
<td>57</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>15%</td>
<td>62</td>
<td>65</td>
<td>65</td>
</tr>
<tr>
<td>20%</td>
<td>NO MAXIMUM</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a "mixed use project" as follows:

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is "residential." The third column (MUP=2/with Res) is the FAR for an MUP with a mix of "residential" plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is "residential." The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of "residential" plus two or more other use categories.]

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 270 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories above grade is 20. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(I) Development bonuses for mixed-income housing. In an MU-3 district, certain regulations vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:
(i) **Maximum floor area bonuses and lot coverage.** Except as provided in this paragraph, the following floor area bonuses and lot coverage requirements apply:

<table>
<thead>
<tr>
<th>MVA Categories</th>
<th>Set aside minimums (% of total residential units reserved in each income band, adjusted annually)</th>
<th>Floor Area Ratio: 51A-4.125(f)(4)(D), plus:</th>
<th>Maximum Lot coverage (residential)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A, B, C</td>
<td>5% at Income band 3; 5% at Income band 3; and 5% at Income band 2; 5% at Income band 3; 5% at Income band 2 and 5% at Income band 1</td>
<td>1.0</td>
<td>80%</td>
</tr>
<tr>
<td>D, E, F</td>
<td>5% at Income band 2; 10% at Income band 2; 10% at Income band 2 and 5% at Income band 1</td>
<td>2.0</td>
<td>85%</td>
</tr>
<tr>
<td>G, H, I</td>
<td>5% at Income band 1</td>
<td>3.0</td>
<td>85%</td>
</tr>
</tbody>
</table>

(ii) **Residential proximity slope.** In addition to the items listed in Section 51A-4.408 (a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) **Floor area ratio.** The floor area ratio bonuses in this paragraph are limited to residential uses only.

(iv) **Developments with transit proximity.** For developments with transit proximity as defined in Section 51A-4.1102, the maximum floor area ratio is increased by 1.0 above the FAR allowed in this section (for example: if the allowed FAR for a mixed use project is 4.0 and a development bonus of 1.5 is utilized, this transit proximity bonus allows an FAR of 6.5) and the maximum lot coverage is 90 percent.

(5) **Off-street parking and loading.** Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) **Environmental performance standards.** See Article VI.

(7) **Landscape regulations.** See Article X.
§ 51A-4.125 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.126

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope which originates in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use. (Ord. Nos. 19455; 19786; 19808; 19912; 19931; 20237; 20242; 20273; 20380; 20382; 20625; 20895; 20902; 20920; 20928; 20950; 21002; 21044; 21259; 21314; 21399; 21400; 21442; 21663; 21735; 21796; 22139; 22204; 22531; 22782; 24232; 24271; 24543; 24857; 25785; 25815; 26920; 27572; 28079; 28214; 30477; 31152)

SEC. 51A-4.126. MULTIPLE COMMERCIAL DISTRICTS.

(a) In general. Single or multiple uses may be developed on one site in a multiple commercial district as in any other district; however, in order to encourage a mixture of uses, density bonuses are awarded to developments that qualify as “multiple commercial projects” as defined in Subsection (b). If a development does not qualify as an MCP, it is limited to a “base” floor area ratio. When a development qualifies as an MCP, it earns a higher maximum floor area ratio. For more information regarding the exact increments of increase, consult the yard, lot, and space regulations in this section governing the particular district of interest.

(b) Qualifying as a multiple commercial project. To qualify as a MULTIPLE COMMERCIAL PROJECT (MCP) for purposes of this section, a development must contain uses in two or more of the following categories, and the combined floor areas of the uses in each category must equal or exceed the following percentages of the total floor area of the project:

<table>
<thead>
<tr>
<th>Use Category</th>
<th>% of Total Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodging</td>
<td>15%</td>
</tr>
<tr>
<td>Office</td>
<td>15%</td>
</tr>
<tr>
<td>Retail and personal service</td>
<td>10%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use Category</th>
<th>% of Total Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodging</td>
<td>10%</td>
</tr>
<tr>
<td>Office</td>
<td>15%</td>
</tr>
<tr>
<td>Retail and personal service</td>
<td>5%</td>
</tr>
</tbody>
</table>

(c) Multiple commercial project (MCP) regulations.

(1) If an MCP is proposed, a project plan must be submitted to and approved by the building official.

(2) If an MCP is constructed in phases:

(A) the first phase must independently qualify as an MCP under Subsection (b); and

(B) each subsequent phase combined with all previous phases already completed or under
[Intentionally left blank]
Construction must also qualify as an MCP under Subsection (b).

(3) An MCP may consist of two or more building sites if they are developed under a unified development plan. The plan must be:

(A) signed by or on behalf of all of the owners of the property involved;

(B) approved by the building official; and

(C) filed in the deed records of the county where the property is located.

(4) When an MCP consists of multiple building sites, its development standards and off-street parking regulations are calculated by combining the sites and treating them as a single building site.

(d) MC-1 district.

(1) Purpose. To provide for the development of moderate density lodging, office, and retail uses in or adjacent to a residential community where development options need to remain flexible, and where a moderate density mixed use development having a residential component could adversely impact the community.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

-- Catering service.
-- Custom business services.
-- Electronics service center.
-- Labor hall. [SUP]
-- Medical or scientific laboratory. [SUP]

(C) Industrial uses.

-- Gas drilling and production. [SUP]
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility.
-- Cemetery or mausoleum. [SUP]
-- Child-care facility.
-- Church.
-- College, university, or seminary.
-- Community service center. [SUP]
-- Convent or monastery.
-- Hospital. [SUP]
-- Library, art gallery, or museum.
-- Open-enrollment charter school or private school. [SUP]
-- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.

-- Extended stay hotel or motel. [SUP]
-- Hotel or motel. [RAR] or [SUP] [See Section 51A-4.205(1).]
-- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]
§ 51A-4.126 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.126

(F) Miscellaneous uses.

-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.

-- Alternative financial establishment. [SUP]
-- Financial institution without drive-in window.
-- Financial institution with drive-in window. [DIR]
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) Recreation uses.

-- Country club with private membership.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(I) Residential uses.

-- College dormitory or fraternity or sorority house.

(J) Retail and personal service uses.

-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
-- Animal shelter or clinic without outside runs. [RAR]
-- Auto service center. [RAR]
-- Business school.

-- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
-- Commercial amusement (outside). [SUP]
-- Commercial parking lot or garage. [RAR]
-- Convenience store with drive-through. [SUP]
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
-- General merchandise or food store 100,000 square feet or more. [SUP]
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Personal service use.
-- Restaurant without drive-in or drive-through service. [RAR]
-- Restaurant with drive-in or drive-through service. [DIR]
-- Swap or buy shop. [SUP]
-- Temporary retail use.
-- Theater.

(K) Transportation uses.

-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

(L) Utility and public service uses.

-- Commercial radio or television transmitting station.
§ 51A-4.126  Dallas Development Code: Ordinance No. 19455, as amended

-- Electrical substation.
-- Local utilities.  [SUP or RAR may be required.  See Section 51A-4.212(4).]
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication.  [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed.  [SUP]

(M) Wholesale, distribution, and storage uses.

-- Mini-warehouse.  [SUP]
-- Recycling buy-back center.  [See Section 51A-4.213 (11).]
-- Recycling collection center.  [See Section 51A-4.213 (11.1).]
-- Recycling drop-off container.  [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection.  [See Section 51A-4.213 (11.3).]

(3) Accessory uses. Generally speaking, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Accessory community center (private).
-- Home occupation.
-- Private stable.

(B) The following accessory use is permitted by SUP only:

-- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

-- Accessory medical/infectious waste incinerator.  [See Section 51A-4.217 (3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard.

(i) Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

(i) Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.
(C) Dwelling unit density. Not applicable.

(D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a “multiple commercial project” as follows:

[Note: The first column is the base FAR, which applies when there is no MCP. The second column is the FAR for an MCP with a mix of two use categories. The third column is the FAR for an MCP with a mix of three or more use categories.]

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Base (No MCP)</th>
<th>MCP with Mix of 2 Categories</th>
<th>MCP with Mix of 3 Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodging</td>
<td>0.8</td>
<td>0.85</td>
<td>0.85</td>
</tr>
<tr>
<td>Office</td>
<td>0.8</td>
<td>0.85</td>
<td>0.85</td>
</tr>
<tr>
<td>Retail and personal service</td>
<td>0.3</td>
<td>0.4</td>
<td>0.5</td>
</tr>
<tr>
<td>TOTAL DEVELOPMENT</td>
<td>0.8</td>
<td>0.9</td>
<td>1.0</td>
</tr>
</tbody>
</table>

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 70 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories above grade is five. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope which originates in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.
(e) **MC-2 district.**

(1) **Purpose.** To provide for the development of moderate density lodging, office, and retail uses adjacent to a residential community where development options need to remain flexible, and where a moderate density mixed use development having a residential component could adversely impact the community.

(2) **Main uses permitted.**

(A) **Agricultural uses.**

-- Crop production.

(B) **Commercial and business service uses.**

-- Catering service.
-- Custom business services.
-- Electronics service center.
-- Labor hall. [SUP]
-- Medical or scientific laboratory. [SUP]

(C) **Industrial uses.**

-- Gas drilling and production. [SUP]
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) **Institutional and community service uses.**

-- Adult day care facility.
-- Cemetery or mausoleum. [SUP]
-- Child-care facility.
-- Church.
-- College, university, or seminary.

-- Community service center. [SUP]
-- Convent or monastery.
-- Hospital. [SUP]
-- Library, art gallery, or museum.
-- Open-enrollment charter school or private school. [SUP]
-- Public school other than an open-enrollment charter school. [RAR]

(E) **Lodging uses.**

-- Extended stay hotel or motel. [SUP]
-- Hotel or motel. [RAR] or [SUP] [See Section 51A-4.205(1).]
-- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]

(F) **Miscellaneous uses.**

-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) **Office uses.**

-- Alternative financial establishment. [SUP]
-- Financial institution without drive-in window.
-- Financial institution with drive-in window. [DIR]
-- Medical clinic or ambulatory surgical center.
-- Office.
§ 51A-4.126 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.126

(H) Recreation uses.

-- Country club with private membership.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(I) Residential uses.

-- College dormitory or fraternity or sorority house.

(J) Retail and personal service uses.

-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
-- Animal shelter or clinic without outside runs. [RAR]
-- Auto service center. [RAR]
-- Business school.
-- Car wash. [RAR]
-- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
-- Commercial amusement (outside). [SUP]
-- Commercial parking lot or garage. [RAR]
-- Convenience store with drive-through. [SUP]
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
-- General merchandise or food store 100,000 square feet or more. [SUP]
-- Household equipment and appliance repair.
-- Liquor store.
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Personal service use.
-- Restaurant without drive-in or drive-through service. [RAR]
-- Restaurant with drive-in or drive-through service. [DIR]
-- Swap or buy shop. [SUP]
-- Temporary retail use.
-- Theater.

(K) Transportation uses.

-- Helistop. [SUP]
-- Railroad passenger station. [SUP]
-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

(L) Utility and public service uses.

-- Commercial radio or television transmitting station.
-- Electrical substation.
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]
(M) Wholesale, distribution, and storage uses.
   -- Mini-warehouse. [SUP]
   -- Recycling buy-back center. [See Section 51A-4.213 (11.1).]
   -- Recycling collection center. [See Section 51A-4.213 (11.1).]
   -- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
   -- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. Generally speaking, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:
   -- Accessory community center (private).
   -- Home occupation.
   -- Private stable.

(B) The following accessory use is permitted by SUP only:
   -- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:
   -- Accessory medical/infectious waste incinerator. [See Section 51A-4.217 (3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

   (A) Front yard.
      (i) Minimum front yard is 15 feet.
      (ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

   (B) Side and rear yard.
      (i) Minimum side and rear yard is:
         (aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and
         (bb) no minimum in all other cases.
      (ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

   (C) Dwelling unit density. Not applicable.

   (D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a “multiple commercial project” as follows:

[Note: The first column is the base FAR, which applies when there is no MCP. The second column is the FAR for an MCP with a mix of two use categories. The third column is the FAR for an MCP with a mix of three or more use categories.]
### MAXIMUM FLOOR AREA RATIO

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Base (No MCP)</th>
<th>MCP with Mix of 2 Categories</th>
<th>MCP with Mix of 3 Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodging</td>
<td>0.8</td>
<td>0.85</td>
<td>0.85</td>
</tr>
<tr>
<td>Office</td>
<td>0.8</td>
<td>0.85</td>
<td>0.85</td>
</tr>
<tr>
<td>Retail and personal service</td>
<td>0.5</td>
<td>0.5</td>
<td>0.5</td>
</tr>
<tr>
<td><strong>TOTAL DEVELOPMENT</strong></td>
<td><strong>0.8</strong></td>
<td><strong>0.9</strong></td>
<td><strong>1.0</strong></td>
</tr>
</tbody>
</table>

(E) **Height.**

(i) **Residential proximity slope.** If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) **Maximum height.** Unless further restricted under Subparagraph (i), maximum structure height is 90 feet.

(F) **Lot coverage.** Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) **Lot size.** No minimum lot size.

(H) **Stories.** Maximum number of stories above grade is seven. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) **Off-street parking and loading.** Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) **Environmental performance standards.** See Article VI.

(7) **Landscape regulations.** See Article X.

(8) **Additional provisions.**

(A) **Development impact review.** A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(B) **Visual intrusion.** No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope which originates in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

(f) **MC-3 and MC-4 districts.**

(1) **Purpose.** To provide for the development of medium density lodging, office, and retail uses in areas where a medium density mixed use development having a residential component could adversely impact a residential community.

(2) **Main uses permitted.**

(A) **Agricultural uses.**

-- Crop production.
§ 51A-4.126 Dallas Development Code: Ordinance No. 19455, as amended

(B) Commercial and business service uses.
   -- Catering service.
   -- Custom business services.
   -- Electronics service center.
   -- Labor hall. [SUP]
   -- Medical or scientific laboratory.
   -- Tool or equipment rental.

(C) Industrial uses.
   -- Gas drilling and production. [SUP]
   -- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.
   -- Adult day care facility.
   -- Cemetery or mausoleum. [SUP]
   -- Child-care facility.
   -- Church.
   -- College, university, or seminary.
   -- Community service center. [SUP]
   -- Convent or monastery.
   -- Hospital. [SUP]
   -- Library, art gallery, or museum.
   -- Open-enrollment charter school or private school. [SUP]
   -- Public school other than an open-enrollment charter school. [RAR]

(E) Lodging uses.
   -- Extended stay hotel or motel. [SUP]
   -- Hotel or motel. [RAR] or [SUP] [See Section 51A-4.205(1).]
   -- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]

(F) Miscellaneous uses.
   -- Attached non-premise sign. [SUP]
   -- Carnival or circus (temporary). [By special authorization of the building official.]
   -- Temporary construction or sales office.

(G) Office uses.
   -- Alternative financial establishment. [SUP]
   -- Financial institution without drive-in window.
   -- Financial institution with drive-in window. [DIR]
   -- Medical clinic or ambulatory surgical center.
   -- Office.

(H) Recreation uses.
   -- Country club with private membership.
   -- Private recreation center, club, or area.
   -- Public park, playground, or golf course.
§ 51A-4.126 Dallas Development Code: Ordinance No. 19455, as amended

(I) Residential uses.

-- College dormitory or fraternity or sorority house.

(J) Retail and personal service uses.

-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
-- Ambulance service. [RAR]
-- Animal shelter or clinic without outside runs. [RAR]
-- Auto service center. [RAR]
-- Business school.
-- Car wash. [RAR]
-- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]
-- Commercial amusement (outside). [SUP]
-- Commercial parking lot or garage. [RAR]
-- Convenience store with drive-through. [SUP]
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
-- General merchandise or food store 100,000 square feet or more. [SUP]
-- Household equipment and appliance repair.
-- Liquor store.
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Personal service use.
-- Restaurant without drive-in or drive-through service. [RAR]
-- Restaurant with drive-in or drive-through service. [DIR]
-- Swap or buy shop. [SUP]
-- Temporary retail use.
-- Theater.

(K) Transportation uses.

-- Heliport. [SUP]
-- Helistop. [SUP]
-- Railroad passenger station. [SUP]
-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

(L) Utility and public service uses.

-- Commercial radio or television transmitting station.
-- Electrical substation.
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Mini-warehouse. [SUP]
-- Recycling buy-back center [See Section 51A-4.213 (11).]
-- Recycling collection center. [See Section 51A-4.213 (11.1).]
(3) **Accessory uses.** As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in these districts:

- Accessory community center (private).
- Home Occupation.
- Private stable.

(B) The following accessory use is permitted by SUP only:

- Accessory helistop.

(C) In these districts, an SUP may be required for the following accessory uses:

- Accessory medical/infectious waste incinerator. [See Section 51A-4.217 (3.1).]

(4) **Yard, lot, and space regulations.** (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

<table>
<thead>
<tr>
<th><strong>Section 51A-4.213 (11.2).</strong></th>
<th><strong>Section 51A-4.213 (11.3).</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reycling drop-off container.</strong></td>
<td><strong>Reycling drop-off for special occasion collection.</strong></td>
</tr>
<tr>
<td><strong>In MC-4 only: Trade center.</strong></td>
<td><strong>In MC-4 only: Trade center.</strong></td>
</tr>
</tbody>
</table>

(A) **Front yard.**

(i) Minimum front yard is 15 feet.

(ii) **Urban form setback.** An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) **Side and rear yard.**

(i) Minimum side and rear yard is:

   (aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

   (bb) no minimum in all other cases.

(ii) **Tower spacing.** An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) **Dwelling unit density.** Not applicable.

(D) **Floor area ratio.** Maximum floor area ratio (FAR) varies depending on whether the development is a “multiple commercial project” as follows:

[Note: The first column is the base FAR, which applies when there is no MCP. The second column is the FAR for an MCP with a mix of two use categories. The third column is the FAR for an MCP with a mix of three or more use categories.]
MAXIMUM FLOOR AREA RATIO IN THE MC-3 DISTRICT

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Base (No MCP)</th>
<th>MCP with Mix of 2 Categories</th>
<th>MCP with Mix of 3 Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodging</td>
<td>1.2</td>
<td>1.3</td>
<td>1.3</td>
</tr>
<tr>
<td>Office</td>
<td>1.2</td>
<td>1.3</td>
<td>1.3</td>
</tr>
<tr>
<td>Retail and personal service</td>
<td>0.6</td>
<td>0.6</td>
<td>0.6</td>
</tr>
<tr>
<td><strong>TOTAL DEVELOPMENT</strong></td>
<td>1.2</td>
<td>1.35</td>
<td>1.5</td>
</tr>
</tbody>
</table>

MAXIMUM FLOOR AREA RATIO IN THE MC-4 DISTRICT

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Base (No MCP)</th>
<th>MCP with Mix of 2 Categories</th>
<th>MCP with Mix of 3 Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodging</td>
<td>1.6</td>
<td>1.7</td>
<td>1.7</td>
</tr>
<tr>
<td>Office</td>
<td>1.6</td>
<td>1.7</td>
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<tr>
<td>Retail and personal service</td>
<td>0.75</td>
<td>0.75</td>
<td>0.75</td>
</tr>
<tr>
<td><strong>TOTAL DEVELOPMENT</strong></td>
<td>1.6</td>
<td>1.8</td>
<td>2.0</td>
</tr>
</tbody>
</table>

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is:

(aa) 115 feet in the MC-3 district; and

(bb) 135 feet in the MC-4 district.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories.

(i) Maximum number of stories above grade:

(aa) 9 in the MC-3 district; and

(bb) 10 in the MC-4 district.

(ii) Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Development impact review. A site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.
§ 51A-4.126 Dallas Development Code: Ordinance No. 19455, as amended

(B) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope which originates in that district. (See Section 51A-4.412.) For purposes of this paragraph, the term “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use. (Ord. Nos. 19786; 19806; 19808; 19873; 20242; 20273; 20380; 20382; 20625; 20895; 20902; 20920; 20950; 21002; 21044; 21259; 21314; 21399; 21400; 21442; 21663; 21735; 21796; 22204; 22531; 22782; 24232; 24271; 24543; 24857; 25785; 25815; 26920; 28079; 28214)

SEC. 51A-4.127. URBAN CORRIDOR DISTRICTS.

(a) In general. A minimum of two land uses must be developed on a lot in an urban corridor district, with one use being residential use above street level. Density bonuses are awarded to lots that have parking structures. Parking requirements are reduced for lots that have linkages to transit and have a high level of pedestrian amenities. There are three types of urban corridor districts, differing principally in their density and height allowances: UC-1, UC-2, and UC-3. The urban corridor district regulations apply to all frontages of the lot, except where otherwise specified.

(b) Qualifying a segment of a street as an urban corridor.

(1) Urban corridor requirements. A segment of street must have all of the following characteristics to be an urban corridor:

(A) A minimum outside lane width of 10 feet.

(B) A road composition that supports buses.

(C) No speed bumps.

(D) A minimum turning radius of 50 feet.

(E) A minimum overhead clearance of 11 feet.

(2) Community collectors and arterial streets. An urban corridor segment of street must be built in accordance with the city’s thoroughfare plan, and must be the following type of thoroughfare for each urban corridor district:

(A) UC-1: community collector or four- or six-lane arterial.

(B) UC-2: four- or six-lane arterial.

(C) UC-3: six-lane arterial.

(3) State highways. A UC-1, UC-2, or UC-3 district may exist along a segment of a state highway designated by the Texas Department of Transportation if the segment has all of the characteristics required for an urban corridor, and the department determines the frontage to be safe (based on vehicular traffic speed and volume) for the level of pedestrian traffic expected for the type of urban corridor district requested.

(4) Ineligible streets. Interstate highways, freeways, expressways, and their frontage roads are ineligible streets for urban corridors.

(c) UC districts.

(1) Purpose. To encourage medium density mixed use development with a required above-grade residential component, pedestrian-friendly site design, and an urban street character, in order to increase pedestrian traffic, reduce vehicular traffic, promote innovative use of space, promote energy efficient design, conserve land, and accommodate a range of compatible land uses through appropriate site design.

Dallas City Code
187
§ 51A-4.127 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-4.127

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

-- Catering service.
-- Custom business services.
-- Electronics service center.
-- Job or lithographic printing.
-- Medical or scientific laboratory. [SUP]

(C) Industrial uses.

-- Gas drilling and production. [SUP]
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility.
-- Child-care facility.
-- Church.
-- College, university, or seminary.
-- Community service center. [SUP]
-- Convalescent and nursing homes, hospice care, and related institutions.
-- Convent or monastery.
-- Hospital. [SUP]
-- Library, art gallery, or museum.
-- Open enrollment charter school or private school. [SUP]

-- Public school other than open enrollment charter school. [RAR]

(E) Lodging uses.

-- None permitted.

(F) Miscellaneous uses.

-- Temporary construction or sales office.

(G) Office uses.

-- Alternative financial establishment. [SUP in UC-2 and UC-3 only.]
-- Financial institution without drive-in window.
-- Medical clinic or ambulatory surgical center.
-- Office.

(H) Recreation uses.

-- Private recreation center, club, or area. [UC-2 and UC-3 only.]
-- Public park, playground, or golf course. [DIR]

(I) Residential uses.

-- College dormitory, fraternity, or sorority house. [SUP]
-- Group residential facility. [SUP]
-- Handicapped group dwelling unit. [SUP]
-- Multifamily.
-- Retirement housing. [SUP]
(J) Retail and personal service uses.

-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
-- Animal shelter or clinic without outside runs.
-- Business school. [UC-2 and UC-3 only.]
-- Commercial amusement (inside). [UC-2 and UC-3 only. SUP may be required. See Section 51A-4.210 (b)(7)(B).]
-- Commercial parking lot or garage.
-- Dry cleaning or laundry store without drive-in or drive-through service.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet [UC-2 and UC-3 only.]
-- General merchandise or food store 100,000 square feet or more. [SUP]
-- Household equipment and appliance repair.
-- Nursery, garden shop, or plant sales.
-- Personal service uses.
-- Restaurant without drive-in or drive-through service.
-- Temporary retail use.
-- Theater [DIR required. This use is limited to a theater with less than 1,000 seats. See Section 51A-4.210(b)(30).]

(K) Transportation uses.

-- Transit passenger shelter.

(L) Utility and public service uses.

-- Local utilities.
-- Police or fire station.
-- Post office.
-- Mounted cellular antenna. [UC-3 only.]
-- Utility or other government installation other than listed.

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. [See Section 51A 4.213(11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in these districts:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside storage.
-- Accessory pathological waste incinerator.
-- Amateur communication tower.
-- Day home.
-- General waste incinerator.
-- Private stable.

(B) The following accessory uses are permitted in these districts by SUP only:
§ 51A-4.127 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-4.127 Dallas Development Code: Ordinance No. 19455, as amended

-- Accessory community center (private).
-- Pedestrian skybridges.

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, this subsection controls.)

(A) Front yard.

(i) There is no minimum front yard.

(ii) The maximum front yard is the smallest possible distance that meets the requirements for buffer zone and pedestrian zone in the curb-to-building area, except for any area in the front yard that meets the qualifications for a pedestrian plaza in Subparagraph (iii) below. See Subsection (c)(8)(B) for details about the curb-to-building area.

(iii) Part of the front yard may be used for a pedestrian plaza. A plaza may have a maximum depth of 50 feet (measured perpendicular from the frontage to the opposite side of the plaza) and a maximum length (measured along the side of the plaza parallel to the frontage) of 20 percent of the length of the building along the frontage.

(iv) Urban form setback. An additional front yard setback of one foot for each two feet in height above 55 feet is required for that portion of a building above 55 feet in height.

(B) Side and rear yard.

(i) No side yard is required on a side of the lot that is adjacent to a central area, mixed use, or urban corridor district; however, if a side yard is provided, it must be at least five feet wide.

(ii) The minimum side yard is 10 feet on any side of a lot where that side of the lot is directly across a street 64 feet or less in width from, or is directly across an alley from, an R, R(A), D, D(A), TH, TH(A), or CH district, or where part of a structure on that side of the lot is within 330 feet of an R, R(A), D, D(A), TH, TH(A), or CH district.

(iii) The minimum side yard is five feet in all other cases.

(iv) The minimum rear yard is 10 feet in UC-1, and 15 feet in UC-2 and UC-3.

(C) Dwelling unit density.

(i) The minimum number of dwelling units per acre is 10 in UC-1; 35 in UC-2; and 45 in UC-3.

(ii) The minimum dwelling unit area is 500 square feet.

(D) Floor area ratio.

(i) The maximum floor area ratio without any bonuses is 0.6 in UC-1; 0.85 in UC-2; and 1.0 in UC-3.

(ii) The maximum floor area ratio with a bonus for having an above-grade parking structure is 1.8 in UC-1; 3.0 in UC-2; and 4.0 in UC-3.

(iii) The maximum floor area ratio with a bonus for having a below-grade parking structure is 2.0 in UC-1; 3.6 in UC-2; and 4.5 in UC-3.

(E) Height.

(i) The maximum structure height without any bonuses is 30 feet in UC-1; 40 feet in UC-2; and 55 feet in UC-3.

(ii) The maximum structure height with a bonus for having an above- or below-grade parking structure is 55 feet in UC-1; 80 feet in UC-2; and 100 feet in UC-3.
(iii) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(F) Lot coverage. The maximum lot coverage is 80 percent. Above-ground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. There is no minimum lot size.

(H) Stories.

(i) The minimum number of stories above street level is two in UC-1; three in UC-2; and four in UC-3.

(ii) The maximum number of stories above street level with bonuses for an above- or below-street-level parking structure is four in UC-1; six in UC-2; and eight in UC-3.

(5) Off-street parking and loading. The off-street parking requirements in Division 51A-4.200 and the off-street parking and loading regulations in Division 51A-4.300 apply, except as follows:

(A) Multifamily use parking requirements. One parking space is required per 500 square feet of multifamily dwelling unit floor area on the lot, up to a maximum of two parking spaces per dwelling unit.

(B) Parking reductions. A lot located within 500 feet of a bus stop on a DART bus route, or a shuttle bus route connecting to a DART light rail station, with a minimum headway, i.e. the scheduled time interval between the arrival of successive same-route buses, trains, or other vehicles used for public transportation at a passenger stop, of 10 minutes during peak hours and 30 minutes during non-peak hours as these times are set by DART, shall be granted reductions of four percent of total parking requirements for each additional pedestrian amenity type provided in excess of the minimum amenities required [See Subsection (c)(8)(D) for pedestrian amenities rules], up to a maximum 20 percent reduction. If parking reduction is sought, bicycle parking must be provided as an amenity type. The additional pedestrian amenities must be provided within the curb-to-building area and must serve to enhance the pedestrian pathways from building entrances on the lot to transit stops. These parking reductions do not apply to uses that already have parking exemptions based on delta theory. [See Subsection 51A-4.704(b)(4)(A) for delta theory parking regulations.]

(C) On-street parallel parking. On-street parallel parking spaces adjacent to the lot provided on community collectors or four-lane arterials count toward off-street parking requirements. Notwithstanding the foregoing, nothing in this section shall abrogate the authority granted to the city’s traffic engineer by Chapter 28 of the Dallas City Code to regulate traffic, including parking, on public streets.

(D) Shared parking. Shared parking is required for all nonresidential uses on the lot. The utilization rates in the following table provide the basis for calculation of parking spaces required with shared parking. The adjusted standard off street parking requirement for the development is the largest of the five “time-of-day” column sums.
§ 51A-4.127  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.127

Shared Parking Table
(for calculating adjusted standard parking requirement)

<table>
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<tr>
<th>Use Category</th>
<th>Morning</th>
<th>Noon</th>
<th>Afternoon</th>
<th>Late Afternoon</th>
<th>Evening</th>
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<td>60%</td>
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<tr>
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<td>65%</td>
<td>70%</td>
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<td>30%</td>
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<td>100%</td>
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<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

(6) Environmental performance standards. See Article VI.

(7) Landscape and open space provisions.

(A) In general. See Article X. Section 51A-10.126 does not apply, and Subsections (b)(2) and (b)(4) of Section 51A-10.125 are superseded by this subsection. All private licensing requirements must be met.

(B) Parking lot screening. Except as otherwise provided, all requirements of Section 51A-4.301(f) apply to parking lots and parking structures in urban corridor districts, and to remote parking lots and parking structures serving a building in an urban corridor district. A five-foot-wide landscaped strip must be located along any edge of the parking lot or parking structure that is visible at grade level from a street or alley, in accordance with the following provisions:

(i) Small trees must be located every 15 feet, or fraction thereof, or clustered every 30 feet, within the landscaped strip. A small tree must have a minimum caliper width of three inches, with the exception of multi-trunk trees, which may have a minimum caliper width of two inches per trunk.

(ii) A continuous row of large evergreen shrubs must be located in the landscaped strip.

(iii) For every four rows of parking, parking lots must contain at least one interior landscaped strip of at least 15 linear feet that is planted with ground cover, shrubbery of 24-36 inches in height, and at least one large tree.

(iv) Fences may complement but not substitute for parking lot trees and shrubbery screening.

(v) Covered parking may substitute for trees and shrubbery in the interior of the parking area, but not for those required along its perimeter. Covered parking may not replace shrubbery or substitute for trees that provide buffering between parking lots or parking structures and the street.

(C) Screening of off-street loading spaces.

(i) All off-street loading spaces must be screened from all public streets adjacent to the lot.

(ii) Screening of all off-street loading spaces must be at least six feet high.

(iii) Garbage storage areas must be visually screened on all sides by a brick, stone, or concrete masonry, stucco, concrete, or wood wall or fence. Screening is not required on a side adjacent to an alley or easement used for garbage pick-up service. Trellises or other coverings must be used to screen the top of garbage storage areas.

(D) Street trees. A small street tree must be provided for every 50 feet of frontage, with a minimum of two trees per lot. A small tree must have a minimum caliper width of three inches, with the exception of multi-trunk trees which may have a minimum caliper width of two inches per trunk. Street trees must be located in the buffer zone between the street curb and the sidewalk. If the buffer zone is located in the public right-of-way, street trees must be located in the public right-of-way. The city arborist recommends the following list of trees as being most
suitable for planting in the buffer zone in all urban corridor districts, and the city strongly encourages the use of these trees in the buffer zone:

(i) Japanese Maple, *Acer palmatum*.

(ii) Eastern Redbud, *Cercis canadensis*.

(iii) *Thornless Cockspur Hawthorne*, *Crataegus crus-galli* ‘*inermis*.’

(iv) Thornless Honeylocust, *Gleditsia triacanthos* var. *inermis*.

(v) Possumhaw Holly, *Ilex decidua*.

(vi) Yaupon Holly, *Ilex vomitoria*.

(vii) Eastern Red Cedar, *Juniperus virginia*.

(viii) *Eldarica*, Mondell, or Afghan Pine, *Pinus eldarica*.

(ix) Austrian or Black Pine, *Pinus nigra*.


(xi) Chinese Pistachio, *Pistacia chinensis*.

(xii) Mexican Plum, *Prunus mexicana*.

(xiii) Western Soapberry, *Sapindus drumondii*.

(xiv) Eve’s Necklace, *Sophora affinis*.

(xv) Rusty Blackhaw, *Vibernum rufidulum*.

(E) **Tree grates.** Any tree within 18 inches of a curb must be protected by a tree grate.

(F) **Permeable surface area.** A minimum of 10 percent of the lot area must be open space in the form of permeable surfaces such as perimeter landscape buffer strip, recreation area, or conservation area. Discrete open space areas smaller than 25 square feet or less than 5 feet wide, and landscaping in the public right-of-way, are not counted towards this 10 percent requirement.

(8) **Site design requirements.**

(A) **Land use placement.**

(i) **Off-street parking.** Parking is permitted on any level of a building, but no part of any parking area or parking structure may front on an urban corridor or be located directly across a street 64 feet or less in width from, or be directly across an alley from, an R, R(A), D, D(A), TH, TH(A), or CH district, or be within 330 feet of an R, R(A), D, D(A), TH, TH(A), or CH district. The length of any portion of a parking lot or structure that is visible at grade-level from a street may not exceed 24 feet.

(ii) **Street level uses.** Residential uses are not permitted at street-level along an urban corridor frontage.

(iii) Residential uses are the only uses permitted at street level along frontages that are not on an urban corridor and:

(aa) the frontage is directly across a street 64 feet or less in width from, or is directly across an alley from, an R, R(A), D, D(A), TH, TH(A), or CH district; or

(bb) any part of a structure on that frontage is within 330 feet of an R, R(A), D, D(A), TH, TH(A), or CH district.

(iv) **Uses above street level.** Residential uses are the only uses permitted on all
levels above street level, except that adult daycare uses, child-care facility uses, and office uses that are accessory to street-level uses in the building are permitted on the second level of a building that has three or more levels.

(B) Curb-to-building area. The area between the curb and the building line must meet the following standards:

(i) It must have a width of 10 feet in a UC-1 district; 12 feet in a UC-2 district; and 15 feet in a UC-3 district.

(ii) Where public right-of-way provides insufficient space, the curb-to-building area must be provided on private property until the prescribed width is met.

(iii) It must include a buffer zone, located between the curb and the pedestrian zone, that contains all required street trees [see Subsection (c)(7)(D)] as well as trees and shrubs provided as pedestrian amenities [see Subsection (c)(8)(E)]. Other pedestrian amenities may also be located in the buffer zone.

(iv) It must include a pedestrian zone, located between the buffer zone and the building line, that contains a sidewalk that meets urban corridor district sidewalk standards. [See Subsection (c)(8)(C).] The pedestrian zone may contain pedestrian amenities that are attached to the building facade and do not impede pedestrian movement or visually obstruct the street-level windows. [See Subsection (c)(8)(F)(iii).]

(v) A pedestrian plaza located on a frontage is considered to begin at the building line for purposes of this Subparagraph (B).

(C) Sidewalk standards. Sidewalks must be located in the pedestrian zone for the entire length of the frontage, and must meet the following standards:

(i) In a UC-1 district, they must have a minimum clear zone of five feet.

(ii) In a UC-2 district, they must have a minimum clear zone of seven feet.

(iii) In a UC-3 district, they must have a minimum clear zone of 10 feet.

(iv) Sidewalk widths must match up with the width of existing sidewalks in front of adjacent properties at the point of intersection. Where there are different sidewalk widths on each side of the urban corridor district frontage, the width matched must be that which most closely approximates the required 5- to 10-foot width, and the new sidewalk must taper to meet the incongruous sidewalks.

(v) Additional pedestrian pathways that are not in the pedestrian zone must have a minimum width of four feet.

(D) Pedestrian amenities.

(i) At least three of the following types of pedestrian amenities must be provided within the curb-to-building area of the lot:

(aa) Awnings/canopies with a minimum overhang of 4 feet and a minimum length of 25 feet per 100 feet of building facade along the frontage; or a combination of street trees and evergreen shrubs with a minimum of one small tree per 25 feet of frontage and a minimum of one shrub per 5 feet of frontage.

(bb) Benches at one per 100 feet of frontage, with a minimum of two per lot.

(cc) Trash receptacles at one per 100 feet of frontage, with a minimum of two per lot.

(dd) Bicycle parking at one 5-bicycle unit per 100 feet of frontage, with a minimum of two per lot.

(ee) Pedestrian street lamps (free-standing or wall-mounted) at one per 50 feet of frontage.
§ 51A-4.127 Dallas Development Code: Ordinance No. 19455, as amended

(ff) Enhanced sidewalk with stamped concrete or brick pavers in the pedestrian zone for the full width of the sidewalk, along the entire frontage.

(gg) Public art or water features costing no less than $2,500, at one per lot.

(hh) Drinking fountains at one per lot.

(ii) Amenities must be placed far enough from the street curb so as not to create a physical barrier to buses.

(iii) Canopies, awnings, and pedestrian street lamp fixtures must have a minimum nine-foot clearance. Lamp fixtures may not exceed 14 feet in height. Light fixtures may not emit light upward into the windows of dwelling units.

(iv) All pedestrian amenities must be maintained by the owner of the lot; if there is more than one owner, all owners are jointly and severally liable for maintenance.

(E) Driveway design requirements.

(i) Pedestrian crosswalks must be clearly marked to indicate where the crosswalk crosses the driveway.

(ii) Common or joint driveways are required when adjacent lots have direct vehicular access.

(iii) Curb cuts must be no less than 12 and no more than 24 feet in length (measured parallel to the frontage). Each lot may have a maximum of one curb cut for each frontage.

(iv) Driveways into parking areas or structures must be from an urban corridor.

(v) No part of a circular or semi-circular driveway is permitted on an urban corridor.

(F) Building envelope design requirements.

(i) Building facades. Building facades must be as close as possible to the pedestrian zone. Columns of an arcade must be on the building line, and the internal facade of an arcade must be set back from the building line no more than 10 feet. Parking deck and garage facades visible at ground level from any street or alley must have the appearance of a multiple-story building, and be of similar material finish as the building on the site for which the parking is being provided.

(ii) Building height and setback. Building height and setback is subject to both residential proximity slope and urban form setback requirements. In all instances, residential proximity slope requirements supersede all other height allowances.

(iii) Storefront treatments. The following provisions apply to all uses at ground level except church use and residential uses. All street-facing street-level portions of a building must have windows and primary entrances facing the street or a plaza. No more than 10 continuous linear feet of street-facing street-level facade may lack a transparent surface (e.g., a window or a transparent door). Corner lot structures must have corner entrances in compliance with the visibility triangle standards set by the department of sustainable development and construction. Street-facing, street-level windows must:

(aa) be clear, unpainted, or made of similarly treated glass allowing visibility within street-level uses;

(bb) cover 50 percent or more of street-level frontage;

(cc) not have a bottom edge higher than three feet above the base of building; and

(dd) be less than 10 feet high.
(iv) **Pedestrian access to the building.** Primary pedestrian (i.e. residential and customer) ingress and egress must be to or from an urban corridor. Pedestrian ingress and egress for all other functions must be to or from rear or side yard entrances. Pedestrian pathways must be provided to connect the pedestrian zone to the parking lot, rear entrances to dwellings, and to emergency exits.

(d) **Site plan.**

(1) A site plan must be submitted in accordance with the requirements of this subsection before an application is made for a permit for work on a lot in an urban corridor district.

(2) Procedure. The applicant should contact the department to arrange a pre-application conference, at which the applicant should provide a sketch plan of the site with the information requested by the department. When the applicant is ready to apply for site plan review, the applicant must provide a detailed site plan.

(3) The site plan must:

(A) satisfy the requirements of Subparagraphs (A) through (G), (J), and (N) through (Q) in Section 51A-4.803(d)(1);

(B) show all existing and proposed points of ingress and egress, building entrances, exits, service areas, and windows;

(C) show all public right-of-way lines;

(D) show the location and indicate the type, size, and height of perimeter fencing, screening, and buffering elements proposed or required;

(E) show all provisions to be made to direct and detain storm water and to mitigate erosion both during and following the completion of construction;

(F) show the location and indicate the type, orientation, size, and height of light standards that will illuminate any portion of a required yard;

(G) show the location of existing and proposed signs;

(H) show the existing and proposed locations of all exterior loudspeakers and sound amplifiers;

(I) show the existing and proposed locations for all mechanical equipment capable of producing high levels of noise;

(J) show all existing and proposed provisions for pedestrian circulation on the lot including the location of the pedestrian amenity zones and the location and description of amenities provided to satisfy the three-amenity rule and the requirements for parking reductions;

(K) demonstrate how the urban corridor district site meets the minimum open space requirements showing location and landscape plans of all open space including buffer zones and screening areas;

(L) demonstrate eligibility for parking requirement reduction or density bonuses, if requested by applicant; and

(M) any other reasonable and pertinent information that the director determines to be necessary for site plan review. (Ord. Nos. 24718; 25785; 26920; 28125; 28214; 28424; 28700)
USE CHARTS

USE PROHIBITED.

● USE PERMITTED BY RIGHT.

S USE PERMITTED BY SUP (See Section 51A-4.219).

© USE PERMITTED BY RIGHT AS LIMITED USE
(Subject to restrictions in Section 51A-4.218).

© USE PERMITTED SUBJECT TO DEVELOPMENT IMPACT REVIEW
(See Division 51A-4.800).

© USE PERMITTED SUBJECT TO RESIDENTIAL ADJACENCY REVIEW
(See Division 51A-4.800).

RC USE PERMITTED AS A RESTRICTED COMPONENT IN THE G0(A)
DISTRICT (See the use regulations in Division 51A-4.200).

★ CONSULT THE USE REGULATIONS IN DIVISION 51A-4.200.

NOTE: The use charts on the following pages have not been formally adopted by the city council; they are prepared by the city staff and are intended for use as a guide only. It is necessary to see the text of this chapter for specific regulations. In the event of a conflict between the use charts and the text of this chapter, the text of this chapter controls.
### 4.201 AGRICULTURAL USES

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<td>Crop production</td>
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<tr>
<td>4</td>
<td>Private stable</td>
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**Legend:**
- **A**: Allowed
- **D**: Disallowed
- ****: Moderate impacts
- ****: Significant impacts
- ****: Major impacts
- ****: Critical impacts
Dallas Development Code: Ordinance No. 19455, as amended

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<th>Office</th>
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<th>Com./Ind.</th>
<th>Cntrl.</th>
<th>Mixed Use</th>
<th>Multiple Com.</th>
<th>Urban Cor.</th>
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**NONRESIDENTIAL**

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2.  
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Dallas City Code 199
### Commercial and Business Service Uses

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<td>2</td>
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<td>3</td>
<td>Catering service</td>
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<td>4</td>
<td>Commercial cleaning or laundry plant</td>
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<td>Custom business services</td>
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<td>Custom woodworking, furniture construction, or repair</td>
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<td>7</td>
<td>Electronics service center</td>
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<td>8</td>
<td>Job or lithographic printing</td>
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<td>Medical or scientific laboratory</td>
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<td>Temporary concrete or asphalt batching plant</td>
<td>By special authorization of the building official</td>
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* See Section 51A-4.203(a) to determine whether the proposed use is "potentially incompatible."
Dallas Development Code: Ordinance No. 19455, as amended

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<th>Office</th>
<th>Retail</th>
<th>Com./Ind.</th>
<th>Cntrl.</th>
<th>Mixed Use</th>
<th>Multiple Com.</th>
<th>Urban Cor.</th>
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**NONRESIDENTIAL**

|         |        |           |        |           |              |            |

By special authorization of the building official
### Dallas Development Code: Ordinance No. 19455, as amended

#### 4.204 Institutional and Community Service Uses

<table>
<thead>
<tr>
<th>Districts</th>
<th>Single Family</th>
<th>D/TH</th>
<th>Multifamily</th>
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<tbody>
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<td>MF-4(A)</td>
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#### RESIDENTIAL SERVICE USES

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<th>Multifamily</th>
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<tbody>
<tr>
<td>Adult day care facility</td>
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<tr>
<td>Cemetery or mausoleum</td>
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<tr>
<td>Child-care facility</td>
<td>S</td>
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<tr>
<td>Church</td>
<td>S</td>
<td>S</td>
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<tr>
<td>College, university, or seminary</td>
<td>S</td>
<td>S</td>
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<tr>
<td>Community service center</td>
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<td>S</td>
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</tr>
<tr>
<td>Convalescent and nursing homes, hospice care, and related institutions</td>
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</tr>
<tr>
<td>Convent or monastery</td>
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<tr>
<td>Foster home</td>
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<tr>
<td>Hospital</td>
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<tr>
<td>Library, art gallery, or museum</td>
<td>S</td>
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<tr>
<td>Public school</td>
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<td>S</td>
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<tr>
<td>Private school or Open enrollment charter school</td>
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### 4.205 LODGING USES

<table>
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<th>Single Family</th>
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**Residential**

<table>
<thead>
<tr>
<th>1 Hotel or motel</th>
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</thead>
<tbody>
<tr>
<td>1.1 Extended stay hotel or motel</td>
</tr>
<tr>
<td>2 Lodging or boarding house</td>
</tr>
<tr>
<td>2.1 Overnight general purpose shelter</td>
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</table>

### 4.206 MISCELLANEOUS USES

<table>
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<td>R-12ac(A)</td>
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</table>

**Residential**

| 1 Attached non-premise sign |
| 2 Carnival or circus (temporary) | By special authorization of the building official |
| 3 Detached non-premise sign | Generally Prohibited - See Section 51A-7.306 |
| 4 Hazardous waste management facility |
| 5 Placement of fill material |
| 6 Temporary construction or sales office |

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206  
Dallas City Code
Dallas Development Code: Ordinance No. 19455, as amended

<table>
<thead>
<tr>
<th>Office</th>
<th>Retail</th>
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<th>Cntrl.</th>
<th>Mixed Use</th>
<th>Multiple Com.</th>
<th>Urban Cor.</th>
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<td>GO(A)</td>
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**NONRESIDENTIAL**

|        |        |        |        | 4.205    |        |        |
|        |        |        |        | 1        |        |        |
|        |        |        |        | 1.1      |        |        |
|        |        |        |        | 2        |        |        |
|        |        |        |        | 2.1      |        |        |

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**NONRESIDENTIAL**

4.206

|        |        |        |        |        |        |        |
|        |        |        |        | 1        |        |        |
|        |        |        |        | 2        |        |        |
|        |        |        |        | 3        |        |        |
|        |        |        |        | 4        |        |        |
|        |        |        |        | 5        |        |        |
|        |        |        |        | 6        |        |        |

**By special authorization of the building official**

**Generally Prohibited - See Section 51A-7.306**
### Office Uses

<table>
<thead>
<tr>
<th>4.207</th>
<th>OFFICE USES</th>
<th>RESIDENTIAL</th>
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<tbody>
<tr>
<td>1</td>
<td>Alternative financial establishment</td>
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</tr>
<tr>
<td>2</td>
<td>Financial institution without drive-in window</td>
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</tr>
<tr>
<td>3</td>
<td>Financial institution with drive-in window</td>
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<tr>
<td>4</td>
<td>Medical clinic or ambulatory surgical center</td>
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<tr>
<td>5</td>
<td>Office</td>
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</table>

### Recreation Uses

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<tr>
<th>4.208</th>
<th>RECREATION USES</th>
<th>RESIDENTIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Country club with private membership</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Private recreation center, club, or area</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Public park, playground, or golf course</td>
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</tbody>
</table>
Dallas Development Code: Ordinance No. 19455, as amended

### NONRESIDENTIAL

<table>
<thead>
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<tbody>
<tr>
<td>NO(A)</td>
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**4.208**

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Dallas City Code 209
### 4.209 RESIDENTIAL USES

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<thead>
<tr>
<th>RESIDENTIAL USES</th>
<th>RESIDENTIAL</th>
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</thead>
<tbody>
<tr>
<td>1 College dormitory, fraternity, or sorority house</td>
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<tr>
<td>2 Duplex</td>
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<tr>
<td>3 Group residential facility</td>
<td></td>
</tr>
<tr>
<td>3.1 Handicapped group dwelling unit</td>
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</tr>
<tr>
<td>4 Manufactured home park, manufactured home subdivision, or campground</td>
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</tr>
<tr>
<td>5 Multifamily</td>
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</tr>
<tr>
<td>5.1 Residential hotel</td>
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</tr>
<tr>
<td>5.2 Retirement housing</td>
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<tr>
<td>6 Single family</td>
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### DISTRICTS

<table>
<thead>
<tr>
<th>DISTRICTS</th>
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<th>D/TH</th>
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<tbody>
<tr>
<td>A(A)</td>
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*Note: The table represents the permissible uses in different districts for various types of residential buildings.*
Dallas Development Code: Ordinance No. 19455, as amended

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Dallas City Code 211
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<td>Animal shelter or clinic with outside run</td>
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<td>3</td>
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<td>4</td>
<td>Alcoholic beverage establishments*</td>
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<td>Business school</td>
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<td>6</td>
<td>Car wash</td>
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<td>7</td>
<td>Commercial amusement (inside)</td>
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<td>Commercial amusement (outside)</td>
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<td>Commercial motor vehicle parking</td>
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<td>Commercial parking lot or garage</td>
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<td>9.1</td>
<td>Convenience store with drive-through</td>
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<td>10</td>
<td>Drive-in theater</td>
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<td>11</td>
<td>Dry cleaning or laundry store</td>
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<td>Furniture store</td>
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<td>General merchandise or food store 3,500 square feet or less</td>
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<td>General merchandise or food store greater than 3,500 square feet</td>
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<td>General merchandise or food store 100,000 square feet or more</td>
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<td>Home improvement center, lumber, brick or building materials sales yard</td>
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<td>Household equipment and appliance repair</td>
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<td>16.1</td>
<td>Liquefied natural gas fueling station</td>
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<td>17</td>
<td>Liquor store</td>
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<td>Mortuary, funeral home, or commercial wedding chapel</td>
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<td>Motor vehicle fueling station</td>
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See Section 31A-4.210(b)(4)
Dallas Development Code: Ordinance No. 19455, as amended

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14.1
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16.1
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<td>20</td>
<td>Nursery, garden shop, or plant sales</td>
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<td>21</td>
<td>Outside sales</td>
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<td>21.1</td>
<td>Paraphernalia shop</td>
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<td>22</td>
<td>Pawn shop</td>
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<tr>
<td>23</td>
<td>Personal service uses</td>
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<td>24</td>
<td>Restaurant without drive-in or drive-through service</td>
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<td>25</td>
<td>Restaurant with drive-in or drive-through service</td>
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<td>26</td>
<td>Surface parking</td>
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<td>27</td>
<td>Swap or buy shop</td>
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<td>28</td>
<td>Taxidermist</td>
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<td>29</td>
<td>Temporary retail use</td>
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<td>30.1</td>
<td>Truck stop</td>
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<td>31</td>
<td>Vehicle display, sales, or service</td>
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### Dallas Development Code: Ordinance No. 19455, as amended

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#### 4.211 TRANSPORTATION USES

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<td>Private street or alley</td>
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<td>Railroad passenger station</td>
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<td>Railroad yard, roundhouse, or shops</td>
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<td>STOL (short takeoff or landing) port</td>
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<td>9</td>
<td>Transit passenger shelter</td>
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<td>10</td>
<td>Transit passenger station or transfer center</td>
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</table>

- **S** indicates allowed uses.
- **★** indicates prohibited uses.
Dallas Development Code: Ordinance No. 19455, as amended

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Dallas City Code

217
### 4.212 UTILITY AND PUBLIC SERVICE USES

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#### RESIDENTIAL

<table>
<thead>
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<th>1. Commercial radio or television transmitting station</th>
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<td>5. Police or fire station</td>
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<td>7. Radio, television, or microwave tower</td>
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<td>8. Refuse transfer station</td>
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<td>10. Sewage treatment plant</td>
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<td>10.1. Tower / antenna for cellular communication</td>
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<tr>
<td>12. Water treatment plant</td>
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### Dallas Development Code: Ordinance No. 19455, as amended

#### NONRESIDENTIAL

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## Dallas Development Code: Ordinance No. 19455, as amended

### 4.213 WHOLESALE, DISTRIBUTION, AND STORAGE USES

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1. Auto auction
2. Building mover’s temporary storage yard
3. Contractor’s maintenance yard
4. Freight terminal
5. Livestock auction pens or sheds
6. Manufactured building sales lot
7. Mini-warehouse
8. Office showroom/warehouse
9. Outside Storage
10. Petroleum product storage and wholesale
11. Recycling buy-back center
   11.1 Recycling collection center
   11.2 Recycling drop-off container
   11.3 Recycling drop-off for special occasion collection
12. Sand and gravel or earth sales and storage
13. Trade center
14. Vehicle storage lot
15. Warehouse
Dallas Development Code: Ordinance No. 19455, as amended

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1/19 Dallas City Code 221
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</tbody>
</table>

S S S
Dallas Development Code: Ordinance No. 19455, as amended

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SEC. 51A-4.201. AGRICULTURAL USES.

(1) Animal production.

(A) Definition: An area which is used for the raising of animals (including fish) and the development of animal products on a commercial basis. Typical uses include beef or sheep ranching, dairy farming, piggeries, poultry farming, and fish farming.

(B) Districts permitted: By right in the A(A) district. By SUP only in non-residential districts.

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) In an A(A) district, a person shall not operate this use upon an area less than three acres. In non-residential districts, no minimum acreage is required.

(ii) Animals include but are not limited to pigs, chickens, turkeys, cows, sheep, goats, and horses.

(iii) Structures may be erected for a private stable, pen, barn, shed, or silo for raising, treating, and storing products raised on the premises. A dwelling unit is permitted either as part of this structure or as a separate structure.

(iv) Standings under roofed stables must be made of a material that provides for proper drainage so as not to create offensive odors, fly breeding, or other nuisances.

(v) The keeping of horses is subject to the requirements under the private stable accessory use.

(2) Commercial stable.

(A) Definition: A facility for the business of boarding horses or renting horses to the public.

(B) Districts permitted: A(A) district.

(C) Required off-street parking: One space for each two stalls.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use does not include sales, auction, or similar trading activity.

(3) Crop production.

(A) Definitions. In this paragraph:

(i) AQUACULTURE means the cultivation, maintenance, and harvesting of aquatic species.

(ii) AQUAPONICS means the combination of aquaculture (fish) and hydroponics (plants) to grow food crops or ornamental crops and aquatic species together in a recirculating system without discharge or exchange of water.
(iii) **BED COVER** means a hoop-house, shade structure, or similar structure located above a planting bed to assist with the growing or shading of food crops or ornamental crops.

(iv) **COMMUNITY GARDEN** means an URBAN GARDEN as that use is defined in this subparagraph. Except in those Chapter 51P articles where community garden is specifically defined, any reference to community garden in Chapter 51P is a reference to an urban garden in this subparagraph.

(v) **FARM OR RANCH** means an area which is used for growing farm products or keeping farm poultry and farm livestock.

(vi) **URBAN GARDEN** means an area managed and maintained to grow and harvest food crops and/or ornamental crops for personal or group use, consumption, sale, or donation. Urban gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

(B) **Districts permitted:** By right in all districts.

(C) **Required off-street parking:** Except as otherwise provided in this subparagraph, off-street parking is not required. For an urban garden in non-residential districts that allows on-site sales, one off-street parking space is required for every 200 square feet of sales area with a minimum two off-street parking spaces provided.

(D) **Required off-street loading:** None.

(E) **Additional provisions for urban gardens:**

(i) An urban garden must comply with the regulations for the zoning district in which the urban garden is located.

(ii) **Aquaponics, aquaculture, and the raising of chickens are permitted. All other animal grazing and animal production are prohibited.**

(iii) For an urban garden in a residential district, the combined floor area of structures may not exceed 10 percent of the lot, with no single structure exceeding 200 square feet in floor area. Structures that assist in the growing of vegetation, such as bed covers and raised planting beds, are not included in floor area calculations. Structures must comply with yard, lot, and space regulations for the district.

(iv) For an urban garden in a residential district, one single, non-illuminated, flat sign of no more than six square feet must be provided. The sign must contain the phone number of an emergency contact person for the urban garden. If animals are present in the urban garden, the sign must also contain the contact information for Dallas 311 city services. In residential districts, no other signage is permitted.

(v) Each bed cover may only cover one planting bed.

(vi) Except as provided in this subparagraph, maximum height of a bed cover is four feet from the growing surface or eight feet, measured from grade, whichever is less. Within the required front yard, maximum height of a bed cover is four feet, measured from grade.

(vii) The on-site sale of food crops, ornamental crops, and eggs produced at the urban garden is allowed only in non-residential districts. No other items may be sold.

(F) **Additional provisions for farms:**

(i) A person shall not operate a farm upon an area less than three acres.
(ii) Structures may be erected for a private pen, barn, shed, or silo for the treating, and storing of products raised on the premises. A dwelling unit is permitted either as part of this structure or as a separate structure.

(iii) Animal grazing is allowed as part of this use; however, animal production, as defined in Section 51A-4.201(1), is not permitted.

(4) **Private stable.**

(A) **Definition:** An area for the keeping of a horse or horses for the private use of the property owner or the owner of the horse(s).

(B) **Districts permitted:** By right in all residential districts when located on a lot that is at least one acre in size, otherwise by SUP in all residential districts.

(C) **Required off-street parking:** None.

(D) **Required off-street loading:** None.

(E) **Additional provisions:**

(i) A private stable is permitted only on a lot that has at least 15,000 square feet of land and a person may keep only the number of horses permitted for the lot area as described in the following chart:

<table>
<thead>
<tr>
<th>LOT AREA</th>
<th>NUMBER OF HORSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least 15,000 square feet but less than one-half acre</td>
<td>1</td>
</tr>
<tr>
<td>At least one-half acre but less than one acre</td>
<td>2</td>
</tr>
<tr>
<td>At least one acre but less than two acres</td>
<td>3</td>
</tr>
<tr>
<td>At least one-half acre per horse</td>
<td>4 or more</td>
</tr>
</tbody>
</table>

(ii) A private stable must include a pen, corral, fence, or similar enclosure containing at least 800 square feet of land for each animal with a stable under a roof containing at least 100 square feet for each animal.

(iii) A stable must have proper drainage so as not to create offensive odors, fly breeding, or other nuisances.

(iv) A pen, corral, fence, or similar enclosure may not be closer than 20 feet to an adjacent property line. The widths of alleys, street rights-of-way, or other public rights-of-way may be used in establishing the 20 foot distance to the adjacent property line.

(v) A pen, corral, fence, or similar enclosure must be of a sufficient height and strength to retain the horse(s). (Ord. Nos. 19455; 19786; 20493; 21001; 23302; 24718; 28125; 29687; 30890)

SEC. 51A-4.202. **COMMERCIAL AND BUSINESS SERVICE USES.**

(1) **Building repair and maintenance shop.**

(A) **Definition:** A facility providing for general building repair and maintenance, including the installation of plumbing, electrical, air conditioning, and heating equipment.

(B) **Districts permitted:** By right in CR, RR, CS, industrial, and central area districts. RAR required in CR, RR, CS, and industrial districts.

(C) **Required off-street parking:** One space per 300 square feet of floor area.
§ 51A-4.202 Dallas Development Code: Ordinance No. 19455, as amended

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 10,000</td>
<td>NONE</td>
</tr>
<tr>
<td>10,000 to 50,000</td>
<td>1</td>
</tr>
<tr>
<td>50,000 to 100,000</td>
<td>2</td>
</tr>
<tr>
<td>Each additional 100,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) Retail sales of supplies is permitted as an accessory use.

(2) Bus or rail transit vehicle maintenance or storage facility.

(A) Definition: A facility for the maintenance, repair, or storage of bus, rail, or other transit vehicles.

(B) Districts permitted: By right in industrial and central area districts. When located at least 500 feet from a residential district, by right in the CS district with RAR required; otherwise, by SUP only in the CS district. RAR required in industrial districts.

(C) Required off-street parking: One space per 500 square feet of floor area.

(D) Required off-street loading:

<table>
<thead>
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<tbody>
<tr>
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</tr>
<tr>
<td>50,000 to 100,000</td>
<td>2</td>
</tr>
<tr>
<td>Each additional 100,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(3) Catering service.

(A) Definition: A facility for the preparation and storage of food and food utensils for off-premise consumption and service.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in LO(A), MO(A), and GO(A) districts.

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

<table>
<thead>
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<td>Each additional 100,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(4) Commercial cleaning or laundry plant.

(A) Definition: A facility for the cleaning or laundering of garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.

(B) Districts permitted: By right in CS, industrial, and central area districts. RAR required in CS and industrial districts.

(C) Required off-street parking: One space per 300 square feet of floor area.
§ 51A-4.202 Dallas Development Code: Ordinance No. 19455, as amended

(D) Required off-street loading:

<table>
<thead>
<tr>
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<td>2</td>
</tr>
<tr>
<td>Each additional 100,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(5) Custom business services.

(A) Definition: A facility for providing custom services and activities which are performed according to a personal order and require individualized treatment of items. Typical custom business services include etching, engraving, laminating, binding, or the assembly, repair, and sale of such items as trophies, books, documents, window shades, and venetian blinds.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts.

(C) Required off-street parking: One space per 300 square feet of floor area; a minimum of five spaces is required.

(D) Required off-street loading:

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>0 to 10,000</td>
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<tr>
<td>10,000 to 50,000</td>
<td>1</td>
</tr>
<tr>
<td>50,000 to 100,000</td>
<td>2</td>
</tr>
<tr>
<td>Each additional 100,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>
(6) Custom woodworking, furniture construction, or repair.

(A) Definition: A facility for the custom making, repairing, or refinishing of furniture or wood products on an individualized, single item basis.

(B) Districts permitted: By right in CS, industrial, and central area districts.

(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of two spaces is required.

(D) Required off-street loading:

<table>
<thead>
<tr>
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<th>TOTAL REQUIRED SPACES OR BERTHS</th>
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<tbody>
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<tr>
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<td>2</td>
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<tr>
<td>Each additional 100,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) Specialized equipment for custom making, repairing, or reupholstering furniture is permitted under this use.

(7) Electronics service center.

(A) Definition: A facility for the repair and service of computers and computer equipment, stereo equipment, televisions, radios, and other such electronic items.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in MO(A) and GO(A) districts.

(C) Required off-street parking: One space per 300 square feet of floor area.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
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</tr>
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<tbody>
<tr>
<td>0 to 50,000</td>
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<tr>
<td>50,000 to 100,000</td>
<td>2</td>
</tr>
<tr>
<td>Each additional 100,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) Retail sales of electronic items or parts is permitted as an accessory use.

(8) Job or lithographic printing.

(A) Definition: A facility for the commercial reproduction, cutting, printing, or binding of written materials, drawings, or labels on a bulk basis using lithography, offset printing, blueprinting, and similar methods.

(B) Districts permitted: By right in CS, industrial, central area, and urban corridor districts. RAR required in CS and industrial districts.

(C) Required off-street parking: One space per 600 square feet of floor area.

(D) Required off-street loading:

<table>
<thead>
<tr>
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</thead>
<tbody>
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<td>0 to 50,000</td>
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<td>2</td>
</tr>
<tr>
<td>Each additional 100,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(8.1) Labor hall.

(A) Definitions. In this paragraph:
(i) LABOR HALL means any profit or non-profit public or private entity, whether a corporation, partnership, natural person, or any other legal entity, whose business involves securing temporary unskilled or agricultural employment for a client through the use of a hiring hall or facility where unskilled workers gather to await employment.

(ii) UNSKILLED WORKER means an individual who performs labor involving physical toil that does not require persons engaged in a particular occupation, craft, or trade, or practical or familiar knowledge of the principles or processes of an art, science, craft, or trade.

(B) Districts permitted: By right in IR and IM districts when located at least:

(i) 1000 feet from all conforming residential uses; and

(ii) 500 feet from all “public or private school” uses.

Otherwise, by SUP in IR and IM districts. By SUP only in RR, CS, LI, central area, mixed use, and multiple commercial districts.

(C) Required off-street parking. One space per 500 square feet of floor area.

(D) Required off-street loading:

<table>
<thead>
<tr>
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<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0,000 to 50,000</td>
<td>NONE</td>
</tr>
<tr>
<td>50,000 to 150,000</td>
<td>1</td>
</tr>
</tbody>
</table>

Each additional 100,000 or fraction thereof 1 additional

(E) Additional provisions:

(i) This use must have a lobby or waiting room with a floor area of not less than the greater of 500 square feet or 50 percent of the total floor area of the premises.

(ii) Food may be prepared and served as an accessory use.

(iii) No SUP for a labor hall may be granted for more than a two-year time period. An SUP for a labor hall is not eligible for automatic renewal.

(iv) In determining whether to grant a specific use permit for a labor hall, the city council shall consider its proximity to the main uses listed in Subparagraph (B) of this paragraph, and require that the labor hall meet, as nearly as practicable, the distance requirements set out in that subparagraph.

(v) Measurements of distance under this paragraph are taken radially. "Radial" measurement means a measurement taken along the shortest distance between the nearest point of the building site of the labor hall and the nearest point of the building site of another use.

(vi) This use must comply with all applicable licensing provisions.

(9) Machine or welding shop.

(A) Definition: A facility where material is processed by machining, cutting, grinding, welding, or similar processes.

(B) Districts permitted: By right in CS and industrial districts. RAR required in CS and industrial districts.

(C) Required off-street parking: One space per 500 square feet of floor area.
(D) Required off-street loading:

<table>
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<tr>
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</tr>
</tbody>
</table>

(10) Machinery, heavy equipment, or truck sales and service.

(A) Definition: A facility for the display, sale, and service of machinery, heavy equipment, or trucks.

(B) Districts permitted: By right in RR, CS, and industrial districts. RAR required in RR, CS, and industrial districts.

(C) Required off-street parking: One space per 1,000 square feet of sales area (whether inside or outside).

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
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<td>2</td>
</tr>
<tr>
<td>Each additional 100,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(11) Medical or scientific laboratory.

(A) Definition: A facility for testing and analyzing medical or scientific problems.

(B) Districts permitted: By right in MO(A), GO(A), CS, industrial, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC-3, and MC-4 districts.

(C) Required off-street parking: One space per 300 square feet of floor area.

(D) Required off-street loading:

<table>
<thead>
<tr>
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</tr>
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<td>1 additional</td>
</tr>
</tbody>
</table>

(12) Technical school.

(A) Definition: A business enterprise offering instruction and training in trades or crafts such as auto repair, cooking, welding, bricklaying, machinery operation, or other similar trades or crafts.

(B) Districts permitted: By right in CS, industrial, and central area districts.

(C) Required off-street parking: One space per 25 square feet of classroom. Any personal service uses accessory to a technical school must be parked to the personal service use parking requirement.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
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<tbody>
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</tr>
</tbody>
</table>
§ 51A-4.202 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.203

(13) Tool or equipment rental.

(A) Definition: A facility for renting tools or equipment.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, MU-2; MU-2(SAH), MU-3, MU-3(SAH), MC-3, and MC-4 districts.

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

<table>
<thead>
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</tr>
</tbody>
</table>

(14) Vehicle or engine repair or maintenance.

(A) Definition: A facility for the repair, maintenance, or restoration of motor vehicles, motor vehicle engines, electrical motors, or other similar items.

(B) Districts permitted: By right in RR, CS, industrial, and central area districts. RAR required in RR, CS, and IM districts. DIR required in central area districts.

(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of five spaces is required. Parking spaces that are used to repair vehicles and located in a structure are not counted in determining the required parking.

(D) Required off-street loading:

<table>
<thead>
<tr>
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<th>TOTAL REQUIRED SPACES OR BERTHS</th>
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</tr>
<tr>
<td>Each additional 100,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use. (Ord. Nos. 19455; 19786; 20493; 20902; 21001; 21663; 23910; 24718; 28803; 30890)

SEC. 51A-4.203. INDUSTRIAL USES.

(a) Potentially incompatible industrial uses.

(1) A “potentially incompatible industrial use” listed in this subsection is permitted by SUP only in the IM district.

(2) The following main uses, activities, operations, and processes are hereby declared to be potentially incompatible industrial uses:

- Bulk processing, washing, curing, or dyeing of hair, felt, or feathers
- Concrete crushing
- Fat rendering
- Foundries, ferrous or non-ferrous
- Grain milling or processing
- Leather or fur tanning, curing, finishing, or dyeing
§ 51A-4.203 Dallas Development Code: Ordinance No. 19455, as amended

Section 51A-4.203 Dallas Development Code: Ordinance No. 19455, as amended

(3) Main uses that manufacture the following products are hereby declared to be potentially incompatible industrial uses:

- Heavy metal casting or foundry products, including ornamental iron work or similar products
- Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds
- Linoleum or oil cloth
- Lumber, plywood, veneer, or similar wood products
- Matches
- Miscellaneous metal alloys or foil, including solder, pewter, brass, bronze, or tin, lead, or gold foil, or similar products
  - Paint, varnishes, or turpentine
  - Paper
  - Porcelain products, including bathroom or kitchen equipment, or similar products
  - Raw plastic
  - Rubber, natural or synthetic, including tires, tubes, or similar products
  - Soaps or detergents
  - Stone products, including abrasives, asbestos, stone screenings, and sand or lime products

(b) Specific uses.

(0) Alcoholic beverage manufacturing.

(A) Definition: An establishment for the manufacture, blending, fermentation, processing, and packaging of alcoholic beverages with a floor area exceeding 10,000 square feet that takes place wholly inside a building. A facility that only provides tasting or retail sale of alcoholic beverages is not an alcoholic beverage manufacturing use.

(B) Districts permitted: By right in industrial districts with RAR required. By SUP only in central area districts.

(C) Required off-street parking:

(i) Except as otherwise provided, one space per 600 square feet of floor area.

(ii) One space per 1,000 square feet of floor area used for storage.
(iii) One space per 100 square feet of floor area used for retail sales and seating.

(D) Required off-street loading:

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<tr>
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(E) Additional provisions:

(i) Retail sales of alcoholic beverages and related items and tastings or sampling are allowed in accordance with Texas Alcoholic Beverage Commission regulations.

(ii) Except for loading, all activities must occur within a building.

(iii) Silos and containers of spent grain are allowed as outdoor storage. Containers of spent grain must be screened. All other outdoor storage or repair is prohibited.

(iv) If an SUP is required, silos and outdoor storage areas for spent grain must be shown on the site plan.

(v) Drive-through facilities are prohibited.

(1) Industrial (inside).

(A) Definition: An industrial facility where all processing, fabricating, assembly, or disassembly takes place wholly within an enclosed building.

(B) Districts permitted: If this use is "potentially incompatible" [See Subsection (a)], it is permitted by SUP only in the IM district; otherwise, it is permitted by right in industrial districts with RAR required.

(C) Required off-street parking: One space per 600 square feet of floor area.

(D) Required off-street loading:

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(E) Additional provisions:

(i) Accessory outside storage is limited to five percent of the lot. Outside storage that occupies more than five percent of the lot is only allowed in a district where outside storage is permitted as a main use. For more information regarding accessory outside storage, see Section 51A-4.217. For more information regarding outside storage as a main use, see Section 51A-4.213.

(ii) Accessory inside retail sales may occupy up to 10 percent of the total floor area of the main use.

(1.1) Industrial (inside) for light manufacturing.

(A) Definition: A light industrial use where all processing, fabricating, assembly, or disassembly of items takes places wholly within an enclosed building. Typical items for processing, fabricating, assembly, or disassembly under this use include but are not limited to apparel, food, drapes, clothing accessories, bedspreads, decorations, artificial plants, jewelry, instruments, computers, and electronic devices.

(B) Districts permitted: By right in CS and industrial districts.

(C) Required off-street parking: One space per 600 square feet of floor area.
§ 51A-4.203 Dallas Development Code: Ordinance No. 19455, as amended

(D) Required off-street loading:

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(E) Additional provisions:

(i) Potentially incompatible industrial uses, as defined in this section, are prohibited as part of any activity, operation, or processing conducted under this use.

(ii) This use may not exceed 10,000 square feet of floor area.

(2) Industrial (outside).

(A) Definition: An industrial facility where any portion of the processing, fabricating, assembly, or disassembly takes place outside or in an open structure.

(B) Districts permitted: If this use is "potentially incompatible" [See Subsection (a)], it is permitted by SUP only in the IM district; otherwise it is permitted:

(i) by right in the IM district with RAR required; and

(ii) by SUP only in the IR district.

(C) Required off-street parking: One space per 600 square feet of floor area, plus one space per 600 square feet of outside manufacturing area.

(E) Additional provisions:

(i) Accessory outside storage may occupy to 50 percent of the lot. Outside storage that occupies more than 50 percent of the lot is only allowed in a district where outside storage is permitted as a main use. For more information regarding accessory outside storage, see Section 51A-4.217. For more information regarding outside storage as a main use, see Section 51A-4.213.

(ii) Any portion of the building site containing this use that is adjacent to or directly across a street or alley from a district other than an IR or IM district must be screened from that district.

(iii) Accessory inside retail sales may occupy up to 10 percent of the total floor area of the main use.

(2.1) Medical/infectious waste incinerator.

(A) Definition: A facility used to incinerate plastics, special waste, and waste containing pathogens or biologically active material, which because of its type, concentration, and quantity, is capable of transmitting disease to persons exposed to the waste.

(B) Districts permitted: By SUP only in IR and IM districts.

(C) Required off-street parking: One space per 1,000 square feet of floor area.
§ 51A-4.203 Dallas Development Code: Ordinance No. 19455, as amended

(D) Required off-street loading:

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(E) Additional provisions:

(i) All medical/infectious waste incinerators must be located at least:

(aa) 1,000 feet from all lots containing residential; public or private school; church; and public park, playground, or golf course uses; and

(bb) one mile from all lots containing municipal and hazardous waste incinerators.

(ii) A medical/infectious waste incinerator used to incinerate up to 225 pounds of waste per hour must be located:

(aa) on a lot that is no smaller than one acre in size;

(bb) at least 100 feet from the lot line; and

(cc) at least one-fourth mile from all lots containing main use medical/infectious and pathological waste incinerators.

(iii) A medical/infectious waste incinerator used to incinerate more than 225 pounds of waste per hour must be located:

(aa) on a lot that is no smaller than five acres in size; and

(bb) at least 200 feet from the lot line; and

(cc) at least one mile from all lots containing main use medical/infectious and pathological waste incinerators.

(iv) No outside storage is permitted in conjunction with this use.

(v) The area of notification for a public hearing to consider an SUP application for this use is 500 feet.

(3) Metal salvage facility.

(A) Definition: A facility that collects, separates, and processes scrap metal in bulk form for reuse and manufacturing.

(B) Districts permitted: By SUP only in the IM district.

(C) Required off-street parking: The off-street parking requirement may be established in the ordinance granting the SUP, otherwise a minimum of five spaces required.

(D) Required off-street loading:

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(E) Additional provisions:

(i) This use must have a visual screen of at least nine feet in height which consists of a solid masonry, concrete, or corrugated sheet metal wall, or a chain link fence with metal strips through all links.

(ii) The owner of a metal salvage facility shall not stack objects higher than eight feet within 40 feet of the visual screen. The owner of a metal salvage facility may stack objects one foot higher than eight feet for each five feet of setback from the 40 foot point.
(iii) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use.

(iv) A minimum distance of 500 feet is required between a metal salvage facility and an R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district.

(3.1) Mining.

(A) Definition: The extraction, removal, or stockpiling of earth materials, including soil, sand, gravel, oil, or other materials found in the earth. The excavation of earth materials for ponds or lakes, including excavations for fish farming ponds and recreational lakes, are considered mining unless otherwise expressly authorized by another provision of this code. The following are not considered mining:

(i) The extraction, removal, or stockpiling of earth materials incidental to an approved plat or excavation permit, incidental to construction with a building permit, or for governmental or utility construction projects such as streets, alleys, drainage, gas, electrical, water, and telephone facilities and similar projects.

(ii) The extraction, removal, or stockpiling of earth materials incidental to construction of landscaping, retaining walls, fences, and similar activities consistent with the land use allowed at the site of removal.

(iii) Gas drilling and production. See Section 51A-4.203(b)(3.2).

(B) Districts permitted: By SUP only in A(A) and IM districts.

(C) Required off-street parking: None.

(D) Required off-street loading:

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(E) Additional provisions:

(i) The applicant shall submit a site plan of existing conditions, operations plan, reclamation plan, and the proposed bond to the director for review and recommendation.

(ii) If a specific use permit is granted, the city shall inspect and monitor the mining and reclamation operation at least once annually.

(iii) A specific use permit may not be issued for mining on city park land.

(F) Site plan of existing conditions: The applicant shall submit a site plan of existing conditions that includes:

(i) a site location map on a small scale showing major circulation routes and other landmarks which would aid in the location of the site;

(ii) contours shown at no greater than five-foot intervals;

(iii) connections to roads outside the site;

(iv) location, identification, and dimensions of all public and private easements;

(v) location of flood plain, water bodies, natural and man-made channels (wet and dry), and subsurface channels;
(vi) tree and other vegetation groupings, rock outcroppings, and any other significant natural features;

(vii) location and depth of any known former or current mines or landfills in or within 500 feet of the boundaries of the excavation and an indication of the type of fill used;

(viii) analyzed core samples if the city determines that contaminants may be present; and

(ix) any other information the director determines is reasonably necessary for a complete review of the proposed operations.

(G) Operations plan: The applicant shall submit an operations plan that includes:

(i) storage of reclamation topsoil and methods of disposing of all material not to be sold or reclaimed;

(ii) hours of operation;

(iii) location and depth of excavation;

(iv) drainage and erosion control measures;

(v) method for the disposal of contaminants, if present;

(vi) roads to be used for transportation of stone, sand, or gravel;

(vii) fences or any other barriers necessary for safety;

(viii) noise and dust control measures;

(ix) the length of time necessary to complete the mining and reclamation of the site; and

(x) any other information the director determines is reasonably necessary for a complete review of the proposed operations.

(H) Reclamation plan: The applicant shall submit a reclamation plan that is verified by a registered surveyor. The reclamation plan must show the reclamation of the entire site upon completion of operation and the phases of reclamation to be completed at no greater than five-year intervals. The reclamation plan must include the following information:

(i) contours shown at no greater than five-foot intervals with slopes not steeper than a three-to-one (horizontal to vertical) ratio;

(ii) circulation routes, including roadways, any internal circulation, rights-of-way, and connections to roads outside the site;

(iii) location, identification, and dimensions of all public and private easements;

(iv) location of flood plain, water bodies, natural and man-made channels (wet and dry), subsurface dams, dikes, or channels;

(v) location of any areas to be filled with water including a description of the source of the water, the means of water retention, and the prevention of stagnation and pollution;

(vi) location and type of vegetation;

(vii) structures (including height), utilities, and proposed land uses, if any;

(viii) the amount of the performance bond that will be posted in accordance with Subparagraph (I) below; and

(ix) any other information the director determines is reasonably necessary for a complete review of the proposed operation.
§ 51A-4.203 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.203

(I) Performance bond:

(i) The applicant shall post a performance bond with the city controller before passage of the ordinance granting the specific use permit. The performance bond must be approved as to form by the city attorney.

(ii) The bond must be twice the estimated cost to the city of restoring the premises in a manner shown on the reclamation plan. The amount of the bond shall be determined by the director on the basis of relevant factors including expected changes in the price index, topography of the site, project methods being employed, depth and composition of overburden, and data provided in the reclamation plan.

(iii) The bond must be issued by a surety company licensed to do business in Texas. The applicant may deposit cash, certificates of deposit, or government securities in lieu of a bond. Interest received on deposits and securities must be returned to the applicant upon the approval of reclamation of the site.

(iv) The director shall conduct a final inspection to determine whether the site has been reclaimed in accordance with the specific use permit. Final inspection must be made not more than two years after the expiration of the specific use permit. A registered surveyor provided by the applicant shall verify the final topography of the site.

(v) The director shall report to the city council on the completion of the project. The city council shall determine by resolution whether the reclamation has been completed in accordance with the specific use permit and whether the performance bond should be released.

(vi) The city controller shall release the bond or deposit if the city council finds that the applicant has completed reclamation of the site in accordance with the specific use permit. If the site is not restored in accordance with the reclamation plan, the director shall use the bond or deposit to restore the site in accordance with the plan.

(3.2) Gas drilling and production.

(A) Definitions:

(i) BOUNDARY means the perimeter of the operation site. OPERATION SITE means the area identified in the SUP to be used for drilling, production, and all associated operational activities after gas drilling is complete.

(ii) ENVIRONMENTALLY SIGNIFICANT AREA means an area:

(aa) with slopes greater than three to one;

(bb) containing endangered species of either flora or fauna;

(cc) that is geologically similar to the Escarpment Zone, as defined in Division 51A-5.200, “Escarpment Regulations,” of Article V, “Flood Plain and Escarpment Zone Regulations;”

(dd) identified as wetlands or wildlife habitat;

(ee) determined to be an archeological or historical site; or

(ff) containing more than 1,000 inches of trunk diameter of protected trees, in the aggregate, within a 10,000 square foot area. Trunk diameter is measured at a point 12 inches above grade. To be included in the aggregate calculations of trunk diameter, a protected tree must have a trunk diameter of six inches or more. For purposes of this provision, a protected tree is defined in Section 5A-10.101.

(iii) GAS DRILLING AND PRODUCTION means the activities related to the extraction of any fluid, either combustible or noncombustible, that is produced in a natural state from the earth and that maintains a gaseous or rarefied state at standard temperature and pressure conditions, or the extraction of any gaseous vapors derived from petroleum or natural gas.
(iv) HABITABLE STRUCTURE means any use or structure that is not a protected use but has a means of ingress or egress, light, and ventilation. Habitable structure does not include an accessory structure, such as a garage or shed.

(v) PROTECTED USE means institutional and community service uses (except cemetery or mausoleum); lodging uses; office uses; recreation uses (except when the operation site is on a public park, playground, or golf course); residential uses; and retail and personal service uses (except commercial motor vehicle parking or commercial parking lot or garage). Parking areas and areas used exclusively for drainage detention are not part of a protected use.

(vi) See Article XII for additional definitions that apply to gas drilling and production.

(B) Districts permitted: By SUP only in all districts.

(C) Required off-street parking: None.

(D) Required off-street loading:

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(E) Additional provisions:

(i) See Article XII for additional regulations relating to gas drilling and production. No provision found in Articles IV or XII may be waived through the adoption of or amendment to a planned development district.

(ii) Before an SUP for a gas drilling and production use within a public park, playground, or golf course may be processed, city council must hold a public hearing and make a determination in accordance with Texas Parks and Wildlife Code Chapter 26, “Protection of Public Parks and Recreational Lands.”

(iii) A favorable vote of three-fourths of all members of the city council is required to approve a gas drilling and production use on a public park, playground, or golf course if city council finds that the approval will not harm the public health, safety, or welfare.

(iv) In addition to the findings required in Section 51A-4.219 for the granting of an SUP, city plan commission and city council must consider the:

(aa) proximity of a proposed gas drilling and production use to an environmentally significant area; and

(bb) potential impact the proposed gas drilling and production use may have on the environmentally significant area.

(v) Compliance with federal and state laws and regulations and with city ordinances, rules, and regulations is required, and may include platting, a flood plain fill or alteration permit, building permits, and gas well permits. Compliance with these additional regulations may be required before, concurrently with, after, or independently of the SUP process.

(vi) Trailers or mobile homes that are temporarily placed on the operation site and used by gas drilling workers as a residence are a permitted accessory use.

(vii) Once any gas drilling related activity begins on the operation site, the applicant shall limit access to the operation site by erecting an eight-foot-tall temporary chain-link fence. Within 30 days after any well completion activity ceases, an eight-foot-tall permanent fence must be erected and maintained around the perimeter of the operation site. This provision controls over the fence height regulations of the zoning district. City council, by SUP, may require a different form of screening, but may not reduce the fence height requirements of this provision.
(viii) Access to the operation site must comply with the Dallas Fire Code. The operation site plan must be reviewed and approved by the fire marshal before an SUP can be granted.

(ix) The operation site may not have a slope greater than 10 degrees unless the director determines that all equipment is located and activities occur on a portion of the operation site that does not have a slope greater than 10 degrees, there is adequate erosion control, and the slope of the operation site will not be a threat to the public safety or welfare.

(x) The operator shall provide the director with a statement of intent to enter into a road repair agreement before an SUP may be scheduled for a public hearing.

(xi) The director shall revise the zoning district maps upon the granting of an SUP for a gas drilling and production use, to provide a 1,000 foot gas drilling and production use notice overlay around the boundary of the operation site.

(F) Spacing:

(i) Habitable structure.

(aa) Except as otherwise provided in this provision, a gas drilling and production use must be spaced at least 300 feet from a habitable structure.

(bb) If a gas drilling and production use is located on the same property as a habitable structure, the spacing requirements in this provision may be waived for that habitable structure with a favorable vote of two-thirds of all members of the city council if city council finds that the reduction will not harm the public health, safety, or welfare.

(ii) Protected use.

(aa) Except as otherwise provided in this provision, a gas drilling and production use must be spaced at least 1,500 feet from a protected use (except trailers or mobile homes placed on the operation site as temporary residences for workers).

(bb) City council may reduce the minimum 1,500 foot spacing requirement from a protected use by not more than 500 feet with a favorable vote of two-thirds of all members of the city council if city council finds that the reduction will not harm the public health, safety, or welfare.

(cc) If a gas drilling and production use is located on the same property as a protected use, the spacing requirements in this provision may be waived for that protected use with a favorable vote of two-thirds of all members of the city council if city council finds that the reduction will not harm the public health, safety, or welfare.

(dd) If a gas drilling and production use is located on a public park, playground, or golf course, the spacing requirements in this provision for protected uses and habitable structures off the public park, playground, or golf course use still apply.

(ee) Spacing is measured as follows:

(11) For institutional and community service uses (except cemetery or mausoleum), and residential uses, from the boundary of the operation site in a straight line, without regard to intervening structures or objects, to the property line of the institutional and community service use (except cemetery or mausoleum) or the residential use.
(22) For recreation uses (except when the operation site is on a public park, playground, or golf course), lodging uses, office uses, and retail and personal service uses (except commercial motor vehicle parking or commercial parking lot or garage) from the boundary of the operation site in a straight line, without regard to intervening structures or objects, to the closest point of a physical barrier or demarcation that establishes a boundary of the protected use. Examples of physical barriers or demarcations include fencing around activity areas, such as play fields, courts, or pools; or edges, borders, or boundaries of maintained areas adjacent to trails, golf courses, or active recreation areas. If the protected use is conducted exclusively inside, from the boundary of the operation site in a straight line, without regard to intervening structures of objects, to the closest point of the structure housing the protected use.

(G) Neighborhood meeting:

(i) Within 60 days after filing an SUP application, the applicant or operator shall, at the applicant or operator’s expense, provide notice of a neighborhood meeting regarding the pending SUP application.

(ii) The applicant or operator shall mail notice of the neighborhood meeting by depositing the notice properly addressed and postage paid in the United States mail. The notice must be written in English and Spanish. The applicant or operator shall mail notice of the neighborhood meeting to all real property owners as indicated by the most recent appraisal district records and all mailing addresses within 2,000 feet of the boundary of the proposed gas drilling and production use operation site.

(iii) The notice of the neighborhood meeting must include:

(aa) the date, time, and location of the neighborhood meeting;

(bb) the identity of the applicant and the operator;

(cc) the location of the pending SUP application;

(dd) information about the proposed gas drilling and production use;

(ee) the purpose of the neighborhood meeting; and

(ff) information about subscribing to the operator’s electronic notification list to receive updates about when specific operations will occur, including site preparation, drilling, casing, fracturing, pipeline construction, production, transportation, and maintenance of the operation site.

(iv) Within five days after mailing the notice of the neighborhood meeting, the applicant shall file an affidavit with the director swearing and affirming that all real property owners and mailing addresses within 2,000 feet of the boundary of the proposed gas drilling and production use operation site were mailed notice of the neighborhood meeting in accordance with this subparagraph. The affidavit must include a list of the real property owners and mailing addresses to which notice was sent.

(v) The applicant and operator shall attend and conduct the neighborhood meeting not less than seven or more than 21 days after providing notice of the neighborhood meeting. The neighborhood meeting must be held at a facility open to the public near the proposed gas drilling and production use.

(vi) The purpose of the neighborhood meeting is for the applicant or operator to:

(aa) inform the community about the proposed gas drilling and production use;

(bb) explain the operations associated with gas drilling and production, including site preparation, site development and construction, drilling, casing, fracturing, pipeline construction, production, transportation, and maintenance of the operation site; and
(cc) explain and provide information about subscribing to the operator's electronic notification list to receive updates about when specific operations will occur, including site preparation, drilling, casing, fracturing, pipeline construction, production, transportation, and maintenance of the operation site.

(3.3) Gas pipeline compressor station.

(A) Definition:

(i) BOUNDARY means the perimeter of the compressor station site. GAS PIPELINE COMPRESSOR STATION SITE means the area identified in the SUP to be used for the gas pipeline compressor station.

(ii) GAS PIPELINE COMPRESSOR STATION means a facility for devices that raise the pressure of a compressible fluid (gas) in order for the gas to be transported through a transmission pipeline. This use does not include compressors that are part of a gas drilling and production use that only provide compression for gas to circulate into a gathering system.

(iii) PROTECTED USE means institutional and community service uses (except cemetery or mausoleum); lodging uses; office uses; recreation uses (except when the operation site is on a public park, playground, or golf course); residential uses; and retail and personal service uses (except commercial motor vehicle parking or commercial parking lot or garage). Parking areas and areas used exclusively for drainage detention are not part of a protected use.

(B) Districts permitted: By SUP only in IM district.

(C) Required off-street parking: Five spaces.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A gas pipeline compressor station must be spaced at least 1,500 feet from a protected use, measured from the boundary of the gas pipeline compressor station site in a straight line, without regard to intervening structures or objects, to the closest point of the protected use or areas of the protected use activity.

(ii) To reduce noise, all compressors must be fully enclosed in a building.

(iii) Except as otherwise provided in this subparagraph, the perimeter of the gas pipeline compressor station site must be screened from public view. City council may, by SUP, require a different form of screening but may not reduce the height requirements in this subparagraph. Screening must be at least six feet in height and must be constructed of:

(aa) earthen berm planted with turf grass or ground cover that does not have a slope that exceeds one foot of height for each two feet of width;

(bb) brick, stone, metal, or masonry wall that significantly screens equipment and structures from view;

(cc) landscaping materials recommended for local area use by the chief arborist. The landscaping must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. The initial plantings must be capable of obtaining a solid appearance within 18 months; or

(dd) any combination of the above.

(iv) Unless a specific color is required by federal or state law, all equipment and structures must be painted with a neutral color to match the nearby surroundings as nearly as possible.

(v) To reduce noise and emissions, electric motors must be used on the gas pipeline compressor station unless the operator submits a report to the gas inspector and the gas inspector finds that electric motors cannot be used.
(vi) Internal combustion engines and compressors, whether stationary or mounted on wheels, must be equipped with an exhaust muffler or a comparable device that suppresses noise and disruptive vibrations and prevents the escape of gases, fumes, ignited carbon, or soot.

(vii) Exhaust from any internal combustion engine or compressor may not be discharged into the open air unless it is equipped with an exhaust muffler or mufflers or an exhaust muffler box constructed of non-combustible materials sufficient to suppress noise and disruptive vibrations and prevent the escape of noxious gases, fumes, ignited carbon, or soot.

(viii) Compressors must comply with the low and high frequency noise requirements in Section 51A-12.204(1), “Noise.”

(4) Municipal waste incinerator.

(A) Definition: A facility used to incinerate solid waste, other than industrial or hazardous waste, resulting from or incidental to municipal, community, institutional, and recreational activities, including, but not limited to, garbage, rubbish, ashes, street cleanings, dead animals, and abandoned automobiles.

(B) Districts permitted: By SUP only in IR and IM districts.

(C) Required off-street parking: One space per 1,000 square feet of floor area.

(D) Required off-street loading:

<table>
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<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 50,000</td>
<td>1</td>
</tr>
<tr>
<td>50,000 to 100,000</td>
<td>2</td>
</tr>
<tr>
<td>Each additional 100,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) A municipal waste incinerator must front on a principal arterial.

(ii) The incinerator must be located on a lot that is no smaller than five acres in size, and be located at least 200 feet from the lot line.

(iii) The incinerator must be located at least:

(aa) 1,500 feet from all lots containing residential; public or private school; church; public park, playground, or golf course; convalescent or nursing home; medical clinic or ambulatory surgical center; and hospital uses;

(bb) two miles from all lots containing municipal and hazardous waste incinerators; and

(cc) one mile from all lots containing medical/infectious and pathological waste incinerators.

(iv) No outside storage is permitted in conjunction with this use.

(v) The area of notification for a public hearing to consider an SUP application for this use is 750 feet.

(4.1) Organic compost recycling facility.

(A) Definition: A commercial facility where the production of compost from organic materials takes place outside or in an open structure. For purposes of this definition, organic materials mean leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material not greater than six inches in diameter that results from landscape maintenance and land-clearing operations. Tree stumps, roots, and shrubs with intact root balls are not organic materials.

(B) Districts permitted: By right in the IM district with RAR required. By SUP only in A(A) and IR districts.
(C) Required off-street parking: One space per 500 square feet of floor area.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) In an IM district, an organic compost recycling facility must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned an IM district. For purposes of this paragraph, adjacent means across the street or sharing a common lot line.

(5) Outside salvage or reclamation.

(A) Definition: A facility which stores, keeps, dismantles, or salvages scrap or discarded material or equipment outside. Scrap or discarded material includes but is not limited to metal, paper, rags, tires, bottles, or inoperable or wrecked motor vehicles, motor vehicle parts, machinery, and appliances.

(B) Districts permitted: By SUP only in the IM district.

(C) Required off-street parking: The off-street parking requirement may be established in the ordinance granting the SUP, otherwise a minimum of five spaces required.

(D) Required off-street loading:

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</tr>
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(E) Additional provisions:

(i) This use must have a visual screen of at least nine feet in height which consists of a solid masonry, concrete, or corrugated sheet metal wall, or a chain link fence with metal strips through all links.

(ii) The owner of an outside salvage or reclamation use shall not stack objects higher than eight feet within 40 feet of the visual screen. The owner of an outside salvage or reclamation use may stack objects one foot higher than eight feet for each five feet of setback from the 40 foot point.

(iii) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use.

(iv) A minimum distance of 500 feet is required between an outside salvage or reclamation use and an R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district.

(5.1) Pathological waste incinerator.

(A) Definition: A facility used to incinerate organic human or animal waste, including, but not limited to:

(i) Human materials removed during surgery, labor and delivery, autopsy, or biopsy, including body parts, tissues or fetuses, organs, and bulk blood and body fluids.

(ii) Products of spontaneous human abortions, regardless of the period of gestation, including body parts, tissue, fetuses, organs, and bulk blood and body fluids.

(iii) Anatomical remains.
(iv) Bodies for cremation.

(B) Districts permitted: By SUP only in IR and IM districts.

(C) Required off-street parking: One space per 1,000 square feet of floor area.

(D) Required off-street loading:

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(E) Additional provisions:

(i) A pathological waste incinerator must be located on a lot that is no smaller than one acre in size, and be at least 100 feet from the lot line.

(ii) The incinerator must be located at least:

(aa) 1,000 feet from all lots containing residential; public or private school; church; and public park, playground, or golf course uses;

(bb) one mile from all lots containing municipal and hazardous waste incinerators; and

(cc) one-fourth mile from all lots containing medical/infectious and pathological waste incinerators.

(iii) Reserved.

(iv) All waste must be disposed of within a 24 hour period.

(v) No outside storage is permitted in conjunction with this use.

(6) Temporary concrete or asphalt batching plant.

(A) Definition: A temporary facility for mixing cement or asphalt.

(B) Districts permitted: Special authorization by the building official is required in accordance with the additional provisions for this use.

(C) Off-street parking:

Required off-street parking: Two spaces. Off-street parking requirements for this use may be satisfied by providing temporary parking spaces that do not strictly comply with the construction and maintenance provisions for off-street parking in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that the temporary parking spaces:

(i) are adequately designed to accommodate the parking needs of the use; and

(ii) will not adversely affect surrounding uses.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A temporary certificate of occupancy is required for this use. The building official may issue a temporary certificate of occupancy in any zoning district for a temporary batching plant to mix, compound, and batch concrete, asphalt, or both, for a public or private project. The certificate is valid for six months. The building official shall deny the certificate if he determines that on-site fencing, screening, or buffering elements do not provide adequate protection for adjacent property. If the project is not completed within six months, the building official may extend the certificate to complete the project.
(ii) A person to whom a temporary certificate of occupancy is issued shall:

(aa) comply with city, state and federal laws at the batching plant site;

(bb) clear the site of equipment, material and debris upon completion of the project;

(cc) repair or replace any public improvement that is damaged during the operation of the temporary batching plant; and

(dd) locate and operate the temporary plant in a manner which eliminates unnecessary dust, noise, and odor (as illustrated by, but not limited to covering trucks, hoppers, chutes, loading and unloading devices and mixing operations, and maintaining driveways and parking areas free of dust).

(iii) A person shall only furnish concrete, asphalt, or both, to the specific project for which the temporary certificate of occupancy is issued.

(iv) The placement of a temporary batching plant for a private project is restricted to the site of the project. The board may grant a special exception to this requirement when, in the opinion of the board, the special exception will not adversely affect neighboring properties. (Ord. Nos. 19455; 19786; 20411; 20478; 21002; 21456; 22026; 22255; 22388; 22392; 24792; 25047; 26920; 28553; 28700; 28803; 29228; 29557; 29917; 30890)

SEC. 51A-4.204. INSTITUTIONAL AND COMMUNITY SERVICE USES.

(1) Adult day care facility.

(A) Definition: A facility that provides care or supervision for five or more persons 18 years of age or older who are not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit or charges for the services it offers.

(B) Districts permitted: By right in retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use in MF-3(A), MF-4(A), and office districts. By SUP in residential districts. [No SUP required for a limited use in MF-3(A) and MF-4(A) districts.]

(C) Required off-street parking: One space per 500 square feet of floor area.

(D) Required off-street loading:

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<td>thereof</td>
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</table>

(E) Additional provisions:

(i) The limited use regulations in this chapter are modified for this use to allow an outdoor recreation area and separate access from the main building to the recreation area.

(ii) This use must comply with statutory licensing requirements.

(iii) The persons being cared for or supervised under this use may not use the facility as a residence.

(2) Cemetery or mausoleum.

(A) Definition:

(i) A cemetery is a place designated for burial of the dead.

(ii) A mausoleum is a building with places for the entombment of the dead.
§ 51A-4.204  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.204

(B) Districts permitted: By SUP only in all residential and nonresidential districts except the P(A) and urban corridor districts.

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: None

(E) Additional provisions:

(i) Cemeteries are subject to Chapter 11 of this code.

(3) Child-care facility.

(A) Definition: A facility that provides care, training, education, custody, treatment, or supervision for persons under 14 years of age who are not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit or charges for the services it offers. This use does not include:

(i) a facility that is operated in connection with a shopping center, business, religious organization, or establishment where children are cared for during short periods while parents or persons responsible for the children are attending religious services, shopping, or engaging in other activities on or near the premises, including but not limited to retreats or classes for religious instruction;

(ii) a school or class for religious instruction that does not last longer than two weeks and is conducted by a religious organization during the summer months;

(iii) an educational facility accredited by the Central Education Agency or the Southern Association of Colleges and Schools that operates primarily for educational purposes in grades kindergarten and above;

(iv) an educational facility that operates solely for educational purposes in grades kindergarten through at least grade two, that does not provide custodial care for more than one hour during the hours before or after the customary school day, and that is a member of an organization that promulgates, publishes, and requires compliance with health, safety, fire, and sanitation standards equal to standards required by state, municipal, and county codes;

(v) a kindergarten or preschool educational program that is operated as part of a public school or a private school accredited by the Central Education Agency, that offers educational programs through grade six, and does not provide custodial care during the hours before or after the customary school day;

(vi) an educational facility that is integral to and inseparable from its sponsoring religious organization or an educational facility both of which do not provide custodial care for more than two hours maximum per day, and that offers educational programs for children age five and above in one or more of the following: kindergarten through at least grade three, elementary, or secondary grades;

(vii) a day home as defined in Section 51A-4.217; or

(viii) individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption.

(B) Districts permitted: By right in retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use in MF-3(A), MF-4(A), and office districts. By SUP in residential districts. [No SUP required for a limited use in MF-3(A) and MF–4(A) districts.]

(C) Required off-street parking: If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP, otherwise one space per 500 square feet of floor area.

(D) Required off-street loading:
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<td>Each additional 60,000 or fraction thereof</td>
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(E) Additional provisions:

(i) The limited use regulations in this chapter are modified for this use to allow an outdoor play area and separate access from the main building to the play area.

(ii) This use must comply with all applicable requirements imposed by state law.

(iii) The persons being cared for, trained, kept, treated, or supervised under this use may not use the facility as a residence.

(4) Church.

(A) Definition: A facility principally used for people to gather together for public worship, religious training, or other religious activities. This use does not include home meetings or other religious activities conducted in a privately occupied residence.

(B) Districts permitted: By right in all residential and nonresidential districts except the P(A) district.

(C) Required off-street parking:

(i) Number of spaces required. One space per 333 square feet in floor area if a church has less than 5,000 square feet of floor area and is located in a shopping center with more than 20,000 square feet in floor area, otherwise one space for each four fixed seats in the sanctuary or auditorium. If fixed benches or pews are provided, each 18 inches of length of the fixed bench or pew constitutes one fixed seat for purposes of this paragraph. If portions of seating areas in the sanctuary or auditorium are not equipped with fixed seats, benches, or pews, the parking requirement for those portions is one space for each 28 square feet of floor area.

(ii) Definitions. For purposes of this subsection, "remote parking" means required off-street parking provided on a lot not occupied by the main use.

(iii) Reconciliation with Divisions 51A-4.300 et seq. Except as otherwise expressly provided in this subsection, the off-street parking regulations in Divisions 51A-4.300 et seq. apply to this use. In the event of a conflict between this subsection and Divisions 51A-4.300 et seq., this subsection controls.

(iv) Remote parking.

(aa) Distance extension with shuttle service. A remote parking lot for a church may be located up to one and one-half miles (including streets and alleys) from the lot occupied by the church if a shuttle service is provided to transport persons between the church and the remote parking lot. The shuttle service route must be approved by the traffic engineer.

(bb) Remote parking agreement. An agreement authorizing a church to use remote parking may be based on a lease of the remote parking spaces if:

(I) the lease is for a minimum term of three years; and

(II) the agreement provides that both the owner of the lot occupied by the church and the owner of the remote lot shall notify the city of Dallas in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.
§ 51A-4.204 Dallas Development Code: Ordinance No. 19455, as amended

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A church may permit passengers of mass transportation and car pools to park on the church parking lot.

(ii) The following structures, when located on top of a church building, are excluded from the height measurement of the church building:

(aa) Belfries.

(bb) Bell towers.

(cc) Campaniles.

(dd) Carillons.

(ee) Crosses.

(ff) Cupolas.

(gg) Spires.

(hh) Steeples.

(iii) A rectory, convent, or monastery is permitted as an accessory use.

(5) College, university, or seminary.

(A) Definition:

(i) A college or university is an academic institution of higher learning beyond the level of secondary school.

(ii) A seminary is an institution for the training of candidates for the priesthood, ministry, or rabbinate.

(B) Districts permitted: By right in A(A), LO(A), MO(A), GO(A), CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in single family, duplex, townhouse, CH, multifamily, NO(A), and NS(A) districts.

(C) Required off-street parking: One space per 25 square feet of classroom.

(D) Required off-street loading:

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</table>

(6) Repealed. (Ord. 21044)

(7) Community service center.

(A) Definition: A multi-functional facility where a combination of social, recreational, welfare, health, habilitation, or rehabilitation services are provided to the public. For purposes of this definition, a facility where only business transactions or administrative, educational, school support, counseling, informational, referral, or out-patient medical, dental, or optical treatment services (or any combination of these activities) take place is not considered to be a community service center.

(B) Districts permitted: By right in RR, IR, and CA-2(A) districts. By SUP only in all residential, office, NS(A), CR, CS, LI, CA-1(A), mixed use, multiple commercial, and urban corridor districts.

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading: None.
§ 51A-4.204 Dallas Development Code: Ordinance No. 19455, as amended

(8) Convalescent and nursing homes, hospice care, and related institutions.

(A) Definition:

(i) This use includes both:

(aa) an establishment which furnishes (in single or multiple facilities) food and shelter to five or more persons who are not related by blood, marriage, or adoption to the owner or proprietor of the establishment and, in addition, provides minor treatment under the direction and supervision of a physician, or services which meet some need beyond the basic provision of food, shelter, and laundry; and

(bb) an establishment conducted by or for the adherence of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend exclusively upon prayer or spiritual means for healing, without the use of any drug or material remedy, provided safety, sanitary, and quarantine laws and regulations are complied with.

(ii) This use does not include:

(aa) a hotel or similar place that furnishes only food and lodging, or either, to its guests;

(bb) a hospital; or

(cc) an establishment that furnishes only baths and massages in addition to food, shelter, and laundry.

(B) Districts permitted: By right in multifamily, central area mixed use, and urban corridor districts. By SUP only in agricultural, TH(A), and CH districts. RAR required in multifamily and mixed use districts.

(C) Required off-street parking: 0.3 spaces per bed.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) In townhouse, RTN, CH, and multifamily districts, this use is subject to the following density restrictions:

<table>
<thead>
<tr>
<th>ZONING DISTRICT CLASSIFICATION</th>
<th>MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE</th>
<th>MAXIMUM NO. OF BEDS PER NET ACRE</th>
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</thead>
<tbody>
<tr>
<td>TH-1(A) and RTN</td>
<td>35</td>
<td>70</td>
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<tr>
<td>TH-2(A) and TH-3(A)</td>
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<td>CH</td>
<td>45</td>
<td>90</td>
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<td>MF-1(A) and MF-1(SAH)</td>
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<tr>
<td>MF-2(A) and MF-2(SAH)</td>
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<tr>
<td>MF-3(A)</td>
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<tr>
<td>MF-4(A)</td>
<td>160</td>
<td>320</td>
</tr>
</tbody>
</table>

*For purposes of this subparagraph, the term “suite” means one or more rooms designed to accommodate one family, containing living, sanitary, and sleeping facilities, but not containing a kitchen.

(ii) This use must comply with statutory licensing requirements, if any.

(iii) This use may include dwelling units that are exclusively restricted to visitors, patients, or members of the staff.

(9) Convent or monastery.

(A) Definition: The living quarters or dwelling units for a religious order or for the congregation of persons under religious vows.

(B) Districts permitted: By right in A(A), multifamily, office, retail, CS, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in single family, duplex, townhouse, and CH districts.
(11) Foster home.

(A) Definition: A facility that provides room, board, and supervision to five or more persons under 18 years of age who are not related by blood, marriage, or adoption to the owner or operator of the facility.

(B) Districts permitted: By right in CH, multifamily, CA-2(A), and mixed use districts. By SUP only in A(A), single family, duplex, townhouse, MH(A), and CA-1(A) districts.

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must comply with statutory licensing requirements.

(12) Reserved.

(13) Halfway house.

(A) Definition: A facility for the housing, rehabilitation, and training of persons on probation, parole, or early release from correctional institutions, or other persons found guilty of criminal offenses.

(B) Districts permitted: By SUP only in LI, RR, CS, MU-2, MU-2(SAH), MU-3, MU-3(SAH), and central area districts. A halfway house may not be located in a planned development district unless all of the requirements of this paragraph are met.

(C) Required off-street parking: Determined by the specific use permit. This requirement must include provision of adequate off-street parking for residents, staff, and visitors. In determining an adequate number of off-street parking spaces, the city council shall consider the degree to which allowing the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

(D) Required off-street loading: Determined by the specific use permit.

(E) Additional provisions:

(i) No more than 50 residents are permitted in a halfway house. Halfway houses must be located at least 1000 feet from residential districts, single family, duplex, and multifamily uses, public parks and recreational facilities, child-care facilities, and public or private schools.

(ii) A halfway house may not be located within one mile from another halfway house.

(iii) A specific use permit for a halfway house shall be issued for a two year time period. Periodic review periods may be established as part of the specific use permit.

(iv) The treatment of alcoholic, narcotic, or psychiatric problems is allowed under this use if expressly permitted by the specific use permit.

(v) This use shall comply with all applicable city, state, and federal codes and regulations.

(vi) Halfway houses must be located within 1200 feet of mass transit service.

(vii) A halfway house specific use permit application must include evidence of meetings between the applicant and property owners within the
§ 51A-4.204 Dallas Development Code: Ordinance No. 19455, as amended

Evidence of meetings must include records reflecting the dates of the meetings, the individuals or organizations involved, and the issues discussed and resolved.

(viii) Signs identifying a use as a halfway house are not permitted.

(ix) Halfway house premises must be properly maintained in good condition at all times.

(x) A security plan must be submitted with an application for a specific use permit for a halfway house. The security plan must demonstrate compliance with the security requirements of state law. The director shall furnish a copy of security plans for halfway houses to appropriate city, county, and state agencies for their review before the commission’s consideration of an application. Provisions addressing security must be included in any ordinance granting a specific use permit for a halfway house. A compliance report must be submitted to the director every two years after the date of passage of an ordinance granting a specific use permit and with each application for renewal of a specific use permit for a halfway house.

(xi) Measurements of distance under this paragraph are taken radially. “Radial” measurement means a measurement taken along the shortest distance between the nearest point of the building site of the halfway house and the nearest point of the building site of another use, or of a zoning district boundary.

(14) Hospital.

(A) Definition: An institution where sick or injured patients are given medical treatment.

(B) Districts permitted: By right in GO(A), RR, CS, LI, IR, central area, MU-3, and MU–3(SAH) districts. By SUP only in A(A), multifamily, MO(A), CR, IM, MU-1, MU-1(SAH), MU-2, MU-2(SAH), multiple commercial, and urban corridor districts. RAR required in GO(A), RR, CS, LI, IR, MU-3, and MU-3(SAH) districts.

(C) Required off-street parking: One space for each patient bed.

(D) Required off-street loading:

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(E) Additional provisions:

(i) This use must be licensed by the state as a hospital.

(15) Repealed. (Ord. 21044)

(16) Library, art gallery, or museum.

(A) Definition: An establishment for the loan or display of books or objects of art, science, or history.

(B) Districts permitted: By right in office, retail, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in residential districts.

(C) Required off-street parking: For a library, one space per 500 square feet of floor area. For an art gallery or museum, one space per 600 square feet of floor area.

(D) Required off-street loading:

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(E) Additional provisions:

(i) This use must be sponsored by a public or quasi-public agency and open and available to the general public.

(ii) Retail sales in a library, art gallery, or museum is permitted as a limited accessory use.

(17) Public or private school.

(A) Definitions:

(i) OPEN-ENROLLMENT CHARTER SCHOOL means a public school that is operated under a charter granted under Subchapter D of Chapter 12 of the Texas Education Code.

(ii) PRIVATE SCHOOL means a school that a student may attend and thereby be exempt from state law requirements of compulsory attendance at a public school, and that exists apart from the student’s home.

(iii) PUBLIC SCHOOL means a kindergarten, elementary, or secondary educational institution that is owned or operated by a local independent school district, or operated under a charter granted under Chapter 12 of the Texas Education Code.

(B) Districts permitted:

(i) Public school other than an open-enrollment charter school: By right in A(A), office, retail, CS, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in single family, duplex, townhouse, CH, multifamily, MH(A), and industrial districts. RAR required in A(A), office, retail, CS, mixed use, multiple commercial, and urban corridor districts.

(ii) Open-enrollment charter school or private school: By SUP only in residential, office, retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts.

(C) Required off-street parking:

(i) One and one-half spaces for each kindergarten/elementary school classroom;

(ii) Three and one-half spaces for each junior high/middle school classroom; and

(iii) Nine and one-half spaces for each senior high school classroom.

(iv) If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
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(E) Additional provisions:

(i) This use does not include business, commercial, trade, or craft schools.

(ii) This use must comply with all applicable licensing requirements.

(iii) If this use is nonconforming, the board of adjustment shall not establish a compliance date for the use under Section 51A-4.704(a)(1) unless the owners of more than 50 percent of the land within 200 feet of the lot containing the school or a lot used by an entity affiliated with the school that is within 200 feet of the lot containing the school file a written petition with the board requesting that a compliance date be established. In computing the percentage of land area under this subparagraph, the area of public rights-of-way and city-owned property is excluded. The area of the lots used or owned by the school or by an entity affiliated with the school is also excluded from the computation.
§ 51A-4.204 Dallas Development Code: Ordinance No. 19455, as amended

(iv) This use, if nonconforming, may expand its total floor area by up to ten percent or 2,000 square feet, whichever is less, without obtaining an SUP. (Ord. Nos. 19455; 19786; 19913; 19931; 20037; 20159; 20493; 20731; 20752; 20845; 20920; 21044; 21442; 21663; 22026; 24271; 24718; 25047; 27495; 28096; 28424; 28803; 30890; 30896)

SEC. 51A-4.205. LODGING USES.

(1) Hotel or motel.

(A) Definition: A facility containing six or more guest rooms that are rented to occupants on a daily basis.

(B) Districts permitted:

(i) Except as otherwise provided in Subparagraphs (B)(iii) or (B)(iv), by right in MO(A), GO(A), RR, CS, LI, IR, IM, central area, MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, MU-3(SAH) and multiple commercial districts.

(ii) By SUP only in the CR district.

(iii) By SUP only for a hotel or motel use that has 60 or fewer guest rooms.

(iv) If an SUP is not required, RAR required in MO(A), GO(A), RR, CS, LI, IR, IM, MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, MU-3(SAH), and multiple commercial districts.

(C) Required off-street parking: One space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus one space per 200 square feet of meeting room.

(D) Required off-street loading:

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(E) Additional provisions:

(i) Suite hotels may have kitchens in the guest rooms.

(1.1) Extended stay hotel or motel.

(A) Definition: A lodging facility containing six or more guest rooms, in which:

(i) 25 percent or more of the guest rooms have a kitchen that includes a sink, a full-size stove, and a full-size refrigerator (a cooking area limited to a microwave, mini-refrigerator, or cook-top does not constitute a “kitchen” for purposes of this definition); and

(ii) 10 percent or more of the guest rooms contain a sleeping area that is separated from a sitting area by a wall or partition.

(B) Districts permitted: By SUP in MO(A), GO(A), RR, CS, industrial, central area, mixed use, and multiple commercial districts.

(C) Required off-street parking: One space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus one space per 200 square feet of floor area other than guest rooms.
(D) Required off-street loading:

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(E) Additional provisions:

(i) Amenities such as maids, laundry, concierge, meeting rooms, exercise rooms, pool, and business services (fax, internet, voice mail, courier, etc.) may only be provided to guests.

(2) Lodging or boarding house.

(A) Definition: A facility containing at least one but fewer than six guest rooms that are separately rented to occupants.

(B) Districts permitted: By right in MF-2(A), MF-2(SAH), MF-3(A), MF-4(A), RR, CS, LI, IR, and central area districts. By SUP only in CR and IM districts.

(C) Required off-street parking: One space for each guest room.

(D) Required off-street loading:

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(E) Additional provisions:

(i) The operator of this use may serve meals to the occupants.

(ii) This use may not have kitchens in the guest rooms.

(2.1) Overnight general purpose shelter.

(A) Definitions: In these use regulations:

(i) BED means a piece of furniture, mat, cushion, or other device on or in which a person may lie and sleep.

(ii) OVERNIGHT GENERAL PURPOSE SHELTER means an emergency lodging facility (as opposed to a residential or medical treatment facility) that provides room and board to more than four persons who are not related by blood, marriage, or adoption to the head of the household or the owner or operator of the facility, and that negotiates sleeping arrangements on a daily basis, whether or not the facility is operated for profit or charges for the services it offers. This definition does not include:

(aa) dwelling units occupied exclusively by families (Note: Dwelling units occupied exclusively by families are considered to be single family, duplex, or multifamily uses, as the case may be); or

(bb) any other use specifically defined in this chapter.

(iii) THIS USE means an overnight general purpose shelter as defined in this paragraph.

(B) Districts permitted:

(i) If this use provides shelter for 20 or less overnight guests, it is permitted by SUP only in LO(A), MO(A), GO(A), CR, RR, CS, LI, IR, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), and multiple commercial districts.

(ii) If this use provides shelter for more than 20 overnight guests, it is permitted by SUP only in GO(A), CS, LI, IR, and central area districts.

(C) Required off-street parking: 0.0025 spaces per bed, plus one space per 200 square feet of
office or program service floor area; a minimum of four spaces is required.

(D) Required off-street loading:

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(E) Additional provisions:

(i) The maximum number of overnight guests permitted under this use is:

(aa) 20 in LO(A), MO(A), CR, RR, MU-2, MU-3, and multiple commercial districts; and

(bb) 200 in all other cases.

(ii) The cumulative maximum number of beds permitted for all of these uses combined on building sites located wholly or partially in the central business district is 250.

(iii) The cumulative maximum number of beds permitted for all of these uses combined on building sites located wholly or partially in the area including and within one-third of a mile of the central business district is 1100.

(iv) In the event of a conflict between Subparagraphs (ii) and (iii) and the provisions of any special purpose, planned development, or conservation district ordinances, Subparagraphs (ii) and (iii) control.

(v) This use must be spaced at least 1,000 feet away from:

(aa) a church;

(bb) a public or private elementary or secondary school;

(cc) any residential use listed in Section 51A-4.209 except a “college dormitory, fraternity, or sorority house”;

(dd) any residential district, historic overlay district, or public park; and

(ee) any other overnight general purpose shelter.

If this use provides shelter for more than 50 overnight guests, it must be spaced at least one-half mile from any other overnight general purpose shelter. For purposes of these use regulations, measurement is made in a straight line, without regard to intervening structures or objects, from the nearest boundary of the building site containing the overnight general purpose shelter to the nearest boundary of the building site containing the church, public or private elementary or secondary school, or residential use, or to the nearest boundary of the residential or historic overlay district or public park, whichever is applicable. The distance between overnight general purpose shelters is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the shelters are located.

(vi) This use must be located within one-half mile of public transit.

(vii) This use must comply with all applicable licensing requirements.

(viii) The board of adjustment shall not establish a termination date for this use under Section 51A-4.704(a)(1).

(ix) Whenever an overnight general purpose shelter operating on city-owned land in full compliance with all applicable laws is, through no fault of its own, forced to vacate its current location as a result of the direct, positive, and affirmative action of the city, and if the requirements of this subparagraph are met, the shelter shall be permitted to relocate in any nonresidential district for a period of time of one year without applying for an SUP. The SUP requirement shall be suspended only if the proposed new building site is located a minimum of
§ 51A-4.205 Dallas Development Code: Ordinance No. 19455, as amended

1,000 feet from any building site containing any residential use listed in Section 51A-4.209 except a “college dormitory, fraternity, or sorority house”; and a minimum of 1,000 feet from any building site containing another shelter. All measurements shall be taken radially between the building sites in question. In addition, the shelter must obtain a certificate of occupancy and any other required licenses and approvals before it may begin operating. A shelter that relocates in accordance with this subparagraph shall not acquire any nonconforming rights during the period of suspension, and any investment made in land, buildings, or structures during that period shall be at the complete risk of the shelter that an SUP may not ultimately be granted. At or before the end of the one-year period, the shelter shall either file an application for an SUP or cease operations. A shelter that files an application for an SUP in accordance with this subparagraph may remain operating while the application is pending before the city plan commission or city council; however, if the application is denied or withdrawn, the shelter shall cease operations no later than 60 days after the date the final decision is made to deny the application, or the date the application is withdrawn, whichever is applicable.

§ 51A-4.206 MISCELLANEOUS USES.

(1) Attached non-premise sign.

(A) Definition: A “non-premise sign” as defined in Article VII that is also an “attached sign” as defined in that article.

(B) Districts permitted:

(i) By express authorization in special provision sign districts.

(ii) By express authorization and SUP only in planned development districts.

(iii) By SUP only in office, retail, CS, industrial, central area, mixed use, and multiple commercial districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must be located in or within one mile of the central business district, and be spaced at least 1,000 feet from all other attached non-premise signs.

(ii) The effective area of this use may not exceed 25 percent of the area of the facade to which it is attached, or 672 square feet, whichever is less. No more than 10 percent of the effective area of this use may contain words, and this use may not contain more than eight words.

(iii) An SUP granted for this use must have a time limit of no more than three years, and is not eligible for automatic renewal.

(iv) These use regulations cannot be modified in an ordinance establishing or amending regulations governing a planned development district.

(v) Subparagraphs (i), (ii), and (iii) do not apply when this use is expressly authorized in a special provision sign district.

(vi) No certificate of occupancy is required for this use.

(2) Carnival or circus (temporary).

(A) Definition: A temporary traveling show or exhibition that has no permanent structure or installation.

(B) Districts permitted: Special authorization by the building official as approved in Resolution No. 65-1854.
(C) Required off-street parking: 25 spaces per acre.

(D) Required off-street loading: One space.

(E) Additional provisions:
   (i) Off-street parking and loading requirements for this use may be satisfied by using existing parking and loading spaces for other uses located within 500 feet of the carnival or circus, or by providing temporary parking spaces that do not strictly comply with the construction and maintenance provisions for off-street parking in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that the temporary parking and loading spaces:
      (aa) are adequately designed to accommodate the parking and loading needs of the use; and
      (bb) will not adversely affect surrounding uses.

(3) Detached non-premise sign.

(A) Definition: A “non-premise sign” as defined in Article VII that is also a “detached sign” as defined in that article.

(B) Districts permitted: See Section 51A-7.306.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:
   (i) Legal and non-conforming detached non-premise signs may be relocated under certain circumstances. See Section 51A-7.307.

(ii) No certificate of occupancy is required for this use.

(4) Hazardous waste management facility.

(A) Definition: A facility for which a person is required to obtain a hazardous waste permit from the Texas Water Commission pursuant to the Texas Solid Waste Disposal Act (Chapter 361 of the Texas Health and Safety Code). The term “hazardous waste permit” means that permit required to be obtained from the Texas Water Commission pursuant to Section 361.082 of that Act for the processing, storage, or disposal of hazardous waste. In accordance with that Act:

   (i) DISPOSAL means the discharging, depositing, injecting, dumping, spilling, leaking, or placing of hazardous waste, whether containerized or uncontainerized, into or on land or water so that the hazardous waste or any constituent thereof may be emitted into the air, discharged into surface water or groundwater, or introduced into the environment in any other manner.

   (ii) FACILITY means all contiguous land, including structures, appurtenances, and other improvements on the land, used for the processing, storage, or disposal of hazardous waste on the building site.

   (iii) HAZARDOUS WASTE means solid waste, as defined by state law, identified or listed as hazardous waste by the administrator of the United States Environmental Protection Agency under the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.).

   (iv) PROCESSING means the extraction of materials from or the transfer, volume reduction, conversion to energy, or other separation and preparation of hazardous waste for reuse or disposal. The term includes the treatment or neutralization of hazardous waste designed to change the physical, chemical, or biological character or
composition of a hazardous waste so as to neutralize the waste, recover energy or material from the waste, render the waste nonhazardous or less hazardous, make it safer to transport, store, or dispose of, or render it amenable for recovery or storage, or reduce its volume. The term does not include activities concerning those materials exempted by the administrator of the United States Environmental Protection Agency under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.), unless the Texas Water Commission or the Texas Department of Health determines that regulation of the activity under the Texas Solid Waste Disposal Act is necessary to protect human health or the environment.

(v) STORAGE means the temporary holding of hazardous waste, after which the waste is processed, disposed of, or stored elsewhere. [Note: The term “temporary holding” in this definition is subject to interpretation by the Texas Water Commission.]

(B) Districts permitted: By right in the IM district when operated as a hazardous waste incinerator; otherwise by right in IR and IM districts.

(C) Required off-street parking: One space per 1,000 square feet of floor area.

(D) Required off-street loading:

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(E) Additional provisions:

(i) This use must fully comply with all applicable local, state, and federal laws and regulations.

(ii) This use must not be located within 1,000 feet of an established residence, church, school, or dedicated public park which is in use at the time the notice of intent to file a hazardous waste permit application is filed with the Texas Water Commission, or if no such notice is filed, at the time the permit application is filed with the commission.

(iii) This use shall at all times be considered a separate main use. This use cannot be an accessory use within the meaning of Section 51A-4.217.

(iv) When operated as a hazardous waste incinerator, this use must front on a principal arterial and be located:

(aa) on a lot that is no smaller than five acres in size;

(bb) at least 200 feet from the lot line;

(cc) at least two miles from all lots containing municipal and hazardous waste incinerators;

(dd) at least one mile from all lots containing medical/infectious and pathological waste incinerators; and

(ee) at least 1,500 feet from all lots containing residential; public or private school; church; public park, playground, or golf course; convalescent or nursing home; medical clinic or ambulatory surgical center; and hospital uses.

(v) No outside storage is permitted in conjunction with this use when it is operated as a hazardous waste incinerator.

(vi) In the event of a conflict between these use regulations and any other provision in this chapter, these use regulations control.

(5) Placement of fill material.

(A) Definition: The placement or deposit of fill material, which is composed of
nonhazardous earth material. This does not include industrial or municipal waste as defined in Chapter 18 of the Dallas City Code, as amended or solid waste as defined in 51A-2.102 of the Dallas Development Code, as amended. For the purposes of this paragraph:

(i) Hazardous earth material means: earth material containing hazardous material, as defined in Title 49 of the Code of Federal Regulations.

(B) Districts permitted: Except as otherwise provided in this paragraph, by SUP in all districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) In addition to the findings required by Section 51A-4.219 of this chapter, a specific use permit may not be granted for this use except upon a finding that the placement of fill material:

(aa) will not adversely affect surrounding uses;  

(bb) will be conducted in a manner which eliminates unnecessary dust, noise and odor;  

(cc) will not damage any public improvement or public infrastructure as a result of the filling operation;  

(dd) will not be placed in a flood plain, escarpment or geologically similar area unless authorized in accordance with the Dallas City Code;  

(ee) will not alter drainage of the property that adversely affects the site or adjacent properties;  

(ff) will be accomplished with safe and adequate ingress and egress to the site; and

(gg) will not damage or destroy any protected trees during the filling operation unless mitigation measures are provided in accordance with Article X of the Dallas Development Code.

(ii) Automatic renewal. A specific use permit granted for this use is not eligible for automatic renewal.

(iii) Exemptions from the specific use permit requirement. Placement of fill material is permitted by right in all districts if it:

(aa) is incidental to on-site filling operations necessary to the development of a subdivision pursuant to an approved plat and a private development contract executed with the city;  

(bb) is for the site where the filling is being done and in connection with one of the following approved permits: permit for construction, fill permit, escarpment permit, excavation permit, or landscape permit;  

(cc) is incidental to on-site filling operations necessary for governmental or utility construction projects such as streets, alleys, drainage, gas, electrical, water, cable, and telephone facilities, and similar projects;  

(dd) is incidental to on-site filling operations necessary to the construction of paving for parking areas and similar activities consistent with the allowed land use; or  

(ee) does not exceed five truck loads or 50 cubic yards of fill material, whichever is less, during any 12 month period. For purposes of this provision, a truck is defined as a truck-tractor, road tractor, semi-trailer, trailer or truck with a rated capacity in excess of one and one-half tons according to the manufacturer’s classification.

Note: If the placement of fill material exceeds the level stated above in provision (E)(iii)(ee) and does not qualify for an
§ 51A-4.207  Dallas Development Code: Ordinance No. 19455, as amended

exemption, the operator of the use must file an application for a specific use permit.

(iv) Operations plan. An applicant shall submit to the director of sustainable development and construction an operations plan which includes:

(aa) hours of operation;

(bb) location and depth of fill;

(cc) fences or any other barriers necessary for safety and screening;

(dd) drainage and erosion control measures, if required;

(ee) means for protection of trees;

(ff) truck routes to be used (usage of truck routes must be in compliance with Article X of Chapter 28 of the Dallas City Code);

(gg) the length of time necessary to complete the filling;

(hh) sufficient ingress and egress to and from the site; and

(ii) any other information the director determines is reasonably necessary for a complete review of the proposed filling operations.

(v) Illegally deposited material. Any material illegally deposited in the placement of fill material must be removed within 60 days after notice from the director of the Department of Streets, Sanitation and Code Enforcement.

(6) Temporary construction or sales office.

(A) Definition: A facility temporarily used as a construction or sales office.

(B) Districts permitted: By right in all residential and nonresidential districts except the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A temporary construction or sales office must be located on a platted lot or on a site that is part of a preliminary plat approved by the commission.

(ii) The building official shall issue a temporary certificate of occupancy for a period of one year for a temporary construction or sales office. The building official may grant up to four extensions of six months each to the certificate of occupancy for a construction office if the builder maintains active or continuous construction on the site or within the subdivision, and for a sales office if a minimum of ten lots in the subdivision are unsold.

(iii) A temporary construction or sales office may not be located in another subdivision or used for construction or sales in another subdivision. (Ord. Nos. 19455; 19786; 20478; 20493; 21002; 22996; 23239; 24232; 25047; 28073; 30890)

SEC. 51A-4.207. OFFICE USES.

(1) Alternative financial establishment.

(A) Definitions: In this paragraph:

(i) ALTERNATIVE FINANCIAL ESTABLISHMENT means a car title loan business or money services business. An alternative financial establishment does not include state or federally chartered banks, community development financial institutions, savings and loans, credit unions, or
regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code. If a regulated lender licensed in accordance with Chapter 342 of the Texas Finance Code also offers services as a credit access business under Chapter 393 of the Texas Finance Code, that business is an alternative financial establishment.

(ii) CAR TITLE LOAN BUSINESS means an establishment that makes small, short-term consumer loans secured by a title to a motor vehicle.

(iii) MONEY SERVICES BUSINESS means a business that provides or assists a consumer in obtaining a payday cash advance, payroll advance, short-term cash loan, short term cash advance, instant payday cash advance, short-term money loan services, or similar services to individuals for a specified fee.

(B) Districts permitted: By SUP only in all nonresidential districts except the NO(A), NS(A), MU-1, MU-1(SAH), UC-1, and P(A) districts.

(C) Required off-street parking: One space per 333 square feet of floor area.

(D) Required off-street loading:

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(E) Additional provisions:

(i) No alternative financial establishment may be located within 1,500 feet, measured from property line to property line, of any other alternative financial establishment.

(ii) No alternative financial establishment may be located within 300 feet, measured from property line to property line, of a lot in a residential district.

(iii) An alternative financial establishment may only be a main use that requires a specific use permit and a certificate of occupancy. An alternative financial establishment may not be an accessory use within the meaning of Section 51A-4.217.

(2) Financial institution without drive-in window.

(A) Definition: A facility for the extension of credit and the custody, loan, or exchange of money which does not provide drive-in window service for customers. A financial institution without drive-in window includes regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code, but does not include lenders that also offer any services as credit access businesses under Chapter 393 of the Texas Finance Code.

(B) Districts permitted: By right in all nonresidential districts except the P(A) district.

(C) Required off-street parking: One space per 333 square feet of floor area.

(D) Required off-street loading:

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(3) Financial institution with drive-in window.

(A) Definition: A facility for the extension of credit and the custody, loan, or exchange of money which provides drive-in window service for customers in motor vehicles. A financial institution with drive-in window includes regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code, but does not include lenders that also offer any services as credit access businesses under Chapter 393 of the Texas Finance Code.
Finance Code, but does not include lenders that also offer any services as credit access businesses under Chapter 393 of the Texas Finance Code.

(B) Districts permitted: By right in MO(A), GO(A), CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. By SUP only in LO(A) districts. DIR required in MO(A), GO(A), CR, RR, mixed use, central area, and multiple commercial districts. RAR required in CS and industrial districts.

(C) Required off-street parking: One space per 333 square feet of floor area. See the additional provisions [Subparagraph (E)] for off-street stacking requirements.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 50,000</td>
<td>NONE</td>
</tr>
<tr>
<td>50,000 to 150,000</td>
<td>1</td>
</tr>
<tr>
<td>Each additional 100,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) The following off-street stacking requirements apply to this use (See Section 51A-4.304 for more information regarding off-street stacking spaces generally):

(aa) The total number of stacking spaces required for teller windows or stations is as follows:

<table>
<thead>
<tr>
<th>NO. OF TELLER WINDOWS OR STATIONS</th>
<th>TOTAL NUMBER OF STACKING SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>3</td>
<td>15</td>
</tr>
<tr>
<td>4</td>
<td>18</td>
</tr>
<tr>
<td>Each additional teller window or station</td>
<td>3 additional</td>
</tr>
</tbody>
</table>

(bb) For purposes of Subparagraph (aa), the term “teller window or station” means a location where customers in motor vehicles transact business with an employee of the financial institution by deal drawer or through the use of a pneumatic tube system or equivalent.

(cc) Each unmanned transaction station must have a minimum of two stacking spaces. For purposes of this subparagraph, the term “unmanned transaction station” means a location where customers in motor vehicles transact business with a machine.

(4) Medical clinic or ambulatory surgical center.

(A) Definition: A facility for examining, consulting with, and treating patients with medical, dental, or optical problems on an out-patient basis.

(B) Districts permitted: By right in all nonresidential districts except the P(A) district.

(C) Required off-street parking: One space per 200 square feet of floor area.
(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 50,000</td>
<td>NONE</td>
</tr>
<tr>
<td>50,000 to 150,000</td>
<td>1</td>
</tr>
<tr>
<td>Each additional 100,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) Offices and laboratories are permitted as accessory uses.

(5) Office.

(A) Definition: A place for the regular transaction of business.

(B) Districts permitted: By right in all nonresidential districts except the P(A) district.

(C) Required off-street parking: One space per 333 square feet of floor area.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
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<td>NONE</td>
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<td>1</td>
</tr>
<tr>
<td>Each additional 100,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) Retail sales, the transfer of manufactured goods, or the storage of commodities is not permitted except as a limited accessory use. (Ord. Nos. 19455; 19786; 19806; 20493; 21001; 28214; 29208; 29589; 30890)

SEC. 51A-4.208. RECREATION USES.

(1) Country club with private membership.

(A) Definition: A private recreational club containing a golf course and a club house that is available only to the country club membership and their guests.

(B) Districts permitted: By right in CH, multifamily, MH(A), and all nonresidential districts except the P(A), and urban corridor districts. By SUP only in A(A), single family, duplex, and townhouse districts. RAR required in CH, multifamily, and MH(A) districts.

(C) Required off-street parking: If an SUP is required for this use, the off-street parking requirement may be established by the ordinance granting the SUP, otherwise three spaces for each game court, one space for each additional 150 square feet of floor area, and five spaces for each golf course green.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use may contain a private bar, dining room, a swimming pool, and tennis courts and similar services and recreational facilities.

(2) Private recreation center, club, or area.

(A) Definition: An area providing private recreational facilities such as playgrounds, parks, game courts, swimming pools, and playing fields.

(B) Districts permitted: By right in GO(A), CR, RR, CS, industrial, central area, mixed use, multiple commercial, UC-2 and UC-3 districts. By SUP only in all residential districts except MH(A), and in NO(A), LO(A), MO(A), and NS(A) districts.

(C) Required off-street parking: If an SUP is required for this use, the off-street parking
requirement may be established by the ordinance granting the SUP, otherwise three spaces for each game court and one space for each additional 150 square feet of floor area.

(D) Required off-street loading: None.

(3) Public park, playground, or golf course.

(A) Definition: Land planned, developed, or used for active or passive recreational use by the public that is owned or operated by a public agency for those purposes.

(B) Districts permitted: By right in all residential and nonresidential districts except the P(A) district. DIR required in urban corridor districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions.

(i) Lighting standards for this use for facilities other than parking may:

(aa) be built to any height below the residential proximity slope; or

(bb) project above the residential proximity slope to a height not to exceed 40 feet. This provision is an exception to the maximum structure height that would otherwise apply in the zoning district.

(ii) Lighting standards for this use for parking facilities must not exceed 20 feet in height.

(iii) Spillover light on neighboring residential lots must not exceed 0.1 footcandle measured at a point five feet inside the residential lot line and five feet above the ground surface.

(iv) The board may grant a special exception to the height restrictions applicable to lighting standards for this use upon making a special finding from the evidence presented that:

(aa) strict compliance with those restrictions will unreasonably burden the use of the property; and

(bb) the special exception will not adversely affect neighboring property. The board shall not grant a special exception to the spillover light restriction in Subparagraph (iii).

(v) The heights of nonconforming lighting standards for this use may be increased by up to 10 percent without board approval, provided that the spillover light restriction in Subparagraph (iii) is complied with. The cumulative additional height authorized by this subparagraph is 10 percent of the height of the lighting standard at the time it became nonconforming. (Ord. Nos. 19455; 19786; 20344; 20384; 20493; 24718; 27183; 28803; 30890)

SEC. 51A-4.209. RESIDENTIAL USES.

(a) General provisions. Notwithstanding any other provision in this chapter, a facility that meets all of the requirements of Article 1011n, V.T.C.A., may locate in any residential zone or district in the city as a matter of right. Unless otherwise directed by the city attorney, the building official and any other city officer or employee charged with enforcement of this chapter shall construe Article 1011n by substituting Congress’ definition of a handicapped person in the Fair Housing Amendments Act of 1988, as amended, for the state’s definition of “disabled person” in that article.

(b) Specific uses.

(1) College dormitory, fraternity, or sorority house.

(A) Definition: A college resident hall or a facility for housing a social or service organization of college students.

(B) Districts permitted: By right in A(A), multifamily, MH(A), LO(A), MO(A), GO(A), CR,
RR, CS, central area, mixed use, and multiple commercial districts. By SUP only in NO(A), NS(A), and urban corridor districts.

(C) Required off-street parking: One space for each sleeping room.

(D) Required off-street loading: One space.

(2) Duplex.

(A) Definition: Two dwelling units located on a lot.

(B) Districts permitted: By right in duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), central area, and mixed use districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A-4.121(d).]

(C) Required off-street parking: Two spaces per dwelling unit.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Only one main building may be placed on a building site under this use.

(ii) In a duplex district, a lot for a duplex use may be supplied by not more than one electrical utility service and metered by not more than two electrical meters. The board of adjustment may grant a special exception to authorize more than one electrical utility service or more than two electrical meters on a lot for a duplex use in a duplex district when, in the opinion of the board, the special exception will:

(aa) not be contrary to the public interest;

(bb) not adversely affect neighboring properties; and

(cc) not be used to conduct a use not permitted in the district where the building site is located.

(iii) In addition to any other applicable regulations, industrialized housing must comply with the following additional provisions. For purposes of this subparagraph, “industrialized housing” means industrialized housing as defined by Section 1202.002 of the Texas Occupations Code, as amended.

(aa) Industrialized housing must have all local permits and licenses that are applicable to other single family or duplex dwellings.

(bb) Industrialized housing must have a value equal to or greater than the median taxable value of each single family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll of the appraisal district. For purposes of this subparagraph, the “value” of the industrialized housing means the taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(cc) Industrialized housing must comply with municipal aesthetic standards; yard, lot, and space regulations; subdivision regulations; and

(dd) Industrialized housing must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located. “Compatible” as used in this subparagraph means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. The property owner or applicant may appeal a decision of the building official to deny a permit due to lack of compatibility to the board of adjustment.
§ 51A-4.209 Dallas Development Code: Ordinance No. 19455, as amended

landscaping; and any other regulations applicable to single family dwellings.

(ee) Industrialized housing must be securely fixed to a permanent foundation.

(ff) Industrialized housing may not be constructed in a historic overlay district unless the industrialized housing conforms to the preservation criteria of the historic overlay district.

(gg) Industrialized housing may not be constructed in a conservation district unless the industrialized housing conforms to the conservation district regulations.

(hh) Industrialized housing may not be constructed unless it complies with public deed restrictions for the property.

3 Group residential facility.

(A) Definition: An interim or permanent residential facility (as opposed to a lodging or medical treatment facility) that provides room and board to a group of persons who are not a “family” as that term is defined in this chapter, whether or not the facility is operated for profit or charges for the services it offers. This use does not include:

(i) facilities that negotiate sleeping arrangements on a daily basis;

(ii) dwelling units occupied exclusively by families (Note: Dwelling units occupied exclusively by families are considered to be single family, duplex, or multifamily uses, as the case may be); or

(iii) any other use specifically defined in this chapter.

(B) Districts permitted: When located at least 1,000 feet from all other group residential facilities and licensed handicapped group dwelling units (as defined in this chapter), by right in CH, multifamily, central area, and mixed use districts; otherwise, by SUP only in the same districts. For purposes of this provision, the term “licensed” means licensed by the Texas Department of Human Services, or its successor, and the distance between uses is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the uses are located. (Note: The spacing component of these use regulations is based, not on the handicapped status of the residents, but on the non-family status of the groups. [See Section 51A-1.102(b)(2).] By SUP only in urban corridor districts.

(C) Required off-street parking: 0.25 spaces per bed, plus one space per 200 square feet of office area; a minimum of four spaces is required. If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use is subject to the following density restrictions:
§ 51A-4.209 Dallas Development Code: Ordinance No. 19455, as amended

<table>
<thead>
<tr>
<th>ZONING DISTRICT CLASSIFICATION</th>
<th>MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE</th>
<th>MAXIMUM NO. OF BEDS* PER NET ACRE</th>
</tr>
</thead>
<tbody>
<tr>
<td>TH-1(A) and RTN</td>
<td>35</td>
<td>70</td>
</tr>
<tr>
<td>TH-2(A) and TH-3(A)</td>
<td>40</td>
<td>80</td>
</tr>
<tr>
<td>CH</td>
<td>45</td>
<td>90</td>
</tr>
<tr>
<td>MF-1(A) and MF-1(SAH)</td>
<td>50</td>
<td>100</td>
</tr>
<tr>
<td>MF-2(A) and MF-2(SAH)</td>
<td>60</td>
<td>120</td>
</tr>
<tr>
<td>MF-3(A)</td>
<td>90</td>
<td>180</td>
</tr>
<tr>
<td>MF-4(A)</td>
<td>160</td>
<td>320</td>
</tr>
</tbody>
</table>

*For purposes of this subparagraph, the term “suite” means one or more rooms designed to accommodate one family, containing living, sanitary, and sleeping facilities, but not containing a kitchen; and the term “bed” means a piece of furniture, mat, cushion, or other device on or in which one may lie and sleep.

(ii) This use must comply with statutory licensing requirements, if any.

(iii) This use may include dwelling units or suites that are exclusively restricted to visitors or members of the staff.

(3.1) Handicapped group dwelling unit.

(A) Definitions:

(i) DOMICILE means the legal, established, fixed, and permanent place of residence of a person, as distinguished from a temporary and transient, though actual, place of residence.

(ii) HANDICAPPED GROUP DWELLING UNIT means a single dwelling unit that is the domicile of not more than eight handicapped persons who are not a “family” as that term is defined in this chapter, and who are living together as a single housekeeping unit. Up to two supervisory personnel may reside on the premises, provided that the total number of residents, including supervisory personnel, does not exceed eight.

(iii) HANDICAPPED PERSON means a handicapped person as defined in the federal Fair Housing Amendments Act of 1988, as amended.

(iv) LICENSED means licensed by the Texas Department of Human Services, or its successor.

(B) Districts permitted: When located at least 1,000 feet from group residential facilities and all other licensed handicapped group dwelling units (as defined in this chapter), by right in the following districts: agricultural, single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MH(A), GO(A), central area, MU-1, and MU-1(SAH) districts; otherwise, by SUP only in the same districts. In the GO(A) district, the total floor area of this use in combination with all single family, duplex, and multifamily uses may not exceed five percent of the total floor area of the building in which the use is located. For purposes of this provision, the distance between uses is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the uses are located. (Note: The spacing component of these use regulations is based, not on the handicapped status of the residents, but on the non-family status of the groups.) By SUP only in urban corridor districts.

(C) Required off-street parking: One space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts. If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No certificate of occupancy is required for this use.
(ii) This use liberalizes current restrictions on the number of unrelated persons who may reside together in a dwelling unit in the city for the exclusive benefit of handicapped persons seeking to permanently reside together as a single housekeeping unit. Its purpose is to comply with the substance and spirit of the federal Fair Housing Amendments Act of 1988, as amended, which requires that reasonable accommodations be made in rules, policies, and practices to permit persons with handicaps equal opportunity to use and enjoy a dwelling. [See Section 51A-1.102(b)(2).]

(iii) This use is exempt from payment of SUP application fees.

(iv) Any owner of property on which this use is located or proposed to be located may request a letter from the director confirming that no SUP is required for the use. No fee is required to apply for such a letter. Application must be on a form furnished by the director. The director shall issue the requested letter unless, within 30 days after submission of a complete application, the director gives written notice to the applicant that the use or proposed use will require an SUP. For purposes of this paragraph, notice is given to the applicant by depositing the same properly addressed and postage paid in the United States mail. The proper address for purposes of this notice requirement is the address provided by the applicant on the application. No SUP shall be required for uses that operate in justifiable reliance upon a valid confirmation letter issued by the director.

(v) Any aggrieved person may appeal a decision of the director that an SUP is required for this use. Such appeals shall be heard and decided by the board of adjustment. An appeal to the board must be made within 15 days after the director gives written notice that the SUP is required. Appeal is made by filing a written notice of appeal on a form approved by the board. [See Section 51A-4.703.] No fee is required to appeal the decision of the director to the board.

(vi) If two or more facilities are within 1,000 feet of each other and otherwise in permissible locations, the first one lawfully established and continually operating thereafter is the conforming use. For purposes of this subparagraph, “continually operating” means that the use has not been discontinued for six months or more.

(4) Manufactured home park, manufactured home subdivision, or campground.

(A) Definition:

(i) A manufactured home park is a unified development of transient stands arranged on a lot under single ownership.

(ii) A manufactured home subdivision is a plat designed specifically for manufactured home development.

(iii) A campground is a lot used to accommodate recreation vehicles, tents, or manufactured homes on a rental basis for temporary camping purposes.

(B) Districts permitted: By right in the MH(A) district.

(C) Required off-street parking: 1.5 spaces for each transient stand for a manufactured home park or campground; 1.5 spaces for each lot in a manufactured home subdivision.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The owner of a manufactured home park must have a site plan approved by the commission before the building official may issue a building permit for the manufactured home park. The site plan must include the dimensions, bearings, and street frontage of the property; the location of buildings, structures, lots, stands, and uses; the method of ingress and egress; off-street parking and loading arrangements; screening, lighting, and landscaping, if appropriate; and any other information the director determines necessary for a complete review of the proposed development.
§ 51A-4.209 Dallas Development Code: Ordinance No. 19455, as amended

(ii) The owner of a manufactured home subdivision must have a plat approved by the commission and filed in the county records before the building official may issue a building permit for the manufactured home subdivision.

(iii) One caretaker’s dwelling unit and one office is permitted under this use.

(iv) Uses that are customarily incidental to this use, including an employee’s washroom, a manager’s office, laundry room, swimming pool, and game courts are permitted provided they are located no closer than 50 feet to an R, R(A), D, D(A), TH, or TH(A) district. The game courts, laundry room, and swimming pool must be for the exclusive use of the residents and their guests. No exterior advertising of the uses is permitted.

(v) The owner under this use must provide and maintain a permanent steel chain link fence or its equivalent. The fence must be at least five feet in height and must completely surround the rear and all sides of this use that are not exposed to a dedicated street.

(vi) Open playground space must be provided under this use at a ratio of 500 square feet of open space for each of the first 20 lots or transient stands provided, and at a ratio of 250 square feet for all additional lots or transient stands.

(vii) This use must comply with the requirements of Chapter 47 of this code.

(5) **Multifamily.**

(A) Definitions: Three or more dwelling units located on a lot.

(B) Districts permitted: By right in CH, multifamily, central area, mixed use, and urban corridor districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A–4.121(d).]

(C) Off-street parking.

Required off-street parking: One space per bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Uses that are customarily incidental to the multifamily use and that include an employee’s washroom, a manager’s office, laundry room, swimming pool, and game courts are permitted provided they are located no closer than 50 feet to an R, R(A), D, D(A), TH, or TH(A) district. The game courts, laundry room, and swimming pool must be for the exclusive use of the residents and their guests. No exterior advertising of the uses is permitted.

(ii) The minimum space between exterior walls of a multifamily dwelling must be 10 feet between the walls if only one wall has an opening for light and air and 20 feet if both walls have an opening for light and air. This provision applies to multifamily buildings with a common roof and free standing multifamily buildings. This provision does not apply to walls located entirely within a dwelling unit.

(iii) This use does not include a hotel or motel.

(5.1) **Residential hotel.**

(A) Definition: A facility that receives more than 50 percent of its rental income from occupancies of 30 consecutive days or more and contains:

(i) six or more guest rooms with living and sleeping accommodations, but no kitchen or kitchenette;
(ii) six or more guest rooms with living, sleeping, and kitchen or kitchenette facilities that are offered for rental on a daily basis; or

(iii) six or more guest rooms with living and sleeping accommodations, each of which is individually secured and rented separately to one or more individuals who have access to bathroom, kitchen, or dining facilities outside the guest room on a common basis with other occupants of the structure.

(B) Districts permitted: By right in MF-2(A), MF-2(SAH), MF-3(A), MF-4(A), central area, and mixed use districts when located at least one mile, measured from property line to property line, from all other residential hotel uses.

(C) Required off-street parking: 0.5 spaces per guest room.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use is subject to the regulations in Article VII of Chapter 27 of the Dallas City Code, as amended.

(ii) For a use holding an occupancy record card pursuant to Chapter 27 on August 10, 1994, the nonconformity as to the minimum distance requirement set out in Subparagraph (B) does not render it subject to amortization by the board of adjustment.

(iii) The operator of this use shall maintain a registry showing the name, address, date of arrival, and date of departure of each guest. The operator of this use shall make the registry available to the building official.

(5.2) Retirement housing.

(A) Definition: A residential facility principally designed for persons 55 years of age or older. This use does not include a “convalescent and nursing homes, hospice care, and related institutions” use, which is defined as a separate main use in Section 51A-4.204(8).

(B) Districts permitted: By right in CH, multifamily, central area, and mixed use districts. By SUP only in townhouse and urban corridor districts.

(C) Required off-street parking: One space per dwelling unit or suite.

(D) Required off-street loading:

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<td>2</td>
</tr>
<tr>
<td>Each additional 200,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) In these regulations:

(aa) ELDERLY RESIDENT means a resident that is 55 years of age or older.

(bb) SUITE means one or more rooms designed to accommodate one family containing living, sanitary, and sleeping facilities, but not containing a kitchen.

(ii) In townhouse, RTN, CH, and multifamily districts, this use is subject to the following density restrictions:
§ 51A-4.209 Dallas Development Code: Ordinance No. 19455, as amended

<table>
<thead>
<tr>
<th>ZONING DISTRICT CLASSIFICATION</th>
<th>MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE</th>
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<td>TH-1(A) and RTN</td>
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<tr>
<td>TH-2(A) and TH-3(A)</td>
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<tr>
<td>CH</td>
<td>40</td>
</tr>
<tr>
<td>MF-1(A) and MF-1(SAH)</td>
<td>45</td>
</tr>
<tr>
<td>MF-2(A) and MF-2(SAH)</td>
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</tr>
<tr>
<td>MF-3(A)</td>
<td>90</td>
</tr>
<tr>
<td>MF-4(A)</td>
<td>160</td>
</tr>
</tbody>
</table>

(iii) Except as otherwise provided in Subparagraphs (iv) and (v), each occupied dwelling unit or suite must have at least one elderly resident. Failure to comply with this provision shall result in the facility being reclassified as another residential or lodging use.

(iv) One dwelling unit or suite may be designated as a caretaker unit whose occupants are not subject to the age restriction in Subparagraph (iii).

(v) Those persons legally re-siding with an elderly resident at the facility may continue to reside at the facility for a period not to exceed one year if the elderly resident dies or moves out for medical reasons. The board may grant a special exception to authorize an extension of the length of time a person may continue to reside at the facility if the board finds, after a public hearing, that literal enforcement of this provision would result in an unnecessary personal hardship. In determining whether an unnecessary personal hardship would result, the board shall consider the following factors:

(aa) The physical limitations of the resident, if any.

(bb) Any economic constraints which would make it difficult for the resident to relocate.

(cc) Whether the resident is dependent on support services or special amenities provided by the retirement housing project.

(dd) Whether there are any alternative housing or market constraints which would impair the ability to relocate.

(vi) No use with exterior advertising or signs may be considered accessory to this use.

(6) Single family.

(A) Definition: One dwelling unit located on a lot.

(B) Districts permitted: By right in agricultural, single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MH(A), central area, MU-1, and MU-1(SAH) districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A-4.121(d).]

(C) Required off-street parking: One space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Additional dwelling unit. The board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not:

(aa) be used as rental accommodations; or

(bb) adversely affect neighboring properties.

(ii) In granting a special exception under Subparagraph (i), the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.
(iii) **Accessory dwelling unit.**

(aa) The board of adjustment may grant a special exception to authorize a rentable accessory dwelling unit in any district when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties.

(bb) If a minimum of one additional off-street parking space is not provided, the board shall determine if that will create a traffic hazard. The board may require an additional off-street parking space be provided as a condition of granting this special exception.

(cc) In granting a special exception under this subparagraph, the board shall require the applicant to:

(I) deed restrict the subject property to require owner-occupancy on the premises; and

(II) annually register the rental property with the city's single family non-owner occupied rental program.

(iv) **Dwelling units in general.**

(aa) Except for the foundation, a dwelling unit must be physically separable from contiguous dwelling units in the event of removal of a dwelling unit. Each party wall must be governed by a set of deed restrictions, stipulating that if a dwelling unit is removed, the party wall stays with the remaining dwelling unit.

(bb) Each dwelling unit must have separate utility services; however, general utility services on land owned and maintained by a homeowner's association is allowed.

(v) **Utility meters.** In a single family, duplex, or townhouse district, a lot for a single family use may be supplied by not more than one electrical utility service and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter on a lot in a single family, duplex, or townhouse district when, in the opinion of the board, the special exception will:

(aa) not be contrary to the public interests;

(bb) not adversely affect neighboring properties; and

(cc) not be used to conduct a use not permitted in the district where the building site is located.

(vi) **Industrialized housing.** In addition to any other applicable regulations, industrialized housing must comply with the following additional provisions. For purposes of this subparagraph, "industrialized housing" means industrialized housing as defined by Section 1202.002 of the Texas Occupations Code, as amended.

(aa) Industrialized housing must have all local permits and licenses that are applicable to other single family or duplex dwellings.

(bb) Industrialized housing must have a value equal to or greater than the median taxable value of each single family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll of the appraisal district. For purposes of this subparagraph, the "value" of the industrialized housing means the taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(cc) Industrialized housing must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located. "Compatible" as used in this subparagraph means similar in application, color, materials, pattern,
quality, shape, size, slope, and other characteristics; but
does not necessarily mean identical. The burden is on
the property owner or applicant to supply proof of
compatibility. The property owner or applicant may
appeal a decision of the building official to deny a
permit due to lack of compatibility to the board of
adjustment.

(dd) Industrialized housing
must comply with municipal aesthetic standards; yard,
lot, and space regulations; subdivision regulations;
landscaping; and any other regulations applicable to
single family dwellings.

(ee) Industrialized housing
must be securely fixed to a permanent foundation.

(ff) Industrialized housing
may not be constructed in a historic overlay district
unless the industrialized housing conforms to the
preservation criteria of the historic overlay district.

(gg) Industrialized housing
may not be constructed in a conservation district unless
the industrialized housing conforms to the conservation
district regulations.

(hh) Industrialized housing
may not be constructed unless it complies with public
deed restrictions for the property.

(vii) Accessory structures. Except
in the agricultural district, accessory structures are
subject to the following regulations:

(aa) Except as provided in this
section, no person shall rent an accessory structure. For
purposes of this section, rent means the payment of any
form of consideration for the use of the accessory
structure.

(bb) Except for accessory
dwelling units, no person shall use an advertisement,
display, listing, or sign on or off the premises to
advertise the rental of an accessory structure.

(cc) The height of an
accessory structure may not exceed the height of the
main building.

(dd) The floor area of any
individual accessory structure on a lot, excluding floor
area used for parking, may not exceed 25 percent of
the floor area of the main building.

(ee) The total floor area of all
accessory structures on a lot, excluding floor area used
for parking, may not exceed 50 percent of the floor
area of the main building.

(ff) Accessory structures
must have exterior siding, roofing, roof pitch,
foundation fascia, and fenestration compatible with the
main building. "Compatible" as used in this provision
means similar in application, color, materials, pattern,
quality, shape, size, slope, and other characteristics;
but does not necessarily mean identical. The burden is
on the property owner or applicant to supply proof of
compatibility. This provision does not apply to
accessory structures with a floor area of 200 square feet
or less. (Ord. Nos. 19455; 19786; 19912; 20360; 20493;
20953; 21044; 21663; 22139; 22390; 23897; 24585; 24718;
24857; 25133; 25486; 25977; 27495; 28803; 29208; 30184;
30890; 30930)

SEC. 51A-4.210. RETAIL AND PERSONAL
SERVICE USES.

(a) General provisions. Except as otherwise
provided in this article, the following general
provisions apply to all uses listed in this section:

1. All uses must be retail or service
establishments dealing directly with consumers. No
person may produce goods or perform services on the
premises unless those goods or services are principally
sold on the premises to individuals at retail.

2. Outside sales, outside display of
merchandise, and outside storage may be classified as
either main or accessory uses. Accessory outside sales,
accessory outside display of merchandise, and
§ 51A-4.210 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-4.210

accessory outside storage are limited to five percent of the lot. If these uses occupy more than five percent of the lot, they are only allowed in districts that permit them as a main use.

(3) In a GO(A) district, a retail and personal service use:

(A) must be contained entirely within a building; and

(B) may not have a floor area that, in combination with the floor areas of other retail and personal service uses in the building, exceeds 10 percent of the total floor area of the building.

(b) Specific uses.

(1) Ambulance service.

(A) Definition: A facility for the housing, maintenance, and dispatch of vehicles designed to transport sick or injured persons to medical facilities.

(B) Districts permitted: By right in CR, RR, CS, central area, MC-3, and MC-4 districts. RAR required in CR, RR, CS, mixed use, and multiple commercial districts.

(C) Required off-street parking: One space per 300 square feet of floor area, plus one space per 500 square feet of site area.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 10,000</td>
<td>NONE</td>
</tr>
<tr>
<td>10,000 to 60,000</td>
<td>1</td>
</tr>
<tr>
<td>Each additional 60,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(2) Animal shelter or clinic.

(A) Definition: A facility for the diagnosis, treatment, hospitalization, or harboring of animals including, but not limited to dogs, cats, birds, and horses.

(B) Districts permitted:

(i) Without outside runs: By right in A(A), CR, RR, CS, LI, IR, IM, mixed use, multiple commercial, and urban corridor districts. RAR required in CR, RR, CS, mixed use, and multiple commercial districts.

(ii) With outside runs: By right in CS, LI, IR, and IM districts when located at least 1,000 feet from residential districts; otherwise, by SUP only in the same districts. By SUP only in A(A) and RR districts.

(C) Required off-street parking: One space per 300 square feet of floor area.

(D) Required off-street loading:

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</tr>
<tr>
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<td>1 additional</td>
</tr>
</tbody>
</table>

(3) Auto service center.

(A) Definition: A facility for the servicing or minor mechanical repair of motor vehicles. This use may include the retail sale of lubricating oils, tires, or parts for use in motor vehicles. This use does not include as its primary function the disassembly, rebuilding, and replacement of motor vehicle engines, transmissions, or other major machinery components, nor auto body repair or painting.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. RAR required in CR, RR, CS, industrial, mixed use, and multiple commercial districts.
(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of four spaces is required. Parking spaces that are used to repair motor vehicles and located in a structure are not counted in determining the required parking.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
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</thead>
<tbody>
<tr>
<td>0 to 60,000</td>
<td>1</td>
</tr>
<tr>
<td>Each additional 60,000 or fraction thereof</td>
<td>1</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use.
Dallas Development Code: Ordinance No. 19455, as amended

[Intentionally left blank]
(ii) The servicing or repair of motor vehicles that weigh more than 6,000 pounds or that have a manufacturer’s rated seating capacity of more than 15 persons is not permitted under this use.

(4) **Alcoholic beverage establishments.**

(A) Definitions:

(i) **BAR, LOUNGE, OR TAVERN** means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premise consumption.

(ii) **MICROBREWERY, MICRODISTILLERY, OR WINERY** means an establishment for the manufacture, blending, fermentation, processing, and packaging of alcoholic beverages with a floor area of 10,000 square feet or less that takes place wholly inside a building. A facility that only provides tasting or retail sale of alcoholic beverages is not a microbrewery, microdistillery, or winery use.

(iii) **PRIVATE-CLUB BAR** means an establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code that derives 35 percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code. PRIVATE-CLUB BAR does not include a fraternal or veterans organization, as defined in the Texas Alcoholic Beverage Code, holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. PRIVATE-CLUB BAR does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code.

(B) Districts permitted:

(i) **Bar, lounge, or tavern and private club-bar.** By SUP only in GO(A)*, CR, RR, CS, industrial, central area, mixed use, multiple commercial, MF-4(A), LO(A), MO(A), UC-2, and UC-3 districts.*Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(ii) **Microbrewery, microdistillery, or winery.** By right in industrial districts with RAR required. By SUP only in CR, RR, CS, central area, mixed-use, urban corridor, and walkable urban mixed use districts.

(C) Required off-street parking:

(i) **Bar, lounge, or tavern and private club-bar.**

(aa) Except as otherwise provided, one space per 100 square feet of floor area.

(bb) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the bar, lounge, or tavern use.

(ii) **Microbrewery, microdistillery, or winery.**

(aa) Except as otherwise provided, one space per 600 square feet of floor area.

(bb) One space per 1,000 square feet of floor area used for storage.

(cc) One space per 100 square feet of floor area used for retail sales and seating.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
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<tbody>
<tr>
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<td>NONE</td>
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<tr>
<td>5,000 to 25,000</td>
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<tr>
<td>25,000 to 50,000</td>
<td>2</td>
</tr>
<tr>
<td>Each additional 50,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>
(E) Additional provisions:

(i) **Bar, lounge, or tavern and private club-bar.**

(aa) Food may be prepared and served as an accessory use.

(bb) Music, entertainment, or facilities for dancing may be provided under this use.

(cc) The person owning or operating the use shall, upon request, supply the building official with any records needed to document the percentage of gross revenue for the previous 12 month period derived from the sale or service of alcoholic beverages for on-premise consumption.

(dd) Unless the person owning or operating the use supplies the building official with records to prove otherwise, an establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code is presumed to derive 35 percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption.

(ii) **Microbrewery, micro-distillery, or winery.**

(aa) Retail sales of alcoholic beverages and related items and tastings or sampling are allowed in accordance with Texas Alcoholic Beverage Commission regulations.

(bb) Except for loading, all activities must occur within a building.

(cc) Silos and containers of spent grain are allowed as outdoor storage. Containers of spent grain must be screened. All other outdoor storage or repair is prohibited.

(dd) If an SUP is required, silos and outdoor storage areas for spent grain must be shown on the site plan.

(ee) Drive-through facilities are prohibited.

(5) **Business school.**

(A) **Definition:** A facility offering instruction and training in a service or the arts such as secretarial, barber, commercial artist, computer software, medical technician, and similar training.

(B) **Districts permitted:** By right in LO(A), MO(A), GO(A)*, CR, RR, CS, industrial, central area, mixed use, multiple commercial, UC-2, and UC-3 districts. By SUP only in the NO(A) district. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(C) **Required off-street parking:** One space per 25 square feet of classroom. Any personal service uses accessory to a business school must be parked to the personal service use parking requirement.

(D) **Required off-street loading:**

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<td>50,000 to 150,000</td>
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</tr>
<tr>
<td>Each additional 100,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(6) **Car wash.**

(A) **Definition:** A facility for the washing or steam cleaning of passenger vehicles. A car wash may be:

(i) a single unit type which has a single bay or a group of single bays with each bay to accommodate one vehicle only; or

(ii) a tunnel unit type which allows washing of multiple vehicles in a tandem arrangement while moving through the structure.

(B) **Districts permitted:** By right in CR, RR, CS, industrial, mixed use, MC-2, MC-3, and MC-4
§ 51A-4.210 Dallas Development Code: Ordinance No. 19455, as amended

(C) Required off-street parking: For single-unit type car washes: none. For tunnel-type car washes a minimum of three spaces required. See the additional provisions [Subparagraph (E)] for off-street stacking requirements.

(D) Required off-street loading:

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(E) Additional provisions:

(i) Required off-street stacking: Three stacking spaces for each bay in a single unit car wash; 25 stacking spaces for each tunnel unit car wash. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) Spaces used to wash motor vehicles and located in a structure are not counted in determining the required stacking.

(7) Commercial amusement (inside).

(A) Definitions. In this paragraph:

(i) AMUSEMENT CENTER means a facility for which an amusement center license is required under Chapter 6A of the Dallas City Code, as amended.

(ii) BILLIARD HALL means a facility for which a billiard hall license is required under Chapter 9A of the Dallas City Code, as amended.

(iii) CHILDREN’S AMUSEMENT CENTER means a facility with amusement rides, games, play areas, and other activities, catering primarily to children 12 years of age and younger.

(iv) CLASS E DANCE HALL means a facility for which a Class E dance hall license is required under Chapter 14 of the Dallas City Code, as amended.

(v) COMMERCIAL AMUSEMENT (INSIDE) means a facility wholly enclosed in a building that offers entertainment or games of skill to the general public for a fee. This use includes but is not limited to an adult arcade, adult cabaret, adult theater, amusement center, billiard hall, bowling alley, children’s amusement center, dance hall, motor track, or skating rink.

(vi) DANCE HALL means a dance hall as defined in Chapter 14 of the Dallas City Code, as amended, but excludes those uses described in Section 14-2(d). This definition includes a Class E dance hall.

(B) Districts permitted:

(i) Except as otherwise provided in Subparagraphs (B)(ii), (B)(iii), and (B)(iv), by right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, UC-2, and UC-3 districts.

(ii) Amusement center: An SUP is required for an amusement center in a CR, RR, CS, industrial, central area, mixed use, multiple commercial, UC-1, or UC-2 district if it has a floor area of 2,500 square feet or more and is located within 300 feet of a residential district.

(iii) Bingo parlor: An SUP is required for a bingo parlor in a CR, UC-2, or UC-3 district.

(iv) Dance hall: An SUP is required for any dance hall (including a Class E dance hall) in a CR, CS, UC-2, or UC-3 district. An SUP is also required for a Class E dance hall in an RR, industrial, central area, mixed use, or multiple commercial district if the Class E dance hall is located within 300 feet of a residential district. RAR is required for any dance hall that does not require an SUP but is located within 300 feet of a residential district.
(C) Required off-street parking:

(i) Bingo parlor: one space per 50 square feet of floor area.

(ii) Bowling alley: six spaces per lane.

(iii) Children’s amusement center: one space per 200 square feet of floor area.

(iv) Dance hall: one space per 25 square feet of dance floor and one space per 100 square feet of floor area for the remainder of the use. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet this off-street parking requirement. No special exception may be granted to the parking requirements.

(v) Motor track: one space per 1000 square feet of restricted track area and one space per additional 200 square feet of floor area.

(vi) Skating rink: one space per 200 square feet of floor area.

(vii) Other uses: If an SUP is required for this use, the off-street parking requirements may be established in the ordinance granting the SUP, otherwise one space per 100 square feet of floor area.

(D) Required off-street loading:

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</tbody>
</table>

(E) Additional provisions:

(i) For purposes of determining the applicability of regulations triggered by the proximity of this use to another zoning district, measurements are made in a straight line, without regard to intervening structures or objects, from the nearest boundary of the lot where this use is conducted to the nearest boundary of the zoning district at issue.

(ii) All required off-street parking for a bingo parlor located within 300 feet of a residential district must be provided on the lot occupied by the bingo parlor use.

(iii) A dance hall shall at all times be considered a separate main use and cannot be an accessory use within the meaning of Section 51A-4.217.

(iv) This use must comply with all applicable licensing requirements. Amusement center licensing requirements are located in Chapter 6A, billiard hall licensing requirements are located in Chapter 9A, dance hall licensing requirements are located in Chapter 14, and sexually oriented business licensing requirements are located in Chapter 41A.

(8) Commercial amusement (outside).

(A) Definition: A facility offering entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside. This use includes, but is not limited to a golf driving range or miniature golf course.

(B) Districts permitted: By right in CS and central area districts. By SUP only in A(A), CR, RR, mixed use, and multiple commercial districts. DIR required in the CS district.

(C) Required off-street parking: If an SUP is required for this use, the off-street parking requirement may be established by the ordinance granting the SUP, otherwise one space per 200 square feet of floor area, plus one space per 400 square feet of site area exclusive of parking area.

(D) Required off-street loading:

<table>
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§ 51A-4.210 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.210

(8.1) **Commercial motor vehicle parking.**

(A) Definition: A facility for the temporary, daily, or overnight parking of commercial motor vehicles as defined in the use regulations for a truck stop, and/or motor vehicles with two or more rear axles such as trucks, truck tractors, and similar vehicles, for no charge or for a fee, regardless of whether that fee is charged independently of any other use on the lot, if the parking is not accessory to a main use on the lot.

(B) Districts permitted: By right in CS, LI, IR, and IM districts, except by SUP only if located within 500 feet of a residential district, measured in a straight line, without regard to intervening structures or objects, from the nearest boundary of the lot where this use is conducted to the nearest boundary of the zoning district at issue.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(9) **Commercial parking lot or garage.**

(A) Definition: A vehicle parking facility that is operated as a business enterprise by charging a fee for parking.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. RAR required in CR, RR, CS, industrial, mixed use, and multiple commercial districts.

(C) Required off-street parking: None; however, if this use is in the central business district, off-street stacking spaces or passenger unloading zones may need to be provided. For more information regarding off-street parking in the central business district, see Section 51A-4.306.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The parking of vehicles that weigh more than 6,000 pounds or that have a manufacturer’s rated seating capacity of more than 15 persons is prohibited under this use in all areas of the city except the central business district.

(ii) This use must comply with the off-street parking regulations in Divisions 51A-4.300 et seq.

(iii) If located in the CA-1(A) district, this use must comply with the regulations in Section 51A-4.124(a)(9).

(9.1) **Convenience store with drive-through.**

(A) Definition: A business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, that has drive-in or drive-through service and has less than 10,000 square feet of floor area. For purposes of this definition, CONVENIENCE GOODS means food, beverage, household, personal care, and pharmaceutical items. A gasoline pump is not considered a drive-in or drive-through service.

(B) Districts permitted: By SUP only in CR, RR, CS, IR, IM, MU-2, MU-3, and multiple commercial districts.

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) A minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) The outside sale, display, or storage of furniture is permitted if the furniture is:

(aa) customarily used outside; and
§ 51A-4.210 Dallas Development Code: Ordinance No. 19455, as amended

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(iii) The outside sale, display, or storage of furniture, other than the furniture described in Section 51A-4.210(b)(9.1)(E)(ii), is permitted only on Saturday and Sunday.

(iv) This use must comply with Chapter 12B, “Convenience Stores,” of the Dallas City Code.

(10) Drive-in theater.

(A) Definition: A facility for showing motion pictures outdoors where the audience views the motion picture from automobiles or while seated outside.

(B) Districts permitted: By SUP only in A(A), CS, and IM districts.

(C) Required off-street parking: Six parking spaces. The number of stacking spaces must equal ten percent of the number of the theater’s stalls.

(D) Required off-street loading: None.

(11) Dry cleaning or laundry store.

(A) Definition: A facility for the cleaning or laundering of garments, principally for individuals.

(B) Districts permitted: By right in GO(A)*, retail, CS, industrial, central area, mixed use, and multiple commercial districts. In urban corridor districts, this use is permitted by right, but the use may not have a drive-in or drive-through facility. By right as a limited use only in MF-3(A), MF-4(A), LO(A), and MO(A) districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) Garments may be collected at off-site pick-up stations for laundering and dry cleaning in this use.

(ii) This use may occupy no more than:

(aa) 3,500 square feet of floor area in an NS(A) district; and

(bb) 7,500 square feet of floor area in all other districts.

(iii) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(12) Furniture store.

(A) Definition: A facility principally for the display and retail sale of new furniture and appliances.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts.

(C) Required off-street parking: One space per 500 square feet of floor area open to the public. One space per 1,000 square feet of floor area for storage or warehouse areas not open to the public.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 60,000</td>
<td>1</td>
</tr>
<tr>
<td>Each additional 60,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) The outside sale, display, or storage of furniture is permitted if the furniture is:
§ 51A-4.210 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.210

(aa) customarily used outside; and

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) The outside sale, display, or storage of furniture, other than the furniture described in Section 51A-4.210(b)(12)(E)(i), is permitted only on Saturday and Sunday.

(iii) See Section 51A-4.605 for design standards applicable to uses of 100,000 square feet or more.

(13) General merchandise or food store 3,500 square feet or less.

(A) Definition: A retail store with a floor area of 3,500 square feet or less for the sale of general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories, and similar consumer goods. The term “food store” includes a grocery store, delicatessen, convenience store without drive-through, and specialty foods store. This use does not include other uses in this article that are specifically listed.

(B) Districts permitted: By right in GO(A)*, retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in MF-3(A), MF-4(A), LO(A), and MO(A) districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) The outside sale, display, or storage of furniture is permitted if the furniture is:

(aa) customarily used outside; and

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(iii) The outside sale, display, or storage of furniture, other than the furniture described in Section 51A-4.210(b)(13)(E)(ii), is permitted only on Saturday and Sunday.

(14) General merchandise or food store greater than 3,500 square feet.

(A) Definition: A retail store with a floor area greater than 3,500 square feet but less than 100,000 square feet for the sale of general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories, and similar consumer goods. The term “food store” includes a grocery store, delicatessen, convenience store without drive-through, and specialty foods store. This use does not include other uses in this article that are specifically listed.

(B) Districts permitted: By right in CR, RR, CS, central area, mixed use, multiple commercial, UC-2, and UC-3 districts.

(C) Required off-street parking: One space per 200 square feet of floor area for uses with less than 10,000 square feet of floor area. One space per 220 square feet of floor area for uses with a floor area of 10,000 square feet or greater, but less than 40,000 square feet of floor area. One space per 250 square feet of floor area for uses with a floor area of 40,000 square feet or greater, but less than 100,000 square feet of floor area.
(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 60,000</td>
<td>1</td>
</tr>
<tr>
<td>Each additional 60,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) The outside sale, display, or storage of furniture is permitted if the furniture is:

(aa) customarily used outside; and

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(iii) The outside sale, display, or storage of furniture, other than the furniture described in Section 51A-4.210(b)(14)(E)(ii), is permitted only on Saturday and Sunday.

(14.1) General merchandise or food store 100,000 square feet or more.

(A) Definition: A retail store with a floor area of 100,000 square feet or more for the sale of general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories, and similar consumer goods. The term “food store” includes a grocery, delicatessen, and convenience and specialty foods stores. This use does not include other uses in this article that are specifically listed.

(B) Districts permitted: By right in RR and central area districts. By SUP only in CR, CS, LI, mixed use, multiple commercial, and urban corridor districts.

(C) Required off-street parking: One space per 300 square feet of floor area.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>100,000 to 150,000</td>
<td>3</td>
</tr>
<tr>
<td>Each additional 50,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) The outside sale, display, or storage of furniture is permitted if the furniture is:

(aa) customarily used outside; and

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(iii) The outside sale, display, or storage of furniture, other than the furniture described in Section 51A-4.210(b)(14)(E)(ii), is permitted only on Saturday and Sunday.

(iv) See Section 51A-4.605 for design standards applicable to uses of 100,000 square feet or more.

(15) Home improvement center, lumber, brick or building materials sales yard.

(A) Definition: A facility for the sale of home, lawn, and garden supplies, brick, lumber, and other similar building materials.

(B) Districts permitted: By right in CR, RR, CS, and industrial districts. DIR required in the
§ 51A-4.210  Dallas Development Code: Ordinance No. 19455, as amended

CR district. RAR required in RR, CS, and industrial districts.

(C) Required off-street parking: One space per 275 square feet of retail floor area, plus one space per 1,000 square feet of site area exclusive of parking area.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 10,000</td>
<td>NONE</td>
</tr>
<tr>
<td>10,000 to 50,000</td>
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<tr>
<td>50,000 to 100,000</td>
<td>2</td>
</tr>
<tr>
<td>Each additional 100,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(16) Household equipment and appliance repair.

(A) Definition: A facility for the repair of household and home equipment, including appliances, lawnmowers, power tools, and similar items.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC-2, MC-3, MC-4, and urban corridor districts.

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

(16.1) Liquefied natural gas fueling station.

(A) Definitions: In this paragraph:

(i) COMMERCIAL MOTOR VEHICLE means a motor vehicle that:

(aa) is designed or used for the transportation of cargo;

(bb) has a gross weight, registered weight, or gross weight rating in excess of 26,000 pounds; and

(cc) is not owned or operated by a governmental entity.

(ii) LIQUEFIED NATURAL GAS FUELING STATION means a facility for the retail sale of liquefied natural gas from pumps to commercial motor vehicles.

(B) Districts permitted:

(i) By right in LI, IR, and IM districts, but SUP required if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.

(ii) By SUP in only in the CS district.

(C) Required off-street parking: None.
(D) Required off-street loading:
Sufficient space must be allowed for the unloading of a liquefied natural gas fuel truck.

(E) Additional provisions:

(i) No overnight parking is allowed.

(ii) No signage is permitted on liquefied natural gas storage tanks except for required safety signage.

(iii) A fuel pump island must be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing off-street parking. The building official shall not issue a permit to authorize the construction of a pump island until its placement has been approved by the director.

(iv) Liquefied natural gas storage tanks, fuel pumps, and related equipment may not be located beneath electric power lines.

(v) Liquefied natural gas storage tanks, fuel pumps, and related equipment must be located at least 10 feet from the nearest building, property line, any source of ignition, or nearest public street or sidewalk.

(vi) Liquefied natural gas storage tanks, fuel pumps, and related equipment must be located at least 50 feet from the nearest rail of any railroad main track.

(vii) A clear space of at least three feet must be provided for access to all valves and fittings.

(viii) During fueling operations, the point of transfer (the point where the fueling connection is made) must be at least 10 feet from any building or public street or sidewalk, and at least three feet from any storage tanks or containers. The point of transfer may be a lesser distance from buildings or walls made of concrete or masonry materials, or of another material having a fire resistance rating of at least two hours, but the point of transfer must be at least 10 feet away from any building openings.

(17) Liquor store.

(A) Definition: An establishment principally for the retail sale of alcoholic beverages for off-premise consumption, as defined in the Texas Alcoholic Beverage Code.

(B) Districts permitted: By right in CR, RR, CS, central area, MU-2, MU-2 (SAH), MU-3, MU-3(SAH), MC-2, MC-3, and MC-4 districts.

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 60,000</td>
<td>1</td>
</tr>
<tr>
<td>Each additional 100,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) If a use has drive-in or drive-through service and has less than 10,000 square feet of floor area, the use shall be classified as a convenience store with drive-through under Paragraph (9.1).

(18) Mortuary, funeral home, or commercial wedding chapel.

(A) Definition:

(i) A mortuary or funeral home is a facility in which dead bodies are prepared for burial or cremation or funeral services are conducted.

(ii) A commercial wedding chapel is a facility, not associated with a church, where a wedding is performed for profit.
§ 51A-4.210 Dallas Development Code: Ordinance No. 19455, as amended

(B) Districts permitted: By right in CR, RR, CS, central area, mixed use, and multiple commercial districts.

(C) Required off-street parking:

(i) One space per 300 square feet of floor area other than the chapel, plus one space for each two seats in the chapel. Up to 50 percent of the required off-street parking for this use may be tandem spaces.

(ii) If all spaces provided are non-tandem, the off-street parking requirement for this use is one space per 500 feet of floor area other than the chapel, plus one space for each two seats in the chapel.

(D) Required off-street loading:

(E) Additional provisions:

(i) A commercial wedding chapel may provide reception areas, but no alcoholic beverages may be sold.

(19) Motor vehicle fueling station.

(A) Definition: A facility for the retail sale of motor vehicle fuel dispensed from pumps or electric vehicle charging stations. This use does not include a truck stop or a liquefied natural gas fueling station as defined in this section.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. By right as a limited use only in MO(A) and GO(A) districts. By SUP only in MF-3(A), MF-4(A), and NS(A) districts.

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: Sufficient space must be provided to allow for the unloading of a fuel truck.

(E) Additional provisions:

(i) Except for compression cylinder tanks used in connection with compressed natural gas fueling facilities, all storage tanks for motor vehicle fuel must be located underground.

(ii) A fuel pump island must be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing off-street parking. The building official shall not issue a permit to authorize the construction of a pump island until its placement has been approved by the director.

(iii) Fuel pumps are permitted as an accessory use only if they comply with the following subparagraphs:

(aa) The pumps must be available only to the owner and tenant of the main building and not available to the general public.

(bb) The fuel pump and any sign relating to the pump must not be visible from the public street. No sign may be erected indicating the availability of motor vehicle fuel.

(iv) Fuel pumps must be located at least 18 feet from the boundary of the site.

(v) Compression cylinder tanks used in connection with compressed natural gas fueling facilities must be screened from adjacent streets, alleys, and residential uses.

(20) Nursery, garden shop, or plant sales.

(A) A facility for the growing, display, or sale of plant stock, seeds, or other horticultural items.

(B) Districts permitted: By right in A(A), GO(A)*, CR, RR, CS, central area, mixed use,
§ 51A-4.210 Dallas Development Code: Ordinance No. 19455, as amended

multiple commercial, and urban corridor districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(C) Required off-street parking: One space per 500 square feet of floor area, plus one space per 2,000 square feet of outside sales and display area.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF SALES AREA</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 60,000</td>
<td>1</td>
</tr>
<tr>
<td>Each additional 60,000 or fraction thereof</td>
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</tr>
</tbody>
</table>

(E) Additional provisions:

(i) In all districts where this use is permitted except the GO(A) district, accessory outside sales, display of merchandise, or storage may occupy up to 100 percent of the lot. In the GO(A) district, this use must be located entirely within a building. See Subsection (a)(3) for more information about restrictions on retail and personal service uses generally in the GO(A) district.

(21) Outside sales.

(A) Definition: A site for the outside sale of general merchandise or food. This use includes, but is not limited to, outdoor flea markets.

(B) Districts permitted: By right in central area districts. By SUP only in RR and CS districts.

(C) Required off-street parking: One space per 200 square feet of sales area.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Except as otherwise provided in this article, outside sales is considered to be a separate main use if it occupies more than five percent of the lot. Outside sales on less than five percent of the lot may qualify as an accessory use if it is customarily incidental to a main use. See Section 51A-4.217.

(21.1) Paraphernalia shop.

(A) Definition: An establishment that displays or offers for sale any "illegal smoking paraphernalia" as that term is defined in Chapter 31 of the Dallas City Code or any other smoking paraphernalia that is commonly used, or commonly known to be used, for the inhalation of tobacco or illegal substances. For purposes of this definition, rolling papers, tobacco cigarettes, and tobacco cigars are not considered paraphernalia.

(B) Districts permitted: By SUP only in CR, RR, CS, industrial, and mixed use districts.

(C) Required off-street parking: One space for each 200 square feet of floor area.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) A paraphernalia shop may not be located within 1,500 feet, measured from property line to property line, of any other paraphernalia shop.

(ii) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot in a residential district.

(iii) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a school.

(iv) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a child-care facility.

(v) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a college, university, or seminary.
(vi) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a church.

(vii) A paraphernalia shop may not have a drive-in or drive-through or walk-up window.

(viii) The outside sale, display, or storage of products is prohibited.

(ix) A paraphernalia shop may only be a main use that requires a certificate of occupancy. A paraphernalia shop may not be an accessory use within the meaning of Section 51A-4.217.

(22) Pawn shop.

(A) Definition: A facility for loaning money on the security of personal property and the sale of unclaimed property.

(B) Districts permitted: By right in CR, RR, CS, IR, and IM districts.

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 10,000</td>
<td>NONE</td>
</tr>
<tr>
<td>10,000 to 60,000</td>
<td>1</td>
</tr>
<tr>
<td>Each additional 60,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) A pawnshop legally operating as a permitted use or a nonconforming use on March 1, 1989, is entitled to relocate to another site in the same zoning district or classification in which it is located on March 1, 1989, provided the relocation is completed before the first anniversary of the date that the pawnshop ceased doing business at the previous location.

[§ 51A-4.210 continues on page 289.]
Dallas Development Code: Ordinance No. 19455, as amended

[Intentionally left blank]
§ 51A-4.210 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.210

(23) Personal service use.

(A) Definition: A facility for the sale of personal services. Typical personal service uses include a barber/beauty shop, shoe repair, a tailor, an instructional arts studio, a photography studio, a laundry or cleaning pickup and receiving station, a handcrafted art work studio, safe deposit boxes, a travel bureau, and a custom printing or duplicating shop.

(B) Districts permitted: By right in GO(A)*, retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in MF-3(A), MF-4(A), NO(A), LO(A), and MO(A) districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
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</thead>
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<tr>
<td>10,000 to 60,000</td>
<td>1</td>
</tr>
<tr>
<td>Each additional 60,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) If this use has a drive-through facility, a minimum of two stacking spaces must be provided. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) In the NO(A) district, this use may occupy no more than 1,000 square feet of floor area.

(24) Restaurant without drive-in or drive-through service.

(A) Definition: An establishment principally for the sale and consumption of food on the premises. (This use does not include a restaurant with drive-in or drive-through service.)

(B) Districts permitted: By right in GO(A)*, retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use only in MF-4(A), LO(A), and MO(A) districts. By SUP only in the NO(A) district. RAR required in MF-4(A), LO(A), MO(A), GO(A), retail, CS, industrial, mixed use, and multiple commercial districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(C) Required off-street parking:

(i) As a main use: except as otherwise provided, one space per 100 square feet of floor area.

(ii) As a limited or accessory use: except as otherwise provided, one space per 200 square feet of floor area.

(iii) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the restaurant without drive-in or drive-through service use.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 5,000</td>
<td>NONE</td>
</tr>
<tr>
<td>5,000 to 25,000</td>
<td>1</td>
</tr>
<tr>
<td>25,000 to 50,000</td>
<td>2</td>
</tr>
<tr>
<td>Each additional 50,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) The sale and service of alcoholic beverages in conjunction with the operation of this use is allowed generally, but may be prohibited
If this use is located in a liquor control overlay district. See Section 51A-4.503.

(25) Restaurant with drive-in or drive-through service.

(A) Definition:

(i) A restaurant with drive-in service is an establishment principally for the sale and consumption of food where food service is provided to customers in motor vehicles for consumption on the premises.

(ii) A restaurant with drive-through service is an establishment principally for the sale and consumption of food which has direct window service allowing customers in motor vehicles to pick up food for off-premise consumption.

(B) Districts permitted: By right in CR, RR, CS, industrial, mixed use, and multiple commercial districts. By SUP only in central area districts. DIR required in CR, RR, CS, industrial, mixed use, and multiple commercial districts.

(C) Required off-street parking:

(i) Except as otherwise provided, one space per 100 square feet of floor area; with a minimum of four spaces. See additional provisions [Subparagraph (E)] for off-street stacking requirements. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the restaurant with drive-in or drive-through service use.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 5,000</td>
<td>NONE</td>
</tr>
<tr>
<td>5,000 to 25,000</td>
<td>1</td>
</tr>
<tr>
<td>25,000 to 50,000</td>
<td>2</td>
</tr>
<tr>
<td>Each additional 50,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) The sale and service of alcoholic beverages in conjunction with the operation of this use is allowed generally, but may be prohibited if this use is located in a liquor control overlay district. See Section 51A-4.503.

(ii) The total number of stacking spaces required for this use is as follows:

<table>
<thead>
<tr>
<th>NO. OF DRIVE-THROUGH WINDOWS</th>
<th>TOTAL NUMBER OF STACKING SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>Each additional drive-through window</td>
<td>4 additional</td>
</tr>
</tbody>
</table>

(iii) A remote order station, if any, must be set back at least 27 feet from all streets that allow direct access to the station.

(26) Surface parking.

(A) Definition: A passenger vehicle parking facility.

(B) Districts permitted: By right in the P(A) district.

(C) Required off-street parking: None.
(D) Required off-street loading: None.

(E) Additional provisions:

(i) All parking must be at grade level.

(ii) A commercial parking lot or garage is not permitted under this use.

(iii) No structures are permitted under this use except signs and required screening.

(iv) The owner of surface parking must maintain a minimum front yard of ten feet when the surface parking is contiguous to an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district.

(27) Swap or buy shop.

(A) Definition: A facility for the purchase and retail sale or exchange of new or used regulated property where more than 25 percent of the facility’s total inventory is obtained from a source other than an authorized vendor or manufacturer. This use includes, but is not limited to, bazaars. For purposes of this definition:

(i) REGULATED PROPERTY means automobile accessories, business machines, crafted precious metals, electronic equipment, firearms as defined by state law, household appliances, jewelry, motorcycle accessories, musical instruments, photographic equipment, power tools, or sporting goods; and

(ii) AUTHORIZED VENDOR OR MANUFACTURER means a commercial supplier who deals in the wholesale distribution of regulated property in the ordinary course of business.

(B) Districts permitted: By SUP only in CR, RR, CS, central area, mixed use, and multiple commercial districts.

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

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(28) Taxidermist.

(A) Definition: A facility for preparing, stuffing, and mounting the skins of animals, birds, and fish.

(B) Districts permitted: By right in CS, industrial, and central area districts.

(C) Required off-street parking: One space per 600 square feet of floor area.

(D) Required off-street loading:

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(29) Temporary retail use.

(A) Definition: A temporary facility for the retail sale of seasonal products, including food, christmas trees, and live plants.

(B) Districts permitted: By right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts.

(C) Required off-street parking: One space per 500 square feet of site area.

(D) Required off-street loading:

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§ 51A-4.210  Dallas Development Code: Ordinance No. 19455, as amended

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) Off-street parking and loading requirements for this use may be satisfied by using existing parking and loading spaces for other uses located within 500 feet of the temporary retail use, or by providing temporary parking and loading spaces that do not strictly comply with the construction and maintenance provisions for off-street parking and loading in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that temporary off-street parking or loading spaces:

(aa) are adequately designed to accommodate the parking and loading needs of the temporary retail use; and

(bb) will not adversely affect surrounding uses.

(ii) The building official shall issue a temporary certificate of occupancy for a period of 60 days for a temporary retail use. The building official may grant one 30-day extension of the temporary certificate of occupancy if the use has fully complied with all applicable city ordinances. No more than one temporary certificate of occupancy may be issued for a temporary retail use at the same location within a 12-month period.

30.1 Truck stop.

(A) Definitions: In these use regulations:

(i) COMMERCIAL MOTOR VEHICLE means a motor vehicle that:

(aa) is designed or used for the transportation of cargo;

(bb) has a gross weight, registered weight, or gross weight rating in excess of 26,000 pounds; and

(cc) is not owned or operated by a governmental entity.

(ii) TRUCK STOP means a facility for the retail sale of motor vehicle fuel dispensed from pumps to commercial motor vehicles.
§ 51A-4.210 Dallas Development Code: Ordinance No. 19455, as amended

(B) Districts permitted: By SUP only in CS, LI, IM, and IR districts.

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: Sufficient space must be provided to allow for the unloading of a fuel truck.

(E) Additional provisions:
   (i) Except for above-ground storage tanks used in connection with liquefied natural gas fueling facilities, and compression cylinder tanks used in connection with compressed natural gas fueling facilities, all storage tanks for motor vehicle fuel must be located underground.
   (ii) A fuel pump island must be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing off-street parking. The building official shall not issue a permit to authorize the construction of a pump island until its placement has been approved by the director.
   (iii) A truck stop is always a main use, and cannot be an accessory use within the meaning of Section 51A-4.217. Other than accessory parking, any other use on the same lot is considered an additional main use, such as on-site restaurants, cleaning facilities, and repair services.
   (iv) Fuel pumps must be located at least 18 feet from the boundary of the site.
   (v) Compression cylinder tanks used in connection with compressed natural gas fueling facilities must be screened from adjacent streets, alleys, and residential uses.
   (vi) Except as provided in Item (vii), liquefied natural gas storage tanks are only permitted if approved as part of the specific use permit process.
   (vii) For the purposes of Section 51A-4.704, adding liquefied natural gas fueling facilities to a nonconforming truck stop is not the enlargement of a nonconforming use.
   (viii) No signage is permitted on liquefied natural gas storage tanks except for required safety signage.

(31) Vehicle display, sales, and service.

(A) Definition: A facility for the display, service, and retail sale of new or used automobiles, boats, trucks, motorcycles, motor scooters, recreational vehicles, or trailers.

(B) Districts permitted: By right in RR, CS, and industrial districts. By SUP only in central area districts. RAR required in RR, CS, and industrial districts.

(C) Required off-street parking: One space per 500 square feet of floor and site area exclusive of parking area.

(D) Required off-street loading:

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(E) Additional provisions:
   (i) The weight of each vehicle displayed or sold under this use may not exceed 6,000 pounds.
   (ii) Outside display and storage of new or used vehicles for sale is permitted under this use without visual screening.
   (iii) New or used vehicles for sale may be displayed or stored in the required front yard under this use.
§ 51A-4.210 Dallas Development Code: Ordinance No. 19455, as amended

(iv) If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use.  (Ord. Nos. 19455; 19786; 19810; 19928; 20242; 20237; 20257; 20273; 20425; 20493; 20494; 20895; 21001; 21200; 21209; 21259; 21289; 21291; 21400; 21659; 21663; 21697; 21735; 21796; 21960; 22020; 22204; 22531; 22995; 23739; 24439; 24659; 24718; 24759; 25047; 25056; 25785; 26269; 26513; 26746; 27563; 28073; 28079; 28700; 28737; 28803; 30477; 30890)

SEC. 51A-4.211. TRANSPORTATION USES.

(1) Airport or landing field.

(A) Definition: A facility for the landing of fixed or rotary wing aircraft.

(B) Districts permitted: By SUP only in IR and IM districts.

(C) Required off-street parking: One space per 200 square feet of terminal building floor area.

(D) Required off-street loading:

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(i) A minimum of 60 acres is required for this use.

(ii) This use must be approved by the city aviation department.

(iii) This use is subject to the Federal Aviation Administration’s rules and regulations.

(2) Commercial bus station and terminal.

(A) Definition: A facility operated as a bus or shuttle passenger station or transfer center serving a privately owned transit operation. For purposes of this paragraph:

(i) Bus means a motor vehicle that has a manufacturer’s rated seating capacity of more than 15 passengers, and is used for the transportation of persons from a location in the city to another location either inside or outside the city.

(ii) Shuttle means a van-type motor vehicle that has a manufacturer’s rated seating capacity of not less than seven passengers and not more than 15 passengers, and is used for the transportation of persons from a location in the city to another location either inside or outside the city.

(B) Districts permitted:

(i) Except as otherwise provided in Subparagraph (B)(ii), by right in RR, CS, LI, IR, IM, and central area districts.

(ii) By SUP only in the CS district when:

(aa) the facility operates with a bus; or

(bb) the facility operates with a shuttle within 500 feet of a residential district.

(iii) DIR required in RR and central area districts, and the CS district when an SUP is not required. RAR required in industrial districts.
§ 51A-4.211  Dallas Development Code: Ordinance No. 19455, as amended

(C) Required off-street parking: One space per 200 square feet of building floor area plus one space per five seats of manufacturer’s rated seating capacity for the maximum number of vehicles on site during any one hour time period.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A lobby or waiting room with a floor area of not less than 200 square feet must be provided.

(ii) Seating in the lobby or waiting room must be provided at a ratio of one seat for every 25 square feet of floor area in the lobby or waiting room.

(iii) The outdoor sale of general merchandise or food is prohibited.

(iv) No loading or unloading of passengers is permitted on public right-of-way.

(3) Heliport.

(A) Definitions: A facility for the landing and taking off of rotary wing aircraft.

(B) Districts permitted: By right in IR and IM districts. By SUP only in RR, CS, LI, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH) MC-2, MC-3, and MC-4 districts. RAR required in IR and IM districts.

(C) Required off-street parking: One space per 600 square feet of site area; a minimum of four spaces is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use may include fueling or servicing facilities, if approved by the city aviation department.

(ii) This use must be approved by the city aviation department.

(iii) This use is subject to the Federal Aviation Administration’s rules, regulations, and approval.

(4) Helistop.

(A) Definition: A landing pad for occasional use by rotary wing aircraft.

(B) Districts permitted: By right in IR and IM districts. By SUP only in A(A) MO(A), GO(A), RR, CS, LI, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH) MC-2, MC-3, and MC-4 districts. RAR required in IR and IM districts.

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Regularly scheduled stops are not permitted under this use.

(ii) This use must be approved by the city aviation department.

(iii) This use is subject to the Federal Aviation Administration’s rules, regulations, and approval.

(iv) Fueling or servicing facilities are not permitted under this use.

(5) Private street or alley.

(A) Definition: A street or an alley whose ownership has been retained privately.

(B) District restrictions:

(i) This accessory use is not permitted in agricultural, multifamily, MH(A), office, retail, commercial service and industrial, mixed use, and multiple commercial districts.
(ii) An SUP is required for this accessory use in single family, duplex, townhouse, CH, and central area districts.

(C) Required off-street parking: None.

(D) Required off-street loading: See Section 51A-4.303.

(E) Additional provisions:

(i) Private streets and alleys must be constructed and maintained to the standards for public rights-of-way and must be approved by the director. Sidewalks are required and must be constructed and maintained to the standards for sidewalks in the public right-of-way. Water and sanitary sewer mains must be installed in accordance with the applicable ordinances.

(ii) A legal entity must be created that is responsible for street lighting, street maintenance and cleaning, and the installation and maintenance of interior traffic control devices. The legal instruments establishing the responsibility for a private street or alley must be submitted to the city plan commission for approval, be approved as to legal form by the city attorney, and recorded in the appropriate county.

(iii) Private streets and alleys must contain private service easements including, but not limited to, the following easements: utilities; firelane; street lighting; government vehicle access; mail collection and delivery access; and utility meter reading access.

(iv) Street lights comparable with those required on public rights-of-way must be provided. Street lighting design plans must be approved by the director in compliance with applicable standards of the department of sustainable development and construction.

(v) Design plans and location of all traffic control devices must be approved by the traffic engineer. The design, size, color, and construction of all traffic control devices must comply with those required in public rights-of-way.

(vi) The fire protection standards in Article XIII of the Dallas fire code must be followed.

(vii) A public school, park or other public facility must be accessible from public rights-of-way in accordance with this code.

(viii) Private streets must comply with the thoroughfare plan and may not interrupt public through streets.

(ix) Private street names and numbers must be approved by the city plan commission.

(x) Private streets and the area they serve must be platted.

(xi) Guard houses may be constructed at any entrance to a private street. All guard houses must be at least 25 feet from a public right-of-way.

(xii) Any structure that restricts access to a private street must provide a passageway 20 feet wide and 14 feet high.

(xiii) 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.

(xiv) A private street serving an area containing over 150 dwelling units must have a minimum of two access points to a public street.

(xv) A private street may serve no more than 300 dwelling units.

(xvi) The city has no obligation to maintain a private street. If a private street is not maintained in compliance with the requirements of this chapter, the city, after a public hearing before the city plan commission, shall have the right, but not the obligation, to take those actions necessary to put the private street in compliance. The legal entity responsible for maintaining the private street shall pay the city for the work performed within a period of 180 days from the date the city sends the notice.
days from the presentation of the bill, or the private street will become a public street of the city.

(xvii) A court or plaza may be considered a private street for the purpose of creating a building site if a specific use permit for a private street or alley use is obtained.

(6) Railroad passenger station.

(A) Definition: A facility for the loading and discharging of train passengers.

(B) Districts permitted: By right in central area districts. By SUP only in GO(A), RR, CS, industrial, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC-2, MC-3, and MC-4 districts.

(C) Required off-street parking: One space per 200 square feet of terminal building floor area.

(D) Required off-street loading: None.

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(7) Railroad yard, roundhouse, or shops.

(A) Definition: A facility for storing and repairing railroad equipment, and making up trains.

(B) Districts permitted: By right in IM and central area districts. RAR required in the IM district.

(C) Required off-street parking: One space for each 500 square feet of floor area of roundhouse and shops.

(D) Required off-street loading: None.

(8) STOL (short takeoff or landing) port.

(A) Definition: A facility for take-off and landing operations of fixed wing aircraft designed to land on runways of 1000 feet or less.

(B) Districts permitted: By SUP only in IR, IM, and central area districts.

(C) Required off-street parking: One space per 200 square feet of terminal building floor area; a minimum of five spaces is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use may include refueling equipment and passenger shelters, but may not include maintenance facilities.

(ii) This use must be approved by the city aviation department.

(iii) This use is subject to the Federal Aviation Administration’s rules, regulations, and approval.

(9) Transit passenger shelter.

(A) Definition: A structure which affords protection from the weather to persons who are waiting to board a publicly owned or franchised transit vehicle.

(B) Districts permitted: By right in all residential and nonresidential districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.
(E) Additional provisions:

(i) A site plan must be submitted to and approved by the director if the location of the proposed shelter structure will be on or within 20 feet of a lot that is located in a single family or duplex district and occupied by a residential use. The site plan must show the area within a 50-foot radius of the proposed shelter structure. No site plan is required if the lot is vacant or exclusively occupied by one or more nonresidential uses.

(ii) The submission and review procedures for a site plan required under Subparagraph (i) are the same as those required under Section 51A-4.803 for a lot that has residential adjacency. For purposes of these provisions, the term “lot” in Section 51A-4.803 is construed to mean only that area for which a site plan is required.

(iii) In addition to the requirements of Section 51A-4.803(e), upon the filing of a complete application for review of a site plan required under Subparagraph (i), the director shall send written notice to all owners of real property lying within 200 feet of the area for which the site plan is required.

(iv) In single family and duplex districts, the shelter structure must not occupy an area greater than 100 square feet.

(v) A litter container of adequate size must be provided on the site at all times.

(vi) This use must be installed by public agencies.

(vii) This use is exempt from the front, side, and rear yard requirements in this chapter, except that the shelter structure must be set back at least five feet from the edge of the roadway.

(viii) No signs are permitted on the transit passenger shelter site except for governmental signs, transit system logos, schedules, and route information.

(10) Transit passenger station or transfer center.

(A) Definition: A facility operated as a bus or rail passenger station or transfer center serving a publicly-owned or franchised mass transit operation. Typical facilities may include station platforms, bus bays, off-street parking, private access roads, and other passenger amenities.

(B) Districts permitted:

(i) By right in central area districts.

(ii) By SUP only in all residential districts.

(iii) By SUP or, in the alternative, by city council resolution in office, retail, CS, industrial, mixed use, and multiple commercial districts. Authorization by city council resolution must strictly comply with the procedures and requirements outlined in the additional provisions below.

(C) Required off-street parking: None required in central area districts. In all other districts, the off-street parking requirements for each site shall be determined during the site review process and incorporated into the specific use permit ordinance or city council resolution, whichever is applicable.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Analyses required. In all districts except central area districts:

(aa) transit and parking demand analyses must be submitted with an application for a specific use permit or for an approval by city council resolution; and

(bb) a traffic impact analysis is required when the same is requested by the director, or when the proposed facility will generate more than 1,000 vehicle trips per day.
Landscaping. Landscaping must be provided to comply with Article X of this chapter, or with a landscape plan approved by the city council. In approving a landscape plan, the city council shall, as a minimum, impose landscaping requirements that are reasonably consistent with the standards and purposes of Article X.

Screening. Screening must be provided to comply with Section 51A-4.602, or with a site plan approved by the city council.

Vehicular ingress and egress.

Vehicular ingress and egress between this use and a residential alley is prohibited. For purposes of this paragraph, the term “residential alley” means a public alley or access easement that abuts or is in a single family, duplex, townhouse, or clustered housing district.

Any vehicular ingress and egress between this use and a minor street must be shown on a site plan approved by the city council.

Minimum setbacks for parking and maneuvering. In residential districts, all off-street parking spaces and bus bays, including maneuvering areas, must be located behind the required setback lines established in this chapter, or behind the established setbacks for the blockface, as defined in Section 51A-4.401, whichever results in the greater setback. A minimum setback of ten feet must be provided for a side or rear yard adjacent to a residential use.

Outside speaker restrictions. Outside speakers are not permitted within 50 feet of another lot in a residential district. Outside speakers, when permitted, must face away from adjacent properties.

Restrictions on authorization by city council resolution in certain districts. In NO(A), LO(A), MO(A), NS(A), CR, RR, CS, LI, MU-1, MU-1(SAH), MC-1, and MC-2 districts, authorization by city council resolution is not available unless:

A traffic impact analysis demonstrates to the satisfaction of the director that the projected traffic from the proposed facility will not reduce traffic operating conditions on public streets to a level-of-service “E” or “F” as defined in the Highway Capacity Manual, Transportation Research Board of the National Research Council, Washington, D.C.; and

(bb) the facility:

[1] is located greater than 330 feet from private property (as defined in Section 51A-4.412 of the Dallas Development Code) in a single family, duplex, townhouse, or CH district;

[2] has no parking other than that needed for the drop-off and pick-up of passengers, and no more than five bus bays; or

[3] is separated from a lot in a single family, duplex, townhouse, or CH district by a street 64 feet or more in width.

Procedures for authorization by city council resolution. Authorization by city council resolution must strictly comply with the following procedures and requirements:

(aa) The specific use permit requirement for each particular station or transfer center site shall remain in effect unless and until the city council adopts a resolution approving that site in accordance with this subsection.

(bb) An applicant for authorization by city council resolution shall submit a site plan that complies with the requirements of Section 51A-4.803 to the director. The director shall review the site plan in accordance with that section and formulate a recommendation for the city council within 30 calendar days of the date of its submission.

(cc) Upon formulating a recommendation regarding the site plan, the director shall schedule a public hearing before the city council to receive public comment regarding the plan. The director shall send written notice of the public hearing to all owners of real property within 500 feet of the proposed site. The measurement of the 500 feet includes streets and alleys. The notice must be given not less than 10 days before the date set for the hearing. Notice is given by depositing the notice properly addressed and postage paid in the United

7/18 Dallas City Code 299
States mail to the property owners as evidenced by the last approved city tax roll.

(dd) The city secretary shall give notice of the public hearing in the official newspaper of the city at least 15 days before the hearing. After the city council holds its public hearing, it shall make a decision regarding the plan. The decision need not be made on the same day that the public hearing is held.

(ee) The city council may approve or deny the site plan. An approval must be by resolution adopted by a majority of those councilmembers present and eligible to vote, and a true and correct copy of the site plan must be attached to the resolution as an exhibit. The city council may impose reasonable conditions upon the approval of a site plan consistent with the purposes stated in Section 51A-1.102 of this chapter. Any conditions imposed must be in writing and made part of the resolution.

(ff) After a final decision is reached by the city council denying a site plan, no further applications for site plan approval may be considered for that particular station or transfer center site for two years from the date of the final decision. If the city council renders a final decision of denial without prejudice, the two year time limitation is waived. A property owner may apply for a waiver of the two year time limitation by submitting a request in writing to the director. Only the city council may waive the time limitation applicable to site plans reviewed under this subsection. A simple majority vote by the city council is required to grant the request. The two year time limitation applicable to site plans reviewed under this subsection does not affect the ability of a property owner to apply for a specific use permit for the same site.

(gg) Authorization by city council resolution shall no longer be available for a particular station or transfer center site when an application is made for a specific use permit for that site unless the application is withdrawn prior to the mailing of notices for the public hearing before the city plan commission. (Ord. Nos. 19455; 19786; 20122; 20493; 20625; 21001; 21663; 22026; 22799; 23735; 23766; 24833; 25047; 28073; 28424; 30890; 30932)

SEC. 51A-4.212. UTILITY AND PUBLIC SERVICE USES.

(1) Commercial radio or television transmitting station.

(A) Definition: A facility for the transmission of commercial programming by radio or television within the commercial band of the electromagnetic spectrum.

(B) Districts permitted: By right in GO(A), CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. By SUP only in A(A), LO(A), and MO(A) districts.

(C) Required off-street parking: One space per 1,000 square feet of floor area.

(D) Required off-street loading: None.

(2) Electrical generating plant.

(A) Definition: A facility franchised by the city that generates electricity from mechanical power produced by gas, coal, or nuclear fission.

(B) Districts permitted: By SUP only in the IM district.

(C) Required off-street parking: One space per 1,000 square feet of floor area.

(D) Required off-street loading:

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§ 51A-4.212 Dallas Development Code: Ordinance No. 19455, as amended

(3) Electrical substation.

(A) Definition: A facility for transforming electricity for distribution to individual customers.

(B) Districts permitted: By right in LO(A), MO(A), GO(A), CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts. By SUP only in all residential, NO(A), and NS(A) districts.

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: None.

(4) Local utilities.

(A) Definitions:

(i) UTILITY SERVICES means air pollution monitoring stations, antennas, cables, dishes, distribution lines, drainage lines, generating facilities, nodes and hubs, pipes, poles, pumping stations, receivers and senders, repeating or regenerating devices, storm water facilities, switching stations, substations, tanks, transmission lines, water wells, wires, or similar equipment operated by a municipality, a transit authority, or a certificated, franchised, or licensed utility company providing cable television, electrical, gas, internet, storm sewer, telecommunications, telegraph, telephone, water, or wastewater service to the public.

(ii) COMMUNICATIONS EXCHANGE FACILITY means a facility for the centralized placement of communications equipment used to store, house and route voice and data transmissions among communications companies.

(B) Districts permitted:

(i) Utility services:

(aa) Except as otherwise provided, by right in all residential and nonresidential districts.

(bb) By SUP only in residential districts if the above-grade facilities exceed 300 square feet in floor area or structure footprint per lot, except that no SUP is required for below-grade facilities, distribution lines, transmission lines, and supporting structures. In this subparagraph, “structure footprint” means the ground area defined by vertical planes extending downward from the outermost projection of the structure.

(cc) RAR is required if this use is more than 150 square feet in floor area or more than 10 feet in height, except that no RAR is required for below-grade facilities, distribution lines, transmission lines, and supporting structures.

(ii) Communications exchange facility: By right in LO(A), MO(A), GO(A), RR, CS, industrial, central area, mixed use, and multiple commercial districts. By right in the CR district if this use does not exceed 50,000 square feet in floor area; otherwise, prohibited in the CR district. By right in nonresidential planned development districts that allow local utilities. Allowed in residential planned development districts only if specifically listed as a permitted use, otherwise prohibited in residential planned development districts.

(C) Required off-street parking:

(i) Utility services: None.

(ii) Communications exchange facility: One space per 5,000 square feet of floor area, except that one space per 333 square feet is required for any floor area used for office space.

(D) Required off-street loading:

(i) Utility services: None.

(ii) Communications exchange facility:
§ 51A-4.212 Dallas Development Code: Ordinance No. 19455, as amended

SQUARE FEET OF FLOOR AREA IN STRUCTURE | TOTAL REQUIRED SPACES OR BERTHS
--- | ---
0 to 50,000 | NONE
50,000 to 150,000 | 1
Each additional 100,000 or fraction thereof | 1 additional

(E) Additional provisions:

(i) Utility services:

(aa) Above-ground storage tanks are not permitted under this use, except accessory above-ground storage tanks to emergency generators. The capacity of accessory above-ground storage tanks may not exceed 11,000 gallons in nonresidential districts and 3,500 gallons in residential districts.

(bb) Except as otherwise provided in Subparagraph (E)(i)(dd), in residential districts, if this use is over seven feet in height, screening that complies with Section 51A-4.602(b) must be constructed and maintained along the side and rear of the use.

(cc) Except as otherwise provided in Subparagraph (E)(i)(dd), if this use is over seven feet in height, a perimeter landscape buffer strip that complies with Section 51A-10.125 must be provided.

(dd) Distribution lines, transmission lines, and supporting structures are exempt from the requirements of Subparagraphs (E)(i)(bb) and (E)(i)(cc).

(ee) No landscape regulations apply to this use except as expressly provided in these additional provisions.

(ff) This use is not subject to compliance proceedings under Section 51A-4.704.

(ii) Communications exchange facility:

(aa) Section 51A-4.408(a)(1), which exempts structures for utility uses from certain height restrictions, does not apply to this use.

(5) Police or fire station.

(A) Definition: A facility operated by the city as a police or fire station.

(B) Districts permitted: By right in GO(A), CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in residential, NO(A), LO(A), MO(A), and NS(A) districts.

(C) Required off-street parking:

(i) Police station: One space per 150 square feet of floor area.

(ii) Fire station: Five spaces plus one additional space per bed.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) This use may include emergency medical services.

(6) Post office.

(A) Definition: A government facility for the transmission, sorting, and local distribution of mail.
§ 51A-4.212 Dallas Development Code: Ordinance No. 19455, as amended

(B) Districts permitted: By right in GO(A), CR, RR, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By SUP only in MF-3(A), MF-4(A), LO(A), MO(A), and NS(A) districts.

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading:

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(E) Additional provisions:

(i) This use includes main branches, substation branches, and neighborhood coin-operated self-service stations.

(7) Radio, television, or microwave tower.

(A) Definition: A structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum.

(B) Districts permitted: By right in GO(A), CS, industrial, and central area districts. By SUP only in residential, NO(A), LO(A), MO(A), retail, mixed use, and multiple commercial districts. RAR required in GO(A), CS, and industrial districts.

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: None.

(8) Refuse transfer station.

(A) Definition: A privately owned facility for the separation, transfer, or packing of solid waste materials from smaller collecting vehicles to larger transport vehicles.

(B) Districts permitted: By SUP only in A(A) and IM districts.

(C) Required off-street parking: One space per 1,000 square feet of site area exclusive of parking area.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must comply with Chapter 18 of the Dallas City Code and all other applicable city ordinances, rules, and regulations.

(9) Sanitary landfill.

(A) Definition: A facility for the collection, handling, storage, and disposal of solid waste.

(B) Districts permitted: By SUP only in A(A) and IM districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use is subject to federal and state law requirements.

(ii) This use must comply with Chapter 18 of the Dallas City Code and all other applicable city ordinances, rules, and regulations.
(10) **Sewage treatment plant.**

(A) **Definition:** A facility for receiving and treating sewage from the city sanitary sewer system.

(B) **Districts permitted:** By SUP only in A(A), IM, and central area districts.

(C) **Required off-street parking:** One space for each million gallons of capacity.

(D) **Required off-street loading:** None.

(10.1) **Tower/antenna for cellular communication.**

(A) **Definitions:**

(i) **Mounted cellular antenna** means a cellular antenna that is attached to an existing structure, that complies with the requirements of Subparagraph (E)(i), and that is part of a cellular system authorized by the Federal Communications Commission. An auxiliary building housing electronic and communication equipment is permitted as part of this use.

(ii) **Monopole cellular tower** means a single pole structure that supports a platform and cellular antennas, that complies with the requirements of Subparagraphs (E)(ii) and (iii), and that is part of a cellular system authorized by the Federal Communications Commission. An auxiliary building housing electronic and communication equipment is permitted as part of this use.

(iii) **Other cellular communication tower/antenna** means any cellular communication tower or antenna that is part of a cellular system authorized by the Federal Communications Commission, but that is not covered by the definitions contained in Subparagraphs (A)(i) and (A)(ii). An auxiliary building housing electronic and communication equipment is permitted as part of this use.

(iv) **Platform** means that portion of a monopole cellular tower that is located on top of the pole and that supports directional, transmitting, and receiving antennas.

(v) **Temporary cellular unit** means any cellular communication structure, vehicle, trailer mounted apparatus, or device that is part of a system authorized by the Federal Communications Commission that is used to temporarily provide service where an existing tower/antenna for cellular communication is not operable for one or more of the following reasons:

(aa) The existing tower/antenna for cellular communication use is damaged or destroyed other than by the intentional act of the owner or agent; or

(bb) A demolition or construction permit has been issued on a building site that includes an existing mounted cellular antenna, monopole cellular tower, or other cellular communication tower/antenna.

(B) **Districts permitted:**

(i) **Mounted cellular antennas:**

By right in A(A), single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), and MH(A) districts when attached to an existing structure that is currently occupied or was last occupied by a nonresidential use. By SUP only in A(A), single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), and MH(A) districts when attached to an existing structure that is currently occupied or was last occupied by a nonresidential use and the mounted cellular antenna exceeds the residential proximity slope height restrictions. The impact of the mounted cellular antenna height on an adjacent residential district must be considered in the SUP process.

(ii) **Mounted cellular antennas:**

By right in MF-3(A), MF-4(A), office, retail, CS, industrial, central area, mixed use, multiple commercial, P(A), and UC-3 districts when attached to any existing structure. By SUP only in MF-3(A), MF-4(A), office, retail, CS, industrial, central area,
mixed use, multiple commercial, P(A), and UC-3 districts when attached to an existing structure and the mounted cellular antenna exceeds the residential proximity slope height restrictions. The impact of the mounted cellular antenna height on an adjacent residential district must be considered in the SUP process.

(iii) Monopole cellular towers: By right in commercial, industrial, and central area districts with RAR required in commercial and industrial districts. By right in LO(A), MO(A), GO(A), mixed use, and multiple commercial districts if the height of the tower does not exceed the maximum height for structures in that district as provided in the district regulations (Divisions 51A-4.100 et seq.) with RAR required in the same districts; otherwise by SUP only. By right in the CR district if the height of the tower does not exceed 65 feet, with RAR required; otherwise by SUP only. By right in the RR district if the height of the tower does not exceed 80 feet, with RAR required; otherwise by SUP only. By SUP only in all residential, NO(A), NS(A) districts, and in any district where a monopole cellular tower is permitted by right but exceeds the residential proximity slope height restrictions. The impact of the monopole cellular tower height on an adjacent residential district must be considered in the SUP process.

(iv) Other cellular communication towers/antennas are permitted by right in GO(A), CS, industrial, and central area districts. By SUP only in residential, NO(A), GO(A), MO(A), retail, mixed use, multiple commercial districts, and in any district where other cellular communication towers/antennas are permitted by right but exceed the residential proximity slope height restrictions. RAR required in GO(A), CS, and industrial districts. The impact of the other cellular communication tower/antenna height on an adjacent residential district must be considered in the SUP process.

(v) Temporary cellular unit is permitted by right in all districts.

(C) Required off-street parking: None required for temporary cellular units. One space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication equipment (“auxiliary building”) greater than 120 square feet. Physically separate auxiliary buildings will not be aggregated to determine the area of an auxiliary building for the purpose of determining required off-street parking requirements.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Mounted cellular antennas may not exceed 12 feet above the structure to which they are attached. Whip antennas are excluded from this calculation.

(ii) The pole portion of a monopole cellular tower may not exceed 42 inches in diameter. Microwave dishes or similar devices up to three feet in diameter may be mounted on the pole portion of a monopole cellular tower. If microwave dishes or similar devices on a monopole cellular tower are concealed within a stealth tower, no maximum; otherwise, no more than two dishes or similar devices may be placed on a monopole cellular tower.

(iii) The platform portion of a monopole cellular tower may not have a horizontal cross sectional area greater than 196 square feet. The depth of the platform may not exceed 4 feet, excluding any whip antenna. Only antennas that are part of a cellular system authorized by the Federal Communications Commission are permitted on a platform.

(iv) The owner of a monopole or other tower for cellular communication shall notify the building official when the tower is no longer operating as part of a cellular system authorized by the Federal Communications Commission. Within 12 months of the date the tower ceases to operate as part of an authorized cellular system, the tower must either be removed from the site, or a certificate of occupancy must be obtained to allow another permitted use of the tower. If within 12 months the owner fails to remove the tower or obtain proper authorization for use of the tower, the building official shall revoke the certificate of occupancy for the tower and notify the city attorney to pursue enforcement remedies.
(v) Mounted cellular antennas attached to utility structures are exempt from the residential proximity slope regulations in certain circumstances. [See Section 51A-4.408(a)(1)(C).]

(vi) Temporary cellular unit:

(aa) The building official shall issue a certificate of occupancy for a period not to exceed one year. The building official may grant up to two six-month extensions if a complete application for or amendment to a specific use permit or planned development district has been filed with the director or a building permit is issued for the replacement of the existing tower/antenna for cellular communication.

(bb) A temporary cellular unit must be removed upon the expiration of its certificate of occupancy or upon the completion or expiration of a permit to construct a structure to mount a permanent mounted cellular antenna, a monopole cellular tower, or other cellular antenna, whichever occurs first.

(cc) Except as provided in this provision, a temporary cellular unit must comply with the yard, lot, and space regulations of the district and may not exceed the height of the existing tower/antenna for cellular communication use to be removed. Lightning rods atop a temporary cellular unit are not included in height calculations. A temporary cellular unit is not subject to residential proximity slope. If a temporary cellular unit collocates with existing operators on a single vertical temporary cellular unit, the following regulations apply:

(I) If the height of the existing mounted cellular antenna to be removed is less than the maximum structure height of the district, the maximum structure height may extend an additional ten feet in height for each existing operator above one, not to exceed the maximum structure height of the district.

(II) If the height of the existing mounted cellular antennas to be removed is equal to or exceeds the maximum structure height of the district, the maximum height of the temporary cellular unit may not exceed the height of the existing mounted cellular antennas to be removed.

(vii) The specific use permit regulations in Section 51A-4.219 apply to a tower/antenna for cellular communication except as modified in this provision. The director shall send written notice of a public hearing on an application for an SUP for a tower/antenna for cellular communication use to all owners of real property lying within 500 feet of the building site as defined in Section 51A-4.601 on which the tower/antenna for cellular communication use will be located. If the site does not comply with Section 51A-4.601, the director shall send written notice of a public hearing on an application for an SUP for a tower/antenna for cellular communication use to all owners of real property lying within 500 feet of the boundaries of a lot on a preliminary plat that is approved by the city plan commission upon which the tower/antenna for cellular communication use is to be located.

(viii) An application for or an amendment to a specific use permit or planned development district is not required for a modification to an existing tower/antenna for cellular communication or its base station unless the modification substantially changes the physical dimensions of the existing tower/antenna for cellular communication, or its base station. A modification substantially changes the physical dimensions of an existing tower/antenna for cellular communication or its base station if it meets the criteria listed in 47 C.F.R. §1.40001(b)(7), as amended.

(11) Utility or government installation other than listed.

(A) Definition:

(i) A “utility other than listed” is a public or private facility certificated, franchised, licensed, or operated by the city as a utility, and that is not specifically covered by the use regulations in this chapter.

(ii) A “government installation other than listed” is an installation owned or leased by a government agency and that is not specifically covered by the use regulations in this chapter. Typical such government installations include city hall, a courthouse, or an elevated water storage reservoir.
(B) Districts permitted: By right in central area and urban corridor districts, except that an SUP is required for the “government installation other than listed” use in the CA-1(A) district. By SUP only in residential, office, retail, industrial, mixed use, and multiple commercial districts.

(C) Required off-street parking: The ratio of the use that the building official determines is the most equivalent to the proposed use in terms of function. If a specific use permit is required, the off-street parking regulations may be established in the ordinance granting the permit. In such cases, the city council shall consider the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The SUP requirement for this use does not apply to a building, other structure, or land under the control, administration, or jurisdiction of a state or federal agency.

(12) Water treatment plant.

(A) Definition: A facility for purifying, supplying, and distributing city water, including a system of reservoirs, channels, mains, and purifying equipment.

(B) Districts permitted: By right in the IM district. By SUP only in A(A), central area, and IR districts. RAR required in the IM district.

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: None.

SEC. 51A-4.213. WHOLESALE, DISTRIBUTION, AND STORAGE USES.

(1) Auto auction.

(A) Definition: A facility for the auction of automobiles.

(B) Districts permitted: By SUP only in CS and IM districts.

(C) Required off-street parking: One space per 500 square feet of site area exclusive of parking area.

(D) Required off-street loading:

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(2) Building mover’s temporary storage yard.

(A) Definition: A site where a building or structure which has been removed from its original construction site is temporarily stored.

(B) Districts permitted: By SUP only in CS and IM districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must be surrounded by a solid visual screen of at least nine feet in height and constructed of solid masonry, solid concrete, corrugated sheet metal, or a chain link fence with strips of metal through all links.
(ii) This use must be landscaped with plants meeting the requirements of the specific use permit.

(iii) Buildings temporarily stored under this use may not be placed upon a foundation.

(iv) This use does not include bona fide sales lots on which new buildings or structures are located displaying examples of workmanship or appearance of the buildings or structures to be constructed on other sites and sold.

(3) Contractor’s maintenance yard.

(A) Definition: A facility for the storage and maintenance of contractor’s supplies and operational equipment.

(B) Districts permitted: By right in CS and IM districts. RAR required in CS and IM districts.

(C) Required off-street parking: One space per 2,000 square feet of site area exclusive of parking area; a minimum of four spaces is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use must be surrounded by screening.

(4) Freight terminal.

(A) Definition: A facility for the transfer or storage of freight.

(B) Districts permitted: By right in CS, industrial, and central area districts. RAR required in CS and industrial districts. DIR required in central area districts.

(C) Required off-street parking: One space per 1,000 square feet of floor area.

(D) Required off-street loading:

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(5) Livestock auction pens or sheds.

(A) Definition: A facility for the auction of livestock.

(B) Districts permitted: By SUP only in A(A) and IM districts.

(C) Required off-street parking: One space per 28 square feet of seating area, plus one space per 600 square feet of sales area.

(D) Required off-street loading:

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§ 51A-4.213 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.213

(6) Manufactured building sales lot.

(A) Definition: A facility for the display, service, and retail sale of manufactured housing or preassembled storage buildings.

(B) Districts permitted: RAR required in CS and industrial districts.

(C) Required off-street parking: One space per 200 square feet of office floor area. A minimum of four spaces must be provided.

(D) Required off-street loading:

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(E) Additional provisions:

(i) Outside display and storage of new or used manufactured housing or preassembled storage buildings for sale is permitted under this use without a visual screen.

(ii) Display or storage of manufactured housing or preassembled storage buildings is prohibited within the required front yard.

(7) Mini-warehouse.

(A) Definition: A building or group of buildings containing one or more individual compartmentalized storage units for the inside storage of customers’ goods or wares, where no unit exceeds 500 square feet in floor area.

(B) Districts permitted: By right in CS, industrial, central area districts. By SUP only in CR, RR, mixed use, and multiple commercial districts.

(C) Required off-street parking: A minimum of six spaces required. Spaces may not be used for outside storage, vehicle storage, or parking for vehicles for rent.

(D) Required off-street loading:

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(E) Additional provisions:

(i) Caretaker’s quarters are permitted as an accessory use. One parking space must be provided per 500 square feet of floor area of caretaker’s quarters; however, no more than two spaces are required for each caretaker’s quarters.

(8) Office showroom/warehouse.

(A) Definitions. In this paragraph:

(i) OFFICE SHOWROOM/WAREHOUSE means a facility which has the combined uses of office and showroom or warehouse for the primary purpose of wholesale trade, display, and distribution of products.

(ii) OFFICE SHOWROOM COMPONENT means the portion of this use which provides area for the regular transaction of business and for the display of uncontainerized merchandise in a finished building setting.

(B) Districts permitted: By right in CS, industrial, central area, MU-3, and MU-3(SAH) districts.

(C) Off-street parking.

Required off-street parking:

(i) Office: One space per 333 square feet of floor area.

(ii) Showroom/warehouse: One space per 1,000 square feet of floor area for the first 20,000 square feet of floor area. One space per 4,000 square feet of floor area in excess of 20,000 square feet.
§ 51A-4.213 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.213

(D) Required off-street loading:

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(E) Additional provisions:

(i) Retail sales of products which are sold at wholesale on the premises are permitted as a part of this use.

(ii) In the MU-3 and MU-3(SAH) districts, the office showroom component of this use must comprise at least 25 percent of the total floor area of the use.

(G) Stacking height.

(i) Except as provided in this subparagraph, maximum outside storage stacking height is 30 feet if the open storage is visible from and within 200 feet of a thoroughfare or adjoining property that is not zoned an IM district. If outside storage is 200 feet or more from a thoroughfare or adjoining property, no maximum outside storage stacking height.

(ii) Outside storage stacking height within 40 feet of required screening may not exceed the height of the required screening.

(H) Additional provisions:

(i) A person shall not place, store, or maintain outside for a period in excess of 24 hours, an item that is not:

(aa) customarily used or stored outside; or
(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot. Outside storage on less than five percent of the lot may qualify as an accessory use if it is customarily incidental to a main use. See Section 51A-4.217.

(iii) Outside storage is prohibited in required yards, landscaping areas, and parking areas.

(iv) All nonconforming open storage uses must comply with Subparagraphs (F) and (G) before September 22, 2018. The owner or operator may request from the board of adjustment an extension of this time period by filing an application with the director on a form provided by the city. The application must be filed before the September 22, 2018 deadline expires. The application is not considered filed until the fee is paid. The board of adjustment may grant an extension of this time period if it determines, after a public hearing, that strict compliance would result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this Paragraph (9), “Outside Storage.” The fee to request that the board of adjustment extend time is the same fee as the fee for a nonresidential special exception set forth in Article I, “General Provisions,” of the Dallas Development Code.

(10) Petroleum product storage and wholesale.

(A) Definition: A facility for the storage and wholesale trade and distribution of petroleum products.

(B) Districts permitted: By right in the IM district with RAR required. By SUP only in the CS district.

(C) Required off-street parking: One space for each 2,000 square feet of site area exclusive of parking area; a minimum of four spaces required.

(D) Required off-street loading:

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(E) Additional provisions:

(i) In an IM district, petroleum product storage and wholesale must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned an IM district. For purposes of this paragraph, adjacent means across the street or sharing a common lot line.

(11) Recycling buy-back center.

(A) Definitions: In these use regulations:

(i) HOUSEHOLD METALS means items that are:

   (aa) customarily used in a residential dwelling;

   (bb) comprised of any quantity of ferrous or nonferrous metal, as defined in Chapter 40B of the Dallas City Code, as amended; and

   (cc) not included in the definition of industrial metals. Examples of household metals include, but are not limited to kitchen pots and pans, cooking and serving tools, barbeque equipment, window screens, gardening tools, and aluminum foil.

(ii) INDUSTRIAL METALS means pipes, wires, coils, condensors, guard rails, automotive parts, bulky appliances, and similar industrial or construction materials which are comprised of any quantity of ferrous or nonferrous
§ 51A-4.213 Dallas Development Code: Ordinance No. 19455, as amended

metal, as defined in Chapter 40B of the Dallas City Code, as amended.

(iii) RECYCLABLE MATERIALS means clothing, aluminum cans, steel cans, glass, paper, plastics, and household and industrial metals.

(iv) RECYCLING BUY-BACK CENTER means a facility wholly enclosed within a building, or an automatic collection machine, used for the collection and temporary storage of recyclable materials as provided in Subparagraph (B).

(v) RECYCLING USE means any use listed in Paragraphs (11) through (11.3) of this section.

(B) Districts permitted:

(i) If this use is located on property controlled, managed, or maintained by the park and recreation board: By right in all districts.

(ii) For the collection of aluminum cans, steel cans, glass, paper, clothing, and plastics: By right with RAR required in industrial, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC-2, MC-3, and MC-4 districts. By SUP in CR, RR, CS, MU-1, MU-1(SAH), and MC-1 districts.

(iii) For the collection of household metals: By SUP in CR, RR, CS, industrial, central area, mixed use and multiple commercial districts.

(iv) For the collection of industrial metals: By SUP in industrial districts.

(C) Required off-street parking: One space per 500 square feet of floor area.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The floor area of this use may not exceed 10,000 square feet.

(ii) Mechanical processing of recyclable materials is limited to crushing, bailing, and shredding.

(iii) Materials stored at this use must be removed at least once a week or before reaching capacity. The facilities must be maintained in proper repair and the exterior must have a neat and clean appearance.

(iv) In the LI, IR, and IM districts, openings providing vehicle access to the building may remain open at all times. In all other districts, vehicle access openings must remain closed except when receiving or removing recyclable materials.

(v) No more than one recycling use is permitted on a building site.

(vi) This use must be located at least 1,000 feet from another recycling use. Measurements of distance under this paragraph are taken radially. “Radial” measurement means a measurement taken along the shortest distance between the nearest point of the building sites where recycling uses are located.

(vii) The collection of industrial metals is prohibited in all districts except the LI, IR, and IM districts as provided in Subparagraph (B).

(viii) If this use is located on property controlled, managed, or maintained by the park and recreation board, the requirements of Subparagraphs (C), (D), and (E) do not apply.

(ix) The collection of hazardous waste, as defined in Section 51A-4.206(4)(A)(iii), is prohibited.

(x) No SUP for this use may be granted for more than a two-year time period.

(11.1) Recycling collection center.

(A) Definitions:

(i) HOUSEHOLD METALS means items that are:

(aa) customarily used in a residential dwelling;
§ 51A-4.213 Dallas Development Code: Ordinance No. 19455, as amended

(bb) comprised of any quantity of ferrous or nonferrous metal, as defined in Chapter 40B of the Dallas City Code, as amended; and

(cc) not included in the definition of industrial metals. Examples of household metals include, but are not limited to kitchen pots and pans, cooking and serving tools, barbeque equipment, window screens, gardening tools, and aluminum foil.

(ii) INDUSTRIAL METALS means pipes, wires, coils, condensors, guard rails, automotive parts, bulky appliances, and similar industrial or construction materials which are comprised of any quantity of ferrous or nonferrous metal, as defined in Chapter 40B of the Dallas City Code, as amended.

(iii) RECYCLABLE MATERIALS means aluminum cans, steel cans, glass, paper, plastics, and household and industrial metals.

(iv) RECYCLING COLLECTION CENTER means a facility for the collection and temporary storage of recyclable materials as provided in Subparagraph (B).

(v) RECYCLING USE means any use listed in Paragraphs (11) through (11.3) of this section.

(B) Districts permitted:

(i) If this use is located on property controlled, managed, or maintained by the park and recreation board: By right in all districts.

(ii) For the collection of aluminum cans, steel cans, glass, paper, and plastics: By right with RAR required in industrial, central area, MU-2, MU-2(SAH), MU-3, MU-3(SAH), MC-2, MC-3, and MC-4 districts. By SUP in CR, RR, CS, MU-1, MU-1(SAH), and MC-1 districts.

(iii) For the collection of household metals: By SUP in CR, RR, CS, industrial, central area, mixed use, and multiple commercial districts.

(iv) For the collection of industrial metals: By SUP in industrial districts.

(C) Required off-street parking: A minimum of one space is required. If the use is operated by an attendant, one additional space is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use may only be located on an improved surface in an enclosed container or a trailer that is not more than 45 feet in length.

(ii) A trailer may only be placed on an improved surface of a building site containing a minimum of 30,000 square feet of land area, and a minimum of 10,000 square feet of building area. The area occupied by this use may not exceed 2,000 contiguous square feet, excluding area for required parking and maneuvering.

(iii) No more than one recycling use is permitted on a building site. A collection center is limited to one trailer and two containers of no more than 40 cubic yards each. An additional 40-cubic-yard container may be substituted for the permitted trailer.

(iv) A collection center located on a parking lot may not occupy required off-street parking spaces. A collection center must be arranged so as to not impede free traffic flow. This use may not be located in a required yard.

(v) Mechanical processing of recyclable materials is prohibited on site.

(vi) Materials stored at the collection center must be removed at least once a week or before reaching capacity.

(vii) The collection center must be maintained in proper repair and the exterior must have a neat and clean appearance. All containers must be constructed of solid materials.

(viii) Collection centers must be attended at all times or closed.
§ 51A-4.213 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-4.213

(ix) A sign must be provided for each trailer and container. Each sign must identify the use, the operator responsible for the use, and the telephone number of the operator. A trailer may have one sign on each side, not exceeding 125 square feet. No sign on a container may exceed 30 square feet. No other sign is permitted for this use.

(x) No SUP for this use may be granted for more than a two-year time period.

(xi) Operation of this use between the hours of 9:00 p.m. and 7:00 a.m. is prohibited.

(xii) This use must be located at least 1,000 feet from another recycling use. Measurements of distance under this paragraph are taken radially. “Radial” measurement means a measurement taken along the shortest distance between the nearest point of the building sites where recycling uses are located.

(xiii) If this use is located on property controlled, managed, or maintained by the park and recreation board, the requirements of Subparagraphs (C), (D), and (E) do not apply.

(xiv) The collection of hazardous waste, as defined in Section 51A-4.206(1.1), is prohibited.

(11.2) Recycling drop-off container.

(A) Definitions: In these use regulations:

(i) RECYCLABLE MATERIALS means aluminum cans, steel cans, glass, paper, and plastics.

(ii) RECYCLING DROP-OFF CONTAINER means a facility for the collection and temporary storage of recyclable materials that are limited to aluminum cans, steel cans, glass, paper, and plastics.

(B) Districts permitted:

(i) By right in all districts if this use is located on property controlled, managed, or maintained by the park and recreation board.

(ii) By right in all districts except the P(A) district if the requirements of Subparagraph (E) are satisfied. Except as otherwise provided in Subparagraph (B)(i) and except for the P(A) district, by SUP in any district if any requirement of Subparagraph (E) is not satisfied.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A multifamily or non-residential use must be located on the same building site as this use.

(ii) This use may not be located within a visibility triangle as defined in Section 51A-4.602.

(iii) No more than two containers are permitted on a building site. Containers may have no more than 3.5 cubic yards of storage capacity except that one container for paper collection may have no more than 20 cubic yards of storage capacity. No container may exceed six feet in height. All deposit openings must be designed to prevent dispersion of the container’s contents, or the container must be staffed at all times when collection may occur. Containers must be constructed of solid materials and placed on concrete paving, hot mix asphalt paving that consists of a binder and surface course, or a material that has equivalent characteristics.

(iv) Containers may not occupy required off-street parking spaces, impede free traffic flow, or be located in a yard that abuts a street. For purposes of this provision, “yard” means the area extending the length of the lot between the main structure and a street.

(v) Trailers and automatic collection machines are prohibited.

(vi) Mechanical processing of the recyclable materials is prohibited on site.

(vii) Materials stored at this use must be removed at least once a week or before
reaching capacity. The facilities must be maintained in proper repair and the exterior must have a neat and clean appearance.

(viii) A sign must be provided for each container on the container. Each sign must identify the use, the operator responsible for the use, and the telephone number of the operator. No sign on a container may exceed 30 square feet. One sign that does not exceed 20 square feet may be provided on a required screening fence within five feet of a container.

(ix) No more than one recycling use is permitted on a building site.

(x) This use must be located at least 1,000 feet from another recycling use. Measurements of distance under this provision are taken radially. “Radial” measurement means a measurement taken along the shortest distance between the nearest point of the building sites where recycling uses are located.

(xi) Recycling drop-off containers must be visually screened on any side visible from a street or an adjoining residential property by a brick, stone, concrete masonry, stucco, concrete, or wood wall or fence or by landscape screening. To allow air circulation and visibility, the screening from grade to one foot above grade must be open except for support posts. Screening must be properly maintained so that:

(aa) the screening is not out of vertical alignment more than one foot from the vertical, measured at the top of the screening; and

(bb) any rotted, fire damaged, or broken slats or support posts; any broken or bent metal posts; any torn, cut, bent, or ripped metal screening; any loose or missing bricks, stones, rocks, mortar, or similar materials and any dead or damaged landscaping materials are repaired or replaced.

(xii) No SUP for this use may be granted for more than a two-year time period.

(xiii) Nonprofit organizations are exempt from payment of SUP application fees for this use. For purposes of this provision, “nonprofit organization” means an organization eligible for an exemption from taxation pursuant to Sections 501(c) of the Internal Revenue Code. At the time of application, a nonprofit applicant must submit an affidavit, acknowledged before a notary public, stating the organization’s eligibility for a fee exemption under this paragraph.

(xiv) The collection of hazardous waste, as defined in Section 51A-4.206(1.1), is prohibited.

(xv) If this use is located on property controlled, managed, or maintained by the park and recreation board, the requirements of Subparagraphs (C), (D), and (E) do not apply.

(xvi) By December 31, 2008, recycling drop-off containers must be brought into compliance with amendments to this subparagraph contained in Ordinance No. 27314, passed by the Dallas City Council on September 10, 2008.

(11.3) Recycling drop-off for special occasion collection.

(A) Definitions: In these use regulations:

(i) HOUSEHOLD METALS means items that are:

(aa) customarily used in a residential dwelling;

(bb) comprised of any quantity of ferrous or nonferrous metal, as defined in Chapter 40B of the Dallas City Code, as amended; and

(cc) not included in the definition of industrial metals. Examples of household metals include, but are not limited to kitchen pots and pans, cooking and serving tools, barbecue equipment, window screens, gardening tools, and aluminum foil.

(ii) INDUSTRIAL METALS means pipes, wires, coils, condensers, guard rails, automotive parts, bulky appliances, and similar industrial or construction materials which are comprised of any quantity of ferrous or nonferrous metal, as defined in Chapter 40B of the Dallas City Code, as amended.
RECYCLABLE MATERIALS means aluminum cans, steel cans, glass, paper, plastics, and household and industrial metals.

RECYCLING DROP-OFF FOR SPECIAL OCCASION COLLECTION means a facility for the collection and temporary storage of recyclable materials that are limited to metals, glass, paper, and plastics.

(B) Districts permitted:

(i) By right in all districts if this use is located on property controlled, managed, or maintained by the park and recreation board.

(ii) By right in all districts except the P(A) district if the requirements of Subparagraph (E) are satisfied. Except as otherwise provided in Subparagraph (B)(i) and except for the P(A) district, by SUP in any district if any requirement of Subparagraph (E) is not satisfied.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No more than one event each calendar month is permitted, and no event may exceed three days in duration.

(ii) A church, school, or community center use with no less than two acres of land area must be located on the same building site as this use.

(iii) Trailers and containers may not be located within a required yard.

(iv) This use is limited to one trailer and two containers of no more than 40 cubic yards each. An additional 40-cubic-yard container may be substituted for the permitted trailer.

(v) This use must be attended at all times or closed.

(vi) This use may not occupy required off-street parking spaces or impede free traffic flow.

(vii) Mechanical processing of recyclable materials is prohibited.

(viii) All containers, conveyances, and materials must be removed from the property after each three-day event. The facilities must be maintained in proper repair and the exterior must have a neat and clean appearance. All containers must be constructed of solid materials.

(ix) A sign must be provided for each trailer and container. Each sign must identify the use, the operator responsible for the use, and the telephone number of the operator. No sign may exceed 30 square feet.

(x) Sales transactions are prohibited on site.

(xi) No more than one recycling use is permitted on a building site.

(xii) This use must be located at least 1,000 feet from another recycling use. Measurements of distance under this paragraph are taken radially. “Radial” measurement means a measurement taken along the shortest distance between the nearest point of the building sites where recycling uses are located.

(xiii) Nonprofit organizations are exempt from payment of SUP application fees for this use. For purposes of this paragraph, nonprofit organization means an organization eligible for an exemption from taxation pursuant to Sections 501(c)(3) and 501(c)(4) of the Internal Revenue Code. At the time of application, a nonprofit applicant must submit an affidavit, acknowledged before a notary public, stating the organization’s eligibility for a fee exemption under this paragraph.

(xiv) No SUP for this use may be granted for more than a two-year time period.

(xv) If this use is located on property controlled, managed, or maintained by the
§ 51A-4.213 Dallas Development Code: Ordinance No. 19455, as amended

park and recreation board, the requirements of Subparagraphs (C), (D), and (E) do not apply.

(xvi) The collection of hazardous waste, as defined in Section 51A-4.206(1.1), is prohibited.

(12) Sand, gravel, or earth sales and storage.

(A) Definition: A facility for storing and selling sand, gravel, and earth.

(B) Districts permitted: By right in the IM district with RAR required. By SUP only in A(A) and CS districts.

(C) Required off-street parking: One space per 2,000 square feet of site area exclusive of parking area; a minimum of four spaces is required.

(D) Required off-street loading:

<table>
<thead>
<tr>
<th>SQUARE FEET OF FLOOR AREA IN STRUCTURE</th>
<th>TOTAL REQUIRED SPACES OR BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 10,000</td>
<td>NONE</td>
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<td>1</td>
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<td>50,000 to 100,000</td>
<td>2</td>
</tr>
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<td>Each additional 100,000 or fraction thereof</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

(E) Additional provisions:

(i) No mining is permitted under this use.

(ii) In an IM district, sand, gravel, or earth sales and storage must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjoining property that is not zoned an IM district.

(13) Trade center.

(A) Definition: A facility for exhibitions, trade shows, and conventions.

(B) Districts permitted: By right in CS, industrial, central area, MU-3, MU-3(SAH), and MC-4 districts.

(C) Required off-street parking: One space for each 700 square feet of floor area, exclusive of atriums, mechanical rooms, stairwells, and hallways. Required off-street parking must be provided on the site within 500 feet of a public entrance to the trade center. However, parking may be located at a distance greater than 500 feet if a satisfactory system of transportation between the trade center and parking area is established and maintained by the owner of the use.

(D) Required off-street loading:

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</tbody>
</table>

(E) Additional provisions:

(i) This use must have a minimum floor area of 2,000,000 square feet.

(ii) This use must have a site area of at least 100 acres. The site area may be divided by streets. The area of the dividing streets is not included in the computation of the site area.

(iii) No more than 40 percent of the floor area may be used for retail sales.

(14) Vehicle storage lot.

(A) Definition: A facility for the storage of vehicles that have been towed, repossessed, or are otherwise in the care and custody of the operator of the lot.

(B) Districts permitted: By right in the IM district. By SUP only in the CS district.
§ 51A-4.213 Dallas Development Code: Ordinance No. 19455, as amended

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No servicing of vehicles or sales of vehicles or parts are permitted under this use.

(ii) A person shall not store outside a legally or mechanically inoperative or wrecked motor vehicle for a continuous period in excess of 60 days.

(iii) This use must have a visual screen of at least six feet in height which consists of solid masonry, concrete, brick, stucco, stone, or wood.

(iv) Access through required screening may be provided only by a solid gate equaling the height of the screening. The gate must be located at least 20 feet from the back of the existing street curb, and must remain closed except when in actual use.

(v) No stacking, crushing, dismantling, or repair of vehicles is permitted.

(vi) A landscape plan must be submitted to the building official with any application for a building permit in connection with the creation or expansion of this use. The point values and standards contained in Section 51A-10.107 of this chapter apply to the building official’s review of the landscape plan required for this use. The landscape plan must show at least 20 points of landscaping located between the required screening and the perimeter of the lot. The requirements contained in Article X of this chapter related to acceptable landscape materials, soil requirements, protection of landscape areas, irrigation requirements, completion, and maintenance apply to this use.

(vii) A minimum distance of 500 feet is required between this use and a single family, duplex, townhouse, clustered housing, multifamily, or manufactured home district.

(viii) This use must comply with all applicable licensing requirements.

(ix) Paving surface requirements may be provided in an ordinance granting or amending a specific use permit or a planned development district. Otherwise, the paving surface requirements contained in Subsection 51A-4.301(d)(3.1) apply.

(15) Warehouse.

(A) Definition: A facility for the inside storage and distribution of items.

(B) Districts permitted: By right in CS, industrial, and central area districts. RAR required in CS and industrial districts.

(C) Required off-street parking: One space per 1,000 square feet of floor area up to 20,000 square feet, and one space per 4,000 square feet of floor area over 20,000 square feet.

(D) Required off-street loading:

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</tr>
</tbody>
</table>

(E) Additional provisions:

(i) Retail sales are permitted as part of the warehouse use if the sales are conducted in compliance with the following subparagraphs:

(aa) Up to 100 percent of the total warehouse floor area may be devoted to retail sales activities during an occasional warehouse sale. No more than six occasional warehouse sales may be conducted during any 12 month period. Each
§ 51A-4.213 Dallas Development Code: Ordinance No. 19455, as amended

occasional warehouse sale must be limited in duration to no more than three consecutive calendar days.

(bb) Retail sales are permitted at all times as part of the warehouse use when the retail sales area does not exceed 10 percent of the total warehouse floor area. (Ord. Nos. 19455; 19786; 20363; 20380; 20493; 20806; 20950; 21001; 21289; 21663; 21697; 24792; 27314; 28803; 29208; 29917; 30890)

SECS. 51A-4.214 THRU 51A-4.216. RESERVED. (Ord. 19455)

SEC. 51A-4.217. ACCESSORY USES.

(a) General provisions.

(1) An accessory use must be a use customarily incidental to a main use. A use listed in Sections 51A-4.201 through 51A-4.216 may be an accessory use if the building official determines that the use is customarily incidental to a main use and otherwise complies with this section. Except as otherwise provided in this article, an accessory use must comply with all regulations applicable to the main use.

(2) Except as otherwise provided in this article, an accessory use must be located on the same lot as the main use.

(3) Except as otherwise provided in this article, accessory uses listed in Subsection (b) or in Sections 51A-4.201 through 51A-5.216 are subject to the following area restrictions: If the use is conducted outside, it may not occupy more than five percent of the area of the lot containing the main use. If the use is conducted inside, it may not occupy more than five percent of the floor area of the main use. Any use which exceeds these area restrictions is considered to be a separate main use.

(4) Except as otherwise provided in Subsection (b), an accessory use is permitted in any district in which the main use is permitted.

(5) Except as provided in this paragraph, an alcohol related establishment that is customarily incidental to a main use, such as an alcohol related establishment within a hotel, restaurant, or general merchandise store, is not limited to the five percent area restriction in Section 51A-4.217(a)(3), and will be considered as part of the main use when determining the gross revenue derived by the establishment from the sale of alcoholic beverages for on-premise consumption. Accessory microbrewery, micro-distillery, or winery uses and accessory alcoholic beverage manufacturing uses may not occupy more than 40 percent of the total floor area of the main use. Any use that exceeds these area restrictions is considered a separate main use.

(b) Specific accessory uses. The following accessory uses are subject to the general provisions in Subsection (a) and the regulations and restrictions outlined below:

(1) Accessory community center (private).

(A) Definition: An integral part of a residential project or community unit development that is under the management and unified control of the operators of the project or development, and that is used by the residents of the project or development for a place of meeting, recreation, or social activity.

(B) District restrictions:

(i) This accessory use is not permitted in A(A), office, retail, CS, industrial, multiple commercial, and P(A) districts.

(ii) An SUP is required for this accessory use in single family, duplex, townhouse, CH, and urban corridor districts.

(C) Required off-street parking:

(i) Except as provided in this subparagraph, one space for each 100 square feet of floor area.

(ii) No off-street parking is required if this use is accessory to a multifamily use and is used primarily by residents.

(D) Required off-street loading: None.
(E) Additional provisions:

(i) A private community center may not be operated as a place of public meetings or as a business.

(ii) The operation of a private community center must not create noise, odor or similar conditions beyond the property line of the project or development site.

(iii) A liquor permit may not be issued for a private community center.

(iv) This accessory use need not be located on the same lot as the main use.

(v) The area restrictions in Subsection (a)(3) do not apply to this use.

(1.1) Accessory electric vehicle charging station.

(A) Definition: A facility that provides electrical charging for vehicles.

(B) District restrictions: Residential and nonresidential districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Up to 10 percent of parking counted as required parking for a main use on the property may be electric vehicle charging spaces.

(ii) If this accessory use is located in a residential district, it may not have a sign advertising its services.

(iii) A charging cord may not cross over a sidewalk or pedestrian walkway.

(2) Accessory game court (private).

(A) Definition: A game court for engaging in tennis, handball, racquetball, or similar physical activities.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: Three spaces for each game court. No off-street parking is required for a game court accessory to a single family or duplex use.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This accessory use may occupy up to 50 percent of the area of the lot containing the main use.

(3) Accessory helistop.

(A) Definition: A landing pad for occasional use by rotary wing aircraft.

(B) District restrictions:

(i) This accessory use is not permitted in single family, duplex, townhouse, CH, MH(A), NO(A), LO(A), NS(A), P(A), and urban corridor districts.

(ii) An SUP is required for this accessory use in A(A), multifamily, MO(A), CR, RR, CS, LI, central area, MU-1, MU-1(SAH), MU-2, MU–2(SAH), and multiple commercial districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Regularly scheduled stops are not permitted under this accessory use.
(ii) Fueling or servicing facilities are not permitted under this accessory use.

(iii) This accessory use must be approved by the city aviation department.

(iv) This accessory use is subject to the Federal Aviation Administration’s rules, regulations, and approval.

(3.1) **Accessory medical/infectious waste incinerator.**

(A) Definition: A facility used to incinerate plastics, special waste, and waste containing pathogens or biologically active material which, because of its type, concentration, and quantity, is capable of transmitting disease to persons exposed to the waste.

(B) District restrictions:

(i) This accessory use is not permitted in single family, duplex, townhouse, CH, MH(A), NO(A), LO(A), NS(A), P(A), and urban corridor districts.

(ii) An SUP is required for this facility if it is used to incinerate more than 225 pounds of waste per hour.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This accessory use is permitted only in conjunction with a hospital use.

(ii) The facility must be located at least 200 feet from all lots containing residential uses.

(iii) If the facility is used to incinerate more than 225 pounds of waste per hour, it must be located at least 200 feet from all lots containing public or private school uses.

(4) **Accessory outside display of merchandise.**

(A) Definition: The outside placement of merchandise for sale for a continuous period less than 24 hours.

(B) District restrictions: This accessory use is not permitted in residential, NO(A), LO(A), and MO(A) districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Except as otherwise provided in the use regulations, the area used for accessory outside display of merchandise may not be greater than an area equal to five percent of the floor area of the main use. This regulation controls over the area restrictions in Subsection 51A-4.217(a)(3).

(F) As with all other uses, an accessory outside display may not obstruct required parking and may not be placed in the public right-of-way without a license.

(5) **Accessory outside sales.**

(A) Definition: A site for the outside sale of merchandise.

(B) District restrictions: This accessory use is not permitted in residential, NO(A), LO(A), MO(A), and P(A) districts.

(C) Required off-street parking: None for the first 1,000 square feet of sales area; one space for each additional 500 square feet of sales area.

(D) Required off-street loading: None.

(6) **Accessory outside storage.**

(A) Definitions:

(i) **ACCESSORY OUTSIDE STORAGE** means the outside placement of an item for a continuous period in excess of 24 hours. Outside
placement includes storage in a structure that is open or not entirely enclosed.

(ii) **BOOK EXCHANGE STRUCTURE** means an enclosed structure that holds books or other literary materials to be shared or exchanged in a pedestrian accessible location constructed and maintained by the owner of the property.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off street parking: None.

(D) Required off street loading: None.

(E) Additional provisions:

(i) A person shall not place, store, or maintain outside, for a continuous period in excess of 24 hours, an item which is not:

(aa) customarily used or stored outside; or

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) For purposes of this subsection, an item located on a porch of a building is considered to be outside if the porch is not enclosed.

(iii) Except as otherwise provided in this subsection, accessory outside storage is not permitted in the primary yard or on a front porch of a residential building. In this subsection, "primary yard" means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.

(iv) It is a defense to prosecution under Subsection (E)(iii) that the item is:

(aa) an operable motor vehicle with valid state registration parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, except that this defense is not available if the vehicle is a truck tractor, truck, bus, or recreational vehicle and it has a rated capacity in excess of one and one-half tons according to the manufacturer's classification, or if the vehicle is over 32 feet in length;

(bb) a boat, trailer, or recreational vehicle parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, and the item cannot reasonably be placed in an area behind the primary yard;

(cc) landscaping, or an ornamental structure, including, but not limited to a birdbath, plant container, or statuette, placed in the primary yard or on the front porch for landscaping purposes;

(dd) lawn furniture or a book exchange structure made of a material that is resistant to damage or deterioration from exposure to the outside environment;

(ee) located on a front porch and not visible from the street; or

(ff) a vehicle displaying a registration insignia or identification card issued by the state to a permanently or temporarily disabled person for purposes of Section 681.006 of the Texas Transportation Code.

(v) A person shall not use more than five percent of the lot area of a premise for accessory outside storage. The area occupied by an operable motor vehicle with valid state registration is not counted when calculating the area occupied by accessory outside storage. Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot.

(vi) The board may grant a special exception to the additional provisions of this subsection relating to accessory outside storage in the primary yard or on a front porch of a residential building when, in the opinion of the board, the special exception will not adversely affect neighboring property.
(6.1) **Accessory pathological waste incinerator.**

(A) Definition: A facility used to incinerate organic human or animal waste, including:

(i) Human materials removed during surgery, labor and delivery, autopsy, or biopsy, including body parts, tissues or fetuses, organs, and bulk blood and body fluids.
Dallas Development Code: Ordinance No. 19455, as amended

[Intentionally left blank]
(ii) Products of spontaneous human abortions, regardless of the period of gestation, including body parts, tissue, fetuses, organs, and bulk blood and body fluids.

(iii) Anatomical remains.

(iv) Bodies for cremation.

(B) District restrictions: This accessory use is not permitted in office, NS(A), industrial, P(A), and urban corridor districts. This accessory use is permitted in residential districts only in conjunction with a public park containing a zoo and aquarium.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This accessory use is permitted only in conjunction with a mortuary or funeral home; or a public park containing a zoo and aquarium owned or operated by a public agency, available to the general public year-round, and having a collection of at least 5,000 specimens.

(ii) This accessory use must be located at least 200 feet from all lots containing residential uses.

(iii) When this accessory use is operated in conjunction with a public park containing a zoo and aquarium, no more than one incinerator is permitted, and the incinerator may not burn more than 200 pounds per hour.

(7) Amateur communication tower.

(A) Definition: A tower with an antenna that transmits amateur radio, citizen band, or both spectrums, or that receives any portion of a radio spectrum.

(B) District restrictions:

(i) This accessory use is not permitted in NO(A), NS(A), and P(A) districts.

(ii) An SUP is required for this accessory use in MF-3(A) and MF-4(A) districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) In all districts where this accessory use is permitted except MF-3(A) and MF-4(A) districts, a person may erect one amateur communication tower that exceeds the maximum height specified in Section 51A-4.408 if the amateur communication tower:

   (aa) does not exceed 60 feet in height;

   (bb) is setback an additional 12 inches from the required front, side, and rear yards for each additional eighteen inches of height above the maximum height specified in Section 51A-4.408;

   (cc) has a maximum horizontal cross-sectional area of three square feet;

   (dd) has no more than two antennae above the maximum height specified in Section 51A-4.408 with a maximum volume of 900 cubic feet for a single antenna and 1400 cubic feet for two antennae. In this provision, antenna volume is the space within an imaginary rectangular prism which contains all extremities of the antenna;

   (ee) does not encroach into the required front, side, or rear yard. A guy wire and anchor point for a tower is prohibited in the required front yard and is also prohibited in the required side and rear yards unless the guy wire and anchor point is attached to the top of a structural support that is no less than six feet in height. If a structural support for a guy wire and anchor point is used, the structural support may project into the required side and rear yards no more than two feet, measured from the setback line. In this provision, a structural support for an anchor point is any pole, post, strut, or other fixture or framework necessary to hold and secure an anchor point or within three feet of the side or rear property.
line. If an alley abuts a rear property line, a guy wire and anchor point may extend to the rear property line; and

(ff) has a minimum space between antennae above the maximum height specified in Section 51A-4.408 of eight feet or more as measured vertically between the highest point of the lower antenna and the lowest point of the higher antenna.

(ii) The board of adjustment may allow a special exception from the requirements of Subsection (E)(i) with the exception of Subsection (E)(i)(aa), if the board finds that the special exception would not adversely affect neighboring property and would be in harmony with the general purpose and intent of this section.

(iii) In all residential districts where this accessory use is permitted except MF-3(A) and MF-4(A) districts, a person may erect an amateur communication tower over 60 feet and not above 100 feet in height if authorized by a specific use permit.

(iv) This accessory use may occupy up to 25 percent of the area of the lot containing the main use.

(v) This accessory use is prohibited in all residential districts in the area between the street and the facade of any main or accessory structure. (This area includes, but may be greater than, the front yard.)

(vi) The owner or operator of an amateur communication tower shall remove the tower within six months of the date that the tower ceased to operate as an amateur radio, citizen band, or radio spectrum authorized by the Federal Communications Commission. Upon failure of the owner or operator to remove the tower within the prescribed period, the building official shall notify the city attorney to pursue enforcement remedies against that owner or operator for failure to remove the tower.

(7.1) Day home.

(A) Definition: A facility that provides care or supervision for “day home attendees,” whether or not the facility is operated for profit or charges for the services it offers. For the purposes of this paragraph, “day home attendees” means persons under 14 years of age, including those related to the owner of the residence or the head of the household by blood, marriage, or adoption. A day home is incidental to the primary use of the premises as a residence and conducted on the premises by a resident of the premises who is on the premises during hours of operation.

(B) Districts restrictions: This accessory use is not permitted in P(A) and urban corridor districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No more than 10 day home attendees are permitted at any time in the operation of this use.

(ii) A person who conducts a day home use shall not:

(aa) use an advertisement, sign, or display on or off the premises;

(bb) advertise in the yellow pages of the telephone directory;

(cc) employ more than two persons on the premises, other than the residents of the premises;

(dd) conduct outdoor activities between the hours of 10 p.m. and 7 a.m.;

(ee) conduct outdoor activities unless the activities are screened from the neighboring property by a fence at least four feet in height;

(ff) generate loud and raucous noise that renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.

(iii) This use does not include individuals living together as a single housekeeping
unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption.

(iv) The area restrictions in Subsection (a)(3) do not apply to this use.

(v) This use must comply with all applicable requirements imposed by city ordinances, rules, and regulations, and by state law.

(7.2) General waste incinerator.

(A) Definition: A facility used to incinerate solid waste consisting of combustible rubbish, refuse, and garbage.

(B) District restrictions: This accessory use is not permitted in urban corridor districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This accessory use must be located at least 200 feet from all lots containing residential uses.

(8) Home occupation.

(A) Definition: An occupation that is incidental to the primary use of the premises as a residence and conducted on the residential premises by a resident of the premises.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A person who engages in a home occupation shall not:

(aa) use any advertisement, sign, or display relating to the home occupation on the premises;

(bb) use the street address of the premises on any advertisement, sign, or display off the premises;

(cc) employ more than one person on the premises, other than residents of the premises;

(dd) have an employee, other than residents of the premises, who works on the premises more than four hours in any given week;

(ee) conduct any activities relating to the home occupation, including activities on any porch, deck, patio, garage, or unenclosed or partially enclosed portion of any structure, unless conducted entirely inside the main structure;

(ff) involve more than 3 people on the premises at one time, other than residents of the premises;

(gg) generate loud and raucous noise that renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort;

(hh) sell or offer products of the home occupation at or on the premises;

(ii) generate vehicular traffic that unreasonably disrupts the surrounding residents’ peaceful enjoyment of the neighborhood; or

(jj) generate parking congestion that unreasonably reduces the availability of on-street parking spaces on surrounding streets.

(ii) A home occupation may not occupy more than 25 percent or 400 square feet of the total floor area of the main structure, whichever is less. This area restriction controls over the area restriction of Subsection (a)(3).
§ 51A-4.217 Dallas Development Code: Ordinance No. 19455, as amended

(8.1) Live unit.

(A) Definition: A dwelling unit accessory to any nonresidential use allowed in that district.

(B) District restrictions: This accessory use is not permitted in A(A), R-1ac(A), R-1/2ac(A), R-16(A), R-13(A), R-10(A), R-7.5(A), R-5(A), D(A), TH-1(A), TH-2(A), TH-3(A), CH, MF-1(A), MF-2(A), MH(A), CA-1(A), CA-2(A), MU-1, P(A), CS, and IM districts.

(C) Required off-street parking: One additional space is required for the accessory use in excess of the required off-street parking for the floor area of the nonresidential use.

(D) Required off-street loading: None.

(E) Floor area: Except as otherwise provided in the use regulations, the maximum floor area for the dwelling unit shall not exceed the total square feet of the main use. This floor area restriction controls over the floor area restrictions in Section 51A-4.217(a)(3).

(F) Additional provisions:

(i) Units cannot be sold separately by metes and bounds.

(ii) One live unit allowed per lot.

(iii) Live unit can be attached or detached from the nonresidential use.

(iv) Rented live units must be registered with the city's single family rental program.

(9) Occasional sales (garage sales).

(A) Definition: The sale of tangible personal property at retail by a person who is not in the business or does not hold himself or herself out to be in the business of selling tangible personal property at retail.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A person shall sell tangible personal property only on the premises of the owner or lessee of the premises where the sale is conducted, and the owner or lessee must be the legal owner of the tangible personal property at the time of the sale.

(ii) The sale must be inside the building or garage, or on an approved surface as described in Section 51A-4.301(d)(4).

(iii) A person shall not sell, offer, or advertise for sale merchandise made, produced, or acquired solely for the purpose of resale at an occasional sale.

(iv) A person shall not conduct an occasional sale for a duration of more than three consecutive calendar days.

(v) A person shall not conduct more than two occasional sales at a premises during any 12 month period.

(vi) A person shall not place more than one sign, not to exceed two square feet in effective area, upon the lot where the sale is taking place. Up to five signs, not to exceed two square feet in effective area each, are permitted at locations remote from the sale property with the permission of the owner of the remote location. Signs advertising an occasional sale are not permitted in medians or on trees or light poles. All signs advertising an occasional sale must be removed within 24 hours after expiration of the permit issued under Section 51A-1.105(x).

(vii) The area restrictions in Subsection (a)(3) do not apply to this use.

(viii) Any advertisement of an occasional sale or of an item being offered for sale at an occasional sale must contain the street address at which the sale will occur and the date(s) on which the sale will occur.
§ 51A-4.217 Dallas Development Code: Ordinance No. 19455, as amended

(ix) A person commits an offense if he operates an occasional sale without a valid permit under Section 51A-1.105(x).

(10) Private stable.

(A) Definition: An area for the keeping of horses for the private use of the property owner.

(B) District restrictions: This accessory use is not permitted in office, retail, CS, industrial, mixed use, multiple commercial, central area, P(A), and urban corridor districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A private stable is permitted only on a lot that has at least 15,000 square feet and a person may keep only the number of horses permitted for the lot area as described in the following chart:

<table>
<thead>
<tr>
<th>LOT AREA</th>
<th>NUMBER OF HORSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least 15,000 sq. ft. but less than one-half acre</td>
<td>1</td>
</tr>
<tr>
<td>At least one-half acre but less than one acre</td>
<td>2</td>
</tr>
<tr>
<td>At least one acre but less than two acres</td>
<td>3</td>
</tr>
<tr>
<td>At least one-half acre per horse</td>
<td>4 or more</td>
</tr>
</tbody>
</table>

(ii) A private stable must include a pen or corral containing at least 800 square feet for each animal with a stable under a roof containing at least 100 square feet for each animal.

(iii) A stable must have proper drainage so as not to create offensive odors, fly breeding, or other nuisances.

(iv) A pen, corral, fences, or similar enclosures may not be closer than 20 feet to an adjacent property line. The widths of alleys, street rights-of-way, or other public rights-of-way may be used in establishing the 20 feet distance to the adjacent property line.

(v) Fences for pens, corrals, or similar enclosures must be of a sufficient height and strength to retain the horses.

(vi) The area restrictions in Subsection (a)(3) do not apply to this use.

(11) Swimming pool (private).

(A) Definition: A swimming pool constructed for the exclusive use of the residents of a residential use.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No private swimming pool may be operated as a business, except that private swimming lessons may be given under the home occupation use.

(ii) No private swimming pool may be maintained in such a manner as to be hazardous or obnoxious to adjacent property owners.

(iii) No private swimming pool may be constructed in the required front yard. However, a private swimming pool may be located within the required side or rear yard if it meets the requirements of Section 51A-4.217(a).

(iv) A private swimming pool must be surrounded by a fence.

(v) The area restrictions in Subsection (a)(3) do not apply to this use.
(12) **Pedestrian skybridges.**

(A) **Definition:** Use of a structure constructed above grade primarily to allow pedestrians to cross a city right-of-way. A pedestrian skybridge use does not include use of a structure constructed primarily for automobiles.

(B) **Purpose.** The purpose of this section is to promote the health, safety, and general welfare of persons and property within the city by providing for the structural integrity of pedestrian skybridges over public right-of-ways; preventing visual obstruction of public right-of-ways and urban landscapes; facilitating the flow of traffic; encouraging use of public skybridges by pedestrians through well designed additions to the existing pedestrian system; minimizing the negative impact of pedestrian skybridges on adjoining properties, communication and utility company facilities, and public street lighting and safety facilities; and establishing standards for construction and maintenance of pedestrian skybridges.

(C) **Districts permitted.** A pedestrian skybridge is permitted in any district by SUP. An SUP is required for pedestrian skybridges in planned development (PD) districts. A license or abandonment from the city of Dallas is also required to cross a city right-of-way. Provisions concerning licenses for use of the public right-of-way are contained in Chapter 43, “Streets and Sidewalks,” of the Dallas City Code. Provisions concerning abandonment of the public right-of-way are contained in Chapter 2, “Administration,” of the Dallas City Code.

(D) **Application.** An application for an SUP for a pedestrian skybridge must contain a statement outlining the need for the pedestrian skybridge and how the pedestrian skybridge will enhance the welfare of the area of request and adjacent properties.

(E) **Specific use permit procedure.** The provisions concerning specific use permits contained in Section 51A-4.219 apply except as modified by this subsection.

(i) **Notification.** The director shall send written notice of a public hearing on an application for an SUP for a pedestrian skybridge to all owners of real property lying within 750 feet of the properties on which the skybridge will be located.

(ii) **Protest.** For purposes of the protest provisions, the area of request is the properties on which the skybridge will be located.

(iii) **Residential adjacency.** An SUP for a pedestrian skybridge must be approved by the affirmative vote of three-fourths of all members of the city council if the pedestrian skybridge is within 750 feet of a residential zoning district or planned development district that allows residential uses or is sited within a planned development district that is adjacent to residential districts.

(iv) **Term.** The term of an SUP for a pedestrian skybridge must coincide with the term of any related license.

(F) **Mandatory pedestrian skybridge standards.** Additional provisions concerning construction of pedestrian walkways are contained in Chapter 53, "Dallas Building Code," of the Dallas City Code. Pedestrian skybridges must be constructed and maintained in accordance with the following regulations:

(i) **Pedestrian skybridges must be properly maintained at all times.** If a pedestrian skybridge connects two buildings which are separately owned, an operating agreement assigning maintenance and liability responsibilities is required.

(ii) **No more than one pedestrian skybridge may be located within any blockface or 700 feet of frontage, whichever is less.**

(iii) **Pedestrian skybridges must have clearance above the public right-of-way of at least 18 feet above grade.**

(iv) **If the pedestrian skybridge has a length of less than 150 feet, the interior passageway must be no less than 10 feet and no greater than 20 feet in width.** If the pedestrian skybridge has a length equal to or greater than 150 feet, the interior passageway must be no less than 12 feet and no greater than 20 feet in width.
(v) The interior height of the passageway must be at least 7 1/2 feet. The interior height at the springline of vaulted ceilings must be at least 7 1/2 feet.

(vi) Supports may be located within the public right-of-way if the placement of the support structure does not impede pedestrian traffic and maintains minimum sidewalk clearance widths required in the zoning district and in conformance with the Americans with Disabilities Act, 42 U.S.C. Chapter 126.

(vii) A sign must be posted within the adjoining structures indicating whether the skybridge is open to the public, the location of the pedestrian skybridge, and where the pedestrian skybridge leads.

(viii) Pedestrian skybridges must meet state and federal standards for accessibility to and usability by individuals with disabilities.

(ix) Pedestrian skybridges connected to structures with air conditioning must be enclosed and air conditioned.

(x) Any change in slope of the pedestrian skybridge greater than one percent must be over private property or concealed within the pedestrian skybridge.

(xi) Pedestrian skybridges must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees.

(xii) At least 70 percent of the side walls must be open, or glass or transparent material with a light transmission of not less than 36 percent and a luminous reflectance of not more than six percent. "Light transmission" means the ratio of the amount of total light to pass through the material to the amount of total light falling on the material and any glazing. "Luminous reflectance" means the ratio of the amount of total light that is reflected outward by a material to the amount of total light falling on the material.

(xiii) Minimum artificial lighting of 15 foot candles must be provided. Lighting must not produce glare of an intensity that creates a nuisance for motor vehicles or pedestrians.

(xiv) No exterior signs, other than government signs, may be applied to or suspended from any pedestrian skybridge.

(xv) Pedestrian skybridges must not be located within 300 feet of an historic overlay district.

(xvi) Pedestrian skybridges must be designed to prevent people from jumping or throwing objects from the pedestrian skybridge.

(xvii) Structural materials must be durable and easily maintained. Construction must comply with the City of Dallas Building and Fire Codes.

(xviii) Pedestrian skybridges must not interfere with or impair use of the right-of-way by existing or proposed communication and utility facilities.

(xix) The applicant must post bond for the estimated cost to the city to remove the pedestrian skybridge if it becomes a public nuisance.

(xx) Skybridges may be placed in the required front, side, or rear yard.

(G) Recommended pedestrian skybridge standards. Pedestrian skybridges are recommended to be constructed and maintained in accordance with the following guidelines:

(i) Pedestrian skybridges which are open to the public should penetrate the second story of the adjoining structures, or, if not possible, as close as possible to the street level.

(ii) Pedestrian skybridges should penetrate the adjoining structures as closely as possible to escalators or elevators having access to the entire structure and the street.

(iii) Free-standing pedestrian skybridges and pedestrian skybridges connected to
structures without air conditioning should have a roof, wind breaks, and adequate ventilation that maximize the comfort and safety of pedestrians. A pedestrian skybridge should be open only when the adjoining structures are open.

(iv) If the length of the pedestrian skybridge exceeds 250 feet, the passageway should be interrupted by interior visual breaks, such as turns, courts, or plazas.

(v) Primary lighting sources should be recessed and indirect. Accent lighting is encouraged. Natural lighting should be used in addition to artificial lighting.

(vi) The pedestrian skybridge should be designed so as to coordinate with the adjoining structures to the extent possible. Where coordination is not possible, the pedestrian skybridge should be of a neutral color, such as brown or grey.

(H) Waiver. The city council may, by a three-fourths vote, grant a waiver to the pedestrian skybridge standards contained in this paragraph if the council finds that:

(i) strict compliance with the requirements will unreasonably burden the use of either of the properties;

(ii) the waiver will not adversely affect neighboring property;

(iii) the waiver will not be contrary to the public interest; and

(iv) the waiver will not be contrary to the public health, safety, or welfare.

(I) Compliance regulations. Pedestrian skybridge uses are not subject to the compliance regulations contained in Section 51A-4.704. (Ord. Nos. 19455; 19786; 20411; 20478; 20845; 21001; 21002; 21289; 21454; 21663; 21735; 22004; 22204; 22392; 23012; 23031; 23258; 24205; 24718; 24843; 24899; 24915; 26334; 26746; 28021; 28700; 28737; 28803; 29024; 30257; 30894; 31041)

SEC. 51A-4.218. LIMITED USES.

(a) A limited use must be contained entirely within a building and be primarily for the service of the occupants of the building.

(b) A limited use may not have a floor area that in combination with the floor areas of other limited uses in the building exceeds 10 percent of the floor area of the building.

(c) A limited use must:

(1) have no exterior public entrance except through the general building entrances; and

(2) have no exterior advertising signs on the same lot. (Ord. 19455)

SEC. 51A-4.219. SPECIFIC USE PERMIT (SUP).

(a) General provisions.

(1) The SUP provides a means for developing certain uses in a manner in which the specific use will be compatible with adjacent property and consistent with the character of the neighborhood.

(2) The use regulations for each use in Division 51A-4.200 state whether an SUP is required for a use to be permitted in a zoning district. The SUP requirement for a use in a district does not constitute an authorization or an assurance that the use will be permitted. Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate. Each SUP must be granted by the city council by separate ordinance.

(3) The city council shall not grant an SUP for a use except upon a finding that the use will:

(A) complement or be compatible with the surrounding uses and community facilities;
§ 51A-4.219 Dallas Development Code: Ordinance No. 19455, as amended

(B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties;

(C) not be detrimental to the public health, safety, or general welfare; and

(D) conform in all other respects to all zoning regulations and standards.

(4) The granting of an SUP has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.

(5) The city council may impose reasonable conditions upon the granting of an SUP consistent with the purposes stated in this chapter.

(6) The applicant shall post the SUP ordinance in a conspicuous place on the property, except where a use has no interior building space (for example, a private street or alley use). The applicant shall post the SUP ordinance by June 1, 2006.

(b) Specific use permit procedure.

(1) An applicant for an SUP shall comply with the zoning amendment procedure for a change in zoning district classification. Each SUP ordinance is incorporated by reference into this chapter.

(2) At the time of applying for an SUP, the applicant shall submit:

(A) a site plan that includes:

(i) the dimensions, bearings, and street frontage of the property;

(ii) the location of buildings, structures, and uses;

(iii) the method of ingress and egress;

(iv) off-street parking and loading arrangements;

(v) screening, lighting, and landscaping, if appropriate;

(vi) the locations, calipers, and names (both common and scientific) of all trees near proposed construction activity (trees in close proximity that all have a caliper of less than eight inches may be designated as a “group of trees” with only the number noted); and

(vii) any other information the director determines necessary for a complete review of the proposed development; and

(B) a traffic impact analysis if the director determines that the analysis is necessary for a
Dallas Development Code: Ordinance No. 19455, as amended

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§ 51A-4.219 Dallas Development Code: Ordinance No. 19455, as amended

(3) If the director determines that one or more of the items listed in Paragraph (2) is not necessary to allow for a complete review of the proposed development, he shall waive the requirement that the item(s) be provided.

(4) The minor amendment process allows flexibility as necessary to meet the contingencies of development. Amendments that do not qualify as minor amendments must be processed as a zoning amendment. The city plan commission shall, after a public hearing, authorize minor changes in the site plan that otherwise comply with the SUP ordinance and the underlying zoning and do not:

(A) alter the basic relationship of the proposed development to adjacent property;

(B) increase the number of dwelling units shown on the original site plan by more than 10 percent;

(C) increase the floor area shown on the original site plan by more than five percent or 1,000 square feet, whichever is less;

(D) increase the height shown on the original site plan;

(E) decrease the number of off-street parking spaces shown on the original site plan so as to create a traffic hazard or traffic congestion or fail to provide adequate parking; or

(F) reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original site plan.

For purposes of this paragraph, “original site plan” means the earliest approved site plan that is still in effect, and does not mean a later amended site plan. For example, if a site plan was approved with the specific use permit and then amended through the minor amendment process, the original site plan would be the site plan approved with the specific use permit, not the site plan as amended through the minor amendment process. If, however, the site plan approved with the specific use permit was replaced through the zoning amendment process, then the replacement site plan becomes the original site plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

An applicant or owner of real property within the notification area may appeal the decision of the city plan commission to the city council. An appeal must be requested in writing within 10 days after the decision of the city plan commission. City council shall decide whether the city plan commission erred, using the same standards that city plan commission used. Appeal to the city council is the final administrative remedy available.

(5) Reserved.

(6) A time limit may be imposed as a condition upon the granting of an SUP. If a time limit has been imposed, the SUP automatically terminates when the time limit expires. Except as otherwise provided in Subsection (c), the applicant shall go through the procedures outlined above in Paragraphs (1) and (2) to renew an SUP.

(7) As a further condition to the granting of an SUP, the city council may require the property owner to participate in cost-sharing for infrastructure improvements that are in part necessitated by the proposed development. In no case, however, shall the property owner be required to pay for more than 50 percent of the cost of improvements located more than 250 feet from the lot.

(8) The minor amendment process allows flexibility as necessary to meet the contingencies of development. Amendments that do not qualify as minor amendments must be processed as a zoning amendment. The city plan commission shall, after a public hearing, authorize minor changes in the landscape plan that otherwise comply with the SUP ordinance and the underlying zoning and do not:

(A) reduce the perimeter landscape buffer strip shown on the original landscape plan;
§ 51A-4.219 Dallas Development Code: Ordinance No. 19455, as amended

(B) detrimentally affect the original landscape plan’s aesthetic function relative to adjacent right-of-way or surrounding property; or

(C) detrimentally affect the original landscape plan’s screening or buffering function.

For purposes of this paragraph, “original landscape plan” means the earliest approved landscape plan that is still in effect, and does not mean a later amended landscape plan. For example, if a landscape plan was approved with the specific use permit and then amended through the minor amendment process, the original landscape plan would be the landscape plan approved with the specific use permit, not the landscape plan as amended through the minor amendment process. If, however, the landscape plan approved with the specific use permit was replaced through the zoning amendment process, then the replacement landscape plan becomes the original landscape plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

An applicant or owner of real property within the notification area may appeal the decision of the city plan commission to the city council. An appeal must be requested in writing within 10 days after the decision of the city plan commission. City council shall decide whether the city plan commission erred, using the same standards that city plan commission used. Appeal to the city council is the final administrative remedy available.

(c) Automatic renewals.

(1) As part of an SUP ordinance or ordinance amendment, the city council may declare that an SUP is eligible for automatic renewal pursuant to this subsection. Automatic renewal is an alternative to the standard method of renewing an SUP by amending the SUP ordinance. In order for automatic renewal to occur, the property owner or his representative must file a complete application for automatic renewal with the director after the 180th day but before the 120th day before the expiration of the current SUP time period. If a fee is required, the application is not considered “filed” until the fee is paid. For more information regarding fees, see Section 51A-1.105.

(2) Automatic renewal does not result in an amendment to the SUP ordinance. An applicant seeking to change the SUP conditions or to otherwise amend the SUP ordinance must go through the procedures outlined in Subsection (b).

(3) An application for automatic renewal must be filed with the director on a form furnished by the city for that purpose. As part of the application, the property owner or his representative shall state that all existing SUP conditions have been complied with, and that no changes to the conditions or other SUP ordinance provisions are being requested.

(4) Failure to timely file a complete application required under Paragraph (1) renders the SUP ineligible for automatic renewal. The city council may, however, reinstate an SUP’s eligibility for future automatic renewals as part of a new SUP ordinance or ordinance amendment.

(5) Upon the filing of a complete application for automatic renewal, the director shall send written notice to all owners of real property lying within 200 feet of the area governed by the SUP. The notice must state that the SUP is eligible for automatic renewal and may be automatically renewed without further notice.

(6) If the owners of 20 percent or more of the land within 200 feet of the area governed by the SUP file a written protest against the automatic renewal in accordance with this paragraph, the director shall forward the application to the city plan commission and city council for further action. Written protests against an automatic renewal must be filed with the director before 5:00 p.m. on the 21st calendar day after the date the notice is mailed. A protest sent through the mail must be received by the director before the deadline. If the deadline falls on a Saturday, Sunday, or official city holiday, then the protests must be filed before noon of the following working day. To the extent that they do not conflict with this subsection, the provisions of Section 51A-4.701 governing written protests in zoning cases apply to protests filed under this subsection.
§ 51A-4.219 Dallas Development Code: Ordinance No. 19455, as amended

(7) After the deadline for filing written protests has passed, the director shall review the conditions of the SUP and determine whether the conditions have been met. If the director determines that the conditions have not been met, he shall forward the application to the city plan commission and city council for further action.

(8) “Further action” as that term is used in Paragraphs (6) and (7) means that the director shall schedule the application for public hearings before both the city plan commission and the city council. Notice of the public hearings must be given as would be required by law for a change in zoning district classification. The city plan commission shall make a recommendation to the city council regarding the proposed renewal based on staff reports, field inspections, and the evidence presented at its public hearing.

(9) In connection with an application that has been forwarded to it by the director pursuant to Paragraph (6) or (7), the city council may:

(A) pass an amending ordinance to repeal the SUP’s eligibility for automatic renewal, or to supplement, remove, or amend any of the conditions or other provisions in the SUP ordinance; or

(B) take no action and thereby allow the SUP to automatically renew as a matter of law.

(10) No renewal or expiration of an SUP may occur while the application is pending before the city plan commission or city council. If the application is pending at the end of the current time period stated in the SUP ordinance, the time period shall be extended as a matter of law until:

(A) the day following the next succeeding official agenda meeting of the city council after the council makes its final decision on the application; or

(B) if the council votes to pass an amending ordinance, until the effective date of the amending ordinance.

(11) The renewal of an SUP eligible for automatic renewal occurs as a matter of law at the end of the current time period as stated in the SUP ordinance, or as extended pursuant to Paragraph (10). Unless otherwise specified in the SUP ordinance, an automatic renewal is for the same time period as the immediately preceding time period [excluding, if applicable, extensions pursuant to Paragraph (10)].

(12) An SUP that is automatically renewed pursuant to this subsection may continue to be automatically renewed in perpetuity so long as the owner or his representative continues to timely file the applications for automatic renewal required under Paragraph (1). Failure to timely file this application during any renewal period renders the SUP ineligible for further automatic renewal. The city council may, however, reinstate the SUP’s eligibility for future automatic renewals as part of a new SUP ordinance or ordinance amendment.

(13) This subsection does not impair the ability of the city plan commission or city council to call a public hearing on its own motion for the purpose of passing an amending ordinance to repeal an SUP’s eligibility for automatic renewal, or to supplement, remove, or amend any of the conditions or other provisions in an SUP ordinance. (Ord. Nos. 19455; 20132; 20496; 22053; 23997; 26270; 26730)

SEC. 51A-4.220. CLASSIFICATION OF NEW USES.

(a) Initiation.

(1) A person, the commission, or the city council may propose zoning amendments to regulate new and previously unlisted uses.

(2) A person requesting the addition of a new use shall submit to the director all information necessary for the classification of the use, including, but not limited to:

(A) the nature of the use and whether the use involves dwelling activity, sales, or processing;

(B) the type of product sold or produced under the use;

(C) whether the use has enclosed or open storage and the amount and nature of the storage;
(D) anticipated employment;
(E) transportation requirements;
(F) the nature and time of occupancy and operation of the premises;
(G) the off-street parking and loading demands;
(H) the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated; and
(I) the requirements for public utilities such as sanitary sewer and water.

(b) Use regulations. New use regulations must contain the following information:

(1) The definition of the use.
(2) The zoning districts within which the use is permitted.
(3) The required off-street parking.
(4) The required off-street loading.
(5) Any additional provisions reasonably necessary to regulate the use. (Ord. 19455)

SEC. 51A-4.221. SEXUALLY ORIENTED BUSINESSES.

(a) Purpose. All uses operated as sexually oriented businesses are subject to the licensing and locational restrictions in Chapter 41A. This section expressly classifies the sexually oriented businesses defined in Chapter 41A for zoning purposes. These classifications codify the existing practices of the building official and should not be construed as changing the locational restrictions in Chapter 41A.

(b) Definitions. In this section:

(1) ADULT ARCADE means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

(2) ADULT BOOKSTORE or ADULT VIDEO STORE means a commercial establishment that as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

(A) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, DVD’s, video cassettes or video reproductions, slides, or other visual representations that depict or describe “specified sexual activities” or “specified anatomical areas”; or
(B) instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.”

(3) ADULT CABARET means a commercial establishment that regularly features the offering to customers of adult cabaret entertainment.

(4) ADULT CABARET ENTERTAINMENT means live entertainment that:

(A) is intended to provide sexual stimulation or sexual gratification; and

(B) is distinguished by or characterized by an emphasis on matter depicting, simulating, describing, or relating to “specified anatomical areas” or “specified sexual activities.”

(5) ADULT MOTEL means a hotel, motel, or similar commercial establishment that:

(A) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign (as
defined in this section) visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions; or

(B) offers a sleeping room for rent for a period of time that is less than 10 hours; or

(C) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

(6) ADULT MOTION PICTURE THEATER means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

(7) ESCORT means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(8) ESCORT AGENCY means a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

(9) NUDE MODEL STUDIO means any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

(10) NUDITY or a STATE OF NUDITY means:

(A) the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast; or

(B) a state of dress that fails to completely and opaquely cover a human buttock, anus, male genitals, female genitals, or any part of the female breast or breasts that is situated below a point immediately above the top of the areola.

(11) SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, escort agency, or nude model studio, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

(12) SIGN means any display, design, pictorial, or other representation that is:

(A) constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever so that it is visible from the outside of a sexually oriented business; and

(B) used to seek the attraction of the public to any goods, services, or merchandise available at the sexually oriented business. The term “sign” also includes any representation painted on or otherwise affixed to any exterior portion of a sexually oriented business establishment or to any part of the tract upon which the establishment is situated.

(13) SPECIFIED ANATOMICAL AREAS means:

(A) any of the following, or any combination of the following, when less than completely and opaquely covered:

(i) any human genitals, pubic region, or pubic hair;

(ii) any buttock; or

(iii) any portion of the female breast or breasts that is situated below a point immediately above the top of the areola; or

(B) human male genitals in a discernibly erect state, even if completely and opaquely covered.

(14) SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:
(A) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(B) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

(C) masturbation, actual or simulated; or

(D) excretory functions as part of or in connection with any of the activities set forth in Subparagraphs (A) through (C) of this paragraph.

(c) Zoning classification of sexually oriented businesses. The different types of sexually oriented businesses defined above are classified as follows for zoning purposes:

<table>
<thead>
<tr>
<th>SEXUALLY ORIENTED BUSINESS</th>
<th>CHAPTER 51, ARTICLE IV, ZONING CLASSIFICATION</th>
<th>CHAPTER 51A, ARTICLE IV, ZONING CLASSIFICATION</th>
<th>CHAPTER 51A, ARTICLE XIII, ZONING CLASSIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult arcade</td>
<td>Inside commercial amusement</td>
<td>Commercial amusement (inside)</td>
<td>Commercial amusement (inside)</td>
</tr>
<tr>
<td>Adult bookstores or adult video stores</td>
<td>Retail stores other than listed</td>
<td>General merchandise or food store</td>
<td>Retail sales</td>
</tr>
<tr>
<td>Adult cabaret</td>
<td>Inside commercial amusement</td>
<td>Commercial amusement (inside)</td>
<td>Commercial amusement (inside)</td>
</tr>
<tr>
<td>Adult motel</td>
<td>Hotel and motel</td>
<td>Hotel or motel</td>
<td>Overnight lodging</td>
</tr>
<tr>
<td>Adult motion picture theater</td>
<td>Theatre</td>
<td>Theater</td>
<td>Indoor recreation</td>
</tr>
<tr>
<td>Escort agency</td>
<td>Office</td>
<td>Office</td>
<td>Office</td>
</tr>
<tr>
<td>Nude model studio</td>
<td>Photography studio</td>
<td>Personal service</td>
<td>Personal service</td>
</tr>
</tbody>
</table>
(d) **Always a main use.** A use being operated as a sexually oriented business shall at all times be considered a separate main use, and cannot be an accessory use within the meaning of Section 51A-4.217. (Ord. Nos. 24438; 24696; 26513; 27404; 27495; 27790)
§ 51A-4.301 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.301

(8) In all districts except a central area district, required off-street parking must be available as free parking or contract parking on other than an hourly or daily fee basis. This requirement does not apply to institutional uses or mechanized parking approved under Division 51A-4.340.

(9) A parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from the street or alley. This provision controls over any building line platted to a lesser setback and any other provision of this article.

(10) Except as specifically permitted in this article, all off-street parking must be provided on the lot occupied by the main use.

(11) The board of adjustment may not authorize the placement of special parking, as defined in Division 51A-4.320, in a residential district.

(12) Off-street parking may be provided in a parking district in accordance with Section 51A-4.302.

(13) In an agricultural, multifamily, MH(A), or nonresidential district, a person shall not construct or maintain a parking lot or garage that has access to a public alley or access easement that abuts or is in an R, R(A), D, D(A), TH, TH(A), or CH district unless the director approves the means of access.

(14) Off-street parking is not permitted in a visibility triangle as defined in Section 51A-4.602.

(b) Off-street parking provisions for residential districts.

(1) In residential districts, any off-street parking for nonresidential uses must comply with the minimum front yard requirements of Section 51A-4.401.

(2) In residential districts except an MF-3(A) or MF-4(A) district, required off-street parking for residential uses must be located behind a required front building line.

(3) In an MF-1(A), MF-1(SAH), MF-2(A), or MF-2(SAH) district, no required or excess parking may be placed in the required front yard.

(4) In an MF-3(A) or MF-4(A) district, any off-street parking for residential uses may extend to the front property line.

(5) Except for mechanized parking approved under Division 51A-4.340, in single family, duplex, townhouse, and CH districts, off-street parking must be provided at or below ground level.

(c) Off-street parking provisions for nonresidential districts.

(1) In nonresidential districts, any off-street parking may extend to the front property line.

(2) thru (5) Reserved.

(6) In order to provide adequate off-street parking for large scale mixed use development projects, the following are excluded in the calculation of off-street parking requirements:

(A) Ten percent of the required parking for the office use when that use totals in excess of 250,000 square feet in floor area and is developed on the same lot with a use qualifying for an exception under Subsections (c)(6)(B) or (C) of this section.

(B) Ten percent of the required parking for the hotel and motel use when that use totals in excess of 250 guest rooms and is developed on the same lot with a use qualifying for an exception under Subsections (c)(6)(A) or (B) of this section.

(C) Ten percent of the required parking for the retail and personal service uses, when those uses total in excess of 40,000 square feet in floor area and are developed on the same lot with a use qualifying for an exception under Subsections (c)(6)(A) or (B) of this section.

(D) Fifty percent of the required parking for the following uses when developed on the same lot with an office use with more than 250,000 square feet of floor area or a hotel or motel use with more than 250 guest rooms:
§ 51A-4.301 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.301

-- Bar, lounge, or tavern.
-- Carnival or circus (temporary)
-- Catering service.
-- Commercial amusement (inside).
-- Commercial amusement (outside).
-- Country club with private membership.
-- Drive-in theater.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.
-- Restaurant without drive-in service.
-- Restaurant with drive-in or drive-through service.
-- Theater.

(7) Retail mall parking.

(A) For purposes of this subsection:

(i) a “retail mall” is a building containing retail uses that occupy at least 400,000 square feet of gross floor area (excluding the pedestrian way). A retail mall may have additional uses; and

(ii) the term “recreation and entertainment uses” means the following uses:

-- Carnival or circus (temporary).
-- Commercial amusement (inside).
-- Commercial amusement (outside).
-- Country club with private membership.
-- Drive-in theater.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.
-- Theater.

(B) A retail mall is eligible for the parking requirement reduction in this subsection only if:

(i) all uses in the retail mall are physically attached to and have public access to an environmentally controlled pedestrian way; and

(ii) the floor area of the pedestrian way is at least seven percent of the gross floor area of the retail mall.

(C) The number of required off-street parking spaces for a retail mall is reduced as follows:

(i) 10 percent for all uses (including the pedestrian way), other than recreation and entertainment uses;

(ii) 50 percent for recreation and entertainment uses, other than theater uses, for floor area up to 10 percent of the gross floor area of the retail mall (including the pedestrian way); and

(iii) 50 percent for a theater use when the theater use is on the same building site as the retail mall and utilizes the same parking area as the retail mall.

(D) No reduction in required off-street parking spaces is allowed for that part of the gross floor area devoted to recreation and entertainment uses, other than theater uses, that is in excess of 10 percent of the gross floor area of the retail mall (including the pedestrian way).

(E) This subsection may not be used in conjunction with Section 51A-4.301(c)(6) to calculate a further reduction in the number of required off-street parking spaces for large scale mixed use development projects.

(d) Construction and maintenance provisions for off-street parking.

(1) Each off-street parking space must be provided in accordance with the following dimensional standards:

Dallas City Code 337
(A) A parking space parallel with the access lane must be 22 feet long and 8 feet wide. A one-way access lane must be at least 10 feet wide; a two-way access lane must be at least 20 feet wide.

(B) All other parking spaces must be provided in accordance with this section and the chart entitled “Parking Bay Widths” on page 271.

(C) The following restrictions apply to the use of 7.5 foot stalls to satisfy off-street parking requirements:

(i) 7.5-foot wide stalls must be double-striped and identified by pavement markings which indicate that the stalls are for small car parking.

(ii) 7.5-foot wide stalls may constitute no more than 35 percent of the required parking spaces for any use.

(2) For a use other than a single family, duplex, or vehicle storage lot use, each off-street parking space must be clearly and permanently identified by stripes, buttons, tiles, curbs, barriers, or another method approved by the building official.

(3) For a single family or duplex use, the surface of a parking space, maneuvering area for parking, or driveway must consist of an all-weather and drainable material which is approved by the building official, or a material specified in Subsection (d)(4).

(3.1) For a vehicle storage lot use, the surface of a parking space, maneuvering area for parking, or driveway must consist of an all-weather material which allows delivery and release of vehicles in all weather conditions as approved by the director, unless paving surface requirements reasonably consistent with this paragraph and Subsection (d)(4) are provided in an ordinance granting or amending a specific use permit or a planned development district.

(4) For a use other than a single family, duplex, or vehicle storage lot use, the surface of an enclosed or unenclosed parking space, maneuvering area for parking, or a driveway which connects to a street or alley must be on a compacted sub-grade, and must consist of:

(A) concrete paving;

(B) hot mix asphalt paving which consists of a binder and surface course; or

(C) a material which has equivalent characteristics of Subsections (d)(4)(A) or (d)(4)(B) and has the approval of the building official.

(5) A person commits an offense if he stops, stands, parks, or maneuvers a motor vehicle on a lot, unless the vehicle is on a surface as required in Subsections (d)(3) and (d)(4). The registered owner of an unattended or unoccupied vehicle is presumed to be the person who illegally parked the motor vehicle. The records of the State Highway Department or the County Highway License Department showing the name of the person to whom the state highway license was issued is prima facie evidence of ownership by the named individual.

(5.1) A person commits an offense if he owns, occupies, or is in control of property on which a motor vehicle is maneuvered, stopped, stood, or parked, unless the vehicle is maneuvered, stopped, stood, or parked on a surface as required in Subsections (d)(3) and (d)(4).

(6) The owner of off-street parking for a use other than single family or duplex use shall:

(A) keep the maneuvering area and parking surface free of potholes;

(B) maintain wheelguards and barriers; and

(C) maintain non-permanent parking space markings such as paint, so that clear identification of each parking space is apparent.

(7) Off-street parking spaces for nonresidential uses and parking spaces along the perimeter of a commercial parking lot or garage must have wheel guards not less than 6 inches in height or other barriers approved by the building official. The wheel guard or barrier must be at least three feet from the screening and must be placed so that:
(A) no part of the automobile extends into the public sidewalk or adjoining property; and

(B) no part of the automobile contacts screening.

(8) All off-street parking spaces and areas must comply with the guidelines established in the Off-Street Parking Handbook. The director shall keep a true and correct copy of the Off-Street Parking Handbook on file in his office for public inspection and/or copying upon request.
(e) Lighting provisions for off-street parking.

(1) Commercial parking lot. A commercial parking lot which offers service and collects revenue for use after dark (including attended, self-park, coin-actuated gated lots, and rentals on any basis) must be lighted beginning one-half hour after sunset and continuing throughout the hours of use or until midnight, whichever is earlier. If only a portion of the parking lot is offered for use after dark, only that part must be lighted. However, the portion offered for use must be clearly designated. The lighting of a commercial parking lot must meet the following minimum requirements:

(A) The intensity of lighting on the parking surface must be:

(i) an average of at least two footcandles, initial measurement, and at least one footcandle on a maintained basis; and

(ii) a minimum at any point of at least 0.6 footcandle initial, and at least 0.3 footcandle maintained or one-third of the average for the lighted area, whichever is greater.

(B) The light sources must be:

(i) indirect, diffused, or covered by shielded type fixtures; and

(ii) installed to reduce glare and the consequent interference with boundary streets.

(C) Fixtures must be attached to buildings or mounted on metal poles at a height of no less than 20 feet above the parking surface.

(D) Strings of lamps or bare bulbs are prohibited.

(E) A commercial parking lot contiguous to or directly across the street or alley from an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district must comply with Subsection (e)(2) instead of this subsection.

(2) Other off-street parking. Off-street parking for a use other than single family, duplex, or the commercial parking lot use that offers service after dark must be lighted beginning one-half hour after sunset and continuing throughout the hours of use or until 10 o’clock p.m., whichever is earlier. If only a portion of a parking area is offered for use after dark, only that part must be lighted. However, the portion offered for use must be clearly designated. The lighting of the off-street parking area must meet the following minimum requirements:

(A) The intensity of light on the parking surface must be:

(i) an average of at least one footcandle, initial measurement, and at least one-half footcandle on a maintained basis; and

(ii) a minimum at any point of at least 0.3 footcandle initial, and at least 0.2 footcandle maintained or one-third of the average for the lighted area, whichever is greater.

(B) The intensity of spillover light on neighboring residential lots, measured at a point five feet inside the residential lot line and five feet above the ground surface, may not exceed 0.1 footcandle.

(C) The light sources must:

(i) be indirect, diffused, or covered by shielded type fixtures; and

(ii) be installed to reduce glare and the consequent interference with boundary streets; and

(iii) not be visible from property that is:

(aa) occupied by a residential use; and

(bb) located within 600 feet of the light source.

(D) Fixtures must be attached to buildings or mounted on metal poles. If any portion of a fixture is over 20 feet in height, that portion may not be located above a residential proximity slope. (See Section 51A-4.412.)
(E) Strings of lamps or bare bulbs are prohibited.

(3) Special exception. The board of adjustment may grant a special exception to the height restrictions in this subsection if the board determines, after a public hearing, that the special exception will not adversely affect neighboring property. In determining whether to grant a special exception, the board shall consider the following factors:

(A) Hours of use for the parking area.

(B) Size and configuration of the lot on which the parking area is located.

(C) Distances between the parking area and surrounding uses.

(f) Screening provisions for off-street parking.

(1) The owner of off-street parking must provide screening to separate the parking area from:

(A) a contiguous residential use or vacant lot if either is in an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district and the parking area serves a nonresidential use; or

(B) a contiguous single family or duplex use or a vacant lot if any of these are in an R, R(A), D, D(A), TH, TH(A), or CH district and the parking area serves a multifamily use.

(2) If an alley separates a parking area from another use, the use is considered contiguous to the parking area. If a street separates a parking area from another use, the use is not considered contiguous to the parking area.

(3) Screening for off-street parking required under Subsection (f)(1) must be a brick, stone, or concrete masonry, stucco, concrete, or wood wall or fence that is not less than six feet in height. The wall or fence may not have more than ten square inches of open area for each square foot of surface area, and may not contain any openings or gates for vehicular access. The owner of off-street parking must maintain the screening in compliance with these standards.

(4) The board may not grant a special exception to the height requirements for screening around off-street parking.

(5) In an office district, all off-street surface parking lots, excluding driveways used for ingress or egress, must be screened from the street by using one or more of the following three methods to separately or collectively attain a minimum height of three feet above the parking surface:

(i) Brick, stone, or concrete masonry, stucco, concrete, or wood wall or fence.

(ii) Earthen berm planted with turf grass or ground cover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height for each two feet of width.

(iii) Evergreen plant materials recommended for local area use by the building official. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years.

(6) For purposes of Subsection (f)(5):

(A) the height of screening is measured from the horizontal plane passing through the nearest point of the surface of the parking lot; and

(B) screening may be placed in a visibility triangle as defined in the visual obstruction regulations in Section 51A-4.602(c) of this chapter. Any screening placed in a visibility triangle must be two and one-half feet in height measured from the top of the adjacent street curb. If there is no adjacent street curb, the measurement is taken from the grade of the portion of the street adjacent to the visibility triangle.

(g) Reserved.
§ 51A-4.301 Dallas Development Code: Ordinance No. 19455, as amended

(h) Residential alley access restrictions for nonresidential uses.

(1) The following residential alley access restrictions are established in order to promote safety and protect the public from disturbances that interfere with the quiet enjoyment of residential properties. Between the hours of 10 p.m. and 7 a.m., no person may use a public alley or access easement that abuts or is in an R, R(A), D, D(A), TH, TH(A), or CH district for the purpose of delivering or receiving any goods or services to or from a nonresidential use in a nonresidential district. It is a defense to prosecution under this paragraph that the person is:

(A) a governmental entity;

(B) a communications or utility company, whether publicly or privately owned; or

(C) the operator of an authorized emergency vehicle as defined in Section 541.201 of the Texas Transportation Code.

(2) The board of adjustment may grant a special exception to the alley access restriction in Paragraph (1) if the board finds, based on evidence presented at a public hearing, that strict compliance with the restriction would result in the material and substantial impairment of access to the property as a whole. In determining whether access would be materially and substantially impaired, the board shall consider the following factors:

(A) The extent to which access to the restricted alley between the hours of 10 p.m. and 7 a.m. is essential to the normal operation of the use or uses to which the special exception would apply.

(B) The extent to which the property as a whole has reasonable access to other public streets, alleys, or access easements in addition to the restricted alley.

(C) The extent to which strict compliance with the alley access restriction will necessarily have the effect of substantially reducing the market value of the property.

(3) In granting a special exception under this subsection, the board shall:

(A) specify the use or uses to which the special exception applies; and

(B) establish a termination date for the special exception, which may not be later than five years after the date of the board’s decision.

(4) In granting a special exception under this subsection, the board may:

(A) authorize alley access only during certain hours; or

(B) impose any other reasonable condition that would further the purpose and intent of the alley access restriction.

(5) Notwithstanding any of the above, a special exception granted by the board under this subsection for a particular use automatically and immediately terminates if and when that use is changed or discontinued. (Ord. Nos. 19455; 19786; 20361; 20383; 21200; 21209; 21210; 21290; 21658; 21663; 22053; 22026; 23013; 24843; 25047; 28073; 29128; 30893)

SEC. 51A-4.302. PARKING [P(A)] DISTRICT REGULATIONS.

(a) General provisions.

(1) The parking district must be either contiguous to or perpendicularly across an adjoining street or alley from a main use.

(2) The owner of a lot in a parking district contiguous to an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district shall provide and maintain a minimum front yard of ten feet.

(b) Procedures for establishing a parking district.

(1) The applicant for a parking district shall comply with the zoning amendment procedure for a change in a zoning district classification.
§ 51A-4.302 Dallas Development Code: Ordinance No. 19455, as amended

(A) for a single retail or personal service use in Chapter 51A over 60,000 square feet, or for a retail use in Chapter 51 over 60,000 square feet, the first 25 percent of the loading spaces must be of the large size, then 25 percent must be of the medium or large size; and

(B) for hotels and motels, one required off-street loading space must be of the large size, and at least 75 percent of the required spaces must be of the large or medium size.

(3) In determining the size of the required number of loading spaces in Subsection (b)(2) above, fractional spaces are counted to the nearest whole number, with one-half counted as an additional space.

(4) Each large size off-street loading space must have a width of not less than 11 feet, a length of not less than 55 feet, and a height of not less than 14 feet.

(5) Each medium size off-street loading space must have a width of not less than 11 feet, a length of not less than 35 feet, and a height of not less than 13 feet.

(6) Each small size off-street loading space must have a height of not less than 7.5 feet, and either a length of not less than 25 feet with a width of not less than 8 feet, or a length of not less than 20 feet with a width of not less than 10 feet.

(7) Ingress to and egress from required off-street loading spaces must have at least the same vertical height clearance as the off-street loading space.

(8) Each required off-street loading space must be designed with a reasonable means of vehicular access from the street or alley in a manner which will least interfere with traffic movement. Each off-street loading space must be independently accessible so that no loading space blocks another loading space. Trash removal facilities and other structures must not block a required loading space. The design of the ingress, egress, and maneuvering area must be approved by the director of development services.

Dallas City Code 343
§ 51A-4.303 Dallas Development Code: Ordinance No. 19455, as amended

(9) Off-street loading facilities for more than one building site may be provided in a common terminal if connections between the building and terminal are off-street.

(10) If a publicly owned off-street truck terminal presently exists, is under construction, or is funded for construction, the required off-street loading for a use that is located on a lot contiguous to or perpendicular across the street from the terminal must be provided in the publicly owned off-street truck terminal if the truck terminal is designed to accommodate the loading needs of the use, as determined by the director of building services.

(11) If a use is served by a publicly owned off-street truck terminal, the owner of that use shall provide an off-street connection to the truck terminal, and shall pay a rental fee, as determined by city council.

(12) In an office district in Chapter 51A, or an NO, LO, MO, or GO district in Chapter 51, off-street loading spaces may not be located in the required front yard.

(13) Main uses under 10,000 square feet in size may share a common off-street loading space provided that the space is located within a walking distance of 150 feet from an exit of each use that it serves. For purposes of this paragraph, “walking distance” is measured along the most convenient pedestrian walkway between the nearest point of the loading space and the exit of the use.

(c) and (d) Reserved. (Ord. Nos. 19455; 19786; 19807; 25047; 27404)

SEC. 51A-4.304. OFF-STREET STACKING SPACE REGULATIONS.

(a) Site plan submission. All required off-street stacking spaces must be shown on a site plan that is approved by the building official and made part of the certificate of occupancy record for the use.

(b) Site plan requisites. A site plan submitted for review under this section must:

(1) show all existing and proposed points of ingress and egress, circulation and maneuvering areas, and off-street parking and loading areas; and

(2) separately tabulate the number of required off-street parking, loading, and stacking spaces in a conspicuous place on the plan for quick and easy reference.

(c) General provisions.

(1) The purpose of stacking space requirements is to promote public safety by reducing on-site and off-site traffic congestion. A stacking space may be located anywhere on the building site provided that it can effectively function in a manner consistent with its purpose.

(2) At a minimum, a stacking space must be 8 feet wide and 18 feet long.

(3) A space at a drive-in or drive-through window, menu board, order station, or service bay may qualify as a stacking space.

(4) An area reserved for stacking spaces may not double as a circulation driveway or maneuvering area.

(d) Off-street stacking special exception.

(1) The board of adjustment may grant a special exception to authorize a reduction in the number of off-street stacking spaces required under this article if the board finds, after a public hearing, that the stacking demand generated by the use does not warrant the number of off-street stacking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this subsection is two spaces for each of the first two drive-through windows, if any, or 25 percent of the total number of required spaces, whichever is greater, minus the number of spaces currently not provided due to already existing nonconforming rights.

(2) In determining whether to grant a special exception under Paragraph (1), the board shall consider the following factors:
(A) The stacking demand and trip generation characteristics of all uses for which the special exception is requested.

(B) The current and probable future capacities of adjacent and nearby streets based on the city’s thoroughfare plan.

(C) The availability of public transit and the likelihood of its use.

(3) In granting a special exception under Paragraph (1), the board shall specify the use or uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.

(4) In granting a special exception under Paragraph (1), the board may:

(A) establish a termination date for the special exception or otherwise provide for the reassessment of conditions after a specified period of time;

(B) impose restrictions on access to or from the subject property; or

(C) impose any other reasonable condition that would have the effect of improving traffic safety or lessening congestion on the streets.

(5) The board shall not grant a special exception under Paragraph (1) to reduce the number of off-street stacking spaces required in:

(A) a planned development district; or

(B) an ordinance granting or amending a special use permit. (Ord. Nos. 19786; 20272)

SEC. 51A-4.305. HANDICAPPED PARKING REGULATIONS.

Handicapped parking must be provided and maintained in compliance with all Federal and State laws and regulations. (Ord. Nos. 20493; 27864)

SEC. 51A-4.306. OFF-STREET PARKING IN THE CENTRAL BUSINESS DISTRICT.

(a) Applicability. This section applies to all off-street parking, including commercial parking lots and garages, located in the central business district (“CBD”); however, Subsections (b), (c), and (d) do not apply to commercial parking lots and garages in the CBD. In the event of a conflict between this section and other provisions in this chapter, this section controls. Consult Section 51A-4.124(a) for additional regulations concerning commercial parking lots and garages in the CA-1(A) district.

(b) Lighting.

(1) A lighting district is hereby created for purposes of this subsection. The boundaries of the lighting district are as follows:

BEGINNING at a point being the intersection of the southeast line of Woodall Rodgers Freeway with the west line of North Central Expressway;

THENCE southerly along the west line of North Central Expressway to the centerline of Live Oak Street;

THENCE southwesterly along the centerline of Live Oak Street to the centerline of Pearl Street;

THENCE southeasterly along the centerline of Pearl Street to the centerline of Pearl Expressway;

THENCE southerly along the centerline of Pearl Expressway to the centerline of Pacific Avenue;

THENCE westerly along the centerline of Pacific Avenue to the centerline of Harwood Street;

THENCE southerly along the centerline of Harwood street to the centerline of Jackson Street;

THENCE westerly along the centerline of Jackson Street to the centerline of Akard Street;

THENCE southeasterly along the centerline of Akard Street to the centerline of Canton Street;
THENCE southwesterly along the centerline of Canton Street to the northwest line of East R.L. Thornton Freeway;

THENCE southwesterly along the northwest line of East R.L. Thornton Freeway to the northeast line of Stemmons Freeway;

THENCE northwesterly along the northeast line of Stemmons Freeway to the southeast line of Woodall Rodgers Freeway;

THENCE northeasterly along the southeast line of Woodall Rodgers Freeway to the point of beginning.

(2) A surface parking lot in the lighting district that collects revenue on the premises for after-dark use (including attended, self-park, and coin-activated gated lots) must be lighted after dark until 2 a.m., or until no customer vehicles remain on the parking lot, whichever is earlier. If revenue is collected for after-dark use of only a portion of the parking lot and that portion is clearly designated, only that portion must be lighted. For purposes of this subsection, “dark” means one-half hour after sunset.

(3) No lighting is required for a surface parking lot outside of the lighting district.

(4) No portion of a surface parking lot may be open for use by customer vehicles after dark without lighting unless a sign is prominently displayed at or near the entrance to the facility stating: “THIS FACILITY IS NOT ILLUMINATED DURING HOURS OF DARKNESS.” The sign must be posted adjacent to the public street and be easily visible from the street.

(5) A multi-level or underground parking garage must be lighted 24 hours a day except when vehicular ingress and egress is prohibited.

(6) The intensity of required lighting on the parking surface must be:

(A) an average of at least two footcandles, initial measurement, and at least one footcandle on a maintained basis; and

(B) a minimum at any point of at least 0.6 footcandle initial, and at least 0.3 footcandle maintained or one-third of the average for the lighted area, whichever is greater.

(7) Light sources must be indirect, diffused, or shielded-type fixtures, installed to reduce glare and the consequent interference with boundary streets. Bare bulbs or strings of lamps are prohibited.

(8) Fixtures must be attached to buildings or mounted on permanent poles.

(9) Fixtures on surface parking lots must be at least 20 feet above the lot surface. This requirement does not apply to parking garages.

(10) The board may grant a special exception to the lighting requirements of this subsection if the board finds, after a public hearing, that the special exception will not compromise the safety of persons using the parking. In determining whether to grant this special exception, the board shall consider:

(A) the extent to which the parking will be used after dark;

(B) the crime statistics for the area; and

(C) the extent to which adequate lighting may be provided by light sources located on adjacent property.

(11) The board shall not grant a special exception eliminating lighting requirements for all or a portion of a parking lot or garage without requiring that a sign be posted advising the public of the extent to which there will be no illumination during hours of darkness. The sign must be posted in a conspicuous place and be reasonably calculated to adequately inform those persons who might park in the area that is the subject of the special exception.

(c) Stall width. There is no minimum stall width requirement for non-required off-street parking spaces. Required off-street parking spaces must comply with the dimensional standards contained in Section 51A-4.301.

(d) Parking space identification. Non-required parking spaces need not be identified. Required off-street parking spaces must be clearly and
permanently identified by stripes, buttons, tiles, curbs, barriers, or another method approved by the building official.

(e) Wheel guards and barriers. Required off-street parking spaces for nonresidential uses, and parking spaces (both required and non-required) along the perimeter of the parking lot or garage must have wheel guards not less than six inches in height, or other permanent barriers approved by the building official. Examples of acceptable permanent barriers include guardrails and fences or walls capable of containing an automobile within the parking area. Wheel guards or barriers must be placed so that no part of the automobile extends into the public sidewalk or adjoining property.

(f) Passenger unloading zone required in certain cases.

(1) If customer vehicles are parked by an attendant or employee of the facility, a passenger unloading zone must be provided as part of the ingress lane to the facility. The passenger unloading zone must be:

   (A) a minimum of 15 feet wide and 36 feet long;

   (B) clearly and permanently identified and labeled as a “no parking” area; and

   (C) located so that it can effectively function to reduce on-site and off-site traffic congestion that would otherwise result from operation of the parking lot or garage.

(2) The following are acceptable means of identifying and labeling a passenger unloading zone:

   (A) Painting one of the following on the pavement within the zone:

       (i) The words “NO PARKING” consisting of 12-inch high black letters on a red background.

       (ii) A No Parking symbol sign consisting of the symbol “P” in black, circumscribed in a red circle at least 36 inches in diameter with a red slash. The sign must be painted on a white background with a black border. Illustrations of acceptable No Parking symbol signs may be found in the 1980 Texas Manual on Uniform Traffic Control Devices for Streets and Highways published by the State Department of Highways and Public Transportation.

   (B) Painting on the pavement along each of the four sides of the outside perimeter of the zone the words “NO PARKING” consisting of four-inch high black letters on a red background.

   (g) Stacking space required in certain cases. No stacking spaces are required when a passenger unloading zone is provided in accordance with Subsection (f). However, if no passenger unloading zone is provided, one stacking space must be provided in accordance with Section 51A-4.304.

   (h) Conformance. All nonconforming parking lots and garages within the central business district must fully comply with the provisions of this section before April 1, 1991, or within two years of the date the parking lot or garage became nonconforming as to this section, whichever is later. The board may grant an extension of this time period if it determines, after a public hearing, that strict compliance would result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this section. (Ord. Nos. 20272; 21960)

SEC. 51A-4.307. NONCONFORMITY AS TO PARKING OR LOADING REGULATIONS.

Consult Section 51A-4.704 for regulations concerning nonconformity as to parking and loading. (Ord. 21553)

SECS. 51A-4.308 THRU 51A-4.309. RESERVED.
Division 51A-4.310. Off-street parking reductions.

SEC. 51A-4.311. SPECIAL EXCEPTIONS.

(a) Special exception: parking demand.

(1) The board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets. Except as otherwise provided in this paragraph, the maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reductions may not be combined.

(2) In determining whether to grant a special exception under Paragraph (1), the board shall consider the following factors:

(A) The extent to which the parking spaces provided will be remote, shared, or packed parking.

(B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.

(C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.

(D) The current and probable future capacities of adjacent and nearby streets based on the city’s thoroughfare plan.

(E) The availability of public transit and the likelihood of its use.

(F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.

(3) In granting a special exception under Paragraph (1), the board shall specify the use or uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.

(4) In granting a special exception under Paragraph (1), the board may:

(A) establish a termination date for the special exception or otherwise provide for the reassessment of conditions after a specified period of time;

(B) impose restrictions on access to or from the subject property; or

(C) impose any other reasonable condition that would have the effect of improving traffic safety or lessening congestion on the streets.

(5) The board shall not grant a special exception under Paragraph (1) to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.

(6) The board shall not grant a special exception under Paragraph (1) to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:

(A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes reference to the existing off-street parking regulations in Chapter 51 or this chapter; or
§ 51A-4.311 Dallas Development Code: Ordinance No. 19455, as amended

(B) the regulations governing that specific district expressly authorize the board to grant the special exception.

(7) The board shall not grant a special exception under Paragraph (1) to reduce the number of off-street parking spaces required for a commercial amusement (inside) used as a dance hall.

(b) Special exception: tree preservation. The board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the reduction will result in the preservation of an existing tree. The preserved tree must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers. The maximum reduction authorized by this subsection is 10 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights. (Ord. Nos. 22053; 23614; 25268; 28803)

SEC. 51A-4.312. TREE PRESERVATION PARKING REDUCTION.

The number of off-street parking spaces required under this article is reduced by one for each protected tree (as defined in Article X) retained that would otherwise have to be removed. The preserved tree must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers. The maximum reduction authorized by this section is five percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights. (Ord. 22053)

SEC. 51A-4.313. ADMINISTRATIVE PARKING REDUCTION.

(a) The director may grant a reduction in the number of off-street parking spaces required under this article for specific uses if the director finds that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the reduction would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

(b) In determining whether to grant a reduction under Subsection (a), the director shall consider the following factors:

1. The extent to which the parking spaces provided will be assigned, compact, remote, shared, or packed parking.

2. The parking demand and trip generation characteristics for the occupancy for which the reduction is requested.

3. The number of individuals employed on the site of the occupancy for which the reduction is requested.

4. The number of company vehicles parked on the site of the occupancy for which the reduction is requested.

5. Whether or not the subject property or the surrounding properties are part of a modified delta overlay district.

6. The current and probable future capacities of adjacent and nearby streets based on the city’s thoroughfare plan.

The maximum reduction authorized by this section for specific uses is:

<table>
<thead>
<tr>
<th>Use</th>
<th>Maximum Administrative Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial (inside)</td>
<td>50 percent</td>
</tr>
<tr>
<td>Industrial (outside)</td>
<td>50 percent</td>
</tr>
<tr>
<td>Office uses and retail and personal service uses (except for restaurants and alcoholic beverage establishments) within a 1,200 feet walking distance of a platform of a rail transit station by a sidewalk with a minimum width of six feet</td>
<td>20 percent (must not be within 600 feet of a single-family or duplex district and the use must be connected to the rail transit station)</td>
</tr>
<tr>
<td>Trade center</td>
<td>25 percent</td>
</tr>
<tr>
<td>Warehouse greater than 100,000 square feet</td>
<td>50 percent (up to 75 percent if the requirement of Subsection (d)(3) is complied with)</td>
</tr>
<tr>
<td>Museum/art gallery</td>
<td>50 percent</td>
</tr>
</tbody>
</table>

Note: Applicants may seek a special exception to parking requirements under Section 51A-4.311 and an administrative parking reduction under this section. The greater reduction will apply, but the reductions may not be combined.
§ 51A-4.313 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-4.314

(7) The availability of alternative transportation modes and availability, access, and distance to public transit and the likelihood of their use.

(8) The feasibility of parking mitigation measures and the likelihood of their effectiveness.

(9) The impact on adjacent residential uses.

(c) In granting a reduction under Subsection (a), the director shall specify the occupancy to which the reduction applies. A reduction granted by the director for a particular occupancy automatically and immediately terminates if and when the certificate of occupancy for the use is revoked or terminated or the existing business stops operating.

(d) In granting a reduction under Subsection (a), the director may:

(1) establish a termination date for the reduction or otherwise provide for the reassessment of conditions after a specified period of time;

(2) impose restrictions on access to or from the subject property;

(3) require that adequate lot area be available to comply with standard parking requirements; or

(4) impose any other reasonable condition that would have the effect of improving traffic safety or lessening congestion on the streets.

(e) The director may not grant a reduction under Subsection (a) to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.

(f) The director may not grant a reduction under Subsection (a) to reduce the number of off-street parking spaces required in the text or development plan of an ordinance establishing or amending a planned development district. This prohibition does not apply when:

(1) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes reference to the existing off-street parking regulations in Chapter 51 or this chapter; and

(2) the regulations governing that planned development district expressly authorize the director to grant the reduction. (Ord. 28803)

SEC. 51A-4.314. REDUCTIONS FOR PROVIDING BICYCLE PARKING.

(a) Required off-street parking may be reduced by one space for every six Class I bicycle parking spaces provided on a building site. Bicycle parking spaces required by Section 51A-4.333 count toward this parking reduction. A minimum of 20 off-street parking spaces must be required in order to receive a parking reduction of one space.

(b) Required off-street parking may be reduced by one space for every four Class II bicycle parking spaces provided on a building site. Bicycle parking spaces required by Section 51A-4.333 count toward this parking reduction. A minimum of 20 off-street parking spaces must be required in order to receive a parking reduction of one space.

(c) A parking reduction under this subsection may not be granted for fractional parking spaces and fractional parking spaces may not be rounded up to the next nearest whole parking space.

(d) A parking reduction granted under Subsections (a) or (b) cannot exceed five percent of the total required off-street parking spaces for a building site.

(e) In addition to a parking reduction granted under Subsections (a) or (b), required off-street parking spaces may be reduced by an additional five percent by providing showers, lockers, and changing facilities for bicycle riders. This parking reduction is not available for residential and retail and personal service uses. (Ord. 29128)
Division 51A-4.320. Special Parking Regulations.

SEC. 51A-4.321. DEFINITIONS.

In this division:

(1) LICENSEE means a person in whose name a license has been issued under this division, as well as the individual listed as an applicant on the application for a license. The term includes any employee, agent, or independent contractor of the person in whose name the license is issued.

(2) PACKED PARKING means off-street parking that is governed by special dimensional standards for parking spaces, allowing maximal parking on the lot when an attendant is used.

(3) PERSON means an individual, assumed name entity, partnership, joint-venture, association, corporation, or other legal entity.

(4) REMOTE PARKING means off-street parking provided on a lot not occupied by the main use.

(5) SHARED PARKING means the use of the same off-street parking stall to satisfy the off-street parking requirements for two or more uses.

(6) SHUTTLE means a vehicle used to transport patrons between the drop-off point at the main use and the remote parking lot serving the use.

(7) SPECIAL PARKING means packed parking, remote parking, and shared parking as those terms are defined in this section.

(8) WALKING DISTANCE means the distance from the nearest point of the special parking lot to the nearest public entrance of the main use, measured along the most convenient pedestrian walkway. (Ord. Nos. 19786; 21660)

SEC. 51A-4.322. PURPOSE.

This division provides alternatives to the standard parking and loading regulations in Division 51A-4.300. Packed parking provides alternative dimensional requirements for parking spaces to allow maximal parking on a lot when an attendant is used to park vehicles. Remote parking allows an exception to the requirement that all off-street parking be provided on the lot occupied by the main use. Shared parking allows an exception to the requirement that no off-street parking space for one use be included in the calculation of the parking required for any other use. (Ord. Nos. 19786; 21660)

SEC. 51A-4.323. PROCEDURES FOR SPECIAL PARKING APPROVAL.

(a) In general. All special parking must be approved by the building official in accordance with this division. A person seeking approval of special parking shall submit an application to the building official pursuant to Subsection (b).

(b) Application. An application for special parking approval must be filed with the building official. An application form may be obtained from the building official. The application must include the following:

(1) The application fee.

(2) A site plan illustrating the applicable items listed in Subsection (c).

(3) For packed parking, a statement describing the operational plan, including:

(A) the days and hours of operation of the main use;

(B) staffing required to park the vehicles; and

(C) the location of any parking service stand.
§ 51A-4.323 Dallas Development Code: Ordinance No. 19455, as amended

(4) For remote parking:

(A) a map illustrating the walking distance from the special parking to the use providing the parking; and

(B) if applicable, a statement pointing out the factors justifying an extension of walking distance including discussion of the following factors:

   (i) The type of use involved.

   (ii) The parking demand generated by the use involved.

   (iii) The percentage of required off-street parking that will be provided as remote parking.

   (iv) The availability and condition of sidewalks.

   (v) The availability and frequency of a local shuttle or transit service.

   (vi) The availability of or proposal for shelters for users of any local shuttle or transit service.

   (vii) Any other factors that may have the effect of encouraging patrons of the use to use or discouraging patrons of the use from using the remote parking.

(5) For shared parking, a study of parking demand and accumulation during all days and hours of operation for all uses sharing parking.

(6) Any other reasonable and pertinent information that the building official determines to be necessary for special parking review.

(c) Site plan requisites.

(1) The following information must be illustrated on the site plan:

   (A) The number of parking spaces required for each use.

   (B) The location and dimensions of the special parking lot.

   (C) The location and dimensions of all existing and proposed off-street parking and loading areas, parking bays, aisles, and driveways.

   (D) The location and dimensions of any dumpster on the special parking lot.

   (E) The number of cars to be accommodated in each row of parking spaces.

   (F) The location and dimensions of all existing streets and alleys adjacent to the special parking lot and between the special parking lot and the main use.

   (G) The location of all existing easements for street purposes on the special parking lot.

   (H) Existing and proposed provisions for pedestrian circulation in the area of request, including sidewalks, walkways, crosswalks, and pedestrian plazas.

   (I) Existing and proposed median cuts and driveways located within 250 feet of the special parking lot.

   (J) The location and the type of any special traffic regulation facilities proposed or required.

   (K) A proposed landscape plan, if required elsewhere in this chapter.

(2) For special parking consisting of more than 50 parking spaces, the following additional information must be illustrated on the site plan:

   (A) Existing and proposed points of ingress and egress and estimated peak hour turning movements to and from existing and proposed public and private streets and alleys adjacent to the special parking lot.
(B) Average daily traffic counts on streets adjacent to the special parking lot.

(C) Estimated peak hour turning movements at intersections located within 250 feet of the special parking lot. (Ord. Nos. 19786; 21660; 30892)

SEC. 51A-4.324. REVIEW BY THE DIRECTOR.

(a) Conformity with standards required. The building official shall deny an application for special parking unless it meets all of the applicable standards in this section.

(b) General standards.

(1) Special parking may not be located in a residential district, except that Chapter 51 community service, religious, and educational uses, and Chapter 51A institutional and community service uses may share parking in residential districts on the same lot where both uses are located. Nonresidential uses in residential districts may also use special parking if the special parking is not located in a residential district.

(2) Except as otherwise expressly provided in this subsection, special parking may not account for more than 50 percent of the off-street parking required for any use.

(3) The 50 percent limitation in Paragraph (2) does not apply to:

(A) remote parking within a walking distance of 300 feet of the main use; and

(B) shared parking on the same lot as the main use if all uses sharing the parking have mutually exclusive hours of operation.

(4) Special parking must comply with all codes, ordinances, rules, and regulations of the city.

(5) Special parking may not create safety hazards.

(c) Packed parking standards. Packed parking may not be used unless a license is obtained pursuant to Section 51A-4.329.

(d) Remote parking standards.

(1) Walking distance. Remote parking must be located within a walking distance of 300 feet from the use served by the remote parking unless an extension of walking distance is approved by the building official.

(2) Extension of walking distance.

(A) The building official may extend the walking distance for remote parking to no more than 600 feet unless the extension would:

(i) significantly discourage patrons of the use from using the remote parking;

(ii) unreasonably endanger the safety of persons or property; or

(iii) not otherwise be in the public interest.

(B) A license is required to authorize an extension of walking distance beyond 600 feet. (See Section 51A-4.329.)

(3) Signs required at main use and at parking lot. A sign must be prominently displayed at all entrances of a remote parking lot and at all entrances of a parking lot providing on-site parking for the main use. Each sign must:

(A) illustrate or describe the location of the remote parking in relation to the main use;

(B) be constructed of weather resistant material;

(C) be no less than 30 inches wide and 24 inches long; and
(D) contain clearly legible letters in a color that contrasts with the background material of the sign.

(e) Shared parking standards. Uses sharing parking must have either mutually exclusive or compatibly overlapping normal hours of operation. The building official shall determine whether hours of operation are compatibly overlapping on a case by case basis. (Ord. Nos. 19786; 21660; 25290; 27404)

SEC. 51A-4.325. DECISION OF THE DIRECTOR.

(a) Form of decision. The decision of the building official must take one of three forms:

(1) Approval, no conditions.

(2) Approval, subject to conditions noted.

(3) Denial.

(b) Statement of reasons. If the building official denies an application for special parking, he shall state in writing the specific reasons for denial.

(c) Approval subject to conditions noted. As an alternative to denial of an application for special parking under Section 51A-4.324(a), the building official may approve the special parking subject to conditions noted if compliance with all conditions will eliminate what would otherwise constitute grounds for denial. If the building official approves the special parking subject to conditions noted, he shall state in writing the specific requirements to be met before the special parking shall be considered approved.

(d) Approval with no conditions. If there are no grounds for denial under Section 51A-4.324(a), the building official shall approve the application for special parking with no conditions. (Ord. Nos. 19786; 21660)

SEC. 51A-4.326. NOTICE.

The building official shall give written notice to the applicant of the decision regarding the application for special parking. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. The notice must be sent to the address shown on the application. (Ord. Nos. 19786; 21660)

SEC. 51A-4.327. APPEALS.

(a) An appeal from a decision of the building official under Section 51A-4.325 may be made to the board of adjustment.

(b) In considering the appeal, the sole issue before the board of adjustment shall be whether or not the building official erred in making the decision and, in this connection, the board shall consider the same standards that were required to be considered by the building official in making the decision. (Ord. Nos. 19786; 21660)

SEC. 51A-4.328. AGREEMENT REQUIRED.

(a) Requisites of agreement. If the application for special parking is approved, a special parking agreement must be executed and filed in accordance with this section. A standard agreement form may be obtained from the building official. The agreement must:

(1) be in writing;

(2) contain legal descriptions of the properties affected;

(3) set forth adequate consideration between the parties;

(4) specify the special parking being provided and the hours of operation of any use involved;

(5) be a covenant running with the land;

(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) be governed by the laws of the state of Texas;

(8) be approved by the building official and be approved as to form by the city attorney;

(9) be signed by all owners of the properties affected;

(10) be signed by all lienholders, other than taxing entities, that have an interest in or an improvement on the properties; and

(11) state that it may only be amended or terminated by a subsequent written instrument that is:

(A) except as otherwise provided in Subsection (b), signed by all owners of the properties affected and by all lienholders, other than taxing entities, that have an interest in or an improvement on the properties;

(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.

(b) Approval. The building official shall approve an agreement if all properties governed by the agreement fully comply with the regulations in this division. If all affected owners and lienholders do not sign the instrument amending or terminating an agreement, and if all uses for which parking is provided under the agreement demonstrate that the agreement is no longer needed to fully comply with the off-street parking requirements in this chapter, the building official shall approve the amending or terminating instrument without those signatures.

(c) Agreement must be filed. An agreement shall not be considered effective until a true and correct copy of the approved agreement is filed in the deed records of the county or counties in which the properties are located and two file-marked copies of the agreement are filed with the building official.

(d) Amendment or termination of agreement. An agreement may only be amended or terminated by a written instrument that is executed in accordance with this subsection on a form provided by the city.

(1) The instrument must be:

(A) signed by all owners of properties affected and by all lienholders, other than taxing entities, that have an interest in or an improvement on the properties;

(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.

(2) The building official shall approve an instrument amending or terminating a special parking agreement if:

(A) all uses providing parking under the agreement and all uses on the property for which parking is provided under the agreement fully comply with the off-street parking regulations in this chapter; or

(B) all uses on the property for which parking is provided under the agreement cease to operate and terminate their certificates of occupancy.

(3) The amending or terminating instrument shall not be considered effective until a true and correct copy of the approved instrument is filed in the deed records of the county or counties in which the properties are located and two file-marked copies of the instrument are filed with the building official.

(Ord. Nos. 19786; 21660; 22783)
SEC. 51A-4.329. SPECIAL PARKING LICENSE.

(a) When a special parking license is required.

(1) A special parking license is required to authorize:

(A) packed parking; or

(B) an extension of the walking distance for remote parking beyond 600 feet [See Section 51A-4.324(d)].

(2) Special parking licenses are issued by the building official. An application for special parking under Section 51A-4.323 serves as an application for a license under this section.

(b) Conformity with standards required. The building official shall deny a special parking license unless it meets all of the applicable standards in Section 51A-4.324 and this section.

(c) Packed parking standards.

(1) The passenger loading and unloading area for packed parking must have adequate means of ingress to and egress from a street or an alley. The building official shall only consider alley access in satisfaction of this requirement when alley access is permitted by this chapter.

(2) All maneuvering, parking, and loading for packed parking must be accomplished on private property.

(3) The area of each packed parking space must be no less than 145 square feet.

(4) An access lane that is no less than 24 feet wide must be provided through the packed parking area.

(5) An attendant must be provided to park vehicles during all business hours of the main use.

(6) A sign must be prominently displayed at all entrances of a packed parking lot. Each sign must:

(A) state:

(i) that all or a portion of the lot is restricted to packed parking serving the main use;

(ii) that an attendant must be provided during all business hours of the main use;

(iii) the business hours of the main use;

(iv) a phone number specified by the building official to be used for reporting violations of this division, including the requirement of an attendant during all business hours of the main use;

(v) the phone number of the licensee; and

(vi) the issuance number of the licensee;

(B) be constructed of weather resistant material;

(C) be no less than 30 inches wide and 24 inches long; and

(D) contain clearly legible letters in a color that contrasts with the background material of the sign.

(d) Standards for extension of walking distance beyond 600 feet.

(1) The building official shall require that either a shuttle or an attendant be provided by the applicant as a condition to approval of an extension of the walking distance for remote parking beyond 600 feet.

(2) If a shuttle is required, it must:

(A) transport patrons between the main use and the remote parking lot;

(B) be adequately staffed during all hours of operation of the main use; and
§ 51A-4.329 Dallas Development Code: Ordinance No. 19455, as amended

(C) have adequate seating capacity to accommodate patrons expected to use the remote parking.

(3) If an attendant is required, the attendant shall drive vehicles of patrons between the main use and the remote parking lot.

(4) In no event may the building official authorize remote parking to be located beyond a walking distance of one-half mile from the main use.

(e) Revocation of license by building official. The building official shall revoke a license under this division if:

(1) the licensee fails to comply with the requirements of the license, this division, or other applicable law;

(2) the licensee made a false statement of material fact on an application for a license under this section; or

(3) the building official determines that the special parking unreasonably endangers the safety of persons or property and is not otherwise in the public interest.

(f) Suspension of license by building official. If the building official determines that a licensee has failed to comply with any regulation established under this division, the building official may suspend the special parking license for a definite period of time not to exceed 60 days. A licensee whose special parking license is suspended shall not use the special parking involved during the period of suspension. If the licensee fails to comply within the suspension period, the building official shall revoke the license.

(g) Expiration of license. A special parking license expires three years from the date of issuance, unless sooner revoked by the building official or by the city council.

(h) Renewal. A special parking license may be renewed by making an application for renewal at least 30 days before expiration of the license. If the license renewal involves changes to the original application, a new application for special parking approval must be submitted under Section 51A-4.323. If the license renewal does not involve changes, the request for renewal must be filed with the building official on a form furnished by the city for that purpose.

(i) Appeal of denial, suspension, or revocation of license. If the building official refuses to issue a license to an applicant or suspends or revokes the license of a licensee, the action of the building official is final unless the licensee files an appeal with a permit and license appeal board in accordance with Section 2-96 of this code. (Ord. Nos. 19786; 21660)

SEC. 51A-4.329.1. OFFENSES.

A person commits an offense if he operates a use:

(1) in violation of a special parking agreement executed and filed pursuant to Section 51A-4.328; or

(2) without a valid license required under Section 51A-4.329. (Ord. Nos. 19786; 21660; 29128)

SEC. 51A-4.329.2. REVOCATION OF CERTIFICATE OF OCCUPANCY.

The building official shall revoke the certificate of occupancy for any use being operated:

(1) in violation of a special parking agreement executed and filed pursuant to Section 51A-4.328; or

(2) without a valid license required under Section 51A-4.329. (Ord. Nos. 19786; 21660; 29128)

SEC. 51A-4.331. APPLICABILITY.

(a) Except as provided in Subsection (b), this section becomes applicable to a building site when:

(1) an application is made for a building permit:

(A) for new construction; or

(B) to increase the floor area on a building site by 10 percent or more or by 2,000 square feet or more, whichever is less; or

(2) there is a change in land use that requires an increase in off-street parking.

(b) This section does not apply to:

(1) uses that require four or fewer off-street parking spaces;

(2) agricultural uses;

(3) utility and public service uses;

(4) wholesale, distribution, and storage uses;

(5) a mobile home park, mobile home subdivision, or campground; or

(6) a drive-in theater. (Ord. 29128)

SEC. 51A-4.332. GENERAL PROVISIONS.

(a) Bicycle parking spaces are not permitted in a visibility triangle as defined in Section 51A-4.602.

(b) Bicycle parking spaces must not impede access to a fire hydrant or pedestrian circulation.

(c) Bicycle parking spaces must not reduce the unobstructed space for the passage of pedestrians to less than the minimum required sidewalk width for that building site.

(d) Bicycle parking spaces must be protected from motor vehicles to prevent damage to parked bicycles.

(e) Bicycle parking spaces must be maintained in a clean, neat, and orderly manner.

(f) All bicycle racks must be securely anchored. (Ord. 29128)

SEC. 51A-4.333. SPACES REQUIRED.

(a) The greater of two bicycle parking spaces per building site or one bicycle parking space per 25 required off-street parking spaces is required.

(b) No more than 30 bicycle parking spaces are required on any building site.

(c) For every 10 bicycle parking spaces, or portion of 10 bicycle parking spaces, provided on a building site, a minimum of two bicycle parking spaces must be available for use by guests or visitors.

(d) In determining the required number of bicycle parking spaces, fractional spaces are counted to the nearest whole number, with one half counted as an additional space. (Ord. 29128)

SEC. 51A-4.334. LOCATION AND DESIGN.

(a) All required bicycle parking spaces must be provided on the lot occupied by the main use.

(b) Bicycle parking spaces exterior to a building must be a part of or connected to a pedestrian pathway that connects to a building entrance open to the public.

(c) Bicycle parking spaces exterior to a building must be clearly visible from a primary building entrance or signs must be posted at the entrances to the automobile parking area that indicate the location of bicycle parking. For bicycle parking interior to a building, signs must be posted at the entrance to the automobile parking area that indicate the location of the bicycle parking. If signs are required to be posted at the entrances to the automobile parking area, the signs must:
§ 51A-4.334 Dallas Development Code: Ordinance No. 19455, as amended

(1) be prominently displayed;
(2) illustrate or describe the location of bicycle parking spaces;
(3) be constructed of weather resistant material;
(4) be a minimum of 10 inches in width by 15 inches in height; and
(5) have clearly legible letters and graphics that contrast with the background material.

(d) When placed parallel, bicycle racks must be spaced at least four feet apart.

(e) When placed linear, bicycle racks must be spaced at least seven feet apart.

(f) Class I bicycle parking must provide a minimum two-and-a-half foot by six foot area for each bicycle parking space.

(g) Class I bicycle parking may be placed in the required front, side, or rear yard. (Ord. 29128)

SEC. 51A-4.335. WAIVERS.

(a) An applicant for a bicycle parking waiver shall submit an application to the director on a form provided by the city.

(b) The director may waive the bicycle parking requirements only upon a determination that:

(1) due to existing site constraints, meeting the requirements of this division would:

(A) interfere with the minimum requirements for pedestrian or vehicular maneuvering; or

(B) would otherwise be contrary to public safety; or

(2) the building site only has access from a roadway where riding a bicycle is prohibited under Sections 9-6 or 28-159 of the Dallas City Code. (Ord. 29128)
§ 51A-4.341 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.343


SEC. 51A-4.341. PURPOSE.

This division provides alternatives to the standard parking and loading regulations in Division 51A-4.300 to allow parking within a structure when an approved mechanical system is used to park and retrieve vehicles. (Ord. 29128)

SEC. 51A-4.342. DEFINITIONS.

In this division:

(1) APERTURE AREA means the total area of window, door, and facade openings on the exterior of any portion of a mechanized parking facility, expressed as a percentage of the total facade area.

(2) ARTICULATION means any portion of the exterior of a mechanized parking facility that includes a material change, facade openings, columns, pilasters, or other architectural element.

(3) COMPATIBLE means similar in application, color, materials, pattern, shape, size, slope, and other characteristics but does not mean identical.

(4) MECHANIZED PARKING means parking spaces located underground or within a structure where a mechanical system is used to park and retrieve vehicles.

(5) TRANSLUCENT means not completely clear or transparent but clear enough to allow light to pass through while diffusing it so that persons, objects, etc. on the inside of the structure are not visible from the exterior of the structure. (Ord. 29128)

SEC. 51A-4.343. PROCEDURES FOR MECHANIZED PARKING APPROVAL.

(a) In general. All mechanized parking must be approved by the building official. The building official shall deny an application for mechanized parking unless it meets all of the standards of this division.

(b) Application. An applicant for mechanized parking approval shall submit an application to the building official on a form provided by the city. The applicant must be the person who will own, control, or operate the mechanized parking. The application must contain the following:

(1) The name, street address, mailing address, e-mail address, and telephone number of the applicant or the applicant’s authorized agent.

(2) The street address and main telephone number, if any, of the property where the mechanized parking will be located.

(3) The application fee.

(4) The name, street address, mailing address, e-mail address, and telephone number of a person or persons to contact in an emergency or in case of a malfunction.

(5) Building plans for the mechanized parking structure.

(6) An operational plan for the mechanized parking that includes the following:

(A) A statement describing the staffing required to operate the mechanized parking, if any.

(B) A trip generation table with a description of the main uses to be served by the mechanized parking.

(C) A stacking analysis.

(D) A peak use analysis.

(E) A statement detailing how long it takes to park and retrieve a vehicle.

(F) A noise generation analysis and a noise mitigation plan.

(7) Any other reasonable and pertinent information that the building official determines to be necessary for mechanized parking review. (Ord. 29128)
SEC. 51A-4.344. MECHANIZED PARKING LICENSE.

(a) License required.

(1) Mechanized parking may not be used unless a license is obtained under this section.

(2) Mechanized parking licenses are issued by the building official. An application for mechanized parking under Section 51A-4.343 serves as an application for a license under this section.

(b) Denial of license. The building official shall deny a mechanized parking license unless the mechanized parking meets all of the standards in this division.

(c) Suspension of license by building official.

(1) If the building official determines that a licensee has failed to comply with any regulation established under this division, the building official may suspend the mechanized parking license for a definite period not to exceed 60 days.

(2) A licensee whose mechanized parking license is suspended shall not use the mechanized parking involved during the period of suspension except to release parked cars to drivers or owners.

(3) If the licensee fails to comply within the suspension period, the building official shall revoke the license.

(d) Revocation of license by building official. The building official shall revoke a mechanized parking license if:

(1) the licensee fails to comply with the requirements of the license, this division, or other applicable law;

(2) the applicant made a false statement of material fact on an application for a license; or

(3) the building official determines that the mechanized parking unreasonably endangers the safety of persons or property or is not otherwise in the public interest.

(e) Expiration of license. A mechanized parking license expires three years from the date of issuance, unless sooner revoked by the building official.

(f) Renewal. A mechanized parking license may be renewed by making an application for renewal at least 30 days before the expiration of the license. If the building official determines that the license renewal involves substantive changes to the original application, a new application for mechanized parking approval must be submitted under Section 51A-4.343. If the license renewal does not involve substantive changes, the application for renewal must be filed with the building official on a form furnished by the city.

(g) Appeal of denial, suspension, or revocation of license. If the building official denies, suspends, or revokes a license, the action of the building official is final unless the applicant or licensee files an appeal with the permit license and appeal board in accordance with Section 2-96 of the Dallas City Code.

(Ord. 29128)

SEC. 51A-4.345. GENERAL STANDARDS.

(a) In general. Mechanized parking spaces may be counted as required parking if the mechanized parking otherwise complies with the requirements of this article.

(b) Location. Mechanized parking must be located underground or in an enclosed above-ground parking structure.

(c) Compliance with approved plans required. Mechanized parking must comply with the building plans and operational plan approved by the building official.

(d) Maintenance. Mechanized parking must be maintained in a state of good repair and operation.

(e) Exemption from construction and maintenance provisions. Mechanized parking is exempt from the construction and maintenance provisions for off-street parking in Sections 51A-4.301(d) and 51A-4.306(c), (d), and (e). The lighting requirements in Sections 51A-4.301(e) and 51A-4.306(b) apply only to the first floor of a mechanized parking facility.

Dallas City Code 361
§ 51A-4.345 Dallas Development Code: Ordinance No. 19455, as amended

(f) Passenger loading and unloading.

(1) A passenger loading and unloading area is required if the mechanized parking facility is served by an attendant or valet.

(2) Passenger loading and unloading areas must comply with the requirements of Section 51A-4.306(f) regardless of zoning district.

(3) The passenger loading and unloading area must have adequate means of ingress from and egress to a street or an alley. The building official shall only consider alley access in satisfaction of this requirement when alley access is permitted by this chapter.

(g) Required stacking.

(1) One stacking space per every 10 mechanized parking bays is required for a mechanized parking facility not served by an attendant or valet.

(2) A mechanized loading bay counts as a stacking space.

(3) Required stacking must comply with Section 51A-4.304.

(4) The building official may reduce the stacking space requirement if the building official determines that all of the stacking spaces are not necessary based on an analysis of the operational plan. An applicant seeking a stacking space reduction from the building official shall provide the building official with a report by an independent professional engineer to justify the requested reduction.

(h) No use of public right-of-way. All stacking, maneuvering, parking, and loading for mechanized parking must be accomplished on private property.

(i) Access lane.

(1) An access lane no less than 20 feet in width must be provided outside each mechanized loading bay if the mechanized parking facility is not fully automated.

(2) An applicant seeking a reduction in the required width of an access lane from the building official shall provide the building official with a report by an independent professional engineer to justify the requested reduction.

(3) The building official may waive this requirement or reduce the width of an access lane required under this subsection if the building official determines that doing so will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

(j) Required signs. A sign must be prominently displayed at all entrances of a mechanized parking facility. Each sign must:

(1) state the business hours of operation of the mechanized parking facility;

(2) have a phone number provided by the building official to be used for reporting violations of this division and any malfunctions of the mechanized parking facility;

(3) have the phone number of the licensee;

(4) have the issuance number of the license;

(5) have a phone number for 24-hour assistance;

(6) be constructed of weather resistant material;

(7) be no less than 30 inches wide and 24 inches long; and

(8) have clearly legible letters in a color that contrasts with the background material.

(k) Facade.

(1) These facade requirements apply to any portion of a building containing mechanized parking except when accessory to a single family or duplex use. If there is a conflict between the regulations within a zoning district that require concealment of parking structure facades, this subsection controls.
(2) An aboveground mechanized parking facility must be concealed by a facade that is:

(A) compatible in appearance with the facade of the main building it serves, or

(B) compatible in appearance with other buildings within a one block radius.

(3) The burden is on the property owner or applicant to supply proof of compatibility.

(4) Aperture area or articulation must be provided at a minimum of 20 percent and a maximum of 80 percent for any street facing facade.

(5) Articulation must be provided at least every 30 feet, measured horizontally and vertically.

(6) Except for pedestrian and vehicular entrances, the aperture area must be screened with an opaque or translucent material that may be permeable or impermeable. Screening materials for the aperture area may have no more than 36 square inches of transparent material in any given square foot of surface and may have no more than 25 percent transparency.

(7) The board of adjustment may grant a special exception to the standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property. The alternative facade must provide adequate screening of equipment and structures and mitigate noise. (Ord. 29128)
§ 51A-4.401 Dallas Development Code: Ordinance No. 19455, as amended

provided on both streets. If access is prohibited on one frontage by plat or by the city, the following structures or portions of structures in the yard along that frontage are governed by the rear yard regulations in Section 51A-4.403:

(A) Swimming pools.
(B) Game courts.
(C) Fences.
(D) Garages.
(E) Accessory storage buildings.

(6) Except as provided in this paragraph, if a blockface is divided by two or more zoning districts, the front yard for the entire blockface must comply with the requirements of the district with the greatest front yard requirement.

(A) If the greatest front yard is in a district with only one or more of the following uses being conducted as a main use and having a minimum of 80 feet of frontage, the blockface terminates at the boundary of that use:

(i) Utility and public service uses listed in Section 51A-4.212.
(ii) A railroad right-of-way.
(iii) A cemetery or mausoleum.
(iv) Recreation uses listed in Section 51A-4.208.

(B) In this section BLOCKFACE means:

(i) the distance along one side of a street between the two nearest intersecting streets;
(ii) 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
(iii) where a street centerline contains a change of direction greater than 45 degrees,

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.

(7) Reserved.

(8) The minimum front yard requirements in a planned development district are controlled by the planned development district regulations.

(9) In an A(A), multifamily, MH(A), office, retail, CS, LI, IR, IM, central area, mixed use, or multiple commercial district, the board of adjustment may allow a special exception from the front yard requirements of this section to permit the erection of a permanently constructed porte-cochere, covered walkway, or canopy if the structure is rectilinear in shape and does not exceed 25 feet in width at the building line, and if the board finds that the structure will not adversely affect neighboring property.

(b) Front yard provisions for residential districts.

(1) If a corner lot in a single family, duplex, or agricultural district has two street frontages of equal distance, one frontage is governed by the front yard regulations of this section, and the other frontage is governed by the side yard regulations in Section 51A-4.402. If the corner lot has two street frontages of unequal distance, the shorter frontage is governed by this section, and the longer frontage is governed by side yard regulations in Section 51A-4.402. Notwithstanding this provision, the continuity of the established setback along street frontage must be maintained.

(2) Reserved.

(3) If a TH or TH(A) district abuts another residential district in the same blockface and fronts on the same side of the street, the residential district with the greater front yard requirement determines the minimum front yard. The minimum front yard for the residential district with the greater front yard requirement must extend at least 150 feet into the TH or TH(A) district.

(4) through (7) Reserved.
§ 51A-4.401 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.402

(c) Special exception for carports.

(1) The board may grant a special exception to the minimum front yard requirements in this section for a carport for a single family or duplex use when, in the opinion of the board:

(A) there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and

(B) the carport will not have a detrimental impact on surrounding properties.

(2) In determining whether to grant this special exception, the board shall consider the following factors:

(A) Whether the requested special exception is compatible with the character of the neighborhood.

(B) Whether the value of surrounding properties will be adversely affected.

(C) The suitability of the size and location of the carport.

(D) The materials to be used in construction of the carport.

(3) Storage of items other than motor vehicles is prohibited in a carport for which a special exception has been granted under this subsection.

(d) Special exception for tree preservation.

(1) The board may grant a special exception to the minimum front yard requirements in this section to preserve an existing tree.

(2) In determining whether to grant this special exception, the board shall consider the following factors:

(A) Whether the requested special exception is compatible with the character of the neighborhood.

(B) Whether the value of surrounding properties will be adversely affected.

(C) Whether the tree is worthy of preservation.

(e) Schedule of minimum front yards.

(1) Except as provided in this section, a person shall not erect, alter, convert, or maintain a structure or part of a structure in violation of the minimum front yard requirements in the district regulations (Divisions 51A-4.100 et seq.). A schedule of minimum front yards is provided in Section 51A-4.410.

(Ord. Nos. 19455; 19786; 20236; 21186; 21290; 22053; 26531; 30895; 30932)

SEC. 51A-4.402. MINIMUM SIDE YARD.

(a) General provisions.

(1) Required side yards must be open and unobstructed except for fences and light poles 20 feet or less in height. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required side yard. A fireplace chimney may project up to two feet into the required side yard if its area of projection does not exceed 12 square feet. Roof eaves may project up to three feet into the required side yard. Balconies may not project into the required side yard.

(2) The side yard setback is measured from the side lot line of the building site, except when a front yard is treated as a side yard, the setback is measured from the lot line or the required right-of-way as determined by the thoroughfare plan for all thoroughfares, whichever creates the greater setback. On minor streets, the setback is measured from the lot line or the existing right-of-way, whichever creates the greater setback.

(A) When city council by ordinance establishes a specific right-of-way line for a street, the required setback is measured from that right-of-way line.
(3) Reserved.

(4) A unitary air conditioning unit may be located in the required side yard, but not nearer than three feet to the property line.

(5) The building official may approve a ramp that projects into the required side yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp must be completed in 10 days.

(b) Side yard provisions for residential districts.

(1) In a single family district, one required side yard may be reduced below the setback required in this section, if the other side yard is increased to at least double the side yard required in this section, subject to the following conditions:

(A) The minimum side yard between structures on contiguous lots must not be less than the minimum side yard required in this section.

(B) To reduce the required side yard, a subdivision plat must be approved by the commission and filed with the county clerk showing the location of all building lines, and showing the proposed distances between the building lines and property lines, streets lines and alley lines.

(C) A person may not erect an accessory structure except for a swimming pool and its appurtenances in the double side yard.

(2) Reserved.

(3) In a residential district, a person need not provide a side yard setback for a structure accessory to a residential use, including a generator, if the structure:

(A) does not exceed 15 feet in height; and

(B) is located in the rear 30 percent of the lot.

Note: This paragraph does not apply to a front yard governed by the side yard regulations in Section 51A-4.402 (such as a front yard treated as a side yard on a corner lot).

(4) through (6) Reserved.

(c) Special exception for carports.

(1) The board may grant a special exception to the minimum side yard requirements in this section for a carport for a single family or duplex use when, in the opinion of the board, the carport will not have a detrimental impact on surrounding properties.

(2) In determining whether to grant this special exception, the board shall consider the following factors:

(A) Whether the requested special exception is compatible with the character of the neighborhood.

(B) Whether the value of surrounding properties will be adversely affected.

(C) The suitability of the size and location of the carport.

(D) The materials to be used in construction of the carport.

(3) Storage of items other than motor vehicles is prohibited in a carport for which a special exception has been granted under this subsection.

(d) Special exception for tree preservation.

(1) The board may grant a special exception to the minimum side yard requirements in this section to preserve an existing tree.

(2) In determining whether to grant this special exception, the board shall consider the following factors:
(A) Whether the requested special exception is compatible with the character of the neighborhood.

(B) Whether the value of surrounding properties will be adversely affected.

(C) Whether the tree is worthy of preservation.

(e) Schedule of minimum side yards.

(1) Except as provided in this section, a person shall not erect, alter, convert, or maintain a structure or part of a structure in violation of the minimum side yard requirements in the district regulations (Divisions 51A-4.100 et seq.). A schedule of minimum side yards is provided in Section 51A-4.410.

(Ord. Nos. 19455; 20236; 21186; 22053; 30895)

SEC. 51A-4.403. MINIMUM REAR YARD.

(a) General provisions.

(1) Required rear yards must be open and unobstructed except for fences. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required rear yard. A fireplace chimney may project up to two feet into the required rear yard if its area of projection does not exceed 12 square feet. Roof eaves may project up to three feet into the required rear yard. Balconies may not project into the required rear yard.

(2) The rear yard setback is measured from the rear lot line of the building site.

(3) Reserved.

(4) The building official may approve a ramp that projects into the required rear yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp must be completed in 10 days.

(b) Rear yard provisions for residential districts.

(1) Reserved.

(2) In a residential district, a person need not provide a full rear yard setback for a structure accessory to a residential use, including a generator, if the structure does not exceed 15 feet in height. Where the rear yard is adjacent to an alley, a three-foot setback must be provided. Where the rear yard is not adjacent to an alley, no setback is required.

(c) Reserved.

(d) Special exception for tree preservation.

(1) The board may grant a special exception to the minimum rear yard requirements in this section to preserve an existing tree.

(2) In determining whether to grant this special exception, the board shall consider the following factors:

(A) Whether the requested special exception is compatible with the character of the neighborhood.

(B) Whether the value of surrounding properties will be adversely affected.

(C) Whether the tree is worthy of preservation.

(e) Schedule of minimum rear yards.

(1) Except as provided in this section, a person shall not erect, alter, convert, or maintain a structure or part of a structure in violation of the minimum rear yard requirements in the district regulations (Divisions 51A-4.100 et seq.). A schedule of minimum rear yards is provided in Section 51A-4.410.

(Ord. Nos. 19455; 20236; 20440; 22053; 30895)
§ 51A-4.404  MINIMUM LOT AREA FOR RESIDENTIAL USE.

(a) General provisions.

(1) A person shall not reduce a lot below the minimum area requirements of this section, unless:

(A) the lot is replatted for a community unit development; or

(B) the city or other governmental agency reduces the lot size by widening an abutting street. In this situation the minimum lot area is computed on the basis of the original lot size before the street widening.

(2) The area requirements in a planned development district are controlled by the planned development district regulations.

(b) Reserved.

(c) Schedule of minimum lot area for residential use.

(1) Except as otherwise provided in this section, a person shall not erect, alter, or convert any residential structure or part of a structure to have a smaller lot area than is allowed in the district regulations (Divisions 51A-4.100 et seq.). A schedule of minimum lot area for residential use is contained in Section 51A-4.410. (Ord. 19455)

§ 51A-4.405  MINIMUM LOT WIDTH FOR RESIDENTIAL USE.

(a) General provisions.

(1) A person may not reduce a lot below the minimum width requirements of this section, unless:

(A) the lot is platted for a community unit development; or

(B) the city or other governmental agency reduces the lot size by widening an abutting street. In this situation the minimum lot width is computed on the basis of the original lot size before widening.

(2) The area requirements in a planned development district are controlled by the planned development district regulations.

(b) Reserved.

(c) Schedule of minimum lot area for residential use.

(1) Except as otherwise provided in this section, a person shall not erect, alter, or convert any residential structure or part of a structure to have a smaller lot area than is allowed in the district regulations (Divisions 51A-4.100 et seq.). A schedule of minimum lot area for residential use is contained in Section 51A-4.410. (Ord. 19455)

§ 51A-4.406  MINIMUM LOT DEPTH FOR RESIDENTIAL USE.

(a) General provisions.

(1) A person may not reduce a lot below the minimum width requirements of this section, unless:

(A) the lot is platted for a community unit development; or

(B) the city or other governmental agency reduces the lot size by widening an abutting street. In this situation the minimum lot depth is computed on the basis of the original lot size before the street widening.

(2) The area requirements in a planned development district are controlled by the planned development district regulations.

(b) The minimum lot depth for residential use is 10 feet. (Ord. Nos. 19455; 24731)

§ 51A-4.407  MAXIMUM LOT COVERAGE.

(a) General provisions.

(1) In single family, duplex, townhouse, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MF-3(A), MH(A), NO(A), and NS(A) districts, institutional buildings may cover a maximum of 60 percent of the lot.

(2) Reserved.
(3) The maximum lot coverage requirements in a planned development district are controlled by the planned development district regulations.

(4) Reserved.

(b) Reserved.

(c) Schedule of maximum lot coverage.

(1) Except as otherwise provided in this section, a person shall not erect, alter, or convert any structure or part of a structure to cover a greater percentage of a lot than is allowed in the district regulations (Divisions 51A-4.100 et seq.). A schedule of maximum lot coverage is contained in Section 51A-4.410. (Ord. 19455)

SEC. 51A-4.408. MAXIMUM BUILDING HEIGHT.

(a) Special height provisions.

(1) Structures for utility and public service uses and institutional uses may be erected to any height consistent with the Federal Aviation Administration airspace limitations, residential proximity slope height restrictions, and the building code. Exceptions:

(A) No portion of a structure that exceeds the maximum structure height specified in the district regulations (Divisions 51A-4.100 et seq.) may be located above a residential proximity slope. See Section 51A-4.412.

(B) Local utility transmission and distribution lines and supporting structures are exempt from residential proximity slope height restrictions.

(C) A mounted cellular antenna, as defined in Paragraph 51A-4.212(10.1), attached to a utility structure is exempt from residential proximity slope height restrictions if the utility structure is greater than 65 feet in height. For purposes of this subparagraph, a utility structure means an electrical transmission distribution tower, an elevated water storage tank, and any other structure operated by a municipality, a transit authority, or a certificated, franchised, or licensed utility company in connection with provision of the utility.

(D) A tower/antenna for cellular communication, as defined in Paragraph 51A-4.212(10.1), is exempt from residential proximity slope height restrictions if a specific use permit is required, or if a modification to an existing tower/antenna for cellular communication use is modified in a manner that does not substantially change the physical dimensions of the existing tower/antenna for cellular communication or its auxiliary building. A modification substantially changes the physical dimensions of an existing tower/antenna for cellular communication or its auxiliary building if it meets any of the criteria listed in 47 C.F.R. §1.40001(b)(7), as amended.

(2) In a district in which building height is limited to 36 feet or less, the following structures may project a maximum of 12 feet above the maximum structure height specified in the district regulations (Divisions 51A-4.100 et seq.):

(A) Structures on top of a building:

(i) Elevator penthouse or bulkhead.

(ii) Mechanical equipment room.

(iii) Cooling tower.

(iv) Tank designed to hold liquids.

(v) Ornamental cupola or dome.

(vi) Skylights.

(vii) Clerestory.

(viii) Visual screens which surround roof mounted mechanical equipment.

(ix) Chimney and vent stacks.

(x) Amateur communications tower.
(xi) Parapet wall, limited to a height of four feet.

(B) Structures at grade level:

(i) Amateur communications tower.

Note: The heights allowed in Subsection (a)(2) are subject to any residential proximity slope height restrictions that may be contained in the district regulations for a particular district. (See Divisions 51A-4.100 et seq.).

(3) The maximum building height requirements in a planned development district are controlled by the planned development district regulations.

(4) In single family, duplex, townhouse, MF-1(A), MF-1(SAH), MF-2(A), and MF-2(SAH) districts:

(A) no dormer eaves may project above the maximum structure height specified in the district regulations (Divisions 51A-4.100 et seq.); and

(B) the highest point of a structure with a gable, hip, gambrel, or dome roof may not project more than 12 feet above the maximum height specified in the district regulations (Divisions 51A-4.100 et seq.).

(b) 

(b) Schedule of maximum building heights. Except as otherwise provided in this section, a person shall not erect or alter any structure or part of a structure to exceed the maximum height standards in the district regulations (Divisions 51A-4.100 et seq.). A schedule of maximum building heights is contained in Section 51A-4.410. (Ord. Nos. 19455; 20361)

(c) FAA Height Restrictions. To protect navigable airspace, no structure shall be erected, altered, or maintained at a height in excess of limits established by Federal Aviation Administration regulations. (Ord. Nos. 19455; 20037; 21663; 22639; 24543; 26578; 28072; 29984)

SEC. 51A-4.409. MAXIMUM FLOOR AREA RATIO.

(a) General provisions.

(1) Reserved. (Repealed by Ord. 20361)

(2) A basement is not counted in the computation of floor area ratio.

(3) The maximum floor area ratio requirements in a planned development district are controlled by the planned development district regulations.

(4) through (7) Reserved.

(b) Schedule of maximum floor area ratio.

(1) Except as otherwise provided in this section, a person shall not erect or alter any structure or part of a structure to exceed the maximum floor area ratio in the district regulations (Divisions 51A-4.100 et seq.). A schedule of maximum floor area is contained in Section 51A-4.410. (Ord. Nos. 19455; 20361)

SEC. 51A-4.410. SCHEDULE OF YARD, LOT, AND SPACE REGULATIONS.

The following charts comprise the schedule of yard, lot, and space regulations for purposes of this division. In the event of a conflict between this schedule and the text of the district regulations (Divisions 51A-4.100 et seq.), the text of the district regulations controls. (Ord. 19455)

{Ch. 51A continues with yard, lot, and space charts beginning on page 371}
Dallas Development Code: Ordinance No. 19455, as amended

NOTE: The yard, lot, and space charts on the following pages have not been formally adopted by the city council; they are prepared by the city staff and are intended for use as a guide only. It is necessary to see the text of this chapter for specific regulations. In the event of a conflict between the yard, lot, and space charts and the text of this chapter, the text of this chapter controls.
### SEC. 51A-4.410 SCHEDULE OF YARD, LOT AND SPACE REGULATIONS

<table>
<thead>
<tr>
<th>DISTRICTS</th>
<th>Single Family</th>
<th>D/TH</th>
<th>Multifamily</th>
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**MINIMUM FRONT YARD (IN FEET)**

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**MINIMUM SIDE YARD (IN FEET)**

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<td>Other permitted structures</td>
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**MINIMUM REAR YARD (IN FEET)**

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<td>10 10</td>
<td>15 15 15 15 15 15</td>
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<tr>
<td>3</td>
<td>Other permitted structures</td>
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<td>4</td>
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<td></td>
<td></td>
<td>10 10 10 10 10 10</td>
</tr>
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</table>

**MAXIMUM DWELLING UNIT DENSITY (DUS PER NET ACRE)**

| (C)         | 16 | * | * | 160 |

Note: The Designations [(A), (B), etc.] in the first column of these charts are the same as the corresponding subparagraph designations in the district regulations. For more specific yard, lot, and space information, consult the district regulations and Sections 51A-4.401, 51A-4.402, 51A-4.403, 51A-4.407, 51A-4.408, and 51A-4.412.

* See district regulations
Dallas Development Code: Ordinance No. 19455, as amended

![Diagram of zoning regulations](image-url)

* See district regulations
### SEC. 51A-4.410 SCHEDULE OF YARD, LOT AND SPACE REGULATIONS

#### TYPE OF REGULATION

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<th>D/TH</th>
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<td>All uses combined</td>
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<td>Office uses</td>
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<td>Retail Uses</td>
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#### MAXIMUM FLOOR AREA RATIO

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<tr>
<td>A (A)</td>
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<td>R-1.5c (A)</td>
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<td>R-2/2c (A)</td>
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<td>R-.5</td>
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<td>D (A)</td>
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<td></td>
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<tr>
<td>CH</td>
<td></td>
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<td></td>
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</tbody>
</table>

#### MAXIMUM STRUCTURE HEIGHT (IN FEET)

| Maximum height of structure | 24 | 36 | 36 | 30 | 30 | 30 | 30 | 30 | 36 | 36 | 36 | 90 | 240 | 24 |

#### MAXIMUM LOT COVERAGE (PERCENT)

<table>
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Dallas Development Code: Ordinance No. 19455, as amended

### Nonresidential

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<tr>
<th>Office</th>
<th>Retail</th>
<th>Com/Ind</th>
<th>Cntrl</th>
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<th>Multiple Com</th>
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<td>LO-2 (A)</td>
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* See district regulations.

### Additional Height

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* Additional height with retail development.

### Table

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<tbody>
<tr>
<td>50</td>
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| 1 |
| 2 |
### SEC. 51A-4.410 SCHEDULE OF YARD, LOT AND SPACE REGULATIONS

<table>
<thead>
<tr>
<th>TYPE OF REGULATION</th>
<th>DISTRICTS</th>
<th>Single Family</th>
<th>D/TH</th>
<th>Multifamily</th>
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<tbody>
<tr>
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<td>A (A)</td>
<td>R-1/2 (A)</td>
<td>T/H-3 (A)</td>
<td>MF-1 (A)</td>
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<td>(G) MINIMUM LOT AREA FOR RESIDENTIAL USE (IN SQ. FT.)</td>
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<td>R (B)</td>
<td>R (C)</td>
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<td>MF-3 (A)</td>
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<td></td>
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<td>MF-4 (A)</td>
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<td>2 Duplex (per dwelling unit)</td>
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<td>3 Multifamily structures **</td>
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<td>3C Two bedroom (per dwelling unit)</td>
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<td>6/100</td>
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<td>3D For each additional bedroom over two</td>
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<td>add this amount for each dwelling unit</td>
<td></td>
<td>1</td>
<td>2/10</td>
<td>6/100</td>
</tr>
</tbody>
</table>

### (H) MAXIMUM NUMBER OF STORIES ABOVE GRADE ***

* See district regulations

** In no case may a lot be smaller than this requirement; however, 3A, 3B, 3C, or 3D may require a larger lot.

*** Parking garage stories are exempt.
<table>
<thead>
<tr>
<th>Office</th>
<th>Retail</th>
<th>Com/Ind</th>
<th>Ctrl</th>
<th>Mixed Use</th>
<th>Multiple Com</th>
</tr>
</thead>
<tbody>
<tr>
<td>MO (A)</td>
<td>LO-1</td>
<td>LO-2</td>
<td>MO-1</td>
<td>MO-2</td>
<td>MO-3 (A)</td>
</tr>
<tr>
<td>CS</td>
<td>CR</td>
<td>RE</td>
<td>CS</td>
<td>CS</td>
<td>CS</td>
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</tr>
</tbody>
</table>

**NONRESIDENTIAL**

![Table Image]

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2 5 7 9 10 12 20 2 4 5 3 5 15 0 20 20 5 7 9 10
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*See district regulations*
§ 51A-4.411 Dallas Development Code: Ordinance No. 19455, as amended

SEC. 51A-4.411. SHARED ACCESS DEVELOPMENT.

(a) Purpose. Traditional single family lots front on a street and have a rectangular shape. New developments have been platted with a minimal frontage on a street, and have access to the street from a shared driveway. This section is designed to address the issues specific to these non-traditional lots.

(b) Definitions.

(1) SHARED ACCESS AREA means that portion of a shared access development that fronts on a public or private street and provides access to individual lots within the shared access development.

(2) SHARED ACCESS DEVELOPMENT means a development where one or more of the lots within the development do not front on a public or private street, where access to the lots within the development is provided via a shared access area and that meets all of the requirements of this section.

(3) SHARED ACCESS POINT means that portion of a shared access development where the shared access area provides vehicular access to a public or private street.

(c) Shared access development requirements.

(1) A shared access development is created by platting no less than three and no more than 36 individual lots. Adjacent shared access developments may not be connected or combined to exceed the 36 lot maximum.

(2) A shared access development must be restricted by plat to single family use.

(3) No building permit may be issued to authorize work in a shared access development until the plat and the shared access area agreement have been recorded in the real property records of the appropriate county, all requirements of the shared access area have been met, and the director has corrected the appropriate zoning map in the offices of the city secretary, the building official, and the department to reflect the restriction to single family use.

(4) A shared access development may not be platted as a community unit development (CUD).

(d) Shared access area requirements.

(1) Design and lighting of the shared access area must be approved by the director.

(2) Water and wastewater mains must be installed in accordance with applicable ordinances.

(3) Design and location of interior traffic control devices must be approved by the traffic engineer.

(4) The fire protection standards in the Dallas Fire Code must be followed.

(5) The geometrics of the shared access area must be designed to provide appropriate access for passenger, delivery, emergency, and maintenance vehicles and with a minimum height clearance of 18 feet above the surface of the shared access area.

(6) The shared access area must be shown on the plat of the shared access development.

(7) The shared access area must front on a public or private street (not an alley), have a minimum width of 20 feet, and have a minimum pavement width of 16 feet.

(8) If a guard house is provided, it must be at least 30 feet from the shared access point.

(9) If a shared access area entrance is closed at any time, it must be constructed to permit opening of the entrance in emergencies by boltcutters or breakaway panels.

(10) A shared access area may serve no more than 18 dwelling units per shared access point. No more than two shared access points may serve a shared access development.

(e) Written agreement requirements. A shared access development must be regulated by a written shared access agreement that:

(1) reflects adequate consideration;
§ 51A-4.411 Dallas Development Code: Ordinance No. 19455, as amended

(2) contains legal descriptions of the individual lots within the shared access development, and of the shared access area;

(3) is signed by all owners and lienholders of property in the shared access development and is binding on lienholders by a subordination clause;

(4) is approved by the building official;

(5) is approved as to form by the city attorney;

(6) creates a covenant running with the land (the document may be in any of several forms, including but not limited to, an access easement; a unity agreement; deed restrictions; or homeowners’ association’s covenants, conditions, and restrictions);

(7) provides that the owners of property in the shared access development are responsible for lighting, maintenance, and cleaning of the shared access area, and where appropriate, the installation and maintenance of interior traffic control devices;

(8) provides necessary easements in the shared access area for the benefit of the individual lots in the shared access development for utilities, storm water drainage, fire protection, lighting, traffic control, government and emergency vehicle access, mail service, meter-reading access, vehicular and pedestrian access, parking, and deliveries;

(9) gives the city the right, but not the obligation, to take any action needed to make necessary repairs or improvements within the shared access area, and to place a lien on all lots within the shared access development until the city has received full compensation for that action;

(10) provides that the owners of property in the shared access development agree to defend and indemnify the city, and to hold the city harmless from and against all claims or liabilities arising out of or in connection with the shared access development, shared access area, or shared access agreement;

(11) provides that it is governed by the laws of the State of Texas;

(12) provides that it may only be amended or terminated:

(A) with the consent of all the owners and lienholders of property in the shared access development; and

(B) after approval as to form by the city attorney, and approval by the director; and

(13) provides for the installation, maintenance, and repair of utilities, including electric, water, sewage, and communications located within the shared access area.

(f) Code compliance requirements.

(1) All code requirements must be met individually by each lot in the shared access development, unless otherwise specified in this subsection.

(2) The shared access development is treated as one lot for purposes of compliance with the front, side, and rear yard regulations, applicable landscape regulations, and any prohibition against parking in a front yard. For example, the front yard of the shared access development as a whole determines whether the front yard setback is in compliance with the zoning district regulations, and the individual lots within the shared access development are not individually required to meet front yard setback requirements.

(3) Each lot within the shared access development must meet the minimum lot area requirement for the zoning district in which it is located. In multifamily districts, the lot area of individual lots may be up to 20 percent less than the minimum lot area requirement if the average lot area of all lots within the shared access development equals or exceeds the minimum lot area requirement.

(4) In all districts other than multifamily districts, the shared access area may not be used to satisfy minimum lot area requirements or determine lot coverage.

(5) See Section 51A-10.125(a)(2) for landscape regulations applicable to shared access developments.
§ 51A-4.411 Dallas Development Code: Ordinance No. 19455, as amended

(g) **Guest parking requirements.** In addition to any parking spaces required for each dwelling unit, shared access developments must provide 0.25 unassigned spaces available for use by visitors and residents for each dwelling unit. Guest parking spaces must be located where they will not impede access from any other guest parking space or dwelling unit to the shared access point. (Ord. Nos. 24731; 25047; 26333; 28073)

SEC. 51A-4.412. RESIDENTIAL PROXIMITY SLOPE.

(a) **Definitions of general terms.** In this section:

(1) **PRIVATE PROPERTY** means any property not dedicated to public use, except that “private property” does not include the following:

(A) A private street or alley.

(B) Property on which a utility and public service use listed in Section 51A-4.212 is being conducted as a main use.

(C) A railroad right-of-way.

(D) A cemetery or mausoleum.

(2) **RESTRICTED BUILDING OR STRUCTURE** means the building or structure whose height is restricted by a residential proximity slope.

(3) **SITE OF ORIGINATION** means any private property in:

(A) an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district; or

(B) an identifiable portion of a planned development or conservation district, which portion is restricted to residential uses not exceeding 36 feet in height. See the sections in this chapter governing planned development and conservation districts for specific guidance as to how to treat identifiable portions of those districts.

(b) **Residential proximity slope defined.** The residential proximity slope is a plane projected upward and outward from every site of origination as defined in Subsection (a). Specifically, the slope is projected from the line formed by the intersection of:

(1) the vertical plane extending through the boundary line of the site of origination; and

(2) the grade of the restricted building or structure.

(c) **Angle and extent of projection.** The angle and extent of projection of the residential proximity slope depends on the zoning category of the site of origination as follows:

<table>
<thead>
<tr>
<th>ZONING CATEGORY</th>
<th>ANGLE OF PROJECTION</th>
<th>EXTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>R, R(A), D, D(A), TH,</td>
<td>18.4° (1 to 3 slope)</td>
<td>Infinite.</td>
</tr>
<tr>
<td>and TH(A)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CH, MF-1, MF-1(A), MF-2</td>
<td>45° (1 to 1 slope)</td>
<td>Terminates at a horizontal distance of 50 feet from the site of origination.</td>
</tr>
<tr>
<td>and MF-2(A)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(d) **Calculation of height restrictions.** The horizontal distances used to calculate the height restrictions imposed by the residential proximity slope may be determined by using the lot, block, and right-of-way dimensions as shown on the official plat or zoning maps of the city, or by scale measurement of the distances on such official maps. All dimensions and methodology used in determining the distance measurement are subject to the approval of the building official.

(e) **Exemption.** Certain structures are exempt from the residential proximity slope. See Section 51A-4.408. (Ord. Nos. 19455; 19786; 20308; 21663; 26578)
Division 51A-4.500. Overlay and Conservation District Regulations.

SEC. 51A-4.501. HISTORIC OVERLAY DISTRICT.

(a) Purpose. The purpose of this section is to promote the public health, safety and general welfare, and:

(1) to protect, enhance and perpetuate places and areas which represent distinctive and important elements of the city’s historical, cultural, social, economic, archeological, paleontological, ethnic, political and architectural history;

(2) to strengthen the economy of the city;

(3) to increase public knowledge and appreciation of the city’s historic past and unique sense of place;

(4) to foster civic and neighborhood pride and a sense of identity;

(5) to promote the enjoyment and use of historic resources by the people of the city;

(6) to preserve diverse architectural styles, patterns of development, and design preferences reflecting phases of the city’s history;

(7) to create a more livable urban environment;

(8) to enhance property values;

(9) to provide financial incentives for preservation;

(10) to protect and enhance the city’s attraction to tourists and visitors;

(11) to resolve conflicts between the preservation of historic resources and alternative land uses;

(12) to integrate historic preservation into public and private land use planning;

(13) to conserve valuable resources through use of the existing building environment;

(14) to stabilize neighborhoods;

(15) to increase public awareness of the benefits of historic preservation;

(16) to maintain a harmony between new and historic structures so that they will be compatible in scale, form, color, proportion, texture and material; and

(17) to encourage public participation in identifying and preserving historic resources.

(b) Establishment of historic overlay districts. A historic overlay district may be established to preserve places and areas of historical, cultural, or architectural importance and significance if the place or area has three or more of the following characteristics:

(1) History, heritage and culture: Represents the historical development, ethnic heritage or cultural characteristics of the city, state, or country.

(2) Historic event: Location as or association with the site of a significant historic event.

(3) Significant persons: Identification with a person or persons who significantly contributed to the culture and development of the city, state, or country.

(4) Architecture: Embodiment of distinguishing characteristics of an architectural style, landscape design, method of construction, exceptional craftsmanship, architectural innovation, or contains details which represent folk or ethnic art.

(5) Architect or master builder: Represents the work of an architect, designer or master builder whose individual work has influenced the development of the city, state, or country.

(6) Historic context: Relationship to other distinctive buildings, sites, or areas which are eligible for preservation based on historic, cultural, or architectural characteristics.

(7) Unique visual feature: Unique location of singular physical characteristics representing an
established and familiar visual feature of a neighborhood, community or the city that is a source of pride or cultural significance.

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

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

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

(c) Historic designation procedure and predesignation moratorium.

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

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

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

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

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

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

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

382 Dallas City Code
§ 51A-4.501 Dallas Development Code: Ordinance No. 19455, as amended

(C) A description of the boundaries of the proposed historic overlay district, including subareas and areas where new construction will be prohibited; and

(D) Proposed preservation criteria for the proposed historic overlay district.

(6) Termination of the predesignation moratorium. The predesignation moratorium ends on the earliest of the following dates:

(A) The day after the city council, city plan commission, or landmark commission that voted to initiate the historic designation procedure, votes to terminate the historic designation procedure.

(B) The day after the city council, in an appeal from an initiation by the city plan commission or landmark commission, votes to terminate the historic designation procedure.

(C) In the case of initiation by the property owner(s), the day after the zoning change application is withdrawn.

(D) If the proposed historic overlay district zoning change is approved, the effective date of the ordinance establishing the historic overlay district.

(E) If the proposed historic overlay district zoning change is denied, the day after either the city council makes its final decision denying the change or the expiration of the time period for appeal to the city council from a city plan commission recommendation of denial.

(F) Two years after the date the historic designation procedure was initiated, regardless of who initiated the procedure.

(d) Predesignation certificate of appropriateness.

(1) When required. A person shall not alter a site, or alter, place, construct, maintain, or expand any structure on the site during the predesignation moratorium without first obtaining a predesignation certificate of appropriateness in accordance with this subsection.

(2) Penalty. A person who violates this subsection is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a predesignation certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.

(3) Application. An application for a predesignation certificate of appropriateness must be submitted to the director. The application must include complete documentation of the proposed work. Within 10 days after submission of an application, the director shall notify the applicant in writing of any additional documentation required. No application shall be deemed to be filed until it is made on forms promulgated by the director and contains all required supporting plans, designs, photographs, reports, and other exhibits required by the director. The applicant may consult with the department before and after the submission of an application.

(4) Predesignation certificate of appropriateness review procedure. Upon receipt of an application for a predesignation certificate of appropriateness, the director shall determine whether the structure is contributing or noncontributing. Within 40 days after a complete application is filed for a noncontributing structure, the landmark commission shall hold a public hearing and shall approve, deny with prejudice, or deny without prejudice the application and forward its decision to the director. Within 65 days after a complete application is filed for a contributing structure, the landmark commission shall hold a public hearing and shall approve, deny with prejudice, or deny without prejudice the application and forward its decision to the director. The landmark commission may impose conditions on the predesignation certificate of appropriateness. The applicant has the burden of proof to establish the necessary facts to warrant favorable action. The director shall immediately notify the applicant of the landmark commission’s action. The landmark commission’s decision must be in writing and, if the decision is to deny the predesignation certificate of appropriateness, with or without prejudice, the writing must state the reasons why the predesignation certificate of appropriateness is denied.
(5) **Standard for approval.** The landmark commission must approve the application if it determines that:

(A) for contributing structures, the application will not adversely affect the character of the site or a structure on the site; and the proposed work is consistent with the regulations contained in this section and the proposed preservation criteria; or

(B) for noncontributing structures, the proposed work is compatible with the historic overlay district.

(6) **Issuance.** If a predesignation certificate of appropriateness has been approved by the landmark commission or if final action has not been taken by the landmark commission within 40 days (for a noncontributing structure) or 65 days (for a contributing structure) after a complete application is filed:

(A) the director shall issue the predesignation certificate of appropriateness to the applicant; and

(B) if all requirements of the development and building codes are met and a building permit is required for the proposed work, the building official shall issue a building permit to the applicant for the proposed work.

(7) **Appeal.** If a predesignation certificate of appropriateness is denied, the chair of the landmark commission shall verbally inform the applicant of the right to appeal to the city plan commission. If the applicant is not present at the hearing, the director shall inform the applicant of the right to appeal in writing within 10 days after the hearing. The applicant may appeal the denial to the city plan commission by filing a written notice with the director within 30 days after the date of the decision of the landmark commission. The director shall forward to the city plan commission a complete record of the matter being appealed, including a transcript of the tape of the hearing before the landmark commission. In considering an appeal, the city plan commission shall review the landmark commission record and hear and consider arguments from the appellant and the representative for the landmark commission. The city plan commission may only hear new testimony or consider new evidence that was not presented at the time of the hearing before the landmark commission to determine whether that testimony or evidence was available at the landmark commission hearing. If the city plan commission determines that new testimony or evidence exists that was not available at the landmark commission hearing, the city plan commission shall remand the case back to the landmark commission in accordance with Subsection (o). In reviewing the landmark commission decision the city plan commission shall use the substantial evidence standard in Subsection (o). The city plan commission may reverse or affirm, in whole or in part, modify the decision of the landmark commission, or remand any case back to the landmark commission for further proceedings. Appeal to the city plan commission constitutes the final administrative remedy.

(8) **Reapplication.** If a final decision is reached denying a predesignation certificate of appropriateness, no further applications may be considered for the subject matter of the denied predesignation certificate of appropriateness unless the predesignation certificate of appropriateness has been denied without prejudice or the landmark commission finds that there are changed circumstances sufficient to warrant a new hearing. A simple majority vote by the landmark commission is required to grant the request for a new hearing.

(9) **Suspension of work.** After the work authorized by the predesignation certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.

(10) **Revocation.** The director may, in writing, revoke a predesignation certificate of appropriateness if:

(A) the predesignation certificate of appropriateness was issued on the basis of incorrect information supplied;
(B) the predesignation certificate of appropriateness was issued in violation of the regulations contained in this section, the proposed preservation criteria, or the development code or building codes; or

(C) the work is not performed in accordance with the predesignation certificate of appropriateness, the development code, or building codes.

(11) Amendments to a predesignation certificate of appropriateness. A predesignation certificate of appropriateness may be amended by submitting an application for amendment to the director. The application shall then be subject to the standard predesignation certificate of appropriateness review procedure.

(12) Effect of approval of the historic overlay district. A predesignation certificate of appropriateness will be treated as a certificate of appropriateness after the effective date of the ordinance implementing the historic overlay district.

(e) Additional uses and regulations.

(1) A historic overlay district is a zoning overlay which supplements the primary underlying zoning district classification. A historic overlay district is subject to the regulations of the underlying zoning district, except the ordinance establishing the historic overlay district may permit additional uses and provide additional regulations for the historic overlay district.

(2) If there is a conflict, the regulations contained in the historic overlay district ordinance control over the regulations of the underlying zoning district. If there is a conflict, the regulations contained in the historic overlay district ordinance control over the regulations of this section.

(3) The historic overlay district ordinance may include preservation criteria for the interior of historic structures if the interior is customarily open and accessible to the public and the interior has extraordinary architectural, archaeological, cultural, economic, social, ethnic, political or historical value. Unless there are specific provisions for the interior, the preservation criteria in the historic overlay district ordinance and the Secretary of the Interior’s Standards for the Rehabilitation of Historic Properties apply only to the exterior of structures within a historic overlay district.

(4) The landmark commission shall consider the Secretary of the Interior’s Standards for the Rehabilitation of Historic Properties (“the Standards”), as amended, when reviewing applications for predesignation and standard certificates of appropriateness. Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. The Standards are common sense principles in non-technical language developed to help promote consistent rehabilitation practices. It should be understood that the Standards are a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations; as such, they cannot, in and of themselves, be used to make essential decisions about which features of a historic property should be saved and which might be changed. The director shall make the current Standards available for public inspection at all times. For informational purposes, the Standards published at Section 68.3 of Title 36 of the Code of Federal Regulations (current through January 1, 2001) are set forth below:

(A) A property will be used as it was historically or be given a new use that requires minimal changes to its distinctive materials, features, spaces and spatial relationships.

(B) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

(C) Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
(D) Changes to a property that have acquired historic significance in their own right will be retained and preserved.

(E) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

(F) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

(G) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(H) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(I) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

(J) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(f) Notice of designation.

(1) Upon passage of a historic overlay district ordinance, the director shall send a notice to the owner or owners of property within the historic overlay district stating the effect of the designation, the regulations governing the historic overlay district, and the historic preservation incentives that may be available.

(2) Upon passage of a historic overlay district ordinance, the director shall file a copy of the ordinance in the county deed records to give notice of the historic regulations. Pursuant to Texas Local Government Code Section 315.006, the director shall also file in the county deed records a verified written instrument listing each historic structure or property by the street address, if available, the legal description of the real property, and the name of the owner, if available.

(3) The director may erect suitable plaques appropriately identifying each historic overlay district.

(g) Certificate of appropriateness.

(1) When required. A person shall not alter a site within a historic overlay district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with this subsection and the regulations and preservation criteria contained and in the historic overlay district ordinance.

(2) Penalty. A person who violates this subsection is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.

(3) Application. An application for a certificate of appropriateness must be submitted to the director. The application must include complete documentation of the proposed work. Within 10 days after submission of an application, the director shall notify the applicant in writing of any additional documentation required. No application shall be deemed to be filed until it is made on forms promulgated by the director and contains all required supporting plans, designs, photographs, reports, and other exhibits required by the director. The applicant may consult with the department before and after the submission of an application.
§ 51A-4.501 Dallas Development Code: Ordinance No. 19455, as amended

(4) Director's determination of procedure. Upon receipt of an application for a certificate of appropriateness, the director shall determine whether the application is to be reviewed under the routine work review procedure or the standard certificate of appropriateness review procedure.

(5) Routine maintenance work review procedure.

(A) If the director determines that the applicant is seeking a certificate of appropriateness to authorize only routine maintenance work, he may review the application to determine whether the proposed work complies with the regulations contained in this section and the preservation criteria contained in the historic overlay district ordinance and approve or deny the application within 20 days after a complete application is filed. The applicant must supply complete documentation of the work. Upon request, staff will forward copies of applications to the task force. The director may forward any application to the landmark commission for review.

(B) Routine maintenance work includes:

(i) the installation of a chimney located on an accessory building, or on the rear 50 percent of a main building and not part of the corner side facade;

(ii) the installation of an awning located on an accessory building, or on the rear facade of a main building;

(iii) the replacement of a roof of the same or an original material that does not include a change in color;

(iv) the installation of a wood or chain link fence that is not painted or stained;

(v) the installation of gutters and downspouts of a color that matches or complements the dominant trim or roof color;

(vi) the installation of skylights and solar panels;

(vii) the installation of storm windows and doors;

(viii) the installation of window and door screens;

(ix) the application of paint that is the same as the existing or that is an appropriate dominant, trim, or accent color;

(x) the restoration of original architectural elements;

(xi) minor repair using the same material and design as the original;

(xii) repair of sidewalks and driveways using the same type and color of materials;

(xiii) the process of cleaning (including but not limited to low-pressure water blasting and stripping), but excluding sandblasting and high-pressure water blasting; and

(xiv) painting, replacing, duplicating, or stabilizing deteriorated or damaged architectural features (including but not limited to roofing, windows, columns, and siding) in order to maintain the structure and to slow deterioration.

(C) The applicant may appeal the director's decision by submitting to the director a written request for appeal within 10 days of the decision. The written request for appeal starts the standard certificate of appropriateness review procedure by the landmark commission.

(6) Standard certificate of appropriateness review procedure.

(A) If the director determines that the applicant is seeking a certificate of appropriateness to authorize work that is not routine maintenance work, or if the director's decision concerning a certificate of appropriateness to authorize only routine maintenance work is appealed, the director shall immediately forward the application to the landmark commission for review.
(B) Upon receipt of an application for a certificate of appropriateness, the director shall determine whether the structure is contributing or noncontributing. Within 40 days after a complete application is filed for a noncontributing structure, the landmark commission shall hold a public hearing and shall approve, deny with prejudice, or deny without prejudice the application and forward its decision to the director. Within 65 days after a complete application is filed for a contributing structure, the landmark commission shall hold a public hearing and shall approve, deny with prejudice, or deny without prejudice the certificate of appropriateness and forward its decision to the director. The landmark commission may approve a certificate of appropriateness for work that does not strictly comply with the preservation criteria upon a finding that the proposed work is historically accurate and is consistent with the spirit and intent of the preservation criteria and that the proposed work will not adversely affect the historic character of the property or the integrity of the historic overlay district. The landmark commission may impose conditions on the certificate of appropriateness. The applicant has the burden of proof to establish the necessary facts to warrant favorable action. The director shall immediately notify the applicant of the landmark commission’s action. The landmark commission’s decision must be in writing and, if the decision is to deny the certificate of appropriateness, with or without prejudice, the writing must state the reasons why the certificate of appropriateness is denied.

(C) **Standard for approval.** The landmark commission must grant the application if it determines that:

(i) for contributing structures:

(aa) the proposed work is consistent with the regulations contained in this section and the preservation criteria contained in the historic overlay district ordinance;

(bb) the proposed work will not have an adverse effect on the architectural features of the structure;

(cc) the proposed work will not have an adverse effect on the historic overlay district; and

(dd) the proposed work will not have an adverse effect on the future preservation, maintenance and use of the structure or the historic overlay district.

(ii) for noncontributing structures, the proposed work is compatible with the historic overlay district.

(D) **Issuance.** If a certificate of appropriateness has been approved by the landmark commission or if final action has not been taken by the landmark commission within 40 days (for a noncontributing structure) or 65 days (for a contributing structure) after a complete application is filed:

(i) the director shall issue the certificate of appropriateness to the applicant; and

(ii) if all requirements of the development and building codes are met and a building permit is required for the proposed work, the building official shall issue a building permit to the applicant for the proposed work.

(E) **Appeal.** If a certificate of appropriateness is denied, the chair of the landmark commission shall verbally inform the applicant of the right to appeal to the city plan commission. If the applicant is not present at the hearing, the director shall inform the applicant of the right to appeal in writing within 10 days after the hearing. The applicant may appeal the denial to the city plan commission by filing a written notice with the director within 30 days after the date of the decision of the landmark commission. The director shall forward to the city plan commission a complete record of the matter being appealed, including a transcript of the tape of the hearing before the landmark commission. In considering an appeal, the city plan commission shall review the landmark commission record and hear and consider arguments from the appellant and the representative for the landmark commission. The city plan commission may only hear new testimony or consider new evidence that was not presented at the time of the hearing before the landmark commission to determine whether that testimony or evidence was available at the landmark commission hearing. If the city plan commission determines that new testimony
§ 51A-4.501 Dallas Development Code: Ordinance No. 19455, as amended

or evidence exists that was not available at the landmark commission hearing, the city plan commission shall remand the case back to the landmark commission in accordance with Subsection (o). In reviewing the landmark commission decision the city plan commission shall use the substantial evidence standard in Subsection (o). The city plan commission may reverse or affirm, in whole or in part, modify the decision of the landmark commission, or remand any case back to the landmark commission for further proceedings. Appeal to the city plan commission constitutes the final administrative remedy.

(F) Reapplication. If a final decision is reached denying a certificate of appropriateness, no further applications may be considered for the subject matter of the denied certificate of appropriateness for one year from the date of the final decision unless:

(i) the certificate of appropriateness has been denied without prejudice; or

(ii) the landmark commission waives the time limitation because the landmark commission finds that there are changed circumstances sufficient to warrant a new hearing. A simple majority vote by the landmark commission is required to grant the request for waiver of the time limitation.

(G) Suspension of work. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.

(H) Revocation. The director may, in writing, revoke a certificate of appropriateness if:

(i) the certificate of appropriateness was issued on the basis of incorrect information supplied;

(ii) the certificate of appropriateness was issued in violation of the regulations contained in the historic overlay district ordinance, the development code, or building codes; or

(iii) the work is not performed in accordance with the certificate of appropriateness, the development code, or building codes.

(I) Amendments to a certificate of appropriateness. A certificate of appropriateness may be amended by submitting an application for amendment to the director. The application shall then be subject to the standard certificate of appropriateness review procedure.

(8) Emergency procedure. If a structure on a property subject to the predesignation moratorium or a structure in a historic overlay district is damaged and the building official determines that the structure is a public safety hazard or will suffer additional damage without immediate repair, the building official may allow the property owner to temporarily protect the structure. In such a case, the property owner shall apply for a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition or removal within 10 days of the occurrence which caused the damage. The protection authorized under this subsection must not permanently alter the architectural features of the structure.

(h) Certificate for demolition or removal.

(1) Findings and purpose. Demolition or removal of a historic structure constitutes an irreplaceable loss to the quality and character of the city. Therefore, demolition or removal of historic structures should be allowed only for the reasons described in this subsection.

(2) Application. A property owner seeking demolition or removal of a structure on a property subject to the predesignation moratorium or a structure in a historic overlay district must submit a complete application for a certificate for demolition or removal to the landmark commission. Within 10 days after submission of an application, the director shall notify the applicant in writing of any additional documentation required. The application must be accompanied by the following documentation before it will be considered complete:
§ 51A-4.501 Dallas Development Code: Ordinance No. 19455, as amended

(A) An affidavit in which the owner swears or affirms that all information submitted in the application is true and correct.

(B) An indication that the demolition or removal is sought for one or more of the following reasons:

(i) To replace the structure with a new structure that is more appropriate and compatible with the historic overlay district.

(ii) No economically viable use of the property exists.

(iii) The structure poses an imminent threat to public health or safety.

(iv) The structure is non-contributing to the historic overlay district because it is newer than the period of historic significance.

(C) For an application to replace the structure with a new structure that is more appropriate and compatible with the historic overlay district:

(i) Records depicting the original construction of the structure, including drawings, pictures, or written descriptions.

(ii) Records depicting the current condition of the structure, including drawings, pictures, or written descriptions.

(iii) Any conditions proposed to be placed voluntarily on the new structure that would mitigate the loss of the structure.

(iv) Complete architectural drawings of the new structure.

(v) A guarantee agreement between the owner and the city that demonstrates the owner’s intent and financial ability to construct the new structure. The guarantee agreement must:

   (aa) contain a covenant to construct the proposed structure by a specific date in accordance with architectural drawings approved by the city through the predesignation certificate of appropriateness process or the certificate of appropriateness process;

   (bb) require the owner or construction contractor to post a performance and payment bond, letter of credit, escrow agreement, cash deposit, or other arrangement acceptable to the director to ensure construction of the new structure; and

   (cc) be approved as to form by the city attorney.

(D) For an application of no economically viable use of the property:

(i) The past and current uses of the structure and property.

(ii) The name of the owner.

(iii) If the owner is a legal entity, the type of entity and states in which it is registered.

(iv) The date and price of purchase or other acquisition of the structure and property, and the party from whom acquired, and the owner’s current basis in the property.

(v) The relationship, if any, between the owner and the party from whom the structure and property were acquired. (If one or both parties to the transaction were legal entities, any relationships between the officers and the board of directors of the entities must be specified.)

(vi) The assessed value of the structure and property according to the two most recent tax assessments.

(vii) The amount of real estate taxes on the structure and property for the previous two years.

(viii) The current fair market value of the structure and property as determined by an independent licensed appraiser.

(ix) All appraisals obtained by the owner and prospective purchasers within the previous two years in connection with the potential or actual appraisal value of the structure and property.
§ 51A-4.501 Dallas Development Code: Ordinance No. 19455, as amended

Purchase, financing, or ownership of the structure and property.

(x) All listings of the structure and property for sale or rent within the previous two years, prices asked, and offers received.

(xi) A profit and loss statement for the property and structure containing the annual gross income for the previous two years; itemized expenses (including operating and maintenance costs) for the previous two years, including proof that adequate and competent management procedures were followed; the annual cash flow for the previous two years; and proof that the owner has made reasonable efforts to obtain a reasonable rate of return on the owner’s investment and labor.

(xii) A mortgage history of the property during the previous five years, including the principal balances and interest rates on the mortgages and the annual debt services on the structure and property.

(xiii) All capital expenditures during the current ownership.

(xiv) Records depicting the current conditions of the structure and property, including drawings, pictures, or written descriptions.

(xv) A study of restoration of the structure or property, performed by a licensed architect, engineer or financial analyst, analyzing the physical feasibility (including architectural and engineering analyses) and financial feasibility (including pro forma profit and loss statements for a ten year period, taking into consideration redevelopment options and all incentives available) of adaptive use of restoration of the structure and property.

(xvi) Any consideration given by the owner to profitable adaptive uses for the structure and property.

(xvii) Construction plans for any proposed development or adaptive reuse, including site plans, floor plans, and elevations.

(xviii) Any conditions proposed to be placed voluntarily on new development that would mitigate the loss of the structure.

(xix) Any other evidence that shows that the affirmative obligation to maintain the structure or property makes it impossible to realize a reasonable rate of return.

(E) For an application to demolish or remove a structure that poses an imminent threat to public health or safety:

(i) Records depicting the current condition of the structure, including drawings, pictures, or written descriptions.

(ii) A study regarding the nature, imminence, and severity of the threat, as performed by a licensed architect or engineer.

(iii) A study regarding both the cost of restoration of the structure and the feasibility (including architectural and engineering analyses) of restoration of the structure, as performed by a licensed architect or engineer.

(F) For an application to demolish or remove a structure that is noncontributing to the historic overlay district because the structure is newer than the period of historic significance:

(i) Documentation that the structure is noncontributing to the historic overlay district.

(ii) Documentation of the age of the structure.

(iii) A statement of the purpose of the demolition.

(G) Any other evidence the property owner wishes to submit in support of the application.

(H) Any other evidence requested by the landmark commission or the historic preservation officer.
§ 51A-4.501 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.501

(3) Certificate of demolition or removal review procedure.

(A) Economic review panel. For an application of no economically viable use of the property, the landmark commission shall cause to be established an ad hoc three-person economic review panel. The economic review panel must be comprised of three independent experts knowledgeable in the economics of real estate, renovation, and redevelopment. “Independent” as used in this subparagraph means that the expert has no financial interest in the property, its renovation, or redevelopment; is not an employee of the property owner; is not a city employee; is not a member of the landmark commission; and is not compensated for serving on the economic review panel. The economic review panel must consist of one person selected by the landmark commission, one person selected by the property owner, and one person selected by the first two appointees. If the first two appointees cannot agree on a third appointee within 30 days after submission of the documentation supporting the application, the third appointee will be selected by the director within 5 days. Within 35 days after submission of the documentation supporting the application, all appointments to the economic review panel shall be made. Within 35 days after appointment, the economic review panel shall review the submitted documentation; hold a public hearing; consider all options for renovation, adaptive reuse, and redevelopment; and forward a written recommendation to the landmark commission. The historic preservation officer shall provide administrative support to the economic review panel. The economic review panel’s recommendation must be based on the same standard for approval to be used by the landmark commission. An application of no economically viable use will not be considered complete until the economic review panel has made its recommendation to the landmark commission. If the economic review panel is unable to reach a consensus, the report will indicate the majority and minority recommendations.

(B) Within 65 days after submission of a complete application, the landmark commission shall hold a public hearing and shall approve or deny the application. If the landmark commission does not make a final decision within that time, the building official shall issue a permit to allow the requested demolition or removal. The property owner has the burden of proof to establish by clear and convincing evidence the necessary facts to warrant favorable action by the landmark commission.

(4) Standard for approval. The landmark commission shall deny the application unless it makes the following findings:

(A) The landmark commission must deny an application to replace a structure with a new structure unless it finds that:

(i) the new structure is more appropriate and compatible with the historic overlay district than the structure to be demolished or removed; and

(ii) the owner has the financial ability and intent to build the new structure. The landmark commission must first approve the predesignation certificate of appropriateness or certificate of appropriateness for the proposed new structure and the guarantee agreement to construct the new structure before it may consider the application to demolish or remove.

(B) The landmark commission must deny an application of no economically viable use of the property unless it finds that:

(i) the structure is incapable of earning a reasonable economic return unless the demolition or removal is allowed (a reasonable economic return does not have to be the most profitable return possible);

(ii) the structure cannot be adapted for any other use, whether by the owner or by a purchaser, which would result in a reasonable economic return; and

(iii) the owner has failed during the last two years to find a developer, financier, purchaser, or tenant that would enable the owner to realize a reasonable economic return, despite having made substantial ongoing efforts to do so.

(C) The landmark commission must deny an application to demolish or remove a structure
that poses an imminent threat to public health or safety unless it finds that:

(i) the structure constitutes a documented major and imminent threat to public health and safety;

(ii) the demolition or removal is required to alleviate the threat to public health and safety; and

(iii) there is no reasonable way, other than demolition or removal, to eliminate the threat in a timely manner.

(D) The landmark commission must deny an application to demolish or remove a structure that is noncontributing to the historic overlay district because it is newer than the period of historic significance unless it finds that:

(i) the structure is non-contributing to the historic overlay district;

(ii) the structure is newer than the period of historic significance for the historic overlay district; and

(iii) demolition of the structure will not adversely affect the historic character of the property or the integrity of the historic overlay district.

(5) Appeal. The chair of the landmark commission shall give verbal notice of the right to appeal at the time a decision on the application is made. If the applicant is not present at the hearing, the director shall inform the applicant of the right to appeal in writing within 10 days after the hearing. Any interested person may appeal the decision of the landmark commission to the city plan commission by filing a written notice with the director within 30 days after the date of the decision of the landmark commission. If no appeal is made of a decision to approve the certificate for demolition or removal within the 30-day period, the building official shall issue the permit to allow demolition or removal. If an appeal is filed, the city plan commission shall hear and decide the appeal within 65 days after the date of its filing. The director shall forward to the city plan commission a complete record of the matter being appealed, including a transcript of the tape of the hearing before the landmark commission. In considering an appeal, the city plan commission shall review the landmark commission record and hear and consider arguments from the appellant and the representative for the landmark commission. The city plan commission may only hear new testimony or consider new evidence that was not presented at the time of the hearing before the landmark commission to determine whether that testimony or evidence was available at the landmark commission hearing. If the city plan commission determines that new testimony or evidence exists that was not available at the landmark commission hearing, the city plan commission shall remand the case back to the landmark commission in accordance with Subsection (o). In reviewing the landmark commission decision the city plan commission shall use the substantial evidence standard in Subsection (o). The city plan commission may reverse or affirm, in whole or in part, modify the decision of the landmark commission, or remand any case back to the landmark commission for further proceedings. Appeal to the city plan commission constitutes the final administrative remedy.

(6) Reapplication. If a final decision is reached denying a certificate for demolition or removal, no further applications may be considered for the subject matter of the denied certificate for demolition or removal for one year from the date of the final decision unless:

(A) the certificate for demolition or removal has been denied without prejudice; or

(B) the landmark commission waives the time limitation because the landmark commission finds that there are changed circumstances sufficient to warrant a new hearing. A simple majority vote by the landmark commission is required to grant the request for waiver of the time limitation.

(7) Expiration. A certificate for demolition or removal expires if the work authorized by the certificate for demolition or removal is not commenced within 180 days from the date of the certificate for demolition or removal. The director may extend the time for commencement of work upon written request by the applicant showing circumstances beyond the control of the applicant. If the certificate for demolition
or removal expires, a new certificate for demolition or removal must first be obtained before the work can be commenced.

(i) Certificate for demolition for a residential structure with no more than 3,000 square feet of floor area pursuant to court order.

(1) Findings and purpose. Demolition of a historic structure constitutes an irreplaceable loss to the quality and character of the city. Elimination of substandard structures that have been declared urban nuisances and ordered demolished pursuant to court order is necessary to prevent blight and safeguard the public health, safety, and welfare. Therefore, the procedures in this subsection seek to preserve historic structures while eliminating urban nuisances.

(2) Notice to landmark commission by email. A requirement of this subsection that the landmark commission be provided written notice of a matter is satisfied if an email containing the required information is sent to every member of the landmark commission who has provided an email address to the director.

(3) Referral of demolition request to landmark commission and director. When a city department requests the city attorney’s office to seek an order from a court or other tribunal requiring demolition of a residential structure with no more than 3,000 square feet of floor area on a property subject to a predesignation moratorium or in a historic overlay district, that department shall provide written notice to the landmark commission and director of that request within two business days after the date it makes the request. The notice must include a photograph of the structure, the address of the property, and (if known) the name, address, and telephone number of the property owner. If the city attorney’s office determines that the department did not provide the required notice, the city attorney’s office shall provide that notice within two business days after the date it determines that the department did not provide the notice.

(4) Notice of court proceedings to landmark commission and director. The city attorney’s office shall provide written notice to the landmark commission and director at least 10 days before any hearing before a court or other tribunal where the city attorney’s office seeks an order requiring demolition of a residential structure with no more than 3,000 square feet of floor area subject to a predesignation moratorium or in a historic overlay district. If a court or other tribunal orders demolition of the structure subject to a predesignation moratorium or in a historic overlay district, the city attorney’s office shall provide written notice to the landmark commission and director within five days after the order is signed and provided to the city attorney’s office.

(5) Application. If the city or a property owner seeks demolition of a residential structure with no more than 3,000 square feet of floor area subject to a predesignation moratorium or in a historic overlay district pursuant to an order from a court or other tribunal requiring demolition obtained by the city, a complete application for a certificate for demolition must be submitted to the landmark commission. Within 10 days after submission of an application, the director shall notify the city’s representative or the property owner in writing of any documentation required but not submitted. The application must be accompanied by the following documentation before it will be considered complete:

(A) An affidavit in which the city representative or the property owner affirms that all information submitted in the application is correct.

(B) Records depicting the current condition of the structure, including drawings, pictures, or written descriptions, and including Historic American Buildings Survey or Historic American Engineering Records documentation if required by law or agreement.

(C) A signed order from a court or other tribunal requiring the demolition of the structure in a proceeding brought pursuant to Texas Local Government Code Chapters 54 or 214, as amended.

(D) A copy of a written notice of intent to apply for a certificate for demolition that was submitted to the director and the landmark commission at least 30 days before the application.

(E) Any other evidence the city representative or property owner wishes to submit in support of the application.
§ 51A-4.501 Dallas Development Code: Ordinance No. 19455, as amended

(6) Hearing. Within 40 days after submission of a complete application, the landmark commission shall hold a public hearing to determine whether the structure should be demolished. If the landmark commission does not make a final decision on the application or suspend the granting of the certificate of demolition pursuant to this subsection within that time, the building official shall issue a demolition permit to allow the demolition. The city representative or the property owner has the burden of proof to establish by a preponderance of the evidence the necessary facts to warrant favorable action by the landmark commission.

(7) Standard for approval. The landmark commission shall approve the certificate for demolition if it finds that:

(A) a court or other tribunal has issued a final order requiring the demolition of the structure pursuant to Texas Local Government Code Chapters 54 or 214, as amended; and

(B) suspension of the certificate for demolition is not a feasible option to alleviate the nuisance in a timely manner.

(8) Suspension. The purpose of the suspension periods is to allow an interested party to rehabilitate the structure as an alternative to demolition.

(A) Residential structures with no more than 3,000 square feet of floor area.

(i) Initial suspension period.

(aa) The landmark commission may suspend the granting of the certificate for demolition until the next regularly scheduled landmark commission meeting (the initial suspension period) to allow time to find a party interested in rehabilitating the structure.

(bb) If during the initial suspension period no interested party is identified, the landmark commission shall grant the certificate for demolition.

(cc) If during the initial suspension period an interested party is identified, the landmark commission shall suspend the granting of the certificate for demolition for no more than two more regularly scheduled landmark commission meetings (the extended suspension period).

(ii) Extended suspension period.

(aa) During the extended suspension period, the interested party shall:

[1] submit an application for a predesignation certificate of appropriateness or a certificate of appropriateness;

[2] provide evidence that the interested party has or will obtain title to the property and has authority to rehabilitate the structure, or is authorized to rehabilitate the property by a party who has title to the property or has the right to rehabilitate the property;

[3] provide evidence that the structure and property have been secured to prevent unauthorized entry; and

[4] provide a guarantee agreement that:

[A] contains a covenant to rehabilitate the structure by a specific date, in accordance with the predesignation certificate of appropriateness process or certificate of appropriateness, which the landmark commission may extend if the interested party shows circumstances preventing rehabilitation of the structure by that date that are beyond the control of the interested party;

[B] is supported by a performance and payment bond, letter of credit, escrow agreement, cash deposit, or other similar enforceable arrangement acceptable to the director to ensure rehabilitation of the structure; and

[C] is approved as to form by the city attorney.
§ 51A-4.501  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.501

(bb) If during the extended suspension period the interested party does not meet the requirements of Subparagraph (A)(ii), the landmark commission shall grant the certificate for demolition.

(cc) If during the extended suspension period the interested party meets the requirements of Subparagraph (A)(ii), the landmark commission shall continue to suspend the granting of the certificate for demolition (the continuing suspension period).

(iii) Continuing suspension period.

(aa) The interested party must rehabilitate the structure to comply with Dallas City Code Chapter 27 and request an inspection by the city before the end of the continuing suspension period.

(bb) At each landmark commission meeting during the continuing suspension period, the interested party shall provide a progress report demonstrating that reasonable and continuous progress is being made toward completion of the rehabilitation.

(cc) If during the continuing suspension period the landmark commission finds that the interested party is not making reasonable and continuous progress toward completion of the rehabilitation, the landmark commission shall grant the certificate for demolition, unless the interested party shows circumstances preventing reasonable and continuous progress that are beyond the control of the interested party.

(dd) If during the continuing suspension period the landmark commission finds that the interested party has rehabilitated the structure to comply with Dallas City Code Chapter 27, the landmark commission shall deny the certificate for demolition.

(9) Appeal. The city representative or property owner may appeal a decision of the landmark commission under this subsection to the city plan commission by filing a written notice with the director within 10 days after the date of the decision of the landmark commission. The city plan commission shall hear and decide the appeal at the next available city plan commission meeting. The standard of review shall be de novo, but the director shall forward to the city plan commission a transcript of the landmark commission hearing. In considering the appeal, the city plan commission may not hear or consider new evidence unless the evidence corrects a misstatement or material omission at the landmark commission hearing or the evidence shows that the condition of the property has changed since the landmark commission hearing. The city plan commission chair shall rule on the admissibility of new evidence. The city plan commission shall use the same standard required for the landmark commission. The city plan commission may reverse or affirm, in whole or in part, modify the decision of the landmark commission, or remand any case back to the landmark commission for further proceedings; however, the city plan commission shall give deference to the decision of the landmark commission. Appeal to the city plan commission constitutes the final administrative remedy.

(10) Expiration. A certificate for demolition expires if the work authorized by the certificate for demolition is not commenced within 180 days after the date of the certificate for demolition. The director may extend the time for commencement of work upon written request by the city representative or the property owner showing circumstances justifying the extension. If the certificate for demolition expires, a new certificate for demolition must first be obtained before the work can be commenced.

(11) Procedures for all other structures. If the city or a property owner seeks demolition of any structure other than a residential structure with no more than 3,000 square feet of floor area subject to a predesignation moratorium or in a historic overlay district pursuant to an order from a court or other tribunal requiring demolition obtained by the city, an application must be filed under Subsection (h) of this section.

(j) Summary abatement by fire marshal. If the fire marshal finds that conditions on a structure subject to a predesignation moratorium or in a historic overlay district are hazardous to life or property and present a clear and present danger, the fire marshal may summarily abate those conditions without a predesignation certificate of appropriateness, certificate of appropriateness, or certificate for demolition.
(k) Demolition by neglect.

(1) Definition. Demolition by neglect is neglect in the maintenance of any structure on property subject to the predesignation moratorium or in a historic overlay district that results in deterioration of the structure and threatens the preservation of the structure.

(2) Demolition by neglect prohibited. No person shall allow a structure to deteriorate through demolition by neglect. All structures on properties subject to the predesignation moratorium and in historic overlay districts must be preserved against deterioration and kept free from structural defects. The property owner or the property owner’s agent with control over the structure, in keeping with the city’s minimum housing standards and building codes, must repair the structure if it is found to have any of the following defects:

(A) Parts which are improperly or inadequately attached so that they may fall and injure persons or property.

(B) A deteriorated or inadequate foundation.

(C) Defective or deteriorated floor supports or floor supports that are insufficient to carry the loads imposed.

(D) Walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration, or are insufficient to carry the loads imposed.

(E) Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration, or are insufficient to support the loads imposed.

(F) Fireplaces and chimneys which list, bulge, or settle due to defect or deterioration, or are of insufficient size or strength to carry the loads imposed.

(G) Deteriorated, crumbling, or loose exterior stucco or mortar.

(H) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken or open windows and doors.

(I) Defective or lack of weather protection for exterior wall coverings, including lack of paint or other protective covering.

(J) Any fault, defect, or condition in the structure which renders it structurally unsafe or not properly watertight.

(K) Deterioration of any exterior feature so as to create a hazardous condition which could make demolition necessary for the public safety.

(L) Deterioration or removal of any unique architectural feature which would detract from the original architectural style.

(3) Demolition by neglect procedure.

(A) Purpose. The purpose of the demolition by neglect procedure is to allow the landmark commission to work with the property owner to encourage maintenance and stabilization of the structure and identify resources available before any enforcement action is taken.

(B) Request for investigation. Any interested party may request that the historic preservation officer investigate whether a property is being demolished by neglect.

(C) First meeting with the property owner. Upon receipt of a request, the historic preservation officer shall meet with the property owner or the property owner’s agent with control of the structure to inspect the structure and discuss the resources available for financing any necessary repairs. After the meeting, the historic preservation officer shall prepare a report for the landmark commission on the condition of the structure, the repairs needed to maintain and stabilize the structure, any resources available for financing the repairs, and the amount of time needed to complete the repairs.

(D) Certification and notice. After review of the report, the landmark commission may
vote to certify the property as a demolition by neglect case. If the landmark commission certifies the structure as a demolition by neglect case, the landmark commission shall notify the property owner or the property owner’s agent with control over the structure of the repairs that must be made. The notice must require that repairs be started within 30 days and set a deadline for completion of the repairs. The notice must be sent by certified mail.

(E) Second meeting with the property owner. The historic preservation officer shall meet with the property owner or the property owner’s agent with control over the structure within 30 days after the notice was sent to inspect any repairs completed and assist the property owner in obtaining any resources available for financing the repairs.

(F) Referral for enforcement. If the property owner or the property owner’s agent with control over the structure fails to start repairs by the deadline set in the notice, fails to make continuous progress toward completion, or fails to complete repairs by the deadline set in the notice, the landmark commission may refer the demolition by neglect case to the code compliance department or the city attorney for appropriate enforcement action to prevent demolition by neglect.

(l) Historic preservation incentives. Consult Article XI, “Development Incentives,” for regulations concerning the tax exemptions, conservation easements, and transfer of development rights available to structures in historic overlay districts.

(m) Historic preservation fund.

(1) The department, in cooperation with community organizations, shall develop appropriate funding structures and shall administer the historic preservation fund.

(2) The historic preservation fund is composed of the following funds:

(A) Outside funding (other than city general funds or capital funds), such as grants and donations, made to the city for the purpose of historic preservation and funding partnerships with community organizations.

(B) Damages recovered pursuant to Texas Local Government Code Section 315.006 from persons who illegally demolish or adversely affect historic structures.

(3) The outside funding may be used for financing the following activities:

(A) Necessary repairs in demolition by neglect cases.

(B) Full or partial restoration of low-income residential and nonresidential structures.

(C) Full or partial restoration of publicly owned historic structures.

(D) Acquisition of historic structures, places, or areas through gift or purchase.

(E) Public education of the benefits of historic preservation or the regulations governing historic overlay districts.

(F) Identification and cataloging of structures, places, areas, and districts of historical, cultural, or architectural value along with factual verification of their significance.

(4) Damages recovered pursuant to Texas Local Government Code Section 315.006 must be used only for the following purposes:

(A) Construction, using as many of the original materials as possible, of a structure that is a reasonable facsimile of a demolished historic structure.

(B) Restoration, using as many of the original materials as possible, of the historic structure.

(C) Restoration of another historic structure.

(n) Enforcement and criminal penalties.

(1) A person is criminally responsible for a violation of this section if:

(A) the person owns part or all of the property and knowingly allows the violation to exist;
§ 51A-4.501 Dallas Development Code: Ordinance No. 19455, as amended

(B) the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner’s name, street address, and telephone number to code enforcement officials;

(C) the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property; or

(D) the person knowingly commits the violation or assists in the commission of the violation.

(2) Any person who adversely affects or demolishes a structure on property subject to the predesignation moratorium or in a historic overlay district in violation of this section is liable pursuant to Texas Local Government Code Section 315.006 for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No predesignation certificates of appropriateness, certificates of appropriateness, or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the director shall cause to be filed a verified notice in the county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.

(3) Prosecution in municipal court for an offense under this section does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.

(o) Substantial evidence standard of review for appeals. The city plan commission shall give deference to the landmark commission decision and may not substitute its judgment for the landmark commission’s judgment.

(1) The city plan commission shall remand the matter back to the landmark commission if it determines that there is new testimony or evidence that was not available at the landmark commission hearing.

(2) The city plan commission shall affirm the landmark commission decision unless it finds that it:

(A) violates a statutory or ordinance provision;

(B) exceeds the landmark commission’s authority; or

(C) was not reasonably supported by substantial evidence considering the evidence in the record.

(p) Judicial review of decisions. The final decision of the city planning commission regarding an appeal of a landmark commission decision may be appealed to a state district court. The appeal to the state district court must be filed within 30 days after the decision of the city planning commission. If no appeal is made to the state district court within the 30-day period, then the decision of the city plan commission is final and unappealable. An appeal to the state district court is limited to a hearing under the substantial evidence rule. (Ord. Nos. 19455; 19499; 20585; 21244; 21403; 21513; 21874; 22018; 23506; 23898; 24163; 24542; 24544; 25047; 26286; 27430; 27922; 28073; 28553; 29478, eff. 10/1/14)

Sec. 51A-4.502. Institutional Overlay District.

(a) General provisions.

(1) The institutional overlay district promotes cultural, educational, and medical institutions, and enhances their benefit to the community while protecting adjacent property.

(2) The following main uses may be permitted in an institutional overlay district:

-- Ambulance service.
-- Ambulatory surgical center.
-- Cemetery or mausoleum.
-- Church.
§ 51A-4.502 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-4.502 -- College dormitory, fraternity or sorority house.
-- College, university, or seminary.
-- Community service center.
-- Convalescent and nursing homes, hospice care, and related institutions.
-- Convent or monastery.
-- Day care center.
-- Foster home.
-- Halfway house.
-- Hospital.
-- Library, art gallery, or museum.
-- Medical clinic.
-- Medical or scientific laboratory.
-- Overnight general purpose shelter.
-- Post office.
-- Public or private school.

(3) All uses permitted in the underlying zoning district are allowed in an institutional overlay district.

(4) The zoning regulations of the underlying zoning district are applicable to an institutional overlay district unless otherwise provided in this section.

(b) Special yard, lot, and space regulations.

(1) In an institutional overlay district, additional setbacks, if any, for institutional buildings greater than 36 feet in height may be established by the site plan process.

(2) Buildings in an institutional overlay district must comply with applicable height regulations.

(3) If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. Exception: Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.

(c) Special parking regulations.

(1) Required off-street parking for institutional uses may be located anywhere within the boundaries of the institutional overlay district or outside the district if the parking meets the requirements of Division 51A-4.320.

(2) Reserved.

(3) Reserved.

(d) Procedures for establishing an institutional overlay district.

(1) The applicant for an institutional overlay district shall comply with the zoning amendment procedure for a change in the zoning district classification.

(2) A site plan must be submitted after the institutional district is established and before a building permit or certificate of occupancy is issued.

(e) Site plan process.

(1) The building official shall not issue a building permit for additions to existing structures or for new structures except in accordance with an approved site plan and all applicable regulations.

(2) Preapplication conference. An applicant for site plan approval shall request, by letter, a preapplication conference with the director. The letter must contain a brief, general description of the nature, location, extent of the proposed institutional use and the list of any professional consultants advising the applicant concerning the proposed site plan.

(3) Upon receipt of a request, the director shall schedule a preapplication conference to discuss the proposed site plan. Based on the information provided by the applicant, the director shall:

(A) provide initial comments concerning the merits of the proposed development;

(B) state what information must be provided in the site plan application for a complete review of the proposed development; and
(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 department of sustainable development and construction, public works, sanitation services, water utilities 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, 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 water utilities 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; 30994)

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.
§ 51A-4.503  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.504

(2) In a “D” liquor control overlay district, a person shall not sell or serve alcoholic beverages or setups for alcoholic beverages for consumption on or off the premises.

(3) In a “D-1” liquor control overlay district, a person shall not sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises, unless the sale or service is part of the operation of a use for which a specific use permit has been granted by the city council.

(4) It is a defense to prosecution under Paragraphs (2) and (3) of this section that the alcoholic beverage or setup for alcoholic beverage is served, but not sold, at a private residence for consumption at the residence. For purposes of this subsection, a private residence must be a permitted residential or lodging use listed in the use regulations of this article. If the use is a lodging use, the term “private residence” means the guest room only. (Ord. Nos. 19455; 21735)

SEC. 51A-4.504. DEMOLITION DELAY OVERLAY DISTRICT.

(a) Purpose. A demolition delay overlay district is intended to encourage the preservation of historically significant buildings that are not located in a historic overlay district by helping the property owner identify alternatives to demolition.

(b) General provisions.

(1) The city plan commission or city council may initiate a demolition delay overlay district following the procedure in Section 51A-4.701, “Zoning Amendments.”

(2) This section applies to any building located in a demolition delay overlay district that is at least 50 years old and meets one of the following criteria:

(A) the building is located in a National Register Historic District or is individually listed on the National Register of Historic Places;

(B) the building is designated as a Recorded Texas Historic Landmark;

(C) the building is designated as a State Archeological Landmark;

(D) the building is designated as a National Historic Landmark;

(E) the building is listed as significant in the 2003 Downtown Dallas/Architecturally Significant Properties Survey; or

(F) the building is listed as contributing in the 1994 Hardy-Heck-Moore Survey.

(c) Demolition delay process.

(1) Phase I.

(A) Upon receipt of a complete application to demolish a building that is in a demolition delay overlay district, the building official shall refer the application to the historic preservation officer.

(B) Within 10 days after the historic preservation officer receives an application to demolish a building within a demolition delay overlay district, the historic preservation officer shall determine whether the building meets the requirements in Subsection (b)(2).

(C) If the historic preservation officer determines that a building within a demolition delay overlay district does not meet the criteria in Subsection (b)(2) and the application meets the requirements for issuing a demolition permit in the Dallas Building Code, the building official shall grant the application to demolish a building.

(2) Phase II.

(A) Within 45 days after determining whether a building within a demolition delay overlay district meets the requirements in Subsection (b)(2), the historic preservation officer shall schedule a meeting with the building’s owner and appropriate city officials to discuss alternatives to demolition, such as historic designation under Section 51A-4.501; historic preservation tax exemptions and economic development incentives for historic properties under Article XI; loans or grants from public or private resources; acquisition of the building; and variances.
(B) The historic preservation officer shall post notice of the meeting with the building’s owner on the city’s website.

(C) Within two working days after the historic preservation officer determines the building within the demolition delay overlay district meets the
requirements in Subsection (b)(2), the historic preservation officer shall post a sign on the property to notify the public that an application has been made for a demolition permit within a demolition delay overlay district. The sign must include a phone number where citizens can call for additional information.

(D) The meeting may include organizations that foster historic preservation, urban planning, urban design, development, and improvement in demolition delay overlay districts.

(E) If at the end of the 45-day period the application meets the requirements of the Dallas Building Code and the building owner declines to enter into an agreement as outlined in Paragraph (3), the building official shall grant the application to demolish a building within a demolition delay overlay district.

(3) Phase III. The property owner may enter into an agreement with the city to delay granting a demolition permit for an additional time period to continue exploration of alternatives to demolition. (Ord. 29893)

SEC. 51A-4.505. CONSERVATION DISTRICTS.

(a) Definitions. In this section:

(1) AREA means the land within the boundaries of a proposed CD that may include subdistricts, land within the boundaries proposed to be added to an established CD that may include subdistricts, or land within the boundaries of a proposed subdistrict.

(2) BLOCKFACE means the linear distance of lots along one side of a street between the two nearest intersecting streets. If a street dead ends, the terminus of the dead end will be treated as an intersecting street.

(3) CD means conservation district.

(4) CD ORDINANCE means the ordinance establishing or amending a particular conservation district.

(5) DEMOLITION means the intentional destruction of an entire building.

(6) NEIGHBORHOOD COMMITTEE means the property owners of at least 10 properties within a proposed CD, proposed area to be added to an established CD, or an established CD; or, if less than 10 properties, 50 percent of the property owners within the proposed CD, proposed area to be added to an established CD, or an established CD.

(7) PHYSICAL ATTRIBUTES means the physical features of buildings and structures, including the architectural style; characteristics of a period; and method of construction, and may also include those physical characteristics of an area that help define or make an area unique, including scale; massing; spatial relationship between buildings; lot layouts; setbacks; street layouts; streetscape characteristics or other natural features; or land-use patterns.

(8) STABLE means that the area is expected to remain substantially the same over the next 20 years with continued maintenance of the property. While some changes in structures, land uses, and densities may occur, all such changes are expected to be compatible with surrounding development.

(9) STABILIZING means that the area is expected to become stable over the next 20-year period through continued reinvestment, maintenance, or remodeling.

(b) Findings and purpose.

(1) State law authorizes the city of Dallas to regulate the construction, alteration, reconstruction, or razing of buildings and other structures in “designated places and areas of historic, cultural, or architectural importance and significance.”

(2) Conservation districts are intended to provide a means of conserving an area’s distinctive character by protecting or enhancing its physical attributes.

(3) Conservation districts are distinguished from historic overlay districts, which preserve historic residential or commercial places; neighborhood
stabilization overlay districts, which preserve single family neighborhoods by imposing neighborhood-specific yard, lot, and space regulations that reflect the existing character of the neighborhood; and planned development districts, which provide flexibility in planning and construction while protecting contiguous land uses and significant features.

(4) The purpose of a CD is to:

(A) protect the physical attributes of an area or neighborhood;

(B) promote development or redevelopment that is compatible with an existing area or neighborhood;

(C) promote economic revitalization;

(D) enhance the livability of the city; and

(E) ensure harmonious, orderly, and efficient growth.

(c) General provisions.

(1) Each CD must be established by a separate CD ordinance.

(2) A CD may replace a planned development district or a neighborhood stabilization overlay. A CD may include an historic district overlay. A CD may not be placed on a planned development district or a neighborhood stabilization overlay.

(3) For purposes of determining the applicability of regulations in this chapter triggered by adjacency or proximity to another zoning district, an identifiable portion of a CD governed by a distinct set of use regulations is treated as though it were a separate zoning district. If the CD district or a portion of the district is limited to those uses permitted in an expressly stated zoning district, the CD district or portion of the district is treated as though it were that expressly stated zoning district; otherwise it is treated as though it were:

(A) a TH-3(A) zoning district if it is restricted to single family and/or duplex uses;

(B) an MF-2(A) zoning district if it is restricted to residential uses not exceeding 36 feet in height and allows multifamily uses;

(C) an MF-3(A) zoning district if it is restricted to residential uses and allows multifamily uses exceeding 36 feet in height; or

(D) a nonresidential zoning district if it allows a nonresidential use.

(d) Establishing a conservation district.

(1) Determination of eligibility.

(A) Before a neighborhood committee may request pre-application meetings or apply for a CD, a neighborhood committee must request a determination of eligibility and the director must determine that an area is eligible. A request for determination of eligibility is not an application for a CD.

(B) A neighborhood committee must submit a request for determination of eligibility on a form furnished by the department. The request for a determination of eligibility must include:

(i) The names and addresses of the neighborhood committee members.

(ii) The name and address of the neighborhood committee member designated to receive notice and information from the department.

(iii) A map of the request area.

(iv) A written statement explaining how the neighborhood committee selected the request area. For example, the request area is the original subdivision.

(v) A list of the architectural styles of each main building in the area of request and the year that each main building was constructed.

(vi) A written statement describing the physical attributes of the area, including the architectural styles, period of significance, and method of construction.
(vii) A written statement describing how the area of request meets all of the eligibility criteria in Section 51A-4.505(d)(1)(C).

(viii) Any other information that the director deems necessary.

(C) Within 65 days after a complete request for determination of eligibility is submitted, the director shall make a determination of eligibility. An area is not eligible for a CD unless it satisfies all of the following criteria:

(i) The area contains at least one blockface.

(ii) The area must be either "stable" or "stabilizing" as defined in this section.

(iii) The area is compact and contiguous with boundary lines drawn to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary.

(iv) At least 75 percent of the lots are developed with main buildings that are at least 25 years old.

(v) The area has physical attributes that include recognizable architectural style(s).

(D) If the director determines that the area is eligible for a CD, the director shall notify the designated neighborhood committee member in writing why the proposed area is not eligible. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail. The director's determination that an area is not eligible for a CD classification may be appealed to the city plan commission by the neighborhood committee.

(G) An appeal of a determination that an area is not eligible for a CD is made by filing a written notice of appeal with the director. The notice of appeal must be filed within 30 days after the director provides written notice to the designated neighborhood committee member. The sole issue on appeal is whether the director erred in the determination of eligibility. The city plan commission shall consider the same criteria that the director is required to consider.

(H) The city plan commission's determination of eligibility on appeal is final. If the city plan commission determines that the area is not eligible for a CD, no further requests for determination of eligibility may be considered for the area of request for two years from the date of its decision. A property owner within the area of request may apply for a waiver of the two-year limitation period pursuant to Section 51A-4.701(d)(3).

(2) Pre-application meetings.

(A) After an area is determined eligible for a CD and before a neighborhood committee may apply for a CD, a neighborhood committee must request pre-application meetings. A request for pre-application meetings is not an application for a CD.

(B) Pre-application meetings are held by the department. Pre-application meetings are intended to inform the neighborhood committee and property owners within the eligible area about the determination of eligibility process, purpose of a CD, and the CD ordinance process. Pre-application meetings are also held to discuss and establish a list of development and architectural standards the neighborhood is interested in regulating.
§ 51A-4.505 Dallas Development Code: Ordinance No. 19455, as amended

(C) Within 65 days after the director has determined that an area is eligible for a CD, the neighborhood committee must submit a request for pre-application meetings on a form furnished by the department or the determination of eligibility for that area expires. If the determination of eligibility expires, a neighborhood committee must submit a new request for determination of eligibility and the director must determine that the area is eligible before a request for pre-application meetings may be submitted.

(D) Within 60 days after a complete request for pre-application meetings is submitted, the director shall schedule the first of at least two pre-application meetings. Notice of each pre-application meeting shall be given at least 10 days before the pre-application meeting to all property owners within the area eligible for a CD as evidenced by the last certified municipal tax roll.

(E) Within 14 days after the last pre-application meeting, the department shall provide the designated neighborhood committee member with the original petition forms.

(F) The original petition forms must include a map showing the boundaries of the area determined eligible for a CD; a list of the development and architectural standards a CD may regulate; the development and architectural standards established at the pre-application meetings that neighborhood is interested in regulating; the name and address of all property owners within the proposed CD; the deadline for the required signatures; and a statement that by signing the petition, the property owner is indicating support for initiating a process that may result in a change of zoning.

(G) Once the original petition forms are provided to the designated neighborhood committee member, additions to the development and architectural standards established by the neighborhood and listed on the original petition forms may only be recommended by city plan commission and approved by the city council.

(3) Application for a CD.

(A) After an area is determined eligible for a CD and the pre-application meetings have been held by the department, a neighborhood committee may submit an application for a CD.

(B) The application must be on a form provided by the department and must include:

(i) The original petition forms submitted with the dated signatures of property owners within the area determined eligible for a CD in support of the proposed CD that represent at least 58 percent of the land, excluding streets and alleys, within the proposed CD or 58 percent of the lots within the proposed CD.

(aa) For a proposed CD with 200 or fewer lots, the signatures on the original petition forms must be dated within 12 months following the date the original petition forms are provided to the designated neighborhood committee member.

(bb) For a proposed CD with 201 to 500 lots, the signatures on the original petition forms must be dated within 15 months following the date the original petition forms are provided to the designated neighborhood committee member.

(cc) For a proposed CD with more than 500 lots, the signatures on the original petition forms must be dated within 18 months following the date the original petition forms are provided to the designated neighborhood committee member.

(ii) The application fee, if applicable.

(aa) If the original petition forms are signed by 75 percent or more of the lots within the proposed CD boundaries, the application fee is waived.

(bb) If the proposed CD is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.
(iii) Any other information that the director deems necessary.

(C) Within 30 days after an application for a CD is submitted, the director shall verify the original petition forms and determine if the application is complete. The time the director takes to review an application for completeness is not counted toward the date requirements in Section 51A-4.505(d)(3)(B)(i) for signatures in support of the proposed CD.

(D) If the application is deemed complete or the CD is authorized pursuant to Section 51A-4.701(a)(1), a public hearing to create a CD is initiated.

(E) If the director deems the application incomplete, the director shall notify the designated neighborhood committee member in writing of the application deficiencies and return the incomplete application. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail.

(F) For purposes of Section 51A-4.701, “Zoning Amendments,” once a CD application has been deemed complete, the CD shall be treated as a city plan commission authorized public hearing and may not be appealed to city council if the city plan commission recommends denial. If the proposed CD is initiated by application, the notice of authorization in Section 51A-4.701(a)(1) is not required.

4 Preparing a CD ordinance

(A) Within 30 days after a CD application is deemed complete, the director shall begin scheduling neighborhood meetings. Neighborhood meetings shall be held as necessary to receive input from property owners regarding the content of the CD ordinance.

(B) The city shall prepare a CD ordinance that includes:

(i) a map showing the boundaries of the area, including any subdistricts, that the director determined eligible for a CD;

(ii) maps and other graphic and written materials describing the physical attributes of the proposed CD; and

(iii) regulations for development and architectural standards.

(C) The CD ordinance must include the following:

(i) Development standards.

(aa) accessory structures.

(bb) building and structure height;

(cc) density;

(dd) fences and walls;

(ee) floor area ratio;

(ff) lot coverage;

(gg) lot size;

(hh) off-street parking and loading requirements;

(ii) permitted uses;

(jj) setbacks; and

(kk) stories.

(ii) Architectural standards.

(aa) architectural styles;

(bb) building elevations;

(cc) building materials;

(dd) chimneys;

(ee) porch styles;

(ff) roof form or pitch;
(gg) roofing materials; and
(hh) windows.

(D) The CD ordinance may also include, but is not limited to, the following development and architectural standards:
   (i) building relocation;
   (ii) building width;
   (iii) demolition;
   (iv) driveways, curbs, and sidewalks;
   (v) foundations;
   (vi) garage location and entrance;
   (vii) impervious surfaces;
   (viii) landscaping or other natural features;
   (ix) massing;
   (x) paint colors;
   (xi) solar energy systems and the components;
   (xii) steps; or
   (xiii) window and dormer size and location.

(E) At least 30 days before the city plan commission public hearing to consider the proposed CD ordinance, the director shall conduct a neighborhood meeting to review the proposed CD ordinance.

(F) Notice of the neighborhood meeting shall be given at least 10 days before the neighborhood meeting to all property owners within the boundaries of the proposed CD as evidenced by the last certified municipal tax roll. The notice must include a web address where an electronic copy of the draft CD ordinance may be found.

(G) After the neighborhood meeting and at least 10 days before consideration by the city plan commission, the director shall send written notice of the city plan commission public hearing and a reply form to all property owners within the area of notification as evidenced by the last certified municipal tax roll. The reply form allows the recipient to indicate support or opposition to the proposed CD and give written comments. The director shall report to the city plan commission the percentage of replies in favor and in opposition, and summarize any comments.

(H) If city plan commission recommends approval of the proposed CD, at least 10 days before consideration by the city council, the director shall send written notice of the city council public hearing and a reply form to all property owners within the area of notification as evidenced by the last certified municipal tax roll. The reply form allows the recipient to indicate support or opposition to the proposed CD and give written comments. The director shall report to the city council the percentage of replies in favor and in opposition, and summarize any comments.

(e) Expanding an established CD.

(1) In general. Before a neighborhood committee or, if the area proposed to be added is one lot, an applicant may request petitions or apply to expand an established CD, a neighborhood committee or applicant must request a determination of eligibility for the proposed area to be added and the director must determine that the area is eligible. A request for determination of eligibility is not an application to amend an established CD.

(2) Determination of eligibility.

(A) A neighborhood committee or, if the area proposed to be added is one lot, an applicant must submit a request for determination of eligibility on a form furnished by the department. The request for determination of eligibility must include:

   (i) The names and addresses of the neighborhood committee members or applicant.
§ 51A-4.505 Dallas Development Code: Ordinance No. 19455, as amended

(ii) If applicable, the name and address of the neighborhood committee member designated to receive notice and information from the director.

(iii) A map of the request area to be added that is compact and contiguous with the established CD.

(iv) A written statement explaining how the neighborhood committee or the applicant selected the request area. For example, the proposed area is part of the original subdivision but was not included when the CD was established.

(v) A list of the architectural styles of each main building in the area of request and the year that each main building was constructed.

(vi) A written statement describing the physical attributes of the area, including the architectural styles, period of significance, and method of construction and how these physical attributes, including the architectural styles, are similar to and compatible with the established CD.

(vii) A written statement describing how the proposed area meets all of the eligibility requirements in Section 51A-4.505(d)(1)(C) except that the area proposed is not required to be at least one blockface.

(viii) Any other information that the director deems necessary.

(B) Within 65 days after a complete request for determination of eligibility is submitted, the director shall make a determination of eligibility. An area is not eligible to be added to an established CD unless:

(i) the area satisfies all of the criteria in Section 51A-4.505(d)(1)(C), except that the area to be added is not required to be at least one blockface, and

(ii) the area to be added is similar to and compatible with the physical attributes of the established CD.

(C) If the director determines that the proposed area is eligible to be added to an established CD, the director shall notify the designated neighborhood committee member or applicant in writing. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail. The director's determination that an area is eligible for a CD may not be appealed.

(D) After the director determines an area is eligible to be added to an established CD, the boundaries may only be changed by city council at a public hearing to consider expanding an established CD or by a request for a new determination of eligibility after the original determination of eligibility expires. A request for a new determination of eligibility with different boundaries must be made before a neighborhood committee or applicant may request petitions or apply to expand an established CD.

(E) If the director determines that the area is not eligible to be added to an established CD, the director shall notify the designated neighborhood committee member or applicant in writing why the area is not eligible. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail.

(F) The director's determination that an area is not eligible to be added to a CD may be appealed to the city plan commission by the neighborhood committee or applicant.

(G) An appeal of a determination that an area is not eligible for a CD is made by filing a written notice of appeal with the director. The notice of appeal must be filed within 30 days after the director provides written notice to the designated neighborhood committee member or applicant. The sole issue on appeal is whether the director erred in the determination of eligibility. The city plan commission shall consider the same criteria that the director is required to consider.

(H) The city plan commission's determination of eligibility on appeal is final. If the city plan commission determines that the area is not eligible for a CD, no further requests for determination
of eligibility may be considered for the area of request for two years from the date of its decision. A property owner within the area of request may apply for a waiver of the two-year limitation period pursuant to Section 51A-4.701(d)(3).

3) Request for petitions.

(A) After an area is determined eligible to be added into an established CD and before a neighborhood committee or applicant may apply to expand an established CD, a neighborhood committee or applicant must request petitions. A request for petitions is not an application to amend an established CD.

(B) A neighborhood committee or applicant must submit a request for petitions within 65 days after the director determines that the area is eligible to be added to an established CD or the determination of eligibility for that proposed area to be added expires. If the determination of eligibility expires, a neighborhood committee or applicant must submit a new request for determination of eligibility and the director must determine that the area is eligible before a request for petitions may be submitted.

(C) The request for petitions must be on a form furnished by the department and must include the names and addresses of the neighborhood committee members or the applicant and a list of the development and architectural standards listed in Sections 51A-4.505(d)(4)(C) and (D) that a neighborhood committee or applicant is interested in regulating.

(D) Within 14 days after a complete request for petitions is submitted, the director shall provide the designated neighborhood committee member or applicant with the original petition forms.

(E) The original petition forms must include a map showing the boundaries of the established CD and the area eligible to be added to the established CD; a list of the development and architectural standards a CD may regulate; the development and architectural standards the neighborhood or applicant is interested in regulating; the name and address of all property owners within the proposed area to be added to an established CD; the deadline for the required signatures; and a statement that by signing the petition, the property owner is indicating support for initiating a process that may result in a change of zoning.

(F) Once the original petition forms are provided to the designated neighborhood committee member or applicant, additions to the development and architectural standards established by the neighborhood and listed on the original petition forms may only be recommended by city plan commission and approved by the city council.

(G) Within 60 days after the department provides the designated neighborhood committee member or applicant with the original petition forms, the department shall schedule a neighborhood meeting. Notice of the neighborhood meeting shall be given at least 10 days before the neighborhood meeting to all property owners within the proposed area to be added and the established CD as evidenced by the last certified municipal tax roll.

(H) The neighborhood meeting is held by the department. The purpose of the neighborhood meeting is to inform the property owners within the established CD, and the proposed area to be added, that petitions have been requested to expand the established CD.

4) Application to expand an established CD.

(A) After an area is determined eligible to be added to an established CD and the neighborhood committee or applicant has requested and received the original petition forms, the neighborhood committee or applicant may submit an application to expand an established CD.

(B) The application must be on a form provided by the department and must include:

(i) The original petition forms with dated signatures of property owners within the proposed area to be added into the established CD that are in support of being added to the established CD.
(ii) The signatures on the original petition forms must be dated within 60 days after the date the director provides the original petition forms to the neighborhood committee or applicant and must represent at least 58 percent of the land, excluding streets and alleys, within the proposed area to be added to the CD; or 58 percent of the lots within the area proposed to be added to the CD.

(iii) The application fee, if applicable. If the proposed expansion of the established CD is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

(iv) Any other information that the director deems necessary.

(C) Within 30 days after an application to expand an established CD is submitted, the director shall verify the original petition forms and determine if the application is complete. The 30 day application review period is not counted toward the signature date requirement in Section 51A-4.505(e)(4)(B)(ii).

(D) If the director deems the application complete or the request to expand the established CD is authorized pursuant to Section 51A-4.701(a)(1), a public hearing to expand an established CD is initiated.

(E) If the director deems the application incomplete, the director shall notify the designated neighborhood committee member in writing of the deficiencies and return the incomplete application. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail.

(5) Preparing an ordinance to expand an established CD.

(A) The city shall prepare amendments to the established CD in accordance with Sections 51A-4.505(d)(4)(B) through (D) to establish development and architectural standards for the area to be added.

(B) At least 10 days before consideration by the city plan commission, the director shall send written notice of the city plan commission public hearing and a reply form to all property owners within the area of notification as evidenced by recent tax rolls. The reply form allows the recipient to indicate support or opposition to the proposed expansion of the established CD and give written comments. The director shall report to the city plan commission the percentage of replies in favor and in opposition, and summarize any comments.

(C) At least 10 days before consideration by the city council, the director shall send written notice of the city council public hearing and a reply form to all property owners within the area of notification as evidenced by recent tax rolls. The reply form allows the recipient to indicate support or opposition to the proposed expansion of the established CD and give written comments. The director shall report to the city council the percentage of replies in favor and in opposition, and summarize any comments.

(f) Amending regulations in an established CD.

(1) Pre-application meetings.

(A) To amend regulations that affect an entire established CD, a neighborhood committee must first request pre-application meetings. A request for pre-application meetings is not an application for a CD.

(B) Pre-application meetings are held by the department. Pre-application meetings are intended to inform the property owners within the established CD that a neighborhood committee is interested in amending regulations in the established CD and to discuss and establish a list of development and architectural standards the neighborhood is interested in amending or adding to the established CD.

(C) Within 60 days after a complete request for pre-application meetings is submitted, the director shall schedule the first of at least two pre-application meetings. Notice of each pre-application meeting shall be given at least 10 days before the pre-application meeting to all property owners within the established CD as evidenced by the last certified municipal tax roll.
(D) Within 14 days after the last pre-application meeting, the department shall provide the designated neighborhood committee member with the original petition forms.

(E) The original petition forms must include a map showing the boundaries of the established CD; a list of the development and architectural standards a CD may regulate; the development and architectural standards established at the pre-application meetings that the neighborhood is interested in amending or adding; the name and address of all property owners within the established CD; the deadline for the required signatures; and a statement that by signing the petition, the property owner is indicating support for initiating a process that may result in a change of zoning.

(F) Once the original petition forms are provided to the designated neighborhood committee member, additions to the development and architectural standards established by the neighborhood and listed on the original petition forms may only be recommended by the city plan commission and approved by the city council.

(2) Application to amend an established CD.

(A) After the pre-application meetings have been held by the department, a neighborhood committee may submit an application to amend an established CD that affects the entire CD.

(B) The application must be on a form provided by the department and must include:

(i) The original petition forms submitted with the dated signatures of property owners within the established CD in support of amending the established CD that represent at least 58 percent of the land, excluding streets and alleys, within the established CD or 58 percent of the lots within the established CD.

(aa) For an established CD with 200 or fewer lots, the signatures on the original petition forms must be dated within 12 months following the date the original petition forms are provided to the designated neighborhood committee member.

(bb) For an established CD with 201 to 500 lots, the signatures on the original petition forms must be dated within 15 months following the date the original petition forms are provided to the designated neighborhood committee member.

(cc) For an established CD with more than 500 lots, the signatures on the original petition forms must be dated within 18 months following the date the original petition forms are provided to the designated neighborhood committee member.

(ii) The application fee, if applicable.

(aa) If the original petition forms are signed by 75 percent or more of the lots within the established CD boundaries, the application fee is waived.

(bb) If the established CD is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

(iii) Any other information that the director deems necessary.

(C) Within 30 days after an application to amend an established CD is submitted, the director shall verify the original petition forms and determine if the application is complete. The time the director takes to review an application for completeness is not counted toward the date requirements in Section 51A-4.505(d)(3)(B)(i) for signatures in support of the proposed CD.

(D) If the application is deemed complete or an amendment to the established CD is authorized pursuant to Section 51A-4.701(a)(1), a public hearing to create a CD is initiated.

(E) If the director deems the application incomplete, the director shall notify the designated neighborhood committee member in writing of the application deficiencies and return the incomplete application. Notice is given by depositing the notice properly addressed and postage paid, return receipt requested, in the United States mail.
§ 51A-4.505 Dallas Development Code: Ordinance No. 19455, as amended

(F) For purposes of Section 51A-4.701, “Zoning Amendments,” once an application to amend regulations in an established CD has been deemed complete, the application shall be treated as a city plan commission authorized public hearing and may not be appealed to city council if the city plan commission recommends denial. If the application to amend regulations in an established CD is initiated by application, the notice of authorization in Section 51A-4.701(a)(1) is not required.

(3) Preparing an ordinance to amend an established CD.

(A) Within 30 days after an application to amend an established CD is deemed complete, the director shall begin scheduling neighborhood meetings. Neighborhood meetings shall be held as necessary to receive input from property owners regarding the amendments to the established CD. Notice of neighborhood meetings shall be given at least 10 days before the neighborhood meeting to all property owners within the boundaries of the established CD as evidenced by the last certified municipal tax roll.

(B) The city shall prepare an ordinance amending an established CD in accordance with Sections 51A-4.505(d)(4)(B) through (D).

(C) At least 30 days before the city plan commission public hearing to consider proposed amendments to an established CD, the director shall conduct a neighborhood meeting to review the proposed ordinance amending the established CD.

(D) Notice of the neighborhood meeting shall be given at least 10 days before the neighborhood meeting to all property owners within the boundaries of the established CD as evidenced by the last certified municipal tax roll. The notice must include a web address where an electronic copy of the draft proposed ordinance amending the established CD may be found.

(E) After the neighborhood meeting and at least 10 days before consideration by the city plan commission, the director shall send written notice of the city plan commission public hearing and a reply form to all property owners within the area of notification as evidenced by the last certified municipal tax roll. The reply form allows the recipient to indicate support or opposition to the proposed CD and give written comments. The director shall report to the city plan commission the percentage of replies in favor and in opposition, and summarize any comments.

(F) If city plan commission recommends approval of the proposed CD, at least 10 days before consideration by the city council, the director shall send written notice of the city council public hearing and a reply form to all property owners within the area of notification. The reply form allows the recipient to indicate support or opposition to the proposed CD and give written comments. The director shall report to the city council the percentage of replies in favor and in opposition, and summarize any comments.

(g) Creating or amending a subdistrict within an established CD.

(1) An application to create or amend a subdistrict within an established CD must comply with Section 51A-4.701(a)(2).

(2) At least 30 days before a city plan commission public hearing to consider creating or amending a subdistrict within an established CD, the director shall hold a neighborhood meeting.

(3) Notice of the neighborhood meeting shall be given at least 10 days before the neighborhood meeting to all property owners within the established CD as evidenced by the last certified municipal tax roll.

(4) The purpose of the neighborhood meeting is to inform the property owners within the established CD of the application to create or amend a subdistrict within an established CD.

(5) The city shall prepare an ordinance creating or amending a subdistrict within an established CD in accordance with Sections 51A-4.505(d)(4)(B) through (D).

(6) The city council shall not grant a request to create or amend a subdistrict within an established CD except upon a finding that the creating or amending a subdistrict within the established CD will not:
§ 51A-4.505 Dallas Development Code: Ordinance No. 19455, as amended

(A) alter the essential character of the established CD, or

(B) be detrimental to the overall purpose of the established CD.

(h) Removing property from an established CD.

(1) An application to remove property from an established CD must comply with Section 51A-4.701(a)(2).

(2) At least 30 days before a city plan commission public hearing to consider removing property from an established CD, the director shall hold a neighborhood meeting.

(3) Notice of the neighborhood meeting shall be given at least 10 days before the neighborhood meeting to all property owners within the established CD as evidenced by the last certified municipal tax roll.

(4) The purpose of the neighborhood meeting is to inform the property owners within the established CD of the application to remove a property from an established CD.

(5) The city council shall not grant a request to remove property from an established CD except upon a finding that removing property from the established CD will not:

(A) alter the essential character of the established CD, or

(B) be detrimental to the overall purpose of the established CD.

(i) Work review procedures.

(1) Review form applications. A review form application must be submitted for any work covered by the standards in a CD ordinance.

(2) Work requiring a building permit.

(A) Upon receipt of a review form application for work requiring a building permit, the building official shall refer the review form application to the director to determine whether the work complies with the standards of the applicable CD ordinance. Within 30 days after submission of a complete review form application, the director shall review and determine whether the work complies with the standards of the applicable CD ordinance.

(B) If the director determines that the work complies with the standards of the applicable CD ordinance, the director shall approve the review form application and send it back to the building official, who shall issue the building permit if all requirements of the construction codes and other applicable ordinances have been met.

(C) If the director determines that the work does not comply with the standards of the applicable CD ordinance, the director shall state in writing the specific CD ordinance requirements that must be met before a building permit may be issued and send it back to the building official, who shall deny the building permit. The director shall give written notice to the applicant stating the reasons the building permit is denied.

(3) Work not requiring a building permit.

(A) Upon receipt of a review form application for work not requiring a building permit, the director shall review and determine whether the work complies with the standards of the applicable CD ordinance within 10 days after submission of a complete review form application.

(B) If the director determines that the work complies with the standards of the applicable CD ordinance, the director shall approve the review form application and give written notice to the applicant.

(C) If the director determines that the work does not comply with the standards of the applicable CD ordinance, the director shall state in writing the specific CD ordinance requirements to be met before the work review application may be approved. The director shall give written notice to the applicant stating the reasons for denial.

(j) Appeals.

(1) An applicant may appeal any decision regarding a review form application made by the
§ 51A-4.505 Dallas Development Code: Ordinance No. 19455, as amended

director or any aggrieved person may appeal a final decision of an administrative official, to the board of adjustment by filing a written appeal within 15 days after notice of the decision is given by the director or the official in accordance with Section 51A-4.703(a).

(2) The regulations and procedures in Section 51A-4.703 apply to an appeal to the board of adjustment under this section, including staying proceedings, notice of hearing, and board action.

(3) In considering the appeal, the sole issue before the board of adjustment shall be whether the director or the administrative official erred in the decision. The board shall consider the same standards required to be considered by the director or the administrative official.

(4) Appeals to the board of adjustment are the final administrative remedy.

(k) Conflicts. If there is a conflict between the text of this section and the text of a CD ordinance, the text of the CD ordinance controls.

(l) Board of adjustment fee waiver. The board of adjustment may waive any filing fee for an appeal from a decision of the building official interpreting a CD ordinance, or for a variance or special exception to a CD ordinance requirement when 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 as part of his appeal or request that the matter be placed on the board’s miscellaneous docket for predetermination. If the matter is placed on the miscellaneous docket, the applicant may not file his appeal until the merits of the request for waiver have been determined by the board. (Ord. Nos. 19455; 19930; 20037; 20308; 24843; 29702)
Dallas Development Code: Ordinance No. 19455, as amended

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SEC. 51A-4.506. MODIFIED DELTA OVERLAY DISTRICT.

(a) Definitions. In this section:

DELTA THEORY means “delta theory” as defined in Section 51A-4.704 of this chapter.

(b) General provisions.

(1) The city council may establish a modified delta overlay district in those areas where it determines that a continued application of the delta theory is not justified because:

(A) there is no longer a need to encourage redevelopment and adaptive reuse of existing structures; or

(B) a continued application of the delta theory will create traffic congestion and public safety problems and would not be in the public interest.

(2) In a modified delta overlay district, the city council may limit the number or percentage of nonconforming parking or loading spaces that may be carried forward by a use under the delta theory. An ordinance establishing a modified delta overlay district in which nonconforming parking or loading spaces are limited by number rather than by percentage must specify the method by which the nonconforming spaces are to be allocated among property owners.

(3) An ordinance establishing a modified delta overlay district may not increase the number of nonconforming parking or loading spaces that may be carried forward under the delta theory when a use is converted or expanded.

(4) An ordinance establishing a modified delta overlay district must provide that when a use located in the district is converted to a new use having lesser parking or loading requirements, the rights to any portion of the nonconforming parking or loading not needed to meet the new requirements are lost.

(5) An ordinance establishing a modified delta overlay district may restrict or eliminate the availability of the off-street parking special exception described in Section 51A-4.301(I).

(6) An ordinance establishing a modified delta overlay district may allow the remote parking distances contained in the special parking regulations (Division 51A-4.320) to be increased and allow special parking to account for more than 50 percent of the off-street parking required for any use. (Ord. Nos. 19786; 22471)

SEC. 51A-4.507. NEIGHBORHOOD STABILIZATION OVERLAY.

(a) Findings and purpose.

(1) The city council finds that the construction of new single family structures that are incompatible with existing single family structures within certain established neighborhoods is detrimental to the character, stability, and livability of that neighborhood and the city as a whole.

(2) The neighborhood stabilization overlay is intended to preserve single family neighborhoods by imposing neighborhood-specific yard, lot, and space regulations that reflect the existing character of the neighborhood. The neighborhood stabilization overlay does not prevent construction of new single family structures or the renovation, remodeling, repair or expansion of existing single family structures, but, rather, ensures that new single family structures are compatible with existing single family structures.

(3) The yard, lot, and space regulations of the neighborhood stabilization overlay are limited to facilitate creation and enforcement of the regulations.

(4) Neighborhood stabilization overlay districts are distinguished from historic overlay districts, which preserve historic residential or commercial places; and from conservation districts, which conserve a residential or commercial area’s distinctive atmosphere or character by protecting or enhancing its significant architectural or cultural attributes.

(b) Definitions. In this section:

(1) BLOCKFACE means the linear distance of lots along one side of a street between the two
§ 51A-4.507 Dallas Development Code: Ordinance No. 19455, as amended

nearest intersecting streets. If a street dead-ends, the terminus of the dead-end will be treated as an intersecting street.

(2) CORNER SIDE YARD is a side yard abutting a street.

(3) DISTRICT means a neighborhood stabilization overlay district.

(4) HEIGHT PLANE means a plane projecting upward and toward the subject lot from a point six feet above grade at the center line of the street adjacent to the front property line, and extending to the intersection of a vertical plane from the front building line with the maximum height established by the neighborhood stabilization overlay and continuing at the same angle to the maximum height of the underlying zoning. The height plane is illustrated below.

(5) INTERIOR SIDE YARD is a side yard not abutting a street.

(6) MEDIAN means the middle number in a set of numbers where one-half of the numbers are less than the median number and one-half of the numbers are greater than the median number. For example, 4 is the median number of 1, 3, 4, 8, and 9. If the set of numbers has an even number of numbers, then the median is the average of the two middle numbers. For example, if the set of numbers is 1, 3, 4, 6, 8, and 9, then the median is the average of 4 and 6, or 5.

(7) NEIGHBORHOOD COMMITTEE means the owners of at least 10 properties within a proposed district.

(8) SINGLE FAMILY STRUCTURE means a main structure designed for a single family use, without regard to whether the structure is actually used for a single family use. For example, a house containing a child care facility is a single family structure, but an institutional building, such as a church or school, converted to a single family use is not.

(c) Petition, initiation, and process.

(1) Except as provided in this subsection, the procedures for zoning amendments contained in Section 51A-4.701, “Zoning Amendments,” apply.

(2) A neighborhood stabilization overlay may only be placed on an area that is zoned as a single family residential district and developed primarily with single family structures. A neighborhood stabilization overlay may not be placed on a conservation district or a neighborhood with a historic overlay. A neighborhood stabilization overlay may be placed on an established neighborhood even though it contains vacant lots. A neighborhood stabilization overlay may not be placed on a new subdivision being developed on a tract of land.
§ 51A-4.507  Dallas Development Code: Ordinance No. 19455, as amended

(3) A district must contain at least 50 single family structures in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than 50 single family structures. Boundary lines should be drawn to include blockfaces on both sides of a street, and to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary. Boundary lines that split blockfaces in two should be avoided. The minimum area of a subdistrict within a district is one blockface.

(4) The neighborhood committee may request a petition form by submitting a request to the department on a form furnished by the department. The request must include the boundaries of the proposed district. The boundaries of the proposed district must comply with the requirements of this section.

(5) As soon as possible after the department provides the neighborhood committee with a petition form, the department shall conduct a neighborhood meeting. The department shall give notice of the neighborhood meeting to all property owners within the proposed district as evidenced by the last approved city tax roll at least 10 days prior to the neighborhood meeting.

(6) The petition must be on a form furnished by the department. The petition form must include a map of the boundaries of the proposed district, a list of the proposed regulations, the name and address of all property owners within the proposed district, and a statement that by signing the petition the signers are indicating their support of the district.

(7) The petition must be submitted with the following:

   (A) The dated signatures of property owners within the proposed district in support of the proposed district.

   (i) For a proposed district with more than 50 single family structures, the signatures on the petition must be dated within six months following the date of the neighborhood meeting.

   (B) The application fee, if applicable.

   (i) If a petition is signed by more than 50 percent but less than 75 percent of the lots within the proposed district, the application fee must be paid.

   (ii) If a petition is signed by 75 percent or more of the lots within the proposed district, the application fee is waived.

   (iii) If the proposed district is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

   (C) A map showing the boundaries of the proposed district.

   (D) A list of any neighborhood associations that represent the interests of property owners within the proposed district.

   (E) A list of the names and addresses of the neighborhood committee members.

   (F) Any other information the director determines is necessary.

(8) A public hearing to create a district is initiated by submission of a complete petition or by authorization pursuant to Section 51A-4.701(a)(1).

(9) For purposes of Section 51A-4.701, “Zoning Amendments,” once a complete petition has been submitted to the director, the neighborhood stabilization overlay shall be treated as a city plan commission authorized public hearing. If the district is initiated by petition, the notice of authorization contained in Section 51A-4.701(a)(1) is not required.

(10) Along with any other required notice, at least 10 days prior to consideration by the city plan commission, the director shall mail a draft of the
proposed neighborhood stabilization overlay ordinance and a reply form to all owners of real property within the area of notification. The reply form must allow the recipient to indicate support or opposition to the proposed neighborhood stabilization overlay and give written comments. The director shall report to the city plan commission and the city council the percentage of replies in favor and in opposition, and summarize any comments.

(e) Neighborhood stabilization overlay.

(1) In general.

(A) A neighborhood stabilization overlay is not required to specify standards for each category of yard, lot, and space regulation in this subsection, but if it does, the regulations must be selected from the options described in this subsection.

(B) The yard, lot, and space regulations of the neighborhood stabilization overlay must reflect the existing conditions within the neighborhood.

(C) Except as provided in the neighborhood stabilization overlay, the yard, lot, and space regulations of the underlying zoning remain in effect.

(D) The provisions of Section 51A-4.704(c), regarding renovation, remodeling, repair, rebuilding, or enlargement of nonconforming structures, remain in effect.

(E) The yard, lot, and space regulations of the neighborhood stabilization overlay apply only to single family structures.

(F) The yard, lot, and space regulations of the neighborhood stabilization overlay must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between the neighborhood stabilization overlay and Division 51A-4.400, the neighborhood stabilization overlay controls.

(2) Front yard setback. The minimum front yard setback must be within the range between the setback of the underlying zoning and the median front yard setback of single family structures within the district. This range may allow for a front yard setback that is greater or lesser than the front yard setback of the underlying zoning. For example, if the minimum front yard setback of the underlying zoning is 25 feet and the median front yard setback of single family structures within the district is 40 feet, the minimum front yard setback selected must be between 25 feet and 40 feet.

(3) Corner side yard setback. The minimum corner side yard setback must be within the range between the setback of the underlying zoning and the median corner side yard setback of single family structures within the district. This range may allow for a corner side yard setback that is greater or lesser than the corner side yard setback of the underlying zoning. For example, if the minimum corner side yard setback of the underlying zoning is five feet and the median corner side yard setback of single family structures within the district is 20 feet, the minimum corner side yard setback selected must be between five feet and 20 feet.

(4) Interior side yard setback. The minimum interior side yard setback must be within the range between the setback of the underlying zoning and the median interior side yard setback of single family structures within the district. This range may allow for an interior side yard setback that is greater or lesser than the interior side yard setback of the underlying zoning. For example, if the minimum interior side yard setback of the underlying zoning is five feet and the median interior side yard setback of single family structures within the district is 20 feet, the minimum interior side yard setback selected must be between five feet and 20 feet. The minimum side yard setback for each side yard may be separately established. For example, the minimum side yard on the west side may be five feet, and the minimum side yard on the east side may be 10 feet.

(5) Height.

(A) If the petition is signed by the owners of more than 50 percent but less than 60 percent of the lots within the district, height regulations may not be included in the overlay.

(B) If the petition is signed by the owners of 60 percent or more of the properties within
§ 51A-4.507 Dallas Development Code: Ordinance No. 19455, as amended

the district, the maximum height selected must be
selected from the following:

(i) If the median height of single
family structures within the district is 20 feet or more,
then the district height must be within the range
between the median height of single family structures
within the district and the maximum height of the
underlying zoning.

(ii) If the median height of single
family structures within the district is less than 20 feet,
then the district height must be either the median
height of single family structures within the district or
within the range between 20 feet and the maximum
height of the underlying zoning.

(C) If the district regulates height, single
family structures may not be built to heights that
exceed the height plane, except structures listed in
Section 51A-4.408(a)(2). Height is measured from grade
to the midpoint between the lowest eaves and the
highest ridge of the structure. See Paragraph 51A-
2.102(47), “Height.”

(6) Garage access, connection, location. The
garage access, connection, or location must be selected
from one or more of the following options:

(A) garage access of:

(i) front entry;

(ii) side entry; or

(iii) rear entry;

(B) garage connection of:

(i) attached to the single family
structure; or

(ii) detached from the single
family structure; and

(C) garage location:

(i) in front of the single family
structure; or

(ii) to the side of the single family
structure; or

(iii) to the rear of the single family
structure. (Ord. 26161)

SEC. 51A-4.508. TURTLE CREEK
ENVIRONMENTAL
CORRIDOR.

(a) The Turtle Creek Environmental Corridor
(“the corridor”) consists of the following area:

Beginning at the intersection of the west line of Turtle
Creek Boulevard and the south line of Wycliff Avenue;
thence in a westerly direction along said south line of
Wycliff Avenue to a point in a line, said line being 75
feet west of and parallel to the west line of Turtle
Creek Boulevard;

Thence in a southerly direction along said line,
crossing Avondale Street, Irving Avenue, Blackburn
Street, Gilbert Avenue and Holland Avenue, to a point
in the southwest line of Lemmon Avenue, said point
being 75 feet northwest of the northwest line of Turtle
Creek Boulevard;

Thence in a northwesterly direction along the
southwest line of Lemmon Avenue to a point in a line,
said line being 25 feet northwest of and parallel to the
northwest line of Hood Street;

Thence in a southwesterly direction along said line,
crossing Rawlins Street and Hall Street, to a point in a
line, said line being 25 feet southwest of and parallel to
the southwest line of Hall Street;

Thence in a southeasterly direction along said line,
crossing Hood Street and Sale Street, to a point in a
line, said line being 75 feet northwest of and parallel to
the northwest line of Turtle Creek Boulevard;

Thence in a southwesterly direction along said line,
crossing Cedar Springs Road (when Cedar Springs is
positioned in a northwest-southeast direction) and
continuing along a line 75 feet northwest of and
parallel to the northwest line of Cedar Springs Road
(when Cedar Springs is positioned in a northeast-
southwest direction), crossing Dickason Avenue and Gillespie Avenue to a point in the southwest line of Gillespie Avenue, said point being 75 feet northwest of the intersection of the southwest line of Gillespie Avenue and the northwest line of Turtle Creek Drive;

Thence in a southwesterly direction from said point along a line 75 feet northwest of and parallel to the northwest line of Turtle Creek Drive, crossing Fairmount Avenue, to a point in a line, said line being 25 feet northeast of and parallel to the northeast line of Maple Avenue;

Thence in a northwesterly direction along said line to a point in the southeast line of Hood Street;

Thence in a southwesterly direction along the southeast line of Hood Street extended to the centerline of Maple Avenue;

Thence in a southeasterly direction along the centerline of Maple Avenue to a point in the northwest right-of-way line of the M.K.&T. Railroad;

Thence in a northeasterly direction along said railroad right-of-way line, crossing Fairmount Avenue, Cedar Springs Road, Bowen Street, Hall Street, Lemmon Avenue, Lemmon Avenue East, and Blackburn Street to a point in the northeast line of Blackburn Street;

Thence in a northwesterly direction along the northeast line of Blackburn Street to a point in a line, said line being 75 feet southeast of and parallel to the centerline of Turtle Creek;

Thence in an easterly and northerly direction along said line to a point in the Dallas/Highland Park City Limit Line;

Thence in a westerly and northerly direction along said city limit line to the place of beginning.

(b) No off-street vehicular surface parking shall be constructed closer than 50 feet from the right-of-way line of Turtle Creek Boulevard, Turtle Creek Drive, and Cedar Springs Road (when Cedar Springs Road is positioned in a northeast-southwest direction), or closer than 50 feet from the centerline of Turtle Creek. No building permit for any proposed subsurface parking facility shall be issued by the Building Inspector unless a surface landscape plan for such lot or tract has been approved by the Park and Recreation Board of the City.

(c) Except as provided in Subsections (d), (e), and (f) of this Section, no structure shall be constructed closer to the right-of-way lines of Turtle Creek Boulevard, Turtle Creek Drive, and Cedar Springs Road (when Cedar Springs Road is positioned in a northeast-southwest direction), than as specified below:

<table>
<thead>
<tr>
<th>Stories</th>
<th>Height (feet)</th>
<th>Setback (feet)</th>
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For those properties lying between the M.K.&T. Railroad right-of-way and Turtle Creek, such setback shall be measured from the centerline of Turtle Creek.

(d) At the intersections of Turtle Creek Boulevard with Blackburn Street, with Lemmon Avenue, with Hall Street, and with Cedar Springs Road, and the intersection of Turtle Creek Drive with Gillespie Street, no structure shall be constructed closer
to such intersection than an imaginary line formed between points on each curb line 100 feet from such intersection.

(e) On those lots or tracts which face Lee Park or Reverchon Park across a public right-of-way, no structure or surface parking shall be constructed closer to the front property line than 25 feet.

(f) The minimum setback for any building or other structure may be decreased by transfer to such lot of an allowable setback which is unused upon a contiguous lot which is located within the corridor. Such transferred rights may be used at a ratio of two feet acquired for every one foot used. No transfer of additional setback shall be effective unless an instrument, in a form approved by the City Attorney, has been executed by the parties concerned and recorded in the Deed Records of Dallas County, Texas, serving as a notice of the restrictions under this section applying both to the contiguous lot and the transferee lot. Such document shall specify:

(1) the amount of setback to be transferred, the decreased minimum setback permitted on the transferee lot by virtue of the transfer, and the increased minimum setback on the contiguous lot;

(2) the duration of the transfer, which shall be specified to be not less than the actual lifetime of any building on the transferee lot whose construction is made possible, in whole or in part, by the transfer;

(3) the effect of any subsequent changes in the setback requirement under this section for both lots; and

(4) the effect of any subsequent change in the size of either lot, whether by virtue of conveyance, condemnation, or otherwise, upon the setback for both lots.

In no case shall the setback of the transferee lot be less than that minimum specified below:

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<th>Stories</th>
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(g) Any property owner within the corridor may on his own initiative, offer to the city, subject to Park and Recreation Board approval, a dedication in fee simple or for park purposes any area of land fronting on any public street within the corridor as permanent open space. Upon dedication of such property, the Tax Assessor shall reassess the remaining area to reflect such dedication prior to the next assessment ordinance, and the city shall maintain such property so dedicated with normal landscape standards. The owner may, in lieu of such dedication, grant to the city a landscape easement on any area of land fronting on
§ 51A-4.508 Dallas Development Code: Ordinance No. 19455, as amended § 51A-4.510

any public street in the corridor. The city shall, upon approval of a landscape plan for such easement by the Park and Recreation Board, to be carried out by the property owner, either maintain the same or arrange for its maintenance, and the Tax Assessor shall make such tax reassessments as the facts justify. Any property dedicated or granted for a landscape easement shall be considered in computing floor-area ratio, coverage, and density. (Ord. Nos. 26026; 26248)

**SEC. 51A-4.509. PARKING MANAGEMENT OVERLAY DISTRICT.**

See Section 51A-13.410, “Parking Management Overlay (-PM),” for the regulations governing the parking management overlay. (Ord. 27495)

**SEC. 51A-4.510. ACCESSORY DWELLING UNIT OVERLAY.**

(a) **Definitions.** In this section:

(1) **ACCESSORY DWELLING UNIT (ADU)** means a rentable additional dwelling unit, subordinate to the main unit, located on a building site with a single family use.

(2) **NEIGHBORHOOD COMMITTEE** means the owners of at least 10 properties within a proposed overlay.

(b) **Petition, initiation, and process.**

(1) Except as provided in this subsection, the procedures for zoning amendments contained in Section 51A-4.701, "Zoning Amendments," apply.

(2) An accessory dwelling unit overlay may only be placed on an area that allows single family uses and does not expressly prohibit accessory dwelling units.

(3) An overlay must contain at least 50 single family structures in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than 50 single family structures. Boundary lines should be drawn to include blockfaces on both sides of a street, and to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary. Boundary lines that split blockfaces in two should be avoided.

(4) As soon as possible after the department provides the neighborhood committee with a petition form or city council authorizes a hearing, the department shall conduct a neighborhood meeting. The department shall give notice of the neighborhood meeting to all property owners within the proposed overlay as evidenced by the last approved city tax roll at least 10 days before the neighborhood meeting.

(5) The neighborhood committee may request a petition form by submitting a request to the department on a form furnished by the department. The request must include the boundaries of the proposed overlay. The boundaries of the proposed overlay must comply with the requirements of this section.

(6) The petition must be on a form furnished by the department. The petition form must include a map of the boundaries of the proposed overlay, a list of the proposed regulations (including a proposed off-street parking reduction), the name and address of all property owners within the proposed overlay, and a statement that by signing the petition the signers are indicating their support of the overlay.

(7) The petition must be submitted with the following:

(A) The dated signatures of property owners within the proposed overlay in support of the proposed overlay.

(i) For a proposed overlay with 50 or fewer single family structures, the signatures on the petition must be dated within three months following the date of the neighborhood meeting.

(ii) For a proposed overlay with more than 50 single family structures, the signatures on the petition must be dated within six months following the date of the neighborhood meeting.
§ 51A-4.510 Dallas Development Code: Ordinance No. 19455, as amended

(B) The application fee, if applicable.

(i) If a petition is signed by more than 50 percent but less than 75 percent of the lots within the proposed overlay, the application fee must be paid.

(ii) If a petition is signed by 75 percent or more of the lots within the proposed overlay, the application fee is waived.

(iii) If the proposed overlay is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

(C) A map showing the boundaries of the proposed overlay.

(D) A list of any neighborhood associations that represent the interests of property owners within the proposed overlay.

(E) A list of the names and addresses of the neighborhood committee members.

(F) Any other information the director determines is necessary.

(8) For purposes of Section 51A-4.701, “Zoning Amendments,” once a complete petition has been submitted to the director, the accessory dwelling unit overlay shall be treated as a city plan commission authorized public hearing. If the overlay is initiated by petition, the notice of authorization contained in Section 51A-4.701(a)(1) is not required.

(9) Along with any other required notice, at least 10 days before consideration by the city plan commission, the director shall mail a draft of the proposed accessory dwelling unit overlay ordinance and a reply form to all owners of real property within the area of notification. The reply form must allow the recipient to indicate support or opposition to the proposed accessory dwelling unit overlay and give written comments. The director shall report to the city plan commission and the city council the percentage of replies in favor and in opposition, and summarize any comments.

c) Accessory dwelling unit overlay.

(1) In general.

(A) The provisions of Section 51A-4.704(c), regarding renovation, remodeling, repair, rebuilding, or enlargement of nonconforming structures, remain in effect.

(B) An accessory dwelling unit may not be sold separately from the main building.

(C) For an accessory dwelling unit, the prohibition on advertisements in Section 51A-4.209(b)(6)(E)(vii)(bb) do not apply.

(D) The yard, lot, and space regulations of the accessory dwelling unit overlay must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.

(E) If there is a conflict between this section and the single-family use regulations in Section 51A-4.209, this section controls.

(2) Yard, lot, and space regulations.

(A) In general. Except as provided in this subsection, the yard, lot, and space regulations of the underlying zoning remain in effect.

(B) Side and rear yard.

(i) If the structure containing the accessory dwelling unit is less than 15 feet in height and is located in the rear 30 percent of the lot, minimum side yard is three feet.

(ii) If the structure containing the accessory dwelling unit is less than 15 feet in height, minimum rear yard is three feet.

(iii) Structures 15 feet or more in height containing accessory dwelling units must comply with the side and rear yard setbacks of the base zoning.
§ 51A-4.510 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-4.511

(C) **Floor area.**

(i) **Detached accessory dwelling unit.**

(aa) Minimum floor area is 200 square feet.

(bb) Maximum floor area is the greater of 700 square feet or 25 percent of the main structure.

(ii) **Attached accessory dwelling unit.** Maximum floor area is the greater of 700 square feet or 25 percent of the main use.

(D) **Height.**

(i) **General.** Except as provided in this subparagraph, the maximum height of the structure containing the accessory dwelling unit cannot exceed the height of the main dwelling unit.

(ii) **Accessory dwelling units located above detached garages.** For accessory dwelling units located over detached garages, maximum height is the maximum height allowed in that zoning overlay.

(E) **Location.**

(i) An accessory dwelling unit may not be located in front of a main structure.

(ii) The board may grant a special exception to authorize the placement of an accessory dwelling unit in front of a structure when, in the opinion of the board, the accessory dwelling unit:

(aa) will not adversely affect neighboring properties;

(bb) will not be contrary to the public interest; and

(cc) denial of the special exception will unduly burden the property.

(F) **Off-street parking.**

(i) Except as provided in this paragraph, a minimum of one space is required.

(ii) Off-street parking is not required for an accessory dwelling unit located within 1,200 feet of a DART bus or transit stop.

(iii) Off-street parking may be reduced if 75 percent of the property owners within the proposed overlay sign the petition agreeing to the reduction.

(iv) City council may also reduce the off-street parking requirement if a reduction is recommended by the neighborhood steering committee during the authorized hearing process.

(G) **Stories.** Maximum number of stories for an accessory dwelling unit is one.

(3) **Utility meters.** A lot with an accessory dwelling unit may be supplied by not more than two electrical utility services, and metered by not more than two electrical meters.

(4) **Owner occupancy.**

(A) Except as provided in this paragraph, if one dwelling unit is used as rental accommodations, the property owner must reside in the main structure or the accessory dwelling unit during the tenancy.

(B) The owner may be absent for one year with director approval.

(5) **Single family rental program.** The rental unit must be registered in the city single family rental program. (Ord. 30931)

SEC. 51A-4.511. NEIGHBORHOOD FOREST OVERLAY.

(a) **Findings and purpose.**

(1) The city council intends to provide a means of conserving and maintaining the existing urban forest within the boundaries of neighborhood forest overlays.

(2) The neighborhood forest overlay is provided for the purpose of promoting the health, safety, and the general welfare of present and future
inhabitants of city neighborhoods through the managed conservation and protection of the trees in the community. It is intended to help promote or restore the character of established communities as recognized by its inhabitants; to stabilize and protect the air quality near homes; to conserve the city’s tree canopy; to retain the living green infrastructure for reducing flood and stormwater effects; to protect property against depreciation; to encourage sustainable construction methods and design in redevelopment; and to assure the sustained stability of neighborhoods for the future.

(3) A neighborhood forest overlay is a neighborhood-driven process that extends the protections prescribed within Division 51A-10.130, “Urban Forest Conservation,” to the properties within the overlay area that contain single-family and duplex uses in residential districts on lots smaller than two acres in size.

(b) Interpretations. Except as otherwise provided in this subsection, the regulations in Article X apply in neighborhood forest overlay districts. Sections 51A-10.135(c), 51A-10.135(d), 51A-10.135(e), and 51A-10.135(f) do not apply. If there is a conflict between this section and Article X, this section applies. If there is a conflict between a neighborhood forest overlay ordinance and Article X, the neighborhood forest overlay ordinance controls.

(c) Definitions. In this section:

(1) MEDIAN means the middle number in a set of numbers where one-half of the numbers are less than the median number and one-half of the numbers are greater than the median number. For example, 4 is the median number of 1, 3, 4, 8, and 9. If the set of numbers has an even number of numbers, then the median is the average of the two middle numbers. For example, if the set of numbers is 1, 3, 4, 6, 8, and 9, then the median is the average of 4 and 6, or 5.

(2) NEIGHBORHOOD COMMITTEE means the owners of at least 10 properties within a proposed overlay.

(3) STRUCTURE PROXIMITY AREA means the five-foot area around a dwelling unit.

(4) TREE CONSERVATION AREA means the area of tree protection and the site subject to urban forest conservation regulations.

(d) Petition, initiation, and process.

(1) Except as provided in this subsection, the procedures for zoning amendments contained in Section 51A-4.701, “Zoning Amendments,” apply.

(2) A neighborhood forest overlay may only be placed on an area:

(A) containing lots that are primarily smaller than two acres in size;

(B) developed primarily with single family or duplex structures; and

(C) that is zoned either:

(i) as a residential district; or

(ii) as a planned development district, conservation district, or form district (or portion thereof) that is restricted to single family or duplex uses.

(3) The boundary lines of a neighborhood forest overlay should be drawn to include blockfaces on both sides of a street, and to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary. Boundary lines that split blockfaces in two should be avoided. The minimum area of a subdistrict within a district is one blockface. An overlay:

(A) must contain at least 50 lots in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than 50 single family or duplex structures; or

(B) may contain less than 50 lots, but no less than 10 lots, if the lots are located alongside a primary natural area or if the lots maintain a current forest cover of mature large and medium trees, including significant trees, or trees established prior to the original subdivision.
§ 51A-4.511 Dallas Development Code: Ordinance No. 19455, as amended

(4) A neighborhood forest overlay may contain vacant lots and lots greater than two acres in size even though those lots will not be subject to the overlay regulations. Vacant lots within the boundaries of a neighborhood forest overlay, however, are not subject to the unrestricted zone exception in Section 51A-10.134(b).

(5) The neighborhood committee may request a petition form by submitting a request to the department on a form furnished by the department. The request must include the boundaries of the proposed district. The boundaries of the proposed district must comply with the requirements of this section.

(6) As soon as possible after the department provides the neighborhood committee with a petition form, the department shall conduct a neighborhood meeting. The department shall give notice of the neighborhood meeting to all property owners within the proposed overlay as evidenced by the last approved city tax roll at least 10 days prior to the neighborhood meeting.

(7) The petition must be on a form furnished by the department. The petition form must include a map of the boundaries of the proposed overlay, a list of the proposed regulations, the name and address of all property owners within the proposed district, and a statement that by signing the petition the signers are indicating their support of the overlay.

(8) The petition must be submitted with the following:

(A) The dated signatures of property owners within the proposed overlay in support of the proposed overlay.

(i) For a proposed overlay with 50 or fewer single family or duplex structures, the signatures on the petition must be dated within three months following the date of the neighborhood meeting.

(ii) For a proposed overlay with more than 50 single family or duplex structures, the signatures on the petition must be dated within six months following the date of the neighborhood meeting.

(iii) If the proposed overlay is pursuant to Sections 51A-4.511(e)(2)(A)(i) or (ii), 60 percent of property owner signatures are required for staff to accept the petition.

(iv) If the proposed overlay is pursuant to Sections 51A-4.511(e)(2)(A)(iii) or (iv), 70 percent of property owner signatures are required for staff to accept the petition.

(B) The application fee, if applicable.

(i) If a petition is signed by property owners of fewer than 75 percent of the lots within the proposed district, the application fee must be paid.

(ii) If a petition is signed by property owners of 75 percent or more of the lots within the proposed district, the application fee is waived.

(iii) If the proposed overlay is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

(C) A map showing the boundaries of the proposed district.

(D) A list of the names and addresses of the neighborhood committee members.

(E) Any other information the director determines is necessary.

(9) A public hearing to create an overlay is initiated by submission of a complete petition or by authorization pursuant to Section 51A-4.701(a)(1).

(10) For purposes of Section 51A-4.701, "Zoning Amendments," once a complete petition has been submitted to the director, the neighborhood forest overlay shall be treated as a city plan commission authorized public hearing. If the district is initiated by petition, the notice of authorization contained in Section 51A-4.701(a)(1) is not required.
(11) Along with any other required notice, at least 10 days prior to consideration by the city plan commission, the director shall mail a draft of the proposed neighborhood forest overlay ordinance and a reply form to all owners of real property within the area of notification. The reply form must allow the recipient to indicate support or opposition to the proposed neighborhood forest overlay and give written comments. The director shall report to the city plan commission and the city council the percentage of replies in favor and in opposition and summarize any comments.

(12) Upon passage of a neighborhood forest overlay ordinance, the director shall file a copy of the ordinance in the county deed records to give notice of the regulations. The director shall also file in the county deed records a verified written instrument listing each property by the street address, if available, the legal description of the real property, and the name of the owner, if available.

(e) Neighborhood forest overlay.

(1) In general.

(A) A neighborhood forest overlay establishes regulations that must be selected from the options described in this subsection.

(B) The regulations of the neighborhood forest overlay must reflect the existing forest conditions within the neighborhood.

(C) Except as provided in the neighborhood forest overlay, all regulations of the underlying zoning remain in effect.

(2) Tree conservation area.

(A) The neighborhood committee will select their tree conservation area from the following options:

(i) Front yard setback.

(ii) Front yard to structure.

(iii) Front, side, and rear yard setbacks.

(iv) Entire lot.

(B) The conservation, establishment, and maintenance of trees in Section 51A-10.136(a) apply to trees within a tree conservation area.

(3) Additional options.

(A) Tree canopy cover goal option. To reduce tree replacement requirements, a portion of existing tree canopy coverage over a tree conservation area must be preserved.

(i) The tree canopy cover goal is determined by the neighborhood during the petition process. The minimum percentage is to be determined by the median of the tree canopy coverage in the tree conservation area on each lot within the proposed overlay.

(ii) Healthy large and medium trees preserved in the tree conservation area, including boundary trees, may be included in tree canopy cover calculations. Invasive trees and trees located within 20 feet on center of the nearest overhead public electric line are not included in the calculation.

(iii) Each large and medium nursery stock tree planted as landscaping may also qualify as 300 square feet of tree canopy cover. If the tree canopy cover goal is met, additional landscape trees are not required, except that one tree must be provided in the required front yard.

(iv) Boundary trees located on adjacent private property must be protected to the drip line according to the tree protection shown on the site assessment plan.

(v) The tree canopy cover for the tree conservation area on the lot may be measured by the property owner, and verified and approved by the building official.

(B) Minimum front yard tree option. Lots must maintain a minimum number of trees in the front yard, as designated by the neighborhood forest overlay ordinance. Replacement is not required in the case that a property falls below the minimum number of large or medium trees due to a reason enumerated.
§ 51A-4.511 Dallas Development Code: Ordinance No. 19455, as amended

in the defense to prosecution section of Section 51A-10.140(b).

(4) Structure proximity area. More than 50 percent of the tree trunk at grade must be within the structure proximity area to qualify for an exception from mitigation. An approved tree removal application is required prior to tree removal.

(5) Site assessment plan. Prior to any development, construction activity, or disturbance of an area that may affect trees within the tree conservation area, a tree removal application, or permits for construction or grading, a site assessment plan must be submitted to the building official. The overlay regulations do not prohibit the removal or alteration of unprotected trees, or landscape ornamental and small trees, or other landscape shrubs, grasses, or other materials, that do not qualify as a protected tree. Any work or disturbance which includes significant soil compaction, trenching, tilling, excavation, paving, grading, chemical mixing, or pruning exceeding 10 percent tree canopy reduction, on the tree and within the dripline of the protected tree, is subject to the site assessment plan review. The site assessment plan must show the following:

(A) Structures.

(B) Paving.

(C) Proposed development, construction or disturbance.

(D) Location, diameter, and species of all trees (including boundary trees) in the tree conservation area, and 10 feet beyond.

(E) Tree protection, as applicable.

(F) Replacement trees, as applicable.

(6) Tree mitigation. Upon approval of tree removal within the tree conservation area, or an unauthorized removal of a protected tree, tree mitigation or replacement is required in accordance with Section 51A-10.134(c). The applicable methods are:

(A) Replacement on the site of removal.

(B) Replacement with a legacy tree on the site of removal.

(C) If replacement is not possible on the lot of removal, then replacement on other property within boundaries of the neighborhood forest overlay.

(D) If replacement is not possible within the neighborhood forest overlay, the tree must be replaced within five miles of the neighborhood forest overlay.

(E) Payment into reforestation fund. This option is only available if the building official determines that, due to restrictive site conditions, it would be impracticable or imprudent for the responsible party to plant a replacement tree on the tree removal property or comply with one or more of the mitigation methods in this section.

(f) Criminal responsibility and defenses to prosecution.

(1) The criminal liability and defenses to prosecution provisions in Section 51A-10.140 apply to properties subject to a neighborhood forest overlay.

(2) A tree removal application or tree replacement is not required if the tree is determined by a certified arborist to be diseased or dead or poses an imminent threat to people or property and such determination was not caused by an intentional act of the owner or an agent of the owner. (Ord. 31174)
Division 51A-4.600. Regulations of Special Applicability.

SEC. 51A-4.601. CREATION OF A BUILDING SITE.

(a) The building official shall not issue a certificate of occupancy or a building permit until a building site is established in one of the following ways:

(1) A lot is part of a plat that has been approved by the commission, or approved by the platting authority recognized by state law for the jurisdiction where the property was located before annexation or consolidation with the city of Dallas, and filed in the plat records of the appropriate county. Unless a lot is part of a shared access development, or unless otherwise provided in an ordinance establishing or amending a planned development district, all platted lots must contact, through fee simple ownership, a dedicated street or a private street.

(2) A parcel was separately owned before September 11, 1929, or before annexation or consolidation and the parcel has contact, through fee simple ownership, with a dedicated street. For purposes of this paragraph, a parcel is considered “separately owned” if it:

(A) is described in a different deed than that of adjacent properties; and

(B) has remained in the same configuration since September 10, 1929, regardless of whether ownership has changed since that date.

Documented evidence must be provided by the owner to demonstrate that land has remained in the same configuration during the relevant time period. Under this paragraph, the building official may issue a building permit for only one main building on each building site.

(3) A lot is part of an industrial subdivision in which only streets, easements, and blocks are delineated. The industrial subdivision must be approved by the commission and filed in the plat records of the appropriate county. No specific lot delineation is required, but yard, lot, and space requirements will be determined by property lines or lease lines.

(4) Any area in a CA-1(A) district that is bound on all sides by public streets or alleys constitutes a legal building site.

(5) A parcel upon which a building permit was authorized for development of a single family or duplex use before August 1, 1984, provided the single family or duplex use is not changed to a different use than that approved before August 1, 1984. The authorized single family or duplex use need not exist at the time of application for a certificate of occupancy or building permit under this paragraph, but evidence must be provided showing that the single family or duplex use was authorized on the property before August 1, 1984, did in fact exist, and no other use has been made of the property since the single family or duplex use was authorized by the city. A building site must be established under another paragraph of this section if a change of use has been made or is proposed for the property.

(6) A parcel upon which a building permit was authorized for development of other than a single family or duplex use and:

(A) the building permit authorizing an existing structure was issued before August 1, 1984;

(B) the proposed work does not increase the floor area of the structure by more than 35 percent; and

(C) the proposed addition does not exceed 10,000 square feet of floor area. Evidence must be provided showing that the use was authorized on the property before August 1, 1984.

(7) A parcel with less lot area, depth, or width than required in this chapter provided:

(A) the parcel has an area, depth, or width that is not more than 10 percent smaller or is greater than the average lot area, depth, or width of other platted lots or recognized building sites capable of development with single family or duplex uses within the same platted block (for purposes of this
subsection, “platted block” means the legal block as shown on the plat map;)

(B) the platted lots or recognized building sites contiguous to the parcel are developed with single family or duplex uses;

(C) the majority of the platted lots and recognizable building sites within the same platted block as the parcel have been platted or have been recognizable building sites for at least 20 years; and

(D) the parcel complies with all other zoning regulations other than lot area, depth, or width regulations.

(b) Land used in meeting the requirements of this article for a particular use or building may not be used to meet the requirements for any other use or building.

(c) Except as provided in the regulations for the single family and duplex uses, more than one main building may be erected on a building site when there is compliance with all applicable regulations in this chapter.

(d) A lot with less lot area than required in this chapter that was lawfully established under the regulations in force at the time of the creation of the building site may be used for a single family use if permitted by all zoning regulations applicable to the property other than lot area regulations. (Ord. Nos. 19455; 23383; 24731; 25809)

SEC. 51A-4.602. FENCE, SCREENING AND VISUAL OBSTRUCTION REGULATIONS.

(a) Fence standards. Unless otherwise specifically provided for in this chapter, fences must be constructed and maintained in accordance with the following regulations.

(1) In this subsection:

(A) FENCE PANEL means the portion of a fence located between the posts or columns.

(B) RETAINING WALL means a wall designed to hold in place earthen or similar materials and to prevent the material from sliding away or eroding.

(2) A person shall not erect or maintain a fence in a required yard more than nine feet above grade. In all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard, except when the required front yard is governed by the side or rear yard regulations pursuant to Section 51A-4.401.

(3) In single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line. This paragraph does not apply to retaining walls.

(4) In multifamily districts, a fence located in the required front yard may be built to a maximum height of six feet above grade if all conditions in the following subparagraphs are met:

(A) No lot in the blockface may be zoned as a single family or duplex district.

(B) No gates for vehicular traffic may be located less than 20 feet from the back of the street curb.

(C) No fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.

(5) If a fence panel setback is required under Paragraph (4)(C), the entire setback area, except for driveways and sidewalks, must be located within 100 feet of a verifiable water supply and landscaped with living evergreen shrubs or vines recommended for local use by the park and recreation director. Initial plantings must be calculated to cover a minimum of 30 percent of the fence panel(s) within three years after planting. Shrubs or vines must be planted 24 inches on center over the entire length of the setback area unless a landscape architect recommends otherwise.

(6) Unless all of the conditions in Paragraphs (4) and (5) are met, a fence in a multifamily
district may not exceed four feet above grade when located in the required front yard, except when the required front yard is governed by the side or rear yard regulations pursuant to Section 51A-4.401.

(7) Fence heights shall be measured from:

(A) In single family and duplex districts:

(i) the top of the fence to the level of the ground on the inside and outside of any fence within the required front yard. The fence height shall be the greater of these two measurements. If the fence is constructed on fill material that alters grade, as determined by the building official, the height of the artificially altered grade shall be included in the height of the fence. For purposes of this provision, artificially altered grade means the placement of fill material on property that exceeds a slope of one foot of height for three feet of distance; and

(ii) the top of the fence to the level of the ground on the inside of the fence in the required side or rear yard.

(B) In all other zoning districts, fence heights shall be measured from the top of the fence to the level of the ground on the inside of the fence.

(8) A fence may not be located within an easement without the prior written approval by the agencies having interest in the easement.

(9) Except as provided in this subsection, the following fence materials are prohibited:

(A) Sheet metal;

(B) Corrugated metal;

(C) Fiberglass panels;

(D) Plywood;

(E) Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;

(F) Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and

(G) Barbed wire and razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.

(10) All fences must provide firefighting access to the side and rear yard.

(11) The board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property.

(b) Required screening. Unless otherwise specifically provided for in this chapter, screening must be constructed and maintained in accordance with the following regulations.

(1) Screening required in this article must be not less than six feet in height.

(2) The board may grant a special exception to the height requirement for screening when, in the opinion of the board, the special exception will not adversely affect neighboring property, except that the board may not grant a special exception to the height requirements for screening around off-street parking.

(3) Required screening must be constructed of:

(A) brick, stone, concrete masonry, concrete, or wood;

(B) earthen berm planted with turf grass or ground cover recommended for local area use by the building official. The berm may not have a slope that exceeds one foot of height for each two feet of width;

(C) evergreen plant materials recommended for local area use by the building official. The plant materials must be located in a bed
§ 51A-4.602 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-4.602

that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years; or

(D) any combination of the above.

(4) A required screening wall or fence may not have more than 10 square inches of openings in any given square foot of surface. Plant materials used for required screening must obtain a solid appearance and provide a visual barrier of the required height within three years after their initial planting.

(5) Access through required screening may be provided only by a solid gate equaling the height of the screening. The gate must remain closed:

(A) between the hours of 10 p.m. and 7 a.m.; and

(B) at all other times except when in actual use.

(6) Garbage storage areas must be visually screened on any side visible from a street or an adjoining property by a brick, stone, concrete masonry, concrete, or wood wall or fence or by landscape screening. Screening is not required on a side adjacent to an alley or easement used for garbage pick-up service. Screening is not required if the garbage storage area is 200 feet or more from the street or adjoining property. To allow air circulation and visibility, the screening from grade to one foot above grade may be up to 50 percent open.

(7) An owner shall provide screening in accordance with this section for the rear or service side of a nonresidential building if:

(A) the nonresidential building is in a residential district and is exposed to a residential use; or

(B) the nonresidential building is in an office, retail, CS, IL, IR, or IM district and is exposed to and closer than 150 feet to the boundary line of an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district.

(8) When all service, storage, and loading facilities are contained within a nonresidential building, the screening requirement in Subsection (b)(7) does not apply.

(9) Plant materials used for required screening must be maintained in a healthy growing condition at all times. The property owner is responsible for the regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any plant that dies must be replaced with another living plant that complies with screening requirements within 90 days after notification by the city.

(10) All required screening with plant materials must be irrigated by an automatic irrigation system installed to comply with industry standards.

(11) Fences that are painted or stained must be uniformly painted or stained across the entire length of the fence. This provision prohibits different colored patches of paint or stain on portions of a fence. For example, if a fence is painted white, graffiti should be covered with the same color of white paint, not with blue or red paint.

(c) Special screening and visual intrusion provisions.

(1) In an office district, if a building or a parking structure is erected on a building site and a portion of the side or rear yard abuts or is across an adjoining alley from an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district, any portion of the building site directly across from that district must be screened from that district.

(2) through (5) Reserved.

(6) In all nonresidential districts except central area districts, no portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may be located above a residential proximity slope originating in that district.
§ 51A-4.602 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-4.603

(d) Visual obstruction regulations.

(1) A person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:

(A) in a visibility triangle, as defined in Paragraph (2); and

(B) between two-and-one-half feet and eight feet in height measured from the top of the adjacent street curb. If there is no adjacent street curb, the measurement is taken from the grade of the portion of the street adjacent to the visibility triangle.

(2) For purposes of Paragraph (1), the term “visibility triangle” means:

(A) in all zoning districts except central area districts, the Deep Ellum/Near Eastside District (Planned Development District No. 269), and the State-Thomas Special Purpose District (Planned Development District No. 225), the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection;

(B) in central area districts, the Deep Ellum/Near Eastside District (Planned Development District No. 269), and the State-Thomas Special Purpose District (Planned Development District No. 225), the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection;

(C) in all zoning districts, the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and an adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.

(3) The board shall grant a special exception to the requirements of this section when, in the opinion of the board, the item will not constitute a traffic hazard.

(4) It is a defense to prosecution under this subsection that a structure becomes nonconforming with respect to the visibility triangle unless the nonconforming rights attendant to the structure have been lost or terminated under Section 51A-4.704. (Ord. Nos. 19455; 19786; 20236; 20362; 20539; 21663; 22994; 25831; 26288; 27495; 29917; 30198; 30893)

SEC. 51A-4.603. USE OF CONVEYANCE AS A BUILDING.

(a) For the purposes of this section, conveyance means a railway coach or car, streetcar, bus, airplane, trailer, or similar structure, vehicle, or device originally intended for transporting people or goods.

(b) A person shall not place or use a conveyance as a building for the operation of a use. It is a defense to prosecution that the use of a conveyance is permitted under this section.

(c) A person may obtain permission to use a conveyance as a building for the operation of a use at
§ 51A-4.603 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-4.603

a location properly zoned for the use if the device contributes to a theme or period development. The person shall submit an application to the director requesting approval of the proposal. Within 60 days of receipt of the application, the commission shall submit its recommendation of approval or disapproval to the city council which may approve or reject a resolution authorizing the use. The conveyance must comply with all applicable ordinances and regulations.

(d) A person may use a conveyance as a temporary office, but not as a residence, in connection with the sale of real estate within a specific development project, after obtaining a building permit and certificate of occupancy from the building official. The following measures to assure sanitary conditions must be taken:

(1) If sanitary sewer facilities are available, temporary plumbing connections must be made as prescribed by the Dallas plumbing code. No permanent plumbing connection is permitted.

(2) If sanitary sewer facilities are not available, sanitation facilities must be provided in accordance with the rules and regulations of the department of code compliance. No building permit or certificate of occupancy may be issued by the building official without the approval of the department of code compliance.

(3) Electrical service in connection with the use described in this subsection must be limited to temporary pole service.

(e) Governmental agencies and civic organizations may conduct a use in a conveyance in accordance with this subsection.

(1) The use must be sponsored by and under the direct control of a governmental agency or civic organization.

(2) The use must be a function relating to the public health, safety, and welfare such as driver training, consumer and homemaking education, dental hygiene, mobile library, mobile x-ray unit, or other similar public service use that due to the equipment involved, logistics of scheduling locations and the times needed in a specific community, the use is not appropriate for a permanent location.

(3) The conveyance must be self-contained requiring only electrical service. Only one electrical hook-up station served by a separate electrical service accommodating not more than two conveyances is permitted on any premise. The hook-up station must be a permanent installation installed under permit. Temporary electrical or plumbing connections to existing facilities are not permitted.

(4) The conveyance may be located in any zoning district; however, in residential districts, the location is restricted to properties owned and operated by sponsoring agencies. A sponsoring agency may by agreement reciprocate with other sponsoring agencies to use their premises.

(5) The conveyance must comply with setback requirements of this chapter and the building code.

(6) One sign that does not exceed 30 square feet in size may be attached to each side of the conveyance.

(f) A person shall not place or use a conveyance as a dwelling unit. It is a defense to prosecution under this subsection that:

(1) the person uses a railroad work car, caboose, or converted freight car as a dwelling unit when it is confined to rails and located on the right-of-way of a railway doing business as a common carrier; or

(2) the person uses a manufactured home or self-propelled recreational vehicle as a dwelling unit in a properly zoned district.

(g) A person may use a conveyance as a building for the operation of a recycling collection center.

(h) A person may use a conveyance as a building for the operation of x-ray or other imaging equipment provided it is used in conjunction with a medical clinic or ambulatory surgical center use or a hospital use.
(i) A person may use a conveyance as a building for the purpose of storing food products provided:

1. the conveyance is used in conjunction with a permitted use;

2. a temporary food service permit is obtained from the Department of Health and Human Services; and

3. the use of the conveyance is limited to no more than twice each calendar year for a maximum period of 15 consecutive days.

(j) A person may use a conveyance as a building for food preparation from mobile vans and trucks provided:

1. the conveyance is only allowed in the CS, LI, IR, and IM districts;

2. the conveyance meets the standards of the department of code compliance;

3. the conveyance is operated as a temporary use which is accessory to the main use on the property for the purpose of cooking, wrapping, packaging, processing, or portioning ready-to-eat food for service, sale, or distribution; and

4. all required permits are obtained from the department of code compliance. (Ord. Nos. 19455; 19786; 20360; 21398; 21895; 22759; 23694; 27697)

SEC. 51A-4.604. RESTRICTIONS ON ACCESS THROUGH A LOT.

(a) Access to a use may not go through a lot in a residential district unless the use is permitted in that residential district. If the use is permitted in the residential district by SUP only, the access is also permitted by SUP only.

(b) This section does not affect access to a use through a lot in a nonresidential district. (Ord. 20238)

SEC. 51A-4.605. DESIGN STANDARDS.

(a) Design standards for large retail uses.

1. Purpose. Large retail uses often have negative impacts on community aesthetics, the environment, mass transit, pedestrian circulation, the scale and rhythm of streetscapes, traffic, and urban sprawl. These design standards are intended to ensure that large retail uses are compatible with the surrounding area and mitigate the negative impact of large retail uses while allowing creativity, flexibility, and variety in design. These design standards are also intended to make adaptive reuse of large retail spaces possible.

2. Applicability.

(A) These design standards apply to the following uses built after October 27, 2004, and the following existing uses expanded to 100,000 square feet or more:

(i) In Chapter 51:

(aa) Retail stores other than listed uses of 100,000 square feet or more.

(bb) Retail food store uses of 100,000 square feet or more.

(cc) Furniture store uses of 100,000 square feet or more.

(dd) Home improvement center uses of 100,000 square feet or more.

(ii) In Chapter 51A:

(aa) Furniture store uses of 100,000 square feet or more.

(bb) General merchandise and food store uses of 100,000 square feet or more.

(cc) Home improvement center, lumber, brick or building material sales yard uses of 100,000 square feet or more.
(B) These design standards do not apply to a covered mall building containing more than 500,000 square feet. These design standards do apply to any use listed in Subparagraph (A) within a covered mall building (an anchor tenant) that has a means of ingress and egress independent of the covered mall building and does not have an entrance into the common pedestrian area.

(C) The landscape requirements of these design standards may be used to satisfy any landscaping required by Article X.

(D) In the event that these design standards conflict with other requirements of this chapter, the more stringent requirement applies.

(3) Definitions. The following definitions apply to these design standards:

(A) COVERED MALL BUILDING means a single building enclosing 10 or more retail, personal service, and office uses that have access into a climate-controlled common pedestrian area.

(B) FACADE WALL means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building that encloses usable space. Where separate faces are oriented in the same direction, or in the directions within 45 degrees of one another, they are considered as part of a single facade wall.

(C) FRONT PARKING AREA means, for developments with a single use, the area in front of a line parallel to and extending outward from the primary facade wall to the property lines, and means, for developments with multiple uses, the area between two lines at the corners of the primary facade wall and perpendicular to the primary facade wall and extending to the property line.

(D) PRIMARY FACADE WALL means the facade wall containing the primary entrance. If two or more facades walls have entrances of equal significance, each facade wall will be considered a primary facade wall.

(E) REAR FACADE WALL means the facade wall containing service areas.

(F) SIDE FACADE WALL means any facade wall that is not a primary facade wall or a rear facade wall.

(G) SERVICE AREA means any area for loading docks, outdoor storage (other than an outdoor display, sales, and storage area), trash collection or compaction, truck parking, or other similar functions.

(4) Facade walls. Primary facade walls and side facade walls must incorporate at least three of the following design elements. Rear facade walls must incorporate at least two of the following design elements. The cumulative length of these design elements must extend for at least 60 percent of the facade wall’s horizontal length.

(A) A repeating pattern of wall recesses and projections, such as bays, offsets, reveals, or projecting ribs, that have a relief of at least eight inches.

(B) At least three of the following design elements at the primary entrance, so that the primary entrance is architecturally prominent and clearly visible from the abutting street:

(i) Architectural details such as arches, friezes, tile work, murals, or moldings.

(ii) Integral planters or wing walls that incorporate landscaping or seating.

(iii) Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.

(iv) Prominent three-dimensional features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.

(v) A repeating pattern of pilasters projecting from the facade wall by a minimum of eight inches or architectural or decorative columns.

(C) Arcades, awnings, canopies, covered walkways, or porticos.

(D) Display windows, faux windows, or decorative windows.
(E) Trim or accent elements using decorative contrasting colors or decorative neon lighting of at least 10 percent of the area of the facade wall exclusive of fenestration.

(5) Facade wall changes. Facade walls must have a one or more of the following changes:

(A) Changes of color, texture, or material, either diagonally, horizontally, or vertically, at intervals of not less than 20 feet and not more than 100 feet.

(B) Changes in plane with a depth of at least 24 inches, either diagonally, horizontally, or vertically, at intervals of not less than 20 feet and not more than 100 feet.

(6) Materials and colors.

(A) No more than 75 percent of the area of a facade wall, exclusive of fenestration, may have a single material or color.

(B) The following materials may only be used on rear facade walls:

(i) Smooth-faced concrete block that is non-tinted or non-burnished.

(ii) Tilt-up concrete panels that are unadorned or untextured.

(iii) Prefabricated steel panels.

(7) Roofs.

(A) Roof-mounted mechanical equipment, skylights, and solar panels must be screened or set back so that they not visible from a point five feet, six inches above grade at the property line. Screening materials must match the materials and colors used on the main building. Chain link fence may not be used as a screening material.

(B) Roofs must have at least one of the following design elements:

(i) Parapets with horizontal tops having height changes of at least one foot occurring horizontally no less than every 100 feet. Parapets that do not have horizontal tops must have pitched or rounded tops with a pattern that repeats or varies no less than every 100 feet. All parapets must have detailing such as cornices, moldings, trim, or variations in brick coursing.

(ii) Sloping roofs with at least two of the following design elements:

(aa) Slope of at least 5:12.

(bb) Two or more slope planes.

(cc) Overhanging eaves extending at least three feet beyond the supporting wall.

(8) Parking lots and landscaping.

(A) Landscaped islands of a minimum of 20 square feet per row of cars must be placed at both ends of each grouping of parking rows. Landscaped islands must have ground cover and trees or shrubs.

(B) Parking lots must be divided into sections containing no more than 120 parking spaces. Parking lot sections must be divided by landscaped dividers with a minimum width of five feet. Landscaped dividers must have trees spaced at a maximum of 30 feet on center and ground cover or shrubs. Parking lot sections may contain up to 160 parking spaces if, in addition to the landscaped divider, each grouping of parking rows is divided by a landscape island of a minimum of 20 square feet per row of cars. Landscaped islands must have ground cover and trees or shrubs.

(C) No more than two-thirds of the off-street parking spaces may be located in the front parking area. If more than 50 percent of a parking space is within the front parking area, then that parking space shall be counted as being within the front parking area. The two-thirds limitation on off-street parking within the front parking area may be exceeded if one additional tree beyond the requirements of these design standards is provided within the front parking area for every 15 off-street additional parking spaces or fraction thereof located within the front parking area.
(D) Parking lots must have a pedestrian pathway system distinguished from the parking and driving surface by landscape barriers or a change in surface materials such as pavers or patterned concrete. Pedestrian pathways may not be distinguished by paint alone. Pedestrian pathways must be a minimum of eight feet wide. Pedestrian pathways must connect mass transit stops, parking areas, public sidewalks, and public rights-of-way to the primary entrance.

(E) A landscaped buffer strip with a minimum width of 20 feet must be located between any parking area and any public right-of-way other than alleys. The landscape buffer may be interrupted by vehicular and pedestrian access areas. The landscape buffer strip may be located in whole or in part in the public right-of-way if the requirements of Chapter 43 of the Dallas City Code are met. The landscape buffer strip must have an evergreen berm with a minimum height of three feet. If the topography prevents installation of a berm, an evergreen hedge with a minimum height of three feet may be substituted. The landscape buffer must also have trees spaced at a maximum of 30 feet on center.

(F) Trees spaced at a maximum of 30 feet on center must be provided within 20 feet of the primary facade wall and one side facade wall for at least 50 percent of the length of each facade wall. Trees may be located in the public right-of-way if the requirements of Chapter 43 of the Dallas City Code are met. Trees must be planted in a landscape strip with a minimum width of five feet or in tree wells with minimum dimensions of five feet by five feet.

(G) Parking areas must have access, either directly or via a private access drive, to a four-lane public street with two lanes in each direction or to a two-lane one-way public street.

(H) Shopping cart storage areas in parking lots must be screened with landscaping along the length of the shopping cart storage area facing any public right-of-way other than alleys.

(9) Miscellaneous design standards.

(A) Service areas must be oriented so that they are not visible from abutting public rights-of-way or residential zoning districts, or must be screened from abutting public rights-of-way or residential zoning districts by solid masonry screening with a minimum height of eight feet extending the entire length of the service area.

(B) Automotive service bays must be oriented away from any public right-of-way or residential zoning district, unless screened from view with solid masonry screening with a minimum height of eight feet extending the entire length of the automotive service bays.

(C) Mechanical equipment on the ground must be screened using materials matching the materials and colors used on the main building. Chain link fence may not be used as a screening material.

(D) Merchandise may not be displayed or stored in parking areas or on sidewalks adjacent to facade walls, except in screened outdoor display, sales, and storage areas.

(E) Outdoor display, sales, and storage areas, such as nursery departments, must be enclosed by screening with a solid base with a minimum height of three feet surmounted by a wrought iron or tubular steel fence with a minimum height of five feet. The screening must be surmounted with a minimum of two feet of fascia with materials and colors matching the main building. No merchandise other than trees may be visible above the screening.

(F) Shopping cart storage areas adjacent to facade walls (not in parking lots) must be screened with landscaping or materials matching the materials of the primary facade wall. No more than two shopping cart storage areas (one on each side of an entrance) may be provided on any facade wall. Shopping cart storage areas may not exceed 20 feet in length.

(G) In the CA-1 and CA-1(A) districts, a minimum of 75 percent of the primary facade wall must be set back no more than 15 feet.

(H) If the use is within 300 feet of a residential zoning district or a zoning district that allows residential uses, the following restrictions apply. For purposes of this provision, measurements are made in a straight line, without regard to intervening structures or objects, from the nearest...
boundary of the lot where the use is conducted to the nearest boundary of the zoning district in issue.

   (i) External speakers are prohibited.

   (ii) Staging, loading, or idling of commercial vehicles in a service area is prohibited between the hours of 10:00 p.m. and 7:00 a.m. Signs prohibiting staging, loading, or idling of commercial vehicles between the hours of 10:00 p.m. and 7:00 a.m. must be posted every 100 feet adjacent to the service area.

   (iii) An external lighting plan demonstrating compliance with all city ordinances must be submitted to and approved by the building official prior to the issuance of a building permit for new construction, a building permit to expand to 100,000 square feet or more, or a certificate of occupancy.

(10) Variations and exceptions. The city plan commission, whether or not a specific use permit is required, may approve a site plan that does not comply with the requirements of these design standards provided that:

   (A) strict compliance with these design standards is impractical due to site constraints or would result in substantial hardship;

   (B) the site plan complies with the spirit and intent of these design standards;

   (C) the site plan furthers the stated purpose of these design standards; and

   (D) the variation or exception from these design standards will not adversely affect surrounding properties.

The city plan commission shall follow the same procedure used for approval of minor amendments to development plans and the fee for a minor plan amendment shall apply. (Ord. Nos. 25785; 27404; 28553)
§ 51A-4.701 Dallas Development Code: Ordinance No. 19455, as amended

(i) the location of the urban corridor district site showing frontage along an urban corridor, indicating existing widths of rights-of-way, number of lanes, lane widths, and street designations according to the city’s thoroughfare plan or Texas Department of Transportation;

(ii) the existing zoning district classifications and land uses for all properties within 250 feet of the area of request;

(iii) the proposed urban corridor lot dimensions, lot area, existing building footprints, and setback lines showing buildable area based on urban corridor regulations; and

(iv) the proposed mix of land uses.

(b) Commission report and recommendation required.

(1) The commission shall make a report and recommendation to the city council on all proposed amendments to this article or requests for a change in a zoning district classification or boundary.

(2) The director shall conduct those studies necessary for the commission to make its recommendation and report to city council.

(3) The commission or a committee of the commission shall hold a public hearing to allow proponents and opponents of an amendment to this article or request for a change in a zoning district classification or boundary to present their views.

(4) Before the commission holds the public hearing on an amendment to this article or on a request for a change in a zoning district classification or boundary, the director shall give notice of the public hearing in the official newspaper of the city at least 10 days before the hearing.

(5) The director shall send written notice of a public hearing on a city council, city plan commission, or landmark commission authorized hearing for a change in a zoning district classification or boundary to all owners of real property lying within 200 feet of the boundary of the area of request. See Section 51A-1.105 for the notification area for other applications. The measurement of the notification area includes streets and alleys. 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 tax roll. This notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census. The applicant may not alter, change, amend, enlarge, or withdraw a portion of an application after notices have been mailed for the public hearing.

(6) The commission shall make its recommendation on a proposed amendment to this article or request for a change in a zoning district classification or boundary from staff reports of the director, field inspections and the evidence presented at the public hearing.

(7) The director shall forward to the city council the commission’s recommendation and report on all amendments to this article and requests for a change in a zoning district classification or boundary except that when the request for a change in a zoning district classification or boundary is denied by the commission, the director shall not forward that recommendation and report to the city council unless the applicant within 10 days of the denial files with the director a request in writing that the city council review the commission’s findings.

(8) A request for a change in a zoning district classification or boundary that has been forwarded to the city council may not be held for longer than six months from the date of the commission’s action without being scheduled for a city council hearing. The commission shall review a request for a change in a zoning district classification or boundary that has not been scheduled within six months of the commission’s action to determine whether a time extension should be granted for a specified period or whether the application should be terminated and declared null and void.
§ 51A-4.701 Dallas Development Code: Ordinance No. 19455, as amended

(c) **City council action.**

(1) Before the city council holds the public hearing on an amendment to this article or on a request for a change in a zoning district classification or boundary, the city secretary shall give notice of the public hearing in the official newspaper of the city at least 15 days before the hearing.

(2) An amendment to this article and requests for a change in a zoning district classification or boundary must be approved by the affirmative vote of a majority of city council members present; except, the favorable vote of three-fourths of all members of the city council is required if:

(A) the request for a change in a zoning district classification or boundary has been recommended for denial by the commission; or

(B) a written protest against a change in a zoning district boundary or classification has been signed by the owners of 20 percent or more of either the land in the area of request or land within 200 feet, including streets and alleys, measured from the boundary of the area of request and the protest has been filed with the director.

(3) When city council passes an amending ordinance, the city secretary shall file the amending ordinance in the official city records. Unless the amending ordinance expressly indicates otherwise, the area of request is presumed to include the area to the centerline of an adjacent street or alley.

(d) **Two year limitation.**

(1) Except as provided in Subsections (d)(2) and (d)(3), after a final decision is reached by the commission or city council either granting or denying a request for a change in a zoning district classification or boundary, no further applications may be considered for that property for two years from the date of the final decision.

(2) If the commission or the city council renders a final decision of denial without prejudice, or if the city council grants a specific use permit and imposes a time limit of two years or less, the two year limitation is waived.

(3) A property owner may apply for a waiver of the two year limitation in the following manner:

(A) The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the commission shall consider his request and shall advise the applicant of his right to appear before the commission.

(B) The commission may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote by the commission is required to grant the request. If a rehearing is granted, the applicant shall follow the procedure for an amendment to this article or a request for a change in a zoning district classification or boundary.

(C) If the commission denies the request, the applicant may appeal in writing to the city council by filing an appeal with the director.

(e) **Postponements.**

(1) The applicant and the opponents shall each be allowed to postpone one hearing date before the commission and one hearing date before the city council.

(2) A request for postponement must be in writing and must be submitted to the director no later than 5:00 p.m. on the Monday of the week preceding the week of the hearing. If the deadline falls on an official city holiday, then the request must be submitted no later than noon on the following day.

(3) Before a hearing to be held by the city plan commission may be postponed, the person requesting postponement shall pay a fee of $150.00 to the director. Before a hearing to be held by the city council may be postponed, the person requesting postponement shall pay a fee of $150.00 to the director.

(4) Only the applicant or his representative may postpone the hearing date prior to the mailing of the hearing notices. A hearing postponed by the applicant or his representative whether prior to the mailing of required notices or after the mailing of
required notices may be postponed for no longer than 60 days from the date of the scheduled or advertised hearing. If the applicant fails to request in writing within 60 days a new hearing date, the application is automatically withdrawn, and the director shall return the application to the applicant and the filing fee, less that amount necessary for administrative cost as determined by the director.

(5) Only a property owner within the area of notification may request a postponement for the opposition. The request for postponement must set forth the grounds for the postponement and must be signed by the party making the request. If postponed, the case will be rescheduled for the next hearing date that is four weeks or more in the future, unless the party making the request requests an earlier date.

(f) Withdrawals.

(1) If an applicant desires to withdraw his application, the applicant shall request in writing to withdraw an entire application for a change in a zoning district classification or boundary.

(2) If the applicant withdraws the application prior to the mailing of notice, the director shall return the application to the applicant. The director shall determine the administrative cost of processing the application, and shall return the filing fee less the administrative cost to the applicant.

(3) If the applicant withdraws the application after the mailing of notices for a public hearing before the commission, the applicant shall forfeit 65 percent of the filing fee to cover the administrative cost.

(A) If the application is withdrawn before 5:00 p.m. of the day that will leave five full working days (excluding Saturdays, Sundays and official city holidays) before the date of the hearing, the applicant shall not be subject to the two year waiting period required in Subsection (d).

(B) If an applicant requests withdrawal after 5:00 p.m. of the day that will leave five full working days (excluding Saturdays, Sundays and official city holidays) before the date of the hearing, the commission shall hold the public hearing and make a formal recommendation on the application. The applicant shall be subject to the two year waiting period required in Subsection (d).

(4) Once the commission has acted on a request for a change in a zoning district classification or boundary, the applicant may withdraw his application, but the entire application fee shall be retained by the city to cover administrative cost if:

(A) the commission approved the request; or

(B) the commission denied the request, but the applicant within 10 days of the denial files with the director a request in writing that the city council review the commission’s findings.

(5) If the commission denies a request for a change in a zoning district classification or boundary and the applicant does not appeal the decision to city council, the city controller shall refund 35 percent of the filing fee to the applicant.

(g) Written protest procedures.

(1) Purpose.

(A) The state law expressly enables the governing body of a municipality to establish procedures for adopting and enforcing zoning regulations and district boundaries. Pursuant to that authority, the city council enacts this subsection governing the receipt of written protests submitted for the purpose of requiring the favorable vote of three-fourths of all members of the city council to effect a change in a zoning district classification or boundary.

(B) This subsection is not intended to conflict with the state law; it is being enacted at a time when the state law does not explicitly provide how, when, or where a written protest must be filed. The city council expressly recognizes that this subsection may be partially or completely preempted at any such time that the state law is amended to explicitly provide how, when, or where a written protest must be filed.

(C) This subsection is intended to accomplish the following listed objectives which, in the
opinion of the city council, are fully in keeping with the purposes, spirit, and intent of the state law:

(i) To allow the staff sufficient time to accurately calculate the land area percentages that determine the voting requirement.

(ii) To protect the rights of all parties by establishing minimum criteria to assure the reliability of written protests received.

(iii) To protect the rights of those protesting by establishing procedures and deadlines which are not unduly burdensome or restrictive.

(iv) To promote order and maintain the integrity of the zoning process.

(2) Form of protest.

(A) A protest must be in writing and, at a minimum, contain the following information:

(i) A description of the zoning case at issue.

(ii) The names of all persons protesting the proposed change in zoning district classification or boundary.

(iii) A description of the area of lots or land owned by the protesting parties that is either covered by the proposed change or located within 200 feet of the area covered by the proposed change.

(iv) The mailing addresses of all persons signing the protest.

(v) The date and time of its execution.

(B) The protest must bear the original signatures of all persons required to sign under Paragraph (3).

(3) Who must sign.

(A) A protest must be signed by the owner of the property in question, or by a person authorized by power of attorney to sign the protest on behalf of the owner. If the property is owned by two or more persons, the protest must be signed by a majority of the owners, or by a person authorized by power of attorney to sign the protest on behalf of a majority of the owners, except that in the case of community property, the city shall presume the written protest of one spouse to be the protest of both.

(B) In the case of property owned by a corporation, the protest must be signed by the president, a vice-president, or by an attorney in fact authorized to sign the protest on behalf of the corporation. In the case of property owned by a general or limited partnership, the protest must be signed by a general partner or by an attorney in fact authorized to sign the protest on behalf of the partnership.

(C) Lots or land subject to a condominium regime are presumed to be commonly owned in undivided interests by the owners of all condominium units and under the control of the governing body of the condominium. For such lots or land to be included in calculating the lots or land area protesting a proposed rezoning, the written protest must state that the governing body of the condominium has authorized a protest in accordance with procedures required by its bylaws, and that the person signing the protest is authorized to act on behalf of the governing body of the condominium. A written protest signed by the owner of an individual condominium unit shall not be accepted unless the filing party produces legal documents governing the condominium which clearly establish the right of an individual owner to act with respect to his or her respective undivided interest in the common elements of the condominium.

(4) When signatures must be acknowledged.

(A) Except as otherwise provided in Subparagraphs (B) and (C), all signatures on a written protest must be acknowledged before a notary public.

(B) A signature on an original reply form sent by the city to the mailing address of the property owner need not be acknowledged.

(C) A signature on a protest delivered in person by the person signing need not be acknowledged if its reliability is otherwise established to the satisfaction of the director. In such a case, a
§ 51A-4.701 Dallas Development Code: Ordinance No. 19455, as amended

summary of the evidence of reliability considered by the director must be endorsed on the protest by the director.

(5) Filing deadline.

(A) A written protest must be filed with the director before noon of the working day immediately preceding the date advertised for the city council public hearing in the statutory notice published in the official newspaper of the city. A protest sent through the mail must be received by the director before the deadline.

(B) Before the public hearing on the case, the filing deadline is automatically extended whenever the public hearing is re-advertised in the official newspaper of the city pursuant to statutory notice requirements.

(C) After the public hearing has begun, the filing deadline may only be extended by calling a subsequent public hearing and advertising that public hearing in the official newspaper of the city pursuant to statutory notice requirements. In such a case, the new filing deadline is noon of the working day immediately preceding the newly advertised public hearing date.

(6) Withdrawals of protests filed. Withdrawals of protests filed must be in writing and filed with the director before the filing deadline. The provisions of this subsection governing the form and filing of protests apply equally to withdrawals.

(7) Presumptions of validity.

(A) In all cases where a protest has been properly signed pursuant to this subsection, the city shall presume that the signatures appearing on the protest are authentic and that the persons or officers whose signatures appear on the protest are either owners of the property or authorized to sign on behalf of one or more owners as represented.

(B) In cases of multiple ownership, the city shall presume that a properly signed protest which on its face purports to represent a majority of the property owners does in fact represent a majority of the property owners.

(C) The presumptions in Subparagraphs (A) and (B) are rebuttable, and the city attorney may advise the city council that a presumption should not be followed in a specific case based on extrinsic evidence presented.

(8) Conflicting instruments. In the event that multiple protests and withdrawals are filed on behalf of the same owner, the instrument with the latest date and time of execution controls. (Ord. Nos. 19455; 19872; 19935; 20037; 20381; 21431; 22389; 24718; 26271; 28096)

SEC. 51A-4.702. PLANNED DEVELOPMENT (PD) DISTRICT REGULATIONS.

(a) General provisions.

(1) Purpose. The purpose of the PD is to provide flexibility in the planning and construction of development projects by allowing a combination of land uses developed under a uniform plan that protects contiguous land uses and preserves significant natural features.

(2) Uses. A PD may contain any use or combination of uses listed in Division 51A-4.200. The uses permitted in a PD must be listed in the ordinance establishing the district.

(3) Signs. An ordinance establishing or amending a PD may not authorize the erection, relocation, or alteration of a detached non-premise sign. A special provision sign district must be established to authorize the erection, relocation, or alteration of a detached non-premise sign. For more information regarding special provision sign districts, see Division 51A-7.500.

(4) Mandatory regulations. The ordinance establishing a PD must specify regulations governing building height, floor area, lot area, lot coverage, density, yards, off-street parking and loading, environmental performance standards, signs, landscaping, and streets and alleys. The following table may be used as a general guide in establishing these regulations:

Dallas City Code 429
### General Guidelines for Establishing PD Regulations

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<thead>
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<th>GENERAL USE CATEGORY</th>
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<tr>
<td>Single family</td>
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<tr>
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<td>Industrial</td>
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*If platted lots for a single family use have a minimum width of 30 feet at the front property line, then one parking space is required.

(5) **Codification.** The regulations of each PD ordinance shall be codified in Chapter 51P. The conditions in the PD ordinance and the development plan, landscape plan, or conceptual plan are conditions that must be complied with before a certificate of occupancy may be granted.

(6) **Applicable regulations.**

(A) For PDs created on or after March 1, 1987, the regulations in this chapter control unless they are expressly altered by a PD ordinance in accordance with this section. The general guidelines in Subsection (a)(4) control if the PD ordinance does not enumerate the regulations governing building height, floor area, lot area, lot coverage, density, yards, off-street parking and loading, environmental performance standards, signs, landscaping, and streets and alleys.

(B) For PDs created prior to March 1, 1987, the regulations of Chapter 51 control unless they are expressly altered by a PD ordinance in accordance with this section. The general guidelines below control if the PD ordinance does not enumerate the regulations governing building height, floor area, lot area, lot coverage, density, yards, off-street parking and loading, environmental performance standards, signs, landscaping, and streets and alleys.

(C) Some provisions of Chapter 51 have been amended to refer to the parallel provisions in Chapter 51A. This type of amendment has been made to every extent possible in order to make interpretation and application of the code more consistent and simpler. The amendment process is referred to as “call-forwarding the provisions of Chapter 51” because the amendment incorporates by reference into Chapter 51 the corresponding language in Chapter 51A as it exists on the date of amendment and as it may be amended in the future. The following apply when interpreting call-forwarded provisions of Chapter 51 for planned development districts created under Chapter 51 of the Dallas City Code.

(i) If a call-forwarded provision contains a cross-reference in Chapter 51A to another section in Chapter 51A, the cross-reference should be read to apply to the parallel provisions in Chapter 51.

--- For example, the sexually oriented business regulations in Section 51-4.221 have been call-forwarded. Within those regulations, there is a reference to Section 51A-4.217, the accessory use regulations in Chapter 51A. When applying these regulations to a Chapter 51 planned development district, reference should be made to Section 51-4.217, the accessory use regulations in Chapter 51.

--- Similarly, Section 51-4.324 has been call-forwarded. Section 51-4.324(b)(1)
§ 51A-4.702  Dallas Development Code: Ordinance No. 19455, as amended

refers to “residential districts.” The definition of “residential districts” is located in Section 51A-2.102(119), but the definition makes reference to only Chapter 51A districts. When applying Section 51A-4.324(b)(1) to a Chapter 51 planned development district, reference should be made to the definition of “residential districts” in Chapter 51, which is provided in Section 51-2.102(104).

The building official shall determine the parallel provision in Chapter 51 when applying a call-forwarded regulation.

(ii) If a call-forwarded provision contains a reference to “this chapter,” Chapter 51 should also be included in its application. If a call-forwarded provision contains a reference to “this section” or another internal cross reference, and the regulation referenced has not been call-forwarded, the parallel provision in Chapter 51 applies. The building official shall determine the parallel cross-reference in Chapter 51 when applying a call-forwarded regulation.

(iii) If a district category is referenced in a call-forwarded provision, that district category, as defined in Chapter 51, should be included in the application of the regulation. For example, if a regulation has been call-forwarded, and the corresponding regulation in Chapter 51A applies to “industrial districts,” the regulation applies to the Industrial-1, Industrial-2, and Industrial-3 districts when applied to a Chapter 51 planned development district. The building official shall determine the parallel district category in Chapter 51 when applying a call-forwarded regulation.

(iv) If a use category is referenced in a call-forwarded provision, that use category, as defined in Chapter 51, should be included in the application of the regulation. For example, if a regulation has been call-forwarded, and the corresponding regulation in Chapter 51A applies to “transportation uses,” the regulation also applies to the transportation uses contained in Chapter 51 when applied to a Chapter 51 planned development district. The building official shall determine the parallel use category in Chapter 51 when applying a call-forwarded regulation.

(5) The general guidelines below control if a provision of Chapter 51 has been call-forwarded to the parallel provision in Chapter 51A, and the regulation in Chapter 51A refers only to a Chapter 51A zoning classification in its application.

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<th>CHAPTER 51 ZONING</th>
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(7) Subdistricts. For purposes of determining the applicability of regulations in this chapter triggered by adjacency or proximity to another zoning district, any identifiable portion of a PD governed by a distinct set of use regulations is treated as though it were a separate zoning district. If the PD
§ 51A-4.702 Dallas Development Code: Ordinance No. 19455, as amended

(51A-4.702) or a portion of the PD is limited to those uses permitted in an expressly stated zoning district, the PD or portion of the PD is treated as though it were that expressly stated zoning district; otherwise it is treated as though it were:

(A) a TH-3(A) zoning district if it is restricted to single family and/or duplex uses;

(B) an MF-2(A) zoning district if it is restricted to residential uses not exceeding 36 feet in height and allows multifamily uses;

(C) an MF-3(A) zoning district if it is restricted to residential uses and allows multifamily uses exceeding 36 feet in height; or

(D) a nonresidential zoning district if it allows a nonresidential use.

(8) Residential proximity slope.

(A) The residential proximity slope defined in Section 51A-4.412 governs development in a PD only to the extent that it is expressly incorporated into the height regulations of the PD ordinance.

(B) Pursuant to Resolution No. 87-2319, the city council may authorize exceptions to the residential proximity slope by establishing PD’s in high-intensity commercial growth nodes, as described in the city’s growth policy plan, in order to accomplish objectives such as transit ridership or residential development, or to achieve other economic or development objectives.

(b) PD preapplication conference.

(1) An applicant for a PD shall request a preapplication conference with the director.

(2) At the preapplication conference, the applicant shall provide a sketch plan that includes, but is not limited to, the following information: proposed land uses, density, approximate gross square footage of nonresidential uses, access, projected height, topography, and significant environmental features.

(3) Based on the information provided by the applicant, the director shall:

(A) provide initial comments concerning the merits of the proposed development;

(B) state what information must be provided in the site plan application for a complete review of the proposed development; and

(C) provide any other information necessary to aid the applicant in the preparation of the site plan application.

(c) PD application procedure.

(1) The applicant for a PD shall comply with the zoning amendment procedure for a change in the zoning district classification.

(2) At the time of applying for a change in zoning district classification, an applicant shall submit:

(A) a site analysis in accordance with Subsection (d); and

(B) a development plan in accordance with Subsection (e).

(3) The applicant may initially submit a conceptual plan in accordance with Subsection (f) instead of a development plan if the conceptual plan provides sufficient information for the city plan commission and city council to act on the PD application. If the applicant initially submits a conceptual plan, the applicant shall submit a complete development plan that complies with the conceptual plan and the conditions of the PD ordinance, and that must be approved by the city plan commission before the issuance of a building permit. If the city plan commission disapproves the development plan, the applicant may appeal the decision to the city council.

(4) An applicant may also be required to submit a development schedule in accordance with Subsection (g).

(d) Site analysis.

(1) The site analysis must be prepared on a topography base map with one-foot, two-foot, or five-foot contour intervals, and must describe existing
natural features and physical improvements by including the following items:

(A) Location of flood plains, water bodies, creeks, marshes, drainage areas, trees near proposed construction activity (including caliper, common name, and scientific name [trees in close proximity that all have a caliper of less than eight inches may be designated as a “group of trees” with only the number noted]), rock outcroppings, important view corridors of scenic vistas and skylines, and any other significant natural features.

(B) Location, identification, and dimensions of all existing public and private easements.

(C) Location of major utility trunk lines and future tie-ins.

(D) Identification of land uses, cemeteries, and historic landmarks on and adjacent to the site.

(E) Location of existing structures within the site and the improvements to be retained.

(F) A site location map on a smaller scale showing major circulation routes and other landmarks that would aid in the location of the site.

(2) If the director determines that the site analysis or one or more of the items listed in Paragraph (1) is not necessary to allow for a complete review of the proposed development, the director shall waive the requirement that the site analysis or the item(s) be provided. In making this determination, the director shall consider the existing topography, conditions, and natural features of the site.

(e) Development plan.

(1) The development plan may be on a single drawing and must clearly indicate:

(A) any proposed public or private streets and alleys;

(B) building sites;

(C) areas proposed for dedication or reserved as parks, open space, parkways, playgrounds, utility and garbage easements, school sites, street widenings, or street changes;

(D) the points of ingress and egress from existing public streets;

(E) an accurate survey of the boundaries of the site;

(F) topography of the site with one-foot, two-foot, or five-foot contour intervals, or spot grades where relief is limited;

(G) location of proposed land uses;

(H) the location of buildings and the minimum distance between buildings and between buildings and property lines, street and alley rights-of-way, and private streets;

(I) the arrangement of off-street parking and loading. This may be indicated as a ratio of off-street parking and loading area to building area if all off-street parking and loading areas are indicated for the site and there is an example that demonstrates a common feasible method of providing the off-street parking and loading;

(J) indication of any special traffic regulation facilities proposed or required;

(K) screening, landscaping, and major tree groupings to be retained if this information is essential to the proper arrangement of the development in relation to adjacent property and internal land uses;

(L) location of cemeteries and historic landmarks;

(M) location of flood plains, water bodies, creeks, marshes, drainage areas, conservation areas, tree groupings, and any other significant natural features to be preserved during development;

(N) location of all major natural or man-made surface drainage features; and
§ 51A-4.702 Dallas Development Code: Ordinance No. 19455, as amended

(2) If the director determines that the items in Subparagraphs (F), (G), (J), or (O) are not necessary to allow for a complete review of the proposed development, the director shall waive the requirement that the item(s) be provided. In making this determination, the director shall consider the existing conditions of the property and the extent of the changes necessitated by the proposed development. The director shall notify the city plan commission of any items that have been waived.

(3) The city plan commission may require elevations and perspective drawings for buildings more than 12 feet in height that are not to be used for single family or duplex uses.

(4) The applicant shall submit a legal instrument establishing a plan for the use and permanent maintenance of any area or lot that is to be entirely devoted to open space that is not part of a building site before the development plan may be approved. The legal instrument must be approved by the city attorney as to legal form, and by the city plan commission as to the suitability for the proposed use of the open space.

(f) Conceptual plan. The conceptual plan must indicate:

1. topography of the site with one-foot, two-foot, or five-foot contour intervals, or spot grades where relief is limited;

2. location of significant natural features to be preserved during development;

3. location of cemeteries and historic landmarks;

4. the location of all land use areas showing the gross acreage for each use or category of use, maximum lot coverage, net residential densities, floor area ratio for each use or category of use, and the approximate floor area for all nonresidential uses;

5. delineation of all undeveloped areas to be conserved as open space;

6. identification of all areas to be dedicated to the city and areas designated as common areas;

7. indication of maximum heights for all structures in feet and stories;

8. location of required screening and buffer areas between the site and adjacent property and between land uses within the site;

9. location of minimum building setbacks along the site boundaries, on dedicated streets, and between residential and nonresidential uses;

10. identification of major access points and rights-of-way to be dedicated to the city; and

11. indication of each phase of development if separate phases are proposed.

(g) Development schedule.

1. The applicant for a PD shall, if the applicant desires or the city plan commission or city council requires, submit a development schedule indicating the date on which construction is to begin and the rate of development until completion. A city council approved development schedule must be included in the ordinance establishing the PD.

2. If the applicant fails to meet the development schedule, the commission may call a public hearing to determine the proper zoning district classification for all or part of the PD.

3. The applicant may apply to the city plan commission for an extension of the development schedule. If the city plan commission denies the extension, the applicant may appeal the decision to the city council.

4. When a development schedule extends for more than one year, the building official shall annually report to the city plan commission the actual development in the PD compared with the development schedule.
(h) Amendments to the development plan.

(1) Purpose and scope. The minor amendment process allows flexibility as necessary to meet the contingencies of development. Amendments that do not qualify as minor amendments must be processed as a zoning amendment. Minor amendments are limited to minor changes in the development plan that otherwise comply with the PD ordinance and do not:

(A) alter the basic relationship of the proposed development to adjacent property;

(B) increase a height shown on the original development plan by more than 10 percent or 12 feet, whichever is less, provided there is no increase in the number of habitable stories or parking levels above grade;

(C) decrease the amount of off-street parking spaces shown on the original development plan so as to create a traffic hazard or traffic congestion or fail to provide adequate parking; or

(D) reduce building setbacks at the boundary of the site shown on the original development plan.

(2) Determination of procedure. Upon receipt of an application, the director shall determine if the proposed amendments are minor amendments and, if so, whether the proposed amendments are to be reviewed under the director procedure, the city plan commission procedure, or the public notice procedure.

(A) Director procedure. The director may forward any application to the city plan commission for review. The director may, however, approve minor amendments to a development plan without the notification described in Section 51A-1.105(k) if:

(i) the purpose of the amendment is to bring the request area into compliance with screening requirements; or

(ii) the proposed development plan:

(aa) does not have residential adjacency;

(bb) does not increase enclosed floor area from that allowed on the original development plan;

(cc) does not increase structure height from that allowed on the original development plan;

(dd) does not change uses from those allowed on the original development plan;

(ee) does not permit access to a street for which no ingress or egress point was previously shown; and

(ff) does not reduce designated perimeter buffer area or designated open space.

The director shall notify the city plan commission of all applications for minor amendments eligible for approval under the director procedure.

(B) City plan commission procedure. The city plan commission may approve a minor amendment to a development plan without the notification described in Section 51A-1.105(k) if the proposed development plan:

(i) does not have residential adjacency;

(ii) does not change uses from those allowed on the original development plan; and

(iii) does not reduce designated perimeter buffer area or designated open space.

(C) Public notice procedure. Minor amendments that do not qualify for the director procedure or the city plan commission procedure must be reviewed under the public notice procedure. The notification described in Section 51A-1.105(k) is required.

(3) “Original development plan.” For purposes of this subsection, “original development plan.”
plan” means the earliest approved development plan that is still in effect, and does not mean a later amended development plan. For example, if a development plan was approved with the planned development district and then amended through the minor amendment process, the original development plan would be the development plan approved with the planned development district, not the development plan as amended through the minor amendment process. If, however, the development plan approved with the planned development district was replaced through the zoning amendment process, then the replacement development plan becomes the original development plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

(4) Residential adjacency. For purposes of this subsection, a request site has residential adjacency if the portion of the development plan being amended is within 200 feet of:

(A) a lot in an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-2, or MF-2(A) district; or

(B) an area of planned development district that:

(i) is restricted to uses permitted in R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-2, or MF-2(A) districts; and

(ii) has a height restriction of 40 feet or less.

A request site does not have residential adjacency if the request site is separated from the areas listed Subparagraphs (i) and (ii) above by a street that measures 65 feet or more in width.

(5) Appeals.

(A) Director procedure. An applicant may appeal the decision of the director to the city plan commission. An appeal must be requested in writing within 10 days after the decision of the director. The proposed minor amendment must then follow the city plan commission procedure.

(B) City plan commission procedure. An applicant may appeal the decision of the city plan commission to the city council. An appeal must be requested in writing within 10 days after the decision of the city plan commission. City council shall decide whether the city plan commission erred, using the same standards that city plan commission used. Appeal to the city council is the final administrative remedy available.

(C) Public notice procedure. An applicant or owner of real property within the notification area may appeal the decision of the city plan commission to the city council. An appeal must be requested in writing within 10 days after the decision of the city plan commission. City council shall decide whether the city plan commission erred, using the same standards that the city plan commission used. Appeal to the city council is the final administrative remedy available.

(i) Amendments to the landscape plan.

(1) Purpose and scope. The minor amendment process allows flexibility as necessary to meet the contingencies of development. Amendments that do not qualify as minor amendments must be processed as a zoning amendment. Minor amendments are limited to minor changes in the landscape plan that otherwise comply with the PD ordinance and do not:

(A) reduce the perimeter landscape buffer strip shown on the original landscape plan;

(B) detrimentally affect the original landscape plan’s aesthetic function relative to adjacent right-of-way or surrounding property; or

(C) detrimentally affect the original landscape plan’s screening or buffering function.

(2) Determination of procedure. Upon receipt of an application, the director shall determine if the proposed amendments are minor amendments and, if so, whether the proposed amendments are to be reviewed under the director procedure, the city plan commission procedure, or the public notice procedure.
§ 51A-4.702 Dallas Development Code: Ordinance No. 19455, as amended

(A) Director procedure. The director may forward any application to the city plan commission for review. The director may, however, approve minor amendments to a landscape plan without the notification described in Section 51A-1.105(k) if:

(i) the proposed minor amendments are necessary to keep landscaping from interfering with service provided by a public utility or state regulated entity for the transmission of power, fuel, water, or communication services; or

(ii) the proposed landscape plan:

(aa) does not change the landscape plan within 25 feet of a property line with residential adjacency;

(bb) does not reduce the number of trees or amount of plan materials in a landscape buffer area (locations and types of trees or plant materials may be altered if the screening and aesthetic function of the buffer area is not affected);

(cc) does not reduce the number of trees or amount of plant materials within 25 feet of a street right-of-way; and

(dd) does not reduce the number of trees, plant materials, or landscape points on the site.

The director shall notify the city plan commission of all applications for minor amendments eligible for approval under the director procedure.

(B) City plan commission procedure. The city plan commission may approve a minor amendment to a landscape plan without the notification described in Section 51A-1.105(k) if the proposed landscape plan does not change the landscape plan within 25 feet of a property line with residential adjacency.

(C) Public notice procedure. Minor amendments that do not qualify for the director procedure or the city plan commission procedure must be reviewed under the public notice procedure. The notification in Section 51A-1.105(k) is required.

(3) “Original landscape plan.” For purposes of this subsection, “original landscape plan” means the earliest approved landscape plan that is still in effect, and does not mean a later amended landscape plan. For example, if a landscape plan was approved with the planned development district and then amended through the minor amendment process, the original landscape plan would be the landscape plan approved with the planned development district, not the landscape plan as amended through the minor amendment process. If, however, the landscape plan approved with the planned development district was replaced through the zoning amendment process, then the replacement landscape plan becomes the original landscape plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

(4) Residential adjacency. For purposes of this subsection, a request site has residential adjacency if the portion of the landscape plan being amended is within 200 feet of:

(A) a lot in an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-2, or MF-2(A) district; or

(B) an area of a planned development district that:

(i) is restricted to uses permitted in R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-2, or MF-2(A) districts; and

(ii) has a height restriction of 40 feet or less.

A request site does not have residential adjacency if the request site is separated from the areas listed Subparagraphs (i) and (ii) above by a street that measures 65 feet or more in width.

(5) Appeals.

(A) Director procedure. An applicant may appeal the decision of the director to the city plan commission. An appeal must be requested in writing within 10 days after the decision of the director. The
proposed minor amendment must then follow the city plan commission procedure.

(B) City plan commission procedure. An applicant may appeal the decision of the city plan commission to the city council. An appeal must be requested in writing within 10 days after the decision of the city plan commission. City council shall decide whether the city plan commission erred, using the same standards that city plan commission used. Appeal to the city council is the final administrative remedy available.

(C) Public notice procedure. An applicant or owner of real property within the notification area may appeal the decision of the city plan commission to the city council. An appeal must be requested in writing within 10 days after the decision of the city plan commission. City council shall decide whether the city plan commission erred, using the same standards that city plan commission used. Appeal to the city council is the final administrative remedy available. (Ord. Nos. 19455; 19786; 20037; 20496; 21243; 22053; 23997; 24232; 24637; 26730; 27404; 28367; 28553; 30808)

SEC. 51A-4.703. BOARD OF ADJUSTMENT HEARING PROCEDURES.

(a) Initiation.

(1) The board may authorize a public hearing on issues within the board’s jurisdiction. A board authorized public hearing must comply with the procedures in this section. If 10 or fewer property owners are involved, the director shall send written notice to the owners of real property within the subject area not less than 10 days before the meeting at which the board will consider authorization of a public hearing. This notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census. If more than 10 property owners are involved, the director shall give notice of the public hearing in the official newspaper of the city at least 10 days before the meeting at which the board will consider authorization of a public hearing.

(2) Any aggrieved person, or an officer, department, or board of the city may appeal a decision of an administrative official to the board when that decision concerns issues within the jurisdiction of the board. For purposes of this section, “administrative official” means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue.

(A) An appeal to the board must be made within 15 days after notice of the decision of the official.

(B) The appellant shall file with the official a written notice of appeal on a form approved by the board.

(C) The official shall forward the notice of appeal and the record upon which the appeal is based to the director.

(b) Appeal stays all proceedings.

(1) An appeal to the board stays all enforcement proceedings involving the action appealed from unless the official appealed from certifies in writing to the board facts supporting the official’s opinion that a stay would cause imminent peril to life or property.

(2) If the official makes such a finding, enforcement proceedings will be stayed only if, after notice to the official, the board or a court of record, upon a finding of due cause, issues a restraining order.

(c) Notice of hearing.

(1) The board shall hold a public hearing on all applications.

(2) The director shall send written notice of a public hearing to the applicant and all owners of real property located within 200 feet, including streets and alleys, from the boundary of the area upon which the request is made. The notice must be given not less than 10 days before the day 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. This
§ 51A-4.703 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-4.704 Dallas Development Code: Ordinance No. 19455, as amended

notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census.

(3) The director shall give notice of the time and place of the public hearing in the official newspaper of the city at least 10 days before the hearing.

(d) Board action.

(1) The applicant has the burden of proof to establish the necessary facts to warrant favorable action of the board.

(2) Cases must be heard by a minimum of 75 percent of the members of a board panel. The concurring vote of 75 percent of the members of a panel is necessary to:

(A) reverse an order, requirement, decision, or determination of an administrative official involving the interpretation or enforcement of the zoning ordinance;

(B) decide in favor of an applicant on a matter on which the board is required to pass under state law, the city charter, or city ordinances; or

(C) grant a variance.

(3) The board shall have all the powers of the administrative official on the action appealed from. The board may in whole or in part affirm, reverse, or amend the decision of the official.

(4) The board may impose reasonable conditions in its order to be complied with by the applicant in order to further the purpose and intent of this chapter.

(5) The decision of the board does not set a precedent. The decision of the board must be made on the particular facts of each case.

(6) The applicant shall file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board, unless the applicant files for and is granted an extended time period prior to the expiration of the 180 days. The filing of a request for an extended time period does not toll the 180 day time period. If the applicant fails to file an application within the time period, the request is automatically denied without prejudice, and the applicant must begin the process to have his request heard again.

(e) Two year limitation.

(1) Except as provided below, after a final decision is reached by the board, no further request on the same or related issues may be considered for that property for two years from the date of the final decision.

(2) If the board renders a final decision of denial without prejudice, the two year limitation is waived.

(3) The applicant may apply for a waiver of the two year limitation in the following manner:

(A) The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the board will consider the request and shall advise the applicant of his right to appear before the board.

(B) The board may waive the two year time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the waiver. If a rehearing is granted, the applicant shall follow the process outlined in this section. (Ord. Nos. 19455; 20926; 22254; 22389; 22605; 25047; 27892; 28073)

SEC. 51A-4.704. NONCONFORMING USES AND STRUCTURES.

(a) Compliance regulations for nonconforming uses. It is the declared purpose of this subsection that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.
§ 51A-4.704 Dallas Development Code: Ordinance No. 19455, as amended

(1) Amortization of nonconforming uses.

(A) Request to establish compliance date. The city council may request that the board of adjustment consider establishing a compliance date for a nonconforming use. In addition, any person who resides or owns real property in the city may request that the board consider establishing a compliance date for a nonconforming use. Upon receiving such a request, the board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for the nonconforming use; otherwise, it shall not.

(B) Factors to be considered. The board shall consider the following factors when determining whether continued operation of the nonconforming use will have an adverse effect on nearby properties:

(i) The character of the surrounding neighborhood.

(ii) The degree of incompatibility of the use with the zoning district in which it is located.

(iii) The manner in which the use is being conducted.

(iv) The hours of operation of the use.

(v) The extent to which continued operation of the use may threaten public health or safety.

(vi) The environmental impacts of the use’s operation, including but not limited to the impacts of noise, glare, dust, and odor.

(vii) The extent to which public disturbances may be created or perpetuated by continued operation of the use.

(viii) The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.

(ix) Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.

(C) Finality of decision. A decision by the board to grant a request to establish a compliance date is not a final decision and cannot be immediately appealed. A decision by the board to deny a request to establish a compliance date is final unless appealed to state court within 10 days in accordance with Chapter 211 of the Local Government Code.

(D) Determination of amortization period.

(i) If the board determines that continued operation of the nonconforming use will have an adverse effect on nearby properties, it shall, in accordance with the law, provide a compliance date for the nonconforming use under a plan whereby the owner’s actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.

(ii) The following factors must be considered by the board in determining a reasonable amortization period:

(aa) The owner’s capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.

(bb) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.

(cc) Any return on investment since inception of the use, including net income and depreciation.

(dd) The anticipated annual recovery of investment, including net income and depreciation.
(E) Compliance requirement. If the board establishes a compliance date for a nonconforming use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.

(F) For purposes of this paragraph, “owner” means the owner of the nonconforming use at the time of the board’s determination of a compliance date for the nonconforming use.

(2) The right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

(3) Reserved.

(4) The right to operate a nonconforming use ceases when the use becomes a conforming use. The issuance of an SUP does not confer any nonconforming rights. No use authorized by the issuance of an SUP may operate after the SUP expires.

(5) The right to operate a nonconforming use ceases when the structure housing the use is destroyed by the intentional act of the owner or his agent. If a structure housing a nonconforming use is damaged or destroyed other than by the intentional act of the owner or his agent, a person may restore or reconstruct the structure without board approval. The structure must be restored or reconstructed so as to have the same approximate height, floor area, and location that it had immediately prior to the damage or destruction. A restoration or reconstruction in violation of this paragraph immediately terminates the right to operate the nonconforming use.

(6) The nonconformity of a use as to parking, loading, or an “additional provision” (except for a requirement that a use be located a minimum distance from a structure, use, or zoning district) in Division 51A-4.200 does not render that use subject to the regulations in this subsection.

(b) Changes to nonconforming uses.

(1) Changing from one nonconforming use to another. The board may allow a change from one nonconforming use to another nonconforming use when, in the opinion of the board, the change is to a new use that:

(A) does not prolong the life of the nonconforming use;

(B) would have been permitted under the zoning regulations that existed when the current use was originally established by right;

(C) is similar in nature to the current use; and

(D) will not have an adverse effect on the surrounding area.

(2) Remodeling a structure housing a nonconforming use. A person may renovate, remodel, or repair a structure housing a nonconforming use if the work does not enlarge the nonconforming use. A person may renovate, remodel, or repair a structure housing a nonconforming tower/antenna for cellular communication use if the modification does not substantially change the physical dimensions of the structure housing the nonconforming tower/antenna for cellular communication use. A modification substantially changes the physical dimensions if it meets the criteria listed in 47 C.F.R. §1.40001(b)(7), as amended.

(3) Accessory structure for a nonconforming residential use. An accessory structure for a nonconforming residential use may be constructed, enlarged, or remodeled in accordance with the requirements of Sections 51A-4.209(b)(6)(E)(vii) and 51A-4.217(a) without board approval.

(4) Nonconformity as to parking or loading.

(A) Increased requirements. A person shall not change a use that is nonconforming as to parking or loading to another use requiring more off-street parking or loading unless the additional required off-street parking and loading spaces are provided.
(B) **Delta theory.** In calculating required off-street parking or loading, the number of nonconforming parking or loading spaces for a use may be carried forward when the use is converted or expanded. Nonconforming rights as to parking or loading are defined in the following manner:

Required parking or loading for existing use
- Number of existing parking or loading spaces for existing use
Nonconforming rights as to parking or loading.

(C) **Decreased requirements.** When a use is converted to a new use having a lesser parking or loading requirement, the rights to any portion of the nonconforming parking or loading that are not needed to meet the new requirements are lost.

(5) **Enlargement of a nonconforming use.**

(A) In this subsection, enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.

(B) The board may allow the enlargement of a nonconforming use when, in the opinion of the board, the enlargement:

(i) does not prolong the life of the nonconforming use;

(ii) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and

(iii) will not have an adverse effect on the surrounding area.

(C) Structures housing a nonconforming single family or duplex use may be enlarged without board approval.

(D) A nonconforming tower/antenna for cellular communication use may be enlarged without board approval if the modification enlarging the nonconforming tower/antenna for cellular communication does not substantially change the physical dimensions of the nonconforming tower/antenna for cellular communication use. A modification substantially changes the physical dimensions if it meets the criteria listed in 47 C.F.R. §1.40001(b)(7), as amended.

(c) **Nonconforming structures.**

(1) Except as provided in Subsection (c)(2), a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.

(2) The right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner’s agent.

(3) A person may, without board approval, cause a structure to become nonconforming as to the yard, lot, and space regulations by converting the use of the structure, except that no person may convert its use to a residential use or to one of the nonresidential uses listed below:

-- Airport or landing field.
-- Animal production.
-- Commercial amusement (inside).
-- Commercial amusement (outside).
-- Country club with private membership.
-- Crop production.
-- Drive-in theater.
-- Dry cleaning or laundry store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
-- Helicopter base.
-- Heliport.
-- Helistop.
-- Nursery, garden shop, or plant sales.
-- Personal service use.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.
-- Restaurant without drive-in or drive-through service.
§ 51A-4.704 Dallas Development Code: Ordinance No. 19455, as amended

-- Restaurant with drive-in or drive-through service.
-- Sand, gravel, or earth sales and storage.
-- Sanitary landfill.
-- STOL (short takeoff or landing) port.
-- Stone, sand, or gravel mining.
-- Temporary construction or sales office.
-- Theater.
-- Transit passenger shelter.

The board may grant a special exception to this provision if the board finds that the conversion would not adversely affect the surrounding properties.

(4) A person may renovate, remodel, repair, rebuild, or enlarge that portion of a nonconforming structure supporting a tower/antenna for cellular communication without board approval if the modification does not substantially change the physical dimensions of the tower or base station. A modification substantially changes the physical dimensions if it meets the criteria listed in 47 C.F.R. §1.40001(b)(7), as amended. (Ord. Nos. 19455; 19786; 20307; 20412; 21553; 22412; 25092; 26511; 29984)

SEC. 51A-4.705. ANNEXED TERRITORY TEMPORARILY ZONED.

(a) All territory annexed to the city is temporarily classified as an agricultural district until permanent zoning district designations are given to the area by the city council.

(b) The procedure for establishing the permanent zoning for annexed territory is the same as provided for zoning amendments.

(c) In an area temporarily classified as an agricultural district, the building official may issue building permits and certificate of occupancy for any use permitted in an agricultural district.

(d) Before permanent zoning is adopted, the building official may issue a building permit and certificate of occupancy for a use other than those permitted in the agricultural district in annexed territory upon approval of the city council in accordance with the following procedure:

SEC. 51A-4.706. RESERVED. (Ord. 19455)
Division 51A-4.800. Development Impact Review.

SEC. 51A-4.801. PURPOSE.

The general objectives of this division are to promote and protect the health, safety, and general welfare of the public through the establishment of an administrative review procedure for certain proposed development considered likely to significantly impact surrounding land uses and infrastructure needs and demands. Development impact review should occur before the developer has completed a full set of working drawings for submission as part of an application for a building permit. As part of the review procedure, the developer may be required to submit a site plan indicating building siting and layout, buffering, landscaping, usable open space, access, lighting, loading, and other specific data. Site plan review is not intended to mandate aesthetics of design, nor is it intended to alter basic development standards such as floor area ratio, density requirements, height, setbacks, and coverage. (Ord. 19455)

SEC. 51A-4.802. DEFINITIONS.

In this article:

(1) BUILDING ENVELOPE means the three dimensional form within which the horizontal and vertical elements of a building are contained.

(2) CALIPER means the diameter of the trunk measured six inches above ground level up to and including four inch caliper size, and measured 12 inches above ground level if the measurement taken at six inches above ground level exceeds four inches. If a tree is of a multi-trunk variety, the caliper of the tree is the average caliper of all of its trunks.

(3) DIR means development impact review.

(4) ESTIMATED TRIP GENERATION means the total number of vehicle trips generated by one or more uses on the lot derived from calculations based exclusively on trip generation assumptions contained in Table 1 in Section 51A-4.803.

(5) RAR means residential adjacency review.

(6) RESTORATION means the act of putting back into a former or original state. (Ord. 19455)

SEC. 51A-4.803. SITE PLAN REVIEW.

(a) When a site plan is required.

(1) Except as otherwise provided in Subsections (a)(3) and (a)(4), a site plan must be submitted in accordance with the requirements of this section before an application is made for a permit for work on an individual lot if the lot is in a district or subdistrict listed in Subsection (a)(2) and:

(A) the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per day per acre (See Table 1 to calculate estimated trip generation);

(B) the lot contains a use for which DIR is required in the use regulations (See Division 51A-4.200); or

(C) the lot has a residential adjacency as defined in Subsection (d)(3) and contains a use for which RAR is required in the use regulations (See Division 51A-4.200).

(2) The districts and subdistricts listed for purposes of Subsection (a)(1) are:

(A) all nonresidential zoning districts except central area districts; and

(B) SC, GR, LC, HC, O-2, and industrial subdistricts in the Oak Lawn Special Purpose District (Planned Development District No. 193).
### TABLE 1

<table>
<thead>
<tr>
<th>USE</th>
<th>TRIPS PER DAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>INDUSTRIAL USES</td>
<td>6.97 per 1,000 gsf</td>
</tr>
<tr>
<td>LODGING USES</td>
<td>10.50 per room</td>
</tr>
<tr>
<td><strong>OFFICE USES</strong></td>
<td></td>
</tr>
<tr>
<td>Financial institution without drive-in</td>
<td>140.61 per 1,000 gsf</td>
</tr>
<tr>
<td>Financial institution with drive-in</td>
<td>265.21 per 1,000 gsf</td>
</tr>
<tr>
<td>Other by floor area:</td>
<td></td>
</tr>
<tr>
<td>10,000 gsf or less</td>
<td>24.60 per 1,000 gsf</td>
</tr>
<tr>
<td>over 10,000 to 50,000 gsf</td>
<td>16.58 per 1,000 gsf</td>
</tr>
<tr>
<td>over 50,000 to 100,000 gsf</td>
<td>14.03 per 1,000 gsf</td>
</tr>
<tr>
<td>over 100,000 to 150,000 gsf</td>
<td>12.71 per 1,000 gsf</td>
</tr>
<tr>
<td>over 150,000 to 200,000 gsf</td>
<td>11.85 per 1,000 gsf</td>
</tr>
<tr>
<td><strong>RESIDENTIAL USES</strong></td>
<td></td>
</tr>
<tr>
<td>Single Family</td>
<td>9.55</td>
</tr>
<tr>
<td>Other</td>
<td>6.59/dwelling unit</td>
</tr>
<tr>
<td><strong>RETAIL AND PERSONAL SERVICE USES</strong></td>
<td></td>
</tr>
<tr>
<td>General merchandise over 3,500 sq. ft.</td>
<td>177.59 per 1,000 gsf</td>
</tr>
<tr>
<td>General merchandise under 3,500 sq. ft.</td>
<td>737.99 per 1,000 gsf</td>
</tr>
<tr>
<td>Restaurant without drive-in</td>
<td>205.36 per 1,000 gsf</td>
</tr>
<tr>
<td>Restaurant with drive-in</td>
<td>786.22 per 1,000 gsf</td>
</tr>
<tr>
<td>Other:</td>
<td></td>
</tr>
<tr>
<td>10,000 gsf or less</td>
<td>167.59 per 1,000 gsf</td>
</tr>
<tr>
<td>over 10,000 to 50,000 gsf</td>
<td>91.65 per 1,000 gsf</td>
</tr>
<tr>
<td>over 50,000 to 100,000 gsf</td>
<td>70.67 per 1,000 gsf</td>
</tr>
<tr>
<td>over 100,000 to 150,000 gsf</td>
<td>62.59 per 1,000 gsf</td>
</tr>
<tr>
<td>over 150,000 to 200,000 gsf</td>
<td>54.50 per 1,000 gsf</td>
</tr>
<tr>
<td><strong>WHOLESALE, DISTRIBUTION, AND STORAGE USES</strong></td>
<td></td>
</tr>
<tr>
<td>Mini-warehouse</td>
<td>2.61 per 1,000 gsf</td>
</tr>
<tr>
<td>Warehouse</td>
<td>4.88 per 1,000 gsf</td>
</tr>
</tbody>
</table>

'gsf' means gross square feet. These rates are based on the ITE Trip Generation Report, 5th edition, January, 1991. Rates for uses and floor areas not listed shall be based on the ITE Trip Generation Report. Rates for uses and floor areas not listed in the ITE Trip Generation Report shall be determined by the director based on a survey of similar existing uses.
(1) The name, address, telephone number, and signature of the applicant. If the applicant is not the owner of the lot, he must submit a letter from the owner authorizing him to act on the owner’s behalf.

(2) The name, address, and telephone number of the owner of the lot. If there is more than one owner, the names, addresses, and telephone numbers of all owners must be provided.

(3) The street address and complete legal description of the lot.

(4) A brief description of all existing and proposed uses on the lot.

(5) Any other reasonable and pertinent information that the director determines to be necessary for site plan review.

c Site plan submission. A site plan submission under this section must include one reproducible print (blackline polyester film or equal) with five folded blue line or blackline copies, and one 8-1/2 inch by 11 inch clear film positive. The print and copies must have a scale of one inch equals 100 feet or larger (e.g. one inch equals 50 feet, one inch equals 40 feet, etc.) and be on a standard drawing sheet of a size not to exceed 36 inches by 48 inches.

d Site plan requisites.

(1) In general. If the site plan is required due to estimated trip generation or a requirement for DIR in the use regulations, it must:

(A) include a location diagram showing the position of the lot in relation to surrounding streets in the city’s major street network;

(B) contain title block and reference information pertaining to the lot and plan, including the name of the project, the names of the persons responsible for preparing the plan, the zoning classification of the lot, the scale of the plan (both numeric and graphic), and the date of submission, with provision for dating revisions;

(C) show the dimensions of the lot, and indicate lot area in both square feet and acres;

(D) show or describe the building envelope for each existing and proposed building on the lot;

(E) show the location of all existing streets, alleys, easements for street purposes, utility and other easements, floodway management areas, and the 100-year flood plain, if applicable;

(F) show all areas proposed for dedication or reservation;

(G) show zoning setback and building lines for each existing and proposed building on the lot;

(H) show all existing and proposed points of ingress and egress and estimated peak hour turning movements to and from existing and proposed public and private streets and alleys;

(I) show all existing and proposed median cuts and driveways located within 250 feet of the lot;

(J) show all existing and proposed off-street parking and loading areas, indicating the general dimensions of parking bays, aisles, and driveways, and the number of cars to be accommodated in each row of parking spaces;

(K) show all existing and proposed provisions for pedestrian circulation on the lot, including sidewalks, walkways, crosswalks, and pedestrian plazas;

(L) indicate average daily traffic counts on adjacent streets and illustrate estimated peak hour turning movements at intersections located within 250 feet of the lot;

(M) show the location and indicate the type of any special traffic regulation facilities proposed or required;

(N) show the existing and proposed topography of the lot using contours at intervals of two feet or less. Existing contours must be shown with dashed lines; proposed contours must be shown with solid lines;

(1) In general. If the site plan is required due to estimated trip generation or a requirement for DIR in the use regulations, it must:

...
(A) include a location diagram showing
the position of the lot in relation to surrounding streets
in the city’s major street network;

(B) contain title block and reference
information pertaining to the lot and plan, including
the name of the project, the names of the persons
responsible for preparing the plan, the zoning
classification of the lot, the scale of the plan (both
numeric and graphic), and the date of submission, with
provisions for dating revisions;

(C) show the dimensions of the lot, and
indicate lot area in both square feet and acres;

(D) show or describe the building
envelope for each existing and proposed building on
the lot;

(E) show the location of all existing
streets, alleys, easements for street purposes, utility and
other easements, floodway management areas, and the
one-percent annual chance flood plain, if applicable;

(F) show all areas proposed for
dedication or reservation;

(G) show zoning setback and building
lines for each existing and proposed building on the lot;

(H) show all existing and proposed
points of ingress and egress and estimated peak hour
turning movements to and from existing and proposed
public and private streets and alleys;

(I) show all existing and proposed
median cuts and driveways located within 250 feet of
the lot;

(J) show all existing and proposed
off-street parking and loading areas, indicating the
general dimensions of parking bays, aisles, and
 driveways, and the number of cars to be accommodated
in each row of parking spaces;

(K) show all existing and proposed
provisions for pedestrian circulation on the lot,
including sidewalks, walkways, crosswalks, and
pedestrian plazas;

(L) indicate average daily traffic counts
on adjacent streets and illustrate estimated peak hour
turning movements at intersections located within 250
feet of the lot;

(M) show the location and indicate the
type of any special traffic regulation facilities proposed

(N) show the existing and proposed
topography of the lot using contours at intervals of two
feet or less. Existing contours must be shown with
dashed lines; proposed contours must be shown with
solid lines;
§ 51A-4.803 Dallas Development Code: Ordinance No. 19455, as amended

(2) Residential adjacency items. If the lot has a residential adjacency as defined in Subsection (d)(3) and is not in the Oak Lawn Special Purpose District (Planned Development District No. 193), the site plan must:

(A) satisfy the requirements of Subparagraphs (A) through (G), (J), and (N) through (Q) in Subsection (d)(1);

(B) show all existing and proposed points of ingress and egress;

(C) show the existing and proposed locations for all building entrances, exits, service areas, and windows;

(D) show the location and indicate the type, size, and height of perimeter fencing, screening, and buffering elements proposed or required;

(E) show all provisions to be made to direct and detain storm water and to mitigate erosion both during and following the completion of construction;

(F) show the location and indicate the type, orientation, size, and height of light standards which will illuminate any portion of a required yard;
(G) show the location of existing and proposed signs;

(H) show the existing and proposed locations of all exterior loudspeakers and sound amplifiers;

(I) show the existing and proposed locations for all mechanical equipment capable of producing high levels of noise; and

(J) contain any other reasonable and pertinent information that the director determines to be necessary for site plan review.

(3) For purposes of this section, a lot has a residential adjacency if:

   (A) the lot is adjacent to or directly across:
      
      (i) a street 64 feet or less in width; or
      
      (ii) an alley

   from an R, R(A), D, D(A), TH, TH(A), or CH district; or

   (B) an existing or proposed building or structure on the lot is within 330 feet of a lot in an R, R(A), D, D(A), TH, TH(A), or CH district.

(4) Reserved.

(5) The following information, in addition to being shown graphically, must be separately tabulated in a conspicuous place on the plan for quick and easy reference:

   (A) Lot area in square feet and acres.

   (B) Total building floor area and floor area for each use on the lot in square feet.

   (C) Floor area ratio of the lot.

   (D) Square footage and percentages of building coverage and nonpermeable coverage of the lot.
(E) Number of parking spaces required and number of parking spaces provided.

(F) Zoning classification of the lot.

(e) Review by the director.

(1) Upon the filing of a complete application for review of a site plan and a complete site plan submission, the director of sustainable development and construction shall promptly forward one copy of each to the director of code compliance for review and comments. The director of code compliance shall review the application and submission and return a written recommendation to the director of sustainable development and construction within 15 calendar days of the filing date.

(2) The director shall make a decision regarding the application and submission within 30 calendar days of the filing date. That decision must take one of three forms:

(A) Approval, no conditions.

(B) Approval, subject to conditions noted.

(C) Denial.

(3) If the director fails to make a decision regarding the application and submission within 30 calendar days of the filing date, the application and submission are considered to be approved subject to compliance with all applicable city codes, ordinances, rules, and regulations.

(4) The time periods in Subsections (e)(1), (e)(2), and (e)(3) do not begin to run until the applicant provides all of the information required in Subsections (b), (c), and (d). In cases where the director requests additional information within 10 calendar days of the filing date, the time periods in Subsections (e)(1), (e)(2), and (e)(3) do not begin to run until the applicant provides the additional information.

(5) If the director denies an application or submission, he shall state in writing the specific reasons for denial. If he approves an application or submission subject to conditions, he shall state in writing the specific requirements to be met before issuance of a permit to authorize work on the lot.

(f) Grounds for denial.

(1) In general. The director shall deny a site plan application or submission under this section if:

(A) it does not contain sufficient information to allow for site plan review; or

(B) the site plan does not comply with all applicable city codes, ordinances, rules, or regulations.

(2) Vehicular circulation and infrastructure standards.

(A) Except as otherwise provided in Subsection (g), the director shall deny a site plan under this section if:

(i) the provisions for vehicular loading and unloading or parking, or for vehicular or pedestrian circulation, will create hazards to safety or will impose a significant burden upon public facilities which can be avoided or substantially mitigated by reasonable modifications in the plan; or

(ii) the site plan is required due to estimated trip generation and the owner of the lot refuses to comply with one or more of the following development-related infrastructure requirements:

(aa) The owner shall construct traffic control improvements, including, if applicable, traffic signal upgrades, at intersections adjacent to the lot if the traffic engineer determines that such improvements are necessitated by and wholly attributable to the proposed new development.

(bb) The owner shall construct right and left turn lanes, stacking lanes, and bus turnouts in right-of-way adjacent to the lot if the traffic engineer determines that such improvements are necessitated by and wholly attributable to the proposed new development.

(cc) The owner shall dedicate right-of-way or easements to the city to allow for those
§ 51A-4.803 Dallas Development Code: Ordinance No. 19455, as amended

right and left turn lanes, stacking lanes, and bus turnouts that the director determines are necessitated by and wholly attributable to the proposed new development.

(B) To construct the improvements required under Subparagraph (A), the owner shall enter into a private development contract satisfactory to the city. The contract must be made according to terms and conditions stated on a form provided by the director and approved by the city attorney. The contract must include performance and payment bonds equivalent to those which the city uses and requires in its standard specifications, and the city must be a named obligee in the bonds.

(C) In lieu of constructing the improvements required under Subparagraph (A), the owner may voluntarily pay the city an amount equal to the estimated cost of constructing the improvements before issuance of a building permit to authorize work on the lot. For purposes of this subparagraph, the estimated cost of constructing the improvements shall be determined by the director on a case by case basis. Such payments, being voluntarily tendered to the city as an optional alternative to the performance of construction work, shall not be “impact fees” as defined by state law, but shall constitute compensation for the city’s construction of the required improvements. All payments made pursuant to this subparagraph must be credited to separate interest-bearing accounts and used only for financing construction of the specified improvements. Any payments made that are not spent on the specified improvements within five years after the date of payment must be refunded together with interest accrued at the city’s investment rate during the five-year period, less administrative costs. Refunds shall be made to the owner of record shown on the last approved city ad valorem tax roll at the time the refund is paid, except that payments made by a political subdivision or governmental entity shall be refunded to that political subdivision or governmental entity.

(3) Residential adjacency standards. If the lot has a residential adjacency as defined in Subsection (d)(3) and is not in the Oak Lawn Special Purpose District (Planned Development District No. 193), the director shall review the site plan for compliance with this paragraph and, except as otherwise provided in Subsection (g), shall deny the site plan if:

(A) the location of existing or proposed buildings, structures, or equipment on the lot will be detrimental or injurious to each other or to surrounding development, or will impose an undue burden on public facilities, and the detrimental or injurious results or undue burden can be avoided or substantially mitigated by reasonable modifications in the plan;

(B) development of the lot will create a soil or drainage problem which can be avoided or substantially mitigated by reasonable modifications in the plan;

(C) the proposed on-site fencing, screening, or buffering elements do not provide adequate protection to adjacent property, and adequate protection can be provided by reasonable modifications in the plan;

(D) the exterior lighting to be provided on the lot will create a hazard to motorists on an adjacent public or private street or alley, or will damage or diminish the value or usability of adjacent property.

(4) If the director denies a site plan under this section, he shall state in writing the specific reasons for denial.

(g) Approval subject to conditions noted. As an alternative to denial of a site plan under Subsection (f), the director may approve the site plan subject to conditions noted if compliance with all conditions will eliminate what would otherwise constitute grounds for denial. If the director approves the site plan subject to conditions noted, he shall state in writing the specific requirements to be met before issuance of a permit to authorize work on the lot.

(h) Approval, no conditions. If there are no grounds for denial of a site plan under Subsection (f), the director shall approve the site plan with no conditions.

(i) Appeals.

(1) The applicant may appeal the following decisions made by the director:

(A) Denial of an application or site plan submission.
§ 51A-4.803 Dallas Development Code: Ordinance No. 19455, as amended

(B) Approval of an application or site plan submission subject to conditions noted.

(2) An appeal must be made within 10 days after notice is given to the applicant of the director’s decision.

(3) An appeal is made by filing a written request with the director for review by the city plan commission.

(4) Decisions of the commission are final as to available administrative remedies and are binding on all parties.

(5) If the commission fails to make a decision on the appeal within 30 calendar days of the date that the written request is filed with the director, the application and submission are considered to be approved subject to compliance with all other applicable city codes, ordinances, rules, and regulations.

(j) Validity of approved site plan. An approved site plan is valid for a period of two years. If a permit to authorize work on the lot has not been obtained upon expiration of the two-year period, a new site plan submission is required.

(k) Effect of approved site plan. The approval of a site plan by the director or commission does not result in the vesting of development rights, nor does it permit the violation of any city ordinance or state law, nor does it preclude the building official from refusing to issue a permit if he determines that plans and specifications do not comply with applicable laws and ordinances, or that the work described in the application for the permit does not conform to the requirements of the construction codes. (Ord. Nos. 19455; 19786; 19929; 20037; 20730; 21760; 22053; 22026; 25047; 27697; 28073; 28424; 28553; 31314)

Division 51A-4.900. Affordable Housing.

SEC. 51A-4.901. PURPOSE.

This division is adopted to comply with Section 3.5 of the Consent Decree entered on September 24, 1990, in the United States District Court for the Northern District of Texas in the case of Debra Walker et al. v. U.S. Department of Housing and Urban Development et al. and to further the following related and more specific purposes:

(a) to encourage the provision of dwelling units affordable to families of low income throughout the city;

(b) to ensure that these dwelling units are safe, sanitary, decent, and otherwise substantially equivalent to public housing in the city;

(c) to ensure that these dwelling units are available in a variety of sizes to the same extent as throughout the city; and

(d) to otherwise promote the general welfare of the city and its residents. (Ord. 21663)

SEC. 51A-4.902. DEFINITIONS.

Unless the context clearly indicates otherwise:

(a) DENSITY BONUS means an increase in the number of dwelling units otherwise allowed for any particular lot.

(b) DWELLING UNIT OF ADEQUATE SIZE means:

(1) an efficiency or larger unit for a family consisting of one person;
§ 51A-4.902 Dallas Development Code: Ordinance No. 19455, as amended

(2) a one-bedroom or larger unit for a family consisting of two persons;

(3) a two-bedroom or larger unit for a family consisting of three or four persons; and

(4) a three-bedroom or larger unit for a family consisting of more than four persons.

(c) HUD means the United States Department of Housing and Urban Development or its successor.

(d) IN-LIEU PAYMENT means a fee paid as an alternative to the provision of an SAH unit.

(e) LOWER INCOME FAMILY means a family whose income does not exceed 50 percent of the median income for a family in the Dallas Primary Statistical Area, as determined by the Secretary of HUD, with adjustments for family size in accordance with Section 3(b)(2) of the United States Housing Act of 1937, as amended [42 U.S.C.A. 1437a, Subsection (b)(2)].

(f) MINORITY CONCENTRATED AREA means a census tract where, according to the most recent decennial census of population conducted by the U.S. Bureau of the Census, more than 50 percent of the population is Black and/or of Spanish/Hispanic origin or descent.

(i) NON-MINORITY CONCENTRATED AREA means a census tract that, according to the most recent decennial census of population conducted by the U.S. Bureau of the Census, is not a minority concentrated area.

(j) SAH DISTRICT means the MF-1(SAH), MF-2(SAH), MU-1(SAH), MU-2(SAH), and MU-3(SAH) districts established under this chapter.

(k) SAH RENTAL RATE means a monthly payment equal to or less than 30 percent of the tenant’s gross annual family income divided by 12.

(l) SAH UNIT means a standard affordable housing dwelling unit.

(m) STANDARD AFFORDABLE HOUSING DWELLING UNIT means a dwelling unit of adequate size:

(1) leased or offered for lease to a lower income family for an amount equal to or less than the SAH rental rate; or

(2) that satisfies all necessary criteria, as determined by the appropriate federal or state governmental authority, for low income family occupancy to qualify a project for federal or state tax relief or other housing or financial assistance under a program established by and administered in accordance with federal or state law for the purpose of aiding low income families in obtaining a decent place to live. (Ord. 21663)

SEC. 51A-4.903. APPLICATION OF DIVISION.

(a) This division only becomes applicable to a lot in an SAH district when an application is made for a building permit that would increase the dwelling unit density permitted in that district above the number permitted by right.

(b) The city council may impose an SAH requirement in a planned development district that allows 15 or more multifamily dwelling units in the district. The requirement, if imposed, must be reasonably consistent with the standards and purposes of this division and must be a part of the ordinance establishing or increasing the size of the district. (Ord. 21663)

SEC. 51A-4.904. SPECIAL EXCEPTION.

The board of adjustment may grant a special exception to authorize a reduction in the number of SAH units required under this division if the board finds, after a public hearing, that:

(a) the units have remained vacant for six months or more; and

(b) good faith efforts to lease the units to lower income families were made during their vacancy.

In granting a special exception under this section, the board shall establish a termination date for the special exception, which may not be more than one year after
the date of the board’s decision. This provision does not preclude the granting of additional special exceptions in accordance with this section. The two year limitation on a request for a property in Section 51A-4.703(e) does not apply to this section. (Ord. 21663)

SEC. 51A-4.905. PROCEDURES TO OBTAIN A DENSITY BONUS.

(a) In general. Regulations for SAH districts in Article IV specify the dwelling unit density permitted by right. A density bonus may be obtained in these districts if one or more SAH units or an in-lieu payment is provided in accordance with this division. Prior to the issuance of a building permit that would increase the dwelling unit density in a SAH district above the number permitted by right, an application for a density bonus must be submitted to and approved by the director.

(b) Application. An application for a density bonus must be filed with the director on a form provided by the city. The application must include the following:

(1) the date, names, addresses, and telephone numbers of both the property owner and the person preparing the plan;

(2) lot and block description, the zoning classification, and the census tract of the lot for which the density bonus is requested;

(3) the dwelling unit density proposed for the lot and the dwelling unit density permitted by right;

(4) the number of SAH units required as a result of receiving the density bonus;

(5) if applicable, where the SAH units will be provided, including the lot and block description, the zoning classification, and the census tract of the lot where the SAH units will be located;

(6) if applicable, the amount of the in-lieu payment that will be provided;

(7) any other reasonable and pertinent information that the director determines to be necessary for review. (Ord. 21663)

SEC. 51A-4.906. REVIEW BY THE DIRECTOR.

(a) The director shall approve an application for a density bonus that complies with the standards in Subsection (b).

(b) Standards.

(1) An SAH unit provided to qualify a lot for the density bonus must be:

(A) within three miles of the lot receiving the density bonus;

(B) on a lot where no more than 30 percent of the dwelling units are SAH units;

(C) in a non-minority concentrated area; and

(D) in compliance with all city ordinances.

(2) An SAH unit provided to qualify a lot for a density bonus may not be used to qualify another lot for a density bonus.

(3) The design and materials of SAH units must be equivalent to the design and materials of other units located on the same lot. The size of bedrooms in SAH units must be consistent with the size of bedrooms in other units located on the same lot.

(4) Of the SAH units provided, 21 percent must have one bedroom, 45 percent must have two bedrooms, 28 percent must have three bedrooms, and five percent must have four bedrooms. In determining the number of units to be provided, fractional units are counted to the nearest whole number, with one-half counted as an additional unit. (Ord. 21663)
§ 51A-4.907 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.908

SEC. 51A-4.907. DECISION BY THE DIRECTOR.

(a) Timing. The director shall make a decision regarding the application for a density bonus within 10 working days after a complete application is filed. An application will not be considered complete until all the information required by Section 51A-4.905 is provided.

(b) Failure to act. If the director fails to make a decision regarding the application within the 10-day period, it is approved subject to compliance with all applicable city ordinances.

(c) Form of decision. The decision of the director must take one of the following three forms:

(1) Approval, no conditions.

(2) Approval, subject to conditions noted.

(3) Denial.

(d) Approval with no conditions. If there are no grounds for denying or modifying the application, the director shall approve it with no conditions.

(e) Approval subject to conditions noted. As an alternative to denial of the application, the director may approve it subject to conditions noted if compliance with all conditions will eliminate what would otherwise constitute grounds for denial. If the director approves it subject to conditions noted, he or she shall state in writing the specific requirements to be met before it is approved.

(f) Denial.

(1) Grounds for denial. The director shall deny the application if:

(A) it does not contain all required information; or

(B) an SAH unit required to be provided in order to obtain a certain density bonus in accordance with this division is not provided.

(2) Statement of reasons. If the director denies the application, he or she shall state in writing the specific reasons for denial.

(g) Notice of decision. The director shall give written notice to the applicant of his or her decision regarding the application. Notice is given either by hand delivery or by depositing the notice properly addressed and postage paid in the United States mail. If the notice is mailed, it must be sent to the address shown on the application. (Ord. 21663)

SEC. 51A-4.908. AFFORDABLE HOUSING INSTRUMENT REQUIRED.

(a) Requisites of instrument. If the application for a density bonus is approved, an affordable housing instrument must be executed and filed in accordance with this section on a form provided by the city. The instrument must:

(1) be signed by all owners of the lot(s) affected;

(2) be signed by all lienholders, other than taxing entities, that have either an interest in the lot(s) affected or an improvement on one or more of those lot(s);

(3) contain a lot and block description of the lot(s) on which the SAH unit(s) will be located;

(4) specify the number of the SAH units;

(5) be a covenant running with the land;

(6) state that all signatories 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 instrument;

(7) state that it may only be amended or terminated by a subsequent written instrument that is:
§ 51A-4.908 (A) signed by the owner(s) of the lot(s) affected by the affordable housing instrument and by all lienholders, other than taxing entities, that have an interest in lot(s) or an improvement on the lot(s);

(B) approved by the director of housing and neighborhood services;

(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 lots are located;

(8) state that the owner agrees to comply with all the requirements of this division, including the submission of an annual report and full cooperation with audits of the affordable housing program conducted by the city;

(9) state that it may be enforced by the city of Dallas;

(10) state that it shall be governed by the laws of the State of Texas; and

(11) be approved by the director of housing and neighborhood services and approved as to form by city attorney.

(b) Instrument must be filed. A true and correct copy of the approved affordable housing instrument must be filed in the deed records of the county or counties in which the lots affected are located. The instrument shall not be considered effective until it is filed in the deed records in accordance with this section. After the instrument is filed in the deed records, two file-marked copies of the instrument must be filed with the director of housing and neighborhood services.

(c) Termination or amendment of instrument. A recorded affordable housing instrument may be terminated or amended to reduce the number of SAH units on a lot if a corresponding number of SAH units are provided on one or more other lots. An instrument terminating or amending a recorded affordable housing instrument must be:

(1) signed by the owner of the lot(s) affected by the affordable housing instrument and by all lienholders, other than taxing entities, that have an interest in the lot(s) or of an improvement on the lot(s);

(2) approved by the director of housing and neighborhood services as to compliance with this division;

(3) approved as to form by the city attorney; and

(4) filed and made a part of the deed records of the county or counties in which the lot(s) are located.

The director of housing and neighborhood services shall not approve a termination or amendment that would cause the total number of SAH units to be reduced below the number required under this division, or that would otherwise cause this division to be violated. (Ord. 21663)

SEC. 51A-4.909. OPERATION OF AFFORDABLE HOUSING PROGRAM.

(a) A certificate of occupancy may not be issued for a dwelling unit permitted because of an SAH unit approved by the director until a certificate of occupancy has been issued for the SAH unit; however, these certificates of occupancy may be issued simultaneously.

(b) An SAH unit originally leased to a qualified lower income family shall automatically lose its status as an SAH unit if the family no longer qualifies as a lower income family at the end of the primary term of the lease. When this occurs, the next vacated dwelling unit must be offered for lease as an SAH unit until the required number of SAH units are provided. This provision may not be used as grounds for evicting a previously qualified lower income family from a unit if the family wishes to pay the market rate for that unit.

(c) A lease for an SAH unit may not exceed a term of one year.
§ 51A-4.909 Dallas Development Code: Ordinance No. 19455, as amended

(d) The director of housing and neighborhood services shall randomly, regularly, and periodically select a sample of families occupying SAH units for the purpose of income verification. Any information received pursuant to this subsection shall remain confidential and shall be used only for the purpose of verifying income in order to determine eligibility for occupation of the SAH units. All prospective tenants of an SAH unit must agree to provide or to allow the director to obtain sufficient information to enable income verification as contemplated in this subsection as a condition to leasing the unit. A person commits an offense if he or she, with the intent to lease or occupy an SAH unit, misrepresents the gross annual family income of its tenant or prospective tenant to the lessor or the city of Dallas with knowledge of its falsity. A person who commits the offense described in this subsection shall be guilty of a separate offense for each day or portion of a day that the unit is leased or occupied based on the misrepresentation.

(e) Annual report. Each owner of property subject to an approved affordable housing instrument shall submit a written report on June 30 of each year to the director that demonstrates compliance with the affordable housing instrument and this division. Each report must include:

(1) a list of SAH units currently leased, including the names and annual family incomes of the tenants;

(2) a list of the SAH units currently offered for lease;

(3) the total number of dwelling units (SAH or otherwise) currently offered for lease;

(4) a list of all lower income families currently seeking to lease one or more dwelling units on the property; and

(5) any other reasonable and pertinent information the director determines to be necessary to demonstrate compliance with the affordable housing instrument and this division.

(f) Family equivalence. The families that reside in SAH units must have similar numbers and ages of members as the other families on that lot. (Ord. 21663)

SEC. 51A-4.910. ALTERNATIVE WAYS TO SATISFY SAH UNIT OBLIGATION.

(a) In-lieu payment.

(1) In general. A property owner may reduce the number of SAH units required to obtain a density bonus by making an in-lieu payment into a special city account, to be known as the Housing Production Trust Fund, for development of SAH units in non-minority concentrated areas of the city. The amount of the payment required is calculated by multiplying the cost of constructing the multifamily dwelling unit [See Paragraph (2) below] required by the number of units of that size that will not be required by reason of the payment. The entire payment must be made to the director before issuance of any required permit.

(2) Cost of constructing multifamily dwelling units. Until January 2, 1995, the cost of constructing a multifamily dwelling unit is as shown:

<table>
<thead>
<tr>
<th>NUMBER OF BEDROOMS IN UNIT</th>
<th>COST PER UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$35,000</td>
</tr>
<tr>
<td>2</td>
<td>45,000</td>
</tr>
<tr>
<td>3</td>
<td>55,000</td>
</tr>
<tr>
<td>4</td>
<td>60,000</td>
</tr>
</tbody>
</table>

On January 2, 1995, and on January 2 of each odd-numbered year thereafter, the director shall determine the new costs of constructing multifamily dwelling units by using the following formula:

Cost of Constructing Type of Multifamily Unit X Dallas Cost Index X Historical Cost Index for Year Historical Cost Index for Year X Cost of Constructing Type of Multifamily Unit In Year

Both the Dallas Cost Index and the Historical Cost Indexes must be derived from the most recent issue of Building Construction Cost Data, published by the Robert Snow Means Company, Inc., of Kingston, Massachusetts, unless another publication is designated by the director.
§ 51A-4.910 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.1003

(b) Provision of single family uses. It is assumed that all SAH units provided will be multifamily uses. A property owner may, however, reduce the number of SAH units required to obtain a density bonus by providing one or more single family uses as SAH units in accordance with this subsection and Sections 51A-4.901 through 51A-4.909. The provision of a single family use reduces the number of multifamily bedrooms required as shown:

<table>
<thead>
<tr>
<th>NUMBER OF BEDROOMS IN THE SINGLE FAMILY USE PROVIDED (“SIZE”)</th>
<th>REDUCTION IN NUMBER OF MULTIFAMILY BEDROOMS REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

The number of multifamily bedrooms required to obtain a density bonus if a person provides one or more single family uses is calculated as follows. First, determine the number of each size of single family use provided. (For example, a person may provide two two-bedroom and three four-bedroom single family uses as SAH units.) Then, multiply the number of each size of single family use provided by the number of multifamily bedrooms that will not be required by reason of the provision of those single family uses. Next, add these numbers to determine the total number of multifamily bedrooms that will not be required. (In the above example, 21 multifamily bedrooms would not be required because of the provision of the single family uses.) This number is then subtracted from the total number of bedrooms of SAH units that would otherwise be required by Section 51A-4.906(b)(4) to obtain the density bonus. The result is then broken down into the number of different sizes of SAH units required by Section 51A-4.906(b)(4) to obtain the density bonus. (Ord. 21663)

Division 51A-4.1000. Park Land Dedication.

SEC. 51A-4.1001. PURPOSE.

Dedication of park land provides new residents and visitors with recreational amenities and green infrastructure consistent with the current level of park services for existing residents. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1002. APPLICABILITY.

(a) In general. Except as provided in this section, park land dedication requirements apply to:

(1) a single family or duplex residential plat or building permit for new construction; and

(2) a development plan or building permit that includes multifamily residential units or a hotel or motel use.

(b) Exceptions. These regulations do not apply to:

(1) plats, replats, or issuance of building permits for new construction on land owned by a governmental unit; and

(2) developments in planned development districts, existing on July 1, 2019, with open space or park land requirements.

(c) Waivers. Only developments that are enrolled in a program administered by the housing and neighborhood revitalization department and authorized by the city council, that furthers the public purposes of the city’s housing policy may be eligible to have some or all of these requirements waived. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1003. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions. In this division:

(1) COMMUNITY PARK means a park that is larger than a neighborhood park and serves several neighborhoods.
§ 51A-4.1003 Dallas Development Code: Ordinance No. 19455, as amended

(2) DIRECTOR means the director of the park and recreation department.

(3) HOTEL AND MOTEL USE means a hotel or motel use, extended stay hotel or motel use, lodging or boarding house use, or residential hotel.

(4) MULTIFAMILY USE means a college dormitory, fraternity, or sorority house, group residential facility, multifamily use, or retirement housing.

(5) NEIGHBORHOOD PARK means a park that serves a variety of age groups within a limited area or neighborhood.

(6) PARK DEDICATION ZONE means an area as illustrated on the park land dedication map created by the park and recreation department defining the area where dedication may occur.

(7) PRIVATE PARK LAND means privately owned park land, common area, or green spaces provided on-site that is accessible to the residents of a development.

(8) SINGLE FAMILY OR DUPLEX USE means a duplex use, handicapped group dwelling unit, or single family use.

(b) Interpretations. For uses or terms found in Chapter 51 the regulations in Section 51A-4.702(a)(6)(C) apply in this division. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1004. DEDICATION.

(a) General. Dedication may be accomplished by dedication to and acceptance of suitable land by the city or by payment of a fee-in-lieu of dedication.

(b) On-site dedication. For single family or duplex residential subdivisions, on-site dedication must be shown on the preliminary and final plat. For multifamily or hotel and motel uses, on-site dedication must be shown on the development plan or other plan submitted with a building permit application.

(c) Off-site dedication. Off-site dedication must be evidenced by a deed to the city that has been accepted by the director.

(d) Deferral. Payment of the fee-in-lieu may be deferred from the time of platting to the time of issuance of building permits.

(e) Dedication calculation. The following formula applies to determine the amount of land required to be dedicated.

(1) For a single family or duplex residential development:

One acre per 100 dwelling units. Less than 100 dwelling units on a pro rata basis.

(2) For a multi-family development:

One acre per 255 single bedroom dwelling units. Less than 255 dwelling units on a pro rata basis.

One acre per 127 two bedroom or greater dwelling units. Less than 127 dwelling units on a pro rata basis.

For a college dormitory, fraternity, or sorority house, one acre for 255 sleeping rooms. Less than 255 sleeping rooms on a pro rata basis.

(3) For a hotel or motel use development:

One acre per 233 guest rooms. Less than 233 guest rooms on a pro rata basis.

(f) Single family and duplex development. For single family or duplex developments, park land dedication may occur at either the subdivision or permitting phase. Dedication is only required once.

(1) Residential subdivision.

(A) Unless dedication has been deferred to the permitting phase, final approval of a single family or duplex residential subdivision plat requires at least one of the following to satisfy the requirements of Subsection (e) of this section including any credits or off-sets authorized pursuant to Section 51A-4.1007

(i) For park land dedicated within the subdivision, a fee simple dedication on the subdivision plat of the required park land approved by the director.
(ii) For park land dedicated outside the subdivision, evidence of recording in the appropriate real property records of a general warranty deed of the required park land approved and accepted by the director.

(iii) For land platted as a private park, the land must be identified on the plat.

(iv) Confirmation of deposit into the park land dedication fund of the fee-in-lieu of dedication in the amount established pursuant to Section 51A-4.1005.

(B) Land established as a private park for the purposes of this section may not be replatted to change the designation without the approval of the city plan commission. The city plan commission shall not approve a replat that would change the designation unless it determines that:

(i) alternative private park land that satisfies the requirements of this subsection is identified within the original subdivision that meets the dedication requirement; or

(ii) park land dedication requirements are met with an off-site dedication or fee-in-lieu meeting the requirements of this division.

(C) For phased plats, park land dedication plats may only be accepted for the active phase.

(2) Residential building permit. Issuance of a building permit for a single family or duplex development requires at least one of the following to satisfy the requirements of Subsection (e) of this section including any credits or off-sets authorized pursuant to Section 51A-4.1007:

(A) For dedicated park land, evidence of recording in the appropriate real property records of a general warranty deed for the required park land approved and accepted by the director; or

(B) Confirmation of deposit into the park land dedication fund of the fee-in-lieu of dedication in the amount established pursuant to Section 51A-4.1005.

(2) Identification of the required amount of private park on the preliminary and final plats or development plan if applicable; or

(3) Confirmation of deposit into the park land dedication fund of the fee-in-lieu of dedication in the amount established pursuant to Section 51A-4.1005.

(h) Minimum size. If the calculation in Subsection (e) of this section results in less than one acre, the director may require the developer to pay the fee-in-lieu of land dedication as provided in Section 51A-4.1005. The director may approve the dedication of less than one acre of property if the proposed park meets or addresses a need in the park system or presents an opportunity to enhance the city parks system as recommended by the comprehensive plan.

(Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1005. FEE-IN-LIEU.

(a) The owner of property for which dedication is required may pay a fee-in-lieu of dedication in the amount determined in Subsection (c) of this section, and the director shall not refuse any payment of a fee-in-lieu of dedication.

(1) In some instances, the director may require the developer to pay fees-in-lieu of dedicating land. In making this determination, the director shall consider the following factors:
(A) Whether sufficient park land and open space exists in the area of the proposed development; and

(B) Whether recreation potential for an area would be better served by expanding or improving existing parks, by adding land or additional recreational amenities.

(2) The director shall notify the developer in writing of the director's decision to require a fee-in-lieu of dedication and the reason for the decision. The developer may appeal the decision to the park and recreation board by filing a written notice with the director within 15 days after the date of the decision.

(b) Payment of the fee-in-lieu is required at the time of approval of the final plat or issuance of building permits. Cash payments may be used only for acquisition or improvement of park land and facilities located within the same park dedication zone as the development. Fees may be applied to any type of park site or improvement within the park dedication zone in accordance with park and recreation department prioritization.

(c) For developments in more than one park dedication zone, or that abut another park dedication zone, fees-in-lieu may be spent in either park dedication zone.

(d) For Park Dedication Zone Seven (the Downtown/Uptown Zone) as shown on the parkland dedication zone map, fees-in-lieu may be used to increase connectivity in the city's trail system for the recreational benefit of the residents of that area. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1006.   PARK DEVELOPMENT FEE.

(a) In general. To provide recreational amenities on existing park land for new residents and visitors, a park development fee is required to be paid at the time of dedication or payment of fee-in-lieu. Except as provided in this section, park development fees must be applied to parks within the park dedication zone in accordance with park and recreation department prioritization.

(b) Location. For developments in more than one park dedication zone, or that abut another park dedication zone, park development fees may be spent in either park dedication zone.

(c) Timing. Park development fees must be paid at the time all other dedications or payments are made. (Ord. 30934, eff. 7/1/19)
SEC. 51A-4.1007.  CALCULATIONS, DEDUCTIONS, AND CREDITS.

(a) Initial calculations. The director shall determine the amount of land required to be dedicated, or fees-in-lieu of dedication to be paid, in accordance with Sections 51A-1.105(z), 51A-4.1004, 51A-4.1005, and this section.

(1) The director shall first calculate the amount of park dedication required in Section 51A-4.1004;

(2) If the owner of the subdivision or development elects to pay a fee-in-lieu of dedication, or the director requires the payment of a fee-in-lieu of dedication, the director shall calculate the fee according Section 51A-4.105(z);

(3) If the owner of the subdivision or development chooses to satisfy the requirements of this division by a combination of dedication of land and payment of a fee-in-lieu of dedication, the director shall:

(A) First, calculate the total park dedication requirement;

(B) Second, subtract from the total park land dedication requirement the amount of park land to be dedicated;

(C) Third, calculate amount of fee-in-lieu for the remaining amount of park land dedication required by multiplying the remaining land area by the fee-in-lieu per square foot cost factor.

(b) Deductions and credits.

(1) The number of dwelling units, guest rooms, or sleeping rooms requiring dedication is based on a total increase in dwelling units, guest rooms, or sleeping rooms. The director shall deduct from the initial calculation the number of dwelling units, guest rooms, or sleeping rooms in existence within five years of the approval of the preliminary plat or the issuance of the first building permit for the proposed new development. The burden is on the applicant to demonstrate to the satisfaction of the director that the dwelling units, guest rooms, or sleeping rooms existed before the application for the subdivision plat or building permits generating the dedication requirement;

(2) The director shall reduce the dedication requirement of Section 51A-4.1004 or the fee-in-lieu of dedication requirement of Section 51A-4.1005, as applicable, by one or more of the following credits:

(A) The director shall grant a maximum credit of 100 percent of the total dedication requirement for publicly accessible private park land provided within the subdivision or development generating the dedication requirement that meets the requirements of this paragraph.

(i) To be eligible for credit, publicly accessible private park land must be:

(aa) made accessible to the public on an instrument approved by the city attorney;

(bb) of a size approved by the director to appropriately meet the needs of the development;

(cc) provide landscaping and recreational amenities approved by the director; and

(dd) be open to the public during all times it is accessible to the residents of the development.

(ii) Equipment in a private park must comply with city standards applicable to the type of equipment.

(iii) A publicly accessible private park land instrument must:

(aa) contain a legal description of the development and the publicly accessible private park land;

(bb) be signed by all owners and lienholders of the development property and is binding on lienholders by a subordination clause;
§ 51A-4.1007 Dallas Development Code: Ordinance No. 19455, as amended

(cc) be approved by the director;

(dd) be approved as to form by the city attorney;

(ee) create a covenant running with the land;

(ff) provide that the owners of the property development are responsible for all general park maintenance at a level consistent with minimum park and recreation standards;

(gg) provide necessary easements for access to the publicly accessible private park land;

(hh) give the city the right, but not the obligation, to take any action needed to make necessary repairs or improvements within the publicly accessible private park land, and to place a lien on all lots within the development until the city has received full compensation for that action;

(ii) provide that the owners of property in the development agree to defend and indemnify the city, and to hold the city harmless from and against all claims or liabilities arising out of or in connection with publicly accessible private park land or publicly accessible private park land instrument;

(jj) provide that it is governed by the laws of the State of Texas; and

(kk) provide that it may only be amended or terminated:

(I) with the consent of all the owners and lienholders of property in the development;

(II) upon the dedication of any park land or payment of a fee-in-lieu necessary to meet the requirements of this section; and

(III) after approval as to form by the city attorney, and approval by the director.

§ 51A-4.1008 A maximum credit of 50 percent of the total requirement will be given for non-publicly accessible private park land provided within the subdivision or development generating the dedication requirement that meets the requirement of this subparagraph. Private park land eligible for credit must:

(i) be of a size approved by the director to appropriately meet the needs of the development;

(ii) be maintained at a level consistent with minimum park and recreation maintenance standards;

(iii) provide landscaping and recreational amenities approved by the director;

(iv) have equipment that complies with city standards applicable to the type of equipment; and

(v) not be an interior common area.

(C) Developments located within a community unit development with open space meeting the requirements of Subparagraph (A) or Subparagraph (B) may receive credit for park land dedication as provided in this section.

(3) Credits are cumulative, up to a maximum of 100 percent of the required dedication and are only applicable to the original property being developed. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1008. PARK LAND DEDICATION STANDARDS.

(a) Park land location standards. It is the purpose of this section to ensure that parks are easy to access, can be linked with nearby park and recreational facilities, and are generally open to public view or accessible by easement to benefit area development, enhance the visual character of the city, protect public
safety, and minimize conflict with adjacent land uses. Land proposed to be dedicated for parks must meet the following location standards:

(1) Where physically feasible, parks should be bound by streets or by other public uses (e.g., school, library, recreation center) to facilitate access and possible joint use.

(2) Where residential lots directly abut a park, consideration should be given to future owners’ access to the facility and protection from future park uses, such as lighting and noise.

(3) Dedicated park land must be in a location that is accessible by the public.

(4) The director may accept dedication of property within the park dedication zone that provides for access to parks other than community and neighborhood parks.

(5) The land must comply with current park standards.

(b) Park land acceptance standards.

(1) The city may accept or reject an offer of dedication, after consideration of the recommendation of the director, and require the payment of fees in lieu of dedication as provided in Section 51A-4.1005.

(2) Land dedicated for park and recreational areas must be of such size, dimensions, topography and general character as is reasonably required by the city for the type of use necessary to meet the current park system requirements.

(3) Land proposed to be dedicated for parks must generally meet the following requirements. The director may recommend the acceptance of the dedication of property that does not meet these criteria if the property is adjacent to an existing park or other public space, provides access to a park, or otherwise presents an opportunity to enhance the city parks system consistent with the park and recreation department’s comprehensive plan update.

(A) Minimum size and configuration standards.

(i) Unless determined otherwise by the director pursuant to Subsection 51A-4.1004(h), the minimum size of land dedicated for a park is one acre.

(ii) Land dedicated for a park must be a contiguous piece of property that can physically accommodate improvements associated with a neighborhood or community park.

(B) Location and access standards.

(i) The land must meet the applicable location requirements of Paragraph (4).

(ii) The land must have connectivity to a public street appropriate for the size and use of the park.

(C) Physical characteristics standards.

(i) Unless otherwise approved by the director, land must be vacant and cleared of nonvegetative material.

(ii) The land must be in full compliance with all ordinances, rules, and regulations of the city.

(iii) Except when approved by the director, the land must not have severe slopes or unusual topography that would not allow the park to be used for its intended purpose without recontouring the property.

(D) Minimum environmental conditions standards. Unless provided otherwise in rules promulgated by the director, the land must be reasonably free of recognized environmental conditions.

(i) If land is proposed to be dedicated by plat, before submittal of a final plat, the applicant shall submit either a phase I environmental assessment that shows no environmental conditions exist on the property or a phase II environmental assessment that shows no remediation is required.
(ii) If land is proposed to be dedicated by separate instrument, before acceptance the applicant shall submit either a phase I environmental assessment that shows no environmental conditions exist on the property or a phase II environmental assessment that shows no remediation is required.

(4) Land in a federally designated floodplain or floodway may be dedicated as park land if the land otherwise meets the acceptance standards for park land in this section and all other ordinances, rules, and regulations of the city. Floodplain and floodway areas may only be used to meet a maximum of 50 percent of the dedication requirements. Stormwater detention/retention areas and associated access easements do not meet the standards for acceptance of park land.

(5) For developments in more than one park dedication zone, property may be dedicated in either park dedication zone. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1009. PARK LAND DEDICATION FUND.

(a) In general. There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this section. The fund will be known as the "Park Land Dedication Fund." Except as provided in this section and Section 51A-4.1005, funds will only be released from the Park Land Dedication Fund to buy, build, or enhance a park within the park dedication zone, from which the funds originated.

(b) Fees paid into the park land dedication fund must be spent by the city within 10 years after the payment of the required fees. If the funds cannot be spent within the 10 year period, the owners of the property on the last day of the 10 year period will be entitled to a refund of the unexpended sum upon request. The owners of the property, as shown on the current tax roll or proven by other instrument, must request a refund within one year of the expiration of the 10 year period. The request must be made in writing to the director.

(c) Where funds have been paid or a dedication for a phased development has been made in accordance with this section, and the original developer does not complete all phases of the entire development, credit for any prior dedication or payment will be applied to subsequent replats or development plans for the same land on a pro-rata basis by dwelling unit for a period of 10 years. Increased density requires the dedication of additional park land or payment of additional fees.

(b) Expenditures. The park land dedication fund must be used for the acquisition and improvement of parks and may not be used for park maintenance or city staff overhead expenses. Indirect costs reasonably incurred in connection with park acquisition and improvement, such as appraisal fees, environmental assessment costs, legal expenses, and engineering and design costs, are limited to a maximum of 10 percent of total acquisition or improvement costs. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1010. TREE MITIGATION.

(a) In general. Trees on dedicated park land may be used to meet tree mitigation requirements in accordance with Article X.

(b) Tree mitigation credits. To be eligible for Article X tree mitigation credits, dedicated park land and private park land must meet the conservation easement standards in Sections 51A-10.135(f)(1), 51A-10.135(f)(3), and 51A-10.135(f)(5).

(c) Conservation easements. Park land dedication requirements may be met on an acre for acre basis for any land dedicated as a conservation easement under Article X that meets the conservation easement standards in Article X and the requirements for publicly accessible private park land in Section 51A-4.1007(b)(2)(A)(i) and is accepted by the director. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1011. APPEALS.

Except for appeals of apportionment of exactions, all appeals of the director’s decisions are appealable to the park and recreation board following the same procedure as an appeal of an administrative official’s decision to the board of adjustment. Notice of appeal
§ 51A-4.1011 Dallas Development Code: Ordinance No. 19455, as amended

must be made within 15 days of the date of that decision. (Ord. 30934, eff. 7/1/19)

SEC. 51A-4.1012. REVIEW.

The director shall review this ordinance every five years from the effective date. (Ord. 30934, eff. 7/1/19)

Division 51A-4.1100. Mixed-Income Housing.

SEC. 51A-4.1101. PURPOSE.

This division is adopted to implement the provisions and goals of the comprehensive housing policy, affirmatively further fair housing, create and maintain available and affordable housing throughout Dallas, promote greater fair housing choices, and overcome patterns of segregation and concentrations of poverty. (Ord. 31152)

SEC. 51A-4.1102. APPLICABILITY.

(a) In general. Development bonuses apply to qualifying developments located in:

(1) MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts;

(2) MU-1, MU-2, and MU-3 Mixed Use Districts;

(3) MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts with public deed restrictions that only limit allowed uses;

(4) MU-1, MU-2, and MU-3 Mixed Use Districts with public deed restrictions that only limit allowed uses; and

(5) Planned development districts that reference compliance with this division or planned development districts that default to MF-1(A), MF-2(A), MF-3(A), MU-1, MU-2, and MU-3 Districts as base zoning and only alter the allowed uses.

(b) Market value analysis. Specific development bonus applicability is further determined based on the location of the development in a specific market value analysis category.

(c) Residential uses. To be eligible for development bonuses under this division, developments must include multifamily or retirement housing uses. (Ord. 31152)
SEC. 51A-4.1103. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions. In this division:

(1) AFFORDABLE RENT means: (i) a monthly rental housing payment, less an allowance for utilities, that does not exceed 30 percent of an eligible household’s adjusted income divided by 12, or (ii) the voucher payment standard.

(2) AFFIRMATIVE FAIR HOUSING MARKETING means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, national origin, religion, sex, age, disability, or other protected class under Title VIII of the Civil Rights Act of 1964 and all related regulations, executive orders, and directives.

(3) AREA MEDIAN FAMILY INCOME ("AMFI") means the median income for the Dallas Area Standard Metropolitan Statistical Area, adjusted for family size, as determined annually by the Department of Housing and Urban Development.

(4) ELIGIBLE HOUSEHOLDS means households with an adjusted income within the required income band or voucher holders regardless of income.

(5) INCOME means income as defined by 24 CFR §5.609.

(6) INCOME BAND means the range of household incomes between a pre-determined upper limit and a pre-determined lower limit generally stated in terms of a percentage of area median family income adjusted for family size (income bands descriptions are located in Chapter 20A).

(7) MARKET VALUE ANALYSIS ("MVA") means the official study that was commissioned by and prepared for the City of Dallas to assist residents and policy-makers in understanding the elements of their local residential real estate markets.

(8) MIXED-INCOME RESTRICTIVE COVENANT means a covenant running with the land that meets the requirements of this division and Chapter 20A.

(9) OWNER means the entity or person using the development bonus as well as all other owners or operators of the development during the rental affordability period.

(10) PASSENGER LOADING ZONE means a space that is reserved for the exclusive use of vehicles during the loading or unloading of passengers. A passenger loading zone is not a taxicab stand for purposes of Section 28-101, "Restricted Use of Bus Stops and Taxicab Stands."

(11) PEDESTRIAN SCALE LIGHTING means lighting that emanates from a source that is no more than 14 feet above the grade of the sidewalk or an equivalent pedestrian light fixture approved by the director of transportation.

(12) RENTAL AFFORDABILITY PERIOD means the 20 year period that the reserved dwelling units may only be leased to and occupied by eligible households or voucher holders.

(13) RESERVED DWELLING UNIT means the rental units within a development available to be occupied or currently occupied by eligible families or voucher holders and are leased at affordable rents set according to this division.

(14) STOOP means a small porch leading to the entrance of a residence.

(15) TRANSIT PROXIMITY means development within one-half mile of a transit station, including trolley stops, train stations, transfer centers, transfer locations, transit centers, and any transit stop with a climate-controlled waiting area. Transit agencies served include Dallas Area Rapid Transit, Trinity Railway Express, and trolley service.

(16) VOUCHER HOLDER means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal government.

(b) Interpretations. For uses or terms found in Chapter 51 the regulations in Section 51A-4.702(a)(6)(C) apply in this division. (Ord. 31152)
SEC. 51A-4.1104. DEVELOPMENT BONUS PERIOD.

(a) Any development bonus provided in this division is only applicable to structures built during the rental affordability period or according to the terms of the mixed-income restrictive covenant.

(b) Structures built during the term of the mixed-income restrictive covenant may retain their bonuses until they are destroyed by an intentional act of the owner.

(c) Structures built during the term of the mixed-income restrictive covenant may retain their bonuses and be rebuilt if they are destroyed by other than an intentional act of the owner, or owner's agent, if the development continues to meet the requirements of this division. (Ord. 31152)

SEC. 51A-4.1105. PROCEDURES TO OBTAIN A DEVELOPMENT BONUS.

(a) In general.

(1) The owner must comply with the requirements of Chapter 20A, as amended.

(2) Owners shall obtain a certified verification of the building site's MVA category and shall sign a reserved dwelling unit verification before applying for a permit for construction in accordance with this division and Section 20A-25.

(b) Building permit application. An application for a building permit using a development bonus must include the following:

(1) the date, names, addresses, and telephone numbers of the applicant and all property owners;

(2) the legal description, the current zoning classification, the market value analysis category, and the census tract of the building site for which the development bonus is requested;

(3) the total number of dwelling units proposed, the number of reserved dwelling units provided, and the number of reserved dwelling units required as a result of receiving the development bonus;

(4) the total number of one-bedroom dwelling units, two-bedroom dwelling units, etc. being proposed;

(5) a copy of the signed market value analysis verification from the director of housing and neighborhood revitalization; and

(6) any other reasonable and pertinent information that the building official determines to be necessary for review.

(c) Building permit issuance. Before the issuance of a building permit, the mixed-income restrictive covenant must be recorded in the county in which the building site is located, and an official copy of the executed and recorded mixed-income restrictive covenant must be submitted to the building official.

(d) Minimum units required.

(1) A development using a development bonus in this division must provide a minimum of one reserved dwelling unit regardless of the percentage of total units required.

(2) Fractions of a required unit will be rounded up to the next whole number.

(3) A development using a development bonus in this division shall reserve no more than 50 percent of the dwelling units in each development for households at or below 80 percent of area median family income. This maximum percentage of reserved dwelling units may be waived for developments that are enrolled in a program administered by the department of housing and neighborhood revitalization and authorized by the city council that furthers the public purposes of the city's housing policy and affirmatively furthers fair housing.
(e) **Phasing.**

(1) To obtain a development bonus for a phased development, a project plan must be submitted to the building official with the initial building permit application.

(2) For a phased development:

   (A) the first phase must independently qualify for the development bonus; and

   (B) each subsequent phase combined with all previous phases already completed or under construction must also qualify for the development bonus.

(3) A project taking advantage of a development bonus may consist of two or more building sites if they are developed under a project plan. The project plan must be:

   (A) signed by all property owners; and

   (B) approved by the building official.

(f) **Certificate of occupancy.** Before the issuance of a final certificate of occupancy for a multifamily or retirement housing use, the owner must submit to the building official any additional information needed to ensure compliance with the terms of the building permit and the mixed-income restrictive covenant, including:

(1) The approved affirmative fair housing marketing plan described in Section 20A-31(g).

(2) A letter from the director of housing and neighborhood revitalization certifying that the development complies with the mixed-income restrictive covenant. (Ord. 31152)

**SEC. 51A-4.1106. DEVELOPMENT REQUIREMENTS.**

(a) Except as provided in Section 51A-4.1105(e), all reserved dwelling units must be provided on the same building site as the market rate units.

(b) Reserved dwelling units must be dispersed throughout the residential floor area of each building.

(c) Reserved dwelling units must not be segregated or concentrated in any one floor or area of any buildings but must be dispersed throughout all residential buildings.

(d) Reserved dwelling units may float within each dwelling unit type.

(e) Reserved dwelling units must be of comparable finish-out and materials as the market rate dwelling units and must be equally available to eligible families or voucher holders as other market rate dwelling unit tenants.

(f) Except as provided in Section 20A-31(i), reserved dwelling units must be dispersed substantially pro-rata among the total unit types so that not all the reserved dwelling units are efficiency or one-bedroom units. For example, if 10 percent of the total dwelling units are reserved dwelling units, 10 percent of the efficiency units, 10 percent of the one-bedroom units, 10 percent of the two-bedroom units, 10 percent of the three-bedroom units (and so on, if applicable) must be reserved dwelling units.

(1) A maximum 10 percent of the total units may be specialty units including club suites and penthouse suites and are not required to be part of the dispersal of reserved dwelling units by type; however, the overall 10 percent requirement is calculated based on the total number of all units.

(2) In determining the required number of reserved dwelling units, fractional units are counted to the nearest whole number, with one-half counted as an additional unit, but a minimum of one unit is required.

(g) Eligible families or voucher holders occupying reserved units may not be restricted from common areas and amenities unless the restrictions apply to all dwelling unit occupants. (Ord. 31152)
§ 51A-4.1107 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-4.1107

SEC. 51A-4.1107. DESIGN STANDARDS.

(a) In general.

(1) To obtain a development bonus under this division, a qualifying development must meet the requirements of this section, where applicable.

(2) Except as provided in this section, the board of adjustment may not grant a variance or special exception to the standards in this section.

(b) Yard, lot, and space standards.

(1) Encroachments. The following additional items are permitted to be located within the required front, side, and rear yards:

(A) Seat walls, retaining walls, stoops, porches, steps, unenclosed balconies, ramps, handrails, safety railings, and benches all not exceeding four feet in height and extending a maximum of five feet into the required minimum yards.

(B) Landscape planters.

(C) Sculptures.

(D) Awnings

(2) Front yard fences. A maximum four-foot-high fence is allowed in a front yard. A maximum four-foot-high handrail may be located on retaining walls in a front yard.

(3) Height. Maximum height is controlled by the development bonus provisions and must comply with residential proximity slope regulations if applicable.

(c) Off-street parking and loading.

(1) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(2) Multifamily parking. Except as provided in this paragraph, one and one-quarter space per dwelling unit is required.

(A) At least 15 percent of the required parking must be available for guest parking.

(B) For developments with transit proximity, one space per dwelling unit is required. At least 15 percent of the required parking must be available for guest parking.

(3) Retirement housing. One space per dwelling unit is required.

(4) Parking locations.

(A) In general. Surface parking is prohibited between the street-facing facade and the property line. For buildings with more than one street frontage, only two street frontages are subject to this requirement.

(B) Thoroughfare frontage. For buildings fronting on a thoroughfare, surface parking is prohibited within the front setback.

(C) Surface parking. A maximum of 15 percent of the total on-site parking may be provided as surface parking in a side yard.

(D) Parking structures. That portion of the ground-level floor facing the street of any multi-floor parking facility must have an active use other than parking, with a minimum depth of 25 feet, or must have an exterior facade that is similar in materials, architecture, and appearance to the facade of the main structure. Exterior parking structure facade openings must provide solid screening a minimum 42 inches from the floor level within the parking structure to screen vehicles and vehicle headlights.

(E) Assigned parking. For assigned parking spaces, those spaces allotted for reserved dwelling units must be dispersed and distributed amongst all other assigned parking for similar units.

(5) Passenger loading.

(A) Each building site must provide at least one off-street or on-street passenger loading space. The board of adjustment may grant a variance to this subparagraph.
§ 51A-4.1107 Dallas Development Code: Ordinance No. 19455, as amended

(B) On-street passenger loading zones, if provided, must be constructed in compliance with Architectural Barrier Act accessibility standards and must be approved by the director and by the director of public works.

(6) Screening of off-street loading spaces and service areas. Screening 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 described in Section 51A-4.602(b)(3), except that screening around service areas for trash collection must be screened by a masonry wall with a solid gate.

(d) Street and open space frontages.

(1) Frontages. All street-fronting facades and open-space fronting facades must have at least one window and at least one common primary entrance facing the street or open space at street-level. The entrance must access the street or open space with an improved path connecting to the sidewalk. A transparent surface is required for every 25 linear feet of continuous street-fronting and open-space-fronting facade.

(2) Individual entries. Except as provided in this paragraph, a minimum of 60 percent of the street-level dwelling units adjacent to a street in each building must have individual entries that access the street with an improved path connecting to the sidewalk. For at-grade open space, a minimum of 60 percent of the open-space fronting dwelling units in each building must have individual entries that access the open space. EXCEPTION. This paragraph does not apply to retirement housing.

(e) Sidewalk, lighting, and driveway standards.

(1) Sidewalks.

(A) A sidewalk with a minimum average width of six feet must be provided along all street frontages.

(ii) Tree grates do not count toward the minimum unobstructed sidewalk width.

(iii) If the building official determines that the location of a local utility or protected tree, as defined in Article X, would prevent a five-foot minimum width, the sidewalk may be reduced to four feet in width in that location.

(B) Sidewalks must be located in an area parallel to and between two feet and 15 feet of the back of the projected street curb.

(2) Lighting.

(A) Special lighting requirement. Exterior lighting sources, if used, must be oriented down and onto the property they light and generally away from adjacent residential properties.

(B) Pedestrian scale lighting. For a development greater than 20,000 square feet of floor area, pedestrian scale lighting that provides a minimum maintained average illumination level of 1.5 foot candles must be provided along public sidewalks and adjacent to public streets. The design and placement of both the standards and fixtures must be approved by the director of transportation. Unless otherwise provided, the property owner is responsible for the cost of installation, operation, and maintenance of the lighting.

(f) Open space requirements.

(1) At least 10 percent of the building site must be reserved as open space for activity such as active or passive recreation, playground activity, groundwater recharge, or landscaping.

(A) No structures except for architectural elements; playground equipment; structures that are not fully enclosed such as colonnades, pergolas, and gazebos; and ordinary projections of window sills, bay windows, belt courses, cornices, eaves, and other architectural features are allowed; otherwise, open space must be open to the sky.
(B) Open space may contain primarily grass, vegetation, or open water; be primarily used as a ground-water recharge area; or contain pedestrian amenities such as fountains, benches, paths, or shade structures.

(C) Open space may also be provided at or below grade or aboveground by an outside roof deck, rooftop garden, playground area, pool area, patio, or similar type of outside common area.

(D) Private balconies, sidewalks, parking spaces, parking lots, drive aisles, and areas primarily intended for vehicular use are not considered open space and do not count towards the open space requirement.

(E) Operation or parking of vehicles within on-site open space is prohibited. Emergency and grounds maintenance vehicles are exempt.

(F) Open spaces must be properly maintained in a state of good repair and neat appearance, and plant materials must be maintained in a healthy, growing condition.

(2) Landscape areas that fulfill the requirements of Article X may also fulfill these requirements if all conditions of this section and Article X are met.

(g) Non-required fences. Unless a use specifically requires screening, all fences for uses along a street or trail must have a surface area that is a minimum of 50 percent open, allowing visibility between three feet and six feet above grade. The exceptions for multifamily districts in Sections 51A-4.602(a)(2) and 51A-4.602(a)(4) which provide that a fence exceeding four feet above grade may be erected in a front yard in multifamily districts are not applicable. (Ord. 31152)

SEC. 51A-4.1108 BOARD OF ADJUSTMENT VARIANCES.

A development that is eligible to receive the bonuses in this division must either use the bonuses or go to the board of adjustment to seek a variance but may not do both for the same yard, lot, and space regulations. (Ord. 31152)
ARTICLE V.
FLOOD PLAIN AND ESCARPMENT ZONE REGULATIONS.

Division 51A-5.100. Flood Plain Regulations.

SEC. 51A-5.101. DEFINITIONS AND INTERPRETATIONS APPLICABLE TO THE FLOOD PLAIN REGULATIONS.

(a) Definitions. The following definitions are applicable to the flood plain regulations in this article:

(1) AREA OF SPECIAL FLOOD HAZARD means the land in the flood plain within a community that is subject to a one percent or greater chance of flooding in any given year.

(2) BASEMENT means any area of a building having its floor subgrade, or below ground level, on all sides.

(3) BASE FLOOD means the flood having a one percent chance of being equalled or exceeded in any given year.

(3.1) BASE FLOOD ELEVATION means the water surface elevation from a flood having a one percent chance of being equalled or exceeded in any given year, which is shown on the flood insurance rate map (FIRM) and in the accompanying flood insurance study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE.

(4) DESIGN FLOOD (City’s Design Standard) means the 100-year frequency flood discharge as calculated for fully developed watershed conditions. For the Dallas Floodway Levee System, the design flood is the standard project flood as calculated for the Corridor Development Certificate process.

(5) DEVELOPMENT means any manmade change in improved and unimproved real estate, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling, operations, or storage of equipment or materials unless approved by the city on a temporary basis in connection with authorized construction activities.

(6) ENVIRONMENTALLY SIGNIFICANT AREA means an area in the flood plain:

(A) with slopes greater than three to one;

(B) containing endangered species of either flora or fauna;

(C) which is geologically similar to the Escarpment Zone, as defined in Division 51A-5.200, “Escarpment Regulations,” of this article;

(D) identified as wetlands;

(E) determined to be an archaeological or historic site; or

(F) containing more than 1,000 square inches of trunk area of protected trees, in the aggregate, within a 10,000 square foot land area. Trunk diameter is measured at a point 12 inches above grade. To be included in the calculation of trunk area, a tree must have a trunk equal to or greater than six inches. For purposes of this subparagraph, a protected tree is defined in Section 51A-10.101 of this chapter.

(7) EXISTING MANUFACTURED HOME PARK means a manufactured home park or subdivision for which the construction of facilities for servicing the lots was completed before March 16, 1983, the effective FIRM date.

(8) FEMA means the Federal Emergency Management Agency, which is the federal agency responsible for administering the National Flood Insurance Program.

(a) Definitions. The following definitions are applicable to the flood plain regulations in this article:
(1) AREA OF SPECIAL FLOOD HAZARD means the land in the flood plain within a community that is subject to a one percent or greater chance of flooding in any given year.

(2) BASEMENT means any area of a building having its floor subgrade, or below ground level, on all sides.

(3) BASE FLOOD means the flood having a one percent chance of being equalled or exceeded in any given year.

(4) BASE FLOOD ELEVATION means the water surface elevation from a flood having a one percent chance of being equalled or exceeded in any given year, which is shown on the flood insurance rate map (FIRM) and in the accompanying flood insurance study (FIS) for Zones A, AE, AH, A1 - A30, AR, V1-V30, or VE.

(5) DESIGN FLOOD (City’s Design Standard) means the one-percent chance flood frequency discharge as calculated for fully developed watershed conditions. For the Dallas Floodway Levee System, the design flood is the standard project flood as calculated for the Corridor Development Certificate process.

(6) DEVELOPMENT means any manmade change in improved and unimproved real estate, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials unless approved by the city on a temporary basis in connection with authorized construction activities.

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(C) which is geologically similar to the Escarpment Zone, as defined in Division 51A-5.200, "Escarpment Regulations," of this article;

(D) identified as wetlands;

(E) determined to be an archeological or historic site;

(F) containing more than 1,000 square inches of trunk area of protected trees, in the aggregate, within a 10,000 square foot land area. Trunk diameter is measured at a point 12 inches above grade. To be included in the calculation of trunk area, a tree must have a trunk equal to or greater than six inches. For purposes of this subparagraph, a protected tree is defined in Section 51A-10.101 of this chapter.

(8) EXISTING MANUFACTURED HOME PARK means a manufactured home park or subdivision for which the construction of facilities for servicing the lots was completed before March 16, 1983, the effective FIRM date.

(9) FEMA means the Federal Emergency Management Agency, which is the federal agency responsible for administering the National Flood Insurance Program.
§ 51A-5.101 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-5.101

(9) FLOOD OR FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

(10) FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated the areas of special flood hazards and the insurance risk premium zones applicable to the community.

(11) FLOOD INSURANCE STUDY (FIS) means the official report provided by FEMA containing flood profiles, water surface elevation of the base flood, and the Flood Boundary-Floodway Map.

(12) FLOOD PLAIN (FP) means any land area susceptible to inundation by the design flood.

(13) FLOOD PLAIN ALTERATION means the construction of buildings or other structures, alterations, mining, dredging, filling, grading, or excavation in the flood plain which does not remove an FP designation. (Examples include the construction of a tennis court, a playground, a swimming pool, a fence, a deck, an erosion control wall, or the installation of significant landscaping.)

(14) FLOOD PLAIN OR FP ADMINISTRATOR means the director of water utilities, who is responsible for administering the federal flood insurance program, or the director’s designated representative.

(15) FLOOD PROOFING means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage.

(16) FLOODWAY (OR REGULATORY FLOODWAY) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the design flood without cumulatively increasing the water surface elevation or to discharge more than a designated height or rate.

(17) HUNDRED YEAR FREQUENCY FLOOD (100 year flood) means the flood having a one percent chance of being equaled or exceeded in any given year. The 100 year flood in Dallas is based upon fully-developed land uses within the watershed as defined by the current zoning designation.

(17.1) INTERIOR DRAINAGE AREAS mean the geographical areas that act as a watershed for the sumps.

(18) LEVEE means a manmade structure (usually an earthen embankment) designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water for protection from temporary flooding.

(19) LEVEE SYSTEM means a flood protection system consisting of a levee or levees and associated structures such as closure and drainage devices constructed and operated in accordance with sound engineering practices.

(20) LOWEST FLOOR means the lowest floor of the lowest enclosed area of a building (including its basement). An unfinished or flood resistant enclosure that is useable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

(21) MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. In this article only, the term “manufactured home” includes park trailers, travel trailers, and similar vehicles placed on a site for more than 180 consecutive days, but does not include recreational vehicles.

(22) MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels)
unusual and rapid accumulation or runoff of surface waters from any source.

(11) FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated the areas of special flood hazards and the insurance risk premium zones applicable to the community.

(12) FLOOD INSURANCE STUDY (FIS) means the official report provided by FEMA containing flood profiles, water surface elevation of the base flood, and the Flood Boundary-Floodway Map.

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(14) FLOOD PLAIN ALTERATION means the construction of buildings or other structures, alterations, mining, dredging, filling, grading, or excavation in the flood plain which does not remove an FP designation. (Examples include the construction of a tennis court, a playground, a swimming pool, a fence, a deck, an erosion control wall, or the installation of significant landscaping.)

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(17) FLOODWAY (OR REGULATORY FLOODWAY) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the design flood without cumulatively increasing the water surface elevation or to discharge more than a designated height or rate.

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(20) LEVEE SYSTEM means a flood protection system consisting of a levee or levees and associated structures such as closure and drainage devices constructed and operated in accordance with sound engineering practices.

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(22) MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. In this article only, the term "manufactured home" includes park trailers, travel trailers, and similar vehicles placed on a site for more than 180 consecutive days, but does not include recreational vehicles.
of land divided into two or more manufactured home lots for rent or sale.

(23) NATIONAL FLOOD INSURANCE PROGRAM (NFIP) means the federal program administered by FEMA which enables property owners to purchase flood insurance against damage to or loss of property resulting from a flood.

(24) POOL-RIFFLE SEQUENCES mean the alternating deep and shallow flow conditions caused by a moving, nonuniform channel grade.

(25) SEEP means a location where natural groundwater makes its way in a non-continuous flow to the surface, creating a wet soil condition.

(26) SPECIAL EXCEPTION means a grant of relief to a property owner permitting reconstruction in a manner otherwise prohibited by this division.

(27) STANDARD PROJECT FLOOD means the flood caused by the most severe combination of meteorological and hydrological conditions reasonably characteristic of the region. The standard project flood is defined by the U.S. Army Corps of Engineers for use in major flood control projects.

(28) STRUCTURE means, for purposes of this division, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(29) SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(30) SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market or tax appraisal value of the structure, whichever is greater, as determined by an independent appraiser or the last official City tax-roll, either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure for the sole purpose of complying with federal, state, or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official as necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(31) SUMPS mean drainage features of levee systems that temporarily store storm water runoff before it is conveyed to a river system by pumping over or draining through a levee.

(32) SWALES mean low lying areas in the floodplain that convey flood waters when flow exceeds channel capacity.

(33) VALLEY STORAGE means the measure of a stream’s ability to store water as it moves downstream.

(34) VARIANCE means a grant of relief by a community from the terms of a floodplain management regulation.

(35) WATER SURFACE ELEVATION means the height, in relation to the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplain.

(23) MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(24) NATIONAL FLOOD INSURANCE PROGRAM (NFIP) means the federal program administered by FEMA which enables property owners to purchase flood insurance against damage to or loss of property resulting from a flood.
(25) ONE-PERCENT ANNUAL CHANCE FLOOD FREQUENCY (one-percent annual chance flood) means the flood having a one percent chance of being equaled or exceeded in any given year. The one-percent annual chance flood in Dallas is based upon fully developed land uses within the watershed as defined by the current zoning designation.

(26) POOL-RIFFLE SEQUENCES mean the alternating deep and shallow flow conditions caused by a moving, nonuniform channel grade.

(27) SEEP means a location where natural groundwater makes its way in a non-continuous flow to the surface, creating a wet soil condition.

(28) SPECIAL EXCEPTION means a grant of relief to a property owner permitting reconstruction in a manner otherwise prohibited by this division.

(29) STANDARD PROJECT FLOOD means the flood caused by the most severe combination of meteorological and hydrological conditions reasonably characteristic of the region. The standard project flood is defined by the U.S. Army Corps of Engineers for use in major flood control projects.

(30) STRUCTURE means, for purposes of this division, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(31) SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(32) SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market or tax appraisal value of the structure, whichever is greater, as determined by an independent appraiser or the last official City tax roll, either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure for the sole purpose of complying with federal, state, or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official as necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(33) SUMPS mean drainage features of levee systems that temporarily store storm water runoff before it is conveyed to a river system by pumping over or draining through a levee.

(34) SWALES mean low lying areas in the flood plain that convey flood waters when flow exceeds channel capacity.

(35) VALLEY STORAGE means the measure of a stream’s ability to store water as it moves downstream.

(36) VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation.

(37) WATER SURFACE ELEVATION means the height, in relation to the North American Vertical Datum (NAVD), of floods of various magnitudes and frequencies in the flood plain.

(b) Interpretations. The intent of this ordinance is to equal or exceed the minimum federal criteria for participation in the National Flood Insurance Program, located in 44 Code of Federal Regulations, Chapter I, Part 60.3(d). (Ord. Nos. 19455; 19786; 20360; 24085; 27318; 27572; 27697; 27893; 30994; 31314)
SEC. 51A-5.102. DESIGNATION OR REMOVAL OF FP AREAS.

(a) In general.

(1) A floodplain designation is not a zoning classification, but refers to a specific area subject to flooding.

(2) When this designation is noted by an "FP" prefix on the official zoning district map, the area designated is referred to in this article as an FP area.

(3) FP areas include those areas:

(A) identified as special flood hazards by FEMA in the:

(i) current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Dallas County," dated March 21, 2019, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated March 21, 2019, and any revisions thereto are hereby adopted by reference and declared to be a part of this paragraph, or

(ii) current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Rockwall County," dated September 26, 2008, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated September 26, 2008, and any revisions thereto are hereby adopted by reference and declared to be a part of this paragraph, and

(iii) current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Collin County," dated June 7, 2017, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated June 7, 2017, and any revisions thereto are hereby adopted by reference and declared to be a part of this paragraph, or

(iv) current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Denton County," dated April 18, 2011, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated April 18, 2011, and any revisions thereto are hereby adopted by reference and declared to be a part of this paragraph, or

(v) current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Kaufman County," dated July 3, 2012, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated July 3, 2012, and any revisions thereto are hereby adopted by reference and declared to be a part of this paragraph, and

(B) other areas that the director of Dallas Water Utilities has identified as flood risk areas.

(b) Initiation. The addition to or removal from the official zoning district map of an FP prefix may be initiated in the following ways:

(1) An owner of property located within an FP area may apply for the review of an FP designation based upon evidence of a mapping error provided by the owner.

(2) The director of water utilities may, upon his or her own initiative, review the status of an FP designation.

(3) An owner of property located within an FP area may apply for a fill permit and removal of the FP prefix by following the procedure outlined in Section 51A-5.105.

(c) Engineering studies. Hydraulic and hydrologic engineering studies or a field survey must support any changes to an FP designation. The director may require core borings as part of his or her investigations under this subsection.
§ 51A-5.102 Dallas Development Code: Ordinance No. 19455, as amended

(d) Decision on designation. The director of water utilities shall make a final decision on whether to add or remove an FP prefix on the official zoning district map only after the director determines that engineering studies support the change in the FP designation.

(e) Zoning map revision. The director of water utilities must notify the director of sustainable development and construction in writing that an FP prefix is to be removed from or added to the official zoning district map. The written notification must contain a description of the property affected and the reasons why the FP prefix is being changed. The director of water utilities shall keep a copy of the notification in a permanent file and send a copy of the notification to the city secretary, who shall keep the copy in a permanent file.

(f) Letter of Map Revision (LOMR). A letter of map revision from FEMA is required for removal of an FP prefix from the official zoning map if the area is designated as a flood hazard area on the FIRM. (Ord. Nos. 19455; 19786; 21299; 22920; 24085; 25047; 25716; 27318; 27551; 27697; 28164; 28671; 29359; 30481; 30994; 31109)

SEC. 51A-5.103. COMPLIANCE IN UNDESIGNATED FLOOD PLAIN AREAS.

(a) A person shall comply with the requirements of this article for FP areas before developing land within the design flood line of a creek or stream having a contributing drainage area of 130 acres or more, even if the land has not been formally designated as an FP area.

(b) Alterations of the natural flood plain in areas with less than 130 acres must be approved by the director of water utilities for compliance with the Dallas Development Code and city drainage standards. (Ord. Nos. 19455; 19786; 24085; 27697; 30994)

SEC. 51A-5.103.1. VEGETATION ALTERATION IN FLOOD PLAIN PROHIBITED.

(a) A person commits an offense if he removes or injures any vegetation within a flood plain.

(b) It is a defense to prosecution under Subsection (a) if the act is:

(1) authorized in advance in writing by the director of water utilities;

(2) in conformance with a landscape plan approved by the director of water utilities;

(3) routine maintenance of vegetation such as trimming or cutting designed to maintain the healthy or attractive growth of the vegetation; or

(4) routine maintenance performed, required, or authorized by the city in order to maintain the floodwater conveyance capacity of the flood plain.

(Ord. Nos. 19455; 19786; 24085; 27697; 30994)

SEC. 51A-5.104. USES AND IMPROVEMENTS PERMITTED.

(a) Uses permitted. To allow for the appropriate development of land which is subject to flooding without unduly endangering life and property, the following uses are permitted in an FP area provided they are permitted in the underlying zoning district and comply with the requirements of Section 51A-5.105(g) and all applicable elevation requirements of the Federal Emergency Management Agency:

(1) Farm or ranch.

(2) Utility services, electrical substation, detention basin, water reservoir or pumping station, and water treatment plant.
§ 51A-5.104 Dallas Development Code: Ordinance No. 19455, as amended § 51A-5.104

(3) Sanitary landfill and refuse transfer station.

(4) Public park or playground, private recreation club or area, private community center, and golf course.

(5) Outside commercial amusement approved by specific use permit.

(6) Helistop approved by specific use permit.

(7) Radio, television, or microwave tower, and amateur communications tower.

(b) Improvements permitted.

(1) Structures. A structure customarily associated with a use listed in Subsection (a) may be constructed within an FP area only if the director of water utilities determines that the proposed structure meets the same engineering requirements applicable to filing in Section 51A-5.105(g) and issues a flood plain alteration permit.

(2) Improvements. The owner of a structure in an FP area shall not make any improvements to the structure without first obtaining approval from the director of water utilities. The director of water utilities may approve proposed improvements if the cumulative value of all improvements for the previous ten years is less than 50 percent of the market or tax appraisal value of improvements on the property, whichever is greater. No substantial improvements are permitted. Any improvement must comply with the requirements of Section 51A-5.105(g).

(3) Completion of vested structures. The building official shall not withhold a final inspection or certificate of occupancy for a structure in an FP area if building permits for the structure were issued by the building official before FEMA’s FIRM becomes effective designating such areas as AA or AE, and the structure otherwise complies with all applicable requirements.

(4) Board of adjustment. The board of adjustment may grant a special exception to allow the reconstruction of a structure in an FP area upon a showing of good and sufficient cause, a determination that failure to all the reconstruction would result in exceptional hardship to the property owner, and a determination that the reconstruction will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other laws. The board may not grant a special exception to authorize reconstruction within any designated floodway if any increase in flood levels during the base flood discharge would result. Any special exception granted must be the minimum necessary, considering the flood hazard, to afford relief. The reconstruction of a structure in an FP area may not increase the lot coverage of the structure.

(A) The director of water utilities shall notify in writing the owner of a structure in an FP area that:

(i) the granting of a special exception to reconstruct the structure below the base flood level will result in increased premium rates for flood insurance that will commensurate with the increased risk; and

(ii) the construction below the base flood level increases risks to life and property. The notification letter must be maintained with the record of the board’s action.

(B) The FP administrator shall maintain a record of all actions involving applications for special exceptions and shall report special exceptions to FEMA upon request.

(5) Parking.

(A) Surface parking. All surface parking spaces must be constructed at a minimum elevation of two feet above the design flood elevation.
(B) Underground parking garages. The entrance elevation and any openings on underground parking garages constructed within or adjacent to a flood prone area may not be lower than two feet above the design flood elevation.

(C) Elm Fork, West Fork, and Trinity River flood plain. The minimum elevation requirements do not apply to parking in the flood plain of Elm Fork, West Fork, and main stem of the Trinity River.

(D) Storage in the flood plain prohibited.

(i) A person shall not place, store, or maintain a shipping container, trailer, boat, inoperable vehicle, or construction equipment in the flood plain. For purposes of this paragraph, the term "vehicle" includes but is not limited to automobiles, buses, and recreational vehicles. It is a defense to prosecution that the placement, storage, or maintenance of shipping containers, trailers, boats, inoperable vehicles, or construction equipment is otherwise permitted by or in connection with a valid federal, state, county, or city permit, or is otherwise authorized by those entities.

(ii) The director of water utilities shall give written notice and allow persons in violation of Subparagraph (i) a period of 180 days to come into compliance.

(6) Manufactured homes. Manufactured homes may not be placed in manufactured home parks, courts, or subdivisions within flood plain areas unless all of the following requirements are met:

(A) No manufactured home may be placed within a floodway.

(B) The manufactured home park, court, or subdivision where the manufactured home is to be placed must have been an existing development prior to March 16, 1983, the effective date of the original City of Dallas Flood Insurance Rate Map.

(C) All manufactured homes to be placed within a flood plain area in accordance with Subparagraph (B) must be installed using methods and practices that minimize flood damage.

(D) The lowest floor of a manufactured home must be elevated one foot above the design flood elevation, and the home must be anchored to resist flotation, collapse, or lateral movement. An acceptable method of anchoring includes but is not limited to the use of over-the-top frame ties to ground anchors. Applicable state anchoring requirements for resisting wind forces must be met. A registered land surveyor shall submit a certification to the director of water utilities stating that elevation requirements are satisfied.

(E) The manufactured home's chassis must be supported by reinforced piers or other foundation elements that are less than 36 inches in height above grade. The chassis must be securely anchored to a foundation system to resist flotation, collapse, and lateral movement.

(F) Enclosure of areas below the lowest floor of a manufactured home placed within an FP area must be designed to automatically equalize hydrostatic floor forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must be certified by a licensed professional engineer and satisfy the following criteria:

(i) At least two openings must be provided which have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

(ii) The bottom of all openings must be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(c) Construction standards. All improvements and construction permitted in an FP area must comply with the following requirements:
(1) Structures must be:

   (A) securely anchored to the foundation and otherwise designed to prevent flotation and collapse during inundation; and

   (B) designed to prevent damage to nonstructural elements during inundation.

(2) Thermal insulation used below the first floor level must be of a type that does not absorb water.

(3) Adhesives must have a bonding strength that is unaffected by inundation.

(4) Doors and all wood trim must be sealed with a water-proof paint or similar product.

(5) Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities must be designed and located to prevent water from entering or accumulating in the components during flooding.

(6) Basements.

   (A) Basements are permitted only in nonresidential construction and only if they are designed to preclude inundation by the design flood level, either by:

      (i) locating any exterior opening at least three feet above the level of the design flood elevation; or

      (ii) using water-tight closures, such as bulkheads and flood shields.

   (B) All basements must be constructed so that any enclosure area, including utilities and sanitary facilities below the flood-proofed design level, is watertight with impermeable walls.

   (C) Basement walls must be built with the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy resulting from flooding to the flood-proofed design level so that minimal damage will occur from floods that exceed the flood-proofed design level.

   (D) The area surrounding the structure must be filled to or above the elevation of the design flood. The fill must be compacted, and slopes must be protected by vegetative cover.

   (E) Basements must be designed by a licensed engineer.

(7) Plywood used at or below the first floor level must be of an “exterior” or “marine” grade and of a water-resistant or waterproof variety.

(8) Wood flooring used at or below the first floor level must be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

(9) Basement ceilings must consist of a sufficient wet strength and be installed to survive inundation.

(10) Paints or other finishes used at or below the first floor level must be capable of surviving inundation.

(11) All air ducts, large pipes and storage tanks located at or below the first floor level must be firmly anchored to prevent flotation.

(12) Tanks must be vented at a location above the 100-year flood level.

(12) Tanks must be vented at a location above the one-percent annual chance flood level. (Ord. Nos. 19455; 19786; 20360; 24085; 24543; 27697; 27893; 30994; 31314)

SEC. 51A-5.105. FILLING IN THE FLOOD PLAIN.

(a) Permit required.

(1) A person shall not deposit or store fill, place a structure, excavate, or engage in any other
development activities in an FP area without first obtaining:

(A) a fill permit or an FP alteration permit from the director of water utilities; and

(B) all other permits required by county, state, and federal agencies.

(2) A fill permit allows the property to be developed at a specified elevation in compliance with this section.

(3) The director of water utilities shall maintain a record of all fill permits and FP alteration permits.

(b) Flood plain alteration permit. The director of water utilities may issue a flood plain alteration permit if he or she determines that:

(1) the alteration does not remove an FP designation; and

(2) the alteration complies with all applicable engineering requirements in Subsection (g).

(c) Initiation of fill permit process.

(1) Application. An applicant for a fill permit shall submit an application to the director of water utilities on a form approved by the director and signed by all owners of the property.

(2) Notification signs. Except as provided in Section 51A-5.105(f)(2), an applicant is responsible for obtaining the required number of notification signs and posting them on the property that is subject of the application. Notification signs must be obtained from the director of water utilities at the time the application is made.

(A) Number of signs required. For tracts of five acres or less, only one notification sign is required. An additional notification sign is required for each additional five acres or less, except that no applicant is required to obtain and post more than five notification signs on the property, regardless of its size.

(B) Posting of signs. The applicant shall post the required number of notification signs on the property at least 15 days before the date of the scheduled public hearing before the city council. The signs must be posted at a prominent location adjacent to a public street and be easily visible from the street.

(C) Failure to comply. If the city council determines that the applicant has failed to comply with the provisions of this section, it may postpone the public hearing.

(d) Preapplication conference.

(1) An applicant for a fill permit shall request a preapplication conference with representatives from the department of water utilities.

(2) At the preapplication conference, the director of water utilities shall determine what information is necessary for a complete evaluation of the proposed fill project. The director may require the applicant to submit all necessary information, including, but not limited to the following:

(A) A vicinity map.

(B) The acreage figures for the entire tract, the area located in the flood plain, and the area proposed to be filled.

(C) A description of existing and proposed hydrologic and hydraulic analysis conducted.

(D) A landscape and erosion control plan. The landscape plan must comply with the Landscape and Tree Preservation Regulations in Article X of the Dallas Development Code, as amended.
(E) A table of values for analysis of the engineering criteria listed in Subsections (h)(1), (h)(2), and (h)(4).

(F) A water surface profile.

(G) A plan view showing existing and proposed contours and grading.

(H) Plotted cross-sections.

(I) An overall map of the project area.

(e) Filling to remove an FP designation.

(1) In general. This subsection applies to applications to remove an FP designation other than applications to remove an FP designation from an interior drainage area pursuant to Subsection (f).

(2) Review of application by departments.

(A) If the application is to remove an FP designation, the director of water utilities shall forward copies of the application to the director of sustainable development and construction, the chief planning officer, and the director of park and recreation for review.

(B) The director of sustainable development and construction, the chief planning officer, and the director of park and recreation shall review the application and advise the director of water utilities of the environmental impacts of the project. They shall also determine whether the applicant’s property should be considered for public acquisition due to its ecological, scenic, historic or recreational value. The director of water utilities shall provide a report to the city council on each application regarding environmental impacts and public acquisition issues.

(3) Neighborhood meeting. The water utilities department shall schedule and conduct a neighborhood meeting on each application. The applicant or the applicant’s representative must attend the neighborhood meeting. The director shall send written notice of the meeting to the applicant, to all owners of real property within 500 feet from the boundary of the subject property, and to persons and organizations on the early notification list on file with the department of sustainable development and construction. Measurements include the streets and alleys. The notice must be given not less than 10 days before the date set for the neighborhood meeting 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. This notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census.

(4) Notice and public hearing. After the neighborhood meeting, the director of water utilities shall schedule a public hearing on the application. The city secretary shall give notice of the public hearing in the official newspaper of the city at least 15 days before the date of the public hearing. The director shall also send written notice of the public hearing to the applicant, to all owners of real property within 500 feet from the boundary of the subject property, and to persons and organizations on the early notification list on file with the department of sustainable development and construction. Written notice must be given in the same manner required in Paragraph (2) for the neighborhood meeting.

(5) Decision on application.

(A) After notice and a public hearing in compliance with Paragraph (3), the city council shall approve or deny the application for a fill permit. The city council may only deny an application if:

(i) the application does not meet the requirements of Section 51A-5.105(g); or

(ii) the city council has, by resolution, authorized acquisition of the property
§ 51A-5.105 Dallas Development Code: Ordinance No. 19455, as amended

under the laws of eminent domain, and denial of the application is necessary to preserve the status quo until the property is acquired.

(B) In connection with its approval of a fill permit, the city council may grant a variance to the requirements of Subsection (h) if the variance will not violate any provision of federal or state law or endanger life or property.

(C) If the city council approves a fill permit application, the FP designation for the filled area may be removed from the official zoning district map upon compliance by the applicant with the specifications for filling.

(6) Zoning map revision. Upon compliance with all applicable requirements of this section by the applicant, the director of water utilities shall notify the director of sustainable development and construction, who shall remove the FP designation for the filled area from the official zoning district map.

(7) Letter of Map Revision (LOMR). A letter of map revision must be obtained from FEMA, if applicable, before an FP prefix may be removed from the official zoning district map. A building permit may be issued for construction of underground utilities if a conditional letter of map revision (CLOMR) is obtained; however, no building permit may be issued until a final letter of map revision is obtained. Upon approval and receipt of a letter of map revision, the director of water utilities shall notify the director of sustainable development and construction, who shall remove the FP designation for the subject area from the official zoning district map.

(g) Filling operations. If the city council approves a fill permit, the filling operations must comply with the following requirements:

(1) Any excavation required by the specifications of the approved application must be conducted before or at the same time as placing fill.

(2) Building pad sites must be filled to an elevation of at least two feet above the design flood elevation.

(3) The lowest floor of any structure must be constructed at least three feet above the design flood elevation.

(4) Fill material must consist of natural material including but not limited to soil, rock, gravel, or broken concrete. Decomposable matter, including but not limited to lumber, sheetrock, trees, tires, refuse, or hazardous, toxic matter, is prohibited as fill
material. Fill must be compacted to 95 percent standard proctor density.

(5) Before construction, erosion control devices such as straw hay bales, silt fences or similar items must be installed to eliminate any transportation of sediment downstream. The property owner is responsible for removal of any sediment deposited by runoff as a result of filling.

(6) If compliance with a National Pollutant Discharge Elimination System (NPDES) permit is required for construction activities, a copy of the Notice of Intent (NOI) or the individual NPDES permit must be submitted to the director of water utilities before beginning fill operations.

(7) Fill shall be placed no more than five feet above the design flood elevation, except where necessary to match the existing elevation of the adjacent property as determined by the director of water utilities. In determining when it is necessary to match the existing elevation, the director shall consider the effects on local drainage and storm water management, the access needs of the property, and other public health and safety concerns.

(8) A copy of the approved fill permit must be posted and maintained at the fill site for inspection purposes until fill operations have been completed.

(9) After filling operations have been completed, the applicant shall submit a certification to the director of water utilities that proper fill elevations, compaction requirements, and all other specifications of the approved application have been followed. In addition, the applicant shall submit a copy of the letter of map revision (LOMR) issued by FEMA, if applicable.

(h) **Engineering requirements for filling.**

(1) Except for detention basins, alterations of the FP area may not increase the water surface elevation of the design flood of the creek upstream, downstream, or through the project area. Detention basins may increase the water surface elevation of the design flood provided the increase is within the detention basin’s boundaries as approved by the director of water utilities.

(2) Alterations of the FP area may not create or increase an erosive water velocity on or off-site. The mean velocity of stream flow at the downstream end of the site after fill may not exceed the mean velocity of the stream flow under existing conditions.

(3) The effects of the existing and proposed public and private improvements will be used in determining water surface elevations and velocities.

(4) The FP area may be altered only to the extent permitted by equal conveyance reduction on both sides of the natural channel. The following valley storage requirements apply to all FP areas except those governed by a city council-adopted management plan that contains valley storage regulations, in which event the valley storage regulations contained in the plan apply:

(A) Except as otherwise provided in Subparagraph (B):

(i) no loss of valley storage is permitted along a stream with a drainage area of three square miles or more;

(ii) valley storage losses along streams with a drainage area between 130 acres and three square miles may not exceed 15 percent, as calculated on a site by site basis; and

(iii) valley storage losses along streams with a drainage area of less than 130 acres is not limited.

(B) Hydrologic computations may be performed to evaluate basin-wide valley storage loss impacts on the design flood discharge. If the computations demonstrate that valley storage losses do not result in increases in the design flood discharge at any point downstream of the project, valley storage
losses are permitted even though they exceed the limits provided in Subparagraph (A).

(5) An environmental impact study and a complete stream rehabilitation program must be approved before relocation or alteration of the natural channel or alteration of an environmentally significant area. The net environmental impacts of the proposal may not be negative. The environmental impact study must contain the following items:

(A) A description of the existing conditions of the site, adjacent properties, upstream and downstream creek sections for approximately 1,000 feet (unless conditions require additional information in the opinion of the director of water utilities), and creek and overbank areas. The description of these conditions must include:

(i) the characterization of creek features such as bed quality and material, pool-riffle sequences, natural ground water, springs, seeps, magnitude and continuity of flow, water quality (including biological oxygen demand, dissolved oxygen, and nutrient loadings), bank quality and material, vegetative cover and patterns, bank erosion, topographic relief, disturbances to the natural character of the creek, animal and aquatic life, and the extent and character of wetland areas; and

(ii) soil types and land uses of the site and surrounding area.

(B) A description of the proposed project. This description must include:

(i) the intended ultimate use of the site, or if that is not known, a description of the interim site plan, including construction access;

(ii) reasons why the creek or flood plain alteration is necessary; and

(iii) a site plan showing the flood plain and construction access necessary to perform the work.

(C) A description of at least three possible ways of handling the creek and flood plain, including:

(i) an alternative that assumes the creek and flood plain are not changed;

(ii) the applicant’s proposed action; and

(iii) alternatives proposed by the director of water utilities.

(D) An identification of the impacts created by each alternative, describing in detail all of the positive and negative impacts upon the existing conditions described in Subparagraph (A), that would be created by each alternative.

(E) A recommended course of action based upon evaluation of the alternatives.

(F) Proposed strategies to mitigate adverse impacts. Examples of strategies include tree wells, temporary construction and permanent erosion and sedimentation controls, vegetative buffers, and replacement planting.

(6) The toe of any fill slope must parallel the natural channel to prevent an unbalanced stream flow in the altered FP area.

(7) To insure maximum accessibility to the FP area for maintenance and other purposes and to lessen the probability of slope erosion during periods of high water, maximum slopes of the filled area may not exceed four to one for 50 percent of the length of the fill and six to one for the remaining length of the fill. The slope of any excavated area may not exceed four to one unless the excavation is in rock. Vertical walls, terracing, and other slope treatments may be used provided no unbalancing of stream flow results and the slope treatment is approved as a part of a landscaping plan for the property.
§ 51A-5.105 Dallas Development Code: Ordinance No. 19455, as amended

(8) The elevation of excavated areas in the FP area may not be lower than one-third of the depth of the natural channel, as measured from the adjacent bank, except for excavation of lakes. Excavation must be at least 50 feet from the bank of the natural channel, except as necessary to provide proper drainage. The excavated area may not exceed 25 percent of the total area of the tract's unfilled flood plain.

(9) A landscape and erosion control plan must be submitted and approved. Landscaping must incorporate natural materials (such as earth, stone, and wood) on cut and filled slopes when possible. The definitions of Section 51A-10.101 of this chapter apply to this subsection. Except as otherwise provided, the preservation and mitigation requirements contained in the tree preservation regulations, Division 51A-10.130 of the Dallas Development Code, apply. Each landscape and erosion control plan must comply with the following criteria:

(A) The size, type, and location of all trees within the existing flood plain that are six-inch caliper and larger must be shown. The plans must indicate which of the trees are to be preserved and which will be lost due to development activities in the flood plain.

(B) Trees must be protected if they are more than six-inches in caliper and located in sloped areas of flood plain fill with a depth of four feet or less. If trees are protected by tree wells, the wells must be at or beyond the drip line of the tree and must provide positive drainage. A well may not exceed four feet in depth unless designed and certified by a registered landscape architect. Tree wells are required if either of the following conditions occur at the base of a tree to be protected:

   (i) a fill of greater than six inches; or

   (ii) a cut greater than six inches.

(C) The size, type, and location of all proposed replacement trees to mitigate the loss of existing trees must be shown. The tree types must be selected in accordance with the provisions of Section 51A-10.134 and must be approved by the city arborist as suitable for use under local climate and soil conditions.

(D) Where a swale is proposed, tree replacement is required for the loss of existing trees with a six-inch caliper or greater located within the proposed swale. The applicant must indicate replacement of either 35 percent of the number of trees displaced, or the minimum number of trees necessary to provide a spacing equivalent to 50 feet on center, whichever is less. At least 50 percent of the replacement trees must have a caliper of at least six inches. The remainder of the trees must have a caliper of at least three inches.

(E) The specific plant materials proposed to protect fill and excavated slopes must be indicated. Plant materials must be suitable for use under local climate and soil conditions. In general, hydroseeding or sodding Bermuda grass is acceptable during the summer months (May 1st to August 30th). Winter rye or fescue grass may be planted during times other than the summer months as a temporary measure until such time as the permanent planting can be accomplished.

(F) The proposed methods of erosion and sedimentation control, such as hay bales and sedimentation basins, to be used during construction must be shown in detail.

(G) The fill case applicant, current owners, and subsequent owners must maintain and assure the survival of all planted material until the property is developed and a permanent maintenance plan of record is established. Maintenance responsibility must be reflected in the submitted plans or supporting documents.
(10) Any alteration of the FP area necessary to obtain a removal of an FP prefix may not cause any additional expense in any current or projected public improvements.

(i) Special criteria for the Trinity and the Elm Fork. If the FP area is in the flood plain of the Trinity River, Elm Fork of Trinity River, West Fork of the Trinity River, Five Mile Creek – confluence to Bonnie View Road, White Rock Creek – confluence to Scyene Road, or the regulatory floodways established by FEMA, the following requirements must be met:

(A) Encroachment into the floodway is prohibited unless FEMA issues a conditional Letter of MapRevision.

(B) Fill elevations and first floor elevations in flood plain areas located along the Elm Fork, West Fork or main stem of the Trinity River that would be protected from inundation by the 100-year or greater flood by a federally authorized flood control project must be constructed at a minimum elevation of one foot above the design flood. The parking requirements in Section 51A-5.104(b)(4) do not apply.

(j) Term of permit validity and extension procedures.

(A) Permits issued after October 11, 1996. A fill permit is valid for a five-year time period from the date of issuance. The fill permit automatically terminates if the filling operations have not been completed within the five-year time period. The director of water utilities may grant a one-time extension of a fill permit for an additional three-year time period upon receipt of a written request made at least 30 days before the expiration of the original permit. The applicant for permit extension must demonstrate that the project fully complies with the flood plain regulations that were in effect at the time that the original permit was approved.
(B) **Permits issued before October 11, 1996.** Fill permits issued before October 11, 1996, shall expire on December 31, 2001. The director of water utilities shall notify owners of fill permits governed by this paragraph that:

(i) filling must be completed no later than December 31, 2001; and

(ii) a one-time extension of the permit for an additional three-year time period may be granted by the director of water utilities upon receipt of a written request made at least 30 days before the expiration date of the original permit. The applicant for permit extension must demonstrate that the project fully complies with the flood plain regulations that were in effect at the time that the original permit was approved.

(C) **New permit required upon expiration.** When a fill permit terminates, the applicant must apply for a new permit before filling the property. The new application must comply with the flood plain regulations that are in effect at the time that the request is considered by the city council.

(D) **Presumption of completion.** Filling operations are deemed completed when the applicant submits:

(i) a certification to the director of water utilities that proper fill elevations have been achieved and the specifications of the approved application have been followed; and

(ii) a letter of map revision from FEMA, if applicable. (Ord. Nos. 19455; 19786; 21299; 22920; 24085; 25047; 27697; 27893; 28424; 29478; 30994; 31314)
SEC. 51A-5.106. SETBACK FROM NATURAL CHANNEL REQUIRED.

(a) For purposes of this section:

(1) NATURAL CHANNEL SETBACK LINE means that setback line described below located the farther beyond the crest:

(A) That line formed by the intersection of the surface of the land and the vertical plane located a horizontal distance of 20 feet beyond the crest.

(B) That line formed by the intersection of the surface of the land beyond the crest and a plane passing through the toe and extending upward and outward from the channel at the designated slope. For purposes of this paragraph, the designated slope is:

(i) four to one if the channel contains clay or shale soil; and

(ii) three to one in all other cases.

(2) CREST means that line at the top of the bank where the slope becomes less than four to one.

(3) TOE means that line at the bottom of the bank where the slope becomes less than four to one.

(b) Except as otherwise provided in Subsection (c), all structures must be located behind the natural channel setback line.

(c) A structurally engineered retention system approved by the director may be substituted for the setback required in Subsection (b). (Ord. Nos. 19786; 24085; 25047; 28073)

SEC. 51A-5.107. TRINITY RIVER CORRIDOR DEVELOPMENT CERTIFICATE PROCESS.

(a) Definitions. In this section:

(1) CORRIDOR DEVELOPMENT CERTIFICATE (CDC) MANUAL means the manual by that title dated January 31, 1992, or its latest revision, which is attached to this ordinance and kept on file in the office of the city secretary.

(2) FLOOD PLAIN ALTERATION means any construction of buildings or other structures, mining, dredging, filling, grading, or excavation in the floodplain.

(3) TRINITY RIVER CORRIDOR means the portion of the flood plain of the West Fork, Elm Fork, and mainstream segments of the Trinity River flood plain within the Dallas city limits, as delineated on the latest CDC Regulatory Map.

(b) Certificate required. A person commits an offense if he makes any flood plain alteration within the Trinity River Corridor without first obtaining a corridor development certificate from the director of water utilities. It is a defense to prosecution that an exemption or variance has been obtained in accordance with CDC criteria.

(c) Application. An application for a corridor development certificate must be filed with the director of water utilities on a form furnished by the department of water utilities.

(d) Review. The director of water utilities shall deny an application for a certificate unless it complies with the standards contained in the CDC Manual or unless an exemption from or a variance to those standards is obtained in accordance with Subsection (e).
§ 51A-5.107 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-5.201

(e) Exemptions and variances.

(1) Exemptions.

(A) An exemption from the requirements of this section may be obtained if the floodplain alteration involves the following activities:

(i) Ordinary maintenance of and repair to flood control structures.

(ii) The construction of outfall structures and associated intake structures if the outfall has been permitted under state or federal law.

(iii) Discharge of material for backfill or bedding for utility lines, provided there is no significant change in pre-existing bottom contours and excess materials are removed to an upland disposal area.

(iv) Bank stabilization.

(v) Any project listed in the U.S. Army Corps of Engineers March 1990 Reconnaissance Report, which is attached as Appendix A to the CDC Manual, or any project approved under the provisions of this division, provided the approval, permit, or authorization has not expired and no significant changes have occurred since the approval, permit, or authorization was issued.

(B) Application for an exemption must be made to the director of water utilities on a form provided by the department of water utilities.

(C) If the director of water utilities determines that an application for an exemption falls within one of the categories listed in Paragraph (1), the director shall issue a written exemption from the requirements of this section.

(2) Variances. If the director of water utilities determines that the application for a corridor development certificate does not comply with all of the standards contained in the CDC Manual, the applicant may apply for a variance to any standard contained in the manual. An application for a variance must be made to the director of water utilities, who shall schedule the application for consideration by the city council. (Ord. Nos. 21636; 24085; 27697; 30994)


SEC. 51A-5.201. DEFINITIONS.

In this division, unless the context clearly indicates otherwise:

(1) BEST MANAGEMENT PRACTICES means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(2) CHALK ZONE means the lower chalk member of the Austin chalk formation overlying the Eagle Ford shale formation. The chalk zone consists primarily of a chalk limestone with minor seams of shale and bentonite clays.

(3) CREST means that line above the escarpment line where the slope becomes less than 4:1.

(4) ESCARPMENT AREA REVIEW COMMITTEE means the committee described in Section 51A-5.209 of this chapter.

(5) ESCARPMENT FACE means that portion of the escarpment zone between the crest and the toe.

(6) ESCARPMENT LINE means that line formed by the intersection of the plane of the stratigraphic contact between the Austin chalk and the Eagle Ford shale formations and the surface of the land.
(7) ESCARPMENT ZONE means that corridor of real property south of Interstate Highway 30 between the following described vertical planes:

(A) On the crest side of the escarpment line and measuring horizontally from that line, the vertical plane that is 125 feet from that line, or 35 feet beyond the crest, whichever is farther from that line.

(B) On the toe side of the escarpment line and measuring horizontally from that line, the vertical plane that is 85 feet from that line, or 10 feet beyond the toe, whichever is farther from that line.

(8) FACTOR OF SAFETY means a combination of factors which, when considered together, indicates whether the slope is stable at a slip surface location. The factor of safety (Fs) is determined using the equation:

\[
Fs = \frac{\text{Shearing strength available along sliding surface}}{\text{Shearing stresses tending to produce failure along surface}}
\]

(9) GEOLOGICALLY SIMILAR AREAS means:

(A) areas adjacent to and similar to the escarpment zone by virtue of their slopes, soils, and geology; and

(B) the drainage basins containing the escarpment zone, excluding those portions of the basins which are:

(i) downstream from the areas described in Subparagraph (A) above; or

(ii) north of Interstate Highway 30.

(10) GRADING means excavation or filling or any combination thereof.

(11) REGISTERED PROFESSIONAL ENGINEER means a person who is duly licensed and registered to engage in the practice of engineering in the State of Texas in accordance with state law.

(12) SHALE ZONE means the Arcadia Park/Kamp Ranch members of the Eagle Ford shale formation which lie below the Austin chalk formation. The shale zone consists primarily of clays and shale with minor layers of limestone or sand.

(13) SLOPE means the slope of the terrain. For example, a 5:1 slope means a slope with an angle described by five feet horizontal to one foot vertical.

(14) STORM WATER POLLUTION PREVENTION PLAN means a plan required by either a construction general permit or an industrial general permit, which plan describes and ensures the implementation of practices to reduce pollutants in storm water discharges associated with construction or industrial activity at a site or facility.

(15) TOE means that line below the escarpment line where the slope becomes flatter than 5:1. (Ord. Nos. 19455; 25047; 26000)

SEC. 51A-5.202. DEVELOPMENT IN ESCARPMENT ZONE PROHIBITED.

(a) A person commits an offense if, within the escarpment zone, he:

(1) removes or injures any tree or vegetation; or

(2) alters the physical condition of the land in any way. Examples of alterations to the physical condition of the land include, but are not limited to dumping, excavation, storage, and filling.

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

(1) the construction of a public improvement authorized by the city and performed in accordance with the requirements of this division; or
§ 51A-5.202  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-5.204

(2) the modification of a single family or duplex structure existing on the date of passage of this ordinance, and the modification did not:

(A) change the use of the structure;

(B) cause the size of the structure to exceed by 50 percent or more the size of the structure as it existed on the date of passage of this ordinance; or

(C) cause the market value of the structure to exceed by 50 percent or more the market value of the structure as it existed on the date of passage of this ordinance.

(c) The construction of public improvements in the escarpment zone requires an escarpment permit. The performance standards for development in a geologically similar area apply to the construction of public improvements in the escarpment zone. (Ord. Nos. 19455; 26000)

SEC. 51A-5.203. PERMIT REQUIRED FOR DEVELOPMENT IN GEOLOGICALLY SIMILAR AREAS.

(a) A person commits an offense if, in a geologically similar area and without first obtaining an escarpment permit from the city expressly authorizing the act, he:

(1) removes or injures any trees or vegetation; or

(2) alters the physical condition of the land in any way. Examples of alterations to the physical condition of the land include, but are not limited to dumping, excavation, storage, and filling.

(b) It is a defense to prosecution under Subsection (a) that the act was the modification of a single family or duplex structure existing on the date of passage of this ordinance, and the modification did not:

(1) change the use of the structure;

(2) cause the size of the structure to exceed by 50 percent or more the size of the structure as it existed on the date of passage of this ordinance; or

(3) cause the market value of the structure to exceed by 50 percent or more the market value of the structure as it existed on the date of passage of this ordinance. (Ord. Nos. 19455; 26000)

SEC. 51A-5.204. ESCARPMENT PERMIT APPLICATION AND REVIEW.

(a) An applicant for an escarpment permit shall request a preapplication conference with the escarpment area review committee. The purpose of the conference is to determine what information must be submitted with the permit application to allow a complete evaluation of the proposed project. After the conference, the committee shall advise the director of its findings and recommendations.

(b) After the preapplication conference, the applicant shall submit an application for an escarpment permit to the director. The application must be on a form approved by the director and be signed by the owner of the property. Except as otherwise provided in this division, the following items must be provided as part of the application:

(1) The name and address of:

(A) the owner(s) of the property; and

(B) the person(s) who prepared the plans and drawings submitted.

(2) A general vicinity map of the proposed development site.

(3) A one inch = 100 feet scale site plan showing details of the terrain and area drainage. This site plan must be a contour map with two-foot contour intervals.
§ 51A-5.204 Dallas Development Code: Ordinance No. 19455, as amended

(4) A one inch = 50 feet scale cross section and plan review of any proposed structures.

(5) Results of the slope stability analysis required under Section 51A-5.205.

(6) The soil erosion control plan required under Section 51A-5.206.

(7) The grading plan required under Section 51A-5.207.

(8) The vegetation plan required under Section 51A-5.208.

(9) Financial assurance in the form of a letter of credit, a performance bond, or other instrument payable to the city of Dallas for all improvements related to the required soil erosion control, grading, and vegetation plans to insure that funds are available to the city to implement those plans if the developer fails to implement them.

(10) A performance and maintenance bond for each private development contract for the construction of public infrastructure improvements.

(11) One inch = 100 feet scale transparent overlay drawings of the required soil erosion control, grading, and vegetation plans such that a composite map can be created by combining the overlay drawings and the site plan required under Subsection (b)(3).

(12) Cost estimates and timetables for implementation and completion of work specified in the required soil erosion control, grading, and vegetation plans.

(13) Any other information that the director determines to be necessary to allow for a complete evaluation of the proposed project.

(c) If the director determines that one or more of the items listed in Subsection (b) is not necessary to allow for a complete review of the proposed project, he shall waive the requirement that the item or items be provided.

(d) All plans, drawings, and specifications submitted as part of an application for an escarpment permit must comply with the requirements of this chapter and all applicable ordinances, rules, and regulations of the city of Dallas.

(e) Upon submission by the applicant of a complete application for an escarpment permit, the director shall forward copies of all materials submitted to the escarpment area review committee for consideration. Upon review of all materials submitted, the committee shall furnish the director a written report containing its recommendations and comments concerning the proposed project. The director shall consider the committee’s report before making a decision to grant or deny the escarpment permit.

(f) If the application and other materials submitted show that the proposed project complies with the requirements of this chapter and all applicable ordinances, rules, and regulations of the city of Dallas, the director shall issue an escarpment permit and forward the application to the building official for further action. Otherwise, the director shall deny the escarpment permit.

(g) The building official shall not issue a building permit for any project for which an escarpment permit is required unless the director has first issued an escarpment permit authorizing the work.

(h) The director may not authorize any disturbance of the land for development purposes until both the required soil erosion control and grading plans have been submitted and approved. After the approval of both of these plans, the director may issue a limited permit to authorize clearing and grubbing.

(i) A decision made by the director to grant or deny an escarpment permit may be appealed to the board of adjustment in the same manner that appeals are made from decisions of the building official.

(j) An inspector from the department shall monitor all development for which an escarpment
permit is required to ensure compliance with the approved plans, the requirements of this chapter, and all applicable ordinances, rules, and regulations of the city of Dallas. (Ord. Nos. 19455; 25047; 26000; 28073)

SEC. 51A-5.205. SLOPE STABILITY ANALYSIS.

(a) For all proposed development within a geologically similar area, field and laboratory tests must be performed on samples taken from representative locations within the development site to ascertain the existing geotechnical conditions.

(b) A slope stability analysis must be performed for each new structure to be erected within a geologically similar area. No structure may be erected where the slope stability factor of safety is less than 1.5.

(c) Except for items that are expressly waived by the director, the slope stability analysis data submitted must include the following:

1. A description of the boring location(s).
2. Drillers logs of borings delineating the stratigraphy of the soil and bedrock.
3. The locations and methods used to determine groundwater conditions and elevations.
4. A table of field and laboratory engineering tests including, but not limited to shear strength tests, atterberg limits, and shrink/swell tests.
5. Calculations for the slope stability analysis, including the criteria and parameters used, indicating the slope and location of slip surfaces and corresponding factors of safety.
6. All analyses, designs, tests, and calculations for new development within a geologically similar area must be certified by a registered professional engineer. A registered professional engineer must also certify that structural foundations for all new development are designed to meet the requirements of the building code and all other applicable codes. (Ord. Nos. 19455; 26000)

SEC. 51A-5.206. SOIL EROSION CONTROL PLAN.

(a) A soil erosion control plan must be submitted for all proposed development within a geologically similar area. Except for items that are expressly waived by the director, the plan must:

1. show the type of soil cover as mapped by the Soil Conservation Service and confirmed by representative field tests and samples;
2. indicate the susceptibility to erosion of the mapped soils as confirmed by representative field tests and samples;
3. show the location of existing and proposed development;
4. include a timing schedule indicating starting and completion dates of the development activities sequence and the time of exposure of each area prior to completion of control measures;
5. contain a complete description of all measures to be taken to prevent or control erosion and sedimentation of soils during and after construction;
6. comply with best management practices standards for storm water pollution prevention plans; and
7. be certified by a registered professional engineer.

(b) Development within a geologically similar area must conform to the following performance standards:

1. Development must be fitted to the topography and soils to minimize cut and fill sections.
§ 51A-5.206 Dallas Development Code: Ordinance No. 19455, as amended

(2) Grading is not permitted within the 100 year flood plain boundaries of watercourses unless it is:

(A) in conjunction with the construction of approved drainage facilities; or

(B) authorized by a city council approved fill permit. All grading must comply with Section 51A-5.207 of this division.

(2) Grading is not permitted within the one-percent annual chance flood plain boundaries of watercourses unless it is:

(A) in conjunction with the construction of approved drainage facilities; or

(B) authorized by a city council approved fill permit. All grading must comply with Section 51A-5.207 of this division.

(3) Indigenous vegetation must be retained and protected except in immediate areas of 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.

(4) Development must be accomplished in a manner which assures that as small an area as possible is exposed to erosion at any one time. When land is exposed during development, the exposure must be kept to the shortest practical period of time not to exceed six months. In extraordinary cases, an extension of the six month time period may be granted in writing by the director. In such cases the director shall seek and consider the recommendation of the escarpment area review committee before making his decision.

(5) Areas where construction activities have ceased for more than 21 days must be stabilized by the developer to minimize erosion through the use of temporary or permanent vegetation, mulching, sod, geotextiles, or similar measures. In cases where permanent measures are not installed, the developer must maintain the temporary measures until the site is either fully developed or permanent vegetation with a density of at least 70 percent of the native background vegetative cover for the area has been installed.

(6) Sediment basins or other installations approved by the director must be installed and maintained to remove sediment from runoff waters accumulating on land undergoing development. These...
installations should be returned to natural conditions upon the substantial completion of improvements or when the director determines that the installations are no longer needed. In any event, the owner shall cause these installations to be returned to natural conditions within 90 days after written notice to do so is given by the director.

(7) Runoff caused by changed soil and surface conditions during and after development, both above and below the escarpment zone, must be controlled on each development site within approved drainage facilities so that the runoff velocity leaving the site is maintained at or below predevelopment rates. Site-specific erosion control is required below the escarpment zone where the erosion control plan shows detrimental erosion caused by runoff velocities.

(8) When additional storm water runoff is being discharged onto the face of the escarpment, the property owner’s engineer shall provide an analysis of whether the additional storm water runoff has a negative effect on the escarpment. If the additional storm water runoff has a negative effect, then detention is required.

(9) Stormwater drainage may not be discharged over the escarpment face at eroding velocities as those velocities are defined in the soil evaluation reports. In no event may the discharge exceed a velocity greater than three feet per second. Stormwater drainage discharge must comply with Section 51A-5.207 of this division.

(10) Temporary vegetation and mulching must be used to protect areas exposed during development. Permanent vegetation must be established on disturbed areas following development in accordance with the vegetation plan required under Section 51A-5.208 of this division.

(11) Channel velocities may not exceed five feet per second, except that velocities higher than five feet per second may be maintained at up to predevelopment rates in the escarpment and chalk zones if the developer establishes to the satisfaction of
§ 51A-5.206 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-5.207 GRADING PLAN.

(a) A grading plan must be submitted for all proposed development within a geologically similar area. Except for items that are expressly waived by the director, the following items must be included as part of the plan:

(1) A soil engineering report. This report must include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of the site to be developed. The report must be signed by a registered professional engineer.

(2) An engineering geology report. This report must include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering adequacy of the site to be developed. The report must be signed by a registered professional engineer.

(3) Limiting dimensions, elevations or finish contours to be achieved by grading, and proposed drainage channels and related construction.

(4) Detailed plans for all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with or as a part of the proposed work, together with a map showing the drainage area and the estimated runoff of the area.

(b) Development within a geologically similar area must conform to the following performance standards:

(1) Grading must be planned so as to have the least disturbance on the area’s natural topography, watercourses, vegetation, and wildlife. This may preclude all development in certain areas. No cleared, graded, or otherwise disturbed land may be left without temporary protective stabilizing cover. (See Section 51A-5.206.)

(2) The maximum slopes permitted in geologically similar areas shall be determined by the director based on the results of the geotechnical investigations of the site materials and other factors analyzed in this division.

(3) Topsoil must be stockpiled and redistributed on areas where vegetation will be grown after the grading is completed. Methods to insure maintenance of these areas until vegetation is established must be detailed. (Ord. Nos. 19455; 26000)

SEC. 51A-5.208 VEGETATION PLAN.

(a) A vegetation plan must be submitted for all proposed development in a geologically similar area. Except for items that are expressly waived by the director, the plan must:

(1) show the location and type of landscape features and plant materials in the areas of proposed development; and

(2) specify all proposed vegetation removal and replacement.

(b) Development in a geologically similar area must conform to the following performance standards:

(1) Indigenous vegetation must be retained and protected except in immediate areas of
§ 51A-5.208 Dallas Development Code: Ordinance No. 19455, as amended

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 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)
§ 51A-5.210 Dallas Development Code: Ordinance No. 19455, as amended § 51A-5.210


When property in the escarpment zone or in the geologically similar area is platted:

(1) the escarpment zone or the geologically similar area must be shown on the plat;

(2) the plat must provide any dedications necessary for maintenance, drainage, or compliance with this division; and

(3) the property owner is encouraged, but not required, to dedicate the escarpment zone or geologically similar area to the city as park. (Ord. 26000)
ARTICLE VII.
SIGN REGULATIONS.

Division 51A-7.100. Purposes and Definitions.

SEC. 51A-7.101. PURPOSE.

Signs use private land and the sight lines created by the public rights-of-way to inform and persuade the general public by publishing a message. Except as provided in Section 51A-7.207, this article provides standards for the erection and maintenance of private signs. All private signs not exempted as provided below shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and, in part to achieve the following:

(a) SAFETY: To promote the safety of persons and property by providing that signs:

   (1) do not create a hazard due to collapse, fire, collision, decay or abandonment;

   (2) do not obstruct fire fighting or police surveillance; and

   (3) do not create traffic hazards by confusing or distracting motorists, or by impairing the driver’s ability to see pedestrians, obstacles, or other vehicles, or to ready traffic signs.

(b) COMMUNICATIONS EFFICIENCY: To promote the efficient transfer of information in sign messages by providing that:

   (1) businesses and services may identify themselves;

   (2) customers and other persons may locate a business or service;

   (3) no person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and

   (4) persons exposed to signs are not so overwhelmed by the number of messages presented that they cannot find the information they seek, and are able to observe or ignore messages, according to the observer’s purpose.

(c) LANDSCAPE QUALITY AND PRESERVATION: To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing that signs:

   (1) do not interfere with scenic views;

   (2) do not create a nuisance to persons using the public rights-of-way;

   (3) do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement;

   (4) are not detrimental to land or property values; and

   (5) contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and orient himself with it. (Ord. Nos. 19455; 22061)

SEC. 51A-7.102. DEFINITIONS.

Unless the context clearly indicates otherwise, for purposes of this article, the following words and phrases have the meanings respectively ascribed to them by this section:

(1) ADVERTISE means to attract, or to attempt to attract, the attention of any person to any business, accommodations, goods, services, property, or commercial activity.
(1.1) ATHLETIC FIELD SIGN means a sign that is designed, intended, or used to inform or advertise to the spectators of an athletic event.

(2) ATTACHED SIGN means any sign attached to, applied on, or supported by, any part of a building (such as a wall, roof, window, canopy, awning, arcade, or marquee) that encloses or covers usable space.

(3) BUILDING means a structure which has a roof supported by columns, walls or air for the shelter, support, or enclosure of persons, animals or chattel.

(4) BUSINESS ZONING DISTRICT means:

(A) for purposes of interpreting Chapter 51: any zoning district designated by this chapter as SC, GR, LC, CA-1, CA-2, HC, I-1, I-2, or I-3. Any PD district is also included in this list, unless specifically excluded by its provisions; and

(B) for purposes of interpreting Chapter 51A: any zoning district designated by this chapter as CR, RR, CS, industrial, central area, mixed use, or multiple commercial. Any PD district is also included in this list, unless specifically excluded by its provisions.

(5) CHARACTER means any letter of the alphabet or numeral.

(6) CITY means the city of Dallas, Texas.

(7) COMMERCIAL MESSAGE means a message placed or caused to be placed before the public by a person or business enterprise directly involved in the manufacture or sale of the products, property, accommodations, services, attractions, or activities or possible substitutes for those things which are the subject of the message and that:

(A) refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions, or activities; or

(B) attracts attention to a business or to products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire.

(8) COMMISSION means the city plan commission of the city of Dallas.

(9) DETACHED SIGN means any sign connected to the ground that is not an attached, portable, or vehicular sign.

(10) Reserved.

(11) EFFECTIVE AREA means the following:

(A) For a detached sign, the area within a minimum imaginary rectangle of vertical and horizontal lines that fully contains all extremities of the sign, excluding its supports. This rectangle is calculated from an orthographic projection of the sign viewed horizontally. The viewpoint for this projection that produces the largest rectangle must be used. If elements of the sign are movable or flexible, such as a flag or a string of lights, the measurement is taken when the elements are fully extended and parallel to the plane of view.

(B) For an attached sign, the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word. If a design, outline, illustration, or interior illumination surrounds or attracts attention to a word, then it is included in the calculation of effective area.

(12) ERECT means to build, attach, hang, place, suspend, fasten, affix, maintain, paint, draw, or otherwise construct.

(12.1) ESCARPMENT ZONE means the escarpment zone as defined in Section 51A-5.201.

(13) EXPRESSWAY means:

(A) the Dallas North Tollway;
§ 51A-7.102 Dallas Development Code: Ordinance No. 19455, as amended

(B) Interstate Highway 20;
(C) Interstate Highway 30;
(D) Interstate Highway 35E;
(E) Interstate Highway 45;
(F) Interstate Highway 635;
(G) U.S. Highway 67;
(H) U.S. Highway 75;
(I) U.S. Highway 80 east of Interstate Highway 30 to the city limits;
(J) U.S. Highway 175;
(K) State Highway 114;
(L) State Highway 183;
(M) Spur 408;
(N) Walton Walker Boulevard from Spur 408 north to the city limits, and from Stemmons Freeway south to the city limits; and
(O) Woodall Rodgers Freeway.

(13.1) EXPRESSWAY SIGN means a sign that is wholly within 100 feet of an expressway right-of-way and whose message is visible from the main traveled way or that has been relocated adjacent to an expressway pursuant to Section 51A-7.307(f).

(14) FACADE means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within 45° of one another, they are to be considered as part of a single facade.

(14.1) GEOLOGICALLY SIMILAR AREAS means “geologically similar areas” as defined in Section 51A-5.201.

(15) GOVERNMENT SIGN means a flag, insignia, legal notice, informational, directional, traffic, or safe school zone sign which is legally required or necessary to the essential functions of government agencies.

(16) HEIGHT, as applied to a sign, means the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and a level plane going through the nearest point of the vehicular traffic surface of the adjacent improved public right-of-way, other than an alley. In the event a sign is equidistant from more than one improved public right-of-way, none of which are alleys, the highest point shall be used.

(16.1) HIGHWAY BEAUTIFICATION ACT (HBA) SIGN means a non-premise sign that is within 660 feet of an expressway or new expressway right-of-way and whose message is visible from the main traveled way.

(17) ILLUMINATED SIGN means any sign that is directly lighted by any electrical light source, internal or external. This definition does not include signs that are illuminated by street lights or other light sources owned by any public agency or light sources that are specifically operated for the purpose of lighting the area in which the sign is located rather than the sign itself.

(18) INTERSECTION means the junctions of the centerlines of any two public rights-of-way, other than alleyways, crossing at grade, or, where the crossing is separated at grade, the intersection is the point where expressway travel pavements converge or diverge, or the point where any expressway interchange ramp intersects the expressway travel pavement. For purposes of this definition, the term “expressway” includes “new expressway.”

(19) LUMINANCE means the brightness of a sign or a portion thereof expressed in terms of footlamberts.
For purposes of this article, luminance is determined by the use of an exposure meter calibrated to standards established by the National Bureau of Standards and equipped with a footlambert scale.

(20) MOVEMENT CONTROL SIGN means a sign that directs vehicular or pedestrian movement within or onto the premise on which the movement control sign is located.

(20.1) NEW EXPRESSWAY means a divided highway with full control of access whose original mainlanes in the city of Dallas were not entirely open to the public as of July 1, 1999. The President George Bush Turnpike (State Highway 190) is a new expressway under this definition.

(21) NON-BUSINESS ZONING DISTRICT means any zoning district not designated as a business district as defined in this section. Any parking district may be specifically designated a business zoning district for the purposes of this article.

(22) NONCOMMERCIAL MESSAGE means any message that is not a commercial message.

(23) NON-PREMISE SIGN means any sign that is not a premise sign.

(24) OCCUPANCY means the purpose for which a building is used or intended to be used. The term also includes the building or room housing such use.

(25) ONE SIGN means any number of detached signs structurally connected above grade.

(26) PORTABLE SIGN means any sign that is not securely connected to the ground in such a way that it cannot easily be moved from one location to another and that is not an attached sign, vehicular sign, or a sign that refers solely to the sale or lease of the premises.

(27) PREMISE means a lot or unplatted tract that is reflected in the plat books of the building inspection division of the city. Refer to Section 51A-7.208 of this article.

(28) PREMISE SIGN means any sign the content of which relates to the premises on which it is located, referring exclusively to the following:

(A) the name of the owner or occupant of the premises, or the identification of the premises;

(B) accommodations, services, or activities offered or conducted on the premises;

(C) products sold, other than incidentally, on the premises if no more than 70 percent of the sign is devoted to the advertisement of products by brand name or symbol; or

(D) the sale, lease, or construction of the premises.

(29) PRIVATE PROPERTY means any property not dedicated to public use, except that “private property” does not include the following:

(A) A private street or alley.

(B) For purposes of interpreting Chapter 51, property on which a utility and services use, post office, refuse transfer station, or sanitary landfill is being conducted as a main use. For purposes of interpreting Chapter 51A, property on which a utility and public service use listed in Section 51A-4.212 is being conducted as a main use.

(C) A railroad right-of-way.

(D) A cemetery or mausoleum.

(30) PROTECTIVE SIGN means any sign that is commonly associated with safeguarding the permitted uses of the occupancy, including, but not limited to “bad dog,” “no trespassing,” and “no solicitors.”

(30.1) RESIDENTIAL ZONING DISTRICT means:
§ 51A-7.102 Dallas Development Code: Ordinance No. 19455, as amended

(A) an A(A), R(A), D(A), TH(A), CH, MF(A), or MH(A) zoning district; or

(B) any identifiable portion of a special purpose, conservation, or planned development district (such as a subarea or subdistrict) that allows single family, duplex, manufactured home, multifamily (multiple family), or retirement housing uses.

(30.2) SAFE SCHOOL ZONE SIGN means a government sign:

(A) to be placed in the public right-of-way at the direction of a school district;

(B) indicating a safe school hotline number, or an alcohol-free, gun-free, or drug-free zone for a school; and

(C) erected to give notice of these zones in order to aid in the enforcement of state or federal laws involving violation of certain crimes in proximity of a school.

(31) SETBACK means the distance between a sign and the nearest public right-of-way line. An alley is not considered to be public right-of-way for the purpose of calculating a setback. Where a public way crosses a railroad right-of-way, the setback is measured from the public right-of-way line extended across the railroad right-of-way.

(32) SIGN means any device, flag, light, figure, picture, letter, word, message, symbol, plaque, poster, display, design, painting, drawing, billboard, wind device, or other thing visible from outside the premise on which it is located and that is designed, intended, or used to inform or advertise to persons not on that premise. This definition does not include:

(A) searchlights and landscape features that display no words or symbols;

(B) works of art that are not designed, intended or used to advertise; or

(C) temporary holiday decorations.

(33) SIGN SUPPORT means any pole, post, strut, cable, or other structural fixture or framework necessary to hold and secure a sign, providing that said fixture or framework is not imprinted with any picture, symbol or word using characters in excess of one inch in height, nor is internally or decoratively illuminated.

(34) SPECIAL PURPOSE SIGN means a sign temporarily supplementing the permanent signs on a premise.

(34.1) SUBDIVISION SIGN means a sign that identifies a single family, duplex, or townhouse residential neighborhood or a business park.

(35) VEHICULAR SIGN means any sign on a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition does not include signs that are being transported to a site of permanent erection.

(36) WIND DEVICE means any flag, banner, pennant, streamer, or similar device that moves freely in the wind. All wind devices are considered to be signs, and are regulated and classified as attached or detached, by the same rules as other signs.

(37) WORD: For purposes of this article, each of the following is considered to be one word:

(A) Any word in any language found in any standard unabridged dictionary or dictionary of slang.

(B) Any proper noun or any initial or series of initials.

(C) Any separate character, symbol, or abbreviation, such as “&”, “$”, “%”, and “Inc.”.

(D) Any telephone number, street number, or commonly used, combination of numerals and/or symbols such as “$5.00”, or “50%”. 

Dallas City Code 503

SEC. 51A-7.201. APPLICATION OF DIVISION.

The provisions of this division shall apply to all signs in the city, without regard to zoning. (Ord. Nos. 19455; 20359)

SEC. 51A-7.202. IMITATION OF TRAFFIC AND EMERGENCY SIGNS PROHIBITED.

No person shall cause to be erected or maintained any sign using any combination of forms, words, colors, or lights, which imitate standard public traffic regulatory, emergency signs, or signals. (Ord. 19455)

SEC. 51A-7.203. ROOF AND RIGHT-OF-WAY SIGNS.

(a) No sign shall be located on a roof or project over a building, except as provided in Section 51A-7.305.

(b) No sign shall be located within or project over any public right-of-way, or across the public right-of-way line extended across a railroad right-of-way, except:

(1) Signs attached to and projecting no more than 18 inches from a building wall legally located at or near the right-of-way line.


(c) Whenever any sign is located in violation of Subsection (b), it is prima facie evidence that the
§ 51A-7.203 Dallas Development Code: Ordinance No. 19455, as amended

person whose address or telephone number is listed on the sign, or who is otherwise named, described, or identified on the sign, is the person who committed the violation, either personally or through an agent or employee.

(d) It is a defense to prosecution under Subsection (b) that the sign was authorized or required by another city ordinance, state law, or federal law. (Ord. Nos. 19455; 20359; 20927; 25455; 26512)

SEC. 51A-7.204. OTHER CODES NOT IN CONFLICT, APPLICABLE.

All signs erected or maintained pursuant to the provisions of this article shall be erected and maintained in compliance with all applicable state laws and with the building code, electrical code, and other applicable ordinances of the city. In the event of conflict between this article and other laws, the most restrictive standard applies. (Ord. 19455)

SEC. 51A-7.205. ATHLETIC FIELD SIGNS, PORTABLE SIGNS, SPECIAL PURPOSE SIGNS, MOVEMENT CONTROL SIGNS, AND PROTECTIVE SIGNS.

(a) Non-premise athletic field signs.

(1) Non-premise athletic field signs are permitted only in special provision sign districts.

(2) Non-premise athletic field signs must be on the same premise as the athletic field and be attached to a scoreboard or the inside of a fence surrounding the field. All signs must be oriented toward the field or its seating areas.

(3) The cumulative effective area of all non-premise athletic field signs attached to a scoreboard may not exceed 240 square feet.

(b) Portable signs. Portable signs, as that term is defined in Section 51A-7.102, are prohibited.

(c) Reserved.

(d) Reserved.

(e) Movement control signs. Movement control signs may be erected at any occupancy or on any premise, other than a single-family or duplex premise, may be attached or detached, and may be erected without limit as to number, provided, that such signs shall comply with all other applicable requirements of this article. No setback is required for a detached movement control sign that does not exceed two feet in height. Unless granted a variance under the provisions of Section 51A-7.703, the occupant of a premise may erect a movement control sign only if the sign:

(1) does not exceed two square feet in effective area;

(2) conveys a message which directs vehicular or pedestrian movement within or onto the premise on which the sign is located;

(3) contains no advertising or identification message; and

(4) has words that do not exceed four inches in height if the sign is an attached sign.

(f) Protective signs. The occupant of a premise may erect not more than two protective signs, in accordance with the following provisions:

(1) Each sign must not exceed 100 square inches in effective area.

(2) Detached signs must not exceed two feet in height.

(3) Letters must not exceed four inches in height. (Ord. Nos. 19455; 20927; 21798; 21855; 21978; 24232; 27253)
SEC. 51A-7.206. VEHICULAR SIGNS.

Vehicular signs shall conform to the following restrictions:

(a) Vehicular signs shall contain no flashing or moving elements.

(b) Vehicular signs shall have no element with a luminance greater than 200 footlamberts.

(c) Vehicular signs shall not project beyond the surface of a vehicle for a distance in excess of 8 inches.

(d) Vehicular signs shall not be attached to a vehicle so that the driver’s vision is obstructed from any angle.

(e) Signs, lights and signals used by authorized emergency vehicles shall not be restricted.

(f) Vehicular signs shall conform to all the regulations for detached signs if:

(1) the vehicular sign is so placed as to constitute a “sign” as defined in Section 51A-7.102; and

(2) the vehicle upon which the sign is located is parked on other than a temporary basis.

(g) 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 such vehicle shall constitute prima facie evidence of actual ownership by the named individual. (Ord. 19455)

SEC. 51A-7.207. GOVERNMENT SIGNS.

(a) Except as provided by Subsection (b), nothing in this article shall be construed to regulate the display of a government sign.

(b) Safe school zone signs must satisfy the following requirements.

(1) Safe school zone signs must be erected within 600 feet of a school.

(2) Safe school zone signs may not exceed five square feet in effective area.

(3) No less than 80 percent of the effective area of a safe school zone sign must be devoted to a governmental message.

(4) No more than 20 percent of the effective area of a safe school zone sign may be devoted to the identification of a sponsor. (Ord. Nos. 19455; 20927; 22061; 22392)

SEC. 51A-7.208. CREATION OF SITE.

The building official shall not issue a permit for construction, erection, placement, or maintenance of a sign until a site is established in one of the following ways:

(a) A lot is part of a plat which is approved by the commission and filed in the plat records of the appropriate county. All platted lots must have frontage, through fee simple ownership, on a dedicated street.

(b) A lot was separately owned prior to September 11, 1929 or prior to annexation or consolidation, and the lot has frontage, through fee simple ownership, on a dedicated street.
§ 51A-7.208 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.211

(c) A lot is part of an industrial subdivision in which only streets, easements, and blocks are delineated. The industrial subdivision must be approved by the commission and filed in the plat records of the appropriate county. No specific lot delineation is required, but yard, lot and space requirements will be determined by property lines or lease lines.

(d) Tracts that are governed by a detached sign unity agreement in accordance with Section 51A-7.213. (Ord. Nos. 19455, 21797)

SEC. 51A-7.209. SIGNS DISPLAYING NONCOMMERCIAL MESSAGES.

(a) Notwithstanding any other provision of this article, any sign that may display a commercial message may also display a noncommercial message, either in place of or in addition to the commercial message, so long as the sign complies with other requirements of this article or other ordinances that do not pertain to the content of the message displayed.

(b) Notwithstanding any other provision of this article, or other ordinance, any sign that may display one type of noncommercial message may also display any other type of noncommercial message, so long as the sign complies with other requirements of this article or other ordinances that do not pertain to the content of the message displayed.

(c) Nothing in this article shall be construed to regulate a sign that contains primarily a political message for which a permit is not required under Section 51A-7.602. (Ord. Nos. 19455, 25921)

SEC. 51A-7.210. GENERAL MAINTENANCE.

(a) Sign and sign supports must be maintained in a state of good repair and neat appearance at all times.

(b) Revocation of permit.

(1) The building official shall revoke, in writing, the sign permit for a sign if it has for a period of one year:

(A) displayed obsolete advertising matter;

(B) been without advertising matter; or

(C) been damaged in excess of 50 percent of the cost of replacement of the sign.

(2) The owner of the sign is liable to the city for a civil penalty in the amount of $200 a day for each calendar day that the sign is maintained without a permit. The building official shall give written notice to the property owner of the amount owed to the city in civil penalties, and shall notify the city attorney of any unpaid civil penalty. The city attorney shall collect unpaid civil penalties in a suit on the city’s behalf.

(3) The civil penalty provided for in Paragraph (2) is in addition to any other enforcement remedy the city may have under city ordinances and state law. (Ord. Nos. 20359; 24232)

SEC. 51A-7.211. SIGNS ATTACHED TO STRUCTURES LOCATED ON BUILDINGS.

(a) Except as provided in Paragraph (b), no sign may be attached to the following structures located on a building:

(1) Elevator penthouse or bulkhead.

(2) Mechanical equipment room.

(3) Cooling tower.

(4) Tank designed to hold liquid.
§ 51A-7.211 Dallas Development Code: Ordinance No. 19455, as amended

(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 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
director shall serve a written notice for the purpose of authorizing the erection of signs in accordance with this section. The written notice may be hand-delivered, sent by mail, or published in the official newspaper of the city. In order to validly authorize a sign under this section, the notice must:

(1) contain a reference to or copy of this section;

(2) describe with specificity the portion of the street that is or will be under construction;

(3) contain estimated commencement and completion dates for the construction; and

(4) contain a statement that no sign may be erected or maintained on a premise:

(A) more than five days before the estimated construction commencement date stated in the notice; or

(B) more than five days after the estimated construction completion date stated in the notice.

(e) Time period when sign authorized. This section only authorizes signs to be placed on property adjacent to that portion of a street described in the notice given pursuant to Subsection (d) during the time period beginning five days before the estimated construction commencement date stated in the notice and ending five days after the estimated construction completion date stated in the notice. No sign may be erected or maintained on a premise:

(1) more than five days before the estimated construction commencement date stated in the notice; or

(2) more than five days after the estimated construction completion date stated in the notice.

(f) Physical requirements for sign. All signs must comply with the following paragraphs:

(1) No more than two signs may be erected on a premise. No more than one sign may be erected at any motor vehicle entrance to a premise.

(2) No setback is required for a sign; however, no sign may be located in a public right-of-way. If a sign is placed in a visibility triangle as defined in Section 51A-4.602(d), it shall be a defense to prosecution under that section that the sign does not constitute a traffic hazard.

(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 3-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;
§ 51A-7.212 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.213

(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.
(c) The building official shall approve an agreement if all properties governed by the agreement fully comply with the regulations in this article.

(d) An agreement shall not be considered effective until a true and correct copy of the approved agreement is filed in the deed records in accordance with this section and two file-marked copies of the agreement are filed with the building official.

(e) An agreement may only be amended or terminated by a written instrument that is executed in accordance with this subsection on a form provided by the city. The instrument must be:

1. 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;
2. approved by the building official;
3. approved as to form by the city attorney; and
4. filed and made a part of the deed records of the county or counties in which the properties are located.

The building official shall approve an instrument amending or terminating an agreement if all properties governed by the agreement fully comply with the regulations in this article. The amending or terminating instrument shall not be considered effective until it is filed in the deed records in accordance with this subsection and two file-marked copies are filed with the building official.

(f) No detached non-premise sign may be erected or maintained on a property that is described in an agreement executed in accordance with this section. (Ord. 21797)

SEC. 51A-7.214. CITY KIOSKS.

(a) In this section, CITY KIOSK means a multi-sided structure for the display of premise signs, non-premise signs, informational signs, or way-finding maps pursuant to a city-approved kiosk program.

(b) City kiosks may be located in any part of the city authorized by the city-approved kiosk program, including all special provision sign districts, except that city kiosks may not be located in the Victory Sign District (including the “TXU tract” generally bounded by the Victory Sign District on the north, east, and south and bounded by I-35 on the west) or the West Village Sign District. City kiosks in special provision sign districts are not required to comply with the provisions of the special provision sign district, but must comply with the provisions of the city-approved kiosk program. Kiosks in special provision sign districts that are not part of the city-approved kiosk program remain subject to the provisions of the special provision sign district.

(c) Nothing in this article shall be construed to regulate the display of signs on city kiosks, except that city kiosks must comply with the city-approved kiosk program. (Ord. 26082)

SEC. 51A-7.215. ANIMAL SHELTER SIGN.

(a) In this section, ANIMAL SHELTER SIGN means a sign located on the same lot as a city-operated animal shelter and used for the display of premise and non-premise messages.

(b) Except as provided in this section, an animal shelter sign must comply with this article.

(c) The animal shelter sign:

1. may not be a Highway Beautification Act (HBA) sign;
§ 51A-7.215 Dallas Development Code: Ordinance No. 19455, as amended

(2) may not exceed 50 feet in height measured from grade;

(3) must be located at least 1,500 feet from a residential district;

(4) may not have an effective area in excess of 936 square feet;

(5) must have at least one static panel with a minimum effective area of 128 square feet that identifies the animal shelter; and

(6) must have a changeable message portion of the sign that uses LED/LCD technology with a maximum effective area of 672 square feet. The message or picture on the changeable message portion of the sign may not change more than once every eight seconds. At least 15 percent of the advertising time during each advertising cycle on the changeable message portion of the sign must display photos of animals available for adoption at the animal shelter or provide information about events being held or services being offered at the animal shelter.

(d) An animal shelter sign may not be relocated to another premise. (Ord. 27097)

SEC. 51A-7.216. DIGITAL DISPLAY ON CERTAIN PREMISE SIGNS.

(a) Effective area. The effective area of digital display may not exceed 50 square feet or 50 percent of the total effective area of the sign as allowed in the provisions for the respective zoning district, whichever is greater.

(b) Display.

(1) All digital displays signs must automatically adjust the sign brightness so that the brightness level of the sign is no more than 0.3 footcandles over ambient light conditions at a distance that is equal to the square root of the effective area multiplied by 100 from the sign. A digital display sign must be equipped with both a dimmer control and a photocell that automatically adjusts the display’s intensity according to natural ambient light conditions.

(2) A digital display may not increase the light level on a lot in a residential district over ambient conditions without the digital display, measured in footcandles at the point closest to the sign that is five feet inside the residential lot and five feet above the ground.

(3) Before the issuance of a digital display sign permit, the applicant shall provide written certification from the sign manufacturer that:

(A) the light intensity has been factory programmed to comply with the maximum brightness and dimming standards in this subsection; and

(B) the light intensity is protected from end-user manipulation.

(c) Change of message. Changes of message must comply with the following:

(1) Each message must be displayed for a minimum of 20 seconds in business zoning districts and 20 minutes in non-business zoning districts.

(2) Changes of message must be accomplished within two seconds.

(3) Changes of message must occur simultaneously on the entire sign face.

(4) No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.

(d) Compliance. All nonconforming digital display premise signs must come into compliance with Paragraphs (b)(1)-(2) and Subsection (c) by August 26, 2016. The owner of a digital display premise sign may appeal to the board of adjustment for a later compliance date at any time up to the compliance date.
in this subsection if the owner will not be able to recover his investment in the sign (up to the date of nonconformance) by the compliance date in this subsection. The fee for the appeal of the compliance date is the same as the fee for a nonresidential special exception before the board of adjustment as set forth in Chapter 51A. (Ord. 29839)


SEC. 51A-7.301. APPLICATION OF DIVISION.

The provisions of this division apply to all signs in business zoning districts, except that attached signs within 100 feet of either private property in a non-business zoning district or a public park of more than one acre shall be governed by the provisions of Division 51A-7.400 of this article. (Ord. Nos. 19455; 20007; 20379; 25786)

SEC. 51A-7.302. RESERVED. (Ord. 25786)

SEC. 51A-7.303. GENERAL PROVISIONS APPLICABLE TO SIGNS IN BUSINESS ZONING DISTRICTS.

(a) No illuminated sign which has an effective area of 400 square feet or less shall have a luminance greater than 300 footlamberts, nor shall any such sign have a luminance greater than 300 footlamberts for any portion of the sign within a circle two feet in diameter. No illuminated sign which has an effective area greater than 400 square feet shall have a luminance greater than 200 footlamberts, nor shall any such sign have a luminance greater than 200 footlamberts for any portion of the sign within a circle of two feet in diameter. The restrictions of luminance in this section shall be determined from any other premise or from any public right-of-way other than an alley.

(b) No illuminated sign nor any illuminated element of any sign, may turn on or off, or change its brightness, if:

(1) the change of illumination produces an apparent motion of the visual image, including but not limited to illusion of moving objects, moving patterns
or bands of light, expanding or contracting shapes, rotation or any similar effect of animation;

(2) the change of message or picture occurs more often than once each three seconds for those portions of a sign which convey time or temperature, or once each 20 seconds for all other portions of a sign; or

(3) a portion of the sign, within a circle of two feet in diameter, has a luminance greater than 200 footlamberts when all elements of the sign are fully and steadily illuminated.

(c) No sign or any part of any sign may move or rotate at a rate more often than once each 10 seconds, or change its message at a rate more often than once each 20 seconds, with the exception of wind devices, the motion of which is not restricted. No sign may move, rotate or change its message at any rate if any of its elements or any illuminated portion within a two-foot circle has a luminance greater than 200 footlamberts.

(d) Subdivision signs are subject to the following restrictions:

(1) Subdivision signs are exempt from compliance with the provisions of Section 51A-7.304, “Detached Signs,” of this article.

(2) The maximum effective area of each subdivision sign may not exceed 40 square feet.

(3) The maximum number of subdivision signs permitted is two signs per street entrance into the business park.

(4) Subdivision signs may not project more than three inches from the surface of the structure.

(5) Subdivision signs may not be internally illuminated.

(6) The highest part of a subdivision sign may not exceed six feet in height.

(7) Subdivision signs must be landscape signs or monument signs. For purposes of this subsection, “landscape sign” means a sign that is part of a single landscape design that creates a base for the sign in conjunction with a retaining wall or an open space created with the use of water or planting material, and “monument sign” means a detached sign applied directly onto a ground-level support structure (instead of a pole support) with no separation between the sign and the ground.

(8) Subdivision signs may be located within the public right-of-way if a license for use of the public right-of-way is obtained pursuant to the requirements of the Dallas City Code.

(9) Subdivision signs may only contain the name of the business park.

(10) The application for a subdivision sign permit must be supported by the owner of property abutting the proposed subdivision sign, if any, and two-thirds of the property owners within 300 feet of the proposed subdivision sign. (Ord. Nos. 19455; 19704; 20359; 20495; 20927; 24232; 25455)

SEC. 51A-7.304. DETACHED SIGNS.

Detached signs are permitted in business zoning districts as follows:

(a) Definitions. In this section:

(1) EFFECTIVE-AREA-TO-HEIGHT RATIO means the ratio of the effective area of a sign to its height. For example, a sign with an effective area of 50 square feet and a height of 25 feet has an effective-area-to-height ratio of 2:1.

(2) MONUMENT SIGN means a detached sign applied directly onto a ground-level support structure (instead of a pole support) with no separation between the sign and the ground, or mounted on a fence.
§ 51A-7.304 Dallas Development Code: Ordinance No. 19455, as amended

(3) MULTI-TENANT SIGN means a detached sign that advertises two or more businesses on a single premise.

(4) NON-MONUMENT SIGN means a detached sign that is not a monument sign.

(5) SETBACK-TO-HEIGHT SLOPE is a plane projected upward and inward from a point of beginning located at the property line 7.5 feet above a level plane going through the nearest point of the vehicular traffic surface of the adjacent improved public right-of-way other than an alley and extending infinitely, as illustrated below. A 5:1 setback-to-height slope moves one-half foot away from the point of beginning for every one foot the slope rises, resulting in a 63.4349 degree slope. A 1:1 setback-to-height slope moves one foot away from the point of beginning for every one foot the slope rises, resulting in a 45 degree slope. A 2:1 setback-to-height slope moves two feet away from the point of beginning for every one foot the slope rises, resulting in a 26.5651 degree slope.

Setback to Height Slopes
§ 51A-7.304 Dallas Development Code: Ordinance No. 19455, as amended

(6) SINGLE-TENANT SIGN means a detached sign that advertises only one business.

(7) UNITY-AGREEMENT SIGN means a detached sign erected under a detached sign unity agreement pursuant to Section 51A-7.213.

(b) General regulations applicable to all detached signs.

(1) Except as provided in Section 51A-7.306(a), detached signs must be premise signs.

(2) No portion of a detached sign may be located above a residential proximity slope. See Section 51A-4.412.

(3) Non-monument signs are not allowed within 250 feet of either private property in a non-business zoning district or a public park of more than one acre. The board of adjustment may grant a special exception to this provision when, in the opinion of the board, the special exception will not adversely affect neighboring property.

(4) Only one detached sign is allowed per street frontage other than expressways. One expressway sign is allowed for every 450 feet of frontage or fraction thereof on an expressway.

(5) Detached signs on the same premise must be at least 200 feet apart.

(6) All of the premises operating under a detached sign unity agreement may together have only one unity-agreement sign per street frontage, but each premise operating under that detached sign unity agreement may have one single-tenant monument sign.

(7) Detached signs may not be placed in a visibility triangle. See Section 51A-4.602(d).

(8) The support structure for monument signs must be constructed of concrete, metal, or masonry; wood is prohibited. The board of adjustment may grant a special exception to this provision when, in the opinion of the board, an alternative material will be as durable as concrete, metal, or masonry. This provision does not control the material used for the sign itself.

(9) Measurements of distance under this section are taken radially unless otherwise specified. "Radial" measurement is measurement taken along the shortest distance between a sign or proposed sign location and the nearest point of the object.

(10) The effective area of a sign attached to a fence is the effective area of the sign only, not the area of the entire fence.

(c) Regulations applicable to single-tenant signs.

(1) Setback.

(A) Monument signs. There is no minimum setback for a single-tenant monument sign.

(B) Non-monument signs. The minimum setback for a single-tenant non-monument sign is 15 feet.

(2) Height. The height of a single-tenant sign may not exceed a 2:1 setback-to-height slope or 35 feet, whichever is less.

(3) Effective area. The effective area of a single-tenant sign may not exceed an 8:1 effective-area-to-height ratio or 200 square feet, whichever is less.

(d) Regulations applicable to multi-tenant signs.

(1) Setback.

(A) Monument signs. The minimum setback for a multi-tenant monument sign is five feet.

(B) Non-monument signs. The minimum setback for a multi-tenant non-monument sign is 15 feet.
§ 51A-7.304 Dallas Development Code: Ordinance No. 19455, as amended

(2) **Height.** The height of a multi-tenant sign may not exceed a 1:1 setback-to-height slope or 35 feet, whichever is less.

(3) **Effective area.**

(A) **Monument signs.** The effective area of a multi-tenant monument sign may not exceed a 10:1 effective-area-to-height ratio or 200 square feet, whichever is less.

(B) **Non-monument signs.** The effective area of a multi-tenant non-monument sign may not exceed a 5:1 effective-area-to-height ratio or 200 square feet, whichever is less.

(4) **Address required.** A multi-tenant sign must contain the address of the premise.

(e) **Regulations applicable to unity-agreement signs.**

(1) **Applicability.** This subsection controls over Subsections (c), (d), and (e) of this section.

(2) **Setback.**

(A) **Monument signs.** The minimum setback for a unity-agreement monument sign is five feet.

(B) **Non-monument signs.** The minimum setback for a unity-agreement non-monument sign is 15 feet.

(3) **Height.** The height of a unity-agreement sign may not exceed a 0.5:1 setback-to-height slope or 35 feet, whichever is less.

(4) **Effective area.** The effective area of a unity-agreement sign may not exceed a 10:1 effective-area-to-height ratio or 200 square feet, whichever is less.

(f) **Regulations applicable to expressway signs.**

(1) **Applicability.** This subsection controls over Subsections (c), (d), and (e) of this section.

(2) **Setback, height, and effective area generally.**

(A) An expressway sign with a minimum setback of five feet may have a maximum height of 20 feet and maximum effective area of 50 square feet.

(B) An expressway sign with a minimum setback of 15 feet may have a maximum height of 30 feet and a maximum effective area of 150 square feet.

(C) An expressway sign with a minimum setback of 25 feet may have a maximum height of 40 feet and a maximum effective area of 400 square feet.

(D) The height of an expressway sign may be extended to 50 feet, or to 30 feet above the nearest point on the nearest travel surface of the nearest expressway or new expressway, whichever is higher, if the total height of the sign does not exceed 60 feet above the ground at the base of the sign.

(3) **Setback, height, and effective area of unity-agreement expressway signs.**

(A) A unity-agreement expressway sign with a minimum setback of five feet may have a maximum height of 30 feet and a maximum effective area of 150 square feet.

(B) A unity-agreement expressway sign with a minimum setback of 15 feet may have a maximum height of 40 feet and a maximum effective area of 250 square feet.
(C) A unity-agreement expressway sign with a minimum setback of 25 feet may have a maximum height of 50 feet and a maximum effective area of 450 square feet.

(D) The height of a unity-agreement expressway sign may be extended to 50 feet, or to 30 feet above the nearest point on the nearest travel surface of the nearest expressway or new expressway, whichever is higher, if the total height of the sign does not exceed 60 feet above the ground at the base of the sign. (Ord. Nos. 19455; 20927; 21186; 21455; 21797; 21798; 24232; 25786; 25814; 26082; 29024)

SEC. 51A-7.305. ATTACHED SIGNS.

Attached signs are permitted in business areas in accordance with the following provisions:

(a) Except as otherwise permitted under Sections 51-4.213(25), 51-4.217(b)(5), 51A-4.206(1), and 51A-4.217(b)(9), all attached signs must be premise signs or convey a noncommercial message.

(b) All signs and their words shall be mounted parallel to the building surface to which they are attached, and shall project no more than 18 inches from that surface except as provided in Subsection (e) below.

(c) On the primary facade, the combined effective area of all attached signs may not exceed 25 percent of the total area of the primary facade. On each secondary facade, the combined effective area of all attached signs may not exceed 15 percent of the total area of that secondary facade. As applied to a building with multiple occupants, the facade area of each use with a separate certificate of occupancy shall be treated as a separate facade. On any building facade, there may be a maximum of eight words which contain any character of a height equal to or exceeding four inches and pertain to any premise or any non-residential occupancy. Words consisting of characters less than four inches high may be used without limit.

(d) The combined effective area of all signs attached to any window or any glass door may not exceed 15 percent of the area of that window or that glass door. Signs in the upper two-thirds of a window or glass door are prohibited. Signs attached to a window or a glass door must be brought into compliance with this provision by September 25, 2008.

(e) Attached signs may project more than 18 inches from vertical building planes as follows:

(1) Any premise or any non-residential occupancy may erect not more than one attached sign projecting up to a maximum of four feet from a vertical building plane, but not above the roof, provided that the premise or occupancy maintains no detached sign on the premise, and that the sign does not exceed 20 square feet in effective area, and that no part of the sign descends closer to grade than 10 feet, nor projects into or over any public right-of-way.

(2) On any premise or non-residential occupancy, a sign may be erected at the eaves or edge of the roof or on a parapet or edge of a canopy; provided, that the sign is parallel to the vertical building plane, and does not project more than four feet above the surface to which it is attached.

(3) Any premise or non-residential occupancy may erect one attached sign projecting up to a maximum of four feet from a vertical building plane if:

(A) the sign does not exceed 60 square feet in effective area;

(B) no single face of a three-dimensional sign exceeds 60 square feet;

(C) the attached sign is not above the highest point of a facade;

(D) no part of the sign descends closer to grade than 10 feet;
§ 51A-7.305 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.307

(E) the sign does not project into or over any public right-of-way; and

(F) the contents of the sign are limited to a registered trademark or logo that contains no word or character.

(f) Words may be attached to machinery or equipment which is necessary or customary to the business, including but not limited to devices such as gasoline pumps, vending machines, ice machines, etc., provided that 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. 19455; 20927; 21978; 24232; 27244; 27253; 29024)

SEC. 51A-7.306. DETACHED NON-PREMISE SIGNS PROHIBITED GENERALLY.

(a) No person may erect or maintain a detached non-premise sign in the city. It is a defense to prosecution under this subsection that the sign:

(1) is a nonconforming use;

(2) is a special purpose sign, movement control sign, protective sign, or vehicular sign as defined in this article;

(3) is a sign that contains primarily a political message for which a permit is not required under Section 51A-7.602;

(4) is in a special provision sign district or planned development district and expressly authorized by and in full compliance with the ordinances establishing and amending that district;

(5) was lawfully relocated pursuant to Section 51A-7.307;

(6) is expressly authorized by and in full compliance with a valid order of the court or board of adjustment; or

(7) is a sign advertising an occasional sale (garage sale) pursuant to Sections 51-4.217(b)(5) or 51A-4.217(b)(9).

(b) A lawfully erected detached non-premise sign in a special provision sign district or planned development district shall be considered a legal (as opposed to non-conforming) use if it is expressly authorized by and in full compliance with the ordinances establishing and amending that district. (Ord. Nos. 19455; 19766; 19786; 20360; 20927; 21663; 22392; 24232; 25921; 29024)

SEC. 51A-7.307. RELOCATION OF CERTAIN DETACHED NON-PREMISE SIGNS.

(a) In general. Non-conforming detached non-premise signs located on or overhanging a parcel of land acquired by a governmental entity may be relocated subject to the restrictions in this section.

(b) Application. The owner of the sign and the governmental entity must sign a relocation application. The owner of the sign must submit the relocation application within one year after the sign is actually removed from the parcel of land pursuant to a request of the governmental entity. The relocation must be completed within one year after approval of the relocation application.

(c) Compliance required. Except as provided in this section, relocated signs must fully comply with the size, height, spacing, setback, and other restrictions in this article.

(d) Relocation to remainder.

(1) All relocated signs must be relocated on the remainder of the tract from which the parcel of
§ 51A-7.307 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.307

land was acquired unless relocating to the remainder is not possible for reasons such as:

(A) there is no remainder;

(B) the sign owner is unable to obtain an agreement from the property owner of the remainder; or

(C) the remainder is not of sufficient size or suitable configuration to allow the relocated sign to be as visible as the original sign from the nearest main traveled thoroughfare.

(2) Signs relocated to a remainder may not be less conforming than the original sign, but must comply with the spacing requirements of Paragraphs (e)(12) and (e)(13).

(3) All signs located on a railroad right-of-way must be relocated within that same railroad right-of-way. Relocated signs must be relocated within 500 feet of their original location unless possible locations are not of a suitable size or configuration or are otherwise unusable. Signs that have been relocated within 500 feet of their original location may not be less conforming than the original sign. If a sign cannot be relocated within 500 feet of its original location, it can be relocated anywhere in that same railroad right-of-way, but must fully comply with the size, height, spacing, setback, and other restrictions in this article.

(e) Restrictions on relocations.

(1) A sign may not be relocated within 1,000 feet of a new expressway.

(2) A sign may not be relocated within 100 feet of an expressway unless it was originally located within 100 feet of an expressway or new expressway.

(3) A sign message on a relocated sign may not be oriented to be visible from a new expressway.

(4) A sign message on a relocated sign may not be oriented to be visible from an expressway unless it was originally oriented to be visible from an expressway or new expressway.

(5) A non-HBA sign must be relocated at least 500 feet from another non-premise sign.

(6) An HBA sign must be relocated at least 500 feet from another non-premise sign on the same side of the expressway.

(7) No more than one relocation is permitted between the sites or former sites of non-premise signs that existed on April 26, 2000 unless the distance between the sites or former sites in feet equals or exceeds the number of relocated signs multiplied by 1,500.

(8) A relocated sign may not have a greater effective area than it had at its original location, except that the effective area of multiple relocated signs may be combined, provided that:

(A) the overall number of signs within the city is reduced;

(B) the effective area of the combined sign is equal to or less than the sum of the effective area of the individual signs; and

(C) except as provided in Paragraph (g)(3), the effective area does not exceed 400 square feet for a combined non-expressway sign or 672 square feet for a combined expressway sign.

For purposes of this paragraph, the effective area of a relocated sign does not include the sign skirting if no part of the sign message appears on the skirting other than the name of the sign company.

(9) Two one-faced signs may be relocated to create one two-faced sign, provided that:

(A) the two faces are oriented within 60 degrees of one another; and

Dallas City Code 519
(B) except as provided in Paragraph (g)(3), the effective area does not exceed 400 square feet for a combined non-expressway sign or 672 square feet for a combined expressway sign.

This paragraph controls over Paragraphs (5) and (6).

(10) All relocated signs must be built to comply with the building code.

(11) A sign may not be relocated until demolition and other required permits have been applied for and approved by the city.

(12) A sign may not be relocated within 2,000 feet of the Trinity River, measured from the center line of the Trinity River. For purposes of this paragraph, the term “Trinity River” means the portion of the river south of the confluence of the Elm and West forks as depicted on the most recent version of the flood insurance rate maps published by the Federal Emergency Management Agency.

(13) A sign may not be relocated within 500 feet of a historic district, public park, city-owned lake, or the escarpment zone or geologically similar areas.

(14) A non-HBA sign may not be relocated within 500 feet of a non-business or residential zoning district.

(15) An HBA sign may not be relocated within 300 feet of a non-business or residential zoning district.

(16) A sign may not be relocated within 200 feet of any intersection involving:

(A) two or more arterials;

(B) an expressway frontage road and an arterial; or

(C) expressway travel lanes or ramps.

(17) No new properties, such as electrical, mechanical, or LED, may be added to a relocated sign. (For example, a non-illuminated sign may not be converted to an illuminated sign, and a plain billboard may not be converted to a digital or tri-vision sign.)

(f) Relocated expressway signs.

(1) A relocated expressway sign may exceed the effective area in Subsection (g). A relocated expressway sign may not have an effective area that exceeds 672 square feet.

(2) A relocated expressway sign must have a setback of at least 40 feet from the nearest expressway travel lane and at least five feet from the nearest public right-of-way but may not be relocated more than 200 feet from the expressway right-of-way.

(3) The effective area of a relocated expressway sign does not include extensions of the sign face if:

(A) the extensions do not collectively exceed 20 percent of the original area of the sign face; and

(B) no individual extension exceeds 80 percent of the original length or 50 percent of the original height of the sign face.

(4) The height of a relocated expressway sign may not exceed an overall height of 50 feet, or 42.5 feet above the nearest point on the nearest travel surface of the nearest expressway or new expressway, whichever is higher, if the total height of the sign does not exceed 80 feet above the ground at the base of the sign.

(g) Limitations on size. Except as provided in Subsection (f):

(1) a relocated sign with an effective area of 72 square feet or less may not exceed 20 feet in height; and
§ 51A-7.307 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.308

(2) a relocated sign with an effective area greater than 72 square feet may not exceed 400 square feet in effective area or 30 feet in height.

(3) A relocated sign in a CR, RR, MU-1, MU-1(SAH), MU-2, MU-2(SAH), MC-1, or MC-2 zoning district, or in an SC or CR subdistrict of a PD district, may not exceed 72 square feet in effective area or 20 feet in height. This provision controls over Paragraphs (1) and (2).

(h) Measurements. Measurements of distance under this section pertaining to minimum separation between signs are linear unless otherwise specified in the provision. A “linear” measurement is taken from a sign or proposed sign location to the nearest point on another sign. Measurements of distance under this section pertaining to minimum distance from zoning districts or locations are taken radially unless otherwise specified in the provision. “Radial” measurement is a measurement taken along the shortest distance between a sign or proposed sign location and the nearest point of a private property line in a restricted zoning district or location.

(i) Specific use permit. The city council may grant a specific use permit to:

(1) authorize a detached non-premise sign to have lesser spacing than that required in Paragraphs (e) (12), (13), (14) or (15); or

(2) allow the relocation of an HBA sign or an expressway sign to an LO(A), MO(A), or GO(A) district.

For more information regarding specific use permits, see Section 51A-4.219. (Ord. Nos. 24232; 27516)

SEC. 51A-7.308. DIGITAL DISPLAY ON CERTAIN DETACHED NONPREMISE SIGNS.

(a) In general. Certain nonconforming detached non-premise signs may be modified to use digital display technology subject to the restrictions in this section.

(b) Application. The owner of the sign must submit a digital display sign permit application for a face modification. After the building official approves the digital display sign permit, the owner must apply for a demolition permit to remove sign face area in accordance with Subsection (d). The owner must complete demolition of sign face according to the applicable ratio in Subsection (d) before the sign face is modified.

(c) Compliance required.

(1) Except as provided in this section, digital display signs must fully comply with the size, height, spacing, setback, and other restrictions in this article for detached non-premise signs.

(2) Digital display sign support structures must be built to comply with the building code.

(3) Digital display signs must comply with Title 43 Texas Administrative Code Section 21.163, “Electronic Signs,” as amended.

(4) Both existing and new digital signs must comply with all lighting and safety standards mandated by federal, state, or local rules or statutes, including standards adopted or amended after the date of passage of these requirements. Lighting and safety standards include brightness; message duration; and proximity of the sign to other digital displays, ramps, and interchanges.

(d) Sign face exchange ratio.

(1) Except as provided in Paragraph (2), for every one square foot of sign face modified to use digital display technology, three square feet of detached non-premise sign face area must be removed from within the city.

(A) To receive credit for the area of a conventional face removed, the conventional sign face
removed must result in elimination of a sign structure (if a face is removed from a structure, the entire structure must be removed).

(B) At least one structure removed must be within a five mile radius of the conventional face being converted.

(C) No credit is given for the area of the conventional face removed to convert to a digital display.

(D) Removal of sign face area must be completed before modification of sign area to use digital display technology.

(2) A company holding a valid state advertising license and that maintains 61 or fewer registered expressway non-premise signs on January 1, 2011 shall be allowed one sign face modification without complying with Paragraph (1). The new digital sign face may be no larger than the preexisting conventional sign face. Any subsequent modifications must comply with Paragraph (1).

(e) Location and number.

(1) A maximum of 50 non-premise locations with digital displays are permitted in the city. The director shall time stamp all applications upon receipt. The director shall review applications in order of submittal. If the director determines that an application is incomplete or does not meet the requirements of this section, the director shall reject the application and then review the next application. If the initial number of applications exceeds the number of permits available, the director shall provide for a lottery to distribute the permits.

(2) Digital display signs may only be expressway signs.

(3) For support structures with only one digital display sign, signs must be located a minimum of 1,500 feet from any other digital display sign oriented to the same traffic direction along the main travel lanes of the expressway, measured linearly. For support structures with two digital display signs, signs must be located a minimum of 2,000 feet from any other digital display sign along the same expressway, measured linearly.

(4) Digital display signs may not be located within 300 feet of any lot located in a residential district, measured radially.

(5) Digital display signs may not be located within 2,000 feet of the Trinity River, measured from the center line of the Trinity River. For purposes of this paragraph, the term “Trinity River” means the portion of the river south of the confluence of the Elm and West Forks as depicted on the most recent version of the flood insurance rate maps published by the Federal Emergency Management Agency.

(6) Digital display signs may not be located within 500 feet of a lot in a historic district.

(7) Digital display signs may not be located within 500 feet of an escarpment zone.

(f) Digital display sign support structures.

(1) Digital display sign support structures may not exceed an overall height of 50 feet or 42.5 feet above the nearest point on the nearest travel surface of the nearest expressway, whichever is higher, except that no digital display sign may be higher than the conventional sign it replaced.

(2) On support structures with two sign faces:

(A) If existing faces are pivoted at an angle of 10 degrees or greater from each other and toward the main travel lanes of an expressway, one or both sign faces may be converted to digital display.

(B) If existing faces are pivoted at an angle of less than 10 degrees, only one face may be converted to a digital display. The other sign face must be removed.
§ 51A-7.308 Dallas Development Code: Ordinance No. 19455, as amended

(3) Sign support structures and faces being converted to accommodate digital displays may not be modified to change the angle of a sign face.

(4) Electrical service to sign support structures with digital displays must be underground between the property line and the sign.

(g) Display.

(1) All digital displays signs must automatically adjust the sign brightness so that the brightness level of the sign is no more than 0.3 footcandles over ambient light conditions at a distance of 250 feet from the sign. A digital display sign must be equipped with both a dimmer control and a photocell that automatically adjusts the display’s intensity according to natural ambient light conditions.

(2) A digital display may not increase the light level on a lot in a residential district over ambient conditions without the digital display, measured in footcandles at the point closest to the sign that is five feet inside the residential lot and five feet above the ground.

(3) Before the issuance of a digital display sign permit, the applicant shall provide written certification from the sign manufacturer that:

(A) the light intensity has been factory programmed to comply with the maximum brightness and dimming standards in this subsection; and

(B) the light intensity is protected from end-user manipulation by password-protected software or other method satisfactory to the building official.

(h) Change of message. Changes of message must comply with the following:

(1) Each message must be displayed for a minimum of eight seconds.

(2) Changes of message must be accomplished within two seconds.

(3) Changes of message must occur simultaneously on the entire sign face.

(4) No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.

(i) Malfunction. Digital display sign operators must respond to a malfunction or safety issue within one hour after notification and must remedy that malfunction or safety issue within 12 hours after notification. In case of sign malfunction, the digital display must freeze until the malfunction is remedied.

(j) Display of emergency information. The city may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed on digital display signs. Upon notification, the sign operators shall display: Amber Alerts, Silver Alerts, information regarding terrorist attacks, natural disasters, and other emergency situations in appropriate sign rotations. Emergency information messages must remain in rotation according to the issuing agency’s protocols.

(k) Sunset. The director shall issue no permits after August 31, 2015, unless that date is extended by ordinance before that date. The city plan commission and city council shall review this section before August 31, 2015. (Ord. Nos. 28238; 29393; 29557)

SEC. 51A-7.401. APPLICATION OF DIVISION.

The provisions of this division apply to all signs located:

(1) in any non-business zoning district;

(2) within 100 feet of private property in a non-business zoning district; or

(3) within 100 feet of a public park of more than one acre.  (Ord. Nos. 19455; 20007; 20379)

SEC. 51A-7.402. GENERAL PROVISIONS APPLICABLE TO SIGNS IN NON-BUSINESS ZONING DISTRICTS.

(a) No portion of an illuminated sign shall have a luminance greater than 200 foot lamberts.

(b) Except for wind devices, no sign nor part of any sign in a non-business zoning district shall move, flash, rotate, or change its illumination more than once an hour.

(c) Except as otherwise permitted under Sections 51-4.213(25) or (26), 51-4.217(b)(5), 51A-4.206(1) or (3), and 51A-4.217(b)(9), an occupant in non-business zoning districts may erect only signs that convey a noncommercial message, special purpose signs, and premise signs, which include movement control signs and protective signs.

(d) Subdivision signs are subject to the following restrictions:

(1) Subdivision signs are exempt from compliance with the provisions of Section 51A-7.403, “Detached Signs,” of this article.

(2) The maximum effective area of each subdivision sign may not exceed 40 square feet.

(3) The maximum number of subdivision signs permitted is two signs per street entrance into the residential neighborhood.

(4) Subdivision signs may not project more than three inches from the surface of the structure.

(5) Subdivision signs may not be internally illuminated.

(6) The highest part of a subdivision sign may not exceed six feet in height.

(7) Subdivision signs must be landscape signs or monument signs. For purposes of this subsection, “landscape sign” means a sign that is part of a single landscape design that creates a base for the sign in conjunction with a retaining wall or an open space created with the use of water or planting material, and “monument sign” means a detached sign applied directly onto a ground-level support structure (instead of a pole support) with no separation between the sign and the ground.

(8) Subdivision signs may be located within the public right-of-way if a license for use of the public right-of-way is obtained pursuant to the requirements of the Dallas City Code.

(9) Subdivision signs may only contain the name of the single family, duplex, or townhouse residential neighborhood.

(10) The application for a subdivision sign permit must be submitted by a homeowners association.

(11) The application for a subdivision sign permit must be supported by the owner of property abutting the proposed subdivision sign, if any, and two-thirds of the property owners within 300 feet of the proposed subdivision sign.  (Ord. Nos. 19455; 20927; 24232; 24270; 25455; 29024)
SEC. 51A-7.403. DETACHED SIGNS.

(a) A multifamily or non-residential premise may display detached signs subject to the following restrictions:

(1) TYPE OF SIGNS: A sign permitted by this subsection must:

(A) be a premise sign; or

(B) convey a noncommercial message.

(2) NUMBER OF SIGNS: Each premise may have one detached sign for each 600 feet, or fraction thereof, of frontage along a public way, other than an alley.

(3) SETBACK: A sign permitted by this subsection must comply with the following setback requirements:

(A) A minimum setback of five feet is required of all detached signs.

(B) A minimum setback of 10 feet is required for signs exceeding 10 square feet in effective area or 15 feet in height.

(C) A minimum setback of 20 feet is required for all signs exceeding 20 square feet in effective area or 20 feet in height.

(D) A minimum setback of 15 feet is required if any part of the sign, other than supports that do not exceed a total cross-sectional area of one square foot, occupies the space between two feet and 10 feet above grade.

(4) EFFECTIVE AREA AND HEIGHT: A detached sign may not exceed 50 square feet in effective area or 25 feet in height.

(b) A single family or duplex residential premise may display detached signs subject to the following restrictions:

(1) TYPE OF SIGNS: A sign permitted by this subsection must:

(A) refer to the sale or lease of the premises;

(B) refer to an occasional sale authorized in Section 51A-4.217(b)(5) of this code; or

(C) convey a noncommercial message.

(2) NUMBER OF SIGNS: Each premise may have one detached sign for each 600 feet, or fraction thereof, of frontage along a public way, other than an alley.

(3) SETBACK: A sign permitted by this subsection must comply with the following setback requirements:

(A) A minimum setback of five feet is required for all detached signs unless the premise has a yard that is less than five feet, in which case the sign must be set back the maximum possible distance.

(B) A minimum setback of 10 feet is required for signs exceeding 10 square feet in effective area.

(C) A minimum setback of 15 feet is required if any part of the effective area of the sign occupies the space above two feet above grade.

(4) EFFECTIVE AREA AND HEIGHT: A detached sign may not exceed 20 square feet in effective area or eight feet in height. (Ord. Nos. 19455; 20927; 20962; 21798)
SEC. 51A-7.404. ATTACHED SIGNS.

(a) Attached signs are permitted for multifamily premises, non-residential premises, and non-residential occupancies in non-business zoning districts, subject to the following restrictions:

(1) Except as otherwise permitted under Section 51-4.213 in Chapter 51, or under Section 51A-4.206 in this chapter, all attached signs must be premise signs or convey a noncommercial message.

(2) All signs erected pursuant to this section shall be limited to one per facade per occupant of premise.

(3) Words consisting of characters all of which are less than four inches in height may be used without limit as to number, and shall not be considered in computing the effective area.

(4) Reserved.

(5) No attached sign erected pursuant to this section shall be permitted to have more than eight words consisting of characters in excess of four inches in height and such sign shall not exceed 40 square feet in effective area. As an exception to this rule a building in an LO(A), MO(A), GO(A), or O-2 zoning district may be permitted to have additional attached signs with larger effective areas above the first two stories of the building when the following conditions are met:

(A) If an election is made to erect a sign greater than 40 square feet only one sign on that facade will be permitted above the first two stories of the building. Nothing herein shall prohibit each occupant or premise otherwise authorized an attached sign pursuant to this section to have such a sign below the third story of the building.

(B) Only two attached signs per building may have an effective area larger than 40 square feet and each shall be on a separate facade.

(C) Each attached sign erected pursuant to this exception may have an additional 40 square feet of effective area for each additional story above the first two stories of the building.

(6) All signs and their words shall be mounted parallel to the building surface to which they are attached and shall project no more than 18 inches from the surface to which they are attached except as provided in Paragraph (7) below. Signs shall not be mounted on roofs and shall not project above roofs.

(7) A non-residential premise may erect one attached sign that projects no further than 4 feet from the vertical building surface provided that the sign may not be illuminated, exceed 20 square feet in effective area, extend above the roof or over any public right-of-way, be located within the space 10 feet above the grade, or be on a premise with a detached sign.

(b) A single family or duplex residential premise may not display an attached sign except a protective sign. (Ord. Nos. 19455; 19786; 19879; 21978; 24232; 29611)

SEC. 51A-7.501. PURPOSE OF SPECIAL PROVISION SIGN DISTRICTS.

For the purpose of establishing, enhancing, preserving, or developing the character, quality, and property values of areas of unique character and special development potential, and to protect public welfare, districts whose signs are regulated by special provisions may be established from time to time, as provided below. (Ord. Nos. 19455; 24232)

SEC. 51A-7.502. CREATION OF A SPECIAL PROVISION SIGN DISTRICT.

By amendment to this article, the city council may designate an area as a special provision sign district subject to the following conditions:

(1) The district must include frontage on a street, either for an entire blockface or for not less than 500 feet measured along the way or continuous set of intersecting ways.

(2) A special provision sign district is an overlay zoning district that must be created or amended in accordance with Section 51A-4.701.

(3) As a prerequisite to the establishment of such a special provision sign district, the council must determine that the modified rules established for said districts shall:

(A) establish, preserve, enhance, or develop the character of a particular area;

(B) cause no disturbance to neighboring property lying outside the proposed district;

(C) create no hazard or annoyance to motorists or pedestrians; and

(D) not contravene the intent of this chapter. (Ord. Nos. 19455; 20927; 24232; 30932)

SEC. 51A-7.502.1. NON-PREMISE SIGNS IN SPECIAL PROVISION SIGN DISTRICTS.

(a) The city council may expressly authorize one or more non-premise signs in:

(1) all special provision sign districts created on or before October 14, 1999; and

(2) any special provision sign district created after that date if:

(A) the district has an area of at least 50 acres; and

(B) the signs are located in or within one mile of the central business district.

(b) The city council may expressly authorize one or more non-premise athletic field signs in any special provision sign district, regardless of the size or location of the district.

(c) A minimum of 30 percent of the effective area of a detached HBA sign that exceeds 100 square feet in effective area must identify activities conducted or premises located in the special provision sign district. (Ord. 24232)

SEC. 51A-7.503. MODIFICATIONS ALLOWED IN SPECIAL PROVISION SIGN DISTRICTS.

Without changing the definition of this article, or altering its basic structure, the modified rules for special provision sign districts may:
§ 51A-7.503 Dallas Development Code: Ordinance No. 19455, as amended

(1) impose sign restrictions which are in addition to, or more stringent than those provided for elsewhere in this article; and

(2) waive certain restrictions, or establish restrictions more lenient than those provided for elsewhere in this article. (Ord. Nos. 19455; 24232)

SEC. 51A-7.504. SPECIAL SIGN DISTRICT ADVISORY COMMITTEE CREATED.

(a) There is hereby created a committee to be known as the special sign district advisory committee, hereinafter called the “committee”, composed of five members appointed by the city plan commission. The committee shall be appointed within 15 days following the effective date of the establishment of the first special provision sign district created pursuant to the provisions of Division 51A-7.500 of this article. The members of the committee shall include one architect, one graphic designer, and one businessman associated with the sign industry. The city plan commission is authorized to solicit a list of nominees from any trade or professional association the membership of which has special knowledge of or interest in the design, construction, and placement of signs or urban planning and design. Appointments to the committee shall be for a term of two years ending on September 1 of each odd-numbered year and the members shall serve without compensation. The commission shall designate a chairman and vice-chairman from the members. The commission may appoint up to three alternate members to the committee who serve in the absence of one or more regular members when requested to do so by the chairperson or by the city manager. The alternate members serve for the same period and are subject to removal the same as regular members. The commission shall fill vacancies occurring in the alternate membership the same as in the regular membership.

(b) The committee shall meet at least once each month with additional meetings upon call by the committee chairman or a simple majority of the committee members. A simple majority of members present shall constitute a quorum and issues shall be decided by a simple majority vote of the members present. The department shall furnish staff support to the committee.

(c) The function of the committee shall be to familiarize itself thoroughly with the character, special conditions, and economics of all special provision sign districts as provided in Section 51A-7.503 of this article. In addition, the committee shall, upon request, provide guidance, advice and assistance to any applicant for a sign permit in a special provision sign district.

(d) Nothing in this article shall be construed to affect or modify the authority of any committee or commission whose duty it is to review permits for changes to the exterior of buildings in a special purpose district. Such committee or commission shall continue to review said permits using the standards and procedures established for that special purpose district.

(e) Nothing in this section shall be construed as preventing the city council from creating a separate procedure for allowing a separate committee to function as or in lieu of the sign district advisory committee for a particular special provision sign district. Any such separate procedure or separate committee must be established as part of the ordinance creating the special provision sign district or as part of an amendment thereto. (Ord. Nos. 19455; 20345; 20927; 24232; 25047; 28073)

SEC. 51A-7.505. PERMIT PROCEDURES FOR SPECIAL PROVISION SIGN DISTRICTS.

Unless otherwise provided as part of the ordinance creating a special provision sign district or as part of an amendment thereto, the following permit procedures apply:

(1) When required. Except when erecting a sign in a historic overlay district, in which case a certificate of appropriateness must be obtained in accordance
with Section 51A-4.501(b), no sign permit may be issued in a special provision sign district to any applicant unless the application has first been reviewed by the director and a certificate of appropriateness has been issued in accordance with this section.

(2) Application. When applying for a sign permit in a special provision sign district, the applicant shall submit an application to the building official. After determining that the proposed sign conforms with the other sections of the code, the building official shall forward a copy of the application to the director within five working days of its receipt. The applicant shall provide the building official, the director, and the committee with specific information in the form of perspectives, renderings, photographs, models, or other representations sufficient to show the nature of the proposed sign and its effect on the immediate premises. Any applicant may request a meeting with the director or the committee before submitting an application and may consult with the director or the committee during the review of the permit application. Every applicant is entitled to appear before the committee and to be present when any vote is taken.

(3) Determination of procedure. Upon receipt of an application, the director shall determine whether it is to be reviewed under the director procedure or the committee procedure. The proposed sign must be reviewed under the director procedure if it:

(A) has an effective area less than 50 square feet;

(B) is a premise sign;

(C) does not contain any changeable message or flashing or blinking lights;

(D) has a setback of at least 10 feet;

(E) is not located within a historic overlay district;

(F) does not project more than 18 inches over public right-of-way if it is an attached sign;

(G) has an effective area of less than 15 percent of the facade of the building to which the sign is attached if the sign is an attached sign; and

(H) does not exceed 25 feet in height if the sign is a detached sign.

If the proposed sign does not meet all of the above requirements, it must be reviewed under the committee procedure.

(4) Director procedure.

(A) Decision by the director. If the director determines that the sign must be reviewed under the director procedure, the director shall review the application and approve or deny it within 10 days of its receipt.

(B) Appeals. Any interested person may appeal the decision of the director by submitting a written request for appeal to him or her within 10 days of the decision. The appeal starts the committee procedure.

(5) Committee procedure.

(A) Decision by the committee. If the director determines that the sign must be reviewed under the committee procedure or that his or her decision has been appealed, he or she shall forward the application to the committee for review.

(B) Factors the committee shall consider. In reviewing an application, the committee shall first consider whether the applicant has submitted sufficient information for the committee to make an informed decision. If the committee finds the proposed sign to be consistent with the special character of the special provision sign district, the committee shall make a recommendation of approval.
to the city plan commission. The committee shall consider the proposed sign in terms of its appropriateness to the special provision sign district with particular attention to the effect of the proposed sign upon the economic structure of the special provision sign district and the effect of the sign upon adjacent and surrounding premises without regard to any consideration of the message conveyed by the sign. After consideration of these factors, the committee shall recommend approval or denial of the application and forward that recommendation to the city plan commission.

(6) Decision by the commission. Upon receipt of a recommendation by the committee, the commission shall hold a public hearing to consider the application. At least 10 days before the hearing, notice of the date, time, and place of the hearing, the name of the applicant, and the location of the proposed sign must be published in the official newspaper of the city and the building official shall serve, by hand-delivery or mail, a written notice to the applicant that contains a reference to this section, and the date, time, and location of this hearing. A notice sent by mail is served by depositing it properly addressed and postage paid in the United States mail. In addition, if the application is for a detached sign or for an attached sign that has more than 100 square feet of effective area, the applicant must post the required number of notification signs in accordance with Section 51A-1.106. In making its decision, the commission shall consider the same factors that were required to be considered by the committee in making its recommendation. If the commission approves the application, it shall forward a certificate of appropriateness to the building official within 15 days after its approval. If the commission denies the application, it shall so inform the building official in writing. Upon receipt of the written denial, the building official shall so advise the applicant within five working days of the date of receipt of the written notice.

(7) Authority of building official not affected. Nothing in this section shall be construed to affect or modify the authority of the building official to refuse to grant a sign permit in any case in which the proposed sign does not conform to specific provisions of height, effective area, setback, or similar restrictions established in this article or the modified restrictions applicable to the special provision sign district, or to the structural requirements of the building code or other codes which the building official is required by law to enforce.

(8) Action required within 60 days. If no action has been taken by the city within 60 days of the receipt of the application by the building official, a certificate of appropriateness shall be deemed issued and the building official shall so advise the applicant.

(9) Change in application. No change may be made in any permit application subsequent to action by the city without resubmittal to the director and approval of the resubmitted application by following the procedures in this section.

(10) Appeal to council. An applicant may appeal a denial of a certificate of appropriateness by the commission to the city council within 60 days of the date of the decision by the commission.

(11) Criminal responsibility. A person commits an offense if he or she erects or maintains a sign in a special provision sign district without first obtaining a certificate of appropriateness expressly authorizing the sign as required by this article. (Ord. Nos. 19455; 20949; 20962; 21402; 22425; 24163; 24232; 30892)

SEC. 51A-7.506. EXPIRATION OF SPECIAL PROVISION SIGN DISTRICTS.

The city council may establish a special provision sign district for a limited time. At the end of this period, the special provision sign district, and its provisions regulating signs, shall be discontinued, unless renewed for another limited period in accordance with the procedure established in Section 51A-7.502. (Ord. Nos. 19455; 24232)
SECTION 51A-7.507. TEMPORARY SIGNS IN SPECIAL PROVISION SIGN DISTRICTS

(a) Purpose. This section allows persons to erect and maintain temporary signs within special provision sign districts while their applications for permanent signs in those districts are pending. Nothing in this section shall be construed as prohibiting a special provision sign district from having a separate procedure for obtaining a temporary sign permit.

(b) Procedures to obtain permit.

1. In general. Notwithstanding Section 51A-7.505, an applicant for a sign permit in a special provision sign district may apply for a permit to erect a temporary sign in accordance with this section. The permit must be obtained before erecting or maintaining the sign.

2. Application for permit. An application for a permit must be filed with the building official on a form provided by the city. Each application must comply with the requirements of the Dallas Building Code.

3. Requirements. The building official shall deny the application unless the proposed temporary sign meets all of the following requirements. The sign must:

(A) comply with all provisions of the code, as amended, except for Section 51A-7.505;

(B) be an attached sign;

(C) be a premise sign;

(D) be constructed of cloth, canvas, light fabric, or nylon;

(E) not be an illuminated sign;

(F) not have dimensions that exceed the dimensions of the sign for which the applicant proposes to obtain a certificate of appropriateness; and

(G) not be the same sign for which the applicant proposes to obtain a certificate of appropriateness.

4. Decision of the building official.

(A) Timing. The building official shall make a decision regarding the application within five working days after it is filed. If the applicant has not provided all the information required by this section, then the five-day period does not begin until the required information is provided.

(B) Failure to act. If the building official fails to make a decision regarding the application within five working days after it is filed, it is approved subject to compliance with all applicable city ordinances.

(C) Form of decision. The decision must take one of the following three forms:

(i) Approval, no conditions.

(ii) Approval, subject to conditions noted.

(iii) Denial.

(D) Approval with no conditions. If there are no grounds for denying the application, the building official shall approve it with no conditions.

(E) Approval subject to conditions noted. As an alternative to denial of the application, the building official may approve it subject to conditions noted if compliance with all conditions will eliminate what would otherwise constitute grounds for denial. If he or she approves it subject to conditions noted, he or she shall state in writing the specific requirements to be met before it is approved.
(F) Denial.

(i) Grounds for denial. The building official shall deny the application if it does not comply with all of the requirements of this section or contain all required information.

(ii) Statement of reasons. If the building official denies the application, he or she shall state in writing the specific reasons for denial.

(G) Notice of decision. The building official shall give written notice to the applicant of his or her decision regarding the application. Notice is given either by hand-delivery or by depositing the notice properly addressed and postage paid in the United States mail. If the notice is mailed, it must be sent to the address shown on the application.

(c) Revocation of permit. The building official shall revoke the permit if he or she determines that the permittee has:

(1) failed to comply with any provision of the code, as amended, except for Section 51A-7.505;

(2) made a false statement of material fact on the application; or

(3) erected or maintained a sign that endangers the safety of persons or property and is not otherwise in the public interest.

(d) Expiration of permit. A permit automatically expires 60 days from the date of its issuance.

(e) Permit limit. Once a permit expires or is revoked, no person may apply for another permit for that sign.

(f) Appeals. In considering an appeal from a decision of the building official made in the enforcement of this section, the sole issue before the board of adjustment shall be whether or not the building official erred in his or her decision. The board shall consider the same standards that the building official was required to consider in making the decision on the permit.

(g) Criminal responsibility. If a sign violates this section and is not otherwise authorized by the 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) No representation by the city. The grant of a permit to erect a temporary sign does not mean that an applicant will receive a certificate of appropriateness for any sign. (Ord. Nos. 20954; 24232; 30892)
§ 51A-7.601 Dallas Development Code: Ordinance No. 19455, as amended

Division 51A-7.600. Permit Procedures.

SEC. 51A-7.601. ADMINISTRATION OF ARTICLE BY DIVISION OF BUILDING INSPECTION.

The provisions of this article shall be administered and enforced by the division of building inspection. (Ord. 19455)

SEC. 51A-7.602. PERMITS.

(a) While all signs not explicitly exempted are subject to the provisions of this article, and while a permit to erect any sign not so exempted may be applied for if desired, a permit is required only for the following signs:

(1) Except as otherwise provided in Subsection (b), all signs having an effective area greater than 20 square feet.

(2) All signs having a height in excess of eight feet.

(3) All illuminated signs.

(4) All signs with moving elements.

(5) All signs erected or to be erected in or over any public way.

(6) Except as otherwise provided in Subsection (b), all signs projecting more than 18 inches from any wall, roof, parapet, or eaves.

(b) Pursuant to Section 216.903 of the Texas Local Government Code, a permit is not required for a sign that contains primarily a political message and is located on private real property with the consent of the property owner unless the sign:

(1) has an effective area greater than 36 feet;

(2) is more than eight feet high;

(3) is illuminated; or

(4) has any moving elements.

In this subsection, the term “private real property” does not include real property subject to an easement or other encumbrance that allows the city to use the property for a public purpose. This subsection does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

(c) Any sign for which a permit is issued shall be inspected after its erection for conformity to the provisions of this article by the division of building inspection. (Ord. Nos. 19455; 25921)

SEC. 51A-7.603. APPLICATIONS.

All applicants for permits must comply with the requirements of Subchapter 36 of Chapter 53, the Dallas Building Code. (Ord. Nos. 19455; 20927; 28553)

SEC. 51A-7.604. RESERVED. (Ord. 20927)

SEC. 51A-7.605. EXTRAORDINARILY SIGNIFICANT SIGNS.

(a) General provisions.

(1) The city council or city plan commission may authorize a hearing to designate an existing sign as an extraordinarily significant sign. Any person may apply for designation of an existing sign as an extraordinarily significant sign. Except for city council or city plan commission authorized hearings, each owner of a proposed extraordinarily significant sign and each owner of property where the proposed
§ 51A-7.605 Dallas Development Code: Ordinance No. 19455, as amended

extraordinarily significant sign is located must sign the application.

(2) The director shall send written notice of a public hearing on an application to designate an extraordinarily significant sign to all owners of real property lying within 200 feet of the boundary of the area of request.

(3) If a sign is designated as an extraordinarily significant sign, it is exempted from the provisions of Section 51A-7.210(b)(1)(A) and Division 51A-7.700 of this article.

(4) An owner of an extraordinarily significant sign must ensure that the sign is not structurally dangerous or a fire hazard, and does not cause electrical shocks or other hazardous conditions.

(b) The city plan commission shall review an application to designate an extraordinarily significant sign in accordance with Subsection (c) of this section in a public hearing and shall submit its recommendation to the city council. The city council shall act upon the recommendation of the city plan commission by granting or denying the application subject to the voting requirement in Section 51A-4.701(c)(2)(B) and Section 51A-7.803 of this article.

(c) To qualify for designation as an extraordinarily significant sign, the sign must:

(1) be at least 40 years of age;

(2) possess unique physical design characteristics such as configuration, color, texture, or other unique characteristics; and

(3) be of extraordinary significance to the city, the historic district where it is located, or the historic structure to which it is attached.

(d) In the consideration of Subsection (c)(3) of this section, the following must be evaluated:

(1) the significance of the sign on the basis of the significance of the physical composition or structure of the sign without regard to the significance of the company or other entity which is identified by the sign; and

(2) the importance of the sign in identifying a particular area of the city and the attitude and sentiment of the community concerning the significance of the sign without regard to the significance of the company or other entity which is identified by the sign. (Ord. Nos. 19455; 19557; 20927; 21186; 22738)

SEC. 51A-7.701. PURPOSE OF DIVISION.

It is the declared purpose of this division that, in time, all privately owned signs shall either conform to the provisions of this article or be removed. By the passage of this ordinance and its amendments, no presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this ordinance and all other ordinances of the city of Dallas. Any sign which does not conform to all provisions of this ordinance shall be a non-conforming sign if it legally existed as a conforming or non-conforming sign under prior ordinances; or an illegal sign if it did not exist as a conforming or non-conforming sign, as the case may be. It is further the intent and declared purpose of this ordinance that this division, and not the provisions of Article IV, shall exclusively govern how non-conforming signs in the city are treated. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time this ordinance was adopted shall be discharged or affected by such passage, but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted, and causes presently pending may proceed. (Ord. Nos. 19455; 24232)

SEC. 51A-7.702. REMOVAL AND MAINTENANCE OF CERTAIN NON-CONFORMING SIGNS.

(a) Signs erected without a permit, either prior to or after the adoption of this article, are illegal signs if a permit was required for its erection according to the law in effect at the time the sign was erected. It shall be unlawful to maintain any illegal sign. It is a defense to prosecution under this subsection if the sign has been made to comply with the provisions of this article so that a permit may be issued.

(b) All signs that were legally erected pursuant to a valid permit or legally maintained and that do not conform to the provisions of this article must be removed or modified if useful life determinations were made and amortization periods were set by the Municipal Board on Sign Control before January 1, 1990.

(c) No person may repair a non-conforming sign if the cost of repair is more than 60 percent of the cost of erecting a new sign of the same type at the same location, unless that sign is brought into conformity with this chapter. No person may repair a non-conforming sign where the effect of such repair shall be to enlarge or increase the structure of the non-conforming sign. For purposes of this section, monopole, metal, and wood are each an example of a “type” of sign and the term “repair” does not include maintenance or changes of words or other content on the face of a sign.

(d) The effective area of a detached non-premise sign does not include the sign skirting if no part of the sign message appears on the skirting other than the name of the sign company.

(e) No new electrical or mechanical properties may be added to a non-conforming detached non-premise sign. (For example, a non-illuminated sign may not be converted to an illuminated sign, and a plain billboard may not be converted to a tri-vision type.)

(f) The effective area of a detached non-premise expressway sign does not include extensions of the sign face if:

(1) the extensions do not collectively exceed 20 percent of the original area of the sign face; and

(2) no individual extension exceeds 80 percent of the original length or 50 percent of the original height of the sign face. (Ord. Nos. 19455; 20927; 22113; 23094; 24232)
SEC. 51A-7.703. BOARD OF ADJUSTMENT.

(a) The board of adjustment may, in specific cases, take the following actions and authorize the following special variances and exceptions with respect to the provisions of this article.

(b) The board of adjustment may waive any filing fee for an appeal under this article when 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 as part of his appeal or request the matter be placed on the board’s miscellaneous docket for predetermination. If the matter is placed on the miscellaneous docket, the applicant may not file his appeal until the merits of the request for waiver have been determined by the board.

(c) When in its judgment the public convenience and welfare will be substantially served and appropriate use of the neighboring area will not be substantially and permanently injured, the board of adjustment may, in specific cases and subject to appropriate conditions, authorize only the following special variances and exceptions to the regulations established in this article for non-conforming signs legally erected or maintained prior to April 30, 1973:

(1) Reserved.

(2) Permit a variance for detached non-premise signs of up to 20 percent of the setback, effective area, and height requirements of this article.

(3) Permit a variance for detached premise signs of up to 25 percent of the setback, effective area, and height requirements of this article.

(4) Authorize one additional detached sign on a premise in excess of the number permitted by this article.

(5) Authorize up to two additional large letter words on an attached sign in excess of the number permitted by this article.

(6) Permit the following special variances and exceptions for movement control signs when from the evidence presented the board finds them to be necessary to give directions to a business:

(A) Authorize an identification message to be placed on the sign.

(B) Authorize an effective area of up to 4 square feet.

(C) Authorize a height of up to 2-1/2 feet.

(7) Authorize the remodeling, renovation, or alteration of a sign when some non-conforming aspect of the sign is thereby reduced and when the period of time allowed for the owner of the sign to recoup his investment is not thereby extended.

(8) The board of adjustment may also vary any or all other provisions of this article not specified above with respect to premise signs only when the board has made a specific finding from evidence presented that strict compliance will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this article.

(d) Except as provided in Section 51A-7.703(c) the board of adjustment may, in specific cases and subject to appropriate conditions, authorize only the following special variances and exceptions to the regulations established in this article when the board has made a special finding from the evidence presented that strict compliance with the requirement of this article will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this article:

(1) Permit a variance for detached premise signs of up to 10 percent of the setback, effective area, and height requirements of this article.
(2) Authorize one additional detached premise sign on a premise in excess of the number permitted by this article.

(3) Authorize up to two additional large letter words on an attached sign in excess of the number permitted by this article.

(4) Authorize signs attached to a window or glass door in a business zoning district to exceed 15 percent of the area of that window or glass door or to be located within the upper two-thirds of that window or glass door if the board finds that the proposed signs do not eliminate visibility into, or out from, the premise.

(A) A sign authorized by this paragraph:

(i) must be made of translucent vinyl or a similar material with at least a 65/35 perforation pattern (a maximum of 65 percent of the area is closed, a minimum of 35 percent of the area is open); and

(ii) may only have images; any text or characters on the sign are limited to 15 percent of the window area and are only permitted in the lower one-third of the window.

(B) A convenience store regulated by Chapter 12B is not eligible for this special exception.

(C) Once a special exception is approved, a business does not need to return to the board of adjustment to change out the images or words on a sign as long as the sign complies with the approved special exception.

(5) Permit the following special variances and exceptions for movement control signs when from the evidence presented the board finds them to be necessary to give directions to a business:

(A) Authorize an identification message to be placed on the sign.

(B) Authorize an effective area of up to 4 square feet.

(C) Authorize a height of up to 2-1/2 feet.

(e) The board of adjustment may hear and decide appeals which allege error in any order, requirement, decision, or determination made by the building inspection division in the enforcement of this article.

(f) The board of adjustment may require a non-conforming sign to be brought into immediate conformity with all current standards of all ordinances of the city of Dallas, or to be removed when from the evidence presented the board finds the sign to be hazardous to the public or to have been abandoned by its owners.

(g) Where a permit was required for a sign’s erection according to the law in effect at the time the sign was erected and where building inspection division finds no record of a permit being issued, the board of adjustment may authorize the issuance of a replacement permit when from the evidence presented the board finds either that a permit was issued or that arrangements were made with a sign company to obtain said permit. The period of time allowed by Section 51A-7.702(b) for the owner to recoup his investment will not be extended by issuance of a replacement permit. (Ord. Nos. 19455; 20927; 28784)
§ 51A-7.705 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.802

(b) Hearing. If a person receives a notice of violation or is cited for maintaining an illegal sign, and the person notifies the city attorney in writing within 10 days of receiving the notice or citation that he believes the sign displays a noncommercial or primarily political message and is therefore not in violation of this article, the city attorney shall postpone prosecution of the case and have the matter placed on the agenda of the board of adjustment for appeal under Section 51A-7.703(e) of this article. The board shall give the person maintaining the sign 10 days written notice of a public hearing on the matter. After hearing the evidence, the board shall decide whether the message displayed on the sign is commercial, noncommercial, or primarily political. No fee may be charged for this appeal.

(c) Judicial Review. If the board decides that the message is commercial or not primarily political and that the sign is therefore illegal, the person maintaining the sign may within 10 days of the board’s decision file a notice of nonacceptance of the decision with the city attorney. Within three days after receiving notice of nonacceptance, the city attorney shall initiate suit in the district court for determination that the sign is illegal and for an injunction to prohibit display of the sign in violation of this article. The city shall bear the burden of showing that the sign is illegal. In computing the three-day time period, Saturdays, Sundays, and legal holidays are excluded. (Ord. Nos. 19455; 20927; 25047; 28073)

Division 51A-7.800. Procedure For Changes and Amendments.

SEC. 51A-7.801. AUTHORITY TO AMEND; SUBMISSION OF PROPOSED AMENDMENTS TO CITY PLAN COMMISSION.

The city council may from time to time amend, supplement, or change this article. The amendment, supplement, or change may be petitioned for by any person, corporation, or group of persons by filing an application and paying an application fee to the department. Proposals for amending, supplementing, or changing this article in the public interest may also be initiated by motion of the city council or the city plan commission. Before taking any action on a proposed amendment, supplement, or change, the city council shall submit the same to the city plan commission for its recommendation and report. (Ord. Nos. 19455; 20927; 25047; 28073)

SEC. 51A-7.802. PUBLIC HEARINGS PROVIDED.

The city plan commission shall hold a public hearing on any amendment, supplement or change prior to making its recommendation and report to the city council. The director shall give notice of the public hearing in the official newspaper of the city at least 10 days before the hearing. The city council shall hold a public hearing before acting on the city plan commission’s recommendation and report. At least 15 days notice of the time and place of city council hearing shall be published in the official newspaper of the city of Dallas. (Ord. Nos. 19455; 20007)
SEC. 51A-7.803. THREE-FOURTHS VOTE OF CITY COUNCIL IN CERTAIN CASES.

If the city plan commission votes to recommend against a proposed change to this article as clearly reflected in the minutes of its meeting, the change shall not become effective except by a three-fourths vote of the members of the city council of the city of Dallas. (Ord. 19455; 24185)

Division 51A-7.900. Downtown Special Provision Sign District.

SEC. 51A-7.901. DESIGNATION OF DOWNTOWN SPECIAL PROVISION SIGN DISTRICT.

(a) The Downtown Special Provision Sign District is designated to be known as the Downtown Sign District. For purposes of this article, the boundaries of the Downtown Sign District is that area bounded by the following lines:

BEGINNING at a point being the intersection of the SE line of Thomas Avenue with the SW line of Hall Street, said point being the most northerly corner of Lot 1, Block T/587;

THENCE with said SW line of Hall Street proceeding southeasterly, crossing North Central Expressway, Cochran Street, and Jewett Street and continuing to the NW line of Flora Street, a point for a corner;

THENCE southwesterly with said NW line of Flora Street, approximately 187 feet to a point on a common tract line in Block 1/594;

THENCE crossing Flora Street to a point in a common tract line in Block 595, being approximately 197 feet SW from Hall Street;

THENCE along common tract lines in Block 595 southeasterly to a point for a corner on the NW line of Ross Avenue, being approximately 181 feet SW from Hall Street;

THENCE southwesterly with said NW line of Ross Avenue to a point for a corner on the northwesterly extension of the SW line of Pavillion Street;

THENCE southeasterly along said extension line and with the SW lines of Pavillion Street, crossing Van Court Street and continuing to a point for a corner on the NW line of San Jacinto Street;
THENCE southwesterly with the NW line of San Jacinto Street to a point for a corner on the common line of Blocks 4/505 and 504;

THENCE southerly, crossing San Jacinto Street to a point on a common tract line in Block 1/503, being approximately 205 feet from the NE line of Liberty Street and continuing southeasterly along common tract lines in Block 1/503 to a point for a corner on the NW line of Adolph Street, being approximately 203 feet NE from Liberty Street;

THENCE southwesterly with said NW line of Adolph Street and extending same to a point for a corner on the SW line of Liberty Street;

THENCE southeasterly with the SW line of Liberty Street to a point for a corner on the NW line of Bryan Street;

THENCE southeasterly, along the NW line of Bryan Street to a point for a corner, being on the northwesterly extension line of the SW line of approximately 25 feet wide Allen Street;

THENCE southeasterly with said extension line and the SW line of Allen Street and continuing southeasterly along a common tract line in Block 289 to a point for a corner on the NW line of Live Oak Street, said point being approximately 252 feet SW from Liberty Street;

THENCE southwesterly with the NW line of Live Oak Street and extending same to the SW line of Cantegral Street, a point for a corner;

THENCE southeasterly along the SW lines of Cantegral Street, crossing Live Oak Street and Florence Street to a point for a corner on the NW line of 15 feet wide Lodge Street;

THENCE southeasterly thru Block 271 with the NW line of Lodge Street to a point for a corner on the NE line of Good-Latimer Expressway;

THENCE southeasterly with said NE lines of Good-Latimer Expressway, crossing Swiss Avenue, Floyd Street, Gaston Avenue and the T.& P.R.R. right of way and extending to a point for a corner on the southwesterly extension of the SE line of 25 feet wide Monument Street;

THENCE northeasterly with said extension line and the SE line of Monument Street to a point for a corner on the SW line of an alley in Block 286;

THENCE southeasterly and southerly with the westerly lines of said alley in Block 286 and extending same to a point for a corner on the South line of Elm Street;

THENCE easterly with the south line of Elm Street to a point for a corner on the common block line of Blocks 182 and A/480;

THENCE southerly with said common line of blocks 182 and A/480 and with the common line of Blocks 182 and 2/480 and crossing Main Street to a point for corner on the common line of Blocks 183 and 3/183;

THENCE easterly along the south line of Main Street, crossing Prior Street and continuing to a point for a corner on the West line of Crowdus Street;

THENCE southerly along the west lines of Crowdus Street, crossing Commerce Street to a point for a corner, same being the northeast corner of Block 4/186;

THENCE easterly along the south lines of Commerce Street, crossing Crowdus Street and continuing to a point for a corner on the common line of Lots 4 and 3, Block 13/191;

THENCE southerly along the common line of Lots 4 and 3 Block 13/191, crossing 25 feet wide Clover Street and continuing along the common line of Lots 11 and 12, Block 13/191, and crossing Canton Street to a point for a corner on the common line of Lots 4 and 3, Block 12/192;

THENCE easterly along the south line of Canton Street to the west line of Oakland Avenue, a point for a corner;
THENCE southerly with said west line of Oakland Avenue and extending same to a point for a corner on the south line of 25 feet wide Virgil Street;

THENCE easterly along the south lines of Virgil Street crossing Oakland Avenue and Walton Street and continuing to a point for a corner on the west line of Hall Street;

THENCE easterly with the extension of the south line of 30 feet wide Virgil Street, crossing Hall Street, Block 850 and part of Block 851 to a point for a corner, being the northwesterly extension of a common block line of Blocks 851 and 7/851;

THENCE southwesterly along said northwesterly extension line and common block line of Blocks 851 and 7/851 to a common block corner and continuing northeasterly with said common block line and with the common block line of Blocks 851 and 6/851 and extending same through part of Block 851 to a point for a corner on the southwest right of way line of the T.& P.R.R.;

THENCE southeasterly with said SW right of way line of the T.& P.R.R. to a point for a corner, being on the southerly extension of a common tract line in Block 6/828, same being approximately 177.5 feet northwesterly from and parallel to Hickory Street;

THENCE northeasterly, crossing the T.& P.R.R. right of way and 20 feet wide Truck Avenue and continuing along said common tract line in Block 6/828 to a point for a corner on the southwest line of Second Avenue;

THENCE southeasterly with said southwest line of Second Avenue and extending same to a point for a corner on the southeast line of Hickory Street;

THENCE northeasterly, crossing Second Avenue and continuing along the southeast line of Hickory Street to a point for a corner on the southwest line of First Avenue;

THENCE southeasterly along said southwest line of First Avenue, crossing the G.C.&S.F.R.R. right of way to a point for a corner on the northeasterly line of Block 2/812;

THENCE easterly with the southerly line of First Avenue, crossing R. L. Thornton Freeway to the easterly right of way line of said freeway, same being the northwest cornerpoint of Block 6/812;

THENCE southerly along the west line of said Block 6/812 to its southwest cornerpoint;

THENCE southwesterly, crossing a portion of R. L. Thornton Freeway right of way, including an underpass portion of Second Avenue, to a point for a corner on the southeast right of way line of R. L. Thornton Freeway and the west line of Oak Lane, same being the present northeast corner of Block 3/812;

THENCE southerly with the west lines of Oak Lane, crossing Third Avenue and continuing to the most southerly cornerpoint of Block 4/812;

THENCE westerly, crossing Block 853 and the G.C.&S.F.R.R. right of way with the shortest line connecting to a point on the northeast line of said G.C.&S.F.R.R. right of way and being on the southwest line of Chestnut Street extended;

THENCE southwesterly with the northeast line of said railroad right of way to a point on the southwest line of Jeffries Street extended;

THENCE northwesterly with said extension line and the southwest line of Jeffries Street to the southeast line of Hickory Street, a point for a corner;

THENCE southwesterly with said southeast line of Hickory Street and extending same to a point for a corner on the centerline of Oakland Avenue;

THENCE southeasterly along the centerline of Oakland Avenue to a point for a corner on the northwesterly right of way line of the G.C.& S.F.R.R.;

THENCE southwesterly with said northwest right of way line of the G.C.& S.F.R.R. to a point for a corner on
§ 51A-7.901 Dallas Development Code: Ordinance No. 19455, as amended

the southeasterly extension of the southwest line of Lot 17, Block 14/865;

THENCE crossing Central Expressway (Interstate Highway 45) to a point for a corner, being on the westerly right of way line of said Central Expressway (Interstate Highway 45) and the northwest line of Corinth Street;

THENCE southwesterly with said northwest line of Corinth Street to the northeast line of Good-Latimer Expressway, a point for a corner;

THENCE westerly, crossing Good-Latimer Expressway to a point for a corner on the northwest line of a 12 feet wide tract in Block 869-1/4, the same being approximately 142 feet from and parallel to Corinth Street;

THENCE southwesterly with the northwest line of said 12 feet wide tract in Block 869 1/4 to a point for a corner on the northeast right of way line of the (T.&N.O.R.R.) H.& T.C.R.R.;

THENCE westerly, crossing said (T.&N.O.R.R.) H.&T.C.R.R. right of way to a point for a corner on the northwest line of Corinth Street;

THENCE southwesterly with the northwest lines of Corinth Street, crossing South Central Expressway and Harwood Street and continuing to the northeast line of Park Avenue to a point for a corner;

THENCE northwesterly with said northeast lines of Park Avenue, crossing Hickory Street and continuing to a point for a corner on the northeasterly extension of the northwest line of Beaumont Street, same being the southeast line of Block 454 extended;

THENCE southwesterly with said northwest line of Beaumont Street to a point for a corner on the northeast line of an alley in Block 454;

THENCE northwesterly with said northeast line of an alley in Block 454 to a point for a corner on the common line of Lots 16 and 17 extended;

THENCE southwesterly along said extension line and common lot line to the northeast line of St. Paul Street, a point for a corner;

THENCE northwesterly with said northeast line of St. Paul Street and extending same to a point for a corner on the northwest line of Gano Street;

THENCE southwesterly with said northwest line of Gano Street to a point for a corner on the northeast line of Ervay Street;

THENCE crossing Ervay Street to a point for a corner on the northwest line of Gano Street;

THENCE northwesterly with the southwest line of Ervay Street and extending same to a point for a corner on the northwest line of approximately 35 feet wide Sullivan Avenue;

THENCE southwesterly along said northwest line of Sullivan Avenue to the northeast line of Orr Street, a point for a corner;

THENCE northwesterly with said northeast line of Orr Street and extending same to a point for a corner, being on the northeasterly extension of the common line of Blocks 448 1/2 and Block B/93;

THENCE southwesterly along said common block line to a point for a corner on the northeast line of Browder Street;

THENCE with said northeast line of Browder Street northwesterly and extending to the northwest line of Blakeney Street, a point for a corner;

THENCE southwesterly crossing Browder Street and continuing along the northwest line of approximately 25 feet wide Blakeney Street to the northeast line of Akard Street, a point for a corner;

THENCE westerly, crossing Akard Street to a point for a corner on the southwest line of Akard Street and the northwest line of Powhattan Street;
§ 51A-7.901  Dallas Development Code: Ordinance No. 19455, as amended

THENCE southwesterly along the northwest line of Powhattan Street, crossing Peters Street, Wall Street, and a C.R. & P.R.R. right of way and continuing with said northwest line of Powhattan Street and extending to a point for a corner on the southwest line of Lamar Street;

THENCE northwesterly with said southwest line of Lamar Street to a point for a corner being approximately 660 feet southeasterly from the southeast line of Cadiz Street;

THENCE southwesterly crossing Block 1082, Austin Street, Block 1082, the M.K.T.R.R. and C.R. & P.R.R. right of ways and Block 1081 and across an old channel of the Trinity River with the shortest line connecting to the common northeast corner point of Lots 10 and 11, Block 69/7338;

THENCE southwesterly with the common line of Lots 10 and 11, Block 69/7338 and crossing Industrial Blvd. to a point for a corner on the common line of Lots 4 and 5, Block 71/340;

THENCE southwesterly with said common line of Lots 4 and 5 and with the common line of Lots 24 and 25 through Block 71/340 to a point for a corner on the northeast line of Rock Island Street;

THENCE southwesterly, crossing Rock Island Street and through part of Block 8000 to a point for a corner on the approximate centerline of the Trinity River East Levee (of the City and County of Dallas Levee Improvement District), said point being approximately 660 feet southeasterly from the southeast right of way line of Cadiz Street Viaduct;

THENCE northwesterly and northerly with said approximate centerline of the Trinity River East Levee and crossing Cadiz Street Viaduct right of way, R. L. Thornton Freeway right of way, the North Texas Traction Company right of way, Houston Street Viaduct right of way, Texas Turnpike Authority right of way and continuing to a point for a corner on the southerly right of way line of West Commerce Street;

THENCE easterly with said southerly line of West Commerce Street to a point for a corner on the east line of said Trinity River East Levee;

THENCE easterly along said original Texas and Pacific R.R. southerly right of way line to a point for a corner on same, being approximately 660 feet westerly from the westerly line of Stemmons Freeway;

THENCE with the westerly line of Industrial Blvd. northwesterly and extending same to a point for a corner, being on the westerly extension of the north line of Continental Avenue;

THENCE northwesterly with the northeast lines of Dragon Street, crossing Wichita Street and continuing to a point for a corner in Block 409 on a common tract line, being approximately 369 feet northwest of the northwest line of Wichita Street;

THENCE northeasterly with common tract lines to a point for a corner on the southwest line of Slocum Street;

THENCE northeasterly, crossing Slocum Street, Block 401, Stemmons Freeway, the C.R.I.& P.R.R. and S.L. & S. W. R. R. right of ways, a Dallas Power and Light Company tract in Blocks 392 and 393 and the MKT R.R. right of way and crossing part of Blocks I/389,
§ 51A-7.901 Dallas Development Code: Ordinance No. 19455, as amended

J/384 and a closed portion of Griffin and Ashland Streets, with the shortest line connecting to a point on the southeast line of Ashland Street and the northeast line of an alley in Block G/385;

THENCE northeasterly with said southeast lines of Ashland Street, crossing Summer Street and extending to a point for a corner on the NE line of Wesley Alley;

THENCE southeasterly along said NE line of Wesley Alley to the SE line of Block I/354, a point for a corner;

THENCE northeasterly along the southeast line of Block I/354 and along the northwest line of Cedar Springs Road to a point for a corner on the southwest line of 24 feet wide Yates Alley;

THENCE northeasterly with the northwest lines of Cedar Springs Road, crossing Yates Alley, old Field Street, Alamo Street, right of way for new extension of Field Street, and Caroline Street and extending said northwest line of Cedar Springs Road across Akard Street to a point for a corner on the east line of Cedar Springs Road;

THENCE with the east line of Cedar Springs Road northerly to the south line of Harwood Street, a point for a corner;

THENCE easterly with said south line of Harwood Street and extending same to a point for a corner on the easterly line of McKinney Avenue extended;

THENCE northeasterly along said extension line and the easterly line of McKinney Avenue to a point for a corner on the southwest line of Olive Street;

THENCE crossing Olive Street to a point for a corner on the southeast line of Thomas Street;

THENCE northeasterly along the southeast lines of Thomas Street, crossing Pearl Street, Crockett Court, Leonard Street, Fairmount Street, Routh Street, Boll Street, Worthington Street, Clay Alley, Allen Street, Clyde Alley, Clark Street, Ellis Street and Hugo Street and continuing to the southwest line of Hall Street and the point of beginning.

(b) Other special provision sign districts created in accordance with this article are not controlled by this division even though such districts may be wholly or partially located within the boundaries described in Subsection (a). (Ord. Nos. 19455; 20167; 21404; 24606)

SEC 51A-7.901.1. DESIGNATION OF SUBDISTRICTS.

(a) This district is divided into eight subdistricts: Retail Subdistrict A, Retail Subdistrict B, the General CBD Subdistrict, the Downtown Perimeter Subdistrict, the Main Street Subdistrict, the Convention Center Subdistrict, the Akard Station Subdistrict, and the Whitacre Tower Subdistrict.

(b) Retail Subdistrict A is that central area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

(c) Retail Subdistrict B is that central area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

(d) The General CBD Subdistrict is that area of the district within the Freeway Loop, more particularly described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

(e) The Downtown Perimeter Subdistrict is that area outside of the freeway loop within the downtown sign district.

(f) The Main Street Subdistrict is that area of downtown near Main Street described in Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.
(g) The Convention Center Subdistrict is that area of downtown near the convention center, more particularly described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

(h) The Akard Station Subdistrict is that area of downtown that is more particularly described in the Exhibit A attached to Ordinance No. 30685, passed by the Dallas City Council on October 25, 2017.

(i) The Whitacre Tower Subdistrict is that area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. 30685 passed by the Dallas City Council on October 25, 2017.

(j) The Discovery Subdistrict is that area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. 31191, passed by the Dallas City Council on April 24, 2019. (Ord. Nos. 24606; 24925; 28346; 29227; 29751; 30685; 31191)

SEC. 51A-7.902. PURPOSE.

The purpose of this division is to regulate both the construction of new signs and the alterations of existing signs with a view towards enhancing, preserving, and developing the unique character of the downtown area while addressing the diversity of businesses and promoting the economy of downtown. The general objectives of this division include those listed in Section 51A-7.101 as well as aesthetic considerations to ensure that signs are appropriate to the architecture of the district, do not obscure significant architectural features of its buildings, and lend themselves to the developing retail and residential uses and the pedestrian character of the area. The district regulations are in large part inspired by the high level of pedestrian activity and the need to maximize effective orientation of signage toward the walking public. (Ord. Nos. 19455; 20167; 21404; 24606)

SEC. 51A-7.903. DEFINITIONS.

In this division:

(1) ACTIVITY DISTRICT means a group of entertainment, cultural, performance, retail, or restaurant establishments that generate pedestrian
activity within a particular geographic area, and that
has a known name as a destination such as, but not
limited to, the Farmers Market, Main Street, or the Arts
District.

(2) ARCADE SIGN means any sign that is
mounted under a canopy or awning and is
perpendicular to the building to which the canopy or
awning is attached. This sign is intended to be read
from the pedestrian walkway that the canopy or
awning covers.

(3) AWNING means a fabric or vinyl
surface supported by a metal structure, which is
applied to the face of a building.

(4) AWNING SIGN means a sign attached
to, painted on, or otherwise applied to an awning.

(5) BANNER means a sign applied on a
strip of cloth, vinyl, or similar material and attached to
a building or structure. Awning, canopy signs, and
flags are not banners.

(6) CANOPY means a permanent, non-
fabric architectural element projecting from the face of
a building.

(7) CANOPY SIGN means a sign attached
to, applied on, or supported by a canopy, with no
changeable message area.

(8) CHANGEABLE MESSAGE SIGN means
a sign composed of LED/LCD elements, slide lettering,
slated rotating surfaces, or other changeable message
technology that displays different designs or
advertisements.

(8.1) CONSTRUCTION BARRICADE SIGN
means a sign that is affixed to a construction barricade.

(8.2) CONVENTION CENTER COMPLEX
means the convention center and buildings attached to
Dallas Development Code: Ordinance No. 19455, as amended

[Intentionally left blank]
§ 51A-7.903 Dallas Development Code: Ordinance No. 19455, as amended

(9) DISTRICT or THIS DISTRICT means the Downtown Sign District.

(10) DISTRICT ACTIVITIES means activities that take place on five or more premises within an activity district.

(11) EFFECTIVE AREA means:

(A) for a detached sign other than outlined in (B) below, the area within a minimum imaginary rectangle of vertical and horizontal lines that fully contains all extremities of the sign, excluding its supports. This rectangle is calculated from an orthographic projection of the sign viewed horizontally. The viewpoint for this projection that produces the largest rectangle must be used. If elements of the sign are moveable or flexible, such as a flag or a string of lights, the measurement is taken when the elements are fully extended and parallel to the plane of view;

(B) for signs placed on a fence, non enclosing wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure may not be computed, and the effective area must be measured by the rule for effective area for attached signs; and

(C) for an attached sign, the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word. If a design, outline, illustration, or interior illumination surrounds or attracts attention to a word, then it is included in the calculation of effective area.

(12) ENTERTAINMENT FACILITY means a structure or building for sports events or the performing arts, including indoor motion picture theaters, theaters for live musical or dramatic performances, indoor and outdoor concert halls, and exhibition halls.

(13) FACADE means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space, chimneys, roof-mounted equipment, mounted antennas, or water towers. Where separate faces are oriented in the same direction or in directions within 45 degrees of one another, they are to be considered as part of a single facade. A roof is not a facade or part of a facade. Multiple buildings on the same lot will each be deemed to have separate facades.

(14) FLAT ATTACHED SIGN means an attached sign projecting 12 inches or less from a building, and the face of which is parallel to the building facade.

(15) FREEWAY LOOP means the area of the city within Woodall Rogers Freeway, R.L. Thornton Freeway, Central Expressway (elevated bypass), and Stemmons Freeway.

(16) GENERIC GRAPHICS means any pattern of shapes, colors, or symbols that does not commercially advertise.

(17) KIOSK means a multi-sided structure for the display of premise and nonpremise signs.

(18) LANDSCAPE SIGN means a sign that is a part of a single landscape design which creates a base for the sign in conjunction with a retaining wall or an open space created with the use of water or planting material.

(19) LOWER LEVEL SIGN means an attached sign wholly situated within the lower level sign area.

(20) LOWER LEVEL SIGN AREA means the portion of a facade less than 36 feet above grade.

(21) MARQUEE SIGN means a sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building, and consisting primarily of changeable panels, words, or characters.
§ 51A-7.903 Dallas Development Code: Ordinance No. 19455, as amended

(21.1) MEDIA CENTER PLAZA means an outdoor area that is accessible to the public, and includes:

(A) a plaza that is at least 120,000 square feet in size; and

(B) structures containing ground-floor retail and restaurant uses.

(21.2) MEDIA WALL SIGN means an attached sign projecting no more than five feet from a building, the face of which is parallel to the building facade, and which may wrap around the corner of a building. A media wall sign must be located adjacent to a media center plaza. A media wall sign must be a changeable message sign, and must incorporate changeable messages, including streaming.

(22) MESSAGE AREA means the area within the effective area of a sign that provides a specific commercial or non-commercial message and that excludes all extremity and intra-areas associated with the sign fixture.

(22.1) MIDDLE LEVEL SIGN means an attached sign wholly or partially situated within the middle level sign area.

(22.2) MIDDLE LEVEL SIGN AREA means the portion of a building facade that is between the lower level sign area and the upper level sign area.

(23) MONUMENT SIGN means a detached sign applied directly onto a grade-level support structure (instead of a pole support) with no separation between the sign and grade.

(24) MOVEMENT CONTROL SIGN means a sign that directs vehicular and pedestrian movement within this district.

(24.1) PEDESTRIAN-ORIENTED CONCESSION SIGN means a premise sign displaying advertising for one or more retail uses to on-site pedestrians.

(25) PROJECTING ATTACHED SIGN means an attached sign projecting more than 12 inches from a building at an angle other than parallel to the facade.

(26) PROMOTIONAL MESSAGE means a message that identifies or promotes a cultural activity within this district, any special event being conducted in this district, any event being conducted, in whole or in part, in an entertainment complex, or any other event that will benefit the city. Benefit to the city is established by:

(A) use of city property in accordance with a contract, license, or permit;

(B) the receipt of city monies for the activity or event; or
(C) an ordinance or resolution of the city council that recognizes the activity or event as benefitting the city.

(27) PUBLIC AREA means any publicly or privately-owned outdoor area that is accessible to the public.

(28) RESIDENTIAL USES means those uses defined in Section 51A-4.209.


(29.1) RETAINING WALL SIGN means a sign in Retail Subdistrict B affixed or engraved into a retaining wall supporting a landscape bed or similar feature.

(30) SIGN HARDWARE means the structural support system for a sign, including the fastening devices that secure a sign to a building facade or pole.

(31) SPECIAL SIGN DISTRICT ADVISORY COMMITTEE means that committee created by Section 51A-7.504 of the Dallas Development Code, as amended.

(32) TEMPORARY SIGN means a sign erected for a limited time that identifies an event or activity of limited duration. Examples include signs advertising the sale or lease of property, construction activity in progress, or a concert or other cultural event.

(33) UPPER LEVEL SIGN means an attached sign wholly situated within the upper level sign area.

(34) UPPER LEVEL SIGN AREA means the portion of a facade more than 36 feet above grade and within the top 12 feet of a facade on buildings 18 stories or less, or within the top 36 feet of a facade on buildings more than 18 stories.

(34.1) VIDEOBOARD SIGN means a flat screen that is capable of displaying moving images similar to television images, by light-emitting diode or
§ 51A-7.903  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-7.906

other similar technology, and that is mounted to the exterior of a building.

(35) WELCOME MESSAGE means a message that identifies and greets heads of state, foreign dignitaries, groups using city property in accordance with a contract, license, or permit, or government organizations.

(36) WINDOW ART DISPLAY means an exhibit or arrangement placed within a storefront window of a building and designed to be viewed from a street or public area.

(37) WINDOW SIGN means a sign painted or affixed to a window.

(38) WORD: For purposes of this division, each of the following is considered to be one word:

(A) Any word in any language found in any standard unabridged dictionary or dictionary of slang.

(B) Any proper noun or any initial or series of initials.

(C) Any separate character, symbol, or abbreviation such as “&”, “¥”, “%”, and “Inc.”

(D) Any telephone number, street number, or commonly used combination of numerals and symbols such as “$5.00” or “50%”,

(E) Any Internet website, network, or protocol address, domain name, or universal record locator.

(F) Any symbol or logo that is a registered trademark but which itself contains no word or character.

(G) A street address is not considered to be a word.  (Ord. Nos. 20167; 21404; 24606; 24925; 27795; 28346; 28347; 29227 [31191])

SEC. 51A-7.904.  DETACHED NON-PREMISE SIGNS.

Except as provided in this division, no person may erect a detached non-premise sign in this district.  (Ord. Nos. 19455; 20167; 21404; 24606; 24925)

SEC. 51A-7.905.  SIGN PERMIT REQUIREMENT.

(a) Except as provided in Sections 51A-7.908, 51A-7.914, and 51A-7.915, a person shall not alter, place, maintain, expand, or remove a sign in this district without first obtaining a sign permit from the city.

(b) The procedure for obtaining a sign permit is outlined in Section 51A-7.505 of this article. Section 51A-7.602 of this article does not apply to signs in this district.

(c) A person who violates Subsection (a) is guilty of a separate offense for each day or portion of a day during which the violation is continued.  (Ord. Nos. 20167; 21404; 24606; 24925)

SEC. 51A-7.906.  GENERAL PROVISIONS FOR ALL SIGNS IN THE DOWNTOWN SIGN DISTRICT.

(a) Except as provided in Subsection (b), the regulations of Section 51A-7.303 apply in this district.

(b) For retail and personal service uses within the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B, the measurements of luminance are taken from any premise or public right-of-way other than an alley outside the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B, respectively.

(c) Illuminated signs in this district must comply with Section 51A-6.104 of the Dallas Development Code, as amended.  (Ord. Nos. 24606; 24925; 27795; 29227)
§ 51A-7.907  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-7.909

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

§ 51A-7.909  ATTACHED NON-PREMISE DISTRICT ACTIVITY VIDEOBOARD SIGNS.

(a) Content. Non-p[, ]...
(3) Non-premise district activity videoboard signs may not be placed on Pacific Avenue between Akard Street and Ervay Street.

(4) Non-premise district activity videoboard signs may not be placed on building facades facing Main Street Garden or Belo Garden.

(c) Size. Non-premise district activity videoboard signs must have a minimum of 100 square feet in effective area and may have a maximum 150 square feet in effective area.

(d) SUP required.

(1) Non-premise district activity videoboard signs are only permitted by SUP.

(2) All applications for non-premise district activity videoboard signs must include a report from a traffic engineer stating that the placement of the sign will not interfere with the effectiveness of traffic control devices within 300 ft of the sign.

(3) If there is a conflict between Subsection 51A-4.206(1) and this section, this section controls.

(4) Original applications and renewal applications for non-premise district activity videoboard signs must include an affidavit stating that the building meets the occupancy requirements in Subsection (g).

(5) Within 10 days after expiration or revocation of the SUP the non-premise district activity videoboard sign must be removed.

(e) Installation. Non-premise district activity videoboard signs must be securely attached.

(f) Projecting signs. Projecting non-premise district activity videoboard signs:

(1) must have a vertical orientation with height exceeding the width at a minimum 16:9 height-to-width ratio;

(2) may project a maximum of 12 feet into the right-of-way:

(A) subject to the licensing requirements of Chapter XIV of the City Charter, Article VI of Chapter 43 of the Dallas City Code, the Dallas Building Code, and all other applicable laws, codes, ordinances, rules, and regulations;

(B) subject to review by the traffic engineer to ensure that the sign will not pose a traffic hazard or visibility obstruction; and

(C) provided that no projecting sign may project closer than two feet to a vertical plane extending through the back of a street curb;

(3) must have a minimum clearance of 15 feet above the sidewalk and a maximum clearance of 35 feet above the sidewalk; and

(4) must have videoboard displays on both sides of the sign.

(g) Building occupancy requirements. Non-premise district activity videoboard signs are only permitted on buildings with retail and personal service uses, lodging uses, or office uses occupying at least 75 percent of the leasable ground floor area and an overall building occupancy of at least 50 percent. Non-premise district activity videoboard signs are not allowed on a lot containing a commercial surface parking lot use. The director shall notify City Council of any building that falls below the occupancy requirements and fails to reestablish the occupancy requirement within 120 days. The director may waive the occupancy requirements of this subsection for up to one year if the director determines that the building or multi-building complex is currently being redeveloped. The director may revoke this waiver if redevelopment stops or is inactive for 90 days or more.

(Ord. Nos. 27481; 28347; 28424; 28553; 28822; 29227)
SEC. 51A-7.910. OPERATIONAL REQUIREMENTS FOR ATTACHED VIDEOBOARD SIGNS.

(a) Display.

(1) All videoboard signs:

(A) must contain a default mechanism that freezes the image in one position in case of a malfunction;

(B) must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:

(i) the ambient light level measured in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then

(ii) the dimming level, multiplied by .0039 equals the brightness level; then

(iii) the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed sign brightness, measured in nits. For example:

\[
\frac{32768}{256} = \text{ambient light in luxes}
\]

\[
\frac{128}{0.039} = \text{dimming level}
\]

\[
\frac{0.492}{9000} = \text{brightness level}
\]

\[
4492.8 = \text{allowed brightness in nits;}
\]

(C) must be turned off between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and

(D) may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

(2) Non-premise district activity videoboard signs:

(A) must have a full color display able to display a minimum of 281 trillion color shades; and

(B) must be able to display a high quality image with a minimum resolution equivalent to the following table:

<table>
<thead>
<tr>
<th>Size of LED Panel</th>
<th>Maximum Pixel Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 s/f to 125 s/f</td>
<td>16 mm</td>
</tr>
<tr>
<td>Greater than 126 s/f</td>
<td>19 mm</td>
</tr>
</tbody>
</table>

(b) Light intensity. Before the issuance of a videoboard sign permit, the applicant shall provide written certification from the sign manufacturer that:

(1) the light intensity has been factory programmed to comply with the maximum brightness and dimming standards in the following table in Subparagraph (a)(1)(B); and

(2) the light intensity is protected from end-user manipulation by password-protected software, or other method satisfactory to the building official.

(c) Change of message. Except as provided in this section, changes of message must comply with the following:

(1) Each message must be displayed for a minimum of eight seconds.

(2) Changes of message must be accomplished within two seconds.

(3) Changes of message must occur simultaneously on the entire sign face.

(4) No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.

(d) Streaming information. If a special events permit has been issued for district activities, streaming
video and audio is permitted, except that ticker tape streaming is permitted at all times when the videoboard sign is operating. Ticker tape streaming must be located within the bottom 10 percent of the effective area.

(e) Malfunction. Videoboard sign operators must respond to a malfunction or safety issue within one hour after notification. (Ord. Nos. 27481; 27572)

SEC. 51A-7.911. ATTACHED PREMISE SIGNS.

(a) Attached signs in general.

(1) Attached signs must be securely attached.

(2) Attached signs overhanging the public way are permitted, except that no sign may project closer than two feet to the vertical plane extending through the back of a street curb.

(3) The total effective area for all signs on a facade may not exceed:

(A) 30 percent of the area in the lower level sign area;

(B) 20 percent of the area in the middle level sign area; and

(C) 30 percent of the area in the upper level sign area.

(4) Except as provided in this paragraph, attached signs may not project more than four feet above the roof line. Attached signs in the Convention Center Subdistrict may not project more than nine feet above the roof line.

Projecting attached signs are not included in these effective area calculations. See additional restrictions on sign area in the provisions for specific sign types.
(5) Attached premise signs may be videoboard signs, provided that the message content concerns businesses on the premise which are open for business for a minimum of 50 weeks per year with employees present a minimum of 30 hours per week. For operational and maintenance requirements, see Section 51A-7.910.

(b) Arcade signs.

(1) An arcade sign must be located at least 15 feet from any other arcade sign.

(2) No arcade sign may exceed six square feet in effective area.

(3) No arcade sign may be lower than 10 feet above grade.

(c) Awning signs.

(1) Awning signs in the general CBD and convention center subdistricts.

(A) No awning sign may:

(i) project more than two inches from the surface of the awning; or

(ii) be lower than 10 feet above grade.

(B) The total effective area for any one awning sign may not exceed six square feet.

(C) The total effective area for all awning signs combined on each street frontage may not exceed 150 square feet.

(2) Awning Signs in the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B.

(A) No awning sign may:
§ 51A-7.911 Dallas Development Code: Ordinance No. 19455, as amended

(d) Canopy signs.

(1) Canopy signs in the general CBD and convention center subdistricts.

(A) No canopy sign may:

(i) exceed 50 percent of the length of the canopy facade to which it is attached;

(ii) project horizontally more than two inches from the surface of the canopy; or

(iii) be lower than 10 feet above grade.

(B) The total effective area for all canopy signs combined on each street frontage may not exceed 180 square feet.

(C) No canopy sign may project vertically above the surface of the canopy if a lower level flat attached sign is maintained at that occupancy on the same facade.

(D) No canopy sign may project vertically above the surface of the canopy more than 15 percent of the overall length of the sign.

(E) A canopy sign may only be located over a pedestrian entrance to a premise.

(2) Canopy Signs in the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B.

(A) No canopy sign may:

(i) exceed 60 percent of the length of the canopy facade to which it is attached;

(ii) project horizontally more than 12 inches from the surface of the canopy; or

(iii) be lower than 10 feet above grade.

(B) The total effective area for all canopy signs combined on each street frontage may not exceed 180 square feet.

(C) No canopy sign may project vertically above the surface of the canopy if a lower level flat attached sign is maintained at that occupancy on the same facade.

(D) No canopy sign may project vertically above the surface of the canopy more than 20 percent of the overall length of the sign.

(E) Canopy signs may only be located over a pedestrian entrance to a premise.

(e) Flat attached signs.

(1) Lower level flat attached signs.

(A) Except as provided in this paragraph, the maximum number of lower level flat attached signs permitted on a facade is the sum obtained by counting all of the street entrances and first floor occupants with windows on that facade with no street entrances.

(B) In the general CBD and convention center subdistricts, the maximum effective area for a lower level flat attached sign is:
§ 51A-7.911 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.911

(i) 30 square feet if the sign is within 15 feet of the right-of-way; and

(ii) 50 square feet if the sign is more than 15 feet from the right-of-way.

(C) Except as provided in this paragraph, in the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B, the maximum effective area for a lower level flat attached sign is:

(i) 40 square feet if the sign is within 15 feet of the right-of-way; or

(ii) 60 square feet if the sign is more than 15 feet from the right-of-way.

(D) In Retail Subdistrict B, if retaining wall signs are erected pursuant to Section 51A-7.912, a maximum of one flat attached sign is permitted per building entry with a maximum effective area of 10 square feet per sign. The provisions of Subparagraph (C) apply in the absence of retaining wall signs.

(2) Middle level flat attached signs.

(A) Each middle level flat attached sign may have a maximum of eight words that contain any character of a height equal to or exceeding four inches.

(B) Middle level flat attached signs must be wholly or partially located within the middle level sign area.

(C) Except as provided in this subparagraph, the maximum effective area for a middle level flat attached sign is 500 square feet. In the Whitacre Tower Subdistrict the maximum effective area for a middle level flat attached sign is 784 square feet.

(D) Middle level flat attached signs may only display the names or symbols or a combination thereof representing tenants occupying one or more full floors or 20,000 square feet or more of leasable building area, whichever is greater.

(E) Middle level flat attached signs are only permitted on buildings with 10 or more stories.

(F) One middle level flat attached sign is permitted for every 100 feet of building height or portion thereof, up to a maximum of three signs, per facade.

(G) Middle level flat attached signs must have a vertical separation of 75 feet from any other flat attached sign on the same facade in the lower, middle, or upper level sign area.

(3) Upper level flat attached signs.

(A) Each upper level flat attached sign may have a maximum of eight words that contain any character of a height equal to or exceeding four inches.

(B) Upper level flat attached signs must be wholly located within the upper level sign area.

(f) Marquee signs.

(1) No marquee sign may:

(A) exceed 225 square feet for buildings with an entertainment facility housing 150 seats or less; or

(B) exceed 375 square feet for buildings with an entertainment facility housing more than 150 seats.

(2) No marquee sign may be longer than two-thirds of the length of the frontage of the building to which the marquee is attached.

(3) The message area on any marquee sign may not exceed 60 percent of the effective area of the sign.

(4) Marquee signs must have a height dimension of not less than two feet.

(5) No premise may have more than one marquee sign per street frontage.
(6) Only an entertainment facility may have a marquee sign.

(g) **Projecting attached signs.**

(1) **Lower projecting attached signs.**

(A) No premise may have more than one lower projecting attached sign per pedestrian entrance.

(B) No lower projecting attached sign may exceed 15 square feet in effective area in the general CBD and convention center subdistricts, or 30 square feet in effective area in the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B.

(C) No lower projecting attached sign may be lower than 10 feet above grade, or project vertically above the roof of a building, or 25 feet above grade, whichever is lower.

(D) No lower projecting attached sign may project more than five feet into the public right-of-way.

(2) **Upper projecting attached signs.**

(A) No premise may have more than one upper projecting attached sign.

(B) No upper projecting attached sign may project more than five feet into the public right-of-way.

(C) An upper projecting attached sign:

(i) may be located outside the upper level sign area; and

(ii) may not be lower than 12 feet above grade.

(D) The lowest point of an upper projecting attached sign must be located within 36 feet above grade.

(E) No upper projecting attached sign may exceed 180 square feet in effective area.

(3) The board of adjustment may authorize a special exception to the effective area, height, or location restrictions for a projecting attached sign if the board finds, after a public hearing, that the special exception will not be contrary to the public interest, adversely affect neighboring properties, or create a traffic hazard and that the special exception will be in harmony with the general purpose and intent of this division. In no event may a special exception granted under this paragraph authorize a sign to exceed 300 square feet in effective area or 45 feet in height.

(4) All projecting attached videoboard signs must have videoboard displays on both sides of the sign.

(h) **Media wall signs.**

(1) One media wall sign is permitted in the Discovery Subdistrict only.

(2) A media wall sign may be located no lower than 15 feet from grade and may be located no higher than 125 feet from grade.

(3) Non-premise messages are permitted only when streaming live or pre-recorded media content that is not simply an advertisement or commercial.

(4) For purposes of a media wall sign, **PREMISE** means the property within the Discovery Subdistrict and the property within the Media Center Plaza abutting the Discovery Subdistrict.

(5) For purposes of a media wall sign, **PREMISE SIGN** means any sign that contains content that relates to the premise and referring exclusively to the following:

(A) the name, trade name, or logo of the owner or occupant of the premises, or the identification of the premise;

(B) accommodations, services, or activities offered or conducted on the premise;
(C) products or media content sold, other than incidentally, on the premise, the intent of which is not to promote third-party advertising but to allow the products and media content of the premise, but does not include monetization from third-party advertising;

(D) the sale, lease, or construction of the premise;

(E) products or media content owned by the owner or its affiliates, or by the occupant of the premise;

(F) public service or sponsorship announcements; and

(G) the streaming of live or pre-recorded content.

(6) Media wall signs may be a maximum 9,300 square feet in effective area. For a media wall sign that wraps around the side of a building, a maximum of 6,650 square feet in effective area is permitted on the north/Jackson Street side of the building, and a maximum of 2,650 square feet in effective area is permitted on the west/Akard Street side of the building.

(7) A media wall sign:

(A) must contain a default mechanism that freezes the image in one position in case of a malfunction.

(B) must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:

\[ \text{brightness level} = (\frac{\text{ambient light level}}{256}) \times 0.0039 \times \text{maximum brightness of the specific sign measured in nits} \]

For example:

\[ \frac{32,768}{256} = 128 \text{ (dimming level)} \]

\[ 0.4992 \times 9,000 = 4492.8 \text{ (allowed brightness in nits)} \]

(C) between 1:00 a.m. and 7:00 a.m., Monday through Friday, and between 2:00 a.m. and 8:00 a.m. on Saturday and Sunday,

(i) must display at no more than 300 nits or five percent of the total brightness of the sign capabilities, whichever is less; and

(ii) may utilize no more than 50 percent of the sign's total diodes and display no text;

(D) may not display light of such intensity or brilliance as to cause glare, impair the vision of an ordinary driver, or constitute a nuisance;

(E) must have a color display able to display a minimum of 281 trillion color shades; and

(F) must be able to display a high-quality image with a minimum pixel pitch of six mm.

(8) Before the issuance of a media wall sign permit, the applicant shall provide written certification from the sign manufacturer or vendor that:

(A) the light intensity has been programmed to comply with the maximum brightness and dimming formula in Section 51A-7.911(h)(7)(B); and

(B) the light intensity is protected from end-user manipulation by password-protected software, or other method satisfactory to the building official.

(9) Media wall sign operators must respond to a malfunction or safety issue within one hour after notification. (Ord. 20927; 21404; 21694; 24606; 24925; 27481; 27795; 28346; 29227; 30685; 31191)

SEC. 51A-7.912. DETACHED PREMISE SIGNS.

(a) Unless otherwise provided, all detached premise signs must be monument signs or landscape
(b) No detached premise sign may be located within five feet of a public right-of-way, except for monument signs or landscape signs, which may be located at the building line.

(c) Except as provided in this section, detached premise signs located within 15 feet of a public right-of-way may not exceed 20 square feet in effective area, or five feet in height.

(d) Except as provided in this section, detached premise signs with a setback of 15 feet or greater from a public right-of-way may not exceed 50 square feet in effective area, or 15 feet in height.

(e) A detached premise sign may contain only the name, logo, and address of the premise building and its occupants.
(f) Section 51A-7.304(c) of the Dallas Development Code, as amended, does not apply to monument signs or landscape signs in this district.

(g) A premise having more than 450 feet of frontage along a street may have no more than one additional detached premise sign for each additional 100 feet of frontage or fraction thereof. For purposes of the subsection, “street” means a right-of-way that provides primary access to adjacent property.

(h) The following additional regulations apply in Retail Subdistrict B.

(1) Campus identification sign.

(A) One campus identification sign is permitted if the building site contains a single building with a floor area of 1.5 million square feet or greater.

(B) This sign must be located within 15 feet of the right-of-way.

(C) Maximum height is four feet, six inches.

(D) Maximum effective area is 77 square feet.

(E) The message area cannot exceed 70 percent of the effective area.

(F) Push-through acrylic lettering is required. No other lettering is permitted.

(2) Additional monument signs.

(A) Three additional monument signs are permitted if the building site contains a single building with a floor area of 1.5 million square feet or greater.

(B) Maximum height is four feet, six inches.

(C) Maximum effective area of each sign is 45 square feet.

(D) The message area cannot exceed 60 percent of the effective area.

(E) These signs may be located along any street, provided there are no more than five detached premise signs oriented toward any street.

(F) The 200-foot spacing provision in Section 51A-7.304, “Detached Signs,” for detached signs on the same premise does not apply to additional monument signs permitted by this paragraph.

(3) Retaining wall signs.

(A) A maximum of four retaining wall signs are permitted.

(B) Maximum effective area of each sign is 40 square feet.

(4) Pedestrian-oriented concession signs.

(A) A maximum of three pedestrian-oriented concessions signs are permitted.

(B) These signs may contain campus and associated identification.

(C) Minimum setback is 15 feet.

(D) Maximum height is eight feet, eight inches.

(E) Maximum effective area of each sign is 30 square feet.

(F) There is no message area restrictions for these signs.

(G) Push-through acrylic lettering is required. No other lettering is permitted.
§ 51A-7.912 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.914 Dallas Development Code: Ordinance No. 19455, as amended

(5) Illumination.

(A) Except as provided in this paragraph, internal sources of illumination may only be used if the internal source is an integral part of the sign’s design, such as the use of light emitting diodes (LED) or small individual incandescent lamps.

(B) Except as provided in this paragraph, detached premise signs must not have a plastic translucent cover.

(C) Retaining wall signs and pedestrian-oriented concession signs may be externally lit, or internally lit with a translucent or transparent cover, without limitation to the type of lighting or cover materials. (Ord. Nos. 20167; 21404; 22425; 24606; 24925; 29227)

SEC. 51A-7.913. CONSTRUCTION BARRICADE SIGNS.

(a) The director shall review all construction barricade signs for consistency with the construction fence requirements of the Dallas Central Business District Streetscape plan. Upon approval of the signs by the director, a sign permit for the signs may be issued. This review is a condition precedent for any permit issued for a construction barricade. No additional sign permits for the barricade may be issued after the barricade permit is issued.

(b) A construction barricade sign may not project more than two inches from the surface of the construction barricade.

(c) A construction barricade sign may neither be lighted nor contain any moving parts.

(d) A construction barricade sign must be removed when the construction barricade is removed.

(e) A minimum of ten percent of the effective area of a construction barricade sign must display city park names, city activities, district activities, or the names of the owner, occupant, or district sponsor of the construction site.

(f) A construction barricade sign may not exceed eight feet in height.

(g) A construction barricade may be fully decorated or graphically designed if:

(1) no decoration or graphic horizontally projects more than two inches from the surface of the barricade; or

(2) no decoration or graphic vertically projects more than four feet above the top of the barricade.

(h) A construction barricade sign may contain one non-premise message per street frontage. (Ord. Nos. 19455; 20167; 21404; 24606; 24925; 25047; 28073; 28347; 28553)

SEC. 51A-7.914. BANNERS ON STREETLIGHT POLES.

Banners on streetlight poles are subject to the following regulations:

(a) A banner must display a promotional message, a welcome message, or generic graphics.

(b) No more than 10 percent of the effective area of a banner may contain a welcome message that identifies and greets a group using city property in accordance with a contract, license, or permit.

(c) Up to 10 percent of the effective area of a banner may contain the word(s) or logo(s) that identify a sponsor of a cultural event or activity if the sponsor’s name is part of the name of the activity or event.

(d) A banner having either a promotional message or a welcome message may not be erected more than 90 days prior to the beginning of the advertised activity or event, and must be removed no
later than 15 days after that activity or event has ended. The sign hardware for a banner may be left in place between displays of a banner.

(e) A banner and its sign hardware must:

(1) be mounted on a streetlight pole;

(2) meet the sign construction and design standards in the Dallas Building Code;

(3) be at least 12 feet above grade, unless it overhangs a roadway, in which case it must be at least 15 feet above grade;

(4) be made out of weather-resistant and rust-proof material;

(5) not project more than three feet from the pole onto which it is mounted; and

(6) not exceed 20 square feet in effective area.

(f) No sign permit or certificate of appropriateness is required to erect or remove a banner. (Ord. Nos. 21404; 24606; 24925)

SEC. 51A-7.915. WINDOW ART DISPLAYS IN VACANT BUILDINGS.

Window art displays on the ground floor of a vacant building are allowed subject to the following regulations:

(a) A window art display may contain only a promotional message, generic graphics (including three-dimensional artifacts), a message identifying the sponsor of the display, or a message referring to the sale or lease of the premises.

(b) Window signs in a window art display may not:

(1) cover more than 25 percent of the surface area of a window;

(2) contain a logo or word that has any character that exceeds five inches in height;

(3) advertise a specific product or service other than the cultural event or activity; or

(4) have more than 10 percent or four square feet, whichever is less, of its effective area devoted to sponsorship identification.

(c) No sign permit or certificate of appropriateness is required to erect or remove a window art display. (Ord. Nos. 21404; 24606; 24925)

SEC. 51A-7.916. NONCOMMERCIAL MESSAGE NONDISCRIMINATION.

Notwithstanding any other provision of this division, any sign that may display a type of noncommercial message may display in place of that message any other type of noncommercial message, so long as the sign complies with other requirements of this article and other ordinances that do not pertain to the content of the message displayed. Section 51A-7.209 of the Dallas Development Code, as amended, applies to this district. (Ord. Nos. 21404; 24606; 24925)

SEC. 51A-7.917. ACTIVITY DISTRICT CHANGEABLE MESSAGE SIGNS.

(a) No more than six activity district changeable message signs may be located in this district.

(b) Activity district changeable message signs in the general CBD and convention center subdistricts:

(1) may be attached or detached signs;

(2) must be located at least 1500 feet apart;
§ 51A-7.917 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.918

(3) if attached signs, must be located on separate facades; and

(4) may not exceed 450 square feet in effective area.

(c) Activity district changeable message signs in the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B:

(1) must be attached signs;

(2) must be located at least 300 feet apart;

(3) must be located on separate facades; and

(4) may not exceed 200 square feet in effective area.

(d) A maximum of four activity district changeable message signs may be located in the general CBD and convention center subdistricts collectively, and a maximum of two activity district changeable message signs may be located in the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B, collectively.

(e) Activity district changeable message signs may not exceed 60 feet in height.

(f) Activity district changeable message signs may only promote district activities within this district or West End Special Provision Sign District, Deep Ellum Special Provision Sign District, Arts District Special Provision Sign District, and Farmers Market Special Provision Sign District.

(g) No more than 10 percent of the effective area of a district changeable message sign may be devoted to sponsorship identification.

(h) No more than eight permanent words may be located on an activity district changeable message sign.

(i) There is no limit to the number of words on the changeable message portion of an activity district changeable message sign.

(j) No attached activity district changeable message sign may project above the roof.

(k) Activity district changeable message signs must be securely anchored and meet design standards approved by the Special Sign District Advisory Committee. (Ord. Nos. 24606; 24925; 28346; 29227)

SEC. 51A-7.918. KIOSKS.

(a) Kiosks for which permits were issued after March 9, 2005.

(1) Kiosks may only be erected as part of a city-wide kiosk program approved by the city council.

(2) Kiosks are not subject to this section, and must meet the design standards of a city-wide kiosk program approved by the city council.

(b) Kiosks for which permits were issued on or before March 9, 2005.

(1) Kiosks may display premise or non-premise messages.

(2) Kiosks must be spaced at least 300 feet apart.

(3) No kiosk may be illuminated by a detached, independent external light source.

(4) Kiosks may not be located on sidewalks unless:

(A) an unobstructed sidewalk width of 10 feet is maintained on any side with a message area; or
§ 51A-7.918 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.919

(B) an unobstructed sidewalk width of seven feet is maintained with no message area.

(5) Kiosks must be securely anchored.

(6) Except as provided in this section, kiosks must meet the design standards of a city-wide kiosk program approved by the city council.

(7) Kiosks may contain coin-operated public toilets.

(8) Kiosks must not exceed:

(A) 10 feet in height;

(B) 80 square feet in effective area; or

(C) 100 square feet in effective area if a kiosk contains a coin-operated public toilet.

(9) The effective area of a kiosk is measured using the rule for measuring the effective area of detached signs.

(10) The message area of a kiosk may not exceed 60 percent of the effective area of the kiosk.

(A) One-third of the message area of a kiosk must identify a district activity or be an area way-finding map. The message area identifying a district activity or containing an area way-finding map must be oriented to be visible from a sidewalk within the public right-of-way.

(B) There is no limit as to the number of words containing characters of a height equal to or exceeding four inches on a kiosk.

(11) Kiosks with area way-finding maps must have the word “information” or an information symbol above the message area.

(12) Kiosks may be relocated within this district, provided the new location and kiosk design complies with this section. (Ord. Nos. 24606; 24925; 25926)

SEC. 51A-7.919. MOVEMENT CONTROL SIGNS.

(a) Except as provided in this section, movement control signs must direct vehicular or pedestrian movement within this district or to adjacent districts and may include the name or logo of any premise located in this district or the name or logo of any adjacent district.

(b) Movement control signs that include the name or logo of two or more premises may:

(1) be attached or detached signs;

(2) not exceed 30 square feet in effective area;

(3) be located in a public right-of-way; or

(4) be erected anywhere within the district without limit as to number.

(c) Movement control signs that include the name or logo of one premise may:

(1) be attached or detached signs;

(2) be erected on the premise without limit as to number;

(3) not exceed two square feet in effective area; and

(4) not be located in the public right-of-way.
§ 51A-7.919  Dallas Development Code: Ordinance No. 19455, as amended
§ 51A-7.920

(d) The following additional regulations apply in Retail Subdistrict B.

(1) Movement control signs cannot include the name or logo of any premise located in this subdistrict or adjacent subdistricts.

(2) Pedestrian movement control signs may:
   (A) be attached or detached signs;
   (B) not exceed 10 square feet in effective area;
   (C) not exceed a message area of 75 percent;
   (D) not exceed a maximum letter height of five inches;
   (E) not be located in a public right-of-way; and
   (F) be erected anywhere in this subdistrict without limitation as to number.

(3) Vehicular movement control signs may:
   (A) be attached or detached signs;
   (B) not exceed two square feet in effective area;
   (C) not be located in a public right-of-way; and
   (D) be erected anywhere in this subdistrict without limitation as to number. (Ord. Nos. 24606; 24925; 29227)

SEC. 51A-7.920.  DISTRICT IDENTIFICATION SIGNS.

(a) A district identification sign may only:

(1) identify the name or logo of the Main Street Subdistrict, Retail Subdistrict A, or Retail Subdistrict B as approved by the city council; and

(2) be located in the subdistrict it identifies.

(b) A district identification sign may be located in the right-of-way.

(c) No district identification sign may be a changeable message sign.

(d) A district identification sign may only be a monument sign, a banner sign, or be located on a structure that spans a right-of-way or on a nonenclosing wall.

(e) A maximum of six district identification signs are allowed in the Main Street Subdistrict, Retail Subdistrict A, and Retail Subdistrict B, collectively.

(f) No district identification sign may exceed 50 square feet in effective area.

(g) No district identification sign may exceed five words.

(h) A structure that spans a right-of-way or a nonenclosing wall containing a district identification sign:

   (1) may not exceed 900 square feet in effective area;
   (2) must be at least 15 feet above grade; and
   (3) may not exceed 25 feet in height.

(i) Monument identification signs located within 15 feet of a public right-of-way may not exceed 20 square feet in effective area, or five feet in height.

(j) Monument identification signs located more than 15 feet from a public right-of-way may not exceed 50 square feet in effective area, or 15 feet in height.
(k) Banner district identification signs and their hardware must meet the sign construction and design standards contained in the Dallas Building Code, and be at least 12 feet above grade, unless they overhang a roadway, in which case they must be at least 15 feet above grade;

(1) No banner district identification sign and its hardware may exceed 25 feet in height;

(2) No banner district identification sign and its hardware may project more than three feet from the pole on which they are mounted;

(3) A banner district identification sign and its hardware must be spaced at least 100 feet from other banner district identification signs;

(4) A banner district identification sign and its hardware may not exceed 24 square feet in effective area; and

(5) A banner district identification sign and its hardware must be made of weather-resistant and rust proof material. (Ord. Nos. 24606; 24925)

SEC. 51A-7.921. PROTECTIVE SIGNS.

(a) The occupant of a premise may erect no more than two detached protective signs in accordance with the following provisions:

(1) No sign may exceed 700 square inches in effective area.

(2) No detached sign may exceed two feet in height.

(3) No word may exceed four inches in height, unless otherwise required by law.

(b) The occupant of a premise may erect attached protective signs at each entrance to a premise in accordance with the following provisions:

(1) No sign may exceed 700 square inches in effective area.

(2) The cumulative messages may not exceed 1,300 square inches per entrance.

(3) No word may exceed four inches in height, unless otherwise required by law. (Ord. Nos. 24606; 24925)

SEC. 51A-7.922. SPECIAL PURPOSE SIGNS.

(a) Illumination. Special purpose signs may be externally or internally illuminated.

(1) Attached signs.

(A) Only one attached premise special purpose sign may be located on each facade per premise up to four times within any 12-month period as long as:

(i) the sign is maintained for no more than 45 days each time during that 12-month period;

(ii) the sign conforms to all other regulations for attached signs; and

(iii) the effective area of the sign does not exceed:

(aa) 30 percent of the building facade for an entertainment facility; or

(bb) 10 percent of the building facade for other uses.

(B) There is no limit to the number of words permitted on an attached premise special purpose sign.

(2) Detached special purpose signs are prohibited in this district. (Ord. Nos. 24606; 24925)
SEC. 51A-7.923. OTHER TEMPORARY SIGNS.

(a) In addition to the protective signs permitted under Section 51A-7.921, temporary protective signs may be erected anywhere on a construction site at anytime during construction subject to the following provisions:

(1) There is no limit on the number of temporary protective signs on a construction site.

(2) No sign may exceed 20 square feet in effective area, or eight feet in height.

(3) Temporary protective signs may be illuminated, but no lighting source may project more than three inches from the vertical surface, or six inches above the top, of the sign.

(4) All temporary protective signs must be removed upon completion of the construction.

(b) “For Sale,” “For Lease,” “Remodeling,” and “Under Construction” signs. Signs that relate exclusively to the sale, lease, remodeling, or construction of the premises on which they are located are permitted subject to the following provisions:

(1) Attached signs.

(A) There is no limit on the number of attached signs permitted.

(B) If the sign is attached to a window, the maximum effective area of the sign is 16 square feet.

(C) If the sign is attached to other portions of a facade, the maximum effective area of the sign is 32 square feet.

(2) Detached signs.

(A) Detached signs are limited to one for each 100 feet of frontage on a public street or private access easement.

(B) No detached sign may exceed 128 square feet in effective area, or 16 feet in height. (Ord. Nos. 24606; 24925)

SECS. 51A-7.924 THRU 51A-7.929. RESERVED.

SEC. 51A-7.930. SUPERGRAPHIC SIGNS.

(a) Definitions. In this section:

(1) AFFILIATE means any person who is an owner, shareholder, member, partner, agent, officer, or director of an applicant for a supergraphic sign location permit pursuant to this section or a person who has a contractual relationship with an applicant related to supergraphic signs.

(2) CENTRAL BUSINESS DISTRICT WALLSCAPE SIGN means a supergraphic sign located in the inner loop area that is neither a promotional wallscape nor a civic center wallscape.

(3) CIVIC CENTER WALLSCAPE SIGN means a supergraphic sign located on a city-owned performance venue with a minimum 1,000 person seating capacity, convention center, or library.

(4) INNER LOOP AREA means the Main Street Subdistrict, Retail Subdistrict A, Retail Subdistrict B, the Convention Center Subdistrict, and the General CBD Subdistrict.

(5) LOCATION PERMIT means a sign permit to erect a supergraphic sign in a specific location.

(6) PROMOTIONAL WALLSCAPE SIGN means a supergraphic sign that identifies or promotes a cultural activity or sporting event that significantly benefits the city.
§ 51A-7.930 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.930

(7) QUALIFIED APPLICANT means any person who has been qualified by the director to apply for a location permit.

(8) SUPERGRAPHIC SIGN means a large attached premise or non-premise sign on a mesh or fabric surface, or a projection of a light image onto a wall face without the use of lasers.

(9) WALL FACE means an uninterrupted blank plane of a wall, from vertical edge to vertical edge, from its highest edge to its lowest edge. Edges can be established by a distinct change in materials or off-set which runs across (transects) the entire wall in a straight line.

(b) Visual display and coverage.

(1) Except as provided in this paragraph, a supergraphic sign must have one large visual display with a minimum of 80 percent non-textual graphic content (no more than 20 percent text).

(A) Multiple displays giving an appearance of multiple signs are prohibited.

(B) The effective area of text is the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word.

(C) A promotional wallscape sign may contain 10 percent text or logo related to sponsorship. The remainder of the promotional wallscape sign must promote the special event.

(2) Subject to the maximum effective area in Subsection (c), a central business district wallscape sign must cover at least 60 percent of the wall face of the building to which it is attached. The lower 10 feet of the wall face may not be covered and is disregarded in calculating the coverage area.

(3) Supergraphic signs are intended to be creative and artful and not strictly a representation of an advertised product. It is the intent of this provision to:

(A) encourage the use of illustrative images or other non-repetitive design elements;

(B) encourage visually interesting, vibrant, and colorful designs;

(C) discourage use of solid colors or repetitive design elements; and

(D) discourage an image of a single product or product logo without other graphic elements.

(4) Supergraphic signs may be internally or externally illuminated. If internally illuminated, a supergraphic sign may consist of translucent materials, but not transparent materials.

(5) No building may have more than two central business district wallscape signs. The two central business district wallscape signs must be oriented a minimum of 90 degrees from each other.

(c) Effective area. Minimum permitted effective area of a central business district wallscape sign is 2,500 square feet. This subsection controls over Paragraph (b)(2).

(d) Height. No central business district wallscape sign or civic center wallscape sign may exceed 450 feet in height. There is no maximum height for promotional wallscape signs.

(e) Number of sign locations permitted.

(1) No more than 22 central business district wallscape locations are permitted within the inner loop area.

(2) No more than four civic center wallscape locations are permitted within the inner loop area.
§ 51A-7.930 Dallas Development Code: Ordinance No. 19455, as amended

(3) No supergraphic signs are permitted outside of the inner loop area.

(f) Extensions.

(1) Except as provided in Paragraph (2), a supergraphic sign may not extend beyond the edge of the face of the building to which it is attached.

(2) A supergraphic sign may wrap around the edge of a building if:

(A) both building facades to which the supergraphic sign is attached are otherwise eligible facades; and

(B) the supergraphic sign is one continuous image.

(g) Location.

(1) A central business district wallscape sign may only be located on a blank wall face.

(2) No supergraphic sign may:

(A) cover any window or architectural or design feature of the building to which it is attached;

(B) be attached to a federal-, state-, or city-designated historic or landmark structure;

(C) be attached to a facade erected or altered after June 1, 2005;

(D) be attached to a facade on Pacific Avenue between Akard Street and Ervay Street;

(E) be attached to a facade facing Main Street Garden or Belo Garden.

(3) Except as provided in Paragraph (4), central business district wallscape signs are only permitted on parking structures or buildings with lodging, residential, retail and personal service, or office uses occupying at least 75 percent of the leasable ground floor area and an overall building occupancy of at least 50 percent of the floor area.

(4) The director may waive the requirements in Paragraph (3) for up to one year if the director determines that the building or multi-building complex is currently being redeveloped. The director may revoke this waiver if redevelopment stops or is inactive for 90 days or more.

(h) Message duration. A supergraphic sign location may not display the same message for more than four consecutive months in any 12-month period.

(i) Hardware fasteners. All hardware fasteners for a supergraphic sign must comply with the Dallas Building Code and all other ordinances, rules, and regulations of the City of Dallas.

(j) HBA signs prohibited. No supergraphic sign may be a Highway Beautification Act (HBA) sign as defined in Section 51A-7.102.

(k) Permits.

(1) Application to be a qualified applicant.

(A) An applicant shall submit an application to the director for the purpose of qualifying as an applicant. The application must include:

(i) the name, address, phone number, and other pertinent information of the applicant, and if the applicant is a business entity, the names and business addresses of the principal officers, managers, and other persons who own more than five percent of the entity; and

(ii) an affidavit stating that the applicant is in good standing with the city on all code enforcement matters related to supergraphic signs.

(B) A person may not qualify as an applicant if that person:
§ 51A-7.930 Dallas Development Code: Ordinance No. 19455, as amended

(i) has any outstanding code violations related to supergraphic signs;

(ii) has previously displayed a non-permitted supergraphic sign within the previous 12 month period; or

(iii) is an affiliate of another qualified applicant.

2) Location permit.

(A) Qualified applicants must submit a separate location permit application for each location. The director shall time stamp all applications upon receipt.

(B) The director shall review location permit applications in order of submittal. If the director determines that a location permit application is incomplete or does not meet the guidelines, the director shall reject the application and then review the next location permit application. If the initial number of location permit applications exceeds the number of location permits available, the director shall provide for a lottery to distribute the location permits.

(C) An application for a supergraphic sign location permit must contain:

(i) a memorandum of lease, sworn to by affidavit, that shows that the qualified applicant has an enforceable lease for a supergraphic location;

(ii) an affidavit stating that the property where the supergraphic sign will be located has no outstanding code enforcement matters;

(iii) a current tax certificate and affidavit stating that there are no unpaid governmental liens for the supergraphic sign location; and

(iv) an affidavit stating that the building meets the occupancy requirements in Paragraph (g)(3).

(D) Location permit holders may not be an affiliate of any other location permit holder.

(E) A person may not have more than nine pending or active location permits combined at any one time.

(F) A person shall not obtain a location permit for use by another person.

(G) A location permit expires four years after the date of issuance.

(H) The director shall revoke a location permit if the location has displayed obsolete supergraphic advertising or has been without supergraphic advertising matter for six months or more.

(I) A holder of a location permit may apply for renewal of the location permit by filing a complete application for renewal with the director no more than 180 days before the expiration of the current permit. To be eligible for a renewal of a location permit, an applicant must meet the qualification criteria under Paragraph (1).

3) Promotional wallscape signs. An application for a promotional wallscape must be supported by a resolution of the city council that recognizes the activity or event as significantly benefiting the city. A promotional wallscape may not be erected more than 60 days before the beginning of the activity or event and must be removed not later than 30 days after the activity or event has ended.

4) Review procedure. The director shall review all applications for location permits and copy change permits using the director procedure in Section 51A-7.505.

(I) Mandatory removal in 2019. All supergraphic signs must be removed on or before July 31, 2019. This section does not confer a nonconforming or vested right to maintain a supergraphic sign after
§ 51A-7.930 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.932

July 31, 2019, and all permits authorizing supergraphic signs shall automatically expire on that date.

(m) Sunset. This section expires on July 31, 2019, unless re-enacted with amendment before that date. The city plan commission and city council shall review this section before its expiration date. (Ord. Nos. 24717; 24925; 24926; 25291; 25995; 27300; 27587; 28346; 28347; 28553; 29227)

SEC. 51A-7.931. CONVENTION CENTER COMPLEX ACCENT LIGHTING.

(a) The convention center complex may have building accent lighting consisting of LED or similar technology that changes colors and brightness.

(b) Convention center complex accent lighting may display images, symbols, logos, or words that are associated with

(1) a convention or event taking place within the convention center complex or;

(2) an event or activities taking place within the Downtown Special Provision Sign District. (Ord. 28346)

SEC. 51A-7.932. AKARD STATION SUBDISTRICT.

(a) Purpose. It is the intent of this subdistrict to:

(1) create an aesthetically pleasing environment that promotes an atmosphere of vitality appropriate for a place where thousands of citizens gather for living, working, commuting, entertainment, and celebration;

(2) encourage the use of innovative, colorful, and entertaining signs, and signs that bring a distinctive character and attract people to downtown;

(3) identify and promote Akard Station as a vibrant centerpiece of ingress and egress in the heart of the Central Business District;

(4) encourage signs with a style, orientation, and location that take into consideration the high number of pedestrians and commuters expected within this district;

(5) communicate clear directions to and through the subdistrict; and

(6) promote the economic success of businesses within the subdistrict.

(b) In general. Except as provided in this section, signs must comply with the Downtown Special Provision Sign District in Division 51A-7.900. If there is a conflict between the text of this section and this division, the text of this section controls.

(c) Definitions. In this section:

(1) BUILDING IDENTIFICATION SIGN means a sign identifying a building within the subdistrict.

(2) FACADE-INTEGRATED SIGN means a sign that is part of a skin system for a portion of a building facade, has no fenestration, projects no more than 12 inches from the building facade, and the sign hardware is visually concealed from public rights-of-way.

(3) MIDDLE-LEVEL SIGN AREA means that portion of a building facade that is between the lower-level sign area and the upper-level sign area not to exceed 100 feet above grade.

(4) UPPER-LEVEL SIGN AREA means that portion of a building facade 36 feet or less from the top of a building.
§ 51A-7.932 Dallas Development Code: Ordinance No. 19455, as amended

(d) Special provisions for all signs.

(1) The maximum effective area of all signs combined is 10 percent of the total area of all building facades within this subdistrict.

(2) Permits for all signs in the Akard Station Subdistrict are subject to the director procedure in Section 51A-7.505(4).

(3) Except as otherwise limited by maximum effective areas allowed in this subdistrict, there is no maximum size or number of individual signs.

(e) Non-premise signs.

(1) Non-premise signs are only allowed on a building constructed before 1970 that contains at least 1,000,000 square feet of floor area.

(2) Non-premise signs may only be located in the middle-level sign area.

(3) Maximum total effective area of non-premise signs is 19,100 square feet. Minimum effective area of a single non-premise sign is 3,000 square feet. A message that wraps a building corner is considered one sign.

(4) Not more than 50 percent of all non-premise signage may be digital.

(5) The portion of a non-premise facade-integrated sign not devoted to building identification must be one large visual display with a minimum of 80 percent non-textual graphic content (no more than 20 percent text).

(6) A maximum of six signs may display non-premise messages at one time.

(7) No more than two non-premise signs may be displayed on a facade at one time.

(8) The same non-premise sign message may not be displayed for a period longer than 12 consecutive months.

(f) Digital signs.

(1) Digital signs must be facade-integrated signs and may only be located in the middle-level sign area.

(2) Digital signs must comply with the operational requirements for attached videoboard signs in Section 51A-7.910.

(g) HBA signs. No sign may be a Highway Beautification Act (HBA) sign as defined in Section 51A-7.102.

(h) Lower-level sign area.

(1) The total effective area for all signs in the lower-level sign area is 7,500 square feet.

(2) Premise signs located behind a window with at least 75 percent non-textual graphic content are not included in the calculation of effective area of signage within the lower-level sign area.

(3) Signs may be attached to a window or glass door and may exceed 15 percent of the area of that window or glass door or be located within the upper two-thirds of that window or glass door if the building official determines that the proposed signs do not eliminate visibility into or out of the premise. A sign authorized by this paragraph:

   (A) must be made of translucent vinyl or a similar material with at least a 65/35 perforation pattern (a maximum of 65 percent of the area is closed, a minimum of 35 percent of the area is open); and

   (B) may only have images; any text or characters on the sign are limited to 15 percent of the window area and are only permitted in the lower one-third of the window.
§ 51A-7.932 Dallas Development Code: Ordinance No. 19455, as amended

(4) Facade-integrated signs are not allowed in the lower-level sign area.

(i) Middle-level sign area.

(1) The total effective area for all signs in the middle-level sign area is 30,000 square feet.

(2) Middle-level signs must be facade-integrated signs. Facade-integrated signs may be digital signs or static signs with a light source that is not directly visible.

(3) To effectively balance the desire for significant signage and vibrancy within this subdistrict, a minimum of 1,400 square feet of effective area must display promotional messages in the Central Business District. An additional minimum of 1,500 square feet of effective area must display:

(A) promotional messages in the Central Business District, or

(B) images of artwork, historically significant buildings, or events within the city.

(4) A minimum of 1,800 square feet of the effective area of facade-integrated signs must be a building identification signage. Building identification signage may be included within or as a portion of any other sign.

(5) Digital signs are prohibited on a building facade facing Akard Street.

(6) Each new non-premise sign permit application for signs in the middle-level sign area must be submitted with a form provided by the department of sustainable development and construction detailing compliance with this section.

(j) Upper-level sign area.

(1) The total effective area for all signs in the upper-level sign area is 6,500 square feet.

(2) Facade-integrated signs are not allowed in the upper-level sign area.

(k) Signage study.

(1) Property owner or operator shall submit a signage study evaluating the types and ratio of signs in this subdistrict. The signage study must be in writing, must be submitted to the director between 60 and 90 days before December 31, 2021, and must include:

(A) a summary of all middle-level sign permit applications, including the forms submitted detailing compliance with this section; and

(B) the total number of notices of violation and citations issued by the City of Dallas for violating this section since May 27, 2015.

(2) Within 30 days after submission of the signage study, the director shall forward to the city council. If no signage study is submitted by the deadline, the director shall notify city council.

(j) Nonconforming or vested rights. This section does not confer a nonconforming or vested right to maintain a non-premise sign after the maximum period allowed for a non-premise message has expired. (Ord. 29751)
Division 51A-7.1000.
West End Historic Sign District.

SEC. 51A-7.1001. DESIGNATION OF WEST END HISTORIC SIGN DISTRICT.

(a) The West End Historic Sign District is hereby recognized as that area of the city within the boundaries described in the Exhibit A attached to Ordinance No. 30139, passed by the Dallas City Council on June 22, 2016.

(b) The Purse Building subdistrict is hereby created within the West End Historic Sign District. The boundaries of the Purse Building subdistrict are described in Exhibit B attached to Ordinance No. 30139, passed by the Dallas City Council on June 22, 2016.

(c) The Antioch Church subdistrict is hereby created within the West End Historic Sign District. The boundaries of the Antioch Church subdistrict are described in Exhibit C attached to Ordinance No. 30663, passed by the Dallas City Council on September 27, 2017. (Ord. Nos. 19455; 21404; 22112; 26027; 30139; 30663)

SEC. 51A-7.1002. PURPOSE.

The purpose of this division is to regulate the construction of new signage and alterations made to existing signage with a view towards preserving the historic nature of this district. The general objectives of this division include those listed in Section 51A-7.101 as well as aesthetic considerations to insure that new signage is of appropriate historical design and does not visually obscure significant architectural features of a building or the district in general. (Ord. Nos. 19455; 21404; 22112; 26027)

SEC. 51A-7.1003. DEFINITIONS.

In this division:

(1) BANNER means a sign attached to or applied on a strip of cloth and temporarily attached to a building or structure. Canopy signs and political flags are not banners.
(2) CANOPY SIGN means a sign attached to, applied on, or supported by a canopy or awning.

(3) FLAT ATTACHED SIGN means an attached sign projecting four or less inches from a building.

(4) GENERIC GRAPHICS means any pattern of shapes, colors, or symbols that does not commercially advertise.

(5) LOWER LEVEL SIGN means a sign partially or wholly situated below the top of the first floor windows or, if there are no first floor windows, below a point 12 feet above grade.

(6) MARQUEE means a permanent canopy projecting over the main entrance of a building. A marquee is considered to be part of the building.

(7) MARQUEE SIGN means a sign attached to, applied on, or supported by a marquee.

(8) NIGHT means the time period from one-half hour after sunset to one-half hour before sunrise.

(9) PAINTED APPLIED SIGN means a sign painted directly on to the exterior facade of a building, not including doors and windows.

(10) PROJECTING ATTACHED SIGN means an attached sign, other than a roof sign, projecting 18 or more inches from a building.

(11) PROMOTIONAL MESSAGE means a message that identifies or promotes a cultural activity or event that benefits the city. Benefit to the city is established by:

(A) use of city property in accordance with a contract, license, or permit;

(B) the receipt of city monies for the activity or event; or

(C) resolution of the city council that recognizes the activity or event as benefitting the city.

(12) ROOF SIGN means a sign that is attached by sign supports to the roof of a building.

(13) SIGN HARDWARE means the structural support system for a sign, including the fastening devices that secure a sign to a building facade or pole.

(14) THIS DISTRICT means the West End Historic Sign District.

(15) TYPE A FACADE means a facade with a total window area comprising between 30 and 50 percent (inclusive) of the total facade area.

(16) TYPE B FACADE means a facade with a total window area comprising less than 30 or more than 50 percent of the total facade area.

(17) UPPER LEVEL SIGN means a sign wholly situated above the top of the first floor windows or, if there are no first floor windows, above a point 12 feet above grade.

(18) WELCOME MESSAGE means a message that identifies and greets heads of state, foreign dignitaries, groups using city property in accordance with a contract, license, or permit, or government organizations.

(19) WINDOW ART DISPLAY means an exhibit or arrangement placed within a storefront window of a building and designed to be viewed from a street.

(20) WINDOW SIGN means a sign painted on or affixed to a window. (Ord. Nos. 19455; 21404; 22112; 26027)
SEC. 51A-7.1004. GENERAL REQUIREMENTS FOR ALL SIGNS.

(a) Pursuant to the authority of Section 51A-7.503 of this article, the rules relating to the erection of all signs in the West End Historic Sign District are as follows:

(1) No illuminated sign may contain flashing or moving elements or change its brightness, except as otherwise provided in this division.

(2) Except for a marquee sign or a sign constructed of fiberglass, no sign may be illuminated by fluorescent or back lighting. The use of indirect lighting is allowed.

(3) The use of neon and single incandescent bulbs is allowed.

(4) Except for a marquee sign, the use of plastic on the exterior of a sign is prohibited. For purposes of this provision, fiberglass is not considered to be plastic.

(5) The use of a fluorescent color on a sign is prohibited.

(6) No sign or part of a sign may move or rotate, with the exception of a wind device, the motion of which is not restricted.

(7) Except as provided in Sections 51A-7.1008 and 51A-7.1009, all signs must be premise signs or convey a noncommercial message.

(8) No sign may cover or obscure any portion of a major decorative cornice of a building.

(b) The following typestyles are suggested, but not required, for signs in this district: Americana Extra Bold, Aster Bold, Baskerville Bold, Bodoni Bold, Bookman Bold, Caslon No. 3, Cheltenham Bold, Copperplate Gothic 31, Craw Modern, Egyptian 505 Bold, Garamond Bold, Gothic 13, Goudy Extra Bold, Times Roman Bold. (Ord. Nos. 19455; 21404; 21626; 22112; 22392; 26027)

SEC. 51A-7.1005. ATTACHED SIGNS.

Pursuant to the authority of Section 51A-7.503 of this article, the rules relating to the erection of attached signs in the West End Historic Sign District are as follows:

(a) Attached signs in general.

(1) Attached signs must be securely attached.

(2) Attached signs overhanging the public way are permitted, except that no sign may project closer than two feet to the vertical plane extending through the back of a street curb.

(3) Attached signs projecting horizontally more than 18 inches from a vertical building surface are prohibited.

(4) Except for a painted applied sign or a marquee sign, no attached sign may exceed 30 square feet in effective area unless it is:

(A) attached to a building having more than six stories; and

(B) at least 36 feet above grade.

(5) An attached sign, other than a roof sign, must be mounted parallel to the facade and may not project more than six feet above the surface to which it is attached.

(b) Canopy signs.

(1) No canopy sign may:

(A) be lower than 10 feet above grade, except that a sign may be as low as eight feet above
grade if it does not project more than one-half inch from the surface of the canopy; or

(B) project vertically above the surface of the canopy or awning.

(2) The total effective area permitted for all canopy signs combined on a premise is the product obtained by multiplying 20 square feet times the number of street entrances to the premise.

(c) Flat attached signs on Type A facades.

(1) The maximum number of lower level flat attached signs permitted on a Type A facade is the sum obtained by counting all of the street entrances and first floor windows on that facade.

(2) No lower level flat attached sign on a Type A facade may exceed six feet in effective area.

(3) The maximum permitted effective area for all upper level flat attached signs combined on each Type A facade is 30 square feet.

(4) No upper level flat attached sign on a Type A facade may contain more than eight words. All words must:

(A) consist of characters eight inches or more in height; and

(B) read horizontally from left to right.

(d) Flat attached signs on Type B facades.

(1) No premise may have more than three flat attached signs on each Type B facade.

(2) No flat attached sign on a Type B facade may contain more than eight words with characters four or more inches in height. Words consisting of characters less than four inches in height may be used without limit.

(e) Marquee signs.

(1) No marquee sign may exceed 90 square feet in effective area unless it is for a theater, in which case it may not exceed 400 square feet in effective area.

(2) Marquee signs must:

(A) be parallel to the surface to which they are attached; and

(B) have a minimum height dimension of two feet.

(3) Except for a marquee sign for a theater, all words on a marquee sign must consist of changeable individual characters.

(4) Marquee signs may have flashing lights.

(5) The following provisions apply to a marquee sign for a theater:

(A) No more than 10 percent of its effective area may contain fixed characters.

(B) No more than 75 percent of its effective area may contain changeable characters.

(C) It may contain an unlimited number of words consisting of changeable characters.

(f) Painted applied signs on Type A facades.

(1) No lower level painted applied signs on a Type A facade may contain words consisting of characters more than eight inches in height.

(2) No upper level painted applied sign on a Type A facade may contain more than eight words. All words must:

(A) consist of characters eight or more inches in height; and

(B) read horizontally from left to right.
§ 51A-7.1005 Dallas Development Code: Ordinance No. 19455, as amended

(g) Painted applied signs on Type B facades.

(1) No painted applied sign on a Type B facade may contain more than eight words consisting of characters exceeding four inches in height. Words consisting of characters four or less inches in height may be used without limit.

(2) No more than 60 percent of a Type B facade may be covered by painted applied signs.

(h) Projecting attached signs.

(1) No premise may have more than one projecting attached sign per street entrance.

(2) No projecting attached sign may:

(A) exceed 20 square feet in effective area;

(B) be lower than 10 feet above grade; or

(C) project vertically above the second story or the roof of the building, whichever is lower.

(i) Window signs. No window sign may:

(1) contain words consisting of characters eight or more inches in height;

(2) have a painted background; or

(3) cover more than 25 percent of the window surface area.

(j) Roof signs.

(1) Only buildings having six or more stories may have roof signs.

(2) No more than one roof sign may be located above each facade.

(3) No roof sign may be erected on a roof:

(A) lower than the sixth story ceiling;

(B) that is not the main roof of a building; or

(C) of a penthouse.

(4) A roof sign and its sign supports may not be located within four feet of a parapet wall or the outer edge of a building.

(5) The sign supports for a roof sign must consist of open, exposed metal framing. The metal must be painted, coated, or of a material that will not rust or corrode.

(6) No roof sign may project above the roof more than one-fourth of the building height.

(7) The effective area of a roof sign may not exceed 800 square feet. (Ord. Nos. 19455; 20927; 21404; 21626; 22112; 26027)

SEC. 51A-7.1006. DETACHED SIGNS.

Pursuant to the authority of Section 51A-7.503 of this article, the rules relating to the erection of detached signs in the West End Historic Sign District are as follows:

(1) No premise which maintains an attached sign of any type may have a detached sign.

(2) No detached sign may:

(A) have an effective area greater than 12 square feet;

(B) have a total height greater than 15 feet; or

(C) be located less than five feet from a public right-of-way. (Ord. Nos. 19455; 21404; 22112; 26027)
SEC. 51A-7.1007. SPECIAL PURPOSE SIGNS.

Pursuant to the authority of Section 51A-7.503 of this article, the rules relating to the erection of special purpose signs in the West End Historic Sign District are as follows:

(a) Attached special purpose signs.

(1) Attached special purpose signs may be displayed on a premise a maximum of ten time periods in each calendar year for a maximum of 15 days per time period. No more than one attached special purpose sign may be displayed on a premise at any given time.

(2) Special purpose signs attached to a window may not cover more than 25 percent of the window surface area.

(3) No more than one banner may be displayed on a premise in each calendar year. The maximum permitted period of display is 30 consecutive days.

(b) Detached special purpose signs.

(1) No detached special purpose sign is permitted on a sidewalk less than seven feet wide. All detached special purpose signs must be placed so that a minimum seven-foot wide clear passageway is maintained for pedestrian traffic.

(2) No detached special purpose sign may:

(A) be displayed at night;

(B) be more than 30 inches from a building; or

(C) exceed a height of four feet.

(3) No more than one detached special purpose sign may be displayed on a premise at any given time. (Ord. Nos. 19455; 21404; 22112; 26027)

SEC. 51A-7.1007.1. PURSE BUILDING SUBDISTRICT.

(a) In general. Except as provided in this division, the provisions of the West End Historic Sign District apply in this subdistrict.

(b) Definitions. In this subdistrict:

(1) SUPERGRAPHIC SIGN means a large attached premise or non-premise sign on a mesh or fabric surface, or a projection of a light image onto a wall face without the use of lasers.

(2) WALL FACE means an uninterrupted blank plane of a wall, from vertical edge to vertical edge, from its highest edge to its lowest edge. Edges can be established by a distinct change in materials or off-set which runs across (transects) the entire wall in a straight line.

(c) Supergraphic sign.

(1) Number. A maximum of one supergraphic sign is permitted.

(2) Visual display and coverage.

(A) The supergraphic sign must have one large visual display with a minimum of 80 percent non-textual graphic content (no more than 20 percent text).

(i) Multiple displays giving an appearance of multiple signs are prohibited.

(ii) The effective area of text is the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word.

(B) The supergraphic sign is intended to be creative and artful and not strictly a representation of an advertised product. It is the intent of this provision to:
§ 51A-7.1007.1 Dallas Development Code: Ordinance No. 19455, as amended

(i) encourage the use of illustrative images or other non-repetitive design elements;

(ii) encourage visually interesting, vibrant, and colorful designs;

(iii) discourage use of solid colors or repetitive design elements; and

(iv) discourage an image of a single product or product logo without other graphic elements.

(C) The supergraphic sign may be internally or externally illuminated. If internally illuminated, the supergraphic sign may consist of translucent materials, but not transparent materials.

(D) The supergraphic sign may not extend beyond the edge of the face of the building to which it is attached.

(3) Effective area. Minimum permitted effective area is 2,500 square feet. Maximum permitted effective area is 6,500 square feet.

(4) Height. The supergraphic sign may not be lower than 10 feet above grade level.

(5) Location. The supergraphic sign may only be located on the east facade of the building.

(6) Additional provisions.

(A) The supergraphic sign is intended to be compatible with the West End Historic District as determined by the Landmark Commission.

(B) All hardware fasteners for the supergraphic sign must comply with the Dallas Building Code and all other ordinances, rules, and regulations of the City of Dallas.

(C) The supergraphic sign may not be a Highway Beautification Act (HBA) sign as defined in Section 51A-7.102.

(D) The existing painted sign on the east facade must remain uncovered and visible. (Ord. Nos. 30139; 31204)

SEC. 51A-7.1007.2. ANTIOCH CHURCH SUBDISTRICT.

(a) In general. Except as provided in this division, the provisions of the West End Historic Sign District apply in this subdistrict.

(b) Definitions. In this subdistrict:

(1) SUPERGRAPHIC SIGN means a large attached premise or non-premise sign on a mesh or fabric surface, a projection of a light image onto a wall face without the use of lasers, or painted or vinyl adhesive signage.

(2) WALL FACE means an uninterrupted blank plane of a wall, from vertical edge to vertical edge, from its highest edge to its lowest edge. Edges can be established by a distinct change in materials or off-set which runs across (transects) the entire wall in a straight line.

(c) Supergraphic sign.

(1) Number. A maximum of one supergraphic sign is permitted.

(2) Visual display and coverage.
(A) The supergraphic sign must have one large visual display with a minimum of 80 percent non-textual graphic content (no more than 20 percent text).

(i) Multiple displays giving an appearance of multiple signs are prohibited.
(ii) The effective area of text is the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word.

(B) The supergraphic sign is intended to be creative and artful and not strictly a representation of an advertised product. It is the intent of this provision to:

(i) encourage the use of illustrative images or other non-repetitive design elements;

(ii) encourage visually interesting, vibrant, and colorful designs;

(iii) discourage use of solid colors or repetitive design elements; and

(iv) discourage an image of a single product or product logo without other graphic elements.

(C) The supergraphic sign may be internally or externally illuminated. If internally illuminated, the supergraphic sign may consist of translucent materials, but not transparent materials.

(D) The supergraphic sign may not extend beyond the edge of the face of the building to which it is attached.

(3) Effective area. Minimum permitted effective area is 2,500 square feet. Maximum permitted effective area is 6,500 square feet.

(4) Height. The supergraphic sign may not be lower than 10 feet above grade level.

(5) Location. The supergraphic sign may only be located on the east facade of the building.

(6) Additional provisions.

(A) The supergraphic sign is intended to be compatible with the West End Historic District as determined by the Landmark Commission.

(B) All hardware fasteners for the supergraphic sign must comply with the Dallas Building Code and all other ordinances, rules, and regulations of the City of Dallas.

(C) The supergraphic sign may not be a Highway Beautification Act (HBA) sign as defined in Section 51A-7.102.

(D) The supergraphic sign may not display the same message for more than six consecutive months in any 12-month period.

(E) The supergraphic sign must be removed on or before September 27, 2027. This section does not confer a nonconforming or vested right to maintain a supergraphic sign after September 27, 2027, and all permits authorizing a supergraphic sign automatically expire on that date.

(d) This section expires on September 27, 2027, unless re-enacted before that date. The city plan commission and city council shall review this section.
before its expiration date. (Ord. Nos. 30663; 31203)

SEC. 51A-7.1008. BANNERS ON STREETLIGHT POLES.

Banners may be mounted on streetlight poles subject to the following regulations:

(a) A banner must display a promotional message, a welcome message, or generic graphics. No sponsorship identification is permitted on a banner.

(b) No more than 10 percent of the effective area of a banner may contain a welcome message that identifies and greets a group using city property in accordance with a contract, license, or permit.
(c) Up to 10 percent of the effective area of a banner may contain the words or logos that identify a sponsor of a cultural event or activity if the sponsor’s name is part of the name of the activity or event.

(d) A banner having either a promotional message or a welcome message may not be erected more than 90 days prior to the beginning of the advertised activity or event, and must be removed no later than 15 days after that activity or event has ended. The sign hardware for a banner may be left in place between displays of a banner.

(e) A banner and its sign hardware must:

1. be mounted on a streetlight pole;
2. meet the sign construction and design standards in the Dallas Building Code;
3. be at least 12 feet above grade, unless it overhangs a roadway, in which case it must be at least 15 feet above grade;
4. be made out of weather-resistant and rust-proof material;
5. not project more than three feet from the pole onto which it is mounted; and
6. not exceed 20 square feet in effective area.

(f) If a banner overhangs the public right-of-way, a license must be obtained in accordance with the requirements of the City Charter and the Dallas City Code.

(g) No sign permit or certificate of appropriateness is required to erect or remove a banner. (Ord. Nos. 21404; 22112; 26027)

SEC. 51A-7.1009. WINDOW ART DISPLAYS IN VACANT BUILDINGS.

Window art displays on the ground floor of a vacant building are allowed subject to the following regulations:

(a) A window art display may contain only a promotional message, generic graphics (including three-dimensional artifacts), or messages identifying the sponsor of the display.

(b) Window signs in a window art display may not:

1. cover more than 25 percent of the surface area of a window;
2. contain a logo or word that has any character that exceeds five inches in height;
3. advertise a specific product or service other than the cultural event or activity; or
4. have more than 10 percent or four square feet, whichever is less, of its effective area devoted to sponsorship identification.

(c) No sign permit or certificate of appropriateness is required to erect or remove a window art display. (Ord. Nos. 21404; 22112; 26027)
§ 51A-7.1010 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.1101

SEC. 51A-7.1010. SIGN PERMIT REQUIREMENT.

Pursuant to the authority of Section 51A-7.503 of this article, the sign permit requirements for signs in the West End Historic Sign District are as follows:

(1) Except as provided in Sections 51A-7.1008 and 7.1009, a person shall not alter, place, maintain, expand, or remove a sign in the West End Historic Sign District without first obtaining a sign permit from the city.

(2) The procedure for obtaining a sign permit is outlined in Section 51A-7.505 of this article. Section 51A-7.602(a) and (c) of this article does not apply to signs in the West End Historic Sign District.

(3) A person who violates Paragraph (1) above is guilty of a separate offense for each day or portion of a day during which the violation is continued. (Ord. Nos. 19455; 21404; 22112; 26027; 29208)

SEC. 51A-7.1011. NONDISCRIMINATION BETWEEN NONCOMMERCIAL MESSAGES.

Notwithstanding any other provision of this division, any sign that may display a type of noncommercial message may display in place of that message any other type of noncommercial message, so long as the sign complies with other requirements of this article and other ordinances that do not pertain to the content of the message displayed. (Ord. Nos. 21404; 22112; 26027)


SEC. 51A-7.1101. DESIGNATION OF UPTOWN SIGN DISTRICT.

A special sign provision district is hereby created to be known as the Uptown Sign District. For purposes of this division, the Uptown Sign District of the City of Dallas is that area of the city within the following described boundaries:

Being a tract or parcel of land situated in the John Grigsby Survey, Abstract No. 495 and being part of City of Dallas Blocks 2/929, J/929, I/929, 1/942, 5/944, 948, I/949, 949, 3/950 and all of Blocks A/540, 3/929, 2/933, 3/933 and 2/948 and also being part of the following dedicated streets: Yeargan Street, Leonard Street, Howell Street, Bookout Street, Maple Avenue, McKinney Avenue, Pearl Street, McKinnon Street, and the North Dallas Tollway and being more particularly described as follows:

BEGINNING at a point for corner in the centerline of Leonard Street (50 feet wide), said point being North 45°11’10" West, a distance of 243.15 feet from the intersection of the centerline of Thomas Avenue (variable width) and the centerline of said Leonard Street;

THENCE South 44°E 50’21” West, a distance of 68.00 feet to a point for corner;

THENCE South 14°E 42’00” West, a distance of 243.37 feet to a point for corner;

THENCE South 45°11’00” West, a distance of 269.95 feet to a point for corner in the centerline of North Pearl Street (variable width) and the beginning of a curve to the left;

THENCE in a northwesterly direction along said centerline of North Pearl Street and along said curve to the left whose chord bears North 50°55’28” West, and
having a radius of 547.63 feet, a central angle of 16°06'58" and an arc length of 154.04 feet to a point for corner in the centerline of McKinney Avenue (60 feet wide) and the end of said curve to the left;

THENCE South 15°00'00" West along the centerline of McKinney Avenue, a distance of 106.93 feet to a point for corner;

THENCE South 89°15'32" West, a distance of 667.47 feet to a point for corner in the centerline of Cedar Springs Road (variable width);

THENCE North 03°02'00" West along the centerline of Cedar Springs Road, a distance of 149.72 feet to a point for corner in the centerline of said Pearl Street;

THENCE South 82°27'00" West along the centerline of Pearl Street and along the centerline of the North Dallas Tollway (variable width), a distance of 122.00 feet to a point for corner and the beginning of a curve to the right;

THENCE in a northwesterly direction continuing along the centerline of said Dallas North Tollway and along said curve to the right having a radius of 124.57 feet, a central angle of 51°00'00" and an arc length of 110.88 feet to a point for corner and the end of said curve to the right;

THENCE North 46°33'00" West continuing along the centerline of said Dallas North Tollway, a distance of 207.54 feet to a point for corner in the centerline of Yeargan Street (variable width);

THENCE North 42°06'27" East along the centerline of Yeargan Street, a distance of 94.48 feet to a point for corner;

THENCE North 0°31'00" West continuing along the centerline of said Yeargan Street, passing at 224.36 feet the centerline of North Pearl Street (50 feet wide) and at 555.72 feet the centerline of Bookout Street to the east (33 feet wide) and continuing a total distance of 577.98 feet to a point for corner in the centerline of Bookout Street to the west (50 feet wide);
THENCE North 44°21'00" East, a distance of 20.50 feet to a point for corner;

THENCE South 45°39'00" East, a distance of 516.07 feet to a point for corner in the centerline of said McKinney Avenue;

THENCE North 15°00'00" East along the centerline of said McKinney Avenue, a distance of 21.49 feet to a point for corner in the centerline of said Leonard Street;

THENCE South 45°11'10" East along the centerline of said Leonard Street, a distance of 355.51 feet to the POINT OF BEGINNING and containing 36.76 acres of land. (Ord. Nos. 19649; 20037; 20378)

SEC. 51A-7.1102. PURPOSE.

The purpose of this division is to regulate both the construction of new signs and the alterations of existing signs with a view towards enhancing, preserving and developing the unique character of this district. The general objectives of this division include those listed in Section 51A-7.101 as well as aesthetic considerations to insure that signs are appropriate to the architecture of the district, do not obscure significant architectural features of its buildings, and lend themselves to the developing character of the area. (Ord. Nos. 19649; 20037)

SEC. 51A-7.1103. DEFINITIONS.

In this division:

(a) ARCADE means any walkway which is attached to a building and not fully enclosed on all sides, covered with a roof structure having the primary function of weather protection and which is not structural to the building itself.

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

(c) CANOPY SIGN means a sign attached to, applied on, or supported by a canopy or awning.

(d) FLAT ATTACHED SIGN means an attached sign projecting from a building and parallel to the building facade.

(e) LOWER LEVEL SIGN means a sign partially or wholly situated below the top of the first floor windows or below a point 16 feet above grade, whichever is lower.

(f) MARQUEE means a permanent canopy projecting over the main entrance of a building. A marquee is considered to be part of the building.

(g) MARQUEE SIGN means a sign attached to, applied on, or supported by a marquee.

(h) PAINTED APPLIED SIGN means a sign painted directly onto the exterior facade of a building, not including doors or windows.

(i) PROJECTING ATTACHED SIGN means an attached sign projecting from a building.

(j) THIS DISTRICT means the Uptown Sign District.

(k) TYPE A FACADE means a facade with a total window area comprising between 20 to 50 percent (inclusive) of the total facade area.

(l) TYPE B FACADE means a facade with a total window area comprising less than 20 or more than 50 percent of the total facade area.

(m) UPPER LEVEL SIGN means a sign wholly situated above the top of the first floor windows or above a point 16 feet above grade, whichever is lower.

(n) WINDOW SIGN means a sign painted or affixed onto a window. (Ord. Nos. 19649; 20037)
SEC. 51A-7.1104. SPECIAL PROVISIONS FOR ALL SIGNS.

(a) Pursuant to the authority of Section 51A-7.503 of this article, the rules relating to the erection of all signs in the Uptown Sign District are expressly modified as follows:

(1) No illuminated sign may contain flashing or moving elements or change its brightness, except as otherwise provided in this division.

(2) Signs may be illuminated by fluorescent back lighting or indirect lighting.

(3) The use of neon or single incandescent bulbs is allowed.

(4) The use of fiberglass as a sign material is allowed.

(5) The use of plastic as an exterior face of a sign is prohibited. Plastic may be used as a backing for routed letters in a sign can or as decorative ornaments.

(6) The use of fluorescent color on a sign is prohibited.

(7) No sign or part of a sign may move or rotate, with the exception of a wind device, the motion of which is not restricted.

(b) The following typestyles are suggested, but not required, for signs in this district: Americana Extra Bold, Aster Bold, Avante Garde, Baskerville Bold, Bookman Bold, Caslon No. 3, Century Bold Condensed, Cheltenham Bold, Univers 67. (Ord. Nos. 19649; 20037)

SEC. 51A-7.1105. SPECIAL PROVISIONS FOR ATTACHED SIGNS.

Pursuant to the authority of Section 51A-7.503 of this article, the rules relating to the erection of attached signs in the Uptown Sign District are expressly modified as follows:

(a) Attached signs in general.

(1) Attached signs must be securely attached.

(2) Attached signs projecting horizontally and either parallel or perpendicular to a building facade are permitted except no sign can extend above the highest point of the building roof.

(3) Attached signs overhanging the public right-of-way are permitted except that no sign may project closer than two feet to the vertical plane extending through the back of a street curb.

(4) Attached signs projecting horizontally more than 8 inches but less than 18 inches from a vertical building surface are prohibited.

(5) No attached sign other than a painted applied sign, an upper level flat attached sign, a marquee sign, or a banner may exceed 30 square feet in effective area.

(6) Projecting attached signs may have one double faced copy area which is perpendicular to the building facade.

(7) Attached signs may be placed above an arcade.

(8) Banner signs may be constructed of either synthetic or natural cloth.

(b) Canopy signs.

(1) No canopy sign may:

(A) project horizontally more than two inches from the surface of the canopy or awning;

(B) be lower than 10 feet above grade, except that a sign may be as low as eight feet above grade if it does not project more than one-half inch from the surface of the canopy; or
(C) project vertically above the surface of the canopy or awning.

(2) The total effective area permitted for all canopy signs combined on a facade is the product obtained by multiplying 20 square feet times the number of street entrances to the premise.

(3) The maximum size of each canopy sign is limited to 30 square feet.

(c) Flat attached signs on Type A facade.

(1) No flat attached sign may project more than eight inches from a building.

(2) The maximum number of lower level flat attached signs permitted on Type A facade is the sum obtained by multiplying two times the number of street entrances on that facade.

(3) No lower level flat attached sign on a Type A facade may contain more than eight words. All words must:

(A) consist of characters eight inches or less in height; and

(B) read horizontally from left to right.

(4) The maximum size of a lower level flat attached sign on Type A facade is limited to eight square feet.

(5) No premise may have more than one upper level flat attached sign per street entrance.

(6) No upper level flat attached sign on a Type A facade may contain more than eight words. All words must:

(A) consist of characters four inches or more in height; and

(B) read horizontally from left to right.

(d) Flat attached signs on Type B facades.

(1) No flat attached sign may project more than eight inches from a building.

(2) No premise may have more than one flat attached sign on each Type B facade.

(3) No flat attached sign on any Type B facade may contain more than eight words with characters four or more inches in height. Words consisting of characters less than four inches in height may be used without limit.

(e) Marquee signs.

(1) No marquee sign may exceed 90 square feet in effective area.

(2) Marquee signs must:

(A) be parallel to the surface to which they are attached; and

(B) have a minimum height dimension of two feet.

(3) All words on a marquee sign must consist of changeable individual characters.

(4) Marquee signs may have flashing lights.

(5) The maximum number of marquee signs shall be limited to one per facade.

(f) Projecting attached signs.

(1) Projecting attached signs on any facade must be 16 feet apart measured in any direction.

(2) No projecting attached sign may:

(A) exceed 20 square feet in effective area of the face of the sign;

(B) be lower than 10 feet above grade;
§ 51A-7.1105 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.1107

(C) project vertically above the third level window sill or 32 feet above grade whichever is less;

(D) project vertically above the highest surface of the building roof; or

(E) project less than 18 inches from a building.

(g) Window signs.

(1) No window sign may:

   (A) contain words consisting of characters more than eight inches in height;

   (B) cover more than 25 percent of the window surface area; or

   (C) be affixed to the window by tape.

(2) A window sign may be hand painted or silk screened onto a window, or made of self-adhesive vinyl. (Ord. Nos. 19649; 20037)

SEC. 51A-7.1106. SPECIAL PROVISIONS FOR DETACHED SIGNS.

Pursuant to the authority of Section 51A-7.503 of this article, the rules relating to the erection of detached signs in the Uptown Sign District are expressly modified as follows:

(a) No detached sign may:

   (1) have an effective area greater than 120 square feet;

   (2) have a total height greater than 15 feet; or

   (3) be located less than five feet from a public right-of-way.

(b) The maximum number of signs permitted shall be one for every 220 linear feet of frontage on the public right-of-way, or fraction thereof. (Ord. Nos. 19649; 20037)

SEC. 51A-7.1107. SPECIAL PROVISIONS FOR NON-PREMISE DETACHED SIGNS IN THE PUBLIC RIGHT-OF-WAY.

Pursuant to the authority of Section 51A-7.503 of this article, the rules relating to the erection of non-premise detached signs in the Uptown Sign District are expressly modified as follows:

(a) Non-premise detached signs may be located within the public right-of-way subject to the franchise requirements of Chapter XIV of the city charter, Article VI of Chapter 43 of the Dallas City Code, as amended, and the requirements of this section.

(b) Non-premise detached signs may be located in the public right-of-way only when the distance from the back of the curb to the property line is 13 feet or greater.

(c) Non-premise detached signs may be placed in the public right-of-way only within five feet of a motor vehicle entrance to a premise shared by two or more uses whose front doors are not visible from the street.

(d) Signs erected pursuant to this section must identify use categories and not particular business establishments. Examples of permitted messages are: “OFFICES”, “SHOPS”, “PARKING”, “RESTAURANTS”, “HOTEL”, alone or in combination. Signs that say “EXIT” or “ENTRANCE” are also permitted.

(e) No more than two signs may be erected pursuant to this section at each motor vehicle entrance to a premise.
§ 51A-7.1107 Dallas Development Code: Ordinance No. 19455, as amended

(f) No non-premise detached sign may contain more than eight words. All words must:

(1) consist of characters eight inches or less in height; and

(2) read horizontally from left to right.

(g) No non-premise detached sign located within the public right-of-way may:

(1) have an effective area greater than four square feet;

(2) have a total height of greater than two feet, six inches;

(3) be located less than five feet from the back of a street curb;

(4) be located so as to obstruct sidewalk passage;

(5) be located within a visibility triangle as defined in this chapter;

(6) interfere with utilities or traffic signage and signals;

(7) contain the colors red or green; or

(8) be spot lit or directly lit from outside the sign.

(h) Plants must be kept trimmed so as to clearly expose non-premise detached signs in the public right-of-way. (Ord. Nos. 19649; 20037)

SEC. 51A-7.1108. SPECIAL PROVISIONS FOR SPECIAL PURPOSE SIGNS.

Pursuant to the authority of Section 51A-7.503 of this article, the rules relating to the erection of special purpose signs in the Uptown Sign District are expressly modified as follows:

(a) Attached or window special purpose signs.

(1) Attached special purpose signs may be displayed on a premise a maximum of three 30 day time periods and one 45 day time period in each calendar year. No more than one attached special purpose may be displayed on a facade at any given time.

(2) Window special purpose signs may be displayed on a premise a maximum of three 30 day time periods and one 45 day time period in each calendar year. No more than one attached special purpose sign may be displayed on a window at any given time.

(3) No more than 25 percent of a window surface may be covered by either window signs or special purpose window signs, alone or in combination.

(4) The size of an attached or window special purpose sign is limited to 30 square feet.

(5) A window special purpose sign may not be affixed to a window by tape.

(b) Detached special purpose signs.

(1) Detached special purpose signs may be displayed on a premise a maximum of three 30 day time periods and one 45 day time period in each calendar year.

(2) The maximum number of detached special purpose signs permitted on a premise at any given time is the sum obtained by counting all of the street entrances onto that premise, and multiplying by two.

(3) No detached special purpose sign may:

(A) exceed eight feet in height;

(B) contain more than eight words;

(C) be mounted on wheels;
(D) be a trailer sign with changeable copy; or

(E) contain flashing or blinking lights. (Ord. Nos. 19649; 20037)

SEC. 51A-7.1109. SIGN PERMIT REQUIREMENT.

Pursuant to the authority of Section 51A-7.503 of this article, the sign permit requirements for signs in the Uptown Sign District are expressly modified as follows:

(a) A person shall not alter, place, maintain, expand, or remove a sign in the Uptown Sign District without first obtaining a sign permit from the city.

(b) The procedure for obtaining a sign permit is outlined in Section 51A-7.505 of this article. Section 51A-7.602 of this article does not apply to signs in the Uptown Sign District.

(c) A person who violates Subsection (a) is guilty of a separate offense for each day or portion of a day during which the violation is continued.

(d) The erection of signs within the public right-of-way, as specified herein, is permitted if the owner of the land as well as the owner of the improvements agree in writing, prior to the issuance of a permit, that the signs will be removed at no expense to the city upon notice from the city that the street is to be widened or the license with the city is terminated or expires, whichever occurs first. (Ord. Nos. 19649; 20037)


SEC. 51A-7.1201. DESIGNATION OF ARTS DISTRICT SIGN DISTRICT.

(a) A special provision sign district is hereby created to be known as the Arts District Sign District. For purposes of this article, the boundaries of the Arts District Sign District are described in the Exhibit A attached to Ordinance No. 30731, passed by the Dallas City Council on December 13, 2017.

(b) Subdistrict A is hereby created within the Arts District Sign District. For the purposes of this division, Subdistrict A is the area bounded by Flora Street to the northwest, Leonard Street to the northeast, Ross Avenue to the southeast, and Crockett Street to the southwest and more particularly described in the Exhibit A attached to Ordinance No. 30731, passed by the Dallas City Council on December 13, 2017.

(c) Subdistrict B is hereby created within the Arts District Sign District. For the purposes of this division, Subdistrict B is the area bounded by Woodall Rodgers Freeway to the northwest, Crockett Street to the northeast, Munger Avenue to the southeast, and Pearl Street to the southwest, and more particularly described in the Exhibit A attached to Ordinance No. 30731, passed by the Dallas City Council on December 13, 2017.

(d) Subdistrict C is hereby created within the Arts District Sign District. For the purposes of this division, Subdistrict C is the area bounded by Flora Street to the northwest, Olive Street to the northeast, Ross Avenue to the southeast, and Harwood Street to the southwest, and more particularly described in Exhibit A attached to Ordinance No. 31079, passed by the Dallas City Council on December 12, 2018.

(e) The property described in Subsection (a), which was formerly part of the Downtown Special Provision Sign District, is no longer considered to be part of that district. This division completely supersedes Division 51A-7.900 with respect to the property described in Subsection (a). (Ord. Nos. 20345; 28471; 30731; 31079)

SEC. 51A-7.1202. PURPOSE.

The Dallas Arts District (Planned Development District No. 145) was established by Ordinance No. 17710, which was passed by the Dallas City Council on February 16, 1983. This approximately 17-block, 60-acre area in the northeast section of the central business district represents a concerted effort on the part of the city and arts organizations to consolidate major art institutions in one mixed-use area.

The guideline for development in the Arts District is an urban design plan known as the “Sasaki Plan.” This plan is based on district-wide design and land use concepts, which include the creation of a pedestrian-oriented environment and a distinctive visual image for the district. Flora Street is defined as the major pedestrian spine and focus of development in the district. As a wide, tree-lined environment, Flora Street connects three subdistricts (Museum Crossing, Concert Lights, and Fountain Plaza) and provides continuity in a development framework for public institutions and private owners.

The sign regulations in this division have been developed with the following objectives in mind:

(1) To protect the character of Flora Street and the Arts District from inappropriate signs in terms of number (clutter), size, style, color, and materials.

(2) To enhance the image and liveliness of the Arts District by encouraging compatible signs that are colorful, decorative, entertaining, and artistic in style, while being functional and informative in purpose.

(3) To promote the commercial success of each individual tenant in the Arts District and, in turn, the commercial success of all the tenants in the district collectively.

(4) To create a sense of design uniformity between signs and the other streetscape elements of the Arts District.

(5) To help make the Arts District an attractive place for the public to frequent by providing ease of direction to specific cultural institutions.

(6) To create a means of identifying the various types or categories of retail establishments along Flora Street.

(7) To identify and promote cultural events and activities consistent with the purposes of the Arts District.

(8) To recognize that sign hardware is a part of the overall visual design of a sign, and to ensure that investments in signs and other structures in the Arts District are not devalued by inappropriate or poor quality sign hardware. (Ord. 20345)

SEC. 51A-7.1203. DEFINITIONS.

(a) In this division:

(1) ARTS DISTRICT means Planned Development District No. 145 (the Dallas Arts District).

(2) ARTS DISTRICT OFFICIAL LOGO means the official logo of the Arts District as depicted in Exhibit A, which is attached to Ordinance No. 20345, passed by the Dallas City Council on June 14, 1989.

(3) AWNING SIGN means a sign that is or appears to be part of an awning.

(4) BLOCK means an area bounded by streets on all sides.
(5) BLOCKFACE means all of the lots on one side of a block.

(6) BUILDING CORNICE AREA means that portion of a building facade above the highest story, but below the actual roof structure.

(7) BUILDING IDENTIFICATION SIGN means any sign composed of one or more characters that identify a specific building’s name.

(8) CANOPY means a permanent non-fabric architectural element projecting from the face of a building.

(9) CANOPY FASCIA SIGN means a sign with a digital display that is attached to, applied on, or supported by the fascia or soffit of a canopy.

(10) CBD STREETSCAPE PLAN means the Dallas Central Business District Streetscape Guidelines approved by the Dallas City Council on April 15, 1981, by Resolution No. 81-1118.

(11) CHARACTER means a symbol, as a letter or number, that represents information.

(12) CONSTRUCTION BARRICADE SIGN means a sign that is affixed to a construction barricade.

(13) CULTURAL INSTITUTION means any facility used primarily for the visual or performing arts; open to the public, such as a museum, concert hall, theater, or similar facility; and established by a public or philanthropic entity.

(14) CULTURAL INSTITUTION DIGITAL SIGN means a monument sign with a digital display that identifies the cultural institution; the district; a sponsor of the cultural institution, district, or arts organization; or an arts organization such as a symphony, dance troupe, or theater group that uses that cultural institution.

(15) CULTURAL INSTITUTION IDENTIFICATION SIGN means a premise sign that identifies the cultural institution or the primary arts organization such as a symphony, dance troupe, or theater group that uses that cultural institution.

(16) DETACHED PREMISE SIGN means a sign that is both a detached sign and a premise sign as defined in Section 51A-7.102.

(17) FLAT ATTACHED SIGN means an attached sign projecting four inches or less from a building.

(18) FLORA STREET FRONTAGE AREA means the "Flora Street Frontage Area" as defined in the Arts District PD ordinance (Ordinance No. 17710, as amended).

(19) FREESTANDING IDENTIFICATION SIGN means a monument sign that identifies the cultural institution; the district; a sponsor of the cultural institution, district, or arts organization; or an arts organization such as a symphony, dance troupe, or theater group that uses that cultural institution.

(20) GENERIC RETAIL IDENTIFICATION SIGN means a sign identifying a type or category of retail establishment without identifying a specific establishment.

(21) GOVERNMENTAL TRAFFIC SIGN means a sign, signal, or other traffic control device installed by a governmental agency for the purpose of regulating, warning, or guiding vehicular or pedestrian traffic on a public highway. Examples of these signs include stop signs, one-way signs, no parking signs, and electronic pedestrian and vehicular signalization devices and their fixtures.

(22) INSTITUTIONAL MOVEMENT INFORMATION SIGN means a sign showing the location of or route to a specific cultural institution or a parking area serving that institution.
§ 51A-7.1203 Dallas Development Code: Ordinance No. 19455, as amended

(23) INTEGRATED SIGN means a premise sign within Subdistrict A, Subdistrict B, or Subdistrict C that is integrated into the design of the building and may be a monument sign.

(24) KIOSK means a small structure with one or more open sides used to display artwork or temporary signs.

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

(26) MONUMENT SIGN means a detached sign applied directly onto a grade level support structure (instead of a pole support) with no separation between the sign and grade.

(27) PLAQUE means a permanent tablet, the contents of which are either commemorative or identifying.

(28) PREMISE means the entire Arts District Sign District land area as defined in 51A-7.1201(a).

(29) PRIVATE SIGNS means those signs that are not "public signs" as defined in this section.

(30) PROJECTING ATTACHED SIGN means an attached sign projecting more than four inches from a building.

(31) PROMOTIONAL SIGN means a sign that promotes a cultural event or activity.

(32) PUBLIC SIGNS means governmental traffic signs, institutional movement control signs, generic retail identification signs, promotional signs, or plaques as defined in this section.

(33) RESTAURANT/RETAIL IDENTITY SIGN means an attached premise sign located on a building in Subdistrict B or Subdistrict C that has a restaurant, retail, or personal service use located on the ground floor and that identifies that specific restaurant, retail, or personal service tenant.

(34) SASAKI PLAN means the urban design plan prepared by Sasaki Associates, Inc. in August, 1982 to serve as the guideline for development in the Dallas Arts District. The Sasaki Plan is attached to and made a part of the Arts District PD ordinance (Ordinance No. 17710, as amended).

(35) SIGN HARDWARE means the structural support system for a sign, including the fastening devices that secure a sign to a building facade or pole.

(36) SPONSORSHIP CONTENT means goods and services sold by the sponsor of the cultural institution, district, or arts organization whether sold on or off the premises.

(37) TENANT IDENTITY SIGN means an attached premise sign within Subdistrict A or Subdistrict B located on a building that is primarily used for office uses that identifies a specific office tenant.

(38) THIS DISTRICT means the Arts District Sign District.

(39) WINDOW SIGN means a sign temporarily or permanently attached to, applied on, or supported by a window.

(b) Except as otherwise provided in this section, the definitions contained in Sections 51A-2.102 and 51A-7.102 apply to this division. In the event of a conflict, this section controls. (Ord. Nos. 20345; 26768; 28071; 28471; 30731; 31079)

SEC. 51A-7.1204. ARTS DISTRICT SIGN PERMIT REQUIREMENT.

(a) A person shall not alter, place, maintain, expand, or remove a sign in this district without first obtaining a sign permit from the city, except that no sign permit is required for:
§ 51A-7.1204 Dallas Development Code: Ordinance No. 19455, as amended

(1) governmental traffic signs; and

(2) promotional signs other than banners.

(b) The procedure for obtaining a sign permit is outlined in this section. Section 51A-7.602 does not apply to signs in this district.

(c) No sign permit may be issued to authorize a sign in this district unless the director has first issued a certificate of appropriateness in accordance with this section.

(d) There is hereby created a committee to be known as the Arts District Sign Review Committee ("the committee"). The committee shall be composed of five members appointed by the city plan commission. One member of the committee must be an architect or graphic designer. The commission shall solicit a list of nominees from entities operating in the Arts District. Appointments to the committee shall be for a term of two years ending on September 1 of each odd-numbered year, and the members shall serve without compensation. The commission may appoint up to three alternate members to the committee who serve in the absence of one more regular members when requested to do so by the chairperson or by the city manager. The alternate members serve for the same period and are subject to removal the same as regular members. The commission shall fill vacancies occurring in the alternate membership the same as in the regular membership.

(e) The committee shall meet upon the call of the chair or a simple majority of the committee members. A simple majority of members present shall constitute a quorum, and issues shall be decided by a simple majority vote of the members present. The department shall furnish staff support to the committee.

(f) The function of the committee shall be to familiarize itself thoroughly with the character, special conditions, and economics of the Arts District. In addition, the committee shall provide guidance, advice, and assistance to the director in reviewing applications for permits to authorize signs in this district.

(g) Section 51A-7.504, which establishes the special sign district advisory committee for special provision sign districts in the city generally, does not apply to this district. The Arts District Sign Review Committee is the exclusive advisory committee for reviewing and making recommendations to the director concerning applications for permits to authorize signs in this district.

(h) Upon receipt of an application for a permit to authorize a sign in this district, the building official shall refer the application and plans to the director for a review to determine whether the work complies with this ordinance. The director shall conduct his or her review so that a decision on issuance of the permit can be made within 30 calendar days from the date the completed application is submitted to the building official.

(i) The director shall solicit a recommendation from the committee before making a decision to approve or disapprove a certificate of appropriateness. The recommendation of the committee is not binding upon the director, and the director may decide a matter contrary to the recommendation of the committee.

(j) A decision by the director to grant a certificate of appropriateness may be appealed by the committee only. A decision to deny the certificate may be appealed by either the applicant or the committee. An appeal is made by filing a written request with the director for review by the city plan commission. An appeal must be made within 10 days after notice is given to the applicant of the director’s decision. In considering the appeal, the sole issue shall be whether or not the director erred in making the decision, and, in this connection, the commission shall consider the same standards that were required to be considered by the director in making the decision. Decisions of the commission are final as to available administrative remedies and are binding on all parties.

(k) If the city plan commission fails to make a decision on an appeal by the applicant within 30 calendar days of the date the written request for an appeal is filed, the director shall conduct a hearing in accordance with Rule 100-01.7 of the City Development Code and make a decision which shall be binding on all parties.

(586)
Dallas City Code
1/19
appeal is filed with the director, the application shall be considered approved subject to compliance with all other applicable city codes, ordinances, rules, and regulations.

(l) A person who violates Subsection (a) or any other provision in this division is guilty of a separate offense for each day or portion of the day during which the violation is continued. (Ord. Nos. 20345; 20927; 25047; 28073)

SEC. 51A-7.1205. SPECIAL PROVISIONS FOR ALL SIGNS.

(a) This division does not apply to signs that are not visible from outside the premise on which they are located.

(b) Signs in this district are permitted in or overhanging the public way subject to city franchise requirements.

(c) Except in Subdistrict A, Subdistrict B, and Subdistrict C, no sign may obscure a window or a significant architectural element of a building.

(d) Sign hardware may be visible if its structural elements have been specifically devised for their intrinsic contribution to an overall visual effect. Utilitarian hardware intended only for functional purposes must be concealed from normal view.

(e) Mounting devices supporting a projecting attached sign must be fully integrated with the overall design of the sign.

(f) Materials, fasteners, and anchors used to manufacture and install signs must be resistant to corrosion.

(g) Paints and coatings must contain a UV inhibitor to retard the discoloration and fading effects of ultraviolet light. In addition to finish coats, bare metals must have a primer coat or other surface pretreatment as recommended by the paint or coating manufacturer.

(h) Electrical power required for signs must be supplied by means of concealed conduit from an appropriate power source to the sign in accordance with city codes and accepted practices of the trade. Electrical disconnects, transformers, and related apparatus, including wiring and conduit, must be concealed from normal view.

(i) No signs may be illuminated by an independent external light source.

(j) Burned out or defective lights in signs must be replaced within a reasonable time. Failure to comply with this provision may result in sign permit revocation.

(k) Banners are only allowed as promotional signs. (Ord. Nos. 20345; 28471; 30731; 31079)

SEC. 51A-7.1205.1. OPERATIONAL REQUIREMENTS FOR SIGNS WITH DIGITAL DISPLAYS.

(a) Display. All signs with digital display:

(1) must contain a default mechanism that freezes the image in one position in case of a malfunction;

(2) must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:

(A) the ambient light level measured in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then

(B) the dimming level, multiplied by .0039 equals the brightness level; then

(C) the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed sign brightness, measured in nits. For example:
§ 51A-7.1205.1 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.1206

(3) may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance;

(4) must have a full color display able to display a minimum of 281 trillion color shades; and

(5) must be able to display a high quality image with a minimum resolution equivalent to the following table:

<table>
<thead>
<tr>
<th>Size of LED Panel</th>
<th>Maximum Pixel Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 s/f to 125 s/f</td>
<td>16 mm</td>
</tr>
<tr>
<td>Greater than 126 s/f</td>
<td>19 mm</td>
</tr>
</tbody>
</table>

(b) Light intensity. Before the issuance of a sign permit for a sign with a digital display, the applicant shall provide written certification from the sign manufacturer that:

(1) the light intensity has been factory programmed to comply with the maximum brightness and dimming standards in the formula in Subparagraph (a)(2); and

(2) the light intensity is protected from end-user manipulation by password-protected software, or other method satisfactory to the building official.

(c) Change of message. Except as provided in this section, changes of message must comply with the following:

(1) Each message must be displayed for a minimum of eight seconds.
and consist of three pairs of signs, with the second and third pairs being located immediately below the first pair.

(b) Governmental traffic signs.

(1) This subsection applies only to governmental traffic signs as defined in Section 51A-7.1203.

(2) Notwithstanding any other provision in this division, these signs must comply with applicable statutory specifications.

(3) On Flora and Crockett Streets these signs must be mounted on streetlight poles, or on white cylindrical poles. On other streets they must be mounted on white cylindrical poles or on other fixtures recommended in the CBD Streetscape Plan.

(4) The backs of these signs must be white in color.

(c) Institutional movement information signs.

(1) This subsection applies only to institutional movement information signs as defined in Section 51A-7.1203.

(2) On Flora and Crockett Streets these signs must be mounted on streetlight poles, or on white cylindrical poles. On other streets they must be mounted on white cylindrical poles or on other fixtures recommended in the CBD Streetscape Plan.

(3) The backs of these signs must be white in color and incorporate the Arts District official logo.

(d) Plaques. Plaques must be made of bronze or stone and contain an inscription that relates to the Arts District.

(e) Promotional signs.

(1) This subsection applies only to promotional signs as defined in Section 51A-7.1203.

(2) These signs must promote cultural events and activities. The portion of a sign devoted to sponsor identification, if any, must not exceed 10 percent of its effective area. No sign or portion of a sign may be used to advertise a specific product or service other than the cultural event or activity.

(3) Banners must be either flat against a building facade or mounted on streetlight poles. All other signs must be affixed to city-franchised kiosks.

(4) No sign other than a banner may be larger than 30 inches by 40 inches.

(5) No sign may be permanent in nature. Each sign must be removed no later than 30 days after its specific advertised event or activity has ended. (Ord. 20345)

SEC. 51A-7.1207. ATTACHED PRIVATE SIGNS.

(a) In general.

(1) This section applies to all attached private signs except building identification signs, cultural institution identification signs, canopy fascia signs, and tenant identity signs within Subdistrict A, Subdistrict B, and Subdistrict C. For the regulations governing building identification signs, see Section 51A-7.1209. For the regulations governing cultural institution identification signs, see Section 51A-7.1210. For the regulations governing canopy fascia signs, see Section 51A-7.1211. For the regulations governing tenant identity signs within Subdistrict A, see Section 51A-7.1214.1. For the regulations governing tenant identity and restaurant/retail identity signs within Subdistrict B, see Section 51A-7.1214.2. For the regulations governing restaurant/retail identity signs within Subdistrict C, see Section 51A-7.1214.3.

(2) These signs are only allowed on building facades that are in the Flora Street Frontage Area.
§ 51A-7.1207 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.1207

(3) No sign may project above the building cornice area.

(4) At grade structural supports are prohibited.

(5) No establishment may have a mix of awning signs, projecting attached signs, flat attached signs, and/or marquee signs, except that awning signs may be mixed with flat attached signs.

(b) Awning signs.

(1) This subsection applies only to awning signs as defined in Section 51A-7.1203.

(2) Letters and numbers on these signs must:

(A) be parallel or perpendicular to the front building facade; and

(B) not exceed 18 inches in height.

(3) No letters or numbers are allowed on the sloped top of an awning except as part of an official corporate logo or registered trademark. No more than 50 percent of the total sloped awning surface area may contain graphics.

(4) No words, other than those which are part of the basic awning design pattern, are permitted on awnings located above the second story.

(5) No sign may have flashing or sequenced lighting.

(c) Flat attached signs.

(1) This subsection applies only to flat attached signs as defined in Section 51A-7.1203.

(2) These signs are not permitted above the third story of a building.

(3) No sign may have a length that exceeds 70 percent of the length of the frontage of the establishment with which it is associated. Signs associated with the same establishment must be spaced at least 30 feet apart. No sign may exceed 60 square feet in effective area.

(4) The maximum character heights allowed on these signs are:

(A) 18 inches for signs located below the third story; and

(B) 24 inches for third-story signs.

(5) No sign cabinets are permitted. Adequate clear space for staging characters must be provided. In no event may the character height exceed 60 percent of the vertical dimension of the sign. The sides of three-dimensional characters, if any, must be the same color as their faces.

(6) No sign may contain more than five words.

(7) Sources of sign illumination that are an integral part of the design of the sign, such as neon or small individual incandescent lamps, are permitted. These signs may be protected by transparent covers.

(8) Internally-lit plastic translucent signs are prohibited.

(9) No sign may have flashing or sequenced lighting.

(d) Marquee signs.

(1) This subsection applies only to marquee signs as defined in Section 51A-7.1203.

(2) These signs are only allowed in conjunction with establishments that have as their major use movies or live entertainment productions.
(3) The permanent canopy of which this sign is a part must:

   (A) project no more than six feet from the building facade;

   (B) be a minimum of ten feet above the sidewalk grade;

   (C) have a vertical dimension that does not exceed four feet; and

   (D) have a horizontal dimension along the building facade that does not exceed 30 feet.

(4) The total effective area of signs on the permanent canopy must not exceed 120 square feet.

(5) No sign may:

   (A) project more than three feet from the permanent canopy;

   (B) extend vertically more than 30 feet above the canopy height; or

   (C) be more than three feet in width.

(6) Messages with characters over eight inches in height are limited to a maximum of five words on each canopy facade. Messages with characters under eight inches in height have no limit on the number of words. Character height must not exceed 60 percent of the vertical dimension of the permanent canopy, or 24 inches, whichever is less.

(7) Only the name of the establishment with which the sign is associated may appear on that portion of the sign located above the permanent canopy.

(8) Display panels that announce a show or event may have plastic characters on an internally-lit background.

(9) These signs may turn on or off or change their brightness. The restrictions contained in Section 51A-7.303(b)(1) do not apply to these signs. Flashing and sequenced lighting are permitted.

(e) Projecting attached signs.

(1) This subsection applies only to projecting attached signs as defined in Section 51A-7.1203.

(2) These signs must be a minimum of ten feet above grade.

(3) These signs must be located in either the bottom, top, or combined envelope depicted graphically in the diagram that is attached to and made a part of this ordinance as Exhibit B. Restrictions on the size and location of each sign depend on which envelope the sign is located in as follows:

<table>
<thead>
<tr>
<th>Envelope</th>
<th>Bottom Envelope</th>
<th>Top Envelope</th>
<th>Combined Envelope</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum projection allowed from building facade</td>
<td>6 ft.</td>
<td>3 ft.</td>
<td>3 ft.</td>
</tr>
<tr>
<td>Maximum vertical dimension allowed</td>
<td>10 ft.</td>
<td>20 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Maximum effective area allowed for each sign face*</td>
<td>30 sq. ft.</td>
<td>40 sq. ft.</td>
<td>45 sq. ft.</td>
</tr>
</tbody>
</table>

*Double this amount to compute the total effective area allowed for both sides of the sign.

(4) If their characters are eight inches or less in height, these signs are not restricted as to the number of words permitted. Signs with characters more than eight inches in height are limited to five words. No character may exceed 12 inches in height if the message area exceeds 60 percent of the sign surface area.

(5) One sign is allowed above each entrance provided that signs associated with the same establishment are spaced at least 30 feet apart.

(6) No sign may be more than 12 inches thick. All messages on these signs must be located on
§ 51A-7.1207 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.1208

(a) Detached non-premise signs. Detached non-premise private signs are prohibited in this district. This provision does not apply to:

1. Sponsorship messages on canopy fascia signs, cultural institution digital signs, and freestanding identification signs; or

2. Non-premise messages allowed on construction barricade signs.

(b) Detached premise signs.

1. This subsection applies to all detached premise signs except building identification signs, cultural institution identification signs, cultural institution digital signs, freestanding identification signs, construction barricade signs, and integrated signs within Subdistrict A, Subdistrict B, and Subdistrict C.

For the regulations governing building identification signs, see Section 51A-7.1209. For the regulations governing cultural institution identification signs, see Section 51A-7.1210. For the regulations governing cultural institution digital signs, see Section 51A-7.1212. For the regulations governing freestanding identification signs, see Section 51A-7.1213. For the regulations governing construction barricade signs, see Section 51A-7.1214. For the regulations governing integrated signs within Subdistrict A, see Section 51A-7.1214.1. For the regulations governing integrated signs within Subdistrict B, see Section 51A-7.1214.2. For the regulations governing integrated signs within Subdistrict C, see Section 51A-7.1214.3.

2. No detached premise sign may exceed 20 square feet in effective area.

3. Each premise may have no more than one sign on each blockface.

4. The pole support element of these signs must be a cylindrical metal column that is six inches in diameter and white in color.
§ 51A-7.1208 Dallas Development Code: Ordinance No. 19455, as amended

(5) No sign may exceed 13 feet 6 inches in height.

(6) The face of these signs must be flat. Vacuum-formed sign faces are prohibited.

(7) No sign may move or rotate.

(8) No sign may be more than 12 inches thick.

(9) No illuminated sign or element of a sign may turn on or off or change its brightness. (Ord. Nos. 20345; 26768; 28071; 28471; 30731; 31079)

SEC. 51A-7.1209. BUILDING IDENTIFICATION SIGNS.

(a) This section applies only to building identification signs as defined in Section 51A-7.1203.

(b) Illumination of these signs, if any, must be from within to illuminate the building facade or monument and produce a “halo” around the characters. No illuminated sign or element of a sign may turn on or off or change its brightness.

(c) These signs must be located:

(1) on a building facade above an entrance;

(2) in the building cornice area; or

(3) on a monument in a landscaped area between a building facade and the property line.

(d) Signs located above building entrances are limited to the building name and/or street address. A maximum of 50 square feet of effective area of each sign may be allocated to the building name, and a maximum of 25 square feet of effective area of each sign may be allocated to the building address. The maximum permitted heights of characters on these signs are 24 inches for the building name, and 12 inches for the building address. These signs are not allowed above the third story of the building.

(e) No facade may have more than one sign in the building cornice area.

(f) Signs on monuments must conform to the setback and area regulations of detached premise signs in this chapter generally. These signs must be composed of individual characters made of bronze, brass, or stainless steel, or be engraved in stone. (Ord. 20345)

[Exhibit A appears on page 598]

SEC. 51A-7.1210. CULTURAL INSTITUTION IDENTIFICATION SIGN.

(a) This section applies only to cultural institution identification signs.

(b) Signs may only be located on:

(1) a building facade;

(2) a lower-level roof line as shown on Exhibit C; or

(3) a monument in a landscaped area between a building facade and the property line.

(c) Signs on a building facade may not have an effective area greater than five percent of that building facade.

(d) Signs on a lower-level roof line may not have an effective area greater than five percent of the facade segment located beneath that lower-level roof line. (See Exhibit C).

(e) No portion of a sign on a lower-level roof line may project above the structures’ highest roof-line.

(f) Sign cabinets are not permitted.
(g) Illuminated signs and illuminated sign elements may not turn on or off, but may go through cycles of dimming and brightening to create a slow pulsing effect. Each cycle of dimming and brightening must exceed five seconds.

(h) Signs must be compatible with the architectural design and contribute to the visual effect of the building.

(i) Characters may not exceed 24 inches in height.

(j) Monument signs must comply with the setback and effective area regulations for detached premise signs in this chapter.

(k) Signs shall not be considered a business identification sign.

(l) Signs may not have a changeable message.

(Ord. 26768)

[Exhibit C appears on page 600]

SEC. 51A-7.1211. CANOPY FASCIA SIGNS.

(a) This section applies only to canopy fascia signs as defined in Section 51A-7.1203.

(b) Canopy fascia signs must comply with the operational requirements in Section 51A-7.1205.1.

(c) Canopy fascia signs may only be located on buildings fronting on Flora Street.

(d) A maximum of two canopy fascia signs per building is allowed. Only one canopy fascia sign is allowed on a building facade.

(e) Maximum height of a canopy fascia sign is four feet.

(f) Maximum length of a canopy fascia sign is 74 feet.

(g) Maximum effective area of a canopy fascia sign is 496 square feet.

(h) Canopy fascia signs may only display premise and sponsorship content. (Ord. 28071)

SEC. 51A-7.1212. CULTURAL INSTITUTION DIGITAL SIGNS.

(a) This section applies only to cultural institution digital signs as defined in Section 51A-7.1203.

(b) Cultural institution digital signs must comply with the operational requirements in Section 51A-7.1205.1.

(c) A maximum of six cultural institution digital signs are allowed.

(1) One cultural institution digital sign is allowed at the southwest corner of the intersection of Woodall Rodgers Freeway and Jack Evans Street.

(A) Maximum height is 50 feet.

(B) Maximum width is 20 feet.

(C) Total maximum effective area is 1,000 square feet, per side. Maximum effective area for identification of sponsor is 400 square feet, per side.

(D) Minimum setback is 12 feet from back of curb.

(2) One cultural institution digital sign is allowed at the northeast corner of the intersection of Ross Avenue and Leonard Street.

(A) Maximum height is 35 feet.

(B) Maximum width is 12 feet.
(C) Total maximum effective area is 420 square feet, per side. Maximum effective area for identification of sponsor is 144 square feet, per side.

(D) Minimum setback is 35 feet from back of curb.

(3) Four cultural institution digital signs are allowed along Flora Street.

(A) Maximum height is 7 feet.

(B) Maximum width is 3.5 feet.

(C) Total maximum effective area is 8 square feet, per side. Maximum effective area for identification of sponsor is 1.25 square feet, per side.

(D) Minimum setback is 30 feet from back of curb.

(d) Cultural institution digital signs may only display premise and sponsorship content. (Ord. Nos. 28071; 28553)

SEC. 51A-7.1213. FREESTANDING IDENTIFICATION SIGNS.

(a) This section applies only to freestanding identification signs as defined in Section 51A-7.1203.

(b) A maximum of three freestanding identification signs are allowed only along Flora Street.

(c) Maximum height is 20 feet.

(d) Maximum width is 8 feet.

(e) Maximum effective area is 160 square feet, per side.

(f) Minimum setback is 30 feet from back of curb.

(g) Freestanding identification signs may only display premise and sponsorship content. (Ord. 28071)

SEC. 51A-7.1214. CONSTRUCTION BARRICADE SIGNS.

(a) This section applies only to construction barricade signs as defined in Section 51A-7.1203.

(b) A minimum 10 percent of the effective area of the sign must display the names of the owner, occupant, district sponsor, district activity, and/or Woodall Rodgers Park name or activity.

(c) Non-premise messages are allowed. Only one non-premise message along a street frontage is allowed.

(d) Construction barricade signs must be removed when the construction barricade is removed.

(e) The message area on a construction barricade sign may be fully decorated or graphically designed if:

(1) no decoration or graphic horizontally projects more than two inches from the surface of the barricade; or

(2) no decoration or graphic vertically projects more than four feet above the top of the barricade. (Ord. Nos. 28071; 28553)

SEC. 51A-7.1214.1. SUBDISTRICT A.

(a) In general. Except as provided in this division, the provisions of the Arts District Sign District apply in this subdistrict.

(b) Tenant identity signs and building identification signs.

(1) Only one tenant identity sign or building identification sign is permitted per facade, except that a tenant identity sign or building identification sign is not permitted on the Leonard Street facade.
§ 51A-7.1214.1 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.1214.2

(2) Except as provided in this paragraph, tenant identity signs must be located above the highest leasable floor. On the Ross Avenue facade, a tenant identity sign may be located at any floor.

(3) Tenant identity signs must be composed of individual letters only and illumination of these signs, if any, must be internal to each letter. No illuminated sign or element of a sign may turn on or off or change its brightness.

(4) All tenant identity signs and building identification signs must be the same color.

(c) Integrated sign.

(1) Only one integrated sign is permitted.

(2) This sign must be either an attached sign or a monument sign.

(A) If the sign is an attached sign, it must be attached to a wall and face Crockett Street.

(B) If the sign is a monument sign, it may be two sided, but must be located in the building plaza area.

(3) This sign may identify the building’s owner or developer and multiple tenants.

(4) This sign may be located at the building line.

(5) This sign may be located within five feet of a public right of-way.

(6) The maximum height for the sign is eight feet measured from the bottom of the sign face to the top of the sign face.

(7) The maximum effective area for the sign is 50 square feet.

(8) All elements of an integrated sign must be consistent in color and materials.

(d) Detached premise sign. Detached premise signs may not exceed 30 square feet. (Ord. Nos. 28471; 29339)

SEC. 51A-7.1214.2. SUBDISTRICT B.

(a) In general. Except as provided in this division, the provisions of the Arts District Sign District apply in this subdistrict.

(b) Tenant identity signs and building identification signs.

(1) Number.

(A) Two tenant identity signs or building identification signs are permitted on the Woodall Rodgers Freeway facade and must be located at or above the third story.

(B) Tenant identity signs are prohibited on the Munger Avenue and Crockett Street facades.

(2) Composition and illumination. Tenant identity signs must be composed of individual letters only and illumination of these signs, if any, must be internal to each letter. No illuminated sign or element of a sign may turn on or off or change its brightness.

(3) Color. All tenant identity signs and building identification signs must be the same white and silver color.

(4) Facade coverage. Tenant identity signs and building identification signs may not exceed four percent of the facade to which it is affixed.

(c) Restaurant/retail identity signs.

(1) Two restaurant/retail identity signs are allowed on the Pearl Street facade and two restaurant/retail signs are allowed on the Woodall Rodgers Freeway facade.
§ 51A-7.1214.2 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.1214.3

(2) Restaurant/retail identity signs must be composed of individual letters only and illumination of these signs, if any, must be internal to each letter. No illuminated sign or element of a sign may turn on or off or change its brightness.

(3) All restaurant/retail signs must be the same white and silver color.

(4) Restaurant/retail identity signs may not exceed four percent of the facade to which it is affixed.

(5) Restaurant/retail identity signs may be located a maximum of 24 feet above grade.

(d) Integrated sign.

(1) Only one integrated sign is permitted.

(2) This sign must be a monument sign.

(3) This sign may be located at the building line.

(4) This sign may be located within five feet of a public right-of-way. This sign must be located on Pearl Street a minimum of 15 feet from Woodall Rodgers Freeway and 100 feet from Munger Avenue.

(5) The maximum height for the sign is eight feet measured from the bottom of the sign face to the top of the sign face.

(6) The maximum effective area for the sign is 175 square feet. Tenant names are limited to a maximum effective area of 60 square feet. The portion of the sign that contains the address and that does not contain tenant names must have a clear or transparent appearance.

(7) All elements of an integrated sign must be a consistent color and materials to the building. (Ord. 30731)

SEC. 51A-7.1214.3. SUBDISTRICT C.

(a) In general. Except as provided in this division, the provisions of the Arts District Sign District apply in this subdistrict.

(b) Restaurant/retail identity signs.

(1) Two restaurant/retail identity signs are allowed on the Ross Avenue facade.

(2) Restaurant/retail identity signs must be composed of individual letters only and illumination of these signs, if any, must be internal to each letter. No illuminated sign or element of a sign may blink, flash, or change its brightness.

(3) The maximum effective area for a restaurant/retail identity sign is 50 square feet.

(4) Restaurant/retail identity signs may be located a maximum of 24 feet above grade.

(5) Restaurant/retail identity signs may be located on or behind glass facades.

(c) Building identification sign.

(1) In this subdistrict, a building identification sign includes a sign that is part of a landscape design that creates a base for the sign in conjunction with a retaining wall or an open space created with the use of water or planting material.

(2) The maximum effective area for a building identification sign is 40 square feet.

(3) One building identification sign may be located on Ross Avenue a minimum of 10 feet from Olive Street and 290 feet from Harwood Street.

(4) A building identification sign may be located within five feet of a public right-of-way.
§ 51A-7.1214.3 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.1215

(d) Integrated sign.

(1) A maximum of two integrated signs are permitted.

(A) One integrated sign must be located on Ross Avenue a minimum of 10 feet from Olive Street and 260 feet from Harwood Street. The maximum effective area for the integrated sign at this location is 40 square feet.

(B) One integrated sign that may only identify the building must be located on Ross Avenue a minimum of 280 feet from Olive Street and 20 feet from Harwood Street. The maximum effective area for the integrated sign at this location is 30 square feet.

(2) An integrated sign may be located within five feet of a public right-of-way.

(3) A single contiguous sign, able to be viewed from more than one street, is considered one integrated sign.

(4) The maximum height for an integrated sign is eight feet, measured from the bottom of the sign face to the top of the sign face.

(5) The characters on an integrated sign must be a minimum of four inches in height.

(6) All integrated signs must have consistent color, materials, and fonts. (Ord. 31079)

SEC. 51A-7.1215. APPLICATION OF HIGHWAY BEAUTIFICATION ACTS.

For purposes of applying the Federal and Texas Highway Beautification Acts, this district is considered to be a commercial zone. (Ord. 28071)
EXHIBIT A - ORD. 20345
EXHIBIT C - ORD. 26768

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

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

SEC. 51A-7.1302. PURPOSE.

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

SEC. 51A-7.1303. DEFINITIONS.

(a) In this division:

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

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

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

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

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

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

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

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

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

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

SEC. 51A-7.1304. SIGN PERMIT REQUIREMENTS.

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

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

(c) Section 51A-7.602 does not apply to signs in this district. (Ord. Nos. 20596; 24984)
SEC. 51A-7.1305. SPECIAL PROVISIONS FOR ALL SIGNS.

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

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

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

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

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

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

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

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

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

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

   (1) Metal.
   (2) Glass.
   (3) Wood. (Ord. Nos. 20596; 24984)

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

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

(a) Attached signs in general.

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

      (A) more than 10 feet from the facade to which it is attached; or
      (B) less than two feet from the back of a street curb.

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

(b) Banners.

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

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

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

(c) Canopy signs. Canopy signs must be flat-attached or painted directly onto the surface of the canopy.
§ 51A-7.1306 Dallas Development Code: Ordinance No. 19455, as amended

(d) Marquee signs.

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

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

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

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

(f) Wallscape signs.

(1) Definitions. In this section:

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

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

(2) Visual display and coverage.

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

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

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

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

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

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

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

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

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

(9) Sunset. This section expires on July 1, 2018, unless reenacted with amendment prior to that date. The city plan commission and city council shall review this section prior to its expiration date. (Ord. Nos. 20596; 24984; 25996; 27284)
SEC. 51A-7.1307. SPECIAL PROVISIONS FOR DETACHED SIGNS.

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

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

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

(3) No detached sign support may be located in the public right-of-way. (Ord. 20596)

SEC. 51A-7.1308. PARKING AD SIGNS.

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

(2) Content.

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

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

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

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

(3) Location.

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

(B) Parking ad signs may not exceed 20 feet in height.

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

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

(4) Size and effective area.

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

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

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

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

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

(7) Number.

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

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

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

(9) Mandatory removal. All permits authorizing parking ad signs automatically expire on September 1, 2015. All parking ad signs must be removed by September 1, 2015. This section shall not be construed to confer nonconforming or vested rights to maintain parking ad signs after September 1, 2015.
§ 51A-7.1308 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.1401

(10) Sunset. This section expires on September 1, 2015, unless reenacted with amendment prior to that date. The city plan commission and city council shall review this section prior to its expiration. (Ord. 26066)


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

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

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

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

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

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

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

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

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

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

Dallas City Code
Street continuing and crossing Polk Street to the northeast corner of Lot 10, Block 188/3247 and continuing along the northern lot lines of Lots 9 and 10, Block 188/3247 to the center line of the alley between Willomet Street and Polk Street;

THENCE northerly along the center line of the alley between Willomet Street and Polk Street crossing Jefferson Boulevard and continuing along the western lot line of Lot 9A, Block 189/3248 to the PLACE OF BEGINNING. (Ord. Nos. 21114; 22019)

SEC. 51A-7.1402. PURPOSE.

The purpose of this division is to regulate both the construction of new signs and the alterations of existing signs with a view towards enhancing, preserving, and developing the unique character of this district. These sign regulations have been developed with the following objectives in mind:

(1) To protect the historical and architectural character of this district from inappropriate signs in terms of number (clutter), style, color and materials.

(2) To ensure that significant architectural features in this district or of a building within this district are not obscured.

(3) To promote the economic success of each business within this district and, in turn, the collective success of this district.

(4) To ensure that the size and orientation of signs are geared toward the high number of pedestrians in this district.

(5) To enhance the aesthetics of this district.

(6) To promote safety, communications efficiency, and landscape quality and preservation as described in Section 51A-7.101. (Ord. Nos. 21114; 22019)

SEC. 51A-7.1403. DEFINITIONS.

(a) In this division:

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

(2) FLAT ATTACHED SIGN means an attached sign projecting from a building and parallel to the building facade.

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

(4) PAINTED APPLIED SIGN means a sign painted directly onto the exterior facade of a building, not including doors or windows.

(5) THIS DISTRICT means the Jefferson Boulevard Sign District.

(6) WINDOW SIGN means a sign painted or affixed to a window.

(b) Except as otherwise provided in this section, the definitions contained in Sections 51A-2.102 and 51A-7.102 apply to this division. In the event of a conflict, this section controls. (Ord. Nos. 21114; 22019)

SEC. 51A-7.1404. SIGN PERMIT REQUIREMENTS.

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

(b) The procedure for obtaining a sign permit is outlined in Section 51A-7.505. Section 51A-7.602 does not apply to signs in this district. (Ord. Nos. 21114; 22019)
SEC. 51A-7.1405. GENERAL REQUIREMENTS FOR ALL SIGNS.

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

(b) Materials. Although not required, painted applied signs and enameled metal signs are encouraged.

(c) Lighting.

(1) No sign may be illuminated by an independent, external fluorescent light source.

(2) The only light sources that may be used to illuminate a sign are cold cathode tube (neon), mercury vapor bulbs, or incandescent bulbs. (Ord. Nos. 21114; 22019)

SEC. 51A-7.1406. ATTACHED SIGNS.

(a) Attached signs in general.

(1) Except for marquee signs and as specified in Paragraphs (2) and (3), all attached signs must be mounted parallel to the building surface to which they are attached and may not project more than 18 inches from that building.

(2) One attached sign that projects up to four feet from a vertical building surface may be erected at a nonresidential occupancy if:

(A) the sign does not exceed 20 square feet in effective area;

(B) no portion of the sign is lower than 10 feet above grade; and

(C) there is no detached sign on the premise.

(b) Marquee signs.

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

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

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

(c) Window signs. No window sign may:

(1) have a painted or opaque background; or

(2) cover more than 25 percent of the window surface area. (Ord. Nos. 21114; 22019; 22392)

SEC. 51A-7.1407. DETACHED SIGNS.

(a) Detached signs may not exceed the height of the tallest building on the premise or 30 feet, whichever is less.

(b) Detached signs may not exceed 150 square feet in effective area.

(c) Detached non-premise signs are prohibited in this district. (Ord. Nos. 21114; 22019)
SEC. 51A-7.1501. DESIGNATION OF SIGN DISTRICT.

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

BEGINNING at a point on the northwest line of McKinney Avenue, said point being 166.84 feet southwest of the southwest line of Fairmount Street;

THENCE in a northwesterly direction along a line, said line being approximately 142 feet southwest of and parallel to the southwest line of Fairmount Street, a distance of approximately 482.05 feet to a point for corner on the common line between City Blocks 949 and 1/949;

THENCE in a southwesterly direction along said common block line, a distance of approximately 20.4 feet to a point for corner on the centerline of a 16 feet wide public alley adjacent to Lots 13 and 15 in City Block 1/949;

THENCE in a northwesterly direction along the centerline of said alley and its northwestward prolongation across Mahon Street and continuing along the centerline of a 16 feet wide public alley in City Block 3/950 and continuing along the northwestward prolongation of the centerline of said alley, a distance of approximately 795 feet to a point for corner on the centerline of Howell Street;

THENCE in a northeasterly direction along the centerline of Howell Street, a distance of approximately 400.4 feet to a point for corner on the southeastward prolongation of the centerline of a 20 feet wide public alley in City Blocks 952 and 953;

THENCE in a northwesterly direction along said line and continuing along the centerline of said alley in City Blocks 952 and 953, a distance of approximately 403 feet to a point for corner on a line, said line being 20 feet northwest of and parallel to the southeast line of Lot 10 in City Block 952;

THENCE in a northeasterly direction along said line and its northeastward prolongation across Routh Street and continuing along the centerline of Laledie Street, a distance of approximately 1,060 feet to a point for corner on the centerline of Vine Street;

THENCE in a northwesterly direction along the centerline of Vine Street, a distance of approximately 245 feet to a point for corner on the centerline of Cole Avenue;

THENCE in a northeasterly direction along the centerline of Cole Avenue, a distance of approximately 793 feet to a point for corner on a line, said line being 118.0 feet northeast of and parallel to the northeast line of Sneed Street;

THENCE in a southeasterly direction along said line, continuing along the northeast boundary of Lot 1-A in City Block 17/965, a distance of approximately 156.40 feet to a point for corner on the centerline of a 15 feet wide public alley in City Block 17/965;

THENCE in a northeasterly direction along the centerline of said alley, a distance of approximately 315 feet to a point on the southwest line of Bowen Street;

THENCE in a northeasterly direction, continuing along the northeastward prolongation of the centerline of the 15 feet wide public alley in City Block 17/965, crossing Bowen Street and continuing along the centerline of a 15 feet wide alley in City Block 12/970 and its northeastward prolongation, crossing Hall Street, and continuing along the centerline of a 15 feet wide public alley in City Block 9/972, a total distance of approximately 940 feet to a point for corner on a line, said line being the southeasterly prolongation of the common line between Lots 3 and 4 in City Block 9/972;
3 and 4 and continuing along the northwestward prolongation of said common lot line, a distance of approximately 202.5 feet to a point for corner on the centerline of Cole Avenue;

THENCE in a northeasterly direction along the centerline of Cole Avenue, a distance of approximately 338 feet to a point for corner on the centerline of Lemmon Avenue;

THENCE in a northeasterly direction along a line, said line being 224.7 feet southeast of and parallel to the southeast line of Cole Avenue, a distance of approximately 130 feet to a point for corner on a line, said line being the northwestward prolongation of the common line between Lots 2 and 3 in City Block 978;

THENCE in a southeasterly direction along said line, and continuing along said common line in City Block 978, and continuing along the southeastward prolongation of said line, crossing McKinney Avenue and extending into City Block 10-A/637, a total distance of approximately 560 feet to a point for corner on a line, said line being approximately 168 feet southeast of and parallel to the southeast line of McKinney Avenue;

THENCE in a southeasterly direction along said line, crossing Lemmon Avenue, and continuing into City Block 11/971, a distance of approximately 697.67 feet to a point for corner on a line, said line being approximately 146 feet northeast of and parallel to the northeast line of Hall Street;

THENCE in a southeasterly direction along said line, a distance of approximately 295 feet to a point for corner on the centerline of Oak Grove Avenue;

THENCE in a southwesterly direction along the centerline of Oak Grove Avenue, a distance of approximately 1,356 feet to a point for corner on the centerline of McKinney Avenue;

THENCE in a southerly direction along the centerline of McKinney Avenue, a distance of approximately 115 feet to a point for corner on the northwestward prolongation of the centerline of Clyde Lane;
prolongation, a distance of approximately 190 feet to a point for corner on the centerline of Worthington Street;

THENCE in a southeasterly direction along the centerline of Worthington Street, a distance of approximately 50 feet to a point for corner on a line, said line being perpendicular to the southwest line of Worthington Street;

THENCE in a southwesterly direction along said line, a distance of approximately 24 feet to a point for corner on the southwest line of Worthington Street, said point also being the most northerly corner of Lot 5-A in City Block A/561;

THENCE in a southeasterly direction along the northwest line of said Lot 5-A, a distance of 158.69 feet to a point for corner;

THENCE in a southeasterly direction along the southwest line of Lot 5-A in City Block A/561, a distance of 48.3 feet to a point for corner;

THENCE South 39° 38' 00" West along a common property line, a distance of approximately 172 feet to a point for corner on the centerline of Boll Street;

THENCE in a southeasterly direction along the centerline of Boll Street, a distance of approximately 80 feet to a point for corner on a line, said line being perpendicular to the southwest line of Boll Street;

THENCE in a southeasterly direction along said line, a distance of approximately 25 feet to a point for corner on the southwest line of Boll Street, said point also being the most easterly corner of Lot 4 in City Block A/554;

THENCE in a southerly and southwesterly direction along the southeasterly boundary of Lots 1, 2, 3 and 4 in City Block A/554, and continuing along the southwestward prolongation of the southeast boundary of Lot 4 in City Block A/554, a distance of approximately 355 feet to a point for corner on the centerline of Routh Street;

THENCE in a southeasterly direction along the centerline of Routh Street, a distance of approximately 120 feet to a point for corner on a line, said line being perpendicular to the southwest line of Routh Street;

THENCE in a southwesterly direction along said line, a distance of approximately 25 feet to a point for corner on the southwest line of Routh Street, said point also being the centerline of a 15 feet wide public alley in City Block C/549;

THENCE in a southwesterly direction along the centerline of said alley and its southwestward prolongation, a distance of approximately 375 feet to a point for corner on the centerline of Fairmount Street;

THENCE in a southeasterly direction along the centerline of Fairmount Street, a distance of approximately 30 feet to a point for corner on a line, said line being the northeastward prolongation of the centerline of a 20 feet wide public alley in City Block B/548;

THENCE in a southwesterly direction along the centerline of said alley and its southwestward prolongation, a distance of approximately 210 feet to a point for corner on the centerline of Leonard Street;

THENCE in a northwesterly direction along the centerline of Leonard Street, a distance of approximately 120 feet to a point for corner on the centerline of McKinney Avenue;

THENCE in a southwesterly direction along the centerline of McKinney Avenue, a distance of approximately 40 feet to a point for corner on a line, said line being approximately 142 feet southwest of and parallel to the southwest line of Fairmount Street;

THENCE in a northwesterly direction along said line, a distance of approximately 35 feet to a point on the northwest line of McKinney Avenue, the PLACE OF BEGINNING.

THENCE in a southerly direction along the centerline of the McKinney Avenue Sign District, a distance of approximately 190 feet to a point on the northwest line of McKinney Avenue, the PLACE OF BEGINNING.

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

BEGINNING at a point on the northwest line of
THENCE in a northwesterly direction along a line, said line being approximately 142 feet southwest of and parallel to the southwest line of Fairmount Street, a distance of approximately 482.05 feet to a point for corner on the common line between City Blocks 949 and 1/949;

THENCE in a southwesterly direction along said common block line, a distance of approximately 20.4 feet to a point for corner on the centerline of a 16 feet wide public alley adjacent to Lots 13 and 15 in City Block 1/949;

THENCE in a northwesterly direction along the centerline of said alley and its northwestward prolongation across Mahon Street and continuing along the centerline of a 16 feet wide public alley in City Block 3/950 and continuing along the northwestward prolongation of the centerline of said alley, a distance of approximately 705 feet to a point for corner on the centerline of Howell Street;

THENCE in a northeasterly direction along the centerline of Howell Street, a distance of approximately 400.4 feet to a point for corner on the southeastward prolongation of the centerline of a 20 feet wide public alley in City Blocks 952 and 953;

THENCE in a northwesterly direction along said line and continuing along the centerline of said alley in City Blocks 952 and 953, a distance of approximately 403 feet to a point for corner on a line, said line being 30 feet northwest of and parallel to the southeast line of Lot 10 in City Block 952;

THENCE in a northeasterly direction along said line and its northeastward prolongation across Routh Street and continuing along the centerline of Laclede Street, a distance of approximately 1,060 feet to a point for corner on the centerline of Vine Street;

THENCE in a northeasterly direction along the centerline of Vine Street, a distance of approximately 245 feet to a point for corner on the centerline of Cole Avenue;

THENCE in a northeasterly direction along the centerline of Cole Avenue, a distance of approximately 793 feet to a point for corner on a line, said line being 118.0 feet northeast of and parallel to the northeast line of Sneed Street;

THENCE in a southeasterly direction along said line, continuing along the northeast boundary of Lot 1-A in City Block 17/965, a distance of approximately 156.40 feet to a point for corner on the centerline of a 15 feet wide public alley in City Block 17/965;

THENCE in a northwesterly direction along the centerline of said alley, a distance of approximately 315 feet to a point on the southwest line of Bowen Street;

THENCE in a northeasterly direction, continuing along the northeastward prolongation of the centerline of the 15 feet wide public alley in City Block 17/965, crossing Bowen Street and continuing along the centerline of a 15 feet wide alley in City Block 12/970 and its northeastward prolongation, crossing Hall Street, and continuing along the centerline of a 15 feet wide public alley in City Block 9/972, a total distance of approximately 940 feet to a point for corner on a line, said line being the southeasterly prolongation of the common line between Lots 3 and 4 in City Block 9/972;

THENCE in a northwesterly direction along said line and continuing along said common line between Lots 3 and 4 and continuing along the northwestward prolongation of said common lot line, a distance of approximately 202.5 feet to a point for corner on the centerline of Cole Avenue;

THENCE in a northeasterly direction along the centerline of Cole Avenue, a distance of approximately 338 feet to a point for corner on the centerline of Lemmon Avenue;

THENCE in a northeasterly direction along a line, said line being 224.7 feet southeast of and parallel to the southeast line of Cole Avenue, a distance of approximately 130 feet to a point for corner on a line, said line being the northwestward prolongation of the common line between Lots 2 and 3 in City Block 978;

THENCE in a southeasterly direction along said line, and continuing along said common line in City Block 978, and continuing along the southeastward prolongation of said line, crossing McKinney Avenue a total distance of approximately 360 feet to a point for corner on the centerline of McKinney Avenue;

THENCE in a southwesterly direction along said centerline of McKinney Avenue, a distance of approximately 131 feet to a point at the intersection of McKinney Avenue.
THENCE in a southeasterly direction along said centerline of McKinney Avenue and the centerline of Lemmon Avenue;

THENCE in a southeasterly direction along said centerline of Lemmon Avenue, a distance of approximately 198 feet to a point for corner on a line, said line being approximately 198 feet southeast of and parallel to said centerline of McKinney Avenue;

THENCE in a southwesterly direction along said line, crossing Lemmon Avenue, and continuing into City Block 11/971, a distance of approximately 474.51 feet to a point for corner on a line, said line being approximately 146 feet northeast of and parallel to the northeast line of Hall Street;

THENCE in a southeasterly direction along line, a distance of approximately 295 feet to a point for corner on the centerline of Oak Grove Avenue;

THENCE in a southwesterly direction along the centerline of Oak Grove Avenue, a distance of approximately 1,356 feet to a point for corner on the centerline of McKinney Avenue;

THENCE in a southerly direction along the centerline of McKinney Avenue, a distance of approximately 115 feet to a point for corner on the northwestward prolongation of the centerline of Clyde Lane;

THENCE in a southeasterly direction along said line and continuing along the centerline of Clyde Lane, a distance of approximately 320 feet to a point for corner on a line, said line being the northeastward prolongation of the common line between Lots 18 and 19 in City Block B/578;

THENCE in a southeasterly direction along said line and continuing along said common line between Lots 18 and 19, a distance of approximately 90 feet to a point for corner on the southwest line of Lot 18 in City Block B/578;

THENCE in a southeasterly direction along said lot line, a distance of approximately 40 feet to a point for corner on the common line between Lots 1 and 2 in City Block A/578;

THENCE in a southeasterly direction along said common lot line and its southwestward prolongation, a distance of approximately 155 feet to a point for corner on the centerline of Allen Street;

THENCE in a southeasterly direction along the centerline of Allen Street, a distance of approximately 100 feet to a point for corner on a line, said line being perpendicular to the southwest line of Allen Street;

THENCE in a southwesterly direction along said line, a distance of approximately 22.5 feet to a point for corner on the southwest line of Allen Street, said point also being the northernmost corner of Lot 5 in City Block 577;

THENCE in a southerly direction along the western boundary of said Lot 5 and continuing in a southeasterly direction along the southwestern boundary of Lots 6 and 7, and continuing along the southeastward prolongation of the southwestern boundary of said Lot 7, a distance of approximately 277.5 feet to a point for corner on the centerline of a 15 feet wide public alley adjacent to City Block A/577;

THENCE in a southwesterly direction along the centerline of said alley and its southwestward prolongation, a distance of approximately 190 feet to a point for corner on the centerline of Worthington Street;

THENCE in a southeasterly direction along the centerline of Worthington Street, a distance of approximately 50 feet to a point for corner on a line, said line being perpendicular to the southwest line of Worthington Street;

THENCE in a southwesterly direction along said line, a distance of approximately 24 feet to a point for corner on the southwest line of Worthington Street, said point also being the most northerly corner of Lot 5-A in City Block A/561;

THENCE in a southwesterly direction along the northwest line of said Lot 5-A, a distance of 158.69 feet to a point for corner;

THENCE in a southeasterly direction along the southwest line of Lot 5-A in City Block A/561, a distance of 48.3 feet to a point for corner;

THENCE in a southwesterly direction along the southwest line of Lot 5-A in City Block A/561, a distance of 48.3 feet to a point for corner;

THENCE South 39°38'00" West along a common property line, a distance of approximately 172 feet to a point for corner on the centerline of Boll Street;

THENCE in a southeasterly direction along the centerline of Boll Street, a distance of approximately 80 feet to a point for corner on a line, said line being
perpendicular to the southwest line of Boll Street;

THENCE in a southwesterly direction along said line, a distance of approximately 25 feet to a point for corner on the southwest line of Boll Street, said point also being the most easterly corner of Lot 4 in City Block A/554;

THENCE in a southerly and southwesterly direction along the southeasterly boundary of Lots 1, 2, 3 and 4 in City Block A/554, and continuing along the southwestward prolongation of the southeast boundary of Lot 1 in City Block A/554, a distance of approximately 355 feet to a point for corner on the centerline of Routh Street;

THENCE in a southeasterly direction along the centerline of Routh Street, a distance of approximately 120 feet to a point for corner on a line, said line being perpendicular to the southwest line of Routh Street;

THENCE in a southwesterly direction along said line, a distance of approximately 25 feet to a point for corner on the southwest line of Routh Street, said point also being the centerline of a 15 feet wide public alley in City Block C/549;

THENCE in a southeasterly direction along the centerline of said alley and its southwestward prolongation, a distance of approximately 375 feet to a point for corner on the centerline of Fairmount Street;

THENCE in a southeasterly direction along the centerline of Fairmount Street, a distance of approximately 30 feet to a point for corner on a line, said line being the northeastward prolongation of the centerline of a 20 feet wide public alley in City Block B/548;

THENCE in a southwesterly direction along the centerline of said alley and its southwestward prolongation, a distance of approximately 210 feet to a point for corner on the centerline of Leonard Street;

THENCE in a northwesterly direction along the centerline of Leonard Street, a distance of approximately 120 feet to a point for corner on the centerline of McKinney Avenue;

THENCE in a southwesterly direction along the centerline of McKinney Avenue, a distance of approximately 40 feet to a point for corner on a line, said line being approximately 142 feet southwest of and parallel to the southwest line of Fairmount Street;

THENCE in a northwesterly direction along said line, a distance of approximately 35 feet to a point on the northwest line of McKinney Avenue, the PLACE OF BEGINNING.  (Ord. Nos. 21145; 31265)
(a) This district is hereby divided into three subdistricts, which shall be known as the Spine, Quadrangle, and Peripheral Subdistricts.

(b) The Spine Subdistrict is that area of the city within the following described boundaries:

BEGINNING at a point on the northwest line of McKinney Avenue, said point being 166.84 feet southwest of the southwest line of Fairmount Street;

THENCE in a northwesterly direction along a line, said line being approximately 142 feet southwest of and parallel to the southwest line of Fairmount Street, a distance of approximately 317.05 feet to a point for corner on a line, said line being approximately 165 feet southeast of and parallel to the common line between City Blocks 949 and 1/949;

THENCE in a northeasterly direction along said line, a distance of approximately 167 feet to a point for corner on the centerline of Fairmount Street;

THENCE in a northeasterly direction along a line, said line being the southwestward prolongation of the centerline of Howland Street and continuing along the centerline of Howland Street and its northeastward prolongation, a distance of approximately 458 feet to a point for corner on the centerline of Routh Street;

THENCE in a northwesterly direction along the centerline of Routh Street, a distance of 90 feet to a point for corner on the centerline of Howland Street in City Block 3/955;

THENCE in a northeasterly direction along said line and continuing along the centerline of Howland Street to a point for corner on the centerline of Boll Street;

THENCE in a northwesterly direction along the centerline of Boll Street to a point for corner on a line, said line being 105 feet northwest of and parallel to the northwest line of Howland Street;

THENCE in a northeasterly direction along said line to a point for corner on the common line between Lots 6 and 6A in City Block 2/955;

THENCE in a northwesterly direction along said common lot line to a point for corner on the north/south common line between Lots 6 and 6A in City Block 2/955;

THENCE in a southwesterly direction along said common lot line and its southwestward prolongation to a point for corner on the centerline of Boll Street;

THENCE in a northwesterly direction along the centerline of Boll Street to a point for corner on the centerline of Howell Street;

THENCE in a northeasterly direction along the centerline of Howell Street to a point for corner on the centerline of Worthington Street;

THENCE in a southeasterly direction along the centerline of Worthington Street to a point for corner on a line, said line being the southwestward prolongation of the common line between Lots 1 and 10 in City Block 1/955;

THENCE in a northeasterly direction along said line, and continuing along said common lot line, a distance of approximately 195.86 feet to a point for corner on the south line of Lot 1 in City Block 955;

THENCE in a westerly direction along the south line of said Lot 1, a distance of approximately 67 feet to a point for corner on the southeast line of Howell Street;

THENCE in a northeasterly direction along a line, said line being perpendicular to the southeast line of Howell Street, a distance of approximately 25 feet to a point for corner on the centerline of Howell Street;
THENCE in a northeasterly direction along the centerline of Howell Street to a point for corner on the centerline of Vine Street;

THENCE in a northwesterly direction along the centerline of Vine Street to a point for corner on the centerline of Cole Avenue;

THENCE in a northeasterly direction along the centerline of Cole Avenue to a point for corner on a line, said line being the northwestward prolongation of the southwest line of Lot 3 in City Block 963;

THENCE in a southeasterly direction along said line, and continuing along the southwest line of said Lot 3 to a point for corner on the southeast line of said Lot 3;

THENCE in a northeasterly direction along the northeast line of said Lot 3 and its northwestward prolongation to a point for corner on the centerline of Cole Avenue;

THENCE in a northeasterly direction along the centerline of Cole Avenue to a point for corner on a line, said line being the northwestward prolongation of the northeast line of Lot 1A in City Block 963;

THENCE in a southeasterly direction along said line, and continuing along the northeast line of said Lot 1A to a point for corner on the northwest line of said Lot 1A;

THENCE in a northeasterly direction along the northwest line of said Lot 1A and its northeastward prolongation to a point for corner on the centerline of Allen Street;

THENCE in a southeasterly direction along the centerline of Allen Street to a point for corner, said point being approximately 169.5 feet southeast of the northeastward prolongation of the southwest line of Laclede Street;

THENCE in a northwesterly direction along a line parallel with the southwest line of McKinney Avenue, a distance of approximately 495 feet to a point for corner on the centerline of Sneed Street, with said point being approximately 122.77 feet southeast of the southeast line of Cole Avenue, said point also being at the intersection of the southwestward prolongation of the centerline of a 15 foot wide public alley in City Block 17/965;

THENCE in a northeasterly direction along the centerline of said alley, a distance of approximately 458 feet to a point on the southwest line of Bowen Street;

THENCE in a northeasterly direction, continuing along the northeastward prolongation of the centerline of the 15 foot wide public alley in City Block 17/965, crossing Bowen Street and continuing along the centerline of a 15 foot wide alley in City Block 12/970, and its northeastward prolongation, crossing Hall Street, and continuing along the centerline of a 15 foot wide public alley in City Block 9/972, a total distance of approximately 1,278 feet to a point for corner on the centerline of Lemmon Avenue;

THENCE in a northwesterly direction along the centerline of Lemmon Avenue, a distance of approximately 30 feet to a point for corner on a line, said line being the southwestward prolongation of the common line between Lots 1 and 2 in City Block 978;

THENCE in a northeasterly direction along said line and continuing along the common line between said Lots 1 and 2, a distance of approximately 138 feet to a point for corner on the common line between Lots 2 and 3 in City Block 978;

THENCE in a southeasterly direction along said common lot line and continuing along the southeastward prolongation of said line, crossing McKinney Avenue and extending into City Block 10-A/637, a total distance of approximately 400 feet to a point for corner on a line, said line being approximately 168 feet southeast of and parallel to the southeast line of McKinney Avenue;
§ 51A-7.1502 Dallas Development Code: Ordinance No. 19455, as amended

THENCE in a southwesterly direction along said line; crossing Lemmon Avenue, and continuing into City Block 11/971, a distance of approximately 607.67 feet to a point for corner on a line, said line being approximately 146 feet northeast of and parallel to the northeast line of Hall Street;

THENCE in a southeasterly direction along said line, a distance of approximately 85 feet to a point for corner on the centerline of Noble Street;

THENCE in a southwesterly direction along the centerline of Noble Street and its southwestward prolongation, a distance of approximately 171 feet to a point for corner on the centerline of Hall Street;

THENCE in a southeasterly direction along the centerline of Hall Street, a distance of approximately 171 feet to a point for corner on the centerline of Oak Grove Avenue;

THENCE in a southwesterly direction along the centerline of Oak Grove Avenue, a distance of approximately 1,185 feet to a point for corner on the centerline of McKinney Avenue;

THENCE in a southerly direction along the western boundary of said Lot 5 and continuing in a southeasterly direction along the southwestern boundary of Lots 6 and 7, and continuing along the southeastward prolongation of the southwestern boundary of said Lot 7, a distance of approximately 277.5 feet to a point for corner on the centerline of a 15 foot wide public alley adjacent to City Block A/577;

THENCE in a southerly direction along the centerline of said alley and its southwestward prolongation, a distance of approximately 190 feet to a point for corner on the centerline of Worthington Street;

THENCE in a southeasterly direction along the centerline of Worthington Street, a distance of approximately 50 feet to a point for corner on a line, said line being perpendicular to the southwest line of Worthington Street;

THENCE in a southeasterly direction along said line, a distance of approximately 24 feet to a point for corner on the southwest line of Worthington Street, said point also being the northermost corner of Lot 5-A in City Block A/561;
THENCE in a southwesterly direction along the northwest line of said Lot 5-A, a distance of 158.69 feet to a point for corner;

THENCE in a southeasterly direction along the southwest line of Lot 5-A in City Block A/561, a distance of 48.3 feet to a point for corner;

THENCE South 39°38′00″ West along a common property line, a distance of 172.0 feet to a point for corner on the centerline of Boll Street;

THENCE in a southeasterly direction along the centerline of Boll Street, a distance of approximately 80 feet to a point for corner on a line, said line being perpendicular to the southwest line of Boll Street;

THENCE in a southerly and southwesterly direction along the southeasterly boundary of Lots 1, 2, 3 and 4 in City Block A/554 and continuing along the southwestward prolongation of the southeast boundary of Lot 1 in City Block A/554, a distance of approximately 355 feet to a point for corner on the centerline of Routh Street;

THENCE in a southeasterly direction along the centerline of Routh Street, a distance of approximately 120 feet to a point for corner on a line, said line being parallel to the southwest line of Routh Street;

THENCE in a southeasterly direction along a line, said line being the southwestward prolongation of the centerline of Fairmount Street, a distance of approximately 30 feet to a point for corner on a line, said line being the northeastward prolongation of the centerline of a 20 foot wide public alley in City Block B/548;

THENCE in a southwesterly direction along the centerline of said alley and its southwestward prolongation, a distance of approximately 210 feet to a point for corner on the centerline of Leonard Street;

THENCE in a northwesterly direction along the centerline of Leonard Street, a distance of approximately 120 feet to a point for corner on the centerline of McKinney Avenue;

THENCE in a southerly direction along a line, said line being approximately 142 feet southwest of and parallel to the southwest line of Fairmount Street;

THENCE in a northwesterly direction along the centerline of McKinney Avenue, a distance of approximately 48 feet to a point for corner on a line, said line being approximately 142 feet southwest of and parallel to the southwest line of Fairmount Street;

THENCE in a northwesterly direction along said line, a distance of approximately 35 feet to a point on the northwest line of McKinney Avenue, the PLACE OF BEGINNING.

(b) The Spine Subdistrict is that area of the city within the following described boundaries:

BEGINNING at a point on the northwest line of McKinney Avenue, said point being 166.84 feet southwest of the southwest line of Fairmount Street;

THENCE in a northwesterly direction along a line, said line being approximately 142 feet southwest of and parallel to the southwest line of Fairmount Street, a distance of approximately 317.05 feet to a point for corner on a line, said line being approximately 165 feet southeast of and parallel to the common line between City Blocks 949 and 1/949;

THENCE in a northeasterly direction along said line, a distance of approximately 167 feet to a point for corner on the centerline of Fairmount Street;

THENCE in a northeasterly direction along said line, a distance of approximately 167 feet to a point for corner on the centerline of Fairmount Street;

THENCE in a northeasterly direction along a line, said line being the southwestward prolongation of the centerline of Howland Street and continuing along the centerline of Howland Street and its northeastward
prolongation, a distance of approximately 458 feet to a point for corner on the centerline of Routh Street;

THENCE in a northwesterly direction along the centerline of Routh Street, a distance of 90 feet to a point for corner on a line, said line being the southwestward prolongation of the centerline of Howland Street in City Block 3/955;

THENCE in a northeasterly direction along said line and continuing along the centerline of Howland Street to a point for corner on the centerline of Boll Street;

THENCE in a northwesterly direction along the centerline of Boll Street to a point for corner on a line, said line being 105 feet northwest of and parallel to the northwest line of Howland Street;

THENCE in a northeasterly direction along said line to a point for corner on the common line between Lots 6 and 6A in City Block 2/955;

THENCE in a northeasterly direction along said common lot line to a point for corner on the north/south common line between Lots 6 and 6A in City Block 2/955;

THENCE in a southwesterly direction along said common lot line and its southwestward prolongation to a point for corner on the centerline of Boll Street;

THENCE in a northwesterly direction along the centerline of Boll Street to a point for corner on the centerline of Howell Street;

THENCE in a northeasterly direction along the centerline of Howell Street to a point for corner on the centerline of Worthington Street;

THENCE in a southeasterly direction along said line, and continuing along the southwest line of said Lot 3 to a point for corner on the southeast line of said Lot 3;

THENCE in a northeasterly direction along the northeast line of said Lot 3 and its northwestward prolongation to a point for corner on the centerline of Cole Avenue;

THENCE in a northeasterly direction along the centerline of Cole Avenue to a point for corner on a line, said line being the northwestward prolongation of the southwest line of Lot 3 in City Block 963;

THENCE in a southeasterly direction along said line, and continuing along the southwest line of said Lot 3 to a point for corner on the southeast line of said Lot 3;

THENCE in a northeasterly direction along the northeast line of said Lot 3 and its northwestward prolongation to a point for corner on the centerline of Cole Avenue;

THENCE in a northeasterly direction along the centerline of Cole Avenue to a point for corner on a line, said line being the northwestward prolongation of the northeast line of Lot 1A in City Block 963;

THENCE in a northeasterly direction along the northwest line of said Lot 1A and its northeastward prolongation to a point for corner on the centerline of Allen Street;

THENCE in a northeasterly direction along the centerline of Allen Street to a point for corner, said point being approximately 169.5 feet southeast of the northeastward prolongation of the southeast line of Laclede Street;

THENCE in a northeasterly direction along a line
parallel with the southwest line of McKinney Avenue, a distance of approximately 495 feet to a point for corner on the centerline of Sneed Street, with said point being approximately 122.77 feet southeast of the southeast line of Cole Avenue, said point also being at the intersection of the southwestward prolongation of the centerline of a 15-foot-wide public alley in City Block 17/965;

THENCE in a northeasterly direction along the centerline of said alley, a distance of approximately 458 feet to a point on the southwest line of Bowen Street;

THENCE in a northeasterly direction, continuing along the northeastward prolongation of the centerline of the 15 foot wide public alley in City Block 17/965, crossing Bowen Street and continuing along the centerline of a 15 foot wide alley in City Block 12/970 and its northeastward prolongation, crossing Hall Street, and continuing along the centerline of a 15 foot wide public alley in City Block 9/972, a total distance of approximately 1,278 feet to a point for corner on the centerline of Lemmon Avenue;

THENCE in a northwesterly direction along the centerline of Lemmon Avenue, a distance of approximately 30 feet to a point for corner on a line, said line being the southwestward prolongation of the common line between Lots 1 and 2 in City Block 978;

THENCE in a northeasterly direction along said line and continuing along the common line between said Lots 1 and 2, a distance of approximately 138 feet to a point for corner on the common line between Lots 2 and 3 in City Block 978;

THENCE in a southeasterly direction along said common lot line and continuing along the southeastward prolongation of said line, crossing McKinney Avenue a total distance of approximately 200 feet to a point for corner on the centerline of McKinney Avenue;

THENCE in a southwesterly direction along said centerline of McKinney Avenue, a distance of approximately 131 feet to a point at the intersection of said centerline of McKinney Avenue and the centerline of Lemmon Avenue;

THENCE in a southeasterly direction along said centerline of Lemmon Avenue, a distance of approximately 198 feet to a point for corner on a line, said line being approximately 198 feet southeast of and parallel to said centerline of McKinney Avenue;

THENCE in a southeasterly direction along said line, a distance of approximately 85 feet to a point for corner on the centerline of Noble Street;

THENCE in a southwesterly direction along the centerline of Noble Street and its southwestward prolongation, a distance of approximately 171 feet to a point for corner on the centerline of Hall Street;

THENCE in a southeasterly direction along the centerline of Hall Street, a distance of approximately 205 feet to a point for corner on the centerline of Oak Grove Avenue;

THENCE in a southeasterly direction along the centerline of Oak Grove Avenue, a distance of approximately 1,185 feet to a point for corner on the centerline of McKinney Avenue;

THENCE in a southerly direction along the centerline of McKinney Avenue, a distance of approximately 115 feet to a point for corner on the northwestward prolongation of the centerline of Clyde Lane;

THENCE in a southeasterly direction along said line and continuing along the centerline of Clyde Lane, a distance of approximately 320 feet to a point for corner on a line, said line being the northeastward prolongation of the common line between Lots 18 and 19 in City Block B/578;

THENCE in a southeasterly direction along said line and continuing along said common line between Lots 18 and 19, a distance of approximately 90 feet to a point for corner on the southwest line of Lot 18 in City Block B/578;

THENCE in a southeasterly direction along said lot line, a distance of approximately 40 feet to a point for corner on the common line between Lots 1 and 2 in City Block A/578;

THENCE in a southeasterly direction along said common lot line and its southwestward prolongation,
a distance of approximately 155 feet to a point for corner on the centerline of Allen Street;

THENCE in a southeasterly direction along the centerline of Allen Street, a distance of approximately 100 feet to a point for corner on a line, said line being perpendicular to the southwest line of Allen Street;

THENCE in a southwesterly direction along said line, a distance of approximately 22.5 feet to a point for corner on the southwest line of Allen Street, said point also being the northernmost corner of Lot 5 in City Block 577;

THENCE in a southerly direction along the western boundary of said Lot 5 and continuing in a southeasterly direction along the southwestern boundary of Lots 6 and 7, and continuing along the southeastward prolongation of the southwestern boundary of said Lot 7, a distance of approximately 277.5 feet to a point for corner on the centerline of a 15-foot-wide public alley adjacent to City Block A/577;

THENCE in a southwesterly direction along the centerline of said alley and its southwestward prolongation, a distance of approximately 190 feet to a point for corner on the centerline of Worthington Street;

THENCE in a southeasterly direction along the centerline of Worthington Street, a distance of approximately 50 feet to a point for corner on a line, said line being perpendicular to the southwest line of Worthington Street;

THENCE in a southwesterly direction along said line, a distance of approximately 24 feet to a point for corner on the southwest line of Worthington Street, said point also being the northernmost corner of Lot 5-A in City Block A/561;

THENCE in a southeasterly direction along the northwest line of said Lot 5-A, a distance of 158.69 feet to a point for corner;

THENCE in a southeasterly direction along the southwest line of Lot 5-A in City Block A/561, a distance of 48.3 feet to a point for corner;

THENCE South 39°38'00" West along a common property line, a distance of 172.0 feet to a point for corner on the centerline of Boll Street;

THENCE in a southeasterly direction along the centerline of Boll Street, a distance of approximately 80 feet to a point for corner on a line, said line being perpendicular to the southwest line of Boll Street;

THENCE in a southwesterly direction along said line, a distance of approximately 25 feet to a point for corner on the southwest line of Boll Street, said point also being the most easterly corner of Lot 4 in City Block A/554;

THENCE in a southerly and southwesterly direction along the southeasterly boundary of Lots 1, 2, 3 and 4 in City Block A/554 and continuing along the southwestward prolongation of the southeast boundary of Lot 1 in City Block A/554, a distance of approximately 355 feet to a point for corner on the centerline of Routh Street;

THENCE in a southeasterly direction along the centerline of Routh Street, a distance of approximately 120 feet to a point for corner on a line, said line being perpendicular to the southwest line of Routh Street;

THENCE in a southwesterly direction along said line, a distance of approximately 25 feet to a point for corner on the southwest line of Routh Street, said point also being the centerline of a 15-foot-wide public alley in City Block C/549;

THENCE in a southeasterly direction along the centerline of said alley and its southwestward prolongation, a distance of approximately 375 feet to a point for corner on the centerline of Fairmount Street;

THENCE in a southeasterly direction along the centerline of Fairmount Street, a distance of approximately 30 feet to a point for corner on a line, said line being the northeastward prolongation of the centerline of a 20-foot-wide public alley in City Block B/548;

THENCE in a southwesterly direction along the centerline of said alley and its southwestward prolongation, a distance of approximately 210 feet to a point for corner on the centerline of Leonard Street;

THENCE in a northwesterly direction along the centerline of Leonard Street, a distance of approximately 120 feet to a point for corner on the centerline of McKinney Avenue;

THENCE in a southwesterly direction along the centerline of McKinney Avenue, a distance of...
approximately 40 feet to a point for corner on a line, said line being approximately 142 feet southwest of and parallel to the southwest line of Fairmount Street;

THENCE in a northwesterly direction along said line, a distance of approximately 35 feet to a point on the northwest line of McKinney Avenue, the PLACE OF BEGINNING.

(c) The Quadrangle Subdistrict is that area of the city within the following described boundaries:

Being all of City Block 956 bounded by Laclede Street on the northwest, Vine Street on the northeast, Howell Street on the southeast, and Routh Street on the southwest.

(d) The Peripheral Subdistrict is that area within the McKinney Avenue Sign District that is not in either the Spine Subdistrict or the Quadrangle Subdistrict. (Ord. Nos. 21145; 24132; 31265)

SEC. 51A-7.1503. PURPOSE.

The purpose of this division is to regulate both the construction of new signs and the alterations of
existing signs with a view towards enhancing, preserving, and developing the unique character of this district. These sign regulations have been developed with the following objectives in mind:

(a) To protect the historical and architectural character of this district from inappropriate signs in terms of number (clutter), style, color, and materials.

(b) To ensure that significant architectural features in this district are not obscured.

(c) To encourage signs that are complimentary to the architectural styles and historical nature of the buildings and trolley in this district.

(d) To ensure that the size and orientation of signs are geared toward the high number of pedestrians in this district.

(e) To attract the public to the goods and services available in the district by enhancing the aesthetic quality of signs in this district.

(f) To encourage artistic, creative, and innovative signs that reflect the themes of the area.

(g) To promote safety, communications efficiency, and landscape quality and preservation as described in Section 51A-7.101. (Ord. 21145)

SEC. 51A-7.1504. DEFINITIONS.

(a) Unless the context clearly indicates otherwise, in this division:

(1) ARCADE means any structure that is attached to a building and neither fully enclosed on all sides nor structural to the building itself, which is covered by a roof having the primary function of weather protection for a walkway.

(2) FLAT ATTACHED SIGN means an attached sign projecting from a building and parallel to the building facade.

(3) HIGHRISE BUILDING means a building that has a height of more than 36 feet.

(4) LOWER FACADE means the area of a highrise building facade that is 36 feet or less above grade when measured vertically.

(5) LOWRISE BUILDING means a building that has a height of 36 feet or less.

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

(7) PAINTED APPLIED SIGN means a sign painted directly onto the exterior facade of a building, not including doors and windows.

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

(9) SMALL WORD means a word with no character that exceeds four inches in height.

(10) THIS DISTRICT means the McKinney Avenue Sign District.

(11) UPPER FACADE means the area of a highrise building facade that is more than 36 feet above grade when measured vertically.

(12) WINDOW SIGN means a sign painted or affixed to a window.

(b) Except as otherwise provided in this section, the definitions contained in Sections 51A-2.102 and 51A-7.102 apply to this division. In the event of a conflict, this section controls. (Ord. 21145)
SEC. 51A-7.1505. SIGN PERMIT REQUIREMENTS.

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

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

(b) The procedure for obtaining a sign permit is outlined in Section 51A-7.505. Section 51A-7.602 does not apply to signs in this district. (Ord. 21145)

SEC. 51A-7.1506. SPECIAL PROVISIONS FOR ALL SIGNS.

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

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

(b) Materials.

(1) The use of plastic is prohibited, except when it is:

(A) used as a decoration (as opposed to a character) on the exterior face of a sign, in which case no more than five percent of the effective area of the sign may consist of plastic;

(B) placed behind the exterior face of a sign in places where that face has been cut in the shape of a character; or

(C) used in or on a marquee sign.

(2) Although not required, painted applied signs and enameled metal sheet signs are encouraged.

(c) Lighting.

(1) The only light sources that may be used to illuminate a sign are cold cathode, neon, and incandescent lamps.

(2) A light source external to a sign may illuminate a sign if the light does not cross into either a public right-of-way or a residential zoning district.

(3) Illuminated signs on translucent fabric are encouraged.

(4) No light used to illuminate a sign may turn on or off, or change its brightness more than twice a day.

(d) Colors. Fluorescent and neon colors on signs are prohibited. (Ord. 21145)

SEC. 51A-7.1507. SPECIAL PROVISIONS FOR ATTACHED SIGNS.

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

(a) Location restrictions.

(1) No attached sign may be erected on a facade unless it faces a public right-of-way that is adjacent to the lot where the sign is proposed to be located.

(2) No small words may be on an attached sign erected partially or totally within an upper facade in either the Spine or Quadrangle Subdistricts.

(3) In the Peripheral Subdistrict, no attached sign may be erected on:

(A) an upper facade; or

(B) a lot where a detached sign is erected.
(b) Effective area.

(1) Spine and Quadrangle Subdistricts. In the Spine and Quadrangle Subdistricts, the combined effective area of all attached signs:

(A) on a lowrise building or a lower facade may not exceed ten percent of the total area of the building facade or the lower facade, as the case may be; and

(B) on an upper facade may not exceed five percent of the total area of the lower facade.

(2) Peripheral Subdistrict. In the Peripheral Subdistrict, the combined effective area of all attached signs on a lowrise building or a lower facade may not exceed eight percent of the total area of the building facade or the lower facade, as the case may be.

c) Flat attached signs.

(1) No flat attached sign may project more than eight inches from a building.

(2) A flat attached sign may be erected on an arcade, but it may not project above the roof of the attached building.

d) Projecting attached signs.

(1) A projecting attached sign may be erected on an arcade, but it may not project above the roof of the attached building.

(2) No projecting attached sign may be erected partially or totally within an upper facade.

(3) No face of a projecting attached sign erected below the bottom of a second story window may exceed eight square feet.

(4) No face of a projecting attached sign erected above the bottom of a second story window may exceed 15 square feet.

e) Marquee signs.

(1) No marquee sign may:

(A) exceed 100 square feet in effective area;

(B) be longer than one-half of the length of the frontage of the building to which the marquee is attached; and

(C) be located above the bottom of a second story window.

(2) A marquee sign must:

(A) be parallel to the surface to which it is attached; and

(B) have a height dimension between two and six feet.

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

(4) A marquee sign may be erected only on a building that contains a theater use.

(5) A marquee sign may consist of up to 100 percent plastic.

f) Window signs.

(1) Except as modified by Paragraph (2), the effective area of a window sign may not exceed more than 25 percent of the area of a window or 10 percent of the facade area, whichever is less.

(2) If a window sign uses neon bulbs, the effective area of that sign may not exceed more than 15 percent of the area of a window.

(3) No window sign may be erected on an upper facade. (Ord. 21145)
SEC. 51A-7.1508. SPECIAL PROVISIONS FOR DETACHED SIGNS.

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

(a) No detached sign may:

   (1) exceed 20 feet in height; or

   (2) be located within five feet of any public right-of-way.

(b) If a detached sign has an effective area of more than 10 square feet, it must be located at least 10 feet from any public right-of-way.

(c) No detached sign may have an effective area of more than:

   (1) 150 square feet if the sign is located in the Quadrangle Subdistrict;

   (2) 20 square feet if the sign is located in the Spine Subdistrict; and

   (3) 15 square feet if the sign is located in the Peripheral Subdistrict.

(d) In the Peripheral Subdistrict, no detached sign may be erected on a lot where an attached sign is erected.

(e) Detached non-premise signs are prohibited in this district. (Ord. 21145)

Division 51A-7.1600. Farmers Market Sign District.

SEC. 51A-7.1601. DESIGNATION OF SIGN DISTRICT.

A special provision sign district is hereby created to be known as the Farmers Market Sign District. The boundaries of the Farmers Market Sign District are the same as those of the Farmers Market Special Purpose District (Planned Development District No. 357). (Ord. Nos. 22097; 29233)

SEC. 51A-7.1601.1. DESIGNATION OF SIGN SUBDISTRICTS.

(a) Camden Sign Subdistrict. The Camden Sign Subdistrict is that area of the Farmers Market Sign District within the following described boundaries:

TRACT 1:

BEING all of Lot 2B in City Block 40/164.

TRACT 2:

BEING all of Lot 1A in City Block 7/153.

TRACT 3:

BEING a tract of land situated in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas and being a portion of Blocks 142, 5/155/4/156, 36/168 and 37/167, a portion of a 200-foot-wide H. & T.C. Railroad right-of-way, a portion of a 150-foot-wide T. & N.O. Railroad spur right-of-way, all as dedicated on the Final Plat of Railroad Addition, an Addition to the City of Dallas according to the Map or Plat thereof recorded in Volume 4 at Page 350 of the Map Records of Dallas County, Texas, a portion of a 20-foot-wide alley situated in Block 4/156 abandoned in Ordinance No. 8234, a portion of St. Louis Street, Paris Street and a w-foot wide alley abandoned in Ordinance No. 11472, a portion of St. Louis Street and...
§ 51A-7.1601.1 Dallas Development Code: Ordinance No. 19455, as amended

20-foot-wide alleys situated in Blocks 36/168 and 37/167 abandoned Ordinance No. 1570 and a portion of Central Expressway as abandoned on Ordinance No. 23588, same being a portion of Tract “O” conveyed to Camden Property Trust as evidence by a Special Warranty Deed recorded in Volume 98040 at Page 02379 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and being more particularly described by metes and bounds as follows (bearing based on the southwest right-of-way line of Good-Latimer Expressway as described in Ordinance No. 21092, recorded in Volume 91249 at Page 4100 D.R.D.C.T., said bearing being North 36°50'46" West):

BEGINNING at a nail found for the east corner of aforesaid Tract “O,” same being the north corner of a tract of land conveyed to Graybar Electric, Inc., as evidenced in a deed recorded in Volume 3502 at Page 282 D.R.D.C.T., said nail also being on the southwest right-of-way line of Good-Latimer Expressway (a variable width right-of-way);

THENCE in a southwesterly direction, departing the southwest right-of-way line of said Good-Latimer Expressway and along the southwest line of said Tract “O,” the following:

South 53°05’14" West, a distance of 219.11 feet to the point of curvature of a corner to the left;

Along the arc of said curve to the left, through a central angle of 28°50’05", having a radius of 219.64 feet and an arc length of 111.05 feet to a 1/2-inch rod found for the end of said curve;

South 36°29’26" East, a distance of 29.78 feet to a 1/2-inch rod found for corner;

South 53°10’39" West, a distance of 424.89 feet to a corner;

South 36°45’09" East, a distance of 93.67 feet to a corner;

South 52°02’59" West, a distance of 350.00 feet to the south corner of said Tract “O,” same being on the northeast right-of-way line of Cesar Chavez Boulevard (formerly Central Expressway) (a variable width right-of-way);

THENCE in a northwesterly direction, along the southwest line of said Tract “O” and the northeast right-of-way line of said Cesar Chavez Boulevard (formerly Central Expressway), the following:

North 27°01’56" West, a distance of 201.55 feet to a chiseled cross found for the point of curvature of a curve to the left;

Along the arc of said curve to the left, through a central angle of 68°13’29", having a radius of 67.00 feet and an arc length of 79.78 feet to the chiseled cross found for the end of said curve;

North 24°20’27" West, a distance of 145.68 feet to a chiseled cross found for the point of curvature of a curve to the left;

Along the arc of said curve through a central angle of 06°14’28", having a radius of 424.70 feet and an arc length of 46.26 feet to a chiseled cross found for the end of said curve;

North 53°21’43" East, a distance of 93.54 feet to a 1/2-inch iron rod found for the point of curvature of a non-tangent curve to the left;

Along the arc of said curve to the left, through a central angle of 06°50’22", having a radius of 1071.00 feet, a chord bearing of North 82°15’38” West, a chord distance of 127.77 feet and an arc length of 127.85 feet to a chiseled cross found for the end of said curve, same being the south corner of a portion of Cesar Chavez Boulevard (formerly Central Expressway) as abandoned by aforesaid Ordinance No. 23588, recorded in Volume 98187 at Page 061815 D.R.D.C.T.;

THENCE North 36°50’27” West, along the southwest line of said abandonment, and along the current northwest right-of-way line of said Cesar Chavez Boulevard (formerly Central Expressway), a distance of 123.76 feet to the intersection of the northeast right-of-way line of said Cesar Chavez Boulevard (formerly
§ 51A-7.1601.1 Dallas Development Code: Ordinance No. 19455, as amended

Central Expressway) with the curving southeast right-of-way line of Marilla Street (a variable width right-of-way at this point) as described in a deed recorded in Volume 98183 at Page 05868 D.R.D.C.T., said curve being a curve to the right;

THENCE in a northeasterly direction, along the southeast right-of-way line of said Marilla Street, the following:

Along the arc of said curve to the right, through a central angle of 89°59'41", having a radius of 15.00 feet and an arc length of 23.56 feet to the point of tangency of said curve (Marilla Street being 58-foot-wide at this point);

North 53°09'14" East, a distance of 434.59 feet to the intersection of the southeast right-of-way line of said Marilla Street with the southwest right-of-way line of Farmers Market Way (a 58-foot-wide right-of-way);

THENCE South 36°50'46" East, along the southwest right-of-way line of said Farmers Market Way, a distance of 127.50 feet to the intersection of the southwest right-of-way line of said Farmers Market Way with the southeast right-of-way line of Taylor Street (a 58-foot-wide right-of-way);

THENCE North 53°09'14" East, along the southeast right-of-way line of said Taylor Street, a distance of 491.01 feet to the point of curvature of a curve to the right;

THENCE in a easterly direction, continuing along the southeast right-of-way line of said Taylor Street and along the arc of said curve to the right, through a central angle of 90°00'00", having a radius of 15.00 feet and an arc length of 23.56 feet to the point of tangency of said curve, same being on the northeast line of said Tract "O," said corner also being the intersection of the southeast right-of-way line of said Taylor Street with the southwest right-of-way line of aforesaid Good-Latimer Expressway;

THENCE South 39°14'11" East, along the northeast line of said Tract "O" and the southwest right-of-way line of said Good-Latimer Expressway, a distance of 411.92 feet to the POINT OF BEGINNING and containing 11.534 acres of land, more or less.

(b) Market Center Sign Subdistrict. The Market Center Sign Subdistrict is that area of the Farmers Market Sign District within the following described boundaries:

BEGINNING at the south corner of a corner clip in the northeast line of Harwood Street and the southwest line of City Block 131;

THENCE North 08°36'06" East, along said corner clip, a distance of 40.00 feet to a point for corner in the south line of said Marilla Street, said point being the north corner of said corner clip;

THENCE along the south line of Marilla Street the following calls;

North 74°47'11" East, a distance of 142.30 feet to a point for corner;

South 45°01'41" East, a distance of 1.11 feet to a point for corner;

North 78°16'02" East, a distance of 192.25 feet to a point for corner;

North 77°52'42" East, a distance of 87.67 feet to a point for corner;

North 74°22'09" East, a distance of 373.33 feet to a point for corner, in the southwest line of South Cesar Chavez Boulevard (a variable width right-of-way);

THENCE South 36°00'00" East, along the southwest line of said Cesar Chavez Boulevard, a distance of 601.81 feet to a point for corner;

THENCE South 32°25'25" East, a distance of 80.16 feet to a point for corner;
THENCE South 10°11'11" East, a distance of 220.32 feet to a point for corner in the south line of Gibson Street, abandoned by Ordinance;

THENCE South 45°34'13" West, along the south line of said abandoned Gibson Street, a distance of 89.59 feet to a point for corner;

THENCE South 71°04'56" West, a distance of 431.66 feet to a point for corner in the northeast line of aforementioned Harwood Street;

THENCE North 45°02'47" West, continuing along the northeast line of said Harwood Street, a distance of 733.28 feet to a point for corner;

THENCE North 45°01'41" West, continuing along the northeast line of said Harwood Street, a distance of 313.77 feet to the POINT OF BEGINNING and containing 15.03 acres or 654,661 square feet of land, more or less. (Ord. Nos. 24424; 29233; 29557)

SEC. 51A-7.1602. PURPOSE.

The purpose of this division is to promote signage that is compatible with the architectural character and design guidelines of the Farmers Market Planned Development District while encouraging artistic, creative, and innovative signs that are reflective of themes that have grown and developed in Farmers Market area. (Ord. Nos. 22097; 29233)

SEC. 51A-7.1603. DEFINITIONS.

(a) In this division:

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

(2) BANNER means a sign attached to or applied on a strip of cloth.

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

(4) DISTRICT IDENTIFICATION SIGN means an attached or detached sign identifying the Farmers Market.

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

(6) KIOSK means a detached multi-sided structure for the display of premise and non-premise signs.

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

(8) MONUMENT SIGN means a detached premise sign applied directly onto a grade-level support structure (instead of a pole support) with no separation between the sign and the ground, or mounted on a fence or masonry wall.

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

(10) ROOF SIGN means a sign that is attached to or supported by the roof of a building constructed after December 11, 2013.

(11) SUPERGRAPHIC SIGN means a large attached premise or non-premise sign on a mesh or fabric surface, or a projection of light image onto a wall face without the use of lasers.

(12) THIS DISTRICT means the Farmers Market Sign District.

(13) VIDEOBOARD SIGN means a flat screen that is capable of displaying moving images similar to television images, by light-emitting diode or other similar technology and that is mounted to the exterior of a building.
§ 51A-7.1603 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.1606

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

(b) Except as otherwise provided in this section, the definitions in Sections 51A-2.102 and 51A-7.102 apply to this division. If there is a conflict, this section controls. (Ord. Nos. 22097; 29233)

SEC. 51A-7.1604. SIGN PERMIT REQUIREMENTS.

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

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

(c) Section 51A-7.602 does not apply to signs in this district. (Ord. Nos. 22097; 29233)

SEC. 51A-7.1605 SPECIAL PROVISIONS FOR ALL SIGNS.

(a) Signs may be located within the right-of-way subject to the licensing requirements of Chapter XIV of the City Charter, Article VI of Chapter 43 of the Dallas City Code, the Dallas Building Code, and all other applicable laws, codes, ordinances, rules, and regulation.

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

(c) When more than 50 percent of the total effective area of all signs combined on a premise is devoted to artwork, the maximum effective area of all signs combined on a premise is 15 percent of the total area of all building facades facing public right-of-way that is adjacent to the premise.

(d) All signs must be premise signs or convey a noncommercial message.

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

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

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

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

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

(1) Metal.

(2) Glass.

(3) Wood. (Ord. Nos. 22097; 29233)

SEC. 51A-7.1606. SPECIAL PROVISIONS FOR ATTACHED SIGNS.

(a) In general. The regulations relating to the erection of attached signs in this district are expressly modified as follows:

(b) Attached signs in general.

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

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

Dallas City Code 621
§ 51A-7.1606 Dallas Development Code: Ordinance No. 19455, as amended

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

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

(c) Banners.

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

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

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

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

(e) Marquee signs.

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

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

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

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

(g) Camden Sign Subdistrict.

(1) No more than four attached signs are permitted in this subdistrict.

(2) No attached sign may exceed 50 square feet in effective area.

(3) Each attached sign may contain a maximum of eight words, except that words consisting of characters less than four inches in height may be used without limit.

(4) No more than two signs may be attached to any one facade.

(h) Attached movement control signs in the Camden Sign Subdistrict.

(1) No more than four attached movement control signs are permitted in this subdistrict.

(2) No attached movement control sign may exceed four square feet in effective area.

(3) No attached movement control sign may identify the name or logo of more than one occupant of the premise. (Ord. Nos. 22097; 24424; 29233)

SEC. 51A-7.1607 SPECIAL PROVISIONS FOR DETACHED SIGNS.

(a) In general. The regulations relating to the erection of detached signs in this district are hereby expressly modified as follows:

(1) Except as otherwise provided in this section, no premise having an attached sign of any type, except for banners, may have a detached sign.

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

(3) No detached sign support may be located in the public right-of-way.
§ 51A-7.1607  Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.1608

(b) Detached signs in the Camden Sign Subdistrict.

(1) No more than four detached signs are permitted in this subdistrict.

(2) Each detached sign must be:

(A) an integral part of the fence or wall; and

(B) constructed of masonry, stone, or similar material with metal letters and symbols.

(3) No minimum setback is required for each detached sign, except that each detached sign must comply with all visibility obstruction regulations.

(4) No detached sign may exceed 30 square feet in effective area.

(5) No detached sign may be closer than 200 feet from another detached premise sign on the same premise.

(6) A detached movement control sign may be located within a visibility triangle, as defined in Section 51A-4.602(d), if the director finds that the sign will not pose a traffic hazard. (Ord. Nos. 22097; 24424; 25047; 28073; 29233)

SEC. 51A-7.1608. SPECIAL PROVISIONS FOR THE MARKET CENTER SIGN SUBDISTRICT.

(a) In general.

(1) Except as otherwise provided in this section, the regulations in Sections 51A-7.1601 through 51A-7.1607 apply to the Market Center Sign Subdistrict. If there is a conflict between this section and Sections 51A-7.1601 through 51A-7.1607, this section controls.

(2) Permit applications are reviewed using the director procedure in Section 51A-7.505.

(3) Signs may be located within the right-of-way subject to the licensing requirements of Chapter XIV of the City Charter, Article VI of Chapter 43 of the Dallas City Code, the Dallas Building Code, and all other applicable laws, codes, ordinances, rules, and regulation.

(b) Special provisions for attached signs.

(1) Except district identification, roof, supergraphic, and videoboard signs, all attached signs must be premise signs.

(2) Attached signs may cover up to 50 percent of a building’s total facade area.

(3) Attached signs may not cover doors or windows.

(c) Special provisions for detached signs.

(1) Except detached movement control signs, district identification, and kiosk signs, all detached signs must be monument premise signs.
(2) Detached signs may be located on a premise with attached signs.

(3) A detached movement control sign is not a monument sign.

(d) District identification signs.

(1) A maximum of five district identification signs are permitted.

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

(A) Marilla Street and Pearl Street;
(B) Taylor Street and Cesar Chavez Boulevard;
(C) Taylor Street and Harwood Street; and
(D) Cesar Chavez Boulevard and Farmers Way.

(3) Minimum clearance for a district identification sign located over and spanning across a right-of-way must be determined by the director of the department of transportation before a district identification sign permit may be issued.

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

(5) One district identification sign may be located on top of a building at the southeast corner of Farmers Way and Pearl Street. Maximum height of the district identification sign on top of a building at the southeast corner of Farmers Way and Pearl Street is 30 feet.

(6) Maximum effective area of a district identification sign is 1,000 square feet.

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

(e) Kiosks.

(1) A maximum of 10 kiosks are permitted.

(2) Except city kiosks, kiosks may not be located in the rights-of-way.

(3) Kiosks must be spaced at least 50 feet from another kiosk.

(4) Kiosks may not be illuminated by a detached independent external light source.

(5) Kiosks may not exceed 10 feet in height and 100 square feet in effective area.

(f) Monument signs.

(1) A maximum of five monument signs are permitted.

(2) Maximum effective area of a monument sign is 50 square feet.

(3) Maximum height of a monument sign is 15 feet.

(4) No monument sign may be closer than 200 feet from another monument sign on the same premise.

(g) Roof signs.

(1) A maximum of two roof signs are permitted.

(2) A roof sign may not be located on the same building as another roof sign.
(3) A roof sign may not exceed 1,200 square feet in effective area.

(4) At least 15 percent of the effective area of a roof sign must identify the Farmers Market.

(5) A roof sign must comply with the Dallas Fire Code and must be approved by the fire marshal before a sign permit may be approved by the director.

(h) **Supergraphic signs.**

(1) **In general.**

(A) Two supergraphic signs are permitted in addition to the number of supergraphic signs permitted in Section 51A-7.930.

(B) Supergraphic signs may be located on the facade of any building.

(2) **Visual display and coverage.**

(A) Except as provided in this subparagraph, a supergraphic sign must have one large visual display with a minimum of 80 percent non-textual graphic content (no more than 20 percent text).

(i) Multiple displays giving an appearance of multiple signs are prohibited.

(ii) The effective area of text is the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word.

(B) Supergraphic signs are intended to be creative and artful and not strictly a representation of an advertised product. It is the intent of this provision to:

(i) encourage the use of illustrative images or other non-repetitive design elements;

(ii) encourage visually interesting, vibrant, and colorful designs;

(iii) discourage use of solid colors or repetitive design elements; and

(iv) discourage an image of a single product or product logo without other graphic elements.

(C) Supergraphic signs may be internally or externally illuminated. If internally illuminated, a supergraphic sign may consist of translucent materials, but not transparent materials.

(3) **Extensions.**

(A) Except as otherwise provided in Subparagraph (B), a supergraphic sign may not extend beyond the edge of the face of the building to which it is attached.

(B) A supergraphic sign may wrap around the edge of a building if:

(i) both building facades to which the supergraphic sign is attached are otherwise eligible facades; and

(ii) the supergraphic sign is one continuous image.

(4) **Message duration.** A supergraphic sign location may not display the same message for more than four consecutive months in any 12-month period.

(5) **Hardware fasteners.** All hardware fasteners for a supergraphic sign must comply with the Dallas Building Code and all other ordinances, rules, and regulations of the City of Dallas.

(6) **HBA signs prohibited.** No supergraphic sign may be a Highway Beautification Act (HBA) sign as defined in Section 51A-7.102.
§ 51A-7.1608 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.1608 Videoboard signs.

1. In general.

(A) A maximum of two videoboard signs are permitted.

(B) Videoboard signs must have a vertical orientation with height exceeding the width at a minimum 16:9 height-to-width ratio.

(C) Videoboard signs may project a maximum of 12 feet into the right-of-way:

(i) subject to review by the traffic engineer to ensure that the sign will not pose a traffic hazard or visibility obstruction; and

(ii) provided that no videoboard sign may be project closer than two feet to a vertical plane extending through the back of a street curb.

(D) Videoboard signs must have a minimum clearance of 15 feet above the sidewalk and a maximum clearance of 35 feet above the sidewalk.

(E) Videoboard signs must have videoboard displays on both sides of the sign.

(F) Videoboard signs may have a maximum 150 square feet in effective area.

2. Display.

(A) All videoboard signs must:

(i) contain a default mechanism that freezes the image in one position in case of a malfunction;

(ii) automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:

(aa) the ambient light level measured in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then,

(bb) the dimming level, multiplied by .0039 equals the brightness level; then,

(cc) the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed sign brightness, measured in nits. For example:

\[
\frac{32768}{256} = 128 = \text{dimming level} \\
128 \times .0039 = 0.4992 = \text{brightness level} \\
0.4992 \times 9000 = 4492.8 = \text{allowed brightness in nits}
\]

(dd) be turned off between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and

(ee) not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

(B) Videoboard signs must:

(i) have a full color display able to display a minimum of 281 trillion color shades; and

(ii) be able to display a high quality image with a minimum resolution equivalent to the following table:

<table>
<thead>
<tr>
<th>Video board Sign Resolution Chart</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 s/f to 125 s/f</td>
</tr>
<tr>
<td>Greater than 126 s/f</td>
</tr>
</tbody>
</table>

3. Light intensity. Before the issuance of a videoboard sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity:
(A) has been factory programmed to comply with the maximum brightness and dimming standards in Provision (j)(2)(A)(ii)(cc); and

(B) is protected from end-user manipulation by password-protected software, or other method satisfactory to the building official.

(4) Change of message. Except as provided in this paragraph, changes of message must comply with the following:

(A) Each message must be displayed for a minimum of eight seconds.

(B) Changes of message must be accomplished within two seconds.

(C) Changes of message must occur simultaneously on the entire sign face.

(D) No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.

(5) Streaming information. If a special events permit has been issued for subdistrict activities, streaming video and audio is permitted, except that ticker tape streaming is permitted at all times when the videoboard sign is operating. Ticker tape streaming must be located within the bottom 10 percent of the effective area.

(6) Malfunction. Videoboard sign operators must respond to a malfunction or safety issue within one hour after notification.

(j) Detached movement control signs in the Market Center Sign Subdistrict.

(1) A maximum of five detached movement control signs may be erected in this subdistrict.

(2) No minimum distance is required between a detached movement control sign and any other sign in this subdistrict.
§ 51A-7.1700 Dallas Development Code: Ordinance No. 19455, as amended

Division 51A-7.1700.
Provisions for Victory Sign District.

SEC. 51A-7.1701. DESIGNATION OF VICTORY SIGN DISTRICT.

(a) A special provision sign district is hereby created to be known as the Victory Sign District.

(b) Any portion of this district that was formerly part of the Downtown Special Provision Sign District is no longer considered to be part of that district. This division completely supersedes Division 51A-7.900 with respect to the property within this district.

(c) This district is that area of the city within the boundaries described in Exhibit A attached to Ordinance No. 30043, passed by the Dallas City Council on March 23, 2016. (Ord. Nos. 24348; 25918; 30043)

SEC. 51A-7.1702. DESIGNATION OF SUBDISTRICTS.

(a) This district is hereby divided into four subdistricts: Subdistricts A, B, C, and D. Subdistrict B has three subareas, B-1, B-2, and B-3. Subdistrict C has two tracts. Subdistrict D has one subarea, D-1.

(b) The subdistrict boundaries are described in Exhibit B attached to Ordinance No. 30043, passed by the Dallas City Council on March 23, 2016. (Ord. Nos. 24348; 25918; 30043)

SEC. 51A-7.1703. PURPOSE.

(a) The purpose of these sign regulations is to encourage and regulate the erection and display of signs that will create a unique, lively, and commercially-active environment that is bright and safe, and that incorporates diverse, state-of-the-art graphic technologies.

(b) These sign regulations have been developed to achieve the following objectives in this district:

(1) To create an atmosphere of vitality appropriate for a place where thousands of citizens gather for entertainment and celebration.

(2) To encourage the use of signs that are innovative, colorful, and entertaining, and that bring a distinctive character to this district.

(3) To identify and promote special events and cultural activities that will occur in this district.

(4) To encourage signs with a style, orientation, and location that take into consideration the high number of pedestrians expected within this district.

(5) To communicate clear directions to and through this district.

(6) To promote the economic success of businesses in this district. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1704. DEFINITIONS.

(a) In this division:

(1) ADVERTISE means to attract, or to attempt to attract, the attention of any person to any business, accommodations, goods, services, property, or commercial activity.

(2) ATTACHED SIGN means any sign attached to, applied on, or supported by, any part of a building (such as a wall, parapet, roof, window, canopy, awning, arcade, or marquee) that encloses or covers usable space, and any sign attached to, applied on, or supported by, mounted antennas, water reservoirs on buildings, chimneys, and visual screens that surround roof-mounted equipment. For the following signs, the term attached sign also means any sign attached to, applied on, or supported by the exterior structural framing of a building or...
architectural elements of a building, whether or not the exterior structural framing or architectural elements enclose or cover usable space:

(A) Signs on buildings adjacent to an entertainment complex plaza.

(B) A hotel spectacular sign as described in Section 51A-7.1727(d).

(3) AWNING SIGN means a sign that is attached to or applied or painted on an awning.

(4) BANNER means a sign attached to or applied on a strip of cloth, vinyl, or similar material and attached to a building or structure. Canopy signs and flags are not banners.

(5) BLOCK means an area bounded by streets on all sides.

(6) BLOCKFACE means all of the premises on one side of a block.

(7) BUILDING means a structure that has a roof supported by columns, walls or air for the shelter, support, or enclosure of persons, animals or chattel.

(8) CANOPY SIGN means a sign attached to, applied on, or supported by a canopy.

(9) CHANGEABLE MESSAGE SIGN means a sign displaying static or moving images (similar to television images) that may display different designs, messages, or advertisements and that may include LED/LCD elements, slide lettering, slated rotating surfaces, or other changeable message technology.

(10) CHARACTER means any letter of the alphabet or numeral.

(11) CITY means the city of Dallas, Texas.

(12) COMMERCIAL MESSAGE means a message placed or caused to be placed before the
Dallas Development Code: Ordinance No. 19455, as amended

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§ 51A-7.1704  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-7.1704

public by a person or business enterprise directly involved in the manufacture or sale of the products, property, accommodations, services, attractions, or activities or possible substitutes for those things which are the subject of the message and that:

(A) refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions, or activities; or

(B) attracts attention to a business or to products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire.

(13) COMMISSION means the city plan commission of the city of Dallas.

(14) DETACHED SIGN means any sign connected to the ground that is not an attached, portable, or vehicular sign.

(15) DIRECTOR means the director of planning and development of the city or that director’s designated representative.

(16) DISTRICT ACTIVITIES means: (A) the name, trade name, or logo of the owner or occupant of any premise within this district; (B) the identification of any premise within this district; (C) any accommodations, services, or activities offered or conducted, other than incidentally, on any premise within this district; (D) products sold, other than incidentally, on any premise within this district; and (E) the sale, lease, or construction of any premise within this district.

(17) EFFECTIVE AREA means the following:

(A) For marquee and other changeable message signs and detached signs other than monument signs, the area within a minimum imaginary rectangle of vertical and horizontal lines that fully contains all extremities of the sign, excluding its supports, mast, and finial that does not include patterns, characters, logos, or illustrations. The rectangle is calculated from an orthographic projection of the sign viewed horizontally. The viewpoint for this projection that produces the largest rectangle must be used. If elements of the sign are moveable or flexible, such as a flag or a string of lights, the measurement is taken when the elements are fully extended and parallel to the plane of view. If an attached sign moves or rotates, the sign's effective area shall be measured when the sign is stationary and shall not be based on the entire area within which the sign moves or rotates.

(B) For monument signs and attached signs other than marquee and other changeable message signs, the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word, excluding a mast and finial that does not include patterns, characters, logos, or illustrations. If a design, outline, illustration, or interior illumination surrounds or attracts attention to a word, then it is included in the calculation of the effective area. An awning or canopy is not included in the calculation of the effective area.

(17.1) ENHANCED BANNER SIGN means a district identification sign consisting of a pole displaying banners and elements that display the name or logo of the district.

(18) ENTERTAINMENT COMPLEX means a public, multi-use sports, entertainment, and convention facility with a seating capacity of at least 15,000, where people view and participate in events and performances, including, but not limited to, theatrical, musical and dramatic performances, professional or amateur sporting events, and meetings and assemblages.

(19) ENTERTAINMENT COMPLEX PLAZA means any outdoor area (whether publicly or privately owned) that is accessible to the public, and that is: (A) at least 10,000 square feet in size; (B) adjacent to an entertainment complex; or (C) within 300 feet of, and has direct pedestrian access to, an entertainment complex. Direct pedestrian access includes, but is not limited to, access across public or private streets.
(20) ERECT means to build, attach, hang, place, suspend, fasten, affix, maintain, paint, draw, or otherwise construct.

(21) EXPRESSWAY means Interstate Highway 35E and Woodall Rodgers Freeway.

(22) EXPRESSWAY-FACING FACADE means a facade that is parallel to or within 45° of the travel lanes of an expressway.

(23) FACADE means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space, chimneys, roof-mounted equipment, mounted antennas, or water towers. Where separate faces are oriented in the same direction or in directions within 45° of one another, they are to be considered as part of a single facade. A roof is not a facade or part of a facade. Multiple buildings on the same lot will each be deemed to have separate facades. For purposes of these sign regulations, each 250 linear feet, or fraction thereof, of an expressway-facing facade in Subdistrict C is deemed to be a separate facade. For signs located on buildings adjacent to an entertainment complex plaza and the hotel spectacular sign, as described in Section 51A-7.1727(d), the term facade includes the exterior structural framing of a building or architectural elements of the building, whether or not the exterior structural framing or architectural element encloses or covers usable space.

(23.1) FINIAL means a single stationary ornamental element above a sign that may include a light.

(24) FLAT ATTACHED SIGN means an attached sign projecting 18 inches or less from a building.

(25) GOVERNMENT SIGN means a flag, insignia, legal notice, informational, directional, traffic, or safe school zone sign which is legally required or necessary to the essential functions of government agencies.

(26) HEIGHT, as applied to a sign, means the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and a level plane going through the nearest point of the vehicular traffic surface of the adjacent improved public right-of-way, other than an alley. In the event a sign is equidistant from more than one improved public right-of-way, none of which are alleys, the highest point shall be used.

(27) HIGHWAY BEAUTIFICATION ACT (HBA) SIGN means a non-premise sign that is within 660 feet of an expressway right-of-way and whose message is visible from the main traveled way of that expressway.

(28) ILLUMINATED SIGN means any sign that is directly lighted by any electrical light source, internal or external. This definition does not include signs that are illuminated by street lights or other light sources owned by any public agency or light sources that are specifically operated for the purpose of lighting the area in which the sign is located rather than the sign itself.

(29) KIOSK means a multi-sided structure for the display of premise and non-premise signs. Kiosks may be changeable message signs.

(30) LUMINANCE means the brightness of a sign or a portion thereof expressed in terms of footlamberts. For purposes of this division, luminance is determined by the use of an exposure meter calibrated to standards established by the National Bureau of Standards and equipped with a footlambert scale.

(31) MARQUEE SIGN means a changeable message sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building.

(31.1) MAST means an upright pole that supports a sign and may extend above the sign.
(32) MONUMENT SIGN means a detached sign applied directly onto a grade-level support structure (instead of a pole support) with no separation between the sign and grade.

(33) MOVEMENT CONTROL SIGN means a sign that directs vehicular and pedestrian movement within this district or to the West End Historic District.

(34) NONCOMMERCIAL MESSAGE means any message that is not a commercial message. News messages such as stock quotes, scores from sporting events, and news bulletins are noncommercial messages.

(35) NON-PREMISE SIGN means any sign that is not a premise sign.

(36) OCCUPANCY means the purpose for which a building is used or intended to be used. The term also includes the building or room housing such use.

(37) ONE SIGN means any number of detached signs structurally connected above grade.

(38) PARAPET SIGN means a projecting attached sign erected on or attached to the eaves or edge of the roof or on a parapet. A parapet sign is not a roof sign.

(38.1) PARKING STRUCTURE SCREENING SIGN means an attached sign located on a parking structure intended to be creative and artful by use of visually interesting, vibrant, and colorful designs with promotional messages limited to the name or logo of the district or athletic team names, players, or logos.

(39) PERMANENT SIGN means any sign that is not a temporary sign as defined in this section or a sign permitted pursuant to Sections 51A-7.1716 through 51A-7.1722 of this division.

(40) PORTABLE SIGN means any sign that is not securely connected to the ground in such a way that it cannot easily be moved from one location to another and that is not an attached sign, vehicular sign, or a sign that refers solely to the sale or lease of the premises.

(41) PREMISE means a lot or unplatted tract that is reflected in the plat books of the building inspection division of the city. Refer to Section 51A-7.1709 of this division.

(42) PREMISE SIGN means any sign the content of which relates to the premise on which it is located and refers exclusively to:

(A) the name, trade name, or logo of the owner or occupant of the premise or the identification of the premises;

(B) accommodations, services, or activities offered or conducted on the premise;

(C) products sold, other than incidentally, on the premise if no more than 70 percent of the sign is devoted to the advertisement of products by brand name or symbol; or

(D) the sale, lease, or construction of the premise.

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

(44) PROMOTIONAL MESSAGE means a message that identifies, promotes, or advertises a cultural activity within this district, any event being conducted, in whole or in part, in an entertainment complex or entertainment complex plaza within this district, any special event being conducted in this district, or any other event that will benefit the city. Benefit to the city is established by:

(A) use of city property in accordance with a contract, license, or permit;

(B) the receipt of city monies for the activity or event; or
§ 51A-7.1704 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.1704

(C) an ordinance or resolution of the city council that recognizes the activity or event as benefiting the city.

(45) PROTECTIVE SIGN means any sign that is commonly associated with safeguarding the permitted uses of the occupancy, including, but not limited to “bad dog,” “no trespassing,” and “no solicitors.”

(46) PUBLIC AREA means any publicly or privately-owned outdoor area that is accessible to the public.

(47) ROOF SIGN means a sign that is attached to or supported by the roof of a building.

(48) SAFE SCHOOL ZONE SIGN means a government sign:

(A) to be placed in the public right-of-way at the direction of a school district;

(B) indicating a safe school hotline number, or an alcohol-free, gun-free, or drug-free zone for a school; and

(C) erected to give notice of these zones in order to aid in the enforcement of state or federal laws involving violation of certain crimes in proximity of a school.

(49) SETBACK means the distance between a sign and the nearest public right-of-way line. An alley is not considered to be public right-of-way for the purpose of calculating a setback. Where a public way crosses a railroad right-of-way, the setback is measured from the public right-of-way line extended across the railroad right-of-way.

(50) SIGN means any device, flag, light, figure, picture, letter, word, message, symbol, plaque, poster, display, design, painting, drawing, billboard, wind device, or other thing visible from outside the premise on which it is located and that is designed, intended, or used to inform or advertise to persons not on that premise. This definition does not include:

(A) searchlights and landscape features that display no words or symbols;

(B) works of art that are not designed, intended, or used to advertise; or

(C) temporary holiday decorations.

(51) SIGN HARDWARE means the structural support system for a sign, including the fastening devices that secure the sign to a building facade or pole.

(52) SIGN SUPPORT means any pole, post, strut, cable, or other structural fixture or framework necessary to hold and secure a sign, providing that the fixture or framework is not imprinted with any picture, symbol, or word using characters in excess of one inch in height, nor is internally or decoratively illuminated.

(53) SPECIAL EVENT means a temporary event or gathering, including a special event parade, using either private or public property, in which the estimated number of participants and spectators exceeds 75 during any day of the event and that involves one or more of the following activities, except when the activity is for construction or housemoving purposes only:

(A) Closing of a public street.

(B) Blocking or restriction of public property.

(C) Sale of merchandise, food, or beverages on public or private property.

(D) Erection of a tent on public or private property.
(E) Installation of a stage, bandshell, trailer, van, portable building, grandstand, or bleachers on public or private property.

(F) Placement of portable toilets on public or private property.

(54) SPECIAL EVENT PARADE means the assembly of three or more persons whose gathering is for the common design of traveling or marching in procession from one location to any other location for the purpose of advertising, promoting, celebrating, or commemorating a thing, person, date, or event that is not directly related to the expression of feelings and beliefs on current political, religious, or social issues.

(55) SPECIAL PURPOSE SIGN means a sign temporarily supplementing the permanent signs on a premise.

(56) TEMPORARY SIGN means a sign erected for a limited time that identifies an event or activity of limited duration. Examples include signs advertising the sale or lease of property, construction activity in progress, or a concert or other cultural event.

(57) THIS DISTRICT means the Victory Sign District.

(58) VEHICULAR SIGN means any sign on a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition does not include signs that are being transported to a site of permanent erection.

(60) WELCOME MESSAGE means a message that identifies and greets heads of state; foreign dignitaries; groups using city property in accordance with a contract, license, or permit; or government organizations.

(61) WIND DEVICE means any flag, banner, pennant, streamer, or similar device that moves freely in the wind.

(62) WORD: For purposes of this division, each of the following is considered to be one word:

(A) Any word in any language found in any standard unabridged dictionary or dictionary of slang.

(B) Any proper noun or any initial or series of initials.

(C) Any separate character, symbol or abbreviation such as “&”, “$”, “%”, and “Inc.”.

(D) Any telephone number or commonly used combination of numerals and symbols such as “$5.00” or “50%”.

(E) Any internet website, network, or protocol address, domain name, or universal record locator.

(F) Any symbol or logo that is a registered trademark but which itself contains no word or character.

A street number is not considered to be a word. (Ord. Nos. 24348; 25047; 25918; 30043)

SEC. 51A-7.1705. APPLICABILITY OF HIGHWAY BEAUTIFICATION ACTS.

For purposes of applying the Federal and Texas Highway Beautification Acts, this district is considered to be a commercial zoning district. (Ord. Nos. 24348; 25918)
SEC. 51A-7.1706. VICTORY DISTRICT SIGN PERMIT REQUIREMENTS.

(a) In general. Except as provided in this subsection, a person shall not alter, place, maintain, expand, or remove a sign in this district without first obtaining a sign permit from the city. A sign permit is not required to:

(i) Erect an illuminated projection sign in accordance with Section 51A-7.1727(i).

(ii) Change the text on a changeable message sign or a kiosk.

(iii) Erect or replace a banner using the existing sign hardware. A sign permit is required to install sign hardware for a banner.

(b) Sign permit procedures. Except as provided in Subsection (c) below, the procedures for obtaining a sign permit in Division 51A-7.600 apply in this district.

(c) Roof Signs in Subdistrict B.

(i) Certificate of appropriateness required. No sign permit may be issued to authorize a roof sign in Subdistrict B unless the commission has first issued a certificate of appropriateness in accordance with this subsection.

(ii) Application for a roof sign. When applying for a roof sign in Subdistrict B, the applicant shall submit an application to the building official. After determining that the proposed roof sign conforms with all building, electrical, and mechanical codes and all sign regulations in this ordinance, the building official shall forward a copy of the application to the director within five working days of its receipt. The applicant shall provide the building official and the director with specific information in the form of perspectives, renderings, photographs, models, or other representations sufficient to show the nature of the proposed sign and its effect on the building on which it is located as well as its effect on surrounding premises.

Any applicant may request a meeting with the director before submitting an application and may consult with the director during the review of the permit application.

(iii) Review of application by director. The director shall review the application and make a recommendation within 10 days of its receipt. In reviewing an application, he shall first consider whether the applicant has submitted sufficient information to allow an informed decision. If he finds that the proposed roof sign is consistent with the special character of this district, he shall make a recommendation of approval to the commission. The director shall consider the proposed sign in terms of its appropriateness for this district without regard to any consideration of the message conveyed by the sign. After consideration of these factors, the director shall recommend approval or denial of the application and forward that recommendation to the commission.

(iv) City plan commission review. Upon receipt of a recommendation by the director, the commission shall hold a public hearing to consider the application. At least 10 days before the hearing, notice of the date, time, and place of the hearing, the name of the applicant, and the location of the proposed roof sign must be published in the official newspaper of the city. In addition, the building official shall serve, by hand-delivery or mail, a written notice to the applicant that contains a reference to this subsection, and the date, time, and location of the hearing. A notice sent by mail is served by depositing it properly addressed and postage paid in the United States mail. In making its decision, the commission shall consider the same factors that were required to be considered by the director in making his recommendation. If the commission approves the application, it shall forward a certificate of appropriateness to the building official within 15 days of the date of its approval. If the commission denies the application, it shall so inform the building official in writing. The building official shall advise the applicant of the denial within five working days of the date of receipt of the written notice from the commission. If the commission does
§ 51A-7.1706 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.1707. IMITATION OF TRAFFIC AND EMERGENCY SIGNS PROHIBITED.

No person shall cause to be erected or maintained any sign using any combination of forms, words, colors, or lights that imitate standard public traffic regulatory, emergency signs, or signals. (Ord. Nos. 24348; 25918)

§ 51A-7.1708. OTHER CODES NOT IN CONFLICT, APPLICABLE.

All signs erected or maintained pursuant to the provisions of this division shall be erected and maintained in compliance with all applicable state laws and with the building code, electrical code, and other applicable ordinances of the city. In the event of conflict between this division and other laws, the most restrictive standard applies. (Ord. Nos. 24348; 25918)

§ 51A-7.1709. CREATION OF SITE.

Except for signs located wholly within the public right-of-way, the building official shall not issue a permit for construction, erection, placement, or maintenance of a sign until a site is established in one of the following ways:

(1) A lot is part of a plat which is approved by the city plan commission and filed in the plat records of Dallas County, Texas.

(2) Tracts that are governed by a detached sign unity agreement in accordance with Section 51A–7.1710. (Ord. Nos. 24348; 25918)

§ 51A-7.1710. DETACHED SIGN UNITY AGREEMENTS.

(a) The building official may authorize the dissolution of common boundary lines between lots for the limited purpose of allowing those lots to be considered one premise for the erection of detached signs if a written agreement is executed in accordance with this section on a form provided by the city.

(b) The agreement must:

(1) contain legal descriptions of the properties sharing the common boundary line(s);

(2) set forth adequate consideration between the parties;

(3) state that all parties agree that the properties sharing the common boundary line(s) may be collectively treated as one lot for the limited purpose of erecting detached signs;

(4) state that the dissolution of the common boundary line(s) described in the agreement is only for
§ 51A-7.1710 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.1710

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 Dallas County, Texas;

(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 Dallas County, Texas.

(c) The building official shall approve an agreement if all properties governed by the agreement fully comply with the regulations in this division.

(d) An agreement shall not be considered effective until a true and correct copy of the approved agreement is filed in the deed records in accordance with this section and two file-marked copies of the agreement are filed with the building official.

(e) An agreement may only be amended or terminated by a written instrument that is executed in accordance with this subsection on a form provided by the city. The instrument must be:

(1) 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;

(2) approved by the building official;

(3) approved as to form by the city attorney; and

(4) filed and made a part of the deed records of Dallas County, Texas.

The building official shall approve an instrument amending or terminating an agreement if all properties governed by the agreement fully comply with the regulations in this division. The amending or terminating instrument shall not be considered effective until it is filed in the deed records in accordance with this subsection and two file-marked copies are filed with the building official.

(f) No detached non-premise sign may be erected or maintained on a property that is described in an agreement executed in accordance with this section. (Ord. Nos. 24348; 25918)
§ 51A-7.1711 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-7.1714

SEC. 51A-7.1711. GENERAL MAINTENANCE.

(a) In general. Sign and sign supports must be maintained in a state of good repair and neat appearance at all times.

(b) Revocation of permit.

(1) The building official shall revoke, in writing, the sign permit for a sign if it has for a period of one year:

(A) displayed obsolete advertising matter;

(B) been without advertising matter; or

(C) been damaged in excess of 50 percent of the cost of replacement of the sign.

(2) The owner of the sign is liable to the city for a civil penalty in the amount of $200 a day for each calendar day that the sign is maintained without a required permit. The building official shall give written notice to the property owner of the amount owed to the city in civil penalties, and shall notify the city attorney of any unpaid civil penalty. The city attorney shall collect unpaid civil penalties in a suit on the city’s behalf.

(3) The civil penalty provided for in Paragraph (2) is in addition to any other enforcement remedy the city may have under city ordinances and state law. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1712. GOVERNMENT SIGNS.

(a) Except as provided in Subsection (b), nothing in this division shall be construed to regulate the display of a government sign.

(b) Safe school zone signs must satisfy the following requirements.

(1) Each sign must be erected within 600 feet of a school.

(2) No sign may exceed five square feet in effective area.

(3) At least 80 percent of the effective area of each sign must be devoted to a governmental message.

(4) Up to 20 percent of the effective area of each sign may be devoted to the identification of a sponsor. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1713. SIGNS OVER THE PUBLIC RIGHT-OF-WAY.

(a) Signs may be located in or project over the public right-of-way, including, but not limited to, sidewalks, subject to the licensing and franchise requirements of Chapter XIV of the city charter, Article VI of Chapter 43 of the Dallas City Code, as amended, and the requirements of this section.

(b) The traffic engineer shall review the location of any sign located in or overhanging the public right-of-way to ensure that the sign will not pose a traffic hazard or visibility obstruction. (Ord. Nos. 24348; 25918; 28424)

SEC. 51A-7.1714. COMMERCIAL VERSUS NONCOMMERCIAL MESSAGES.

(a) Notwithstanding any other provision of this ordinance, any sign that may display a commercial message may also display a noncommercial message, either in place of or in addition to the commercial message, so long as the sign complies with other requirements of this ordinance that do not pertain to the content of the message displayed.
(b) Notwithstanding any other provision of this ordinance, any sign that may display one type of noncommercial message may also display any other type of noncommercial message, so long as the sign complies with other requirements of this ordinance that do not pertain to the content of the message displayed. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1715. PREMISE VERSUS NON-PREMISE ADVERTISEMENT.

Notwithstanding any other provision of this ordinance, any sign that may display non-premise advertisement may display premise advertisement in place of the non-premise advertisement, so long as the sign complies with other requirements of this ordinance that do not pertain to the content of the message displayed. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1716. MOVEMENT CONTROL SIGNS.

In addition to all other signs permitted in this ordinance, movement control signs are permitted subject to the following provisions:

(1) Movement control signs must direct vehicular or pedestrian movement within this district or to the West End Historic District and may include the name or logo of any premise located in this district or the name or logo of the West End Historic District.

(2) Except as provided in this paragraph, no movement control sign may exceed 30 square feet in effective area.

(A) Four movement control signs may have a maximum effective area of 60 square feet.

(B) One movement control sign exceeding 30 square feet in effective area may be located at each of the following intersections:

(i) Victory Avenue and Victory Avenue West;

(ii) Olive Street and Houston Street;

(iii) Continental Avenue and Victory Avenue; and

(iv) Houston Street and Victory Avenue West.

(3) Movement control signs may be attached or detached signs and may be erected on any premise without limit as to number.

(4) Movement control signs may be changeable message signs when the messages are limited to directing vehicular movement, including but not limited to the availability and amount of parking, price of parking, and the name of the parking business. (Ord. Nos. 24348; 25918; 30043)

SEC. 51A-7.1717. SIGNS IN PUBLIC PLACES.

In addition to all other signs permitted in this ordinance, an unlimited number of signs that only identify the name or logo of this district may be located on or incorporated into manhole covers, street light poles, sidewalks, benches, trash receptacles, and other improvements in public areas. No such sign, however, may exceed one square foot in effective area or contain more than three words. (Ord. Nos. 24348; 25918; 30043)

SEC. 51A-7.1718. PROTECTIVE SIGNS.

(a) The occupant of a premise may erect not more than two protective signs, in accordance with the following provisions:

(1) No sign may exceed 100 square inches in effective area.
§ 51A-7.1718 Dallas Development Code: Ordinance No. 19455, as amended

(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 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.
§ 51A-7.1720  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-7.1720

(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 in this ordinance, 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 director shall serve a written notice for the purpose of authorizing the erection of signs in accordance with this section. The written notice may be hand-delivered, sent by mail, or published in the official newspaper of the city. In order to validly authorize a sign under this section, the notice must:

(1) contain a reference to or copy of this section;

(2) describe with specificity the portion of the street that is or will be under construction;

(3) contain estimated commencement and completion dates for the construction; and

(4) contain a statement that no sign may be erected or maintained on a premise:

(A) more than five days before the estimated construction commencement date stated in the notice; or

(B) more than five days after the estimated construction completion date stated in the notice.

(e) Time period when sign authorized. This section only authorizes signs to be placed on property adjacent to that portion of a street described in the notice given pursuant to Subsection (d) during the time period beginning five days before the estimated construction commencement date stated in the notice and ending five days after the estimated construction completion date stated in the notice. No sign may be erected or maintained on a premise:

(1) more than five days before the estimated construction commencement date stated in the notice; or

(2) more than five days after the estimated construction completion date stated in the notice.

The director may change the time period for erecting and maintaining signs under this section at any time by giving a new notice in accordance with Subsection (d).

(f) Physical requirements for sign. All signs must comply with the following paragraphs:

(1) No more than two signs may be erected on a premise. No more than one sign may be erected at any motor vehicle entrance to a premise.

(2) No setback is required for a sign; however, no sign may be located in a public right-of-way. If a sign is placed in a visibility triangle as defined in Section 51A-4.602(d), it shall be a defense to prosecution under that section that the sign does not constitute a traffic hazard.
(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; 25918)

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.

(Ord. Nos. 24348; 25047; 25918; 30239; 30654)
§ 51A-7.1722 Dallas Development Code: Ordinance No. 19455, as amended

(iv) The maximum effective area for a monument sign is 150 square feet and the sign may not exceed 10 feet in height.

(B) Banners attached to pole supports. No maximum number of banners attached to pole supports. The following additional restrictions apply:

(i) Banners and hardware must meet the sign construction and design standards contained in the Dallas Building Code and be constructed of weather-resistant and rust-proof material.

(ii) Maximum height, including masts and finials, is 36 feet.

(iii) Banners must be between 12 feet and 30 feet above grade, excluding masts and finials.

(iv) Maximum projection for banners is three feet from the pole on which it is mounted.

(v) Maximum effective area for individual banners is 50 square feet.

(C) Enhanced banner signs.

(i) In addition to the banners and elements allowed in Subparagraph B, enhanced banner signs may have one each of the following elements located between 12 feet and 30 feet above grade:

(aa) A vertically oriented illuminated blade cabinet that contains the logo or name of the district with a maximum effective area of 40 square feet with a maximum projection of three feet from the pole on which it is mounted.

(bb) A horizontal element that contains the logo or name of the district with a maximum effective area of 10 square feet and a maximum projection of six feet from the pole on which it is mounted.

(ii) A maximum of one enhanced banner sign is allowed per blockface. Enhanced banner signs are limited to the following locations:

(aa) The southwest corner of Houston Street and Olive Street;

(bb) The southwest corner of Victory Park Lane and Olive Street;

(cc) The southwest corner of Houston Street and Museum Way;

(dd) The northeast corner of Victory Park Lane and High Market Street;

(ee) The northeast corner of Houston Street and High Market Street;

(ff) The northwest corner of Victory Park Lane and High Market Street;

(gg) The northwest corner of Houston Street and Lamar Street;

(hh) The southeast corner of Victory Avenue and Olive Street; and

(ii) The southeast corner of Victory Avenue and High Market Street.

(3) In Subdistrict C, the only district identification signs permitted are one monument sign and banners attached to pole supports. If the sign is a monument sign, the sign may not exceed 10 feet in height or have an effective area greater than 150 square feet. If the sign is a banner, the banner and its hardware must:

(A) meet the sign construction and design standards contained in the Dallas Building Code;

(B) be at least 12 feet but no more than 25 feet above grade;
§ 51A-7.1722  Dallas Development Code: Ordinance No. 19455, as amended

(C) not project more than three feet from the pole on which it is mounted;

(D) not exceed 50 square feet in effective area; and

(E) be made out of weather-resistant and rust-proof material. (Ord. Nos. 24348; 25918; 30043)

SEC. 51A-7.1723. DETACHED SIGNS IN ACCESS EASEMENTS.

(a) No more than 10 permanent, non-premise detached signs may be located in access easements in this district.

(b) No permanent sign in an access easement may exceed five words or be a changeable message sign.

(c) These signs may only identify district activities. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1724. STREAMERS, PENNANTS, AND INFLATABLE SIGNS PROHIBITED.

Streamers, pennants, and inflatable signs, including, but not limited to, balloons, are prohibited in this district. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1725. GENERAL PROVISIONS FOR ALL SIGNS.

Unless otherwise stated, the following general rules apply to all signs in this district.

(1) All signs must comply with Divisions 51A-7.500, 51A-7.600, 51A-7.800, and 51A-7.1700. No other division of Article VII applies to a sign in this district.

(2) There are no setback requirements for a sign in this district.

(3) All signs in this district must be premise signs or convey a noncommercial message.

(4) No sign may be painted onto the roof of a building, and no flat attached sign is permitted on the roof of a building.

(5) No illuminated sign that has an effective area of 400 square feet or less may have a luminance greater than 300 footlamberts, nor may any such sign have a luminance greater than 300 footlamberts for any portion of the sign within a circle two feet in diameter. No illuminated sign which has an effective area greater than 400 square feet may have a luminance greater than 200 footlamberts, nor may any such sign have a luminance greater than 200 footlamberts for any portion of the sign within a circle of two feet in diameter. The measurements of luminance are taken from any other premise or from any public right-of-way other than an alley. This subsection does not apply to signs authorized by Subsections 51A-7.1727(c), (d) or (i).

(6) No illuminated sign, nor any illuminated element of any sign, may turn on or off, or change its brightness, if:

(A) the change of illumination produces an apparent motion of the visual image, including but not limited to illusion of moving objects, moving patterns or bands of light, expanding or contracting shapes, rotation or any similar effect of animation;

(B) the change of message or picture occurs more often than once each three seconds for those portions of a sign which convey time or temperature, or once each 20 seconds for all other portions of a sign; or

(C) a portion of the sign, within a circle of two feet in diameter, has a luminance greater than 200 footlamberts when all elements of the sign are fully and steadily illuminated.
This subsection does not apply to signs authorized by Subsections 51A-7.1727(c), (d) or (i).

(7) No sign or any part of any sign may move or rotate at a rate more often than once each 10 seconds, or change its message at a rate more often than once each 20 seconds, with the exception of wind devices, the motion of which is not restricted. This subsection does not apply to signs authorized by Subsections 51A-7.1727(c), (d) or (i), unless the sign is visible from the main traveled way of an expressway.

(8) No sign may move, rotate, or change its message at any rate if any of its elements or any illuminated portion within a two-foot circle has a luminance greater than 200 footlamberts. This subsection does not apply to signs authorized by Subsections 51A-7.1727(c), (d) or (i).

(9) Attached premise signs are allowed a 10 percent increase in effective area if 51 percent or more of the characters incorporate neon lighting. (Ord. Nos. 24348; 25918; 30043)

SEC. 51A-7.1726. SIGN REGULATIONS FOR SUBDISTRICT A (THE ENTERTAINMENT COMPLEX SUBDISTRICT).

(a) Movement and illumination provisions for all signs.

(1) Signs visible from the main traveled way of an expressway. For signs containing a message that is visible from the main traveled way of an expressway, the regulations of Section 51A-7.1725 apply.

(2) All other signs. For all other signs, the regulations of Section 51A-7.1725 apply except for the provisions of Section 51A-7.1725 (6), (7), and (8).

(3) Luminance.

(A) For purposes of applying Section 51A-7.1725 (5), (6), and (8), the measurements of luminance are taken from any premise or public right-of-way, other than an alley, outside this district.

(B) Luminance limitations related to measurements taken within a circle of two feet in diameter under Section 51A-7.1725 (5), (6), and (8) do not apply in this subdistrict.

(4) Changeable message sign greater than 1,000 square feet facing an entertainment complex plaza. The provisions of Section 51A-7.1725 (5), (6), (7), and (8) do not apply to a changeable message sign greater than 1,000 square feet in effective area located on the facade of a building facing the entertainment complex plaza.

(b) Permanent attached signs. The only permanent attached signs permitted in this subdistrict are signs provided for in this subsection.

(1) Number of permitted signs.

(A) There is no limitation on the number of premise and non-premise attached signs that may be placed on a facade of a building.

(B) Except as otherwise provided, there is no limitation on the number of changeable message signs 1,000 square feet in effective area and less, including marquee signs, that may be placed on a facade of a building. The facade of a building that has a changeable message sign greater than 1,000 square feet in effective area may not have additional changeable message signs greater than 100 square feet in effective area on the same facade.

(C) No more than 13 roof signs are permitted in this subdistrict.

(2) Number of words or characters.

(A) Except for roof signs, there is no limit as to the number of words or characters that may be placed on an attached sign.
(B) The painted roof sign permitted on an entertainment complex may contain 10 words. For all other roof signs, no more than three characters or symbols are permitted for each sign.

(3) Premise and non-premise signs.

(A) All roof signs in this subdistrict must be premise signs.

(B) All other signs in this subdistrict may be premise or non-premise signs.

(4) Effective area limitations for certain attached signs.

(A) The maximum effective area of a changeable message sign is 1,000 square feet, except:

(i) A marquee sign.

(ii) One changeable message sign with a maximum effective area of 1,500 square feet on the facade of a building facing the entertainment complex plaza.

(B) The maximum effective area of a marquee sign is 250 square feet.

(C) The maximum effective area of an awning or canopy sign is 150 square feet.

(D) The maximum effective area of the painted roof sign on an entertainment complex is 8,500 square feet. For purposes of calculating the maximum effective area of this painted roof sign, the building official shall draw a minimum imaginary rectangle of vertical and horizontal lines around all extremities of the sign. The area within the minimum imaginary rectangle is the effective area of the roof sign.

(E) With the exception of the one painted roof sign permitted on an entertainment complex, there is no maximum effective area for a roof sign.

(F) The maximum effective area for all other projecting attached signs is 20 square feet.

(5) Cumulative effective area limitations for all attached signs. The cumulative effective area of permanent non-premise attached signs on a building facade may not exceed 10 percent of the total area of the facade on which the signs are located. The cumulative effective area of all permanent attached signs on the facade may not exceed 30 percent of the total area of the facade.

(6) Spacing of attached non-premise signs. HBA signs on a facade must be spaced a minimum of 50 feet from all HBA signs on another facade. There are no spacing requirements for HBA signs on the same facade.

(7) Signs overhanging or projecting into the public right-of-way.

(A) Attached signs overhanging the public right-of-way are permitted as long as each sign is a minimum of 10 feet above the sidewalk grade.

(B) No portion of a marquee sign may:

(i) project more than eight feet into the public right-of-way; or

(ii) be located less than two feet from the back of a street curb.

(C) For all other projecting attached signs, no portion of the signs may:

(i) project more than four feet into the public right-of-way; or

(ii) be located less than two feet from the back of the street curb.

(8) Roof signs.

(A) No roof sign may project above the surface to which it is attached by more than 25 feet.
(B) One flat attached roof sign is permitted on an entertainment complex if it is: (1) painted directly on the roof of the entertainment complex, and (2) not visible within 400 feet of the boundary of Subdistrict A. The sign is deemed visible if any portion of that sign can be seen at a point five feet above grade.

(C) All other roof signs in this subdistrict must be mounted parallel to the building facade.

(D) No roof sign may be a changeable message sign.

(9) Parapet signs. Parapet signs are prohibited in this subdistrict.

(10) No limitation on projecting attached signs. Projecting attached signs are permitted on premises with detached signs.

(11) District activities and non-premise signs. A minimum of 30 percent of the effective area of an attached non-premise sign must identify district activities.

(12) Signs projecting over the roof line. Except for a roof sign, no attached sign may project over a building.

(13) Location limitation on projecting attached signs. Except for a roof sign, no portion of a projecting attached sign may be located at a point on the facade above 66 feet in height.

(c) Permanent detached signs.

(1) The only permanent detached signs permitted in this subdistrict are movement control and vent stack signs.

(2) A detached sign may only be located on a vent stack if:

(A) the sign face does not exceed 15 feet in height; and

(B) the sign does not exceed 100 square feet in effective area.

(3) Only one sign may be located on a vent stack, and no more than 16 vent stack signs are permitted in this subdistrict.

(4) Signs located on vent stacks may be non-premise signs. Twelve of the 16 permitted signs may only identify district activities.

(d) Temporary signs. The only temporary signs permitted in this subdistrict are special purpose signs, temporary protective signs, temporary signs on construction fencing, and “for sale,” “for lease,” “remodeling,” and “under construction” signs. These temporary signs are in addition to all other signs permitted in this ordinance.

(e) Special purpose signs.

(1) Illumination. Special purpose signs may be externally illuminated, and, except for banners, may be internally illuminated or “back-lighted.”

(2) Premise special purpose signs.

(A) Attached premise special purpose signs.

(i) Entertainment complex. On an entertainment complex, there is no limit on the number or size of attached premise special purpose signs. No sign may be maintained for more than 45 days in any given twelve-month period.

(ii) All other uses. An occupancy may have one attached premise special purpose sign up to four times within any twelve-month period as long as the sign:

(aa) is displayed for no more than 45 days each time during the twelve-month period; and
§ 51A-7.1726  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-7.1726

(bb) has no more than 10 words that contain any character equal to or exceeding four inches in height.

(B) Detached premise special purpose signs. No detached premise special purpose sign is permitted in this subdistrict.

(3) Non-premise special purpose signs.

(A) In general. Non-premise special purpose signs are permitted subject to the following regulations:

(i) Except as provided in Subparagraph (A)(ii) below, non-premise special purpose signs may only display promotional and welcome messages.

(ii) Up to 10 percent of the effective area of a non-premise special purpose sign may contain commercial advertisement. The name of the event or activity identified in a promotional message is not considered commercial advertisement even if the event or activity is named after the sponsor.

(iii) A non-premise special purpose sign may not be erected more than 30 days before the beginning of the advertised activity or event, and must be removed no later than 10 days after the activity or event has ended.

(iv) The sign hardware for a banner may be left in place between displays of a banner.

(B) Attached non-premise special purpose signs.

(i) Entertainment complex. The only attached non-premise special purpose signs permitted on an entertainment complex are banners. Banners may be displayed anywhere on the entertainment complex without limit on their number or size.

(ii) All other uses. For all other uses, attached non-premise special purpose signs are prohibited.

(C) Detached non-premise special purpose signs. No detached non-premise special purpose sign is permitted in this subdistrict.

(f) Other temporary signs.

(1) Temporary protective signs. In addition to the other protective signs permitted under Section 51A-7.1718, temporary protective signs may be erected anywhere on a construction site at anytime during construction. There is no limit on the number of these signs, but no sign may exceed 20 square feet in effective area or eight feet in height. Temporary protective signs may be illuminated, but no lighting source may project more than three inches from the vertical surface of, or six inches above the top of, the sign. All temporary protective signs must be removed upon completion of the construction.

(2) Temporary signs on construction fencing. Temporary signs may be erected on construction fencing subject to the following provisions:

(A) The signs must be spaced at least 50 feet apart.

(B) No sign may exceed 128 square feet in effective area or eight feet in height.

(C) No sign may project more than three inches from the vertical surface of, or six inches above the top of, the fence.

(D) The signs may be illuminated.

(E) The signs may only identify the project under construction and its owners, developers, future tenants, lenders, architects, engineers, project consultants, and contractors.
§ 51A-7.1726 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.1727 The signs must be removed upon completion of the construction.

(3) “For Sale,” “For Lease,” “Remodeling,” and “Under Construction” signs. Signs that relate exclusively to the sale, lease, construction, or remodeling of the premises on which they are located are permitted. There is no limit to the number of attached signs permitted. Detached signs are limited to one for each 100 feet of frontage on a public street or private access easement. If attached to a window, the maximum effective area of the sign is 16 square feet; if attached to other portions of a facade, the maximum effective area is 32 square feet. No detached sign may exceed 128 square feet in effective area or 16 feet in height. (Ord. Nos. 24348; 25918; 26552)

SEC. 51A-7.1727. SIGN REGULATIONS FOR SUBDISTRICT B (RETAIL AND ENTERTAINMENT SUBDISTRICT).

(a) Movement and illumination provisions for all signs.

(1) Signs visible from the main traveled way of an expressway. For signs containing a message that is visible from the main traveled way of an expressway, the regulations of Section 51A-7.1725 apply.

(2) All other signs. For all other signs, the regulations of Section 51A-7.1725 apply except for the provisions of Section 51A-7.1725 (6), (7), and (8). The provisions of Subsections 51A-7.1725(5), (6), (7), and (8) do not apply to the signs authorized by Subsections 51A-7.1727(c), (d), and (i).

(b) Permanent attached signs. The only permanent attached signs permitted in this subdistrict are signs provided for in this subsection and Subsections (c) and (d). The restrictions on signs in this subsection do not apply to the signs authorized in Subsections (c) and (d) below.

(1) Number of permitted signs.

(A) Each premise or non-residential occupancy is allowed:

(i) one projecting attached sign per facade;

(ii) one marquee sign, canopy sign, or an awning sign per facade; and

(iii) one additional attached sign per facade. The one additional attached sign may not be a changeable message sign.

(B) Except as provided in this subparagraph, in addition to the three signs permitted in Subparagraph (A), each premise is entitled to two changeable message signs, other than marquee signs. A theater may have a maximum of one changeable message premise sign for each theater screen other than marquee signs.

(C) Four flat attached non-premise signs are permitted in this subdistrict. These signs are not in addition to the number of signs permitted on a premise. Only one non-premise sign is permitted on a facade. A maximum of two of the four attached non-premise signs may be changeable message signs.

(D) No more than two roof signs are permitted in this subdistrict. Only one roof sign is permitted per building.
(E) In no event may the total number of signs on a premise or nonresidential occupancy exceed the number of signs permitted under Subparagraphs (A) and (B).

(F) Window signs are limited to premise signs and do not count against the maximum number of permanent attached signs. Window signs are limited to the first and second floor of a building and may not cover more than 25 percent of any window.

(2) Number of words or characters.

(A) Except for marquee and changeable message signs, no person may erect a sign that contains more than 10 words consisting of any characters of a height equal to or exceeding four inches on any building facade. Words consisting of characters less than four inches in height may be used without limit.

(B) There is no limit as to the number of words containing characters of a height equal to or exceeding four inches on a marquee or other changeable message sign.

(3) Premise and non-premise signs. Except for the four attached non-premise signs permitted in Subsection (b)(1), all attached permanent signs in this subdistrict must be premise signs or convey a noncommercial message.

(4) Effective area limitations for certain attached signs.

(A) With the exception of a marquee sign, the maximum effective area of a changeable message sign is 1,000 square feet.

(B) The maximum effective area of a marquee sign is 250 square feet.

(C) The maximum effective area of an awning or canopy sign is 150 square feet.

(D) There is no maximum effective area for a parapet sign.

(E) The maximum effective area for a roof sign is 800 square feet.

(F) The maximum effective area for all other projecting attached signs is 250 square feet.

(5) Effective area limitation for non-premise attached signs. Except as further restricted in Subsection (b)(4)(A), the effective area of a permanent non-premise attached sign on a building facade may not exceed 50 percent of the area of the portion of the facade below 66 feet in height.

(6) Cumulative effective area limitations for all attached signs. The cumulative effective area of all permanent attached signs on a building facade may not exceed 50 percent of the total area of the facade.

(7) Spacing of attached non-premise signs. HBA signs must be spaced at least 250 feet apart.

(8) Signs overhanging or projecting into the public right-of-way.

(A) Attached signs overhanging the public right-of-way are permitted as long as each sign is a minimum of 10 feet above the sidewalk grade.

(B) No portion of a marquee sign may be located less than 2.5 feet from the back of a street curb.

(C) For all other projecting attached signs, no portion of the signs may:

   (i) project more than eight feet into the public right-of-way; or

   (ii) be located less than two feet from the back of the street curb.

(9) Parapet signs. Parapet signs are permitted as follows:

(A) Except as provided in Subparagraph (B), no parapet sign may project more than four feet
above the edge of the roof, regardless of whether the sign is erected on a parapet wall or the roof's edge.

(B) Six parapet signs in this district may project up to 10 feet above the edge of the roof if no parts of the signs are located at a height above 100 feet, measured from the grade of the buildings on which the signs are attached.

(10) Roof signs. Roof signs are permitted as follows:

(A) No part of a roof sign may be located at a height above 100 feet, measured from the grade of the building on which the sign is attached.

(B) The sign support for a roof sign must consist of open, exposed metal framing. The metal must be painted or coated, or be composed of a material that will not rust or corrode.

(C) A roof sign must be erected on the main roof of the building.

(D) No roof sign may project above the roof more than one-third of the building height.

(E) A roof sign must be mounted parallel to the nearest facade of the building.

(F) No roof sign may be a changeable message sign.

(11) No limitation on projecting attached signs. Projecting attached signs are permitted on premises with detached signs.

(12) Location limitation on non-premise signs. No portion of a non-premise sign may be located at a point on the facade above 66 feet in height.

(13) District activities and non-premise signs. A minimum of 30 percent of the effective area of an attached non-premise sign must identify district activities.

(14) Signs projecting over the roof line. A projecting, attached sign, other than a roof or parapet sign, may project up to a maximum of 10 feet above a building. No changeable message or attached non-premise sign may project above a building.

(15) Location limitation on projecting attached signs. Except for a roof or parapet sign, no portion of a projecting attached sign may be located at a point on the facade above 66 feet in height.

(16) Location limitation on changeable message signs. No portion of a changeable message sign may be located at a point on the facade above 66 feet in height.

(c) Additional signs in Subarea B-1.

(1) In general. The non-premise signs described in this subsection are permitted in Subarea B-1 subject to the following restrictions.

(A) The signs may not be HBA signs.

(B) The signs are permitted on premises with detached signs.

(C) The signs are in addition to all other signs permitted on a premise.

(2) Icon Tower Signs. A maximum of three projecting attached changeable message signs are permitted on an architectural element (such as a tower) that is part of a building adjacent to the western edge of an entertainment complex plaza, subject to the following restrictions:

(A) The signs may not be HBA signs.

(B) Each sign may not exceed 1,200 square feet in effective area.

(C) The signs may not be located more than 150 feet above the base of the building to which the architectural element is attached.
(D) The signs may not project above the architectural element to which they are attached.

(E) The signs may project outward from the architectural element to which they are attached.

(F) All of the signs must be located on the same architectural element.

(3) Icon tower static signs. A maximum of five projecting attached signs are permitted on an architectural element (such as a tower) that is part of a building adjacent to the western edge of an entertainment complex plaza, subject to the following restrictions:

(A) The signs may not be HBA signs.

(B) Each sign may not exceed 144 square feet in effective area.

(C) The signs may not be located more than 170 feet above the base of the building to which the architectural element is attached.

(D) The signs may project above the architectural element to which they are attached.

(E) The signs may project outward from the architectural element to which they are attached.

(F) All of the signs must be located on the same architectural element.

(G) The signs are subject to the limitations on the number of words or characters in Subsection (b)(2) above.

(4) Media Wall Signs. A maximum of eight projecting attached changeable message signs are permitted on a facade facing an entertainment complex plaza, subject to the following restrictions:

(A) The signs may not be HBA signs.

(B) Each sign may not exceed 967 square feet in effective area.

(C) The signs may move along the structural framing to which they are attached and converge to form one or more screens that exceed 967 square feet in effective area.

(D) The signs may not be located more than 85 feet above the base of the building to which the signs are attached.

(E) The signs may project outward from the structural framing or building to which they are attached.

(F) The signs may not project above the building to which they are attached.

(G) No facade may have more than five media wall signs.

(H) The signs may be attached to the exterior structural framing of the building or the building itself.

(5) Portal Sign. One projecting attached changeable message sign is permitted on a building adjacent to the eastern edge of an entertainment complex plaza, subject to the following restrictions:

(A) The sign may not be an HBA sign.

(B) The sign may not exceed 2,135 square feet in effective area.

(C) The sign may not be located more than 85 feet above the base of the building to which the sign is attached.

(D) The sign must be oriented to the south, southeast, or east.

(E) The sign may be attached to one or more facades, so that it wraps around the building.
(F) The sign may be attached to the exterior structural framing of the building or the building itself.

(G) The sign may project outward from the structural framing or building to which it is attached.

(H) The sign may not project above the building to which it is attached.

(6) Ticker sign. Two projecting attached changeable message signs are permitted on an architectural element that is part of a building adjacent to the eastern or western edge of an entertainment complex plaza, subject to the following restrictions:

(A) The sign may not be an HBA sign.

(B) The sign may not exceed 1,000 square feet in effective area.

(C) The sign may not be located more than 40 feet above the base of the building to which the architectural element is attached.

(D) Except as provided in Subparagraph (E), the sign may be attached to a maximum of two facades, so that it wraps around the building.

(E) The sign must be primarily oriented towards either the entertainment complex plaza or Olive Street.

(F) The sign may not project above the building to which the architectural element is attached.

(G) The sign may project outward from the architectural element to which it is attached.

(7) Entertainment complex plaza accent lighting. Facades facing the entertainment complex plaza may have building accent lighting consisting of LED or similar technology that changes colors or brightness. All messages are limited to images, symbols, logos, or words that are associated with district activities.

(d) Additional signs in Subareas B-2 and B-3:

(1) Hotel spectacular sign. One non-premise flat attached changeable message sign is permitted on an architectural element that is part of a building in Subarea B-2, subject to the following restrictions:

(A) The sign may not be an HBA sign.

(B) The sign is permitted on a premise with detached signs.

(C) The sign is in addition to all other signs permitted on a premise.

(D) The sign may not exceed 1,680 square feet in effective area.

(E) The sign may not be located more than 170 feet above the base of the building to which the architectural element is attached.

(F) The sign may not project above the building to which it is attached.

(G) The sign may project outward from the building or architectural element to which it is attached.

(H) The sign must be oriented to the north, northwest, or west.

(I) The sign may be attached to one or more facades, so that it wraps around the building.

(J) If a portion of the sign is static, the static portion is subject to the restrictions on the number of words or characters in Subsection (b)(2) above.

(2) Parking structure screening signs. Attached signs are permitted on parking structures in Subarea B-3, subject to the following restrictions:
§ 51A-7.1727 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.1727

(A) Visual display and coverage.

(i) The maximum effective area of text may not exceed 20 percent. The effective area of text is the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word.

(ii) Multiple displays giving an appearance of multiple signs are prohibited.

(iii) A parking structure screening sign must be at least 10 feet above adjacent average grade.

(iv) A parking structure screening sign may be internally or externally illuminated. If internally illuminated, a parking structure screening sign may consist of translucent materials, but not transparent materials. Illumination must be turned off between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday.

(v) Minimum permitted effective area of a parking structure screening sign is 750 square feet.

(B) Location and construction.

(i) The sign may not be an HBA sign.

(ii) A parking structure screening sign may only be located on a blank wall face or on the facade of a parking structure facing north, west, or south.

(iii) The parking structure must comply with the Dallas Building Code parking structure ventilation requirements.

(iv) No parking structure screening sign may cover any window or architectural or design feature of the building to which it is attached.

(v) A parking structure screening sign may wrap around the edge of a building if both building facades to which the parking structure screening sign is attached are eligible facades and the parking structure screening sign is one continuous image.

(e) Permanent detached signs. The only permanent detached signs permitted in this subdistrict are signs provided for in this subsection.

(1) Kiosks. Kiosks are permitted subject to the following regulations:

(A) No more than 20 kiosks are permitted in this district.

(B) Kiosks within the same block face and within 20 feet of the right-of-way line of a public street must be spaced at least 50 feet apart.

(C) No kiosk may be illuminated by a detached independent external light source.

(D) Kiosks may not be located on sidewalks unless a minimum unobstructed sidewalk width of 10 feet is maintained. If, however, a greater unobstructed sidewalk is required in the ordinance establishing Planned Development District No. 582, then that greater unobstructed sidewalk width requirement must be maintained.

(E) Kiosks must be securely anchored to the ground.

(F) No kiosk may exceed ten feet in height, measured from the ground at the base of the kiosk, or 100 square feet in effective area.

(G) Kiosks may display premise or non-premise signs. If the sign displayed is a non-premise non-changeable message sign or a non-premise non-digital changeable message sign, 30 percent of the effective area of the sign must identify a district activity. If the sign displayed is a non-premise digital changeable message sign, the sign must identify a
district activity 30 percent of the time measured on a 24-hour basis.

(2) Monument signs. Each premise fronting on a public street or private access easement may have one monument sign. Premises that have more than 250 feet of frontage along a public street or private access easement, other than an alley, may have not more than one additional monument sign for each additional 250 feet of frontage or fraction thereof. No monument sign may exceed 250 square feet in effective area or 10 feet in height.

(3) Water tower sign. One non-premise sign is permitted on a water tower in this subdistrict subject to the following regulations:

(A) The sign is limited to two words.

(B) The sign may only identify the name or logo of this district.

(C) The sign may not exceed 110 feet in height.

(D) The sign must be painted on the water tower.

(4) All other detached signs. The following additional detached signs are permitted:

(A) Non-premise detached signs may be located in private access easements. No such sign may exceed 30 feet in height or have a sign face that exceeds six feet in height. Each such sign must have a minimum clearance of 14 feet above the ground. Signs permitted under this subparagraph must be spaced at least 250 feet apart.

(B) The owner or operator of a surface parking lot may erect one non-premise detached sign for each vehicular entrance to the parking lot, and one additional non-premise detached sign for each 40,000 square feet of parking surface. Signs permitted under this subparagraph:

(i) may not exceed 30 square feet in effective area or 20 feet in height;

(ii) must be spaced at least 100 feet apart; and

(iii) must be located at least five feet from the lot line or public right-of-way line, whichever creates the greater setback.

A minimum of 30 percent of the effective area of each sign must identify a district activity.

(C) Two additional non-premise detached signs are permitted in this subdistrict subject to the following provisions:

(i) No sign may exceed 66 feet in height, measured from the ground at the base of the sign.

(ii) No sign may exceed 1,500 square feet in effective area.

(iii) The signs must be spaced 400 feet from each other and if the sign is an HBA sign, it must be spaced 100 feet from any detached HBA sign.

(iv) No sign may be nearer than five feet to the lot line or public right-of-way line, whichever creates the greater setback.

(v) No sign may exceed one foot in width for every three feet in height, measured from the ground at the base of the sign.

(vi) The signs must consist of individual panels. Messages may only be displayed on the individual panels. Each panel must be separated from the others by at least one foot of air space, and, except as otherwise provided, no single panel may have an effective area that exceeds 250 square feet. One panel of a sign may have an effective area of up to 500 square feet if: (aa) the panel is an electronic changeable message panel, and (bb) the message displayed on the panel only identifies district activities.
(vii) A minimum of 50 percent of the cumulative effective area of each sign must identify district activities.

(D) One additional non-premise detached sign is permitted in this subdistrict subject to the following provisions:

(i) The sign may not exceed 30 feet in height, measured from the ground at the base of the sign.

(ii) The sign may not exceed 600 square feet in effective area.

(iii) If the sign is an HBA sign, the sign must be spaced at least 200 feet from any other detached HBA sign.

(iv) The sign may not be nearer than five feet to the lot line or public right-of-way line, whichever creates the greater setback.

(v) The sign must be located on the same premise as an entertainment complex use.

(vi) A minimum of 70 percent of the sign’s effective area must identify district activities.

(5) Vent stack signs prohibited. Except as provided in this paragraph, no sign may be located on a vent stack. In Subarea B-2, a vent stack may be used as a monument sign or monument district identification sign.

(f) Temporary signs. The only temporary signs permitted in this subdistrict are special purpose signs, temporary protective signs, temporary signs on construction fencing, and “for sale,” “for lease,” “remodeling,” and “under construction” signs. These temporary signs are in addition to all other signs permitted in this ordinance.

(g) Special purpose signs.

(1) Illumination. Special purpose signs may be externally illuminated, and, except for banners, may be internally illuminated or “back-lighted.”

(2) Premise special purpose signs.

(A) Attached premise special purpose signs.

(i) In general. An occupancy may have one attached premise special purpose sign up to four times within any twelve-month period as long as the sign:

(aa) is displayed for no more than 45 days each time during the twelve-month period; and

(bb) has no more than 10 words that contain any character equal to or exceeding four inches in height.

(ii) Entertainment complex plaza. There is no limit on the number of attached premise special purpose signs that may be erected on the facade of a building facing and adjacent to an entertainment complex plaza. No attached premise special purpose sign may be maintained for more than 45 days in any given twelve-month period.

(B) Detached premise special purpose signs.

(i) An occupancy may have a detached premise special purpose sign no more than three times each calendar year for no more than 38 consecutive days each time. No detached premise special purpose sign may be erected at an occupancy during the 30-day period immediately following the removal of a detached premise special purpose sign from that occupancy.
§ 51A-7.1727 Dallas Development Code: Ordinance No. 19455, as amended

(ii) Detached premise special purpose signs must:

   (aa) be located at least 100 feet apart;
   (bb) not exceed eight feet in height; and
   (cc) not exceed 50 square feet in effective area.

(iii) No more than one detached premise special purpose sign may be erected on each street or private access easement that the premise fronts on.

(4) Non-premise special purpose signs.

   (A) In general. Non-premise special purpose signs are permitted subject to the following regulations:

      (i) Except as provided in Subparagraph (A)(ii) below, non-premise special purpose signs may only display promotional and welcome messages.

      (ii) Up to 10 percent of the effective area of a non-premise special purpose sign may contain commercial advertisement. The name of the event or activity identified in a promotional message is not considered commercial advertisement even if the event or activity is named after the sponsor.

      (iii) A non-premise special purpose sign may not be erected more than 30 days before the beginning of the advertised activity or event, and must be removed no later than 10 days after the activity or event has ended.

      (iv) The sign hardware for a banner may be left in place between displays of a banner.

   (B) Attached non-premise special purpose signs.

      (i) The only attached non-premise special purpose signs permitted in this subdistrict are banners.

      (ii) Banners may be displayed on the facade of a building that is adjacent to an entertainment complex plaza, except that no portion of a banner may be located on the facade at a point above 66 feet in height. There is no limit on the number or size of these banners.

      (iii) Banners may also be displayed on the facades of buildings that are not adjacent to an entertainment complex plaza, except that no portion of a banner may be located on the facade at a point above 36 feet in height. No banner may exceed 200 square feet in effective area, and all banners must be spaced at least 100 feet apart.

   (C) Detached non-premise special purpose signs. The only detached non-premise special purpose signs permitted in this subdistrict are as follows:

      (i) Banners on street light poles. Banners are permitted on street light poles as long as the banners and their hardware:

         (aa) Meet the sign construction and design standards contained in the Dallas Building Code;
         (bb) are at least 12 feet above grade, unless they overhang a roadway, in which case they must be at least 15 feet above grade;
         (cc) do not project more than three feet from the pole on which they are mounted;
         (dd) do not exceed 50 square feet in effective area; and

§ 51A-7.1727 Dallas Development Code: Ordinance No. 19455, as amended

(ee) are made out of weather-resistant and rustproof material.

(ii) Other banners crossing the public way. Banners may be displayed over and across the public way. No portion of a banner may be located more than 25 feet above grade, or less than 14 feet above any street, sidewalk, or other pedestrian area. The height of a sign face may not exceed six feet. All banners must be spaced at least 100 feet apart.

(iii) Other signs located in the right-of-way. Signs may be displayed on any public sidewalk or other public pedestrian area if an unobstructed 10-foot sidewalk or pedestrian walkway area is maintained. No sign may exceed an effective area of 50 square feet, or a height of 10 feet. No more than one sign is permitted per blockface.

(h) Other temporary signs.

(1) Temporary protective signs. In addition to the other protective signs permitted under Section 51A-7.1718, temporary protective signs may be erected anywhere on a construction site at anytime during construction. There is no limit on the number of these signs, but no sign may exceed 20 square feet in effective area or eight feet in height. Temporary protective signs may be illuminated, but no lighting source may project more than three inches from the vertical surface of, or six inches above the top of, the sign. All temporary protective signs must be removed upon completion of the construction.

(2) Temporary signs on construction fencing. Temporary signs may be erected on construction fencing subject to the following provisions:

   (A) The signs must be spaced at least 50 feet apart.

   (B) No sign may exceed 128 square feet in effective area or eight feet in height.

   (C) No sign may project more than three inches from the vertical surface of, or six inches above the top of, the fence.

   (D) The signs may be illuminated.

   (E) The signs may only identify the project under construction and its owners, developers, future tenants, lenders, architects, engineers, project consultants, and contractors.

   (F) The signs must be removed upon completion of the construction.

(3) “For Sale,” “For Lease,” “Remodeling,” and “Under Construction” signs. Signs that relate exclusively to the sale, lease, construction, or remodeling of the premises on which they are located are permitted. There is no limit to the number of attached signs permitted. Detached signs are limited to one for each 100 feet of frontage on a public street or private access easement. If attached to a window, the maximum effective area of the sign is 16 square feet; if attached to other portions of a facade, the maximum effective area is 32 square feet. No detached sign may exceed 128 square feet in effective area or 16 feet in height.

   (i) Illuminated Projection Signs. A maximum of five non-premise signs created by the projection of light onto an entertainment complex plaza adjacent to an entertainment complex are permitted. The projection of light may originate from a premise other than the premise upon which the light is cast. These illuminated projection signs are in additional to all other signs permitted on a premise. The signs may not be HBA signs. (Ord. Nos. 24348; 25918; 30043)

SEC. 51A-7.1728. SIGN REGULATIONS FOR SUBDISTRICT C (EXPRESSWAY ADJACENCY SUBDISTRICT).

(a) Permanent attached signs. The only permanent attached signs permitted in this subdistrict are signs provided for in this subsection.
(1) **Number of permitted signs.**

(A) Each premise or non-residential occupancy is entitled to one attached sign per facade.

(B) In addition to the signs permitted in Subparagraph (A), the following flat attached non-premise signs are permitted on expressway-facing facades in this subdistrict:

(i) On three expressway-facing facades, two non-premise signs with a maximum number of 10 words each, regardless of the size of any character in the word, are permitted. No sign may exceed 672 square feet in effective area or be a changeable message sign. One of the two signs on each facade is limited to advertising district activities.

(ii) In lieu of one of the three facades permitted attached non-premise signs in Subparagraph (i) above and one 1,500-square-foot detached non-premise sign permitted in Subsection (b) of this section, one expressway-facing facade may have an unlimited number of non-premise signs. The cumulative effective area of all non-premise signs on that facade, however, may not exceed 22 percent of the area of the building facade below 66 feet in height. There is no limit on the number of words permitted on a sign. Only one marquee sign and one other changeable message sign, not to exceed 500 square feet in effective area, are permitted on that facade. These signs are limited to advertising district activities.

(iii) For purposes of calculating the maximum effective area of a non-premise attached sign in this subdistrict, the building official shall draw a minimum imaginary rectangle of vertical and horizontal lines around all extremities of the attached non-premise sign. The area within the minimum imaginary rectangle is the effective area of the sign.

(2) **Number of words or characters generally.**

(A) Except as otherwise provided in this paragraph or in Paragraph (1), no person may erect a sign which contains more than 10 words consisting of any characters of a height equal to or exceeding four inches on any building facade. Words consisting of characters less than four inches in height may be used without limit.

(B) There is no limit as to the number of words containing characters of a height equal to or exceeding four inches on a marquee or other changeable message sign.

(3) **Premise and non-premise signs.** Except for the attached non-premise signs permitted in Paragraph (1), all attached permanent signs in this subdistrict must be premise signs or convey a noncommercial message.

(4) **Effective area limitations for certain attached signs.**

(A) Except as provided in Subsection (a)(1)(B)(ii) of this section or as further restricted below, the maximum effective area of a changeable message sign is 1,000 square feet.

(B) The maximum effective area of a marquee sign is 250 square feet.

(C) The maximum effective area of an awning or canopy sign is 150 square feet.

(D) There is no maximum effective area for a parapet sign.

(E) The maximum effective area for all other projecting attached signs is 20 square feet.

(5) **Cumulative effective area limitations for all attached signs.**

(A) Except as provided in Subparagraph (B), the cumulative effective area of all permanent attached signs on an expressway-facing facade may not exceed 22 percent of the total area of the facade.

(B) The cumulative effective area of all permanent attached signs on the expressway-facing facade that is permitted to have an unlimited number
§ 51A-7.1728   Dallas Development Code: Ordinance No. 19455, as amended  § 51A-7.1728

of non-premise attached signs pursuant to Subsection (a)(1)(B)(ii) may not exceed 32 percent of the total area of the facade.

(C) The cumulative effective area of all permanent attached signs on a facade that does not face an expressway may not exceed 20 percent of the total area of the facade.

(6) Spacing of attached non-premise signs. HBA signs on a facade must be spaced a minimum of 1000 feet from all HBA signs on another facade. There are no spacing requirements for HBA signs on the same facade.

(7) Signs overhanging or projecting into the public right-of-way.

(A) Attached signs overhanging the public right-of-way are permitted as long as each sign is a minimum of 10 feet above the sidewalk grade.

(B) No portion of a marquee sign may:

   (i) project more than eight feet into the public right-of-way; or

   (ii) be located less than two feet from the back of a street curb.

(C) For all other projecting attached signs, no portion of the signs may:

   (i) project more than four feet into the public right-of-way; or

   (ii) be located less than two feet from the back of the street curb.

(8) Parapet signs. Parapet signs are permitted in this subdistrict. No parapet sign may project more than four feet above the edge of the roof, regardless of whether the sign is attached to a parapet wall or the roof’s edge.

(9) Roof signs. Roof signs are prohibited in this subdistrict.

(10) No limitation on projecting attached signs. Projecting attached signs are permitted on premises with detached signs.

(11) Limitations on changeable message signs.

(A) A premise is entitled to only one marquee sign per facade, except that one additional marquee sign is permitted on that facade if the width of the facade is more than 300 feet.

(B) A premise is entitled to two additional changeable message signs per facade as long as the signs are not marquee signs.

(C) No portion of a changeable message sign may be located at a point on the facade above 66 feet in height.

(12) Location limitation on projecting attached signs. Except for a parapet sign, no portion of a projecting attached sign may be located at a point on the facade above 66 feet in height.

(13) Location limitation on non-premise signs. No portion of a non-premise sign may be located at a point on the facade above 66 feet in height.

(14) Signs projecting over the roof line. Except for a parapet sign, no attached sign may project over a building.

(b) Permanent detached signs. The only permanent detached signs permitted in this subdistrict are signs provided for in this subsection.

(1) Kiosks. Kiosks are permitted subject to the following regulations:

   (A) No more than 20 kiosks are permitted in this district.

   (B) Kiosks within the same block face and within 20 feet of the right-of-way line of a public street must be spaced at least 50 feet apart.
(C) No kiosk may be illuminated by a detached, independent external light source.

(D) Kiosks may not be located on sidewalks unless a minimum unobstructed sidewalk width of 10 feet is maintained. If, however, a greater unobstructed sidewalk is required in the ordinance establishing Planned Development District No. 582, then that greater unobstructed sidewalk width requirement must be maintained.

(E) Kiosks must be securely anchored to the ground.

(F) No kiosk may exceed ten feet in height, measured from the ground at the base of the kiosk, or 100 square feet in effective area.

(G) Kiosks may display premise or non-premise signs. If the sign displayed is a non-premise non-changeable message sign or a non-premise non-digital changeable message sign, 30 percent of the effective area of the sign must identify a district activity. If the sign displayed is a non-premise digital changeable message sign, the sign must identify a district activity 30 percent of the time measured on a 24-hour basis.

(2) Monument signs. Each premise fronting on a public street or private access easement may have one monument sign. Premises which have more than 250 feet of frontage along a public street or private access easement, other than an alley, may have not more than one additional monument sign for each additional 250 feet of frontage or fraction thereof. No monument sign may exceed 250 square feet in effective area or 10 feet in height.

(3) All other detached signs. The following additional detached signs are permitted:

(A) Non-premise detached signs may be located in private access easements. No such sign may exceed 30 feet in height or have a sign face that exceeds six feet in height. Each such sign must have a minimum clearance of 14 feet above the ground. Signs permitted under this subparagraph must be spaced at least 250 feet apart.

(B) The owner or operator of a surface parking lot may erect one non-premise detached sign for each vehicular entrance to the parking lot, and one additional premise or non-premise detached sign for each 40,000 square feet of parking surface. Signs permitted under this subparagraph:

(i) may not exceed 20 square feet in effective area or 20 feet in height;

(ii) must be spaced at least 100 feet apart; and

(iii) must be located at least five feet from the lot line or public right-of-way line, whichever creates the greater setback.

A minimum of 30 percent of the effective area of each sign must identify a district activity.

(C) Two additional non-premise detached signs are permitted in this subdistrict subject to the following provisions:

(i) No sign may exceed 66 feet in height, measured from the ground at the base of the sign.

(ii) No sign may exceed 1,500 square feet in effective area.

(iii) The signs must be spaced at least 1,500 feet from each other and at least 100 feet from any detached HBA sign.

(iv) No sign may be nearer than five feet to the lot line or public right-of-way line, whichever creates the greater setback.

(v) No sign may exceed one foot in width for every three feet in height, measured from the ground at the base of the sign.
§ 51A-7.1728 Dallas Development Code: Ordinance No. 19455, as amended

(vi) The signs must consist of individual panels. Messages may only be displayed on the individual panels. Each panel must be separated from the others by at least one foot of air space, and except as otherwise provided, no single panel may have an effective area that exceeds 250 square feet. One panel of a sign may have an effective area of up to 500 square feet if: (aa) the panel is an electronic changeable message panel, and (bb) the message displayed on the panel only identifies district activities.

(vii) A minimum of 50 percent of the cumulative effective area of each sign must identify district activities.

(4) Vent stack signs prohibited. No sign may be located on a vent stack in this subdistrict.

(c) Temporary signs. The only temporary signs permitted in this subdistrict are special purpose signs, temporary protective signs, temporary signs on construction fencing, and “for sale,” “for lease,” “remodeling,” and “under construction” signs. These temporary signs are in addition to all other signs permitted in this ordinance.

(d) Special purpose signs.

(1) Illumination. Special purpose signs may be externally illuminated, and, except for banners, may be internally illuminated or “back-lighted.”

(2) Premise special purpose signs.

(A) Attached premise special purpose signs. An occupancy may have one attached premise special purpose sign up to four times within any twelve-month period as long as the sign:

(i) is displayed for no more than 45 days each time during the twelve-month period; and

(ii) has no more than 10 words that contain any character equal to or exceeding four inches in height.

(B) Detached premise special purpose signs.

(i) An occupancy may have a detached premise special purpose sign no more than three times each calendar year for no more than 38 consecutive days each time. No detached premise special purpose sign may be erected at an occupancy during the 30-day period immediately following the removal of a detached premise special purpose sign from that occupancy.

(ii) Detached premise special purpose signs must:

(aa) be located at least 100 feet apart;

(bb) not exceed eight feet in height; and

(cc) not exceed 50 square feet in effective area.

(iii) No more than one detached premise special purpose sign may be erected on each street or private access easement that the premise fronts on.

(4) Non-premise special purpose signs.

(A) In general. Non-premise special purpose signs are permitted subject to the following regulations:

(i) Except as provided below, non-premise special purpose signs may only display promotional and welcome messages.

(ii) Up to 10 percent of the effective area of a non-premise special purpose sign may contain commercial advertisement. The name of the event or activity identified in a promotional message is not considered commercial advertisement even if the event or activity is named after the sponsor.
§ 51A-7.1728 Dallas Development Code: Ordinance No. 19455, as amended

(iii) A non-premise special purpose sign may not be erected more than 30 days before the beginning of the advertised activity or event, and must be removed no later than 10 days after the activity or event has ended.

(iv) The sign hardware for a banner may be left in place between displays of a banner.

(B) Attached non-premise special purpose signs. Attached non-premise special purpose signs are prohibited in this subdistrict.

(C) Detached non-premise special purpose signs. The only detached non-premise special purpose signs permitted in this subdistrict are as follows:

(i) Banners on street light poles. Banners are permitted on street light poles as long as the banners and their hardware:

(aa) meet the sign construction and design standards contained in the Dallas Building Code;

(bb) are at least 12 feet above grade, unless they overhang a roadway, in which case they must be at least 15 feet above grade;

(cc) do not project more than three feet from the pole on which they are mounted;

(dd) do not exceed 50 square feet in effective area; and

(ee) are made out of weather-resistant and rustproof material.

(ii) Other banners crossing the public way. Banners may be displayed over and across the public way. No portion of a banner may be located more than 35 feet above grade, or less than 14 feet above any street, sidewalk, or other pedestrian area. The height of a sign face may not exceed six feet. All banners must be spaced at least 100 feet apart.

(e) Other temporary signs.

(1) Temporary protective signs. In addition to the other protective signs permitted under Section 51A-7.1718, temporary protective signs may be erected anywhere on a construction site at anytime during construction. There is no limit on the number of these signs, but no sign may exceed 20 square feet in effective area or eight feet in height. Temporary protective signs may be illuminated, but no lighting source may project more than three inches from the vertical surface of, or six inches above the top of, the sign. All temporary protective signs must be removed upon completion of the construction.

(2) Temporary signs on construction fencing. Temporary signs may be erected on construction fencing subject to the following provisions:

(A) The signs must be spaced at least 50 feet apart.

(B) No sign may exceed 128 square feet in effective area or eight feet in height.

(C) No sign may project more than three inches from the vertical surface of, or six inches above the top of, the fence.

(D) The signs may be illuminated.

(E) The signs may only identify the project under construction and its owners, developers, future tenants, lenders, architects, engineers, project consultants, and contractors.

(F) The signs must be removed upon completion of the construction.

(3) “For Sale,” “For Lease,” “Remodeling,” and “Under Construction” signs. Signs that relate exclusively to the sale, lease, construction, or remodeling of the premises on which they are located are permitted. There is no limit to the number of attached signs permitted. Detached signs are limited
SEC. 51A-7.1729. SIGN REGULATIONS FOR SUBDISTRICT D (OFFICE AND RESIDENTIAL SUBDISTRICT).

(a) Permanent attached signs. The only permanent attached signs permitted in this subdistrict are signs provided for in this subsection.

(1) Number of permitted signs. Each premise or non-residential occupancy is entitled to one attached sign per facade.

(2) Number of words or characters.

(A) Except as otherwise provided in this paragraph, no person may erect a sign which contains more than 10 words consisting of any characters of a height equal to or exceeding four inches on any building facade. Words consisting of characters less than four inches in height may be used without limit.

(B) There is no limit as to the number of words containing characters of a height equal to or exceeding four inches on a marquee or other changeable message sign.

(C) No more than six words are permitted at a point on the facade above 66 feet in height.

(3) Premise and non-premise signs. All attached permanent signs in this subdistrict must be premise signs or convey a noncommercial message.

(4) Effective area limitations for certain attached signs.

(A) With the exception of a marquee sign, the maximum effective area of a changeable message sign is 1,000 square feet.

(B) The maximum effective area of a marquee sign is 250 square feet.

(C) The maximum effective area of an awning or canopy sign is 250 square feet.

(D) There is no maximum effective area for a parapet sign.

(E) The maximum effective area for all other projecting attached signs is 250 square feet.

(5) Cumulative effective area limitations for all attached signs. The cumulative effective area of all permanent attached signs on a facade may not exceed 10 percent of the building facade on which the signs are located. No more than 50 percent of the maximum effective area may be located at a point on the facade above 66 feet in height.

(6) Signs overhanging or projecting into the public right-of-way.

(A) Attached signs overhanging the public right-of-way are permitted as long as each sign is a minimum of 10 feet above the sidewalk grade.

(B) No portion of a marquee sign may:

(i) project more than eight feet into the public right-of-way; or

(ii) be located less than two feet from the back of a street curb.

(C) For all other projecting attached signs, no portion of the signs may:
§ 51A-7.1729 Dallas Development Code: Ordinance No. 19455, as amended

(i) project more than four feet into the public right-of-way; or

(ii) be located less than two feet from the back of the street curb.

(7) Parapet signs. Parapet signs are permitted in this subdistrict. No parapet sign may project more than four feet above the edge of the roof, regardless of whether the sign is attached to a parapet wall or the roof's edge.

(8) Roof signs. Roof signs are prohibited in this subdistrict.

(9) No limitation on projecting attached signs. Projecting attached signs are permitted on premises with detached signs.

(10) Limitation on changeable message signs.

(A) A premise is entitled to only one marquee sign per facade, except that one additional marquee sign is permitted on that facade if the width of the facade is more than 300 feet.

(B) A premise is entitled to two additional changeable message signs per facade as long as the signs are not marquee signs.

(C) No portion of a changeable message sign is permitted at a point on the facade above 66 feet in height.

(11) Location limitations. Only two facades per building may have a sign or portion of a sign at a point on the facade above 66 feet in height.

(12) Signs projecting over the roof line. Except for a parapet sign, no attached sign may project over a building.

(13) Location limitation on projecting attached signs. Except for a parapet sign, no portion of a projecting attached sign may be located at a point on the facade above 66 feet in height.

(b) Permanent detached signs. The only permanent detached signs permitted in this subdistrict are signs provided for in this subsection.

(1) Kiosks. Kiosks are permitted subject to the following regulations:

(A) No more than 20 kiosks are permitted in this district.

(B) Kiosks within the same block face and within 20 feet of the right-of-way line of a public street must be spaced at least 50 feet apart.

(C) No kiosk may be illuminated by a detached independent external light source.

(D) Kiosks may not be located on sidewalks unless a minimum unobstructed sidewalk width of 10 feet is maintained. If, however, a greater unobstructed sidewalk is required in the ordinance establishing Planned Development District No. 582, then that greater unobstructed sidewalk width requirement must be maintained.

(E) Kiosks must be securely anchored to the ground.

(F) No kiosk may exceed ten feet in height, measured from the ground at the base of the kiosk, or 100 square feet in effective area.

(G) Kiosks may display premise or non-premise signs. If the sign displayed is a non-premise non-changeable message sign or a non-premise non-digital changeable message sign, 30 percent of the effective area of the sign must identify a district activity. If the sign displayed is a non-premise digital changeable message sign, the sign must identify a district activity 30 percent of the time measured on a 24-hour basis.

(2) Monument signs. Each premise fronting on a public street or private access easement may have one monument sign. Premises which have more than 250 feet of frontage along a public street or private
access easement, other than an alley, may have not more than one additional monument sign for each additional 250 feet of frontage or fraction thereof. No monument sign may exceed 250 square feet in effective area or 10 feet in height.

(3) All other detached signs. The following additional detached signs are permitted:

(A) Non-premise detached signs may be located in private access easements. No such sign may exceed 30 feet in height or have a sign face that exceeds six feet in height. Each such sign must have a minimum clearance of 14 feet above the ground. Signs permitted under this subparagraph must be spaced at least 250 feet apart.

(B) The owner or operator of a surface parking lot may erect one non-premise detached sign for each vehicular entrance to the parking lot, and one additional non-premise detached sign for each 40,000 square feet of parking surface. Signs permitted under this subparagraph must be spaced at least 250 feet apart.

(i) may not exceed 30 square feet in effective area or 20 feet in height;

(ii) must be spaced at least 100 feet apart; and

(iii) must be located at least five feet from the lot line or public right-of-way line, whichever creates the greater setback.

A minimum of 30 percent of the effective area of each sign must identify a district activity.

(4) Vent stack signs prohibited. No sign may be located on a vent stack in this subdistrict.

(c) Temporary signs. The only temporary signs permitted in this subdistrict are special purpose signs, temporary protective signs, temporary signs on construction fencing, and “for sale,” “for lease,” “remodeling,” and “under construction” signs. These temporary signs are in addition to all other signs permitted in this ordinance.

(d) Special purpose signs.

(1) Illumination. Special purpose signs may be externally illuminated, and, except for banners, may be internally illuminated or “back-lighted.”

(2) Premise special purpose signs.

(A) Attached premise special purpose signs. An occupancy may have one attached premise special purpose sign up to four times within any twelve-month period as long as the sign:

(i) is displayed for no more than 45 days each time during the twelve-month period; and

(ii) has no more than 10 words that contain any character equal to or exceeding four inches in height.

(B) Detached premise special purpose signs.

(i) An occupancy may have a detached premise special purpose sign no more than three times each calendar year for no more than 38 consecutive days each time. No detached premise special purpose sign may be erected at an occupancy during the 30-day period immediately following the removal of a detached premise special purpose sign from that occupancy.

(ii) Detached premise special purpose signs must:

(aa) be located at least 100 feet apart;

(bb) not exceed eight feet in height; and

(cc) not exceed 50 square feet in effective area.
(iii) No more than one detached premise special purpose sign may be erected on each street or private access easement that the premise fronts on.

(4) Non-premise special purpose signs.

(A) In general. Non-premise special purpose signs are permitted subject to the following regulations:

(i) Except as provided below, non-premise special purpose signs may only display promotional and welcome messages.

(ii) Up to 10 percent of the effective area of a non-premise special purpose sign may contain commercial advertisement. The name of the event or activity identified in a promotional message is not considered commercial advertisement even if the event or activity is named after the sponsor.

(iii) A non-premise special purpose sign may not be erected more than 30 days before the beginning of the advertised activity or event, and must be removed no later than 10 days after the activity or event has ended.

(iv) The sign hardware for a banner may be left in place between displays of a banner.

(B) Attached non-premise special purpose signs. Attached non-premise special purpose signs are prohibited in this subdistrict.

(C) Detached non-premise special purpose signs. The only detached non-premise special purpose signs permitted in this subdistrict are as follows:

(i) Banners on street light poles. Banners are permitted on street light poles as long as the banners and their hardware:

(aa) meet the sign construction and design standards contained in the Dallas Building Code;

(bb) are at least 12 feet above grade, unless they overhang a roadway, in which case they must be at least 15 feet above grade;

(cc) do not project more than three feet from the pole on which they are mounted;

(dd) do not exceed 50 square feet in effective area; and

(ee) are made out of weather-resistant and rustproof material.

(ii) Other banners crossing the public way. Banners may be displayed over and across the public way. No portion of a banner may be located more than 35 feet above grade, or less than 14 feet above any street, sidewalk, or other pedestrian area. The height of a sign face may not exceed six feet. All banners must be spaced at least 100 feet apart.

(e) Other temporary signs.

(1) Temporary protective signs. In addition to the other protective signs permitted under Section 51A-7.1718, temporary protective signs may be erected anywhere on a construction site at anytime during construction. There is no limit on the number of these signs, but no sign may exceed 20 square feet in effective area or eight feet in height. Temporary protective signs may be illuminated, but no lighting source may project more than three inches from the vertical surface of, or six inches above the top of, the sign. All temporary protective signs must be removed upon completion of the construction.

(2) Temporary signs on construction fencing. Temporary signs may be erected on construction fencing subject to the following provisions:

(A) The signs must be spaced at least 50 feet apart.

(B) No sign may exceed 128 square feet in effective area or eight feet in height.
§ 51A-7.1729 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.1730

(C) No sign may project more than three inches from the vertical surface of, or six inches above the top of, the fence.

(D) The signs may be illuminated.

(E) The signs may only identify the project under construction and its owners, developers, future tenants, lenders, architects, engineers, project consultants, and contractors.

(F) The signs must be removed upon completion of the construction.

(3) “For Sale,” “For Lease,” “Remodeling,” and “Under Construction” signs. Signs that relate exclusively to the sale, lease, construction, or remodeling of the premises on which they are located are permitted. There is no limit to the number of attached signs permitted. Detached signs are limited to one for each 100 feet of frontage on a public street or private access easement. If attached to a window, the maximum effective area of the sign is 16 square feet; if attached to other portions of a facade, the maximum effective area is 32 square feet. No detached sign may exceed 128 square feet in effective area or 16 feet in height.

(f) Additional signs in Subarea D-1: Parking structure screening signs.

(1) Visual display and coverage.

(A) The maximum effective area of text may not exceed 20 percent. The effective area of text is the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word.

(B) Multiple displays giving an appearance of multiple signs are prohibited.

(C) A parking structure screening sign must be at least 10 feet above adjacent average grade.

(D) A parking structure screening sign may be internally or externally illuminated. If internally illuminated, a parking structure screening sign may consist of translucent materials, but not transparent materials. Illumination must be turned off between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday.

(E) Minimum permitted effective area of a parking structure screening sign is 750 square feet.

(2) Location and construction.

(A) The sign may not be an HBA sign.

(B) A parking structure screening sign may only be located on a blank wall face or on the facade of a parking structure facing north, east, or south.

(C) The parking structure must comply with the Dallas Building Code parking structure ventilation requirements.

(D) No parking structure screening sign may cover any window or architectural or design feature of the building to which it is attached.

(E) A parking structure screening sign may wrap around the edge of a building if both building facades to which the parking structure screening sign is attached are otherwise eligible facades and the parking structure screening sign is one continuous image. (Ord. Nos. 24348; 25918; 30043)

SEC. 51A-7.1730. NON-CONFORMANCE AND BOARD OF ADJUSTMENT AUTHORITY.

(a) Purpose of section. It is the declared purpose of this division that, in time, all privately owned signs shall either conform to the provisions of this division.
§ 51A-7.1730 Dallas Development Code: Ordinance No. 19455, as amended

or be removed. By the passage of this ordinance and its amendments, no presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this ordinance and all other ordinances of the city of Dallas. Any sign which does not conform to all provisions of this ordinance shall be a nonconforming sign if it legally existed as a conforming or nonconforming sign under prior ordinances; or an illegal sign if it did not exist as a conforming or nonconforming sign, as the case may be. It is further the intent and declared purpose of this ordinance that this division, and not the provisions of Article IV, shall exclusively govern how non-conforming signs in this district are treated. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time this ordinance was adopted shall be discharged or affected by such passage, but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted, and causes presently pending may proceed.

(b) Removal and maintenance of certain non-conforming signs.

(1) A sign erected without a permit, either prior to or after the adoption of this division, is an illegal sign if a permit was required for its erection according to the law in effect at the time the sign was erected. It shall be unlawful to maintain any illegal sign. It is a defense to prosecution under this subsection if the sign has been made to comply with the provisions of this division so that a permit may be issued.

(2) No person may repair a nonconforming sign if the cost of repair is more than 60 percent of the cost of erecting a new sign of the same type at the same location, unless that sign is brought into conformity with this chapter. No person may alter or repair a nonconforming sign where the effect of such repair shall be to enlarge or increase the structure of the nonconforming sign. For purposes of this section, mono-pole, metal, and wood are each an example of a “type” of sign and the term “repair” does not include maintenance or changes of words or other content on the face of a sign.

(c) Board of Adjustment authority.

(1) The board of adjustment may, in specific cases, take the following actions and authorize the following special exceptions with respect to the provisions of this division.

(2) The board of adjustment may waive any filing fee for an appeal under this division when 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 as part of his appeal or request that the matter be placed on the board’s miscellaneous docket for predetermination. If the matter is placed on the miscellaneous docket, the applicant may not file his appeal until the merits of the request for waiver have been determined by the board.

(3) The board of adjustment may hear and decide appeals that allege error in any order, requirement, decision, or determination made by the building inspection division in the enforcement of this division.

(4) The board of adjustment may require a nonconforming sign to be brought into immediate conformity with all current standards of all ordinances of the city, or to be removed when, from the evidence presented, the board finds the sign to be hazardous to the public or to have been abandoned by its owners.

(5) Where a permit was required for a sign’s erection according to the law in effect at the time the sign was erected and where the building inspection division finds no record of a permit being issued, the board of adjustment may authorize the issuance of a replacement permit when, from the evidence presented, the board finds that a permit was issued or that arrangements were made with a sign company to obtain the permit.

[Section 51A-7.1730 continues on page 683.]
(d) Determination of non-commercial message.

(1) Findings. The city council finds that it may be necessary in the enforcement of this division to determine whether the message displayed upon a sign is a commercial message or a noncommercial message.

(2) Hearing. If a person receives a notice of violation or is cited for maintaining an illegal sign, and the person notifies the city attorney in writing within 10 days of receiving the notice or citation that he believes the sign displays a noncommercial message and is, therefore, not in violation of this division, the city attorney shall postpone prosecution of the case and shall have the matter placed on the agenda of the board of adjustment for appeal under Section 51A-7.1730(c)(3) of this section. The board shall give the person maintaining the sign 10 days written notice of a public hearing on the matter. After hearing the evidence, the board shall decide whether the message displayed on the sign is commercial or noncommercial. No fee may be charged for this appeal.

(3) Judicial Review. If the board decides that the message is commercial and that the sign is illegal, the person maintaining the sign may within 10 days of the board’s decision file a notice of nonacceptance of the decision with the city attorney. Within three days after receiving notice of nonacceptance, the city attorney shall initiate suit in the district court for determination that the sign is commercial and for an injunction to prohibit display of the sign in violation of this article. The city shall bear the burden of showing that the sign is commercial. In computing the three-day time period, Saturdays, Sundays, and legal holidays are excluded. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1801. DESIGNATION OF SOUTHSIDE ENTERTAINMENT SIGN DISTRICT.

(a) A special provision sign district is hereby created to be known as the Southside Entertainment Sign District. For purposes of this article, the boundaries of the Southside Entertainment Sign District are that portion of Planned Development District No. 317 (the Cedars Special Purpose District), that is enclosed between the centerlines of Interstate Highway 30, the Dallas Area Rapid Transit right-of-way, Belleview Road, and the MK&T railroad right-of-way.

(b) This division incorporates by reference the provisions of Divisions 51A-7.100 through 51A-7.800 of CHAPTER 51A, “PART II OF THE DALLAS DEVELOPMENT CODE,” as that division exists today and as it may be amended in the future. In the event of a conflict between the provisions of this division and Divisions 51A-7.100 through 51A-7.800, this division controls.

(c) Any portion of the property described in Subsection (a) that was formerly part of the Downtown Special Provision Sign District is no longer considered to be part of that district. This division completely supersedes Division 51A-7.900 with respect to the property described in Subsection (a). (Ord. 24760)

SEC. 51A-7.1802. PURPOSE.

(a) The purpose of these sign regulations is to regulate the construction of new signs and the alteration of existing signs to promote economic growth in this district as an entertainment district.
§ 51A-7.1802 Dallas Development Code: Ordinance No. 19455, as amended

(b) These sign regulations have been developed to achieve the following objectives in this district:

(1) To create a vibrant entertainment environment while ensuring that signage does not obscure architecturally significant features of the buildings in this district.

(2) To help create an aesthetically pleasing environment that promotes economic growth in this district. (Ord. 24760)

SEC. 51A-7.1803. DEFINITIONS.

(1) ARCADE SIGN means a sign that is mounted under a canopy or awning and is perpendicular to the building to which the canopy or awning is attached. This sign is intended to be read from the pedestrian walkway that the canopy or awning covers.

(2) AREA INFORMATION SIGN means a sign providing information about any of the following:

(A) The name, trade name, or logo of the owner or occupant of any premise within this district.

(B) The identification of any premise within this district.

(C) Any accommodations, services or activities offered, or conducted, other than incidentally, on any premise within this district.

(D) The sale, lease, or construction of any premise within this district.

(3) ATTACHED SIGN means a sign that is attached to, applied on, or supported by: any part of a building (such as a wall, parapet, roof, window, canopy, awning, arcade, or marquee) that encloses or covers usable space; mounted antennas; water reservoirs on buildings; chimneys; or visual screens that surround roof-mounted equipment.

(4) AWNING means a fabric or vinyl surface supported by a metal (or other similarly strong material) structure, which is applied to the face of a building.

(5) AWNING SIGN means a sign attached to, painted on, or otherwise applied to an awning.

(6) BANNER means a sign applied on a strip of cloth, vinyl, or similar material and attached to a building or structure. Awning, canopy signs, and flags are not banners.

(7) CANOPY means a permanent, non-fabric architectural element projecting from the face of a building.

(8) CANOPY SIGN means a sign attached to, applied on, or supported by a canopy, with no changeable message area.

(9) CHANGEABLE MESSAGE means the portion of a sign composed of Light Emitting Diode (LED)/Liquid Crystal Display (LCD) elements, “Diamond Vision” technology, slide lettering, slated rotating surfaces, or other changeable message technology that displays different designs or advertisements.

(10) DISTRICT or THIS DISTRICT means the Southside Entertainment Sign District.

(11) EFFECTIVE AREA means:

(A) for a detached sign, or a marquee sign, the area within a minimum imaginary rectangle of vertical and horizontal lines that fully contains all extremities of the sign excluding its supports. The rectangle is calculated from an orthographic projection of the sign viewed horizontally. The viewpoint for this projection that produces the largest rectangle must be used. If elements of the sign are moveable or flexible, such as a flag or a string of lights, the measurement is taken when the elements are fully extended and parallel to the plane of view;
§ 51A-7.1803 Dallas Development Code: Ordinance No. 19455, as amended

(B) for a sign placed on an awning, canopy, fence, construction barricade, non-enclosing wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure may not be computed, and the effective area must be measured by the rule for effective area for an attached sign; and

(C) for an attached sign other than a marquee sign, the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word. If a design, outline, illustration, or interior illumination surrounds or attracts attention to a word, then it is included in the calculation of the effective area.

(12) EVENT SIGN means a temporary sign advertising any event at a sports, musical, or arts venue in this district, including, but not limited to, indoor motion picture theaters, theaters for live musical or dramatic performances, indoor and outdoor concert halls, galleries, and exhibition halls.

(13) FACADE means a separate face of a building, such as: a parapet wall; an omitted wall line; any part of a building which encloses or covers usable space; a chimney; roof-mounted equipment; a mounted antenna; or a water tower. Where separate facades on a building are oriented in the same direction or in directions within 45 degrees of one another, they are to be considered as part of a single facade. A roof is not a facade or part of a facade. Multiple buildings on the same lot have separate facades from each other.

(14) FLAT ATTACHED SIGN means an attached sign that projects 18 inches or less from a building, and has a face parallel to the building facade.

(15) GENERIC GRAPHICS means a pattern of shapes, colors, or symbols that does not commercially advertise.

(16) LANDSCAPE SIGN means a sign that is a part of a single landscape design that creates a base for the sign in conjunction with a retaining wall or an open space created with the use of water or planting material.

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

(18) MESSAGE AREA means the area within the effective area of a sign that provides a specific commercial or noncommercial message and that excludes all extremity and intra-areas associated with the sign fixture.

(19) MONUMENT SIGN means a detached sign applied directly onto a grade-level support structure (instead of a pole support) with no separation between the sign and grade.

(20) MOVEMENT CONTROL SIGN means a sign that directs vehicular and pedestrian movement within this district.

(21) OCCUPANT means a person, group of people collectively, association, partnership, corporation, or other entity to whom a single certificate of occupancy has been issued by the building official.

(22) PROJECTING ATTACHED SIGN means an attached sign projecting more than 12 inches from a building at an angel other than parallel to the facade.

(23) ROOF SIGN means a sign that is attached to or supported by the roof of a building.

(24) SIGN HARDWARE means the structural support system for a sign, including the fastening devices that secure a sign to a building facade or pole.

(25) SPECIAL SIGN DISTRICT ADVISORY COMMITTEE means that committee created by Section 51A-7.504 of the Dallas Development Code, as amended.
(26) TEMPORARY SIGN means a sign erected for a limited time that identifies an event or activity of limited duration. Examples include signs advertising the sale or lease of property, construction activity in progress, or a concert or other cultural event.

(27) WELCOME MESSAGE means a message that identifies and greets heads of state, foreign dignitaries, groups using city property in accordance with a contract, license, or permit, or government organizations.

(28) WINDOW SIGN means a sign painted or affixed to a window.

(29) WORD: For purposes of this division, each of the following is considered to be one word:

(A) Any word in any language found in any standard unabridged dictionary or dictionary of slang.

(B) Any proper noun or any initial or series of initials.

(C) Any separate character, symbol, or abbreviation such as “&”, “$”, “%”, and “Inc.”

(D) Any telephone number, street number, or commonly used combination of numerals and symbols such as “$5.00” or “50%.”

(E) Any Internet website, network, or protocol address, domain name, or universal record locator.

(F) Any symbol or logo that is a registered trademark but which itself contains no word or character.

(G) A street address is not considered to be a word.

(b) Except as otherwise provided in this section, the definitions in the Dallas Development Code apply to this division. In the event of a conflict, this section controls. (Ord. 24760)

SEC. 51A-7.1804. GENERAL PROVISIONS.

(a) Except as otherwise provided in this division, all applications for certificates of appropriateness for signs in this district must be reviewed by the special sign district advisory committee using the permit procedures set forth in Section 51A-7.505.

(b) The only signs permitted in this district are those specified in this division, and those required by state or federal law.

(c) In Historic Overlay District No. 56, the Landmark Commission has the sole authority:

(1) to determine every aspect of a sign other than the construction and maintenance standards, such as the location, size, height, effective area, number, and type of signs; and

(2) to issue a certificate of appropriateness for a sign.

(d) All wind devices except for flags and banners are prohibited in this district unless allowed under a special events permit issued under Chapter 42A of the Dallas City Code, as amended.

(e) Roof signs and pole signs, except for area information signs and temporary detached signs, are prohibited.

(f) A sign with a changeable message area may not change its message at a rate more often than once each 20 seconds. No sign permit is required for changes to the changeable message portion of a sign.

(g) All signs must be premise signs, except area information signs, banner signs on streetlight poles, movement control signs, vehicular signs, government signs, event signs, and window display signs.
§ 51A-7.1804 Dallas Development Code: Ordinance No. 19455, as amended

(h) Signs over the right-of-way.

(1) Signs may be located within the public right-of-way subject to the franchise requirements of Chapter XIV of the City Charter, Article VI of Chapter 43 of the Dallas City Code, as amended, Chapter 36 of the Dallas Building Code, and the requirements of all other applicable laws, codes, ordinances, rules, and regulations.

(2) The traffic engineer shall review the location of any sign located in or overhanging the public right-of-way to ensure that the sign will not pose a traffic hazard or visibility obstruction.

(3) Signs overhanging the public right-of-way are permitted, except that no sign may project closer than two feet to the vertical plane extending through the back of a street curb. No portion of a sign may be located less than two feet from the back of a street curb. (Ord. Nos. 24760; 28424)

SEC. 51A-7.1805. ATTACHED SIGNS.

(a) Attached signs in general.

(1) The total effective area for all attached signs on a facade may not exceed 30 percent of the area of the facade. Projecting signs, marquee signs, and event signs are not included in the total effective area calculations of a facade.

(2) Except for changeable message portions of a sign, event signs, or as otherwise provided in this division, on any building facade, there may be a maximum of eight words per premise and/or per occupant which contain any character of a height equal to or exceeding four inches. Words consisting of characters less than four inches high may be used without limit.

(3) Attached signs must be securely attached.

(4) Attached signs may not project more than four feet above the surface to which they are attached, unless otherwise specified in this division.

(b) Arcade signs.

(1) An arcade sign must be located at least six feet from any other arcade sign.

(2) No arcade sign may exceed six square feet in effective area.

(3) No arcade sign may be lower than 10 feet above grade.

(c) Awning signs.

(1) No awning sign may project beyond the surface of the awning or be lower than 10 feet above grade or higher than 20 feet above grade.

(2) The total effective area for any one awning sign may not exceed six square feet.

(3) An awning sign must be located over a window or a door.

(d) Canopy signs.

(1) No canopy sign may:

(A) exceed 50 percent of the length of the canopy facade to which it is attached;

(B) project vertically beyond the canopy more than 15 percent of the length of the sign;

(C) project horizontally more than 12 inches from the surface of the canopy; or

(D) be lower than 10 feet above grade.

(2) A canopy sign may only be located over a pedestrian entrance to a premise.
§ 51A-7.1805 Dallas Development Code: Ordinance No. 19455, as amended

(e) Flat attached signs.

(1) The maximum effective area for a flat attached sign is 15 percent of the total facade area.

(2) The minimum distance between flat attached signs is four feet.

(3) Parapet signs are permitted as flat attached signs.

(f) Marquee signs.

(1) No marquee sign may exceed 50 percent of the area of the facade.

(2) No marquee sign may be longer than two-thirds of the length of the frontage of the building to which the marquee is attached.

(3) Marquee signs may not project more than five feet above the roof line of the facade to which it is attached.

(4) No premise may have more than one marquee sign per street frontage.

(g) Projecting attached signs.

(1) A projecting attached sign may not exceed the following size limits:

(A) Seventy-five square feet in effective area if the building to which it is attached is at least 36 feet high.

(B) Thirty square feet in effective area if the building to which it is attached is less than 36 feet high.

(2) No projecting attached sign may be lower than 12 feet above grade.

(3) No projecting attached sign may project more than five feet from the facade, or more than five feet over the roof line, of the building to which it is attached.

(h) Temporary attached signs.

(1) Temporary attached signs permitted in this district are temporary protective signs, or signs that relate exclusively to the sale, lease, construction, or remodeling of the premises on which they are located.

(2) No more than one temporary attached sign per occupant is permitted on the facade of the building.

(3) Temporary protective signs may be erected anywhere on a construction site during construction, subject to the following provisions:

(A) No sign may exceed 20 square feet in effective area or ten feet in height.

(B) The signs may be illuminated.

(C) The signs must be removed upon completion of the construction.

(4) Signs that relate exclusively to the sale, lease, construction, or remodeling of the premises on which they are located are permitted, but if the sign is attached to a window, the maximum effective area of the sign is 15 square feet. (Ord. 24760)

SEC. 51A-7.1806. EVENT SIGNS.

(a) Event signs may be non-premise signs.

(b) Event signs are not counted in the calculations for total percentage of facade area covered by signs.

(c) A maximum of 15 percent of the effective area of the sign may contain words or logos that identify the sponsor of the activity or event.
(d) Only one event sign per facade is permitted at one time.

(e) Each facade may display an event sign for up to 15 consecutive days (the display period), a maximum of 12 times per calendar year per premise or occupant. No event sign may be displayed on the same facade in two or more consecutive display periods.

(f) The effective area of an event sign may not exceed 30 percent of the area of the facade to which it is attached.

(g) An event sign may contain an unlimited number of words.

(h) An event sign may not be painted on any part of the building or be below 10 feet above grade. (Ord. 24760)

SEC. 51A-7.1807. WINDOW DISPLAY SIGNS.

(a) Window display signs are permitted only on the ground floor of a vacant building.

(b) A window display sign may contain only the following messages: welcome messages for visitors; advertising of occupants or events at a sports, musical, or arts venue in this district, including, but not limited to, indoor motion picture theaters, theaters for live musical or dramatic performances, indoor and outdoor concert halls, galleries, and exhibition halls; generic graphics (including three-dimensional artifacts); a message identifying the sponsor of the display; or a message referring to the sale or lease of the premises.

(c) Window display signs may not:

1. cover more than 25 percent of the surface area of a window;

2. contain a logo or word that has any character that exceeds five inches in height; or

3. contain more than 15 percent sponsorship identification.

(d) No sign permit or certificate of appropriateness is required to erect or remove a window display sign. (Ord. 24760)

SEC. 51A-7.1808. DETACHED SIGNS.

(a) Detached signs in general.

1. The only detached signs permitted are area information signs, banner signs on streetlight poles, landscape signs, monument signs, temporary detached signs, construction barricade signs, movement control signs, vehicular signs, government signs, and protective signs.

2. A detached premise sign may contain only the name, logo, and address of a premise in this district and its occupants.

3. No more than one detached sign per premise per street frontage is permitted, except that a premise having more than 450 feet of street frontage may have one additional sign per 100 feet (or fraction thereof) of street frontage above 450 feet.

4. Banner signs on streetlight poles and movement control signs may contain only the name, logo, and address of any building in this district and its occupants, or a sponsorship or welcome message, unless otherwise specified in this section.

(b) Area information signs.

1. A maximum of one area information sign is permitted in this district, and it may be located only in the following area, generally described as being near the intersection of Terminal Street and Lamar Street: Being a portion of Lot 3 of Mosher’s Subdivision of Block 419 of the City of Dallas, Texas, as recorded in Volume 4, Page 201, of the Map Records of Dallas County, Texas, and more particularly described as an
area within the perimeter of Lot 3, in the shape of a rectangle which is 20 feet wide and 96 feet long, and which is bounded on the northwest by an imaginary line which is parallel to and 11.5 feet to the southeast of the northwest lot line of said Lot 3 (said northwest line being the dividing or common line between Lot 3 and Lot 4 of said Mosher’s Subdivision of Block 419), bounded on the northeast by an imaginary line which is parallel to and 15 feet to the southwest of the northeast lot line of said Lot 3 (said northeast lot line being adjacent to Lamar Street), bounded on the southeast by an imaginary line which is parallel to and 9.9 feet to the northwest of the southeast lot line of Lot 3 (said southeast line being the dividing or common line between Lot 3 and Lot 2 of said Mosher’s Subdivision of Block 419), and bounded on the southwest by an imaginary line parallel to and 15 feet to the northeast of the southwest line of said Lot 3 (said southwest lot line being adjacent to Terminal Street).

(2) An area information sign:

(A) may not exceed 60 feet in height or 600 square feet in effective area;

(B) must have a changeable message component to the sign;

(C) must display messages regarding at least three occupants of premises in this district or events in this district per cycle of the changeable message board, and may not display an occupant or event message in two successive messages per cycle; and

(D) may display sponsorship identification on a maximum of 20 percent of the effective area of the sign.

(3) The text in the changeable message portion of the sign is limited to welcome messages for visitors, and to advertising of occupants or events at a sports, musical, or arts venue in this district, including, but not limited to, indoor motion picture theaters, theaters for live musical or dramatic performances, indoor and outdoor concert halls, galleries, and exhibition halls.

(4) The changeable message portion of the sign must be available for messages from all premises and occupants within this district.

(c) Banner signs on streetlight poles.

(1) A banner sign is permitted only if it:

(A) advertises an occupant or premise in this district or events at a sports, musical, or arts venue in this district, including, but not limited to, indoor motion picture theaters, theaters for live musical or dramatic performances, indoor and outdoor concert halls, galleries, and exhibition halls; or

(B) displays a sponsorship identification, a welcome message, or generic graphics.

(2) Text on a banner sign may not exceed 10 percent of the total effective area of the banner.

(3) A banner and its sign hardware must:

(A) be mounted on a streetlight pole;

(B) meet the sign construction and design standards in the Dallas Building Code;

(C) be at least 12 feet above grade, unless it overhangs a roadway, in which case it must be at least 15 feet above grade;

(D) be made out of weather-resistant and rust-proof material;

(E) not project more than three feet from the pole onto which it is mounted; and

(F) not exceed 20 square feet in effective area.
§ 51A-7.1808 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.1809

(4) No sign permit or certificate of appropriateness is required to erect or remove a banner sign.

(d) Landscape signs.

(1) A landscape sign must be a premise sign.

(2) A landscape sign may have a maximum effective area of 50 square feet, and a maximum height of 15 feet.

(3) There is no minimum setback required for landscape signs.

(4) Section 51A-7.304(c) of the Dallas Development Code, as amended, does not apply to landscape signs in this district.

(e) Monument signs.

(1) A monument sign must be a premise sign.

(2) A monument sign may have a maximum effective area of 50 square feet, and a maximum height of 15 feet.

(3) There is no minimum setback required for monument signs.

(4) Section 51A-7.304(c) of the Dallas Development Code, as amended, does not apply to monument signs in this district.

(f) Temporary detached signs.

(1) Temporary detached signs permitted in this district are temporary protective signs, or signs that relate exclusively to the sale, lease, construction, or remodeling of the premises on which they are located.

(2) There is no limit on the number of temporary protective signs permitted.

(3) Temporary protective signs may be erected anywhere on a construction site during construction, subject to the following provisions:

(A) No temporary protective sign may exceed 20 square feet in effective area or 10 feet in height.

(B) The signs may be illuminated.

(C) The signs must be removed upon completion of the construction.

(4) Signs that relate exclusively to the sale, lease, construction, or remodeling of the premises on which they are located are permitted, subject to the following restrictions:

(A) The maximum height of the sign is 10 feet, and the maximum effective area of the sign is 128 square feet.

(B) No more than one of this type of sign is permitted per each 100 feet of frontage of the premises. (Ord. 24760)

SEC. 51A-7.1809. CONSTRUCTION BARRICADE SIGNS.

(a) A construction barricade sign may cover up to 100 percent of the surface area of the construction barricade to which it is attached.

(b) A construction barricade sign may contain any number of words and may have a maximum message area of 50 square feet.

(c) A construction barricade sign may neither be lighted nor contain any moving parts.

(d) A construction barricade sign must be removed from the area when the construction barricade is removed, i.e. the sign may not be detached from the barricade and left at the site.
§ 51A-7.1809 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.1812

(e) The information on a construction barricade sign is limited to information regarding what is being constructed on the site and who is conducting the construction, including the owners, developers, future tenants, lenders, architects, engineers, project consultants, and contractors. The sign may not advertise a product.

(f) A construction barricade may not project more than four feet above the top or sides of the construction barricade.

(g) A sign that is affixed to a construction barricade may not project more than two inches from the surface of the construction barricade. (Ord. 24760)

SEC. 51A-7.1810. MOVEMENT CONTROL SIGNS.

(a) Movement control signs must direct vehicular or pedestrian movement within this district or to adjacent districts and may include the name or logo of any premise located in this district or in any sign district within a one-mile radius of the Central Business District.

(b) Movement control signs that include the name or logo of two or more premises may:

(1) not exceed 30 square feet in effective area;

(2) be located in a public right-of-way; or

(3) be erected anywhere within the district without limit as to number. (Ord. 24760)

(SEC. 51A-7.1811. PROTECTIVE SIGNS.

(a) The owner of, and each occupant of, a premise may erect no more than two detached protective signs in accordance with the following provisions:

(1) No sign may exceed 700 square inches in effective area.

(2) No detached sign may exceed two feet in height.

(b) The owner of, and each occupant of, a premise may erect attached protective signs at each entrance to a premise in accordance with the following provisions:

(1) No sign may exceed 700 square inches in effective area.

(2) The cumulative messages may not exceed 1,300 square inches per entrance.

(3) No word may exceed four inches in height, unless otherwise required by law. (Ord. 24760)

SEC. 51A-7.1812. APPLICABILITY OF HIGHWAY BEAUTIFICATION ACTS.

For purposes of applying the Federal and Texas Highway Beautification Acts, this district is considered to be a commercial zoning district. (Ord. 24760)

SEC. 51A-7.1901. DESIGNATION OF WEST VILLAGE SIGN DISTRICT.

A special provision sign district is hereby created to be known as the West Village Sign District. For purposes of this article, the boundaries of the West Village Sign District are that portion of the West Mixed Use Subzone of the Planned Development District No. 305 (commonly known as the Cityplace PD) that is enclosed within the following boundaries set forth in Exhibit 7.1900A, which is attached to and made a part of this ordinance, and generally described as the property bounded by the centerlines of Cole Avenue, Blackburn Street, McKinney Avenue, and Lemmon Avenue, and including a 1.1028 acre tract fronting approximately 357 feet on Blackburn Street, fronting approximately 118 feet on McKinney Avenue, and fronting approximately 118 feet on Cole Avenue. (Ord. 24974)

SEC. 51A-7.1902. DESIGNATION OF SUBDISTRICTS.

(a) This district is hereby divided into two subdistricts: Subdistricts A and B.

(b) Subdistrict A is that area of this district within the following described boundaries: all building faces that front on Cole Avenue, Blackburn Street, McKinney Avenue, and Lemmon Avenue.

(c) Subdistrict B is that area of this district that is not in Subdistrict A. (Ord. 24974)

SEC. 51A-7.1903. PURPOSE.

(a) The purpose of this division is to regulate both the construction of new signs and the alterations of existing signs to create a unique, lively and commercially-active environment that is bright and safe, and that incorporates diverse, state-of-the-art graphic technologies to promote an urban mixed use environment in this district.

(b) These sign regulations have been developed to achieve the following objectives in this district:

1. To create an aesthetically pleasing environment that promotes an atmosphere of vitality appropriate for a place where thousands of citizens gather for entertainment and celebration.

2. To encourage the use of signs that are innovative, colorful, and entertaining, and that bring a distinctive character to this district.

3. To identify and promote special events and cultural activities that will occur in this district.

4. To encourage signs with a style, orientation, and location that take into consideration the high number of pedestrians expected within this district.

5. To communicate clear directions to and through this district.

6. To promote the economic success of businesses in this district. (Ord. 24974)

SEC. 51A-7.1904. DEFINITIONS.

In this division:

1. ARCADE SIGN means any sign mounted to the underside of a canopy or awning intended to be read from the pedestrian walkway that the canopy covers.

2. ATTACHED SIGN means any sign attached to, applied on, or supported by, any part of a building (such as a wall, parapet, roof, window, canopy, awning, arcade, or marquee) that encloses or covers usable space.
§ 51A-7.1904 Dallas Development Code: Ordinance No. 19455, as amended

(3) AWNING means a fabric or vinyl surface supported by a tubular metal structure, which is applied to the face of a building.

(4) AWNING SIGN means a sign that is attached or applied to or painted on an awning.

(5) BANNER means a sign attached to or applied on a strip of cloth, vinyl, or similar material and attached to a building or structure. Awning signs and flags are not banners.

(6) CANOPY means a permanent, non-fabric architectural element projecting from the face of a building.

(7) CANOPY SIGN means a sign attached to, applied on, or supported by a canopy, with no changeable message area.

(8) CHANGEABLE MESSAGE SIGN means an electronic sign whose contents can change periodically and that can show animated messages.

(9) DISTRICT means the West Village Special Provision Sign District.

(10) EFFECTIVE AREA means:

(A) For a detached sign, other than outlined in (B) below, the area within a minimum imaginary rectangle of vertical and horizontal lines that fully contains all extremities of the sign, excluding its supports. This rectangle is calculated from an orthographic projection of the sign viewed horizontally. The viewpoint for this projection that produces the largest rectangle must be used. If elements of the sign are moveable or flexible, such as a flag or a string of lights, the measurement is taken when the elements are fully extended and parallel to the plane of view.

(B) For signs placed on a fence, non-enclosing wall, planter or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed as the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines enclosing the extreme limits of writing, representation, emblems, or figures together with all material, color or lighting forming an integral part of the display or used to differentiate the sign background against which it is placed.

(C) For an attached sign, the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word. If a design, outline, illustration, or interior illumination surrounds or attracts attention to a word, then it is included in the calculation of effective area.

(D) An awning or canopy is not included in the calculation of the effective area.

(11) ENTERTAINMENT COMPLEX means an entertainment facility with a seating capacity of at least 100 persons for showing motion pictures or staging theatrical performances to an audience or where the audience views and participates in events and performances including, but not limited to, theatrical, musical and dramatic performances, and meetings and assemblages.

(12) FACADE means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space, chimneys, roof-mounted equipment, mounted antennas, or water towers. Where separate faces are oriented in the same direction or in directions within 45 degrees of one another, they are to be considered as part of a single facade. A roof is not a facade or part of a facade. Multiple buildings on the same lot will each be deemed to have separate facades.

(13) FLAT ATTACHED SIGN means an attached sign projecting 18 inches or less from a building, the face of which is parallel to the building facade.

(14) FREEWAY LOOP means the area of the city inside the District, within 100 feet of an Expressway right-of-way.
(15) GENERIC GRAPHICS means any pattern of shapes, colors, or symbols that does not commercially advertise.

(16) KIOSK means a multi-sided structure or cylindrical structure for the display of premise signs. It does not mean vending and sales carts.

(17) MARQUEE SIGN means a sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building and consisting primarily of changeable panels, words, or characters. LED, LCD or other electronic message technology may be used.

(18) MONUMENT SIGN means a detached sign applied directly onto a grade-level support structure.

(19) MOVEMENT CONTROL SIGN means a sign that directs vehicular and pedestrian movement within this district.

(20) NEWSSTAND means an enclosed kiosk that displays premise signs and is manned by a vendor that sells newspapers, magazines, other periodicals and other small retail items such as candy, tobacco etc.

(21) ONE SIGN means any number of detached sign parts structurally connected at, or above grade.

(22) PARAPET SIGN means a permanent projecting attached sign erected on or attached to the eaves or edge of the roof or on a parapet. A parapet sign is not a roof sign.

(23) PREMISE means the property in this District.

(24) PREMISE SIGN means any sign the content of which relates to the premise on which it is located and refers exclusively to:

(A) the name, trade name, or logo of the owner or occupant of the premise or the identification of the premises;

(B) accommodations, services, or activities offered or conducted on the premise; or

(C) the sale, lease, or construction of the premise.

(25) PROJECTING ATTACHED SIGN means an attached sign projecting more than 18 inches from a building at an angle, other than parallel, to the facade.

(26) PROMOTIONAL MESSAGE means a message that identifies, promotes, or advertises a cultural activity taking place in this district, any special event being conducted in this district, any event being conducted, in whole or in part, in an entertainment complex in this district, or any other event that will benefit the city that will take place in this district. Benefit to the city is established by:

(A) Use of city property in accordance with a contract, license, or permit;

(B) The receipt of city monies for the activity or event; or

(C) An ordinance or resolution of the city council that recognizes the activity or event as benefiting the city.

(27) PUBLIC AREA means any publicly or privately owned outdoor area that is accessible to the public.

(28) ROOF SIGN means a sign that is attached to or supported by the roof of a building.

(29) SPECIAL SIGN DISTRICT ADVISORY COMMITTEE means that committee composed and established in Section 51A-7.504 of the Dallas Development Code.
(30) STOREFRONT means an identifiable portion of the premise for which a separate certificate of occupancy has been issued.

(31) TEMPORARY SIGN means a sign erected for a limited time that identifies an event or activity of limited duration. Examples include signs advertising the sale or lease of property, construction activity in progress, or a concert or other cultural event.

(32) WELCOME MESSAGE means a message that identifies and greets people who are expected to visit this district, such as heads of state; foreign dignitaries; groups using city property in accordance with a contract, license, or permit; or government organizations.

(33) WINDOW ART DISPLAY means an exhibit or arrangement placed within a storefront window of a building and designed to be viewed from a street or public area.

(34) WINDOW SIGN means a sign painted or affixed to a window.

(35) WORD: For purposes of this division, each of the following is considered to be one word:

(A) Any word in any language found in any standard unabridged dictionary or dictionary of slang.

(B) Any proper noun or any initial or series of initials.

(C) Any separate character, symbol or abbreviation such as “&”, “$”, “%”, and “Inc.”.

(D) Any telephone number or commonly used combination of numerals and symbols such as “$5.00” or “50%”.

(E) Any internet website, network, or protocol address, domain name, or universal record locator.

(F) Any symbol or logo that is a registered trademark but which itself contains no word or character.

A street number is not considered to be a word. (Ord. 24974)

SEC. 51A-7.1905. GENERAL PROVISIONS FOR ALL SIGNS.

(a) Premise signs. All signs in this district must be premise signs or convey a noncommercial message.

(b) Applicable divisions of Article VII. Except as otherwise provided in this division, all signs in this district must comply with Article VII. Divisions 51A-7.300 and 51A-7.400 do not apply in this district. In the event of a conflict between this division and other requirements set forth in Article VII that are not mandated by state or federal law, the requirements set forth in this division apply.

(c) Permit and certificate of appropriateness requirements.

(1) Sign permit required. A person shall not alter, place, maintain, expand, or remove a sign in this district without first obtaining a sign permit from the city. It is a defense to prosecution that the person was replacing a banner overhanging the public right-of-way using the existing sign hardware. A sign permit is required to install sign hardware for a banner.

(A) Sign permit procedures. Except as provided below, the procedures for obtaining a sign permit in Sec. 51A-7.505 apply in this district.

(B) Determination of procedure. Upon receipt of an application, the director shall determine whether it is to be reviewed under the director procedure or committee procedure. The proposed sign must be reviewed under the director procedure if the sign is:
§ 51A-7.1905 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.1905

(i) an attached premise sign of less than 50 square feet effective area and is not located within a historic overlay district; or

(ii) a detached premise sign with less than 50 square feet effective area, less than 25 feet in height, and not located within a historic overlay district; or

(iii) streetlight pole banners or facade mounted banners.

If the proposed sign does not meet the requirements for the director procedure, it must be reviewed under committee procedure.

(2) Certificate of appropriateness. All signs in this district are required to obtain a certificate of appropriateness, except for:

(A) any non-illuminated temporary banners of 20 square feet or less; or

(B) any non-illuminated attached premise sign of less than 20 square feet; or

(C) streetlight pole banners or facade mounted banners.

(d) Signs over the right-of-way. Signs may be located in or project over the public right-of-way, including, but not limited to, sidewalks, subject to the licensing and franchise requirements of Chapter XIV of the City Charter, Article VI of Chapter 43 of the Dallas City Code, as amended, Chapter 45 of the Dallas Building Code, and the requirements of all other applicable laws, codes, ordinances, rules, and regulations. The traffic engineer shall review the location of any sign located in or overhanging the public right-of-way to ensure that the sign will not pose a traffic hazard or visibility obstruction.

(e) Other codes not in conflict. All signs erected or maintained pursuant to the provisions of this division shall be erected and maintained in compliance with all applicable state laws and with the building code, electrical code, and other applicable ordinances of the city. Except as indicated in Subsection (b), in the event of conflict between this division and other laws, the most restrictive standard applies.

(f) Noncommercial messages.

(1) Notwithstanding any other provision of this ordinance, any sign that may display a commercial message may also display a noncommercial message, either in place of or in addition to the commercial message, so long as the sign complies with other requirements of this ordinance that do not pertain to the content of the message displayed.

(2) Notwithstanding any other provision of this ordinance, any sign that may display one type of noncommercial message may also display any other type of noncommercial message, so long as the sign complies with other requirements of this ordinance that do not pertain to the content of the message displayed.

(g) Highway Beautification Acts. For purposes of applying the Federal and Texas Highway Beautification Acts, this district is considered to be a commercial zoning district.

(h) Streamers, pennants, and inflatable signs. Streamers, pennants, and inflatable signs, including, but not limited to, balloons are prohibited in this district.

(i) Setback. Except as provided in the spacing requirements for kiosks and newstands, there are no setback requirements for a sign in this district.

(j) Illuminated signs.

(1) Except for changeable message signs, no illuminated sign that has an effective area of 150 square feet or less may have a luminance greater than 300 footlamberts, nor may any such sign have a luminance greater than 300 footlamberts for any portion of the sign within a circle two feet in diameter. No illuminated sign which has an effective area greater than 150 square feet may have a luminance greater.
§ 51A-7.1905 Dallas Development Code: Ordinance No. 19455, as amended

than 200 footlamberts, nor may any such sign have a luminance greater than 200 footlamberts for any portion of the sign within a circle of two feet in diameter. The measurements of luminance are taken from any other premise or from any public right-of-way other than an alley.

(2) Except for changeable message signs, no illuminated sign nor any illuminated element of any sign, may turn on or off, or change its brightness, if:

(A) the change of illumination produces an apparent motion of the visual image, including but not limited to illusion of moving objects, moving patterns or bands of light, expanding or contracting shapes, rotation or any similar effect of animation;

(B) the change of message or picture occurs more often than once each three seconds for those portions of a sign which convey time or temperature, or once each 20 seconds for all other portions of a sign; or

(C) a portion of the sign, within a circle of two feet in diameter, has a luminance greater than 200 footlamberts when all elements of the sign are fully and steadily illuminated.

(k) Sign movement. Except for changeable message signs, no sign or any part of any sign may move or rotate at a rate more often than once each 10 seconds, or change its message at a rate more often than once each 20 seconds. Except for changeable message signs, no sign may move, rotate or change its message at any rate if any of its elements or any illuminated portion within a two-foot circle has a luminance greater than 200 footlamberts. (Ord. Nos. 24974; 28424)

SEC. 51A-7.1906. DETACHED SIGNS.

(a) Detached signs in general.

(1) A premise may have one or more detached signs.

(2) Detached signs may not exceed 20 feet in effective area.

(3) Detached signs may not exceed 5 feet in height if an attached sign is located on any storefront on the lot where the detached sign is located; otherwise, detached signs may not exceed 15 feet in height.

(4) Detached signs may only be:

(A) monument signs;

(B) an architectural, water or landscape composition that identifies the premise; or

(C) signs on public improvements;

(D) banners on streetlight poles;

(E) special purpose signs; or

(F) district identification signs.

(b) Signs on public improvements. An unlimited number of signs that only identify the name or logo of this district may be located on or incorporated into manhole covers, street light poles, sidewalks, benches, trash receptacles and other improvements in public areas. No such sign, however, may exceed one square foot in effective area.

(c) Banners on streetlight poles.

(1) Banners must display a promotional message, a welcome message, or generic graphics.

(2) No more than 10 percent of the effective area of a banner may contain a welcome message that identifies and greets a group using city property in the district in accordance with a contract, license, or permit.

(3) No more than 10 percent of the effective area of a banner may contain the word(s) or logo(s) that identify a sponsor of a cultural event or activity taking place in the district.
§ 51A-7.1906 Dallas Development Code: Ordinance No. 19455, as amended

(4) A banner having either a promotional message or a welcome message may not be erected more than 90 days prior to the beginning of the advertised activity or event, and must be removed no later than 15 days after that activity or event has ended. The sign hardware for a banner may be left in place between displays of a banner.

(5) A banner and its hardware must:

(A) be mounted on a streetlight pole;

(B) meet the sign construction and design standards in the Dallas Building Code;

(C) be at least 12 feet above grade, unless it overhangs a roadway, in which case it must be at least 15 feet above grade;

(D) be made out of weather-resistant and rust-proof material;

(E) not project more than three feet from the pole onto which it is mounted; and

(F) not exceed 20 square feet in effective area. (Ord. 24974)

SEC. 51A-7.1907. ATTACHED SIGNS.

(a) In general.

(1) Attached signs must be securely attached.

(2) Attached signs overhanging the public way are permitted, except that no sign may project closer than two feet to the vertical plane extending through the back of a street curb.

(3) The maximum combined effective area of all signs attached to a facade may not exceed 30 percent of the total area of the facade.

(4) Except as provided in paragraph (5), attached signs may have a maximum of eight words, which contain any character of a height equal to or exceeding four inches and pertain to any premise or occupancy. Words consisting of characters less than four inches high may be used without limit.

(5) A storefront that is used as an entertainment complex may have attached signs with up to 10 words per facade of 4 inches or greater, which may be located at any height on the storefront.

(6) No sign may be painted onto the roof of a building, and no flat attached sign is permitted on the roof of a building.

(7) No sign may project more than four feet above the edge of the wall to which it is attached; if the wall to which the sign is attached has a parapet wall, no sign may project above the parapet wall.

(b) Awning signs.

(1) No awning sign may:

(A) project horizontally more than two inches from the surface of the awning;

(B) be lower than 10 feet above grade; or

(C) project vertically more than two inches above the surface of the awning.

(2) The maximum size of each awning sign is six square feet.

(3) The maximum combined effective area permitted for all awning signs on a facade is 150 square feet.

(4) There is no limit to the number of awning signs permitted on a premise.
(c) Arcade signs.

(1) No arcade sign may exceed six square feet in effective area.

(2) The minimum linear distance between any two arcade signs in this district is 10 feet.

(3) There is no limit to the number of arcade signs permitted on a premise.

(4) No arcade sign may be lower than 10 feet above grade.

(d) Canopy signs.

(1) No canopy sign may:

   (A) exceed 100 square feet in effective area;

   (B) project horizontally more than two inches from the surface of the canopy; or

   (C) be lower than 10 feet above grade.

(2) Canopy signs may project vertically above the surface of the canopy. The maximum height of the projection may not exceed 15 percent of the overall length of the sign.

(3) Canopy signs erected pursuant to this section are permitted on canopies that overhang the public right-of-way, except that no canopy sign may project closer than two feet from the back of the curb.

(e) Marquee signs.

(1) Marquee signs are allowed only on a storefront that is used as an entertainment complex.

(2) The maximum effective area of a marquee sign is 150 square feet.

(3) Marquee signs must be parallel to the surface to which they are attached, and may not project less than two feet from back of curb.

(4) No building may have more than one marquee sign per street frontage.

(5) Marquee signs may use LED, LCD or similar electronic technology.

(f) Projecting attached signs.

(1) No projecting attached sign on a premise may be closer than five feet from another projecting attached sign.

(2) No projecting attached sign may exceed 100 square feet in effective area, or project more than 3 feet into the public right-of-way.

(3) No projecting attached sign may be lower than 12 feet above grade.

(4) No projecting attached sign may project vertically more than four feet above the edge of the wall to which it is attached; if the sign is attached to a wall with a parapet wall, it may not project vertically above the parapet wall.

(5) No projecting attached sign shall have its lower end more than 25 feet above grade.

(g) Window signs.

(1) A window sign may only be a premise sign or contain a promotional message.

(2) Window signs are allowed only in ground level windows.

(3) Up to 10 percent of the effective area of a window sign may contain the word(s) or logo(s) that identify a sponsor of a cultural event or activity taking place in the district.
§ 51A-7.1907 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.1909

(h) Changeable message signs.

(1) Changeable message signs may only be attached signs.

(2) The maximum number of changeable message signs within this district is two.

(3) Changeable message signs may not exceed 150 square feet in effective area.

(4) Changeable message signs are not permitted in Subdistrict A. (Ord. 24974)

SEC. 51A-7.1908. SPECIAL PROVISIONS FOR SPECIAL PURPOSE SIGNS.

(a) Special purpose signs may be externally illuminated, and, except for banners, may be internally illuminated or “back-lighted.”

(b) Attached special purpose signs.

(1) Each storefront may have one attached special purpose sign per facade. An attached special purpose sign may be displayed for a maximum of 45 consecutive days, up to 4 times per year, and it must not exceed 200 square feet in effective area.

(2) A storefront for an entertainment complex use may have up to four attached special purpose signs at a time. An attached special purpose sign may be displayed for up to 45 days in any given twelve-month period, and it must not exceed 400 square feet in effective area.

(c) Detached special purpose signs.

(1) Each storefront may have a detached special purpose sign no more than three times each calendar year for no more than 38 consecutive days each time. No detached special purpose sign may be erected at a location during the 30-day period after the removal of a detached special purpose sign from that location.

(2) A detached special purpose sign must:

(A) be located at least 100 feet apart;

(B) not exceed eight feet in height; and

(C) not exceed 50 square feet in effective area.

(3) No more than one detached special purpose sign may be erected on each street or private access easement on which the storefront has frontage. (Ord. 24974)

SEC. 51A-7.1909. SPECIAL PROVISIONS FOR FACADE-MOUNTED BANNER SIGNS.

(a) A banner must primarily display generic graphics.

(b) A banner may be a district sign or contain a promotional or a welcome message.

(c) A banner having either a promotional message or a welcome message may not be erected more than 90 days prior to the beginning of the advertised activity or event, and must be removed no later than 15 days after that activity or event has ended. The sign hardware for a banner may be left in place between displays of a banner.

(d) A banner and its hardware:

(1) may be mounted parallel on a premise facade or projecting from a premise facade at an angle of up to 90 degrees;

(2) must meet the sign construction and design standards in the Dallas Building Code;
§ 51A-7.1909 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.1913

(3) must be at least 12 feet above grade, unless it overhangs a roadway, in which case it must be at least 15 feet above grade;

(4) must be made out of weather-resistant and rust-proof material;

(5) must not project more than three feet from the facade; and

(6) must not exceed 100 square feet in effective area. (Ord. 24974)

SEC. 51A-7.1910. SPECIAL PROVISIONS FOR KIOSK SIGNS.

(a) No more than six kiosks are permitted in this district.

(b) No kiosk may be illuminated by a detached, independent external light source.

(c) Kiosks must be spaced at least 50 feet apart.

(d) Kiosks may be located on sidewalks if unobstructed sidewalk widths of eight feet are maintained.

(e) Kiosks must be securely anchored to the ground.

(f) Kiosks may not exceed ten feet in height and 100 square feet in effective area. The display area for each sign on a kiosk may not exceed 20 square feet. (Ord. 24974)

SEC. 51A-7.1911. SPECIAL PROVISIONS FOR NEWSSTAND SIGNS.

(a) No more than two newsstands are permitted in this district

(b) No newsstand may be illuminated by a detached, independent, external light source.

(c) Newsstands must be spaced at least 50 feet apart.

(d) Newsstands may be located on sidewalks if unobstructed sidewalk widths of eight feet are maintained.

(e) Newsstands may not exceed 10 feet in height and 10 feet in diameter. The display area for each sign on a newsstand may not exceed 30 square feet. (Ord. 24974)

SEC. 51A-7.1912. SPECIAL PROVISIONS FOR SIGNS ATTACHED TO MACHINERY OR EQUIPMENT.

Words may be attached to machinery or equipment that is necessary or customary to a business, including but not limited to devices such as gasoline pumps, vending machines, ATM shelters, 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.

SEC. 51A-7.1913. SPECIAL PROVISIONS FOR MOVEMENT CONTROL SIGNS.

(a) Movement control signs must direct vehicular or pedestrian movement within this district or to an adjacent and congruent district and may include the name or logo of any premise or activity center located in this district.

(b) Movement control signs:

(1) must not exceed three square feet in effective area;

(2) may be located in a public right-of-way; and
§ 51A-7.1913 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.1915

(3) may be erected anywhere within the district without limit as to number.

(c) Movement control signs may be attached or detached and may be erected on any premise without limit as to number. (Ord. 24974)

SEC. 51A-7.1914. SPECIAL PROVISIONS FOR CONSTRUCTION BARRICADE SIGNS.

(a) The director of planning and development shall review all signs to be placed on a construction barricade and upon approval of the signs by the director, a sign permit for the signs may be issued. This review is a condition on any permit issued for a construction barricade.

(b) A sign that is affixed to a construction barricade must not project horizontally more than two inches from the construction barricade.

(c) A sign that is affixed to a construction barricade must neither be lighted nor contain any moving parts.

(d) A sign that is affixed to a construction barricade must be removed when the construction barricade is removed.

(e) The information contained on a sign placed on a construction barricade may only convey information regarding what is being constructed on the site and who is conducting the construction, including the owners, developers, future tenants, lenders, architects, engineers, project consultants and contractors. The sign may not advertise a product and the total effective area of the words on a construction barricade sign may not exceed 50 square feet.

(f) A construction barricade may be fully decorated with a graphic except that:

1. no decoration or part of the graphic may project more than two inches horizontally from the barricade facade, or

2. no decoration or graphic may project more than four feet vertically above the top of the barricade. (Ord. 24974)

SEC. 51A-7.1915. SPECIAL PROVISIONS FOR OTHER TEMPORARY SIGNS.

(a) In addition to the other protective signs permitted under Section 51A-7.918, Temporary Protective Signs may be erected anywhere on a construction site at anytime during construction. There is no limit on the number of these signs, but no sign may exceed 20 square feet in effective area or eight feet in height. Temporary protective signs may be illuminated, but no lighting source may project more than three inches from the vertical surface of, or six inches above the top of, the sign. All temporary protective signs must be removed upon completion of the construction.

(b) Temporary signs may be erected on construction fencing subject to Section 51A-7.925(b)(4).

(c) “For Sale,” “For Lease,” “Remodeling,” and “Under Construction” signs. Signs that relate exclusively to the sale, lease, construction, or remodeling of the premises on which they are located are permitted. There is no limit to the number of attached signs permitted. Detached signs are limited to one for each 100 feet of frontage on a public street or private access easement. If attached to a window, the maximum effective area of the sign is 16 square feet. If attached to other portions of a facade, the maximum effective area of the sign is 32 square feet. No detached sign may exceed 128 square feet in effective area or 16 feet in height. (Ord. 24974)

SEC. 51A-7.1916. SPECIAL PROVISIONS FOR DISTRICT SIGNS.

(a) District signs may only be a facade mounted banner sign, kiosk sign, newsstand sign, or a changeable message sign.

(b) A district sign may display:

(1) The name, trade name, or logo of the owner or occupant of the premise or the identification of the premises located in this district.

(2) Accommodations, services, or activities offered or conducted on any premise within this district;

(3) The advertisement of products by brand name or symbol for any products sold on a premise within this district if at least 10 percent of the sign is devoted to identification of the district;

(4) The sale, lease, or construction of any premise within the West Village Special Provision Sign District. (Ord. 24974)

SEC. 51A-7.1917. SPECIAL PROVISIONS FOR DISTRICT IDENTIFICATION SIGNS.

(a) No more than two district identification signs are permitted in this district.

(b) A district identification sign may only display the name of the premise as a whole, i.e. “West Village,” and a logo identifying the district.

(c) No district identification sign may have a height greater than six feet, or an effective area greater than 150 square feet. (Ord. 24974)


A sign district is hereby created to be known as the West Commerce Street/Fort Worth Avenue Sign District. The boundaries of the West Commerce Street/Fort Worth Avenue Sign District are the same as Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District, and generally described as the property located approximately one-eighth to one-fourth of a mile to the north and south of West Commerce Street and Fort Worth Avenue, from North Beckley Avenue to Westmoreland Road. (Ord. 25899)

SEC. 51A-7.2002. DESIGNATION OF SUBDISTRICTS.

This district is hereby divided into Subdistricts 1, 2, 3, 4, and 5. The boundaries of Subdistricts 1, 2, 3, 4, and 5 are the same as the boundaries of Subdistricts 1, 2, 3, 4, and 5 in Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District. (Ord. 25899)

SEC. 51A-7.2003. PURPOSE.

(a) The purpose of this division is to regulate both the construction of new signs and alterations of existing signs with a view towards enhancing, preserving, and developing the unique character of the West Commerce Street/Fort Worth Avenue corridor while addressing the diversity of businesses and promoting the economy of the West Commerce Street/Fort Worth Avenue corridor.
(b) The objectives of this division include those listed in Section 51A-7.101 as well as the objectives of ensuring that signs are appropriate to the architecture within the district; do not obscure significant architectural features; lend themselves to developing mixed office, retail, and residential projects; and preserve the pedestrian character of the area.

(c) These sign regulations have been developed to achieve the following objectives:

1. To protect the historical and architectural character of this district from inappropriate signs in terms of number (clutter), style, color, and materials.
2. To ensure that significant architectural features are not obscured.
3. To encourage signs that are complementary to the architectural styles and historical nature of the buildings.
4. To attract the public to the goods and services available by enhancing the aesthetic quality of signs.
5. To encourage artistic, creative, and innovative signs that reflect the themes of the area.
6. To promote safety, communications efficiency, and landscape quality. (Ord. 25899)

SEC. 51A-7.2004. DEFINITIONS.

Unless otherwise stated, the definitions in Article VII, “Sign Regulations,” apply to this section. In this section:

1. ARCADE means any walkway that is attached to a building, not fully enclosed on all sides, and covered with a canopy or roof structure having the primary function of weather protection.

2. ARCADE SIGN means an attached sign suspended below the roof of an arcade.

3. AWNING means a projecting fabric or vinyl surface supported by a metal (or other similarly strong material) structure, which is applied to the face of a building.

4. AWNINGSIGN means an attached sign applied to an awning.

5. BANNER means a sign applied to a strip of cloth or similar material.

6. CANOPY means a permanent, non-fabric architectural element projecting from the face of a building.

7. CHANGEABLE MESSAGE means LED/LCD elements, slide lettering, slated rotating surfaces, or other changeable message technology that displays different designs or messages.

8. DISTRICT means the West Commerce Street/Fort Worth Avenue Sign District.

9. DISTRICT IDENTIFICATION SIGN means a detached sign that contains the logo or name of the West Commerce Street/Fort Worth Avenue corridor or welcomes people to the West Commerce Street/Fort Worth Avenue corridor.

10. DISTRICT PROMOTIONAL MESSAGE means a message that identifies, promotes, or advertises a cultural activity, special event, event in an entertainment facility, or event that will benefit the city, and that will take place in this district. Benefit to the city is established by: use of city property in accordance with a contract, license, or permit; the receipt of city monies for the activity or event; or an ordinance or resolution of the city council that recognizes the activity or event as benefiting the city.

11. EFFECTIVE AREA means:

   (A) For a detached sign, other than outlined in Subparagraph (B) below, the area within a minimum imaginary rectangle of vertical and horizontal lines that fully contains all extremities of the
sign, excluding its supports. This rectangle is calculated from an orthographic projection of the sign viewed horizontally. The viewpoint for this projection that produces the largest rectangle must be used. If elements of the sign are moveable or flexible, such as a flag or a string of lights, the measurement is taken when the elements are fully extended and parallel to the plane of view.

(B) For signs placed on a fence, non-enclosing wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed as the entire area within a single continuous rectilinear perimeter of not more than eight straight lines enclosing the extreme limits of writing, representation, emblems, or figures together with all material, color, or lighting forming an integral part of the display or used to differentiate the sign background against which it is placed.

(C) For an attached sign, the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word. If a design, outline, illustration, or interior illumination surrounds or attracts attention to a word, then it is included in the calculation of effective area.

(D) An awning or canopy is not included in the calculation of the effective area.

(12) ENTERTAINMENT FACILITY means a structure or building used for sports events or the performing arts, including indoor motion picture theaters, theaters for live musical or dramatic performances, indoor or outdoor concert halls, and exhibition halls.

(13) EXPRESSWAY SIGN means a detached sign that is wholly within 100 feet of an expressway or new expressway right-of-way and whose message is visible from the main traveled way.

(14) FACADE means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space, chimneys, roof-mounted equipment, mounted antennas, or water towers. Where separate faces are oriented in the same direction or in directions within 45 degrees of one another, they are to be considered as part of a single facade. A roof is not a facade or part of a facade. Multiple buildings on the same lot will each be deemed to have separate facades.

(15) FLAT ATTACHED SIGN means an attached sign that is parallel to the building facade.

(16) GENERIC GRAPHICS means any pattern of shapes, colors, or symbols that does not commercially advertise.

(17) HIGHWAY BEAUTIFICATION ACT (HBA) SIGN means a non-premise sign that is within 660 feet of an expressway or new expressway right-of-way and whose message is visible from the main traveled way.

(18) MARQUEE means a permanent canopy projecting over the main pedestrian entrance of a building. A marquee is considered to be part of the building.

(19) MARQUEE SIGN means an attached sign applied to a marquee, and consisting primarily of changeable panels, words, or characters.

(20) MONUMENT SIGN means a detached sign applied directly onto a grade-level support structure (instead of a pole support) with no separation between the sign and grade.

(21) PREMISE means a lot or unplatted tract that is reflected in the plat books of the building inspection division of the city. See Section 51A-7.208.

(22) PREMISE SIGN means any sign the content of which relates to the premise on which it is located and refers exclusively to:
(A) the name, trade name, or logo of the owner or occupant of the premise or the identification of the premises;

(B) accommodations, services, or activities offered or conducted on the premise; or

(C) the construction, lease, remodeling, or sale of the premise.

(23) PROJECTING SIGN means an attached sign projecting from a building.

(24) SIGN HARDWARE means the structural support system for a sign, including the fastening devices that secure the sign to a building facade or pole.

(25) SPECIAL PURPOSE SIGN means an attached or detached sign temporarily supplementing the permanent signs on a premise.

(26) WINDOW SIGN means a sign applied to the internal or external surface of a window.

(27) WORD means any of the following:

(A) Any word in any language found in any standard unabridged dictionary or dictionary of slang.

(B) Any proper noun or any initial or series of initials.

(C) Any separate character, symbol, or abbreviation such as “&”, “$”, “%”, and “Inc.”.

(D) Any telephone number or commonly used combination of numerals and symbols such as “$5.00” or “50%”.

(E) Any internet website, network, protocol address, domain name, or universal record locator.

(F) Any symbol or logo that is a registered trademark but which itself contains no word or character.

(G) A street number is not considered to be a word. (Ord. 25899)

SEC. 51A-7.2005. SIGN PERMIT REQUIREMENTS.

(a) No person may alter, expand, maintain, or place a sign in this district without first obtaining a sign permit from the city. No sign permit may be issued for a sign in this district unless the application has first been reviewed by the director and a certificate of appropriateness has been issued in accordance with the procedure outlined in this section.

(b) This section does not apply to government signs described in Section 51A-7.207.

(c) Section 51A-7.504, which establishes the special sign district advisory committee for special provision sign districts, does not apply to this district.

(d) Section 51A-7.505, which outlines the procedure for obtaining a certificate of appropriateness, does not apply in this district.

(e) Section 51A-7.602, which lists certain signs that require sign permits, does not apply to signs in this district. All signs within this district require sign permits.

(f) Upon receipt of an application for a permit to authorize a sign in this district, the building official shall refer the application to the director for review. The director shall issue a decision within 30 calendar days after the complete application is submitted to the building official. The director shall solicit the recommendation of appropriate staff before approving or disapproving a certificate of appropriateness.
(g) The director shall approve a certificate of appropriateness if the application complies with the requirements of this district and the director finds that the proposed sign is consistent with the character of this district. The director shall consider the proposed sign in terms of its appropriateness to this district with particular attention to the effect of the proposed sign upon the economic structure of this district and the effect of the proposed sign upon adjacent and surrounding premises without regard to the consideration of the message conveyed by the sign. The director shall give written notice of the director's decision to the applicant. Notice is given when mailed to the applicant.

(h) A decision to grant a certificate of appropriateness may not be appealed. A decision to deny a certificate of appropriateness may be appealed to the city plan commission only by the applicant. An appeal is made by filing a written request with the director within 10 calendar days after notice of the director's decision is given. In considering the appeal, the sole issue shall be whether the director erred, and in this connection, the city plan commission shall consider the same standard that was required to be considered by the director. Decisions of the city plan commission are final as to administrative remedies. If the city plan commission fails to make a decision on an appeal within 30 calendar days after the appeal is filed with the director, the application shall be considered approved, provided the sign otherwise complies with all applicable city codes, ordinances, rules, and regulations. (Ord. 25899)

SEC. 51A-7.2006. PROVISIONS APPLICABLE TO ALL SIGNS.

(a) Balloons and wind devices. All balloons, banners, flags, inflatable objects, pennants, streamers, and wind devices are considered to be signs and may not be used except as specifically allowed in this section.

(b) Changeable messages.

(1) A changeable message may not change more than every eight seconds.

(2) Only one sign with a changeable message is allowed per premise.

(3) The changeable message portion of any sign is limited to an effective area of 50 square feet.

(c) Fences. Except for special purpose signs, signs may not be attached to fences.

(d) Historic overlay districts. Within a historic overlay district, the landmark commission has the sole authority to determine every aspect of a sign, other than construction and maintenance standards, including effective area, height, location, number, size, and type, and to issue a certificate of appropriateness for that sign.

(e) Lighting.

(1) Except as otherwise provided in this division, signs may be illuminated by internal (back) lighting or indirect lighting.

(2) The use of neon or single incandescent bulbs is allowed.

(3) A light source external to a sign may illuminate a sign if the light does not cross into a public right-of-way, a residential zoning district line, or the property line of a residential use.

(4) Light used to illuminate a sign may not turn on or off, or change its brightness, more than twice a day.

(f) Message limitation. All signs must be district identification signs, district promotional message signs, premise signs, or convey a noncommercial message.

(g) Other applicable law.

(1) All signs erected or maintained pursuant to the provisions of this division must be erected and maintained in compliance with all applicable federal and state laws and with the building code, electrical code, and other applicable ordinances of the city. In the event of conflict between this division and other laws, the most restrictive standard applies.

(2) For purposes of applying the Federal and Texas Highway Beautification Acts, this district is considered to be a commercial zoning district. Signs within this district may not be HBA signs.

(3) The provisions of Division 51A-7.200, “Provisions for All Zoning Districts,” applies in this district. If the event of a conflict, this division controls.

(h) Portable signs. Portable signs are prohibited.

(i) Signs over the right-of-way.

(1) Signs may be located in or project over the public right-of-way, including, but not limited to, sidewalks, subject to the licensing and franchise requirements of Chapter XIV of the City Charter, Article VI of Chapter 43 of the Dallas City Code, as amended, the Dallas Building Code, and the requirements of all other applicable laws, codes, ordinances, rules, and regulations.

(2) The traffic engineer shall review the location of any sign located in or overhanging the public right-of-way to ensure that the sign will not pose a traffic hazard or visibility obstruction.

(3) No portion of a sign may be located less than two feet from a vertical plane extending upward from the back of a street curb. (Ord. Nos. 25899; 28424)

SEC. 51A-7.2007. ATTACHED SIGNS.

(a) Provisions applicable to all attached signs.

(1) Attached signs must be securely attached.

(2) The maximum combined effective area of all attached signs on a facade may not exceed 20 percent of the total area of the facade.

(3) Attached signs may have a maximum of eight words, which contain any character of a height equal to or exceeding four inches. Words consisting of characters less than four inches high may be used without limit.

(4) Attached signs may not be painted onto the roof of a building.

(5) Attached signs are not permitted on the roof of a building.

(6) Banners used as attached signs may only be special purpose signs.

(b) Arcade signs.

(1) There is no limit to the number of arcade signs permitted on a premise.

(2) Arcade signs may not exceed eight square feet in effective area.

(3) The minimum linear distance between any two arcade signs is 15 feet.

(4) Arcade signs may not be lower than 10 feet above the sidewalk.
(5) Arcade signs may not project above the arcade to which they are attached.

(6) Arcade signs may only identify the premise or occupant and provide an address.

c) Awning signs.

(1) There is no limit on the number of awning signs on a premise.

(2) A sign on the face of the awning may only have an effective area equal to 20 percent of the face of the awning. As used in this provision, “face” means the sloping or curved portion of an awning that provides shade over the sidewalk.

(3) Awning signs may not be lower than eight feet above the sidewalk.

(4) Awning signs may not project more than two inches from the surface of the awning.

(5) Awning signs may not be backlit.

(6) The valance of an awning may only have an address, occupant identification, or premise identification. As used in this provision, “valance” means that portion of an awning parallel to the street and perpendicular to the sidewalk.

d) Flat attached signs.

(1) The maximum number of flat attached signs on any premise is one per public pedestrian entrance or one per first-floor tenant, whichever is greater.

(2) The total effective area of all flat attached signs per facade may not exceed 20 percent of the facade or 400 square feet, whichever is less.

(3) Flat attached signs may not project above the rooftop.

(4) A flat attached sign may not project more than 12 inches from the facade to which it is attached.

e) Marquee signs.

(1) The maximum number of marquee signs on any premise is one per street frontage.

(2) The horizontal dimension (length) of a marquee sign may not exceed two-thirds of the length of the facade to which it is attached. The vertical dimension (width) of a marquee sign may not exceed six feet.

(3) Marquee signs are allowed only on an entertainment facility.

(4) Marquee signs may have a changeable message.

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

f) Projecting signs.

(1) The maximum number of projecting signs on any premise is one per facade.

(2) Projecting signs may not exceed 40 square feet in effective area.

(3) Projecting signs may not be lower than 10 feet above the sidewalk.

(4) No portion of a projecting sign may be located more than five feet from the facade to which it is attached.

(5) A projecting sign may not project higher than four feet above the edge of the wall to which it is attached.
(6) Projecting signs must be a minimum of five feet from another projecting sign.

(7) Projecting signs may have a message on both sides of the sign structure.

(g) Special purpose signs.

(1) Non-window special purpose signs.

(A) The maximum number of non-window special purpose signs on a facade at any time is two.

(B) Non-window special purpose signs may not exceed 50 square feet in effective area.

(C) Non-window special purpose signs may be displayed on a premise a maximum of four times each calendar year for a maximum of 30 consecutive days each time. Each new non-window special purpose sign must have a new message.

(D) Banners used as attached signs may only be non-window special purpose signs.

(E) Non-window special purpose signs that relate exclusively to the construction, lease, remodeling, or sale of the premise are permitted without limit as to the number or length of time displayed.

(2) Window special purpose signs.

(A) There is no limit on the number of window special purpose signs.

(B) No more than 25 percent of a window surface may be covered by either window signs or window special purpose signs, alone or in combination.

(C) Window special purpose signs may not contain words with characters more than eight inches in height.

(D) Window special purpose signs may be displayed on a premise a maximum of four times each calendar year for a maximum of 30 consecutive days each time. Each new window special purpose sign must have a new message.

(E) Window special purpose signs may contain a district promotional message.

(F) Window special purpose signs that relate exclusively to the construction, lease, remodeling, or sale of the premises on which they are located are permitted without limit as to the number or length of time displayed.

(h) Window signs.

(1) There is no limit on the number of window signs.

(2) No more than 25 percent of a window surface may be covered by either window signs or window special purpose signs, alone or in combination.

(3) Window signs that use internal neon bulbs may not cover more than 15 percent of the window surface.

(4) Window signs may not contain words with characters more than eight inches in height.

(5) Window signs may not be taped to the window. Window signs must be professionally hand-painted, silk screened, or made of self-adhesive vinyl. (Ord. 25899)

SEC. 51A-7.2008 DETACHED SIGNS.

(a) Provisions applicable to all detached signs.

(1) Number. Only one detached sign may be erected on any premise, except that a premise that has more than 450 feet of frontage along a public right-of-way other than an alley may have no more than one
additional detached sign for each additional 450 feet of frontage or fraction thereof.

(2) Height and effective area dependent upon setback.

(A) Detached signs must be set back a minimum of 10 feet.

(B) A detached sign set back more than 10 feet but less than or equal to 20 feet may not exceed 20 feet in height or exceed 150 square feet in effective area.

(C) A detached sign set back more than 20 feet but less than or equal to 30 feet may not exceed 30 feet in height or exceed 150 square feet in effective area.

(D) In Subdistricts 1, 2, and 4, a detached sign set back more than 30 feet may not exceed 30 feet in height or exceed 150 square feet in effective area.

(E) In Subdistricts 3 and 5, a detached sign set back more than 30 feet may not exceed 40 feet in height or exceed 400 square feet in effective area.

(3) Other requirements.

(A) Except for special purpose signs, detached signs may not be placed on fences.

(B) A pole-mounted detached sign must have either a pole cover that covers the entire pole and is made of masonry, metal, plastic, stucco, or wood or have a minimum three-foot-high masonry base.

(C) Banners used as detached signs may only be street light banners.

(b) District identification signs.

(1) There is no limit on the number of district identification signs in the district.

(2) The maximum effective area of a district identification sign is 12 square feet.

(3) The maximum height of a district identification sign is 20 feet.

(4) District identification signs may not have a changeable message.

(c) Expressway signs.

(1) The maximum number of expressway signs is one per premise.

(2) Expressway signs may not exceed 400 square feet in effective area.

(3) Expressway signs may not exceed 40 feet in height.

(4) Expressway signs must be set back from the expressway and Fort Worth Avenue a minimum of 50 feet.

(d) Monument signs.

(1) The maximum number of monument signs is one per premise.

(2) Monument signs may not exceed 150 square feet in effective area.

(3) Monument signs may not exceed 10 feet in height.

(4) In Subdistrict 2, monument signs must be set back a minimum of 15 feet.

(5) In Subdistricts 1, 3, 4, and 5, monument signs must be set back a minimum of 10 feet.

(e) Special purpose signs.

(1) The maximum number of special purpose signs on a premise at any time is one per street frontage.

(2) Special purpose signs may not exceed 50 square feet in effective area.

(3) Special purpose signs may not exceed eight feet in height.

(4) A special purpose sign must be located at least 100 feet from any other detached special purpose sign on the same premise.

(5) Special purpose signs may be displayed on a premise a maximum of four times each calendar year for a maximum of 30 consecutive days each time. Each new special purpose sign must have a new message.

(6) Special purpose signs may be placed on fences.

(7) Special purpose signs may not be mounted on rotating wheels.

(8) Special purpose signs may not be mounted on a trailer.

(9) Special purpose signs may not be changeable message signs or have changeable copy.

(10) Special purpose signs may not be illuminated.

(11) Special purpose signs may not contain flashing or blinking lights.

(12) Special purpose signs that relate exclusively to the construction, lease, remodeling, or sale of the premises on which they are located are permitted without limit as to the length of time displayed.

(f) Street light banners.

(1) The maximum number of street light banners is two per pole, with each banner on opposite sides of the pole.

(2) Streetlight banners may not exceed 12 square feet in effective area.

(3) Streetlight banners may not project more than three feet from the pole onto which they are mounted.

(4) Streetlight banners must be at least 12 feet above the sidewalk. A streetlight banner that overhangs a roadway must be at least 15 feet above the roadway.

(5) Streetlight banners and sign hardware must be made out of weather-resistant and rust-proof material.

(6) If a streetlight banner overhangs the public right-of-way, a license must be obtained in accordance with the requirements of the City Charter and the Dallas City Code.

(7) A streetlight banner must be a district identification sign, or display a district promotional message or generic graphics.

(8) A street light banner having a district promotional message may not be erected more than 60 days prior to the beginning of the advertised activity or event, and must be removed no later than 30 days after that activity or event has ended.

(9) The hardware for a streetlight banner may be left in place between displays of a banner. A streetlight banner and the sign hardware must be mounted on a streetlight pole and meet the sign construction and design standards in the Dallas Building Code.

(10) A sign permit is not required to erect or remove a streetlight banner. (Ord. 25899)
SEC. 51A-7.2101. DESIGNATION OF THE ARTS DISTRICT EXTENSION AREA SIGN DISTRICT.

(a) A sign district is hereby created to be known as the Arts District Extension Area Sign District. The boundaries of the Arts District Extension Area Sign District are the same as those of the Dallas Arts District Extension Area (Planned Development District No. 708).

(b) The property described in Subsection (a), which was formerly part of the Downtown Special Provision Sign District, is no longer considered to be part of that district. This division completely supersedes Division 51A-7.900 with respect to the property described in Subsection (a).

(c) The Arts District Extension Area Sign District has the following three subdistricts:

(1) The One Arts Plaza Subdistrict is all of Lot 1A, Block A/305, Arts Plaza Phase 1, Revised, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, as filed under City Plan File Number S078-070 and recorded as Instrument No. 20080165687, Map Records of Dallas County, Texas.

(2) The Two Arts Plaza and Three Arts Plaza Subdistrict is all of Lot 2, Block A/305, Arts Plaza Phase 2, Final Plat, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof situated in the John Grigsby Survey, Abstract No. 495, consisting of City of Dallas Blocks 304, 305, 568 and 570, Dallas County, Texas, as filed under City Plan File Number S045-232 D and recorded as Instrument No. 20080358602, Map Records of Dallas County, Texas.

(3) The Dallas Black Dance Theatre Subdistrict is a tract of land in City Block No. 566 in the City of Dallas, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the northwest line of Ross Avenue (as widened) with the northeast line of Arts Plaza (formerly known as Boll Street as street name changed per City of Dallas Ordinance No. 26921, passed on September 12, 2007 by the City Council of the City of Dallas):

THENCE North 44°46’00” West 348.00 feet along the northeast line of Arts Plaza to the southeast line of Flora Street;

THENCE North 45°26’00” East 114.00 feet along the southeast line of Flora Street;

THENCE South 44°46’00” East 100.00 feet along a line 114.00 feet northeast of and parallel to the northeast line of Arts Plaza;

THENCE North 45°26’00” East 3.00 feet;

THENCE South 44°46’00” East 248.00 feet along a line 117.00 feet northeast of and parallel to the northeast line of Arts Plaza to the northwest line of Ross Avenue;

THENCE South 45°26’00” West 117.00 feet along the northwest line of Ross Avenue to the point of beginning and containing 40,416 square feet of land more or less. (Ord. Nos. 25920; 28933)

SEC. 51A-7.2102. PURPOSE.

(a) The Dallas Arts District Extension Area (Planned Development District No. 708) was established on March 9, 2005, to complement the adjacent Arts District (Planned Development District No. 145). This approximately 17.4-acre area in the northeast section of the central business district, generally bounded by Woodall Rodgers Freeway, North Central Expressway, Routh Street, and Ross
Avenue, represents a concerted effort on the part of the city and arts organizations to consolidate major art institutions in one mixed-use area.

(b) The guideline for development in the Arts District Extension Area is an urban design plan known as the “Sasaki Plan.” This plan is based on district-wide design and land use concepts, which include the creation of a pedestrian-oriented environment and a distinctive visual image for the district. Flora Street is defined as the major pedestrian spine and focus of development in the district. As a wide, tree-lined environment, Flora Street connects three subdistricts (Museum Crossing, Concert Lights, and Fountain Plaza) and provides continuity in a development framework for public institutions and private owners.

(c) The sign regulations in this division have been developed with the following objectives in mind:

1. To protect the character of Flora Street and the Arts District Extension Area from inappropriate signs in terms of number (clutter), size, style, color, and materials.

2. To enhance the image and liveliness of the Arts District Extension Area by encouraging compatible signs that are colorful, decorative, entertaining, and artistic in style while being functional and informative in purpose.

3. To promote the commercial success of each individual tenant in the Arts District Extension Area and, in turn, the commercial success of all the tenants in the district collectively.

4. To create a sense of design uniformity between signs and the other streetscape elements of the Arts District Extension Area and the Arts District.

5. To help make the Arts District Extension Area an attractive place for the public to frequent by providing ease of direction to specific cultural institutions.

6. To create a means of identifying the various types or categories of retail establishments along Flora Street.

7. To identify and promote cultural events and activities consistent with the purposes of the Arts District Extension Area.

8. To recognize that sign hardware is a part of the overall visual design of a sign, and to ensure that investments in signs and other structures in the Arts District Extension Area are not devalued by inappropriate or poor quality sign hardware. (Ord. 25920)

SEC. 51A-7.2103. DEFINITIONS.

(a) In this division:

1. ARTS DISTRICT means Planned Development District No. 145, established by Ordinance No. 17710, passed by the Dallas City Council on February 16, 1983 (the Dallas Arts District).

2. ARTS DISTRICT EXTENSION AREA means Planned Development District No. 708 (the Dallas Arts District Extension Area).

3. ARTS DISTRICT OFFICIAL LOGO means the official logo of the Arts District and the Arts District Extension Area, as depicted in Exhibit A in Division 51A-7.1200, “Provisions for Arts District Sign District.”

4. AWNING SIGN means a sign that is or appears to be part of an awning.

5. BLOCK means an area bounded by streets on all sides.

6. BLOCKFACE means all of the lots on one side of a block.
(7) BUILDING CORNICE AREA means that portion of a building facade above the highest story, but below the actual roof structure.

(8) BUILDING IDENTIFICATION SIGN means any sign composed of one or more characters that identify a specific building's name.

(8.1) BUILDING PLAZA AREA means an open area near a building often featuring walkways, trees and shrubs, and places to sit.

(9) CBD STREETSCAPE PLAN means the Dallas Central Business District Streetscape Guidelines approved by the Dallas City Council on April 15, 1981, by Resolution No. 81-1118.

(10) CHARACTER means a symbol, as a letter or number, that represents information.

(11) DETACHED PREMISE SIGN means a sign that is both a detached sign and a premise sign as defined in Section 51A-7.102.

(12) DISTRICT ACTIVITY SIGN means a sign that promotes cultural events or cultural activities in this sign district, with no portion of the sign devoted to sponsorship.

(13) FLAT ATTACHED SIGN means an attached sign projecting four inches or less from a building.

(14) FLORA STREET FRONTAGE AREA means the “Flora Street Frontage Area” as defined in the Arts District Extension Area PD.

(15) GENERIC RETAIL IDENTIFICATION SIGN means a sign identifying a type or category of retail establishment without identifying a specific establishment.

(16) GOVERNMENTAL TRAFFIC SIGN means a sign, signal, or other traffic control device installed by a governmental agency for the purpose of regulating, warning, or guiding vehicular or pedestrian traffic on a public highway. Examples of these signs include stop signs, one-way signs, no parking signs, and electronic pedestrian and vehicular signalization devices and their fixtures.

(17) INSTITUTIONAL MOVEMENT INFOR-MATION SIGN means a sign showing the location of or route to a specific cultural institution or a parking area serving that institution.

(18) KIOSK means a small structure with one or more open sides used to display artwork or temporary signs.

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

(19.1) MONUMENT SIGN means a detached sign applied directly to a ground-level support structure (instead of a pole support) with no separation between the sign and the ground, or mounted on a fence.

(20) PLAQUE means a permanent tablet, the contents of which are either commemorative or identifying.

(21) PRIVATE SIGNS means those signs that are not “public signs” as defined in this section.

(22) PROJECTING ATTACHED SIGN means an attached sign projecting more than four inches from a building.

(23) PROMOTIONAL SIGN means a sign that promotes a cultural event or activity.

(24) PUBLIC SIGNS means governmental traffic signs, institutional movement control signs, generic retail identification signs, promotional signs, or plaques or district activity signs as defined in this section.
§ 51A-7.2103 Dallas Development Code: Ordinance No. 19455, as amended

(24.1) RETAINING WALL SIGN means an attached premise sign within the One Arts Plaza Subdistrict or the Two Arts Plaza and Three Arts Plaza Subdistrict that is integrated into a retaining wall.

(25) SASAKI PLAN means the urban design plan prepared by Sasaki Associates, Inc. in August, 1982 to serve as the guideline for development in the Dallas Arts District and Arts District Extension Area. The Sasaki Plan is attached to and made a part of the Arts District PD ordinance (Ordinance No. 25508).

(26) SIGN HARDWARE means the structural support system for a sign, including the fastening devices that secure a sign to a building facade or pole.

(26.1) TENANT IDENTITY SIGN means an attached premise sign within the Two Arts Plaza and Three Arts Plaza Subdistrict located on a building that is primarily used for office uses and that identifies a specific office tenant.

(27) THIS DISTRICT means the Arts District Extension Area Sign District.

(28) WINDOW SIGN means a sign temporarily or permanently attached to, applied on, or supported by a window.

(b) Except as otherwise provided in this section, the definitions contained in Sections 51A-2.102 and 51A-7.102 apply to this division. In the event of a conflict, this section controls. (Ord. Nos. 25920; 28933)

SEC. 51A-7.2104. ARTS DISTRICT EXTENSION AREA SIGN PERMIT REQUIREMENT.

(a) A person shall not alter, place, maintain, expand, or remove a sign in this district without first obtaining a sign permit from the city, except that no sign permit is required for:

(1) governmental traffic signs; and

(2) promotional signs other than banners.

(b) The procedure for obtaining a sign permit is outlined in this section. Section 51A-7.602 does not apply to signs in this district.

(c) No sign permit may be issued to authorize a sign in this district unless the director has first issued a certificate of appropriateness in accordance with this section.

(d) Section 51A-7.504, which establishes the special sign district advisory committee for special provision sign districts in the city generally, does not apply to this district. City planning personnel are responsible for reviewing and making recommendations to the director concerning applications for permits to authorize signs in this district.

(e) Upon receipt of an application for a permit to authorize a sign in this district, the building official shall refer the application and plans to the director for a review to determine whether the work complies with this division. The director shall conduct his or her review so that a decision on issuance of the permit can be made within 30 calendar days from the date the completed application is submitted to the building official.

(f) The director shall solicit a recommendation from the planning staff before making a decision to approve or disapprove a certificate of appropriateness. The recommendation of the staff is not binding upon the director, and the director may decide a matter contrary to the recommendation of the committee.

(g) A decision by the director to grant a certificate of appropriateness may not be appealed. A decision to deny the certificate may be appealed by the applicant. An appeal is made by filing a written request with the director for review by the city plan commission. An appeal must be made within 10 days after notice is given to the applicant of the director’s decision. In considering the appeal, the sole issue shall be whether or not the director erred in making the
decision, and, in this connection, the commission shall consider the same standards that were required to be considered by the director in making the decision, specifically, whether the work complies with this division. Decisions of the commission are final as to available administrative remedies and are binding on all parties.

(h) If the city plan commission fails to make a decision on an appeal by the applicant within 30 calendar days of the date the written request for an appeal is filed with the director, the application shall be considered approved subject to compliance with all other applicable city codes, ordinances, rules, and regulations. (Ord. Nos. 25920; 28073)

SEC. 51A-7.2105. SPECIAL PROVISIONS FOR ALL SIGNS.

(a) This division does not apply to signs that are not visible from outside the premise on which they are located.

(b) Signs in this district are permitted in or overhanging the public way subject to city franchise requirements.

(c) No sign may obscure a window or a significant architectural element of a building.

(d) Sign hardware may be visible if its structural elements have been specifically devised for their intrinsic contribution to an overall visual effect. Utilitarian hardware intended only for functional purposes must be concealed from normal view.

(e) Mounting devices supporting a projecting attached sign must be fully integrated with the overall design of the sign.

(f) Materials, fasteners, and anchors used to manufacture and install signs must be resistant to corrosion.

(g) Paints and coatings must contain a UV inhibitor to retard the discoloration and fading effects of ultraviolet light. In addition to finish coats, bare metals must have a primer coat or other surface pretreatment as recommended by the paint or coating manufacturer.

(h) Electrical power required for signs must be supplied by means of concealed conduit from an appropriate power source to the sign in accordance with city codes and accepted practices of the trade. Electrical disconnects, transformers, and related apparatus, including wiring and conduit, must be concealed from normal view.

(i) No signs may be illuminated by an independent external light source.

(j) Burned out or defective lights in signs must be replaced within a reasonable time. Failure to comply with this provision may result in sign permit revocation.

(k) Banners are only allowed as promotional signs.

(l) Only those signs exempt from the Highway Beautification Act are permitted within 660 feet of a regulated highway. (Ord. 25920)

SEC. 51A-7.2106. PUBLIC SIGNS.

(a) Generic retail identification signs.

(1) This subsection applies only to generic retail identification signs as defined in Section 51A-7.2103.

(2) These signs are only permitted on Flora Street.

(3) These signs must be one-eighth inch thick aluminum disks that are 12 inches in diameter.

(4) Messages on these signs must consist entirely of graphic symbols or glyphs designed to
identify a type or category of retail facility. They may not identify specific retail establishments.

(5) These signs must be mounted on streetlight poles. No more than six signs are allowed on a pole. When there is more than one sign, the second sign must be the same height as the first sign and located on the other side of the pole. Additional signs must be similarly paired and located immediately beneath the first two signs. Thus, the proper maximum configuration will be symmetrical and consist of three pairs of signs, with the second and third pairs being located immediately below the first pair.

(b) Governmental traffic signs.

(1) This subsection applies only to governmental traffic signs as defined in Section 51A-7.2103.

(2) Notwithstanding any other provision in this division, these signs must comply with applicable statutory specifications.

(3) On Flora Street, these signs must be mounted on streetlight poles or on white cylindrical poles. On other streets, they must be mounted on white cylindrical poles or on other fixtures recommended in the CBD Streetscape Plan.

(4) The backs of these signs must be white.

(c) Institutional movement information signs.

(1) This subsection applies only to institutional movement information signs as defined in Section 51A-7.2103.

(2) On Flora Street, these signs must be mounted on streetlight poles or on white cylindrical poles. On other streets, they must be mounted on white cylindrical poles or on other fixtures recommended in the CBD Streetscape Plan.

(3) The backs of these signs must be white and incorporate the Arts District official logo.

(d) Plaques. Plaques must be made of bronze or stone and contain an inscription that relates to the Arts District or the Arts District Extension Area.

(e) Promotional signs.

(1) This subsection applies only to promotional signs as defined in Section 51A-7.2103.

(2) These signs must promote cultural events and activities. The portion of a sign devoted to sponsor identification, if any, must not exceed 10 percent of its effective area. No sign or portion of a sign may be used to advertise a specific product or service other than the cultural event or activity.

(3) Banners must be either flat against a building facade or mounted on streetlight poles. All other promotional signs must be affixed to city-franchised kiosks.

(4) No promotional sign other than a banner may be larger than 30 inches by 40 inches.

(5) No promotional sign may be permanent. Each sign must be removed no later than 30 days after its specific advertised event or activity has ended.

(f) District activity signs.

(1) This subsection applies only to district activity signs as defined in Section 51A-7.2103.

(2) District activity signs are permitted only on the first two floors in that portion of Flora Street Frontage area, at least 660 feet away from a regulated highway under the Highway Beautification Act.

(3) District activity signs are permitted up to any size as the display contained within the transparent portion of the street wall along Flora Street. (Ord. 25920)
SEC. 51A-7.2107.  ATTACHED PRIVATE SIGNS.

(a) In general.

(1) This section applies to all attached private signs, except retaining wall signs and tenant identity signs. The only provision of this section that applies to building identification signs is Paragraph (5) of this subsection. For the regulations governing building identification signs, see Section 51A-7.2109. For the regulations governing retaining wall signs in the One Arts Plaza Subdistrict, see Section 51A-7.2110. For the regulations governing retaining wall signs and tenant identity signs in the Two Arts Plaza and Three Arts Plaza Subdistrict, see Section 51A-7.2111.

(2) No sign may project above the building cornice area.

(3) At-grade structural supports are prohibited.

(4) No establishment may have a mix of awning signs, projecting attached signs, flat attached signs, and/or marquee signs, except that awning signs may be mixed with flat attached signs.

(5) The total effective area of all attached private signs on a facade may not exceed 30 percent of the facade area. Projecting attached signs are not included in these effective area calculations.

(b) Awning signs.

(1) This subsection applies only to awning signs as defined in Section 51A-7.2103.

(2) Letters and numbers on these signs must:

(A) be parallel or perpendicular to the front building facade; and

(B) not exceed 18 inches in height.

(3) No letters or numbers are allowed on the sloped top of an awning except as part of an official corporate logo or registered trademark. No more than 50 percent of the total sloped awning surface area may contain graphics.

(4) No words, other than those which are part of the basic awning design pattern, are permitted on awnings located above the second story.

(5) No sign may have flashing or sequenced lighting.

(c) Flat attached signs.

(1) This subsection applies only to flat attached signs as defined in Section 51A-7.2103.

(2) These signs are not permitted above the third story of a building.

(3) No sign may have a length that exceeds 70 percent of the length of the frontage of the establishment with which it is associated. Signs associated with the same establishment must be spaced at least 30 feet apart. No sign may exceed 60 square feet in effective area.

(4) The maximum character heights allowed on these signs are:

(A) 18 inches for signs located below the third story; and

(B) 24 inches for third-story signs.

(5) No sign cabinets are permitted. Adequate clear space for staging characters must be provided. In no event may the character height exceed 60 percent of the vertical dimension of the sign. The sides of three-dimensional characters, if any, must be the same color as their faces.

(6) No sign may contain more than five words.
§ 51A-7.2107  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-7.2107

(7) Sources of sign illumination that are an integral part of the design of the sign, such as neon or small individual incandescent lamps, are permitted. These signs may be protected by transparent covers.

(8) Internally-lit plastic translucent signs are prohibited.

(9) No sign may have flashing or sequenced lighting.

(d) Marquee signs.

(1) This subsection applies only to marquee signs as defined in Section 51A-7.2103.

(2) These signs are only allowed in conjunction with establishments that have as their major use movies or live entertainment productions.

(3) The permanent canopy of which this sign is a part must:

(A) project no more than six feet from the building facade;

(B) be a minimum of ten feet above the sidewalk grade;

(C) have a vertical dimension that does not exceed four feet; and

(D) have a horizontal dimension along the building facade that does not exceed 30 feet.

(4) The total effective area of signs on the permanent canopy must not exceed 120 square feet.

(5) No sign may:

(A) project more than three feet from the permanent canopy;

(B) extend vertically more than 30 feet above the canopy height; or

(C) be more than three feet in width.

(6) Messages with characters over eight inches in height are limited to a maximum of five words on each canopy facade. Messages with characters under eight inches in height have no limit on the number of words. Character height must not exceed 60 percent of the vertical dimension of the permanent canopy, or 24 inches, whichever is less.

(7) Only the name of the establishment with which the sign is associated may appear on that portion of the sign located above the permanent canopy.

(8) Display panels that announce a show or event may have plastic characters on an internally-lit background.

(9) These signs may turn on or off or change their brightness. The restrictions contained in Section 51A-7.303(b)(1) do not apply to these signs. Flashing and sequenced lighting are permitted.

(e) Projecting attached signs.

(1) This subsection applies only to projecting attached signs as defined in Section 51A-7.2103.

(2) These signs must be a minimum of ten feet above grade.

(3) These signs must be located in either the bottom, top, or combined envelope depicted graphically in the diagram that is Exhibit B in Division 51A-7.1200. Restrictions on the size and location of each sign depend on which envelope the sign is located in as follows:
§ 51A-7.2107  

Dallas Development Code: Ordinance No. 19455, as amended  

§ 51A-7.2108  

(3) The maximum amount of window area that may be utilized as sign space varies depending on the location of the window as follows:

<table>
<thead>
<tr>
<th>Window Location</th>
<th>Maximum Window Coverage Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Story</td>
<td>8 sq. ft. or 15 percent, whichever is less</td>
</tr>
<tr>
<td>Second Story</td>
<td>10 sq. ft. or 20 percent, whichever is less</td>
</tr>
<tr>
<td>Third Story</td>
<td>12 sq. ft. or 25 percent, whichever is less</td>
</tr>
</tbody>
</table>

(4) No establishment may have more than four window signs.

(5) Hanging neon signs are allowed if their transformers are concealed from normal view.

(6) Opaque painted backgrounds on windows are prohibited. (Ord. Nos. 25920; 28933)

SEC. 51A-7.2108. DETACHED PRIVATE SIGNS.

(a) Detached non-premise signs. Detached non-premise private signs are prohibited in this district.

(b) Detached premise signs.

(1) This subsection applies to all detached premise signs except building identification signs. For the regulations governing building identification signs, see Section 51A-7.2109.

(2) Except in the One Arts Plaza Subdistrict, the Two Arts Plaza and Three Arts Plaza Subdistrict, and the Dallas Black Dance Theatre Subdistrict, no detached premise sign may exceed 20 square feet in effective area.

(3) Each premise may have no more than one sign on each blockface.
§ 51A-7.2108 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.2110

(4) The pole support element of these signs must be a cylindrical metal column that is six inches in diameter and white in color.

(5) Except in the One Arts Plaza Subdistrict, the Two Arts Plaza and Three Arts Plaza Subdistrict, and the Dallas Black Dance Theatre Subdistrict, no sign may exceed 13 feet, 6 inches in height.

(6) The face of these signs must be flat. Vacuum-formed sign faces are prohibited.

(7) No sign may move or rotate.

(8) No sign may be more than 12 inches thick.

(9) No illuminated sign or element of a sign may turn on or off or change its brightness. (Ord. Nos. 25920; 28933)

SEC. 51A-7.2109. BUILDING IDENTIFICATION SIGNS.

(a) This section applies only to building identification signs as defined in Section 51A-7.2103.

(b) Illumination of these signs, if any, must be from within to illuminate the building facade or monument and produce a “halo” around the characters. No illuminated sign or element of a sign may turn on or off or change its brightness.

(c) These signs must be located:

(1) on a building facade above an entrance;

(2) in the building cornice area; or

(3) on a monument in a landscaped area between a building facade and the property line.

(d) Signs located above building entrances are limited to the building name and/or street address.

(1) Lower-level building identification signs. A maximum of 50 square feet of effective area of each sign may be allocated to the building name, and a maximum of 25 square feet of effective area of each sign may be allocated to the building address. The maximum permitted heights of characters on these signs are 24 inches for the building name, and 12 inches for the building address. These signs are not allowed above the third story of the building.

(2) Upper-level flat attached building identification signs.

(A) Each upper-level flat attached building identification sign may have a maximum of eight words that contain any character of a height equal to or exceeding four inches.

(B) Upper-level flat attached signs must be wholly located within the portion of a facade more than 36 feet above grade and within the top 12 feet of a facade on buildings 18 stories or less, or within the top 36 feet of a facade on buildings more than 18 stories.

(e) No facade may have more than one sign in the building cornice area.

(f) Signs on monuments must conform to the setback and area regulations of detached premise signs in this chapter generally. These signs must be composed of individual characters made of bronze, brass, or stainless steel, or be engraved in stone. (Ord. 25920)

SEC. 51A-7.2110. ONE ARTS PLAZA SUBDISTRICT.

(a) In general. Except as provided in this division, the provisions of the Arts District Extension Area Sign District apply in this subdistrict.

(b) Monument signs.

(1) Only two monument signs are permitted.
§ 51A-7.2110 Dallas Development Code: Ordinance No. 19455, as amended

(2) Monument signs must be freestanding.

(3) Monument signs may be two sided, but must be located in a building plaza area.

(4) Monument signs may identify a building’s owner or developer and multiple tenants.

(5) Monument signs may be located at the building line.

(6) Monument signs may be located within five feet of the public right-of-way.

(7) The maximum height for a monument sign is eight feet measured to the top of the sign face.

(8) The maximum effective area for a monument sign is 50 square feet.

(9) All elements of a monument sign must be consistent in color and material.

(c) Retaining wall signs.

(1) Only two retaining wall signs are permitted.

(2) Retaining wall signs must be mounted on a perimeter retaining wall facing a right-of-way.

(3) Retaining wall signs may identify the building’s owner or developer and multiple tenants.

(4) Retaining wall signs may be located within five feet of the public right-of-way.

(5) The maximum height for a retaining wall sign is eight feet measured to the top of the sign face.

(6) The maximum effective area for a retaining wall sign is 20 square feet.

(7) All elements of a retaining wall sign must be consistent in color and material. (Ord. 28933)

SEC. 51A-7.2111. TWO ARTS PLAZA AND THREE ARTS PLAZA SUBDISTRICT.

(a) In general. Except as provided in this division, the provisions of the Arts District Extension Area Sign District apply in this subdistrict.

(b) Monument signs.

(1) A maximum of four monument signs are permitted.

(2) Only two monument signs are permitted per building site.

(3) Monument signs must be freestanding.

(4) Monument signs may be two sided, but must be located in a building plaza area.

(5) Monument signs may identify a building’s owner or developer and multiple tenants.

(6) Monument signs may be located at the building line.

(7) Monument signs may be located within five feet of the public right-of-way.

(8) The maximum height for a monument sign is eight feet measured to the top of the sign face.

(9) The maximum effective area for a monument sign is 50 square feet.

(10) All elements of a monument sign must be consistent in color and material.

(c) Retaining wall signs.

(1) A maximum of four retaining wall signs are permitted.

(2) Only two retaining wall signs are permitted per building site.
§ 51A-7.2111 Dallas Development Code: Ordinance No. 19455, as amended

(3) Retaining wall signs must be mounted on a perimeter retaining wall facing a right-of-way.

(4) Retaining wall signs may identify the building’s owner or developer and multiple tenants.

(5) Retaining wall signs may be located within five feet of the public right-of-way.

(6) The maximum height for a retaining wall sign is eight feet measured to the top of the sign face.

(7) The maximum effective area for a retaining wall sign is 20 square feet.

(8) All elements of a retaining wall sign must be consistent in color and material.

(d) Tenant identity signs and building identification signs.

(1) Except as provided in this subsection, only one tenant identity sign or building identification sign is permitted per facade.

(2) North of the One Arts Plaza Subdistrict, tenant identity signs and building identification signs are prohibited on the southern facade of a structure.

(3) East of the One Arts Plaza Subdistrict, tenant identity signs and building identification signs are prohibited on the western facade of a structure.

(4) Tenant identity signs must be located above the highest leasable floor.

(5) Tenant identity signs must be composed of individual letters only and illumination of these signs, if any, must be internal to each letter. No illuminated sign or element of a sign may turn on or off or change its brightness.

(6) All tenant identity signs and building identity signs must be the same color. (Ord. 28933)

SEC. 51A-7.2112. DALLAS BLACK DANCE THEATRE SUBDISTRICT.

(a) In general.

(1) Except as provided in this division, the provisions of the Arts District Extension Area Sign District apply in this subdistrict.

(2) For the purposes of this section, the entire subdistrict is considered one building site.

(b) Monument signs.

(1) Only two monument signs are permitted.

(2) Monument signs must be freestanding.

(3) Monument signs may be two sided, but must be located in a building plaza area.

(4) Monument signs may identify a building’s owner or developer and multiple tenants.

(5) Monument signs may be located at the building line.

(6) Monument signs may be located within five feet of the public right-of-way.

(7) The maximum height for a monument sign is eight feet measured to the top of the sign face.

(8) The maximum effective area for a monument sign is 50 square feet.

(9) All elements of a monument sign must be consistent in color and material. (Ord. 28933)
Division 51A-7.2200
Parkland Hospital Sign District.

SEC. 51A-7.2201. DESIGNATION OF PARKLAND HOSPITAL SIGN DISTRICT.

(a) A sign district is hereby created to be known as the Parkland Hospital Sign District.

(b) This district is that area of the city within the boundaries described in Exhibit A attached to Ordinance No. 28950, passed by the Dallas City Council on March 27, 2013. (Ord. 28950)

SEC 51A-7.2202. DESIGNATION OF CORRIDORS.

(a) This district is hereby divided into three corridors: the Perimeter Corridor, the Parkland Corridor, and the Service Corridor.

(b) The Perimeter Corridor is that area of the city generally bordering on Harry Hines Boulevard, Medical District Drive, and Maple Avenue within the boundaries described in Exhibit B attached to Ordinance No. 28950, passed by the Dallas City Council on March 27, 2013.

(c) The Parkland Corridor is that area of the city generally encompassing the internal campus drive from Harry Hines Boulevard to Maple Avenue and from Tex-Oak Avenue to Bengal Street within the boundaries described in Exhibit C attached to Ordinance No. 28950, passed by the Dallas City Council on March 27, 2013.

(d) The Service Corridor is that area of the city generally bordering the Parkland campus on the west, Tex-Oak Avenue, Butler Street, portions of Redfield Street, and Amelia Court within the boundaries described in Exhibit D attached to Ordinance No. 28950, passed by the Dallas City Council on March 27, 2013. (Ord. 28950)

SEC. 51A-7.2203. PURPOSE.

(a) The purpose of this division is to regulate both the construction of new signs and alterations of existing signs with a view towards enhancing, preserving, and developing the unique character of the Parkland Hospital area while addressing the public’s need to find and navigate to the multiple entrances efficiently.

(b) The objectives of this division include those listed in Section 51A-7.101 as well the objectives of ensuring that signs are appropriate to the architecture of the district, do not obscure significant architectural features, and lend themselves to the various user types (vehicular to pedestrian) of the area.

(c) The district regulations reflect the vehicular speeds along Harry Hines Boulevard and Medical District Drive, the high level of pedestrian activity along Parkland Boulevard, and the need to maximize effective orientation to multiple buildings on the campus. (Ord. 28950)

SEC. 51A-7.2204. DEFINITIONS.

In this division:

(1) ARCADE SIGN means any sign that is mounted under a canopy or awning and is perpendicular to the building to which the canopy or awning is attached. This sign is intended to be read from the pedestrian walkway that the canopy or awning covers.

(2) AWNING means a fabric or vinyl surface supported by a metal structure, which is applied to the face of a building.

(3) AWNING SIGN means a sign attached to, painted on, or otherwise applied to an awning.

(4) BANNER means a sign attached to or applied on a strip of cloth, vinyl, or similar material
and attached to a building, pole, or structure. Awning
signs, canopy signs, and flags are not banners.

(5) BRANDING SIGN means a sign that only displays the brand, logo, or name of the district.

(6) CANOPY means a permanent, non-fabric architectural element projecting from the face of a building.

(7) CANOPY SIGN means a sign attached to, applied on, or supported by a canopy.

(8) CHANGEABLE MESSAGE SIGN means a sign displaying static images that may display different designs, messages, or advertisements and that may include LED/LCD elements, slide lettering, slotted rotating surfaces, or other changeable message technology.

(9) CONSTRUCTION BARRICADE SIGN means a sign that is affixed to a construction barricade.

(10) DONOR RECOGNITION SIGN means a sign made of words, logos, or emblems that displays the name of an individual, institution, or other entity that donates money, time, services, or other goods to Parkland Hospital or the Parkland Foundation for the benefit of the hospital.

(11) DISTRICT means the Parkland Hospital Sign District.

(12) EFFECTIVE AREA means the following:

(A) For a detached sign, the area within a minimum imaginary rectangle of vertical and horizontal lines that fully contains all extremities of the sign, excluding its supports. This rectangle is calculated from an orthographic projection of the sign viewed horizontally. The viewpoint for this projection that produces the largest rectangle must be used. If elements of the sign are movable or flexible, such as a flag or a string of lights, the measurement is taken when the elements are fully extended and parallel to the plane of view.

(B) For an attached sign, the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word. If a design, outline, illustration, or interior illumination surrounds or attracts attention to a word, then it is included in the calculation of effective area.

(C) For signs placed on a fence, non-enclosing wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure is not computed, and the effective area is to be measured by the rule for effective area for attached signs.

(13) FLAT ATTACHED SIGN means an attached sign projecting 24 inches or less from a building, and with a face parallel to the building facade.

(14) GENERIC GRAPHICS means a pattern of shapes, colors, or symbols that does not commercially advertise.

(15) KIOSK means a multi-sided structure for the display of premise signs, information messages, and wayfinding information and maps.

(16) LANDSCAPE SIGN means a sign that is a part of a single landscape design which creates a base for the sign in conjunction with a retaining wall or an open space created with the use of water or planting material.

(17) LOWER LEVEL SIGN AREA means the portion of a facade equal to or less than 85 linear feet measured vertically from the ground.

(18) MONUMENT SIGN means a detached sign applied directly onto a grade-level support structure (instead of a pole support) with no separation between the sign and grade.

(19) MOVEMENT CONTROL SIGN means a sign that must direct vehicular or pedestrian movement onto or within this district and may include the name or logo of any premise located in this district.
(20) PARKING LOT IDENTIFICATION SIGN means a sign that may display the number, name, and primary users, in any combination, of a parking lot within the district.

(21) PARKING ZONE IDENTIFICATION SIGN means a sign identifying a particular zone or area within a parking lot either by letter, number, name, or a combination of the three, typically located on light poles within the parking lot.

(22) PEDESTRIAN MOVEMENT CONTROL SIGN means a sign providing information about any of the following:

(A) The name, trade name, or logo of the owner or occupant of any premise within this district.

(B) The identification of any premise within this district.

(C) Any accommodations, services, or activities offered or conducted, other than incidentally, on any premise within this district.

(D) Pedestrian directional information.

(E) Campus maps and other orientation information.

(23) PERMANENT SIGN means any sign that is not a temporary sign as defined in this section.

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

(25) PROMOTIONAL MESSAGE means a message that identifies, promotes, or advertises a cultural activity within this district, any event being conducted, in whole or in part, in this district, or any special event being conducted in this district.

(26) SPECIAL EVENT means a special event as defined in Chapter 42A of the Dallas City Code.

(27) TEMPORARY SIGN means a sign erected for a limited time that identifies an event or activity of limited duration. Examples include signs advertising the sale or lease of property, construction activity in progress, or a special or other cultural event.

(28) UPPER LEVEL SIGN AREA means the portion of a facade within the top 45 linear feet of the building measured vertically.

(29) VISION GLASS means window glass that is transparent, translucent, or decoratively fritted.

(30) WELCOME MESSAGE means a message that identifies and greets heads of state; foreign dignitaries; groups using city or county property in accordance with a contract, license, or permit; or government organizations.

(31) WINDOW DISPLAY SIGN means a sign placed within a storefront window of a building and designed to be viewed from a street or public area.

(Ord. 28950)

SEC. 51A-7.2205. SIGN PERMIT REQUIREMENTS.

(a) In general. Except as provided in this subsection, a person shall not alter, place, maintain, expand, or remove a sign in this district without first obtaining a sign permit. A sign permit is not required to:

(1) Change the text on a changeable message sign, a window display sign, a protective sign, or a kiosk.

(2) Erect or replace a banner on a street pole using the existing sign hardware. A sign permit is required to install sign hardware for a banner.

(3) Erect a temporary sign that is less than 50 square feet in effective area.
§ 51A-7.2205 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.2209

(4) Erect a non-illuminated sign with an effective area of 20 square feet or less.

(b) Sign permit procedures. The procedures for obtaining a sign permit using the director procedure in Section 51A-7.505(4) apply in this district.

(c) Special event signs. Special event signs are governed by the special event permit. (Ord. 28950)

SEC. 51A-7.2206. IMITATION OF TRAFFIC AND EMERGENCY SIGNS PROHIBITED.

No person shall cause to be erected or maintained any sign using any combination of forms, words, colors, or lights that imitate standard public traffic regulatory or emergency signs or signals. (Ord. 28950)

SEC. 51A-7.2207. CREATION OF SITE.

Except for signs located wholly within the public right-of-way, the building official shall not issue a permit for construction, erection, placement, or maintenance of a sign until a site is established in one of the following ways:

(1) A lot is part of a plat which is approved by the city plan commission and filed in the plat records of Dallas County, Texas.

(2) Tracts that are governed by a detached sign unity agreement in accordance with Section 51A-7.213. (Ord. 28950)

SEC. 51A-7.2208. SIGNS OVER THE PUBLIC RIGHT-OF-WAY.

(a) Signs may be located in or project over the public right-of-way, including, but not limited to, sidewalks, subject to the licensing and franchise requirements of Chapter XIV of the city charter, as amended; Article VI of Chapter 43 of the Dallas City Code, as amended; and the requirements of this section.

(b) The traffic engineer shall review the location of any sign located in or overhanging the public right-of-way to ensure that the sign will not pose a traffic hazard or visibility obstruction. (Ord. 28950)

SEC. 51A-7.2209. GENERAL PROVISIONS FOR ALL SIGNS.

(a) Except as provided in this division, all signs must comply with Article VII.

(b) Except as provided in this subsection, the minimum setback from back of curb is two feet. In the Perimeter Corridor, the minimum setback from back of curb is 10 feet.

(c) Signs are not allowed in a visibility triangle.

(d) All permanent signs must be premise signs or convey a noncommercial message.

(e) Signs may not be painted onto the roof of a building, and flat attached signs are not permitted on the roof of a building, except that helipad signs identifying Parkland Hospital are permitted to be painted onto the roof of a building.

(f) Signs may be internally illuminated.

(g) Illuminated signs with an effective area of 500 square feet or less may not have a luminance greater than 300 foot lamberts, nor may any such sign have a luminance greater than 300 foot lamberts for any portion of the sign within a circle two feet in diameter. Illuminated signs with an effective area greater than 500 square feet may not have a luminance greater than 200 foot lamberts, nor may any such sign have a luminance greater than 200 foot lamberts for any portion of the sign within a circle of two feet in diameter. The measurements of luminance are taken from any other premise or from any public right-of-way other than an alley.
§ 51A-7.2209 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.2210

(h) Changeable messages must follow the requirements of Section 51A-7.303(b).

(i) There is no limit to the number of words permitted on a sign. (Ord. 28950)

SEC. 51A-7.2210. MOVEMENT CONTROL SIGNS.

(a) In general.

(1) Movement control signs may be erected on any premise without limit as to number.

(2) Movement control signs may contain generic graphics.

(b) Primary movement control signs. Primary movement control signs:

(1) must be monument signs;

(2) may not exceed 150 square feet in effective area;

(3) may not exceed 20 feet in height; and

(4) may only be located in the Perimeter Corridor.

(c) Secondary movement control signs. Secondary movement control signs:

(1) must be monument signs;

(2) may not exceed 100 square feet in effective area;

(3) may not exceed 16 feet in height; and

(4) may only be located in the Perimeter Corridor.

(d) Tertiary movement control signs. Tertiary movement control signs:

(1) must be monument signs;

(2) may not exceed 50 square feet in effective area;

(3) may not exceed 11 feet in height;

(4) may be located anywhere in the district; and

(5) in the Parkland Corridor, may contain multiple tenant names.

(e) Quaternary movement control signs. Quaternary movement control signs:

(1) must be monument signs;

(2) may not exceed 20 square feet in effective area;

(3) may not exceed six feet in height; and

(4) may be located anywhere in the district.

(f) Overhead movement control signs. Overhead movement control signs:

(1) must be pole mounted signs;

(2) may not exceed 40 square feet in aggregate effective area of movement control panels;

(3) must have a minimum clearance of 13 feet; and

(4) may be located anywhere in the district.

(g) Parkland Corridor movement control signs. Parkland Corridor movement control signs:

(1) must be pole mounted signs;

(2) may not exceed 25 square feet in effective area of movement control panels;
§ 51A-7.2210 Dallas Development Code: Ordinance No. 19455, as amended

(3) may also support a banner (the banner square footage is not counted as part of the square footage);

(4) must have a minimum clearance of eight feet; and

(5) may be located only in the Parkland Corridor.

(h) Pedestrian movement control signs. Pedestrian movement control signs:

(1) must be monument signs;

(2) may not exceed 20 square feet in effective area;

(3) may not exceed 10 feet in height; and

(4) may be located anywhere in the district.

(i) Parking zone identification signs. Parking zone identification signs:

(1) must be pole mounted signs;

(2) may not exceed three square feet in effective area;

(3) must have a minimum clearance of eight feet; and

(4) may be located anywhere in the district.

Sec. 51A-7.2211. District identification signs.

(a) District identification signs may only identify the name or logo of this district or an abutting special provision sign district.

(b) District identification signs may be internally or externally illuminated.

(c) In the Perimeter Corridor, a maximum of two district identification signs are permitted. A district identification sign in this corridor may be attached onto a non-enclosing wall or may be a monument sign.

(1) If the sign is attached onto a non-enclosing wall, the sign may not exceed 10 square feet in effective area.

(2) If the sign is a monument sign, the sign may not exceed 20 feet in height or 150 square feet in effective area.

(d) In the Parkland Corridor, district identification signs are prohibited.

(e) In the Service Corridor, a maximum of two district identification signs are permitted and they must be monument signs. The signs may not exceed 11 feet in height or 45 square feet in effective area. (Ord. 28950)

Sec. 51A-7.2212. Banner signs.

(a) Banner signs may not be illuminated.

(b) Banner signs may be attached to Parkland Corridor movement control sign poles, or may be mounted to street light poles in the Perimeter Corridor or the Service Corridor.

(c) Pole mounted banner signs are not limited in number.

(d) Pole mounted banner signs must:
§ 51A-7.2212 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-7.2212 Dallas Development Code: Ordinance No. 19455, as amended

(1) meet the sign construction and design standards contained in the Dallas Building Code;

(2) be at least eight feet, but no more than 16 feet, above grade;

(3) not project more than three feet from the pole on which they are mounted;

(4) not exceed eight square feet in effective area;

(5) be made out of weather-resistant and rust-proof material; and

(6) may contain district activity promotional messages, welcome messages, premise messages, and sponsorship messages.

(e) A sign permit is not required to erect or remove a pole mounted banner. (Ord. 28950)

SEC. 51A-7.2213. BRANDING SIGNS.

(a) An unlimited number of branding signs may be located on or incorporated into manhole covers, street light poles, sidewalks, benches, trash receptacles, and other improvements.

(b) Branding signs may not exceed one square foot in effective area. (Ord. 28950)

SEC. 51A-7.2214. DONOR RECOGNITION SIGNS.

(a) Attached donor recognition signs.

(1) Attached donor recognition signs are allowed in the lower level sign area only.

(2) Attached donor recognition signs may not be located on vision glass, but may be located on non-vision glass or solid surface areas of the facade.

(3) The aggregate square footage of all donor recognition signs on a facade may not exceed 15 percent of the facade to which they are attached.

(4) Attached donor recognition signs may be located anywhere in the district.

(b) Detached donor recognition signs.

(1) Detached donor recognition signs may be monument or landscape signs.

(2) Detached donor recognition signs may not exceed 50 square feet in effective area.

(3) Detached donor recognition signs may not exceed 11 feet in height.

(4) Detached donor recognition signs may include other non-commercial messages.

(5) Detached donor recognition signs may be located anywhere in the district. (Ord. 28950)

SEC. 51A-7.2215. STREAMERS, PENNANTS, AND INFLATABLE SEASONAL DECORATIONS PROHIBITED.

Streamers, pennants, and inflatable seasonal decorations, including, but not limited to, balloons, are prohibited. (Ord. 28950)

SEC. 51A-7.2216. ATTACHED SIGNS.

(a) In general.

(1) Except as provided in this subsection, the total effective area for all attached signs on a facade may not exceed 30 percent of the area of the facade.

(2) Projecting signs and special event signs may not exceed 20 percent of the area of facade.
(3) Attached signs must be securely attached.

(4) Attached signs may not project more than four feet above the surface to which they are attached.

(5) Attached signs may only be located in the lower level sign area or the upper level sign area.

(b) Arcade signs.

(1) Arcade signs may be located anywhere in the district.

(2) An arcade sign must be located at least six feet from any other arcade sign.

(3) Arcade signs may not exceed six square feet in effective area.

(4) Arcade signs may not be lower than 10 feet above grade.

(c) Awning signs.

(1) Awning signs may be located anywhere in the district.

(2) Awning signs may not project beyond the surface of the awning or be lower than 10 feet above grade.

(3) Awning signs may not exceed six square feet in effective area.

(4) Awning signs must be located over a window or a door.

(5) Awning signs may not be backlit.

(d) Canopy signs.

(1) Canopy signs may be located anywhere in the district.

(2) Canopy signs may not:

   (A) exceed 75 percent of the length of the canopy facade to which it is attached;

   (B) project vertically beyond the canopy more than four feet;

   (C) project horizontally more than 12 inches from the surface of the canopy; or

   (D) be lower than 10 feet above grade.

(e) Flat attached signs.

(1) Except as provided in this division, a flat attached sign may be located anywhere in the district.

(2) The minimum distance between flat attached signs on a retail or mixed use premise is four feet.

(3) The maximum width of a flat attached sign on a retail or mixed use premise is 75 percent of the facade width.

(4) Flat attached signs on a retail or mixed use premise may not be located more than 20 feet from the ground.

(f) Projecting attached signs.

(1) Projecting attached signs may be located anywhere in the district.

(2) Projecting attached signs on a retail or mixed use premise may not:

   (A) exceed 20 square feet in effective area;

   (B) be lower than 10 feet above grade;

   (C) be closer than 15 feet to any other projecting attached sign on a retail or mixed use premise; or
(D) project vertically above 20 feet. (Ord. 28950)

SEC. 51A-7.2217. WINDOW DISPLAY SIGNS.

(a) Window display signs are permitted only on the ground floor of a retail or mixed-use premise in the Parkland Corridor.

(b) Window display signs may not cover more than 25 percent of the surface area of a window. (Ord. 28950)

SEC. 51A-7.2218. KIOSK SIGNS.

(a) A maximum of 10 kiosks are permitted in this district.

(b) Kiosks may not be illuminated by a detached, independent external light source.

(c) Kiosks may be changeable message signs.

(d) Kiosks must be spaced at least 50 feet apart.

(e) Kiosks must be securely anchored to the ground.

(f) Kiosks may not exceed 10 feet in height and 50 square feet in effective area. The display area for each sign on a kiosk may not exceed 20 square feet in effective area. (Ord. 28950)

SEC. 51A-7.2219. CONSTRUCTION BARRICADE SIGNS.

(a) Construction barricade signs may not be illuminated or contain any moving parts.

(b) Construction barricade signs must be removed when the construction barricade is removed.

(c) A construction barricade may be fully decorated with a graphic except that:

(1) no decoration or part of the graphic may project more than two inches horizontally from the barricade facade, or

(2) no decoration or graphic may project more than four feet vertically above the top of the barricade. (Ord. 28950)

SEC. 51A-7.2220. TEMPORARY SIGNS.

(a) Temporary signs may be externally or internally illuminated.

(b) Temporary signs may be attached or detached.

(c) Attached temporary signs may not exceed 125 square feet in effective area.

(d) Detached temporary signs may not exceed 25 square feet in effective area. (Ord. 28950)
Division 51A-7.2300.  
Southwestern Medical District Sign District.

SEC. 51A-7.2301. DESIGNATION OF SOUTHWESTERN MEDICAL SPECIAL PROVISION SIGN DISTRICT.

(a) A special provision sign district is hereby created to be known as the Southwestern Medical District Sign District.

(b) This district is that area within the boundaries described in Exhibit A attached to Ordinance No. 29392, passed by the Dallas City Council on June 25, 2014. (Ord. 29392)

SEC. 51A-7.2302. PURPOSE.

(a) The purpose of this division is to regulate both the construction of new signs and alterations of existing signs with a view towards enhancing, preserving, and developing the unique character of the Southwestern Medical District area while addressing the public’s need to locate and navigate to the multiple hospital and medical office entrances efficiently.

(b) The objectives of this division include those listed in Section 51A-7.101 as well as to:

(1) Create an aesthetically pleasing environment that cultivates a center for healthcare, education, biomedical research, and technology.

(2) Designate entries into this district.

(3) Communicate clear directions to, within, and through the district.

(4) Promote the goods and services available in this district.

(5) Ensure that the size and orientation of signs assist pedestrian and vehicular traffic.

(6) Enhance economic growth and community identity for local businesses and residents in the district.

(7) Ensure that significant architectural features and buildings within this district are not obscured by inappropriate signs.

(8) Identify and promote special events and cultural activities in this district.

(9) Identify and highlight key features, local amenities, corridors, and communities in and adjacent to this district. (Ord. 29392)

SEC. 51A-7.2303. DEFINITIONS AND INTERPRETATIONS.

In this division:

(1) BANNER means a sign attached to or applied on a strip of cloth, vinyl, metal, or similar material and attached to a building, pole, or structure. Canopy signs and flags are not banners.

(2) CHANGEABLE MESSAGE SIGN means a sign displaying static images that may display different designs, messages, or advertisements and that may include LED/LCD elements, slide lettering, slated rotating surfaces, or other changeable message technology.

(3) CONSTRUCTION BARRICADE SIGN means a sign that is affixed to a construction barricade.

(4) DISTRICT OR THIS DISTRICT means the Southwestern Medical District Sign District.

(5) EFFECTIVE AREA means the following:

(A) For a detached sign, the area within a minimum imaginary rectangle of vertical and horizontal lines that fully contains all extremities of the sign, excluding its supports. This rectangle is calculated from an orthographic projection of the sign viewed horizontally. The viewpoint for this projection...
that produces the largest rectangle must be used. If elements of the sign are movable or flexible, such as a flag or a string of lights, the measurement is taken when the elements are fully extended and parallel to the plane of view.

(B) For an attached sign, the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word. If a design, outline, illustration, or interior illumination surrounds or attracts attention to a word, then it is included in the calculation of effective area.

(C) For signs placed on a fence, non-enclosing wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure is not computed, and the effective area is to be measured by the rule for effective area for attached signs.

(6) FLAT ATTACHED SIGN means an attached sign projecting 24 inches or less from a building, and with face parallel to the building facade.

(7) GATEWAY SIGN means a district entry monument sign that lets travelers know they are entering a distinct area within this district.

(8) GENERIC GRAPHICS mean a pattern of shapes, colors, or symbols that does not commercially advertise.

(9) GOVERNMENTAL TRAFFIC SIGN means a sign, signal, or other traffic control device installed by a governmental agency for the purpose of regulating, warning, or guiding vehicular or pedestrian traffic on a public roadway, including stop signs, one-way signs, no parking signs, and electronic pedestrian and vehicular signalization devices and their fixtures.

(10) LOGO means a graphic or emblem that is used to identify, symbolize, and promote an entity or organization.

(11) MEDICAL INSTITUTION means healthcare, medical, educational, and research facilities and destinations within this district that may have a helipad.

(12) MONUMENT SIGN means a detached sign applied directly onto a grade-level support structure (instead of a pole support) with no separation between the sign and grade.

(13) MOVEMENT CONTROL SIGN means a sign that must direct vehicular or pedestrian movement into or within this district and may include the name or logo of this district or of any premise within this district.

(14) PERMANENT SIGN means any sign that is not a temporary sign as defined in this section.

(15) PROMOTIONAL MESSAGE means a message that identifies, promotes, or advertises a cultural activity within this district, any event being conducted, in whole or in part, within this district, or any special event being conducted within this district.

(16) SIGN HARDWARE means the structural support system for a sign, including the fastening devices that secure the sign to a building facade or pole.

(17) SOUTHWESTERN MEDICAL DISTRICT IDENTIFICATION SIGNS means gateway signs, movement control signs, trailblazer signs, and district street topper signs that designate the boundaries of this district and guide people coming to medical institution destinations.

(18) SPECIAL EVENT means a special event as defined in Chapter 42A of the Dallas City Code.

(19) TEMPORARY SIGN means a sign erected for a limited time that identifies an event or activity of limited duration. Examples include signs advertising the sale or lease of property, construction activity in progress, or a special or other cultural event.
(20) TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES means the latest publication of the Texas Manual on Uniform Traffic Control Devices published by the Texas Department of Transportation.

(21) TRAILBLAZER SIGN means a sign placed strategically to guide travelers to a particular destination within this district.

(22) VIDEOBOARD SIGN means a flat screen that is capable of displaying moving images similar to television images, by light-emitting diode or other similar technology, and that is mounted to the exterior of a building.

(23) WELCOME MESSAGE means a message that identifies and greets heads of state; foreign dignitaries; groups using city or county property in accordance with a contract, license, or permit; or government organizations. (Ord. 29392)

SEC. 51A-7.2304. SOUTHWESTERN MEDICAL DISTRICT IDENTIFICATION SIGN PERMIT REQUIREMENTS.

(a) In general. Except as provided in this subsection, a person shall not alter, place, maintain, expand, or remove a Southwestern Medical District identification sign in this district without first obtaining a sign permit. A sign permit is not required to:

(1) Change the text on a changeable message sign or a protective sign.

(2) Erect or replace a banner on a street pole using the existing sign hardware. A sign permit is required to install sign hardware for a banner.

(3) Erect a temporary sign that is less than 50 square feet in effective area.

(4) Erect a non-illuminated sign with an effective area of 20 square feet or less.

(5) Erect governmental traffic signs.

(b) Sign permit procedures.

(1) Except as provided in this subsection, the procedures for obtaining a sign permit using the director procedure in Section 51A-7.505(4) apply in this district.

(2) For each sign permit application, a sign plan is required and must include a:

(A) map of the district boundaries with existing and proposed Southwestern Medical District identification signs shown; and

(B) table with the cumulative number of the existing and proposed Southwestern Medical District identification signs tabulated.

(c) Review of application. The director shall review the application and approve or deny it within 30 days of its receipt.

(d) Appeals. Any interested person may appeal the decision of the director by submitting a written request for appeal to the director within 10 days of the decision. Within 30 days after receipt of the written request for appeal, the director shall schedule the appeal on a future city plan commission agenda. The city plan commission shall hold a public hearing to consider the appeal in accordance with Section 51A-7.505(6).

(e) Special event signs. Special event signs are governed by the special event permit regulations in Chapter 42A of the Dallas City Code. (Ord. 29392)

SEC. 51A-7.2305. IMITATION OF TRAFFIC AND EMERGENCY SIGNS PROHIBITED.

No person shall erect or maintain, or cause to be erected or maintained, any sign using any combination
of forms, words, colors, or lights that imitate standard public traffic regulatory or emergency signs or signals. (Ord. 29392)

SEC. 51A-7.2306. CREATION OF SITE.

Except for signs located wholly within the public right-of-way, the director shall not issue a permit for the construction, erection, placement, or maintenance of a sign until a site is established in one of the following ways:

(1) A lot is part of a plat that is approved by the city plan commission and filed in the plat records of Dallas County, Texas.

(2) Tracts that are governed by a detached sign unity agreement in accordance with Section 51A-7.213. (Ord. 29392)

SEC. 51A-7.2307. GOVERNMENT TRAFFIC SIGNS.

Nothing in this division shall be construed to regulate the display of a government traffic sign. (Ord. 29392)

SEC. 51A-7.2308. SIGNS WITHIN AND OVER THE PUBLIC RIGHT-OF-WAY.

(a) Signs may be located within or project over the public right-of-way, subject to the Texas Manual on Uniform Traffic Control Devices, the licensing and franchise requirements of Chapter XIV of the city charter, Article VI of Chapter 43 of the Dallas City Code, as amended, and the requirements of this section.

(b) The traffic engineer shall review and must approve the location in, projecting over, or overhanging the public right-of-way to ensure that the sign complies with the Texas Manual on Uniform Traffic Control Devices, other city ordinances and state laws, and will not pose a traffic or safety hazard or visibility obstruction.

(c) A minimum clearance over public right-of-way must be maintained in accordance with the Texas Manual on Uniform Traffic Control Devices.

(d) For signs in the right-of-way, if there is a conflict between the text of this division and the Texas Manual on Uniform Traffic Control Devices, the Texas Manual on Uniform Traffic Control Devices controls. (Ord. 29392)

SEC. 51A-7.2309. GENERAL PROVISIONS FOR ALL SIGNS.

(a) Except as provided in this division, signs must comply with the provisions for business zoning districts in Article VII.

(b) Signs may be illuminated by back lighting or indirect lighting.

(c) Neon or single incandescent bulbs are not allowed.

(d) Illuminated signs with an effective area of 500 square feet or less may not have a luminance greater than 300 foot lamberts, nor may any such sign have a luminance greater than 300 foot lamberts for any portion of the sign within a circle two feet in diameter. The measurements of luminance are taken from any other premise or from any public right-of-way other than an alley.

(e) Illuminated signs with an effective area greater than 500 square feet may not have a luminance greater than 200 foot lamberts, nor may any such sign have a luminance greater than 200 foot lamberts for any portion of the sign within a circle of two feet in diameter. The measurements of luminance are taken from any other premise or from any public right-of-way other than an alley.
§ 51A-7.2309 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.2311

(f) Changeable messages must follow the requirements of Section 51A-7.303(b).

(g) A sign or part of a sign may not move or rotate, with the exception of a wind device, the motion of which is not restricted.

(h) Signs are not allowed in a visibility triangle.

(i) The number of words allowed on a sign is not limited, unless otherwise restricted by the Texas Manual on Uniform Traffic Control Devices.

(j) All permanent signs must be premise signs, convey a noncommercial message, list the Southwestern Medical District name and logo, or the name of a hospital or medical or educational use.

(k) Fiberglass as a sign material is allowed.

(l) For detached signs, plastic is not permitted as an exterior face of a sign. Plastic may be used as a backing for routed letters in a sign can or as decorative ornaments.

(m) Except for helipad signs, signs may not be painted onto the roof of a building, and no flat attached sign is permitted on the roof of a building. (Ord. 29392)

SEC. 51A-7.2310. PROHIBITED SIGNS.

The following signs are prohibited in this district:

(a) Videoboard signs.

(b) Supergraphic signs.

(c) Streamers, pennants, and inflatable seasonal decorations. (Ord. 29392)

SEC. 51A-7.2311. SOUTHWESTERN MEDICAL DISTRICT IDENTIFICATION SIGNS.

(a) In general.

(1) A minimum setback is not required for Southwestern Medical District identification signs.

(2) Southwestern Medical District identification signs may be located within the public right-of-way in accordance with Section 51A-7.2308.

(3) Except for district street topper signs, Southwestern Medical District identification signs may be illuminated in accordance with the Texas Manual on Uniform Traffic Control Devices.

(4) Southwestern Medical District identification signs may contain changeable messages.

(b) Gateway signs.

(1) A maximum of 10 gateway signs are allowed.

(2) Gateway signs may not exceed:

(A) 150 square feet in effective area;

(B) 20 feet in height; and

(C) 8 feet in width.

(3) Gateway signs may only identify the name or logo of this district or an abutting special provision sign district.

(4) Gateway signs may be internally or externally illuminated.

(5) Gateway signs may be located within the right-of-way in accordance with Section 51A-7.2308.
§ 51A-7.2311 Dallas Development Code: Ordinance No. 19455, as amended § 51A-7.2312

(c) Movement control signs.

(1) In general.

(A) Movement control signs must be pole signs.

(B) Movement control signs may be located within or project over the public right-of-way in accordance with Section 51A-7.2308.

(C) Text size on movement control signs must comply with the Texas Manual on Uniform Traffic Control Devices.

(2) Large movement control signs.

(A) A maximum of 14 are allowed.

(B) Large movement control signs may have a maximum effective area of 270 square feet.

(C) Large movement control signs may not exceed three separate panels.

(3) Medium movement control signs.

(A) A maximum of 14 are allowed.

(B) Medium movement control signs may have a maximum effective area of 120 square feet.

(C) Medium movement control signs may only contain one panel.

(4) Small movement control signs.

(A) A maximum of 60 are allowed.

(B) Small movement control signs may have a maximum effective area of 80 square feet.

(C) Small movement control signs may only contain one panel.

(d) Trailblazer signs.

(1) Trailblazer signs may be a pole sign or mounted on existing traffic signal posts.

(2) Trailblazer signs may have a maximum effective area of 12 square feet.

(3) Trailblazer signs may only contain one panel.

(4) Trailblazer signs must comply with the minimum clearance over public right-of-way requirements in the Texas Manual on Uniform Traffic Control Devices.

(e) District street topper signs.

(1) District street topper signs must be mounted on a traffic control pole.

(2) District street topper signs may have a maximum effective area of 30 square feet.

(3) District street topper signs may only contain the name of this district.

(4) District street topper signs may not be internally illuminated. (Ord. 29392)

SEC. 51A-7.2312. BANNERS.

(a) Banners may be illuminated.

(b) A banner must display a promotional message, a welcome message, or generic graphics.

(c) No more than 10 percent of the effective area of a banner may contain a welcome message that identifies and greets a group using city property in accordance with a contract, license, or permit.

(d) To create uniformity throughout this district, banners should, on up to 10 percent of the effective area, contain the words or logos identifying a
§ 51A-7.2312 Dallas Development Code: Ordinance No. 19455, as amended

Southwestern Medical District cultural event or activity sponsor if the sponsor’s name is part of the name of the activity or event.

(e) A banner having a promotional message or a welcome message may not be erected for more than 90 days before the beginning of the advertised activity or event, and must be removed no later than 15 days after that activity or event ends. The sign hardware for a banner may be left in place between displays of a banner.

(f) Banners may be mounted to street light poles.

(g) Pole mounted banners are in addition to other signs allowed on a premise and the banner and its hardware must:

1. meet the sign construction and design standards in the Dallas Building Code;
2. be at least eight feet, but no more than 16 feet above grade;
3. not project more than three feet from the pole on which it is mounted;
4. not exceed eight square feet in effective area; and
5. be made out of weather-resistant and rust-proof material.

(h) Pole mounted banners are not limited in number.

(i) A sign permit is not required to erect or remove a pole mounted banner. (Ord. 29392)

SEC. 51A-7.2313. CONSTRUCTION BARRICADE SIGNS.

(a) A construction barricade sign may not be illuminated or contain any moving parts.

(b) A minimum 10 percent of the effective area of a construction barricade sign must display the names of the owner, occupant, medical institution located within this district, or the Southwestern Medical District name, brand, or logo.

(c) Except for traffic signs, construction barricade signs are not allowed in the public right-of-way.

(d) A construction barricade sign must be removed when the construction barricade is removed.

(e) A construction barricade may be fully decorated with a graphic, except that:

1. no decoration or part of the graphic may project more than two inches horizontally from the barricade; and
2. no decoration or graphic may project more than four feet vertically above the top of the barricade. (Ord. 29392)
ARTICLE VIII.
PLAT REGULATIONS.

Division 51A-8.100. Title and Purpose.

SEC. 51A-8.101. TITLE.

This article is known as the plat regulations of the city of Dallas. (Ord. Nos. 20092; 23384)

SEC. 51A-8.102. POLICY.

(a) It is the policy of the city of Dallas to subject the subdivision, platting, replatting, and development of land to the control of the city pursuant to the city charter, state law, and all other rules, regulations, and policies the city may adopt.

(b) To be platted, land must be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.

(c) Land must not be platted until proper provision has been made for paving, drainage, water, wastewater, public utilities, capital improvements, parks, recreation facilities, and rights-of-way for streets, transportation facilities, and improvements.

(d) These regulations supplement and are intended to facilitate the enforcement of the provisions and standards of this code, state law, and all other rules, regulations, and policies which the city may adopt. (Ord. Nos. 20092; 23384)

SEC. 51A-8.103. PURPOSE.

The regulations of this article are established in accordance with the city charter and state law for the purposes stated in Section 51A-1.102 of this chapter and in order to:

(a) protect and provide for the public health, safety, and general welfare of the city;

(b) guide the future growth and development of the city;

(c) guide public policy and action in order to provide adequate and efficient transportation, streets, storm drainage, water, wastewater, parks, and open space facilities;

(d) provide for the proper location and width of streets and building lines;

(e) establish reasonable standards of design and procedures for platting in order to promote the orderly layout and use of land, and to insure proper legal descriptions and monumenting of platted land;

(f) insure that public infrastructure facilities required by city ordinance are available with sufficient capacity to serve the proposed plat before issuance of a certificate of occupancy or release of utility connections or final inspection within the boundaries of the plat;

(g) provide that the cost of public infrastructure improvements that primarily benefit the tract of land being platted be borne by the owners of the tract in accordance with applicable laws; and

(h) prevent the pollution of air, streams, and ponds by assuring the adequacy of drainage facilities and by safeguarding the escarpment, flood plains, and the water table. (Ord. Nos. 20092; 21186; 23384)

SEC. 51A-8.104. FUNCTION OF COMMISSION.

(a) Except administrative plats, the commission shall approve or disapprove plats, subdivisions, and replats of land within the corporate limits and extraterritorial jurisdiction of the city. If a plat conforms to this article, the state law, and all other rules and regulations pertaining to the platting of land, the commission shall endorse its approval upon the plat.
(b) The rules and regulations of the commission must provide for a subdivision review committee for the purpose of reviewing appeals of conditions recommended by the city staff, refusal to approve an administrative plat by the subdivision administrator, and appeals from the subdivision administrator regarding satisfaction of preliminary plat conditions. (Ord. Nos. 20092; 23384; 26529)

SEC. 51A-8.105. JURISDICTION.

This article applies to all plats, as defined in Division 51A-8.200, located within the corporate limits, and within the extraterritorial jurisdiction of the city to the full extent allowed by state law. (Ord. Nos. 20092; 23384)
accordance with Texas Local Government Code Section 212.016 that does not increase or decrease the number of lots.

(9) BARRIER-FREE SIDEWALK means a sidewalk designed using ramps, curb transitions, and additional sidewalk width to facilitate use by persons in wheel chairs.

(10) CERTIFICATE OF CORRECTION means an amending plat (minor) in the form of a document used to make a correction to a recorded plat in cases where a sketch is not needed for clarity, as determined by the subdivision administrator.

(11) COMMISSION means the city plan commission of the city of Dallas.

(12) CONDITIONS OF APPROVAL mean conditions imposed on a plat by the commission that must be satisfied before the subdivision administrator may submit a plat for endorsement by the commission chair.

(13) CORNER CLIP means an area consisting of the triangular extension of street right-of-way at intersections of streets. This area is used for curb returns, utilities, barrier-free ramps, and other public facilities.

(14) COVENANT means an agreement in writing that touches and concerns real property platted or developed under this chapter, executed as required by law, in which a party pledges that something shall be done or shall not be done. A covenant is binding on successors in title to the real property that is the subject of the covenant.

(15) CUL-DE-SAC means an area of circular pavement constructed at the end of a dead-end street to facilitate vehicular access and turnaround.

(16) DEAD-END STREET OR ALLEY means a street or alley having right-of-way or pavement that terminates abruptly at one end without intersecting another street.

(17) DETENTION AREA means an area which temporarily stores stormwater runoff and discharges that runoff at a reduced rate.

(18) DEVELOPER means the owner of the property or the person authorized by the owner to develop the property.

(19) DIVIDED THOROUGHFARE means a street on the thoroughfare plan with travel lanes divided by a median.

(20) DRIVEWAY means a private drive on private property used for vehicular access and maneuvering.

(21) DRIVEWAY APPROACH means a paved connection from a street to a driveway or access way.

(22) DUPLEX LOT means a lot in a duplex D(A) zoning district or a lot in an identifiable duplex component of a planned development district.

(23) ENGINEERING PLANS mean drawings and specifications, including paving, storm water drainage, water, wastewater, or other required plans, submitted to the department of sustainable development and construction or the water utilities department for review in conjunction with a plat.

(24) ESTATE IN EXPECTANCY means an interest in property that is not yet in possession, but the enjoyment of which is to begin at a future time.

(25) FINAL PLAT means a plat that will be signed by the commission chair upon satisfaction of all conditions of approval and all other requirements of this article, and will be effective once it is filed with the county clerk.

(26) FLOODWAY means a drainage area designated on a plat to accommodate the design flood as defined in Article V of this chapter.

(27) FLOODWAY EASEMENT means an easement dedicating a drainage area to the city for control and maintenance of a flood plain.
(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 public works or the North Central Texas Standard Specifications for Public Works Construction of the North Central Texas Council of Governments.

(34) OPEN SPACE, IMPROVED means open space containing structures or improvements, including but not limited to hike and bike trails.

(35) OPEN SPACE, UNIMPROVED means open space containing no buildings, fences, or other structures above or below grade.

(36) OWNER means the fee simple owner of property, or the owner’s representative when authorized by a power of attorney, corporate resolution, or other appropriate document.

(37) PARKWAY means the area between the outside edge of street pavement and the street right-of-way lines abutting other public or private property.

(38) PERMANENT DEAD-END STREET means a street or alley which cannot or will not be extended to another street in the foreseeable future.

(39) PHASE means a portion of an approved preliminary plat that receives final plat approval and is developed before or during the time the owner submits the final plat on the remainder of, or on another phase of, the area shown on the preliminary plat.

(40) PLAT means the graphic presentation of one or more lots or tracts of land, or of a subdivision, resubdivision, combination, or recombination of lots or tracts.

(41) PLAT RELEASE means approval by a department to verify that those conditions of approval required by that department have been satisfied before the final plat is endorsed by the commission chair.

(42) PRELIMINARY PLAT means the initial plat proposed by the applicant, which is reviewed by city staff and presented by staff to the city plan commission for consideration. If the commission determines that approval subject to conditions is appropriate, the subdivision administrator ensures that those conditions are met before the plat is finalized for endorsement by the commission chair.
§ 51A-8.201  Dallas Development Code: Ordinance No. 19455, as amended

(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)
Division 51A-8.300. RESERVED.
(Ord. 23384)

Division 51A-8.400. Procedures.

SEC. 51A-8.401. WHEN PLATTING IS REQUIRED.

Platting is required:

(a) To create a building site. Platting is required to create a building site pursuant to Section 51A-4.601(a)(1) of this chapter.

(b) To subdivide land. Platting is required to divide a lot or tract into two or more parcels for development of the parcels. Pursuant to the authority granted by Section 212.0045 of the Local Government Code to provide exceptions to state law platting requirements, the city of Dallas shall not require platting to divide property for transfer of ownership through a metes and bounds description unless and until a building permit is requested for the property to be developed as a separate building site. Unless a separate building site has otherwise been established as provided in Section 51A-4.601, a conveyance of property accomplished through a metes and bounds description without platting will not be recognized as a separate building site, nor will the lines of ownership be recognized for purposes of determining development rights on the parcel conveyed without platting.

(c) To combine lots or tracts. Platting is required to combine two or more lots or tracts into one lot.

(d) To amend a plat. Platting is required if property is to be developed in a manner inconsistent with an existing plat.

(e) To include vacated and abandoned property. Platting is required to incorporate property that has been vacated or abandoned into a legal building site.

(f) To correct errors. Platting is required to correct an error on an approved and recorded plat.
(g) To develop a planned development district. A preliminary plat must be submitted at the same time as the development plan for a planned development district. The subdivision administrator and the director shall coordinate the commission review of the preliminary plat and the development plan in accordance with Section 51A-4.702. (NOTE: If the property included in a development plan application has been previously platted or a building site otherwise exists under Section 51A-4.601, this requirement does not apply.)

(h) To establish a shared access development. Platting is required to establish a shared access development as provided in Section 51A-4.411. (Ord. Nos. 20092; 23384; 24270; 24731; 24843)

SEC. 51A-8.402. PLATTING OF STREET RIGHT-OF-WAY PROHIBITED.

Platting street right-of-way without platting adjacent property to be served by the street is prohibited unless the director of sustainable development and construction and the chief planning officer recommend platting the right-of-way because a graphic representation of the right-of-way is needed to facilitate thoroughfare or local street planning. (Ord. Nos. 20092; 22026; 23384; 28424; 29478, eff. 10/1/14)

SEC. 51A-8.403. PLATTING PROCESS.

(a) Plat approval process.

(1) Preliminary plat application. An applicant seeking approval of a plat or replat shall submit a preliminary plat application to the subdivision administrator on a form available at the subdivision administrator’s office. If the subdivision administrator determines that the application is complete, the subdivision administrator shall accept it and route it to all affected departments. If the subdivision administrator determines that the application is incomplete, the subdivision administrator shall return it to the applicant with a description of its deficiencies.

   (A) The preliminary plat application must include the following unless the subdivision administrator determines that an item listed is not applicable and may be omitted:

   (i) All required fees.

   (ii) The proposed layout of the plat legibly drawn on a sheet of paper which measures 24 inches by 30 or 36 inches. The plat must show the bearings and distances of the property, and must be drawn to a scale of one inch equals forty feet or the largest practical scale determined to be legible by the survey section of the department of sustainable development and construction. (Unless otherwise indicated, all words on a plat must be at least 10 characters per inch.)

   (iii) An arrow indicating north.

   (iv) A vicinity map showing all thoroughfares and existing streets within the two nearest intersecting arterials of the boundary of the plat.

   (v) The proposed name of the subdivision in bold, capital letters.

   (vi) The names, addresses, and telephone numbers of the surveyor performing or preparing the metes and bounds description of the property, and all owners and developers.

   (vii) The proposed boundaries of the property indicated with a bold, solid line, and other boundaries indicated with thinner lines.

   (viii) The proposed lot and block numbers, and the area of each lot in square feet.

   (ix) The location, purpose, and grantee of existing easements, and the citation to the volume and page of the county records where the recorded instrument may be found.
(x) The location and purpose of all proposed easements and common areas.

(xi) The layout and dimensions of proposed storm drainage areas and other areas offered for dedication to public use. If the combined on-site and off-site drainage area is less than one acre, this requirement may be waived by the director of sustainable development and construction if the impact of the drainage is not significant.

(xii) The layout of platted lots and unplatted parcels, streets, storm drainage facilities, water and wastewater facilities, public rights-of-way, and other pertinent features existing within a distance of 150 feet from the proposed boundary of the plat.

(xiii) The location and identification of any structure or improvement within the boundaries of the property to be platted, and any significant topographic features located on the property or within 150 feet of the boundaries of the property. Any of these items that are to be removed or altered must be identified on the plat.

(xiv) The general layout and dimensions of proposed streets and alleys, and proposed street names.

(xv) Contour lines indicating the terrain and drainage pattern of the area. Contour intervals must be five feet or less unless the director of sustainable development and construction determines that the slope of the land is less than 1 to 100 (vertical to horizontal). If the director of sustainable development and construction determines that the property being platted is fully developed, contour lines are not required.

(xvi) A copy of any specific use permit or planned development district ordinance regulating the property.

(xvii) A copy of any deed restrictions regulating the property in which the city of Dallas is an enforcing party.

(xviii) If the plat is a replat in accordance with Subsection (b)(1) or (2), a certified copy of the original subdivision of the area filed with the county clerk and a certified copy of the latest replat of the property filed with the county clerk.

(xix) A metes and bounds description of the property included in the plat, as well as all appropriate language of dedication and acknowledgment. Signatures are not required at the time of application.

(xx) If the property is located in the escarpment area or a geologically similar area, an escarpment permit is required at the time of application.

(xxi) The location, caliper, and name (both common and scientific) of all trees near proposed construction (trees in close proximity that all have a caliper of less than eight inches may be designated as a “group of trees” with only the number noted).

(xxii) A copy of the recorded deed reflecting current ownership and a copy of the title policy if title insurance is in place (if no title insurance is in place then a copy of the most recent property tax certificate must be provided). The ownership indicated in the owner’s certificate on the plat must match the deed exactly unless documentation is provided to explain any variation.

(xxiii) All requirements set forth in the survey division’s plat guidelines.

(xxiv) A copy of any regulating plan approved pursuant to Article XIII.

(xxv) The location of any open space required pursuant to Article XIII.

(xxvi) Any other information that the subdivision administrator deems necessary.
§ 51A-8.403 Dallas Development Code: Ordinance No. 19455, as amended

(2) **Staff review.**

(A) All affected departments shall review the preliminary plat application and forward their comments, in writing, to the subdivision administrator within 14 days after the date a complete application is received. (Holiday scheduling may require an extension of the review period.) The subdivision administrator shall formulate a staff recommendation from the comments received in the interdepartmental review process, and submit the plat to the commission within 30 days after the date a complete application is accepted by the city (unless it is an approved administrative plat and the applicant does not appeal any of the conditions). If the staff recommendation is for denial of the application, the subdivision administrator must provide the reasons for denial to the commission.

(B) The subdivision administrator shall approve an administrative plat within 18 days after the date a complete application is accepted by the city if the subdivision administrator finds that it complies with the policies and purposes of this article. If the subdivision administrator refuses to approve an administrative plat, the subdivision administrator shall refer the plat to the commission for consideration within 30 days after the date a complete application is accepted by the city. The subdivision administrator shall provide reasons for refusing to approve the plat to the commission.

(C) An applicant may appeal staff recommendations on an administrative plat or on any other plat to the subdivision review committee of the commission before the plat is considered by the commission, provided the request for appeal is made in sufficient time to allow staff and commission compliance with the 30-day action requirement and applicable posting and notice requirements.

(D) If, after city staff or commission review, it is determined that a minor plat does not comply with the minor plat definition, the application must be considered as a preliminary plat. The increase in fee must be paid before the application is processed.

(E) If, after city staff review, it is determined that an administrative plat does not comply with the administrative plat definition, if city staff refuses to approve an administrative plat, if the applicant appeals any administrative plat conditions, or if the subdivision administrator refers the plat to the commission, the application must be considered as a preliminary plat.

(3) **Commission action.** The commission must hold a public hearing for all replats, and act upon all plat applications, other than approved administrative plats where the conditions are not appealed, within 30 days after the date a complete application is accepted by the city. The commission shall approve the application if it finds that it complies with the policies and purposes of this article. If the commission denies an application, the reasons for denial must be stated in the motion for denial.

(4) **Effect of preliminary plat approval and effective period.**

(A) Approval of a preliminary plat by the commission or the subdivision administrator is not final approval of the plat, but is an expression of approval of the layout shown subject to satisfaction of specified conditions. The preliminary plat serves as a guide in the preparation of a final plat and engineering and infrastructure plans to serve the plat.

(B) All plats other than certificates of correction must be submitted for final staff review and approval by the subdivision administrator in the form of a final plat, except that the subdivision administrator may provide a certificate of approval for an administrative plat in accordance with Paragraph (8).

(C) If the perimeter boundary or any layout design element changes, or if, in the opinion of the subdivision administrator, any other feature or condition changes, the plat must be considered again as a preliminary plat by the commission or the subdivision administrator in the case of an administrative plat. If a replat must be considered...
again by the commission under this paragraph, new notices must be issued for a residential replat, and a new public hearing must be held.

(D) Except as provided in this subparagraph, a preliminary plat approved by the commission expires five years after the commission action date approving the plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005. An approved minor plat, amending plat (minor), or an administrative plat expires two years after the commission action date approving the plat or within two years after the date of the subdivision administrator’s action letter approving the administrative plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005.

(5) Action letter.

(A) Commission-approved plats. Within seven days after the commission action date, the subdivision administrator shall send an action letter to the applicant. If the commission denied the application, the letter must contain the reasons for denial. If the commission approved the application, the letter must contain all conditions of approval.

(B) Administrative plats. Within two days after the subdivision administrator approves an administrative plat, the subdivision administrator shall send an action letter to the applicant with all conditions of approval.

(6) Satisfaction of conditions required. The subdivision administrator shall endorse the administrative plat or submit the plat for endorsement pursuant to Paragraph (8) as soon as the owner has complied with the following requirements: (Any proposed change to a preliminary plat condition must be resubmitted to the commission as a preliminary plat.)

(A) All conditions to approval must be satisfied, including:

(i) On-site easements and rights-of-way must be properly described and noted on the proposed plat.

(ii) Off-site easements and rights-of-way must be dedicated by the respective owners and filed of record with the county.

(iii) All proposed easements and public right-of-way dedications created by the plat must be properly described by bearings and distances.

(iv) Approved language of easement and dedication must be stated on the final plat, executed, and properly acknowledged.

(v) All required licenses and railroad agreements must be executed by the owner, the railroad, utilities, and the city council.

(vi) All required abandonments of public rights-of-way or easements must be approved by the city council, and the abandonment ordinance numbers must be shown on the plat.

(vii) All required infrastructure plans must be approved.

(viii) All required private development contracts must be executed and approved.

(ix) All required covenants must be approved by the city and filed of record with the county.

(x) All monuments required in Section 51A-8.617 must be installed on the property.

(xi) The apportionment determination pursuant to Section 51A-1.109.

(B) All required fees must be paid.

(C) All taxes assessed by the city against the property must be paid.
(D) Releases must be secured by the applicant from the department of sustainable development and construction, the city controller, and the city attorney.

(E) The plat must be endorsed with properly acknowledged original signatures and seals of all owners of the property and surveyors.

(F) For a plat that includes dedication of any streets or alleys, the lienholder must provide a letter of consent subordinating the lienholder’s interest to the dedicated area, and if the owner has a title insurance policy for the platted area, the policy must be updated to within ninety days prior to the date the plat is signed by the commission chair. This provision does not apply to a residential replat that meets the criteria set forth for a minor plat.

(G) All plats other than minor plats must be provided to the chief city surveyor in an electronic format approved by the geographic information systems section of the department of sustainable development and construction.

(7) Appeal.

(A) Adverse decisions of the subdivision administrator regarding whether a preliminary plat condition has been satisfied may be appealed to the subdivision review committee by the applicant or by the owners, as ownership appears on the last approved ad valorem tax roll, of all lots that are:

(i) within the original subdivision; or

(ii) in single-family or duplex districts and within 200 feet of the lot or lots for which the replat is requested.

The appeal must be made in writing on a form furnished by the subdivision administrator.

(B) The subdivision review committee shall render a final decision on the appeal within 21 days after the date a complete application for an appeal is made.

(C) The decision of the subdivision review committee is final unless appealed by the applicant to the commission within 7 days after the date a final decision is made.

(8) Certificate of approval.

(A) Commission-approved plats. If the subdivision administrator determines that the applicant has satisfied all the conditions and requirements of Paragraph (6), the administrator shall immediately forward the final plat to the chair of the commission, who shall endorse the final plat with a certificate indicating approval of the plat. The secretary of the commission shall attest the signature of the chair on the certificate of approval and shall, within five working days, give notice to the applicant that the certificate of approval has been signed. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. The notice must be sent to the address shown on the application.

(B) Administrative plats. If the subdivision administrator determines that the applicant has satisfied all the conditions and requirements of Paragraph (6), the administrator shall endorse the final plat with a certificate indicating approval of the plat. A notary public shall attest the signature of the administrator on the certificate of approval and the subdivision administrator shall, within five working days, give notice to the applicant that the certificate of approval has been signed. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. The notice must be sent to the address shown on the application.

(9) Final plat.

(A) Commission-approved plats. A final plat may be submitted only after the commission action letter regarding the preliminary plat has been received by the applicant. If engineering plans are required as a condition of approval of a preliminary
plat, the final plat cannot be submitted until all engineering plans have been approved in accordance with Section 51A-8.404, to avoid the necessity of multiple submissions. All staff comments shall be forwarded to the subdivision administrator within 21 days of the routing date of the final plat. The director shall notify the applicant of the results of the review. If further modifications are required, the director may require additional submissions of the final plat and fees in accordance with the fee schedule.

(B) Administrative plats. A final plat may be submitted only after the subdivision administrator action letter regarding the administrative plat has been received by the applicant. All staff comments shall be forwarded to the subdivision administrator within 13 days after the final plat is submitted. The subdivision administrator shall notify the applicant of the results of the review. If further modifications are required, the subdivision administrator may require additional submissions of the final plat and fees in accordance with the fee schedule.

(10) Phasing of final plats. After a preliminary plat has been approved by the commission, a final plat may be submitted that includes less than all of the area shown in a preliminary plat if:

(A) the proposed phase conforms to the approved preliminary plat;

(B) the proposed phase meets all conditions of approval of the preliminary plat;

(C) the proposed phase provides a logical progression of development;

(D) the proposed phase being submitted could function as an independent development even if no other phases were ever submitted or approved;

(E) enough area remains outside the phase, but within the boundaries of the preliminary plat, to independently satisfy the minimum zoning requirements of the property;

(F) the area outside the phase has at least the minimum frontage required; and

(G) all fees have been paid in accordance with the fee schedule.

(b) Replatting.

(1) Replatting without vacating preceding plat. A replat of a subdivision or part of a subdivision that does not meet the amending plat (minor) criteria in Subsection 51A-8.403(c)(1)(A) and (B) may be recorded and is controlling without vacating the preceding plat if the replat:

(A) is signed and acknowledged by the owners of the property being replatted;

(B) is approved after a public hearing on the matter by the commission;

(C) does not amend or remove any covenants or restrictions; and

(D) meets all requirements of the plat approval process in Subsection (a).

(2) Residential replat. In addition to compliance with Paragraph (1), a residential replat without vacating the preceding plat must comply with the requirements of this subsection if:

(A) during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or

(B) any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
(3) Notice and protest for a residential replat.

(A) Notice. Before the 15th day before the date of the public hearing, notice of the required public hearing on a replat must be:

(i) published in an official newspaper or a newspaper of general circulation in the county in which the municipality is located; and

(ii) mailed, along with a copy of the required provisions of state law, to the owners, as ownership appears on the last approved ad valorem tax roll, of all lots that are within 200 feet of the lot or lots for which the replat is requested, and are:

(aa) within the original subdivision;

(bb) in single-family, townhouse, or duplex districts; or

(cc) shown on the zoning map to be restricted to single-family, townhouse, or duplex use.

(B) Protest.

(i) In general. If the proposed replat requires a variance and the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, protest the replat in accordance with state law, the commission may approve the proposed plat only upon the affirmative vote of at least three-fourths of the members present of the commission. A protest must be filed with the commission before the close of the public hearing at which the plat is to be considered.

(ii) Form of protest. A protest must be in writing and, at a minimum, contain the following information:

(aa) A description of the property at issue by address or lot number.

(bb) The names of all persons protesting the proposed replat.

(cc) A description of the area of lots or land owned by the protesting parties that is immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision.

(dd) The mailing addresses of all persons signing the protest.

(ee) The date and time of its execution.

(ff) The protest must bear the original signatures of all persons required to sign under this paragraph.

(C) Who must sign.

(i) A protest must be signed by the owner of the property in question, or by a person authorized by power of attorney to sign the protest on behalf of the owner. If the property is owned by two or more persons, the protest must be signed by a majority of the owners, or by a person authorized by power of attorney to sign the protest on behalf of a majority of the owners, except that in the case of community property, the city shall presume the written protest of one spouse to be the protest of both.

(ii) In the case of property owned by a corporation, the protest must be signed by the president, a vice president, or by an attorney in fact authorized to sign the protest on behalf of the corporation. In the case of property owned by a general or limited partnership, the protest must be signed by a general partner or by an attorney in fact authorized to sign the protest on behalf of the partnership.

(iii) Lots or land subject to a condominium regime are presumed to be commonly...
owned in undivided interests by the owners of all condominium units and under the control of the governing body of the condominium. For such lots or land to be included in calculating the lots or land area protesting a replat, the written protest must state that the governing body of the condominium has authorized a protest in accordance with procedures required by its bylaws, and that the person signing the protest is authorized to act on behalf of the governing body of the condominium. A written protest signed by the owner of an individual condominium unit shall not be accepted unless the filing party produces legal documents governing the condominium which clearly establish the right of an individual owner to act with respect to his or her respective undivided interest in the common elements of the condominium.

(D) When signatures must be acknowledged.

(i) Except as otherwise provided in this subparagraph, all signatures on a written protest must be acknowledged before a notary public.

(ii) A signature on an original reply form sent by the city to the mailing address of the property owner need not be acknowledged.

(iii) A signature on a protest delivered in person by the person signing need not be acknowledged if its reliability is otherwise established to the satisfaction of the subdivision administrator. In such a case, a summary of the evidence of reliability considered by the subdivision administrator must be endorsed on the protest by the subdivision administrator.

(E) Presumptions of validity.

(i) In all cases where a protest has been properly signed pursuant to this paragraph, the city shall presume that the signatures appearing on the protest are authentic and that the persons or officers whose signatures appear on the protest are either owners of the property or authorized to sign on behalf of one or more owners as represented.

(ii) In cases of multiple ownership, the city shall presume that a properly signed protest, which on its face purports to represent a majority of the property owners, does in fact represent a majority of the property owners.

(iii) The presumptions in this subparagraph are rebuttable, and the city attorney may advise the commission that a presumption should not be followed in a specific case based on extrinsic evidence presented.

(F) Conflicting instruments. In the event that multiple protests and withdrawals are filed on behalf of the same owner, the instrument with the latest date and time of execution controls.

(c) Administrative plat process.

(1) Delegation of authority to subdivision administrator. The subdivision administrator may approve the following administrative plats as authorized by Texas Local Government Code Section 212.0065(a)(1) and (2) and this article:

(A) An amending plat (minor) that is filed only for one or more of the following:

(i) To correct an error in a course or distance shown on the preceding plat.

(ii) To add a course or distance that was omitted on the preceding plat.

(iii) To correct an error in a real property description shown on the preceding plat.

(iv) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments.

(v) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat.
(vi) To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats.

(vii) To correct an error in courses and distances of lot lines between two adjacent lots if:

(aa) both lot owners join in the application for amending the plat;

(bb) neither lot is abolished;

(cc) the amendment does not attempt to remove recorded covenants or restrictions; and

(dd) the amendment does not have a material adverse effect on the property rights of the other owners in the plat. In this provision, material adverse effect means a significant and unwanted or negative result on the property rights of other owners in the plat.

(B) An amending plat (minor) that is not in a residential district and that is filed only for one or more of the following:

(i) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement if the amendment does not increase or decrease the number of lots.

(ii) To relocate one or more lot lines between one or more adjacent lots if:

(aa) the owners of all those lots join in the application for amending the plat;

(bb) the amendment does not attempt to remove recorded covenants or restrictions; and

(cc) the amendment does not increase or decrease the number of lots.

(iii) To replat one or more lots fronting on an existing street if:

(aa) the owners of all the lots join in the application for amending the plat;

(bb) the amendment does not attempt to remove recorded covenants or restrictions;

(cc) the amendment does not increase or decrease the number of lots; and

(dd) the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(C) A minor plat involving four or fewer lots fronting on an existing street, that is not in a residential district, and that does not require the creation of any new street or the extension of municipal facilities.

(2) A certificate of correction may be used to make the corrections listed in Subparagraph (1)(A), unless the subdivision administrator determines that a sketch is needed for clarity, in which case an amending plat must be submitted. A certificate of correction must be certified by a registered professional surveyor in a form approved by the chief city surveyor.

(3) Except as provided in this subsection, notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an administrative plat.

(d) Vacation plat.

(1) Any plat may be vacated upon application of the owners of the land in accordance with state law and this article.

(2) A vacation plat must be approved by the commission.
(3) An approved vacation plat must be recorded with the vacated plat and operates to destroy the effect of recording the vacated plat and to divest all public rights to the streets, alleys, and other public areas laid out or described in the vacated plat.

(4) Vacation of a park is prohibited unless approved as required by state law. (Ord. Nos. 20092; 21186; 22053; 22026; 23384; 25047; 26529; 26530; 27495; 28073; 28424)

SEC. 51A-8.404. ENGINEERING PLAN APPROVAL PROCEDURE.

(a) Generally. A person seeking approval of engineering plans for infrastructure must not submit those plans until a preliminary plat has been approved for the property which the infrastructure is to serve. After approval of the preliminary plat, plans for the infrastructure must be submitted to the department. The director shall review the plans submitted under this section for completeness.

(b) Contents of engineering plans. Plans submitted must include the following:

(1) All required fees.

(2) A completed private development checklist on a form provided by the department. The form must be signed by the professional engineer responsible for the plans.

(3) A completed fee receipt on a form approved by the director.

(4) Two blueline prints of the approved preliminary plat.

(5) Two sets of infrastructure plans.

(6) A copy of any specific use permit or planned development district ordinance regulating the property.

(7) A copy of any deed restrictions regulating the property in which the city of Dallas is an enforcing party.

(c) Staff review of engineering plans. All affected divisions of the department shall review the engineering plans against the established criteria and forward their comments to the director. Changes or corrections in the design or right-of-way requirements must be itemized and forwarded, in writing, to the responsible engineer and the owner as those persons are reflected on the private development checklist.

(d) Required off-site easements. If off-site easements or rights-of-way are required to accomplish the construction shown in the engineering plans, field notes describing the easements or rights-of-way, sketches showing the required easements or rights-of-way, copies of recorded deeds for all affected property, and agreements from the owners of the off-site property must be submitted before approval of the plans. The agreements are acceptable only if they are from the current owners and were executed less than one year before the time they are submitted.

(e) Infrastructure plans approval. Upon approval of the infrastructure engineering plans, the applicant shall be notified by the director and advised of the documents needed to secure a final release from the department.

(f) Extension of infrastructure plan approval. An extension of the approval of the street paving, storm drainage, bridge, and culvert plans will be considered upon a formal request by the owner to the director of sustainable development and construction. Six-month extensions may be granted only if the conditions surrounding the plat, as well as the standards, criteria, and requirements listed in Section 51A-8.601 do not require a redesign of the infrastructure improvements. (Ord. Nos. 20092; 23384; 25047; 28073; 28424)
SEC. 51A-8.405. APPORTIONMENT OF EXACTIONS AND PARK LAND DEDICATION.

(a) See Section 51A-1.109 for regulations and procedures concerning apportionment of exactions.

(b) See Division 51A-4.1000 for regulations and procedures concerning park land dedication. (Ord. Nos. 26530; 30934, eff. 7/1/19)

Division 51A-8.500. Subdivision Layout and Design.

SEC. 51A-8.501. COMPLIANCE WITH ZONING.

(a) Except as otherwise provided in Subsection (c), all plats must be drawn to conform to the zoning regulations currently applicable to the property. If a zoning change is contemplated for the property, the zoning change must be completed before the approval of any final plat of the property. A plat submission reflecting a condition not in accordance with the zoning requirements must not be approved by the commission until any available relief from the board of adjustment has been obtained.

(b) Except as otherwise provided in Subsection (c), no plat or replat may be approved which leaves a structure located on a remainder lot.

(c) Subsections (a) and (b) do not apply to a parcel, lot, or remainder lot that constitutes or is a part of a building site established pursuant to Section 51A-4.601(a)(5), (6), or (7) of this chapter. (Ord. Nos. 20092; 23384; 25809)

SEC. 51A-8.502. DESIGNATION OF ABANDONED, FRANCHISED, OR LICENSED PROPERTY.

(a) Indication of abandonment. Any abandoned public right-of-way that is to be incorporated into a platted lot must be indicated by a dashed line on the plat. The ordinance number for the ordinance abandoning the property must be reflected on the plat. Incorporation of property improperly abandoned is prohibited.

(b) Indication of franchise or license. Any franchise or license agreements affecting the property must be indicated on the plat.
(c) **Estate in expectancy.** Any property dedicated to the city as an estate in expectancy must be clearly indicated graphically, and labeled on the plat.

(d) **Revocation of offer to dedicate through platting.** Property previously offered for public dedication by the filing of a plat but not developed in any manner may be revoked through the filing of a replat of the property or a vacation plat if:

1. the dedicated property was never used for the public purpose indicated on the plat dedicating the property or for utility or communication facilities; and

2. no formal acceptance of the dedication was made by the city council or any city department.

(Ord. Nos. 20092; 23384)

**SEC. 51A-8.503. LOTS.**

(a) **Lot size.** The area of each platted lot must comply with the minimum regulations for the zoning district in which the lot is located. Lots must conform in width, depth and area to the pattern already established in the adjacent areas, having due regard to the character of the area, its particular suitability for development, and taking into consideration the natural topography of the ground, drainage, wastewater facilities, and the proposed layout of streets.

(b) **Frontage.**

1. All lots must front upon either a dedicated public street or a private street, unless this requirement is waived by an ordinance establishing a planned development district in which adequate access is provided by access easement. Platted lots may front upon a private street only if that street has been approved in accordance with the requirements of this chapter.

2. For the purposes of this subsection:

(A) the frontage of a lot is the length of the lot’s intersection with a public or private street right-of-way line; and

(B) all of the property in a shared access development is considered to be one lot.

3. Except in planned development districts, the minimum frontage requirement is 10 feet. The minimum frontage requirement for a planned development district is 10 feet unless otherwise provided in the ordinance establishing the district.

4. If four or more single family, townhouse, and duplex lots share a private driveway, a private driveway easement must be provided. The private driveway easement must provide a minimum access width of 20 feet with a flare to 30 feet at its intersection with the curb line of a minor street, and a flare to 40 feet at its intersection with the curb line of a thoroughfare. The private driveway access easement need not be exclusive to a particular lot, but must be indicated on the plat, and must have direct access to a dedicated public street or a private street approved in accordance with this chapter. No more than four lots may share a private driveway access easement unless, upon recommendation from the director and the chief planning officer, the commission finds that the extraordinary topography or shape of the property unduly limits the development potential of the property, and that the proposed development is consistent with the spirit and intent of this chapter. The shared access area in a shared access development is not subject to this paragraph.

5. Single family, duplex, or townhouse lots having frontage on two opposite sides are prohibited unless the commission finds that this design is essential to provide proper orientation of residential lots to thoroughfares. Shared access developments may have frontage on two opposite sides.

(c) **Residential access to thoroughfares.** Where single family, townhouse, or duplex lots abut a divided
thoroughfare, driveway access to the thoroughfare is prohibited unless, upon recommendation of the director and the chief planning officer, the commission finds that the extraordinary topography or shape of the property unduly limits the development potential of the property, and the proposed development is consistent with the spirit and intent of this chapter. If the commission permits access under this subsection, the traffic barrier otherwise required in Section 51A-8.618 is waived.

(d) Municipal boundary lines. Plats divided by municipal boundary lines must be approved by the appropriate body of each affected municipality to be effective. Any building permit issued based on a plat divided by a municipal boundary line is void if the requisite approval has not been obtained.

(e) Lot lines and existing structures.

(1) No plat may be approved if an existing improvement on the property would encroach upon a proposed lot line or setback line, unless the existing improvement is to be removed or relocated, or unless the encroachment is authorized by the Dallas Building Code.

(2) No plat may be approved if the location of a proposed lot line would create a structure not in strict compliance with the Dallas Building Code, as amended, or the Dallas Development Code, as amended, unless the existing structure is to be removed, relocated, or altered to comply.

(3) Notwithstanding Paragraphs (1) and (2), dedications for public infrastructure may be accomplished even if a structure encroaches, provided appropriate language is executed to convey an estate in expectancy. (Ord. Nos. 20092; 21186; 23384; 24731; 25047; 28073; 29478, eff. 10/1/14)

SEC. 51A-8.504. BLOCKS.

(a) Block length. Block lengths in plats for single family lots should not exceed 1200 feet measured from block corner to block corner. The length may be extended if, upon recommendation from the director and the chief planning officer, the commission finds that the extraordinary topography or shape of the property unduly limits the development potential of the property, and that the proposed development is consistent with the spirit and intent of this chapter.

(b) Other considerations. Block length and width must be designed to accommodate the type of use anticipated and must provide for safe and convenient access and circulation. Block design must take into account the physical characteristics of the topography. (Ord. Nos. 20092; 23384; 25047; 28073; 29478, eff. 10/1/14)

SEC. 51A-8.505. BUILDING LINES.

(a) Building lines that establish a minimum front, side, or rear yard setback greater than the current zoning setback requirements, building lines for lots that border a natural creek channel, and building lines established by Section 51A-4.401(a)(3) must be shown on the plat.

(b) A building line may establish a minimum front, side, or rear yard setback greater than the minimum front yard setback required by zoning regulation only if the building line is part of a plan for the orderly development of a subdivision. Except as provided in Section 51A-8.510, a building line may not establish a minimum front, side, or rear yard setback less than the minimum front, side, or rear yard setback required by zoning regulation. The building line for lots that border a natural creek channel must provide the setback required by Section 51A-5.106. No other building lines may be shown on the plat.

(c) If an existing platted building line establishes a minimum front, side, or rear yard setback greater than the minimum front, side, or rear yard setback required by zoning regulation, relief from the platted building line must be sought through a replat submitted to the commission. The commission may approve a relocation or removal of the platted building...
§ 51A-8.505 Dallas Development Code: Ordinance No. 19455, as amended § 51A-8.506

line with a minimum front, side, or rear yard setback greater than required by zoning regulation only:

(1) upon the affirmative vote of at least three-fourths of the commission members present; and

(2) if the commission finds that relocation or removal of the platted building line will not:

(i) require a minimum front, side, or rear yard setback less than required by zoning regulation;

(ii) be contrary to the public interest;

(iii) adversely affect neighboring properties; and

(iv) adversely affect the plan for the orderly development of the subdivision.

(d) If relief is sought from the minimum front, side or rear yard setback required by zoning regulation, approval must be obtained from the board of adjustment.

(e) A building line platted and recorded prior to December 13, 2006, indicating that a front yard setback has been reduced remains enforceable. Removal of the platted building line may be sought through a replat that complies with this section.

(f) The subdivision administrator may not approve an administrative plat that adds, moves, or removes a building line. (Ord. Nos. 20092; 23384; 26529; 26531)

SEC. 51A-8.506. STREET LAYOUT.

(a) Generally. Streets must be designed in relation to the thoroughfare plan, existing and proposed streets, the terrain, streams, and other physical conditions. The arrangement of streets must provide for the continuation of streets between adjacent properties when the continuation is necessary for the safe and efficient movement of traffic, or for utility efficiency. Minor streets should be oriented in a manner that discourages their use by through traffic, and to allow efficient drainage systems, utility systems, and general street improvements. All streets must be designed and constructed in accordance with this section and Section 51A-8.604.

(b) Dead-end streets.

(1) Temporary dead-end streets. If adjacent property is undeveloped and a street must terminate temporarily, the right-of-way must extend to the boundary of the plat. When a temporary dead-end street is shown on a plat, a temporary circular or “T” shaped turnaround must be provided and shown as an easement on the subdivision plat, and must be indicated on the plat by dotted lines. No turnaround is required if the street is 150 feet or less in length, measured from the intersection of the street right-of-way lines with the subdivision boundary to the street’s intersection with a through street. All temporary turnarounds are subject to approval by the director.

(2) Permanent dead-end streets.

(A) Except as otherwise provided in this paragraph, if a permanent dead-end street is created within a proposed plat, a circular turnaround or other approved turnaround must be provided. The minimum radius for the circular turnaround is 50 feet for the right-of-way and 43.5 feet for the pavement measured to the back of the curb. The length of permanent dead-end streets must not exceed 600 feet, measured along the centerline from the block corner to the center of the cul-de-sac. The length of a permanent dead-end street may be extended upon recommendation of the director and the chief planning officer if they find that the extraordinary topography or shape of the property unduly limits the development potential of the property, and that the proposed development is consistent with the spirit and intent of this chapter.

(B) A waiver to the requirement of a turnaround for a dead-end street may be obtained
§ 51A-8.506 Dallas Development Code: Ordinance No. 19455, as amended

from the director and the chief planning officer only upon their determination that a turnaround is not needed to serve the traffic on the street or otherwise needed to protect the public interest.

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(c) Intersections. The following regulations govern the alignment of intersections:

(1) All streets must intersect as close to a right angle as permitted by topography or other natural physical conditions. A street must not intersect with another street or railroad at an angle of more than 105 degrees or less than 75 degrees.

(2) The intersection of two streets must not be located within 115 feet of a railroad right-of-way if one of the streets crosses the railroad right-of-way at grade. This 115 foot separation is measured from the nearest point of the intersection of the street right-of-way and the nearest point of the railroad right-of-way.

(3) A driveway or alley approach must not be located within 50 feet of a railroad right-of-way.

(4) An intersection must not have more than four street approaches.

(5) Proposed intersections along one side of an existing cross street must, wherever practical, align with existing intersections on the opposite side of the cross street. Street centerline offsets of less than 150 feet are not permitted unless the cross street is divided by a median without openings at either intersection.

(6) If served by a median opening, minor streets that intersect divided thoroughfares must be spaced at least 360 feet apart, measured from centerline to centerline unless otherwise approved by the traffic engineer.

(d) Private streets. If a private street is indicated in the street layout, it must be designed and constructed in accordance with this section and Section 51A-8.604.

(e) Street names. The naming of public or private streets created through the platting process is the responsibility of the applicant. Street names must
conform to the standards for street names contained in Division 51A-9.300 of this chapter. All proposed street names must be reviewed by the fire department, the department of sustainable development and construction, and the police department before consideration by the commission. (Ord. Nos. 2009-2; 21186; 23384; 25047; 28073; 28424; 29478; eff. 10/1/14; 31314)

SEC. 51A-8.507. ALLEYS.

(a) When required. Alleys are required only in residential zoning districts, and then only when required under Section 51A-8.604 based on accommodation of street pavement width and zoning density. Alleys must provide continuous vehicular access regardless of zoning.

(b) Regulations. All alleys must meet the following standards:

(1) Alleys must have a minimum right-of-way of 15 feet in width.

(2) Alley right-of-way must not exceed 20 feet in width.

(3) Alleys must consist of at least 10 feet of pavement.

(4) Permanent dead-end alleys are not allowed unless all access is prohibited between the alley and public rights-of-way. Alleys must either intersect with a dedicated public or private undivided street or an existing alley. If a dead-end alley is shown on a proposed plat, an approved turnaround must be provided unless a waiver is obtained from the director and the chief planning officer. A waiver is permitted only if the director and the chief planning officer determine a turnaround is not necessitated by the amount of traffic on the alley, nor otherwise needed to protect the public interest.

(5) Alleys must function without reliance on fire lanes or access easements. An alley must provide vehicular access from a dedicated public right-of-way or easement to another dedicated public

10/18 Dallas City Code 755
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 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; 31314)

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 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-8.509. FIRE AND POLICE ACCESS.

(a) Generally. The layout design of a plat must take into consideration the provision of adequate fire and police access.
(b) **Water supply.** Provisions must be made for the extension of water lines and the appropriate placement of fire hydrants as required by the department before approval of the final plat. (Ord. Nos. 20092; 23384; 25047; 28073)

**SEC. 51A-8.510. COMMUNITY UNIT DEVELOPMENT.**

To encourage reasonable flexibility of design and arrangement in the development of residential communities in residential zoning districts, the following provisions are made for the approval of community unit developments ("CUD’s"):  

(a) A CUD must be submitted for approval to the commission as a subdivision.

(b) A CUD must comply with the maximum lot coverage or density requirements for the district in which it is located. For purposes of calculating maximum lot coverage in a CUD, the calculation is made using either the actual size of the lot or the minimum lot area specified for the zoning district in which the lot is located, whichever is greater.

(c) The minimum lot area of any lot within the CUD may be reduced by an amount not to exceed 25 percent of the minimum lot area for the zoning district in which the CUD is located. Any reduction in minimum lot area must be compensated proportionally on a square foot for square foot basis by the establishment of permanent community open space to serve the property being platted. If five percent or more of the community open space is unimproved and in a flood plain (as defined in Article V), the minimum lot area may be reduced by up to 30 percent.

(d) Front yard, side yard, and rear yard requirements may be uniformly reduced on all lots and must establish a uniform pattern within the boundaries of the property being platted. The reduction in front yard, side yard, and rear yard must not exceed the total percentage reduction of lot area within the boundaries of the property being platted.

(e) The CUD must not be used to increase the number of lots which could normally be accommodated by the size of the site.

(f) The CUD provisions are not applicable to property located in a planned development district.

(g) Open space provided in a CUD must be approved as appropriate for its intended purpose by the director and the chief planning officer. The open space area must be within 1320 feet, measured radially, of any residential lot that is reduced in size in accordance with Subsection (c) of this section.

1. **Unimproved open space:**
   
   (A) may extend into floodway easements or floodway management areas;

   (B) must be indicated on the plat with a prohibition of structures and parking areas; and

   (C) must have a minimum of 10,000 square feet.

2. **Improved open space:**

   (A) must not extend into floodway easements or floodway management areas unless the proposed improvements are in compliance with Division 51A-5.100 of this chapter; and

   (B) must be developed in accordance with a site plan approved by the city council after recommendation by the commission. The site plan must include the location and dimensions of all improvements and structures planned for the open space.

(h) A maintenance agreement for the open space area must be provided in a community unit development. The agreement must be approved as to form by the city attorney and executed by the owner(s) or homeowners’ association. (Ord. Nos. 20092; 22053; 22150; 23384; 25047; 28073; 29478)
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)
§ 51A-8.601 Dallas Development Code: Ordinance No. 19455, as amended

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(10) The Dallas Central Business District Pedestrian Facilities Plan.


(13) All other codes and ordinances of the city of Dallas.

(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.


(3) The Long Range Physical Plan for Parks and Recreational Facilities.

(4) The Street Design Manual of the city of Dallas.

(5) The storm drainage policy of the city of Dallas.


(7) The Plan Development Checklist of the department.

(8) The Standard Construction Details of the department of public works.


(10) The Dallas Central Business District Pedestrian Facilities Plan.

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(11) The most recently adopted Dallas Bike Plan.


(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; 31314)

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.
(c) Streets.

(1) The percentage of right-of-way dedication required for streets is as follows:

   (A) When the full right-of-way width of a street is contained within the boundaries of a proposed plat, the entire required right-of-way contained within the boundaries of the plat must be dedicated.

   (B) When a thoroughfare is along the perimeter of a proposed plat, sufficient right-of-way must be dedicated to provide one-half of the thoroughfare plan requirement, measured from the centerline of the existing right-of-way or, if there is no existing right-of-way, the proposed right-of-way as determined by the director and the chief planning officer. If the property on the side of the thoroughfare opposite the property to be platted is railroad right-of-way or a utility or floodway easement, or if some physical or topographical condition makes the property on that side of the street undesirable for street right-of-way, the commission may require a correspondingly greater dedication.

   (C) When a thoroughfare has a city council approved detailed alignment, all right-of-way falling within the approved alignment and within the boundaries of the proposed plat must be dedicated.

   (D) If substandard right-of-way exists for an existing perimeter thoroughfare based on the thoroughfare plan requirements, and the plat includes property on both sides of the existing thoroughfare, sufficient right-of-way must be dedicated to meet the entire right-of-way requirement.

   (E) When substandard right-of-way exists based on this article for a perimeter minor street, sufficient right-of-way must be dedicated to meet one-half of the entire right-of-way width requirement.

   (F) When no right-of-way exists and a minor street is proposed, whether perimeter or
§ 51A-8.602 Dallas Development Code: Ordinance No. 19455, as amended

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. A corner clip is a triangle with the legs along the edges of the street rights-of-way. The size of the corner clip is based on the city's current design standards. Corner clips must be sized 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 Street Design Manual of the city of Dallas.
(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; 31314)
§ 51A-8.603 Dallas Development Code: Ordinance No. 19455, as amended § 51A-8.604

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 public works. The geometrics of streets must be designed to provide appropriate access for passenger, delivery, emergency, and maintenance vehicles.

(b) Street construction required.

(1) Within the boundaries of the proposed plat, the owner must construct all thoroughfares, minor streets, and alleys shown on the proposed plat.

(2) When a minor street is along the perimeter of the proposed plat and the street is not improved with an approved all weather paving material to a width of 20 feet, the owner must improve the street to that standard along the length of the proposed plat.

(3) When a thoroughfare is along the perimeter of the proposed plat for 1000 feet or more, the owner must construct thoroughfare, sidewalk, and storm drainage improvements to complete one-half of the thoroughfare requirements along the entire length of the plat, adjusted for any participation in the construction under Section 51A-8.614.

(c) Minor street criteria. If additional right-of-way for a minor street has been waived by the commission in accordance with Section 51A-8.602(c)(3), the amount of street construction required for the streets on which the requirements have been waived is determined by the director of sustainable development and construction. Additional street construction may be required, if necessary, based on the existing condition or width of the streets, and if warranted by the expected traffic volumes, property access requirements, or truck, bus, and taxi loading. If additional right-of-way has not been waived, minor streets must be designed and constructed to meet the following criteria:

(c) Minor street criteria. If additional right-of-way for a minor street has been waived by the commission in accordance with Section 51A-8.602(c)(3), the amount of street construction required for the streets on which the requirements have been waived is determined by the director of sustainable development and construction. Additional street construction may be required, if necessary, based on the existing condition or width of the streets, and if warranted by the expected traffic volumes, property access requirements, or truck, bus, and taxi loading. If additional right-of-way has not been waived, minor streets must be designed and constructed to meet criteria given in the Street Design Manual of the city of Dallas.
§ 51A-8.604 Dallas Development Code: Ordinance No. 19455, as amended

Standards for Minor Streets

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Street Classification</th>
<th>Paved</th>
<th>Width (In feet)</th>
<th>ROW Width (In feet)</th>
<th>Min. Alley Required</th>
<th>Centerline Radius (In feet)</th>
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<td>L-2-U(A)</td>
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<tr>
<td>S-2-U</td>
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<tr>
<td>TH-1, TH-2 S-2-U</td>
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<td>All Non-Residential Districts Except PDDs and the WMU and WR Districts in Article XIII</td>
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</table>

Minor streets are referred to as local streets in the Paving Design Manual. Local streets comprise all roadways not identified as expressways, arterials or collectors. All pavement widths are measured from face of curb to face of curb. Additional pavement width is required for all bike routes designated in the 1985 Dallas Bike Plan.

Unusual circumstances or special designs requiring variance from the standards in this column may be approved by the traffic engineer upon a finding that unsafe conditions would result from strict enforcement of these provisions or a special design will enhance safety or traffic flow.

(d) Private streets criteria. When permitted, private streets are governed by the following regulations:

(1) Private streets must be constructed and maintained to the standards for public rights-of-way and must be approved by the director and the chief planning officer. Sidewalks are required and must be constructed and maintained to the standards for sidewalks in the public right-of-way. Water and wastewater mains must be installed in accordance with the applicable ordinances.

(2) A legal entity must be created that is responsible for street lighting, street maintenance and cleaning, and the installation and maintenance of interior traffic control devices. The legal instruments establishing the responsibility for a private street or alley must be submitted to the commission for approval, be approved as to legal form by the city attorney, and be recorded in the appropriate county. A provision must be included in the legal instruments that addresses the consequences of failure to maintain the private street or alley and its appurtenances, including the right, but not the obligation, of the city to take any action needed to bring the private street or alley into compliance.

(3) Private streets must contain private service easements including, but not limited to the following easements: utilities; storm drainage; fire lane; street lighting; government vehicle access; mail collection and delivery access; and utility meter reading access.

(4) Street lights comparable with those required on public rights-of-way must be provided. Street lighting design plans must be approved by the director based upon applicable guidelines.

(5) Design plans and location of all traffic control devices must be approved by the traffic engineer. The design, size, color, and construction of all traffic control devices must comply with the requirements for those located in public rights-of-way.


(7) A public school, park, or other public facility must be accessible from public rights-of-way in accordance with this code.

(8) Private streets must comply with the thoroughfare plan and must not interrupt public through streets.

(9) Private street names and numbers must be approved by the commission.

(10) At all entrances to subdivisions with private streets, signs identifying the streets as private must be posted. Private street signs must be:

(i) black on a yellow background;

(ii) diamond-shaped;
(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; 31314)

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.

(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 Street 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; 31314)

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 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 300-foot spacing. The minimum median opening width is 60 feet. Wider openings may be required in order to
facilitate truck turning movements. Median openings and left turn pockets must be constructed at the intersection of all streets and drive approaches that generate 250 trips in a 12-hour period.

(d) Relocation of openings. Existing median openings may be relocated if:

(1) the existing opening does not provide service to a public or private street;

(2) the proposed median opening meets the spacing requirements stated in Subsection (c) of this section;

(3) the existing opening is no longer in use or the owners of the properties being served by the existing opening sign a document requesting or
§ 51A-8.607 Dallas Development Code: Ordinance No. 19455, as amended

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)

§ 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 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 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 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)

§ 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.
(b) **Pipeline license agreements.** All underground improvements in the railroad right-of-way require pipeline license agreements. The owner of the property to be platted is responsible for securing railroad approval and all costs associated with plan approval, insurance, and construction.

(c) **Railroad agreements.** All surface improvements in the railroad right-of-way require railroad agreements. The owner of the property to be platted is responsible for securing railroad approval and all costs associated with plan approval, insurance, and construction.

(d) **Agreement processing.** Both railroad agreements and railroad license agreements are processed in the following manner:

   (1) The owner of the property to be platted submits the executed agreement to the director for approval.

   (2) Upon approval, all required funding must be submitted to the director, who coordinates the receipt of documents and funding and schedules the items for city council approval.

   (3) No improvements are permitted until all agreements are accepted and executed, and all funding has been received by the city.

   (4) No improvements may be accepted until receipt and approval of final invoices from the railroad.

   (5) The owner is responsible for any shortfall in funding.

   (6) The city refunds any remaining funds to the owner should the final cost prove less than the funding supplied by the developer.

(e) **No work permitted until agreements complete.** Infrastructure work in the railroad right-of-way is not permitted until:

   (1) completed agreements have been executed between the city and the property owner;

   (2) completed agreements have been executed between the city and the railroad; and

   (3) all required funding for the agreements is received by the city.

(f) **Payment to railroad.** The city shall forward funds received from the owner to the railroad upon acceptance of the improvements by both the director and the railroad, and after receipt and approval of the final invoices from the railroad. The owner is responsible for any additional costs or cost overruns on the work, and the city shall refund any remaining funds to the developer should the final cost be less than the funding supplied by the developer. (Ord. Nos. 20092; 22026; 23384; 23694; 25047; 28073)

SEC. 51A-8.610. UTILITIES.

The owner shall provide all necessary utility facilities to serve the subdivision, including easements, materials, construction, service connections, and funding as required by the various utility companies. No utility connections may be made until the final plat has been approved and recorded with the county. (Ord. Nos. 20092; 23384)

SEC. 51A-8.611. STORM DRAINAGE DESIGN.

(a) **Generally.**

   (1) Drainage systems, including all conveyances, inlets, conduits, structures, basins, or outlets used to drain storm water, must be designed and constructed to promote the health, safety, and welfare of the property owner and the public. Adequate provision must be made for the acceptance, collection, conveyance, detention, and discharge of
§ 51A-8.611 Dallas Development Code: Ordinance No. 19455, as amended

storm water runoff drainage onto, through, and originating within the subdivision. No final plat release may be issued until proper provision has been made for drainage.

(2) Private drainage systems are those which serve one lot or tract, or any open system that serves more than one lot or tract for which a private entity has maintenance obligations. Private systems are owned and maintained by a private entity. Easements must be provided to allow access by the city to any open system in the event that private system failure or diminished function jeopardizes the public’s health, safety or welfare. Private storm water drainage systems must be designed in general conformance with the design standards of the department of water utilities as set forth in the Drainage Design Manual of the department of water utilities. Private enclosed systems are not required to be constructed according to the Standard Construction Details, File 251D-1.

(3) Public drainage systems are those systems which serve more than one lot or tract, excluding open systems maintained by a private entity. The portion of a drainage system located downstream from a lot or tract boundary, and the portion of any drainage system within the lot or tract boundary which conveys storm drainage from outside the lot or tract boundary are public systems. Public storm water drainage systems must be designed and constructed in strict conformance with department of water utilities requirements.

(4) The city owns and maintains public systems that have been constructed and accepted pursuant to Section 51A-8.612.

(5) All storm drainage facilities must be designed and constructed to safely drain a 100-year storm as outlined in the Drainage Design Manual of the department of water utilities. Paved streets and alleys, ditches, and swales may be used for emergency overflow capacity in parallel with enclosed systems provided the requirements of the Drainage Design Manual of the department of water utilities are met.

(5) All storm drainage facilities must be designed and constructed to safely drain a one-percent annual chance storm event as outlined in the Drainage Design Manual of the city of Dallas. Paved streets and alleys, ditches, and swales may be used for emergency overflow capacity in parallel with enclosed systems provided the requirements of the Drainage Design Manual of the city of Dallas are met.
(6) Storm water must be discharged in an acceptable form and at a controlled rate so as not to endanger human life or public or private property.

(7) The owner shall fund and construct all storm drainage outfalls necessary to safely and adequately drain the subdivision.

(8) The city may provide new public drainage outfalls and public drainage system upgrades to serve existing and future subdivisions through specific items in the capital improvement bond programs.

(b) Erosion and sedimentation control.

(1) The owner shall provide erosion control plans for review and subsequent approval by the department of sustainable development and construction for any development requiring grading or clearing where sediments can be carried to natural or manmade drainageways. Erosion and sedimentation control plans are required in the following instances:

(A) When the property to be platted is located in the escarpment or in a geologically similar area (See Division 51A-5.200).

(B) Where ground cover is disturbed over an area larger than three acres.

(C) If required as a condition of approval of the preliminary plat.

(2) Erosion control plans must include the following:

(A) A timing schedule indicating the starting and completion dates of the development activities sequence and the time of exposure of each area. Written approval of the director of sustainable development and construction is necessary to authorize any time of exposure exceeding six months.

(B) A complete description of all control measures designed to control erosion and
§ 51A-8.611 Dallas Development Code: Ordinance No. 19455, as amended

sedimentation of soils during and after construction. The owner is responsible for maintenance of erosion and sedimentation control measures during development and shall remove sediment from city right-of-way or storm drainage systems that occurs during the construction phase. Revegetation of the disturbed area is required as a part of the approved erosion control plan.

(c) Detention:

(1) Detention facilities required in this subsection must be designed to provide detention for the 100-year frequency storm with dual outlet control structures designed for 5-year and 100-year storms. Dual outlet design provides control of peak rates for more frequent storms, thus reducing chances of flooding and erosion downstream. Detention must be provided in the following instances:

(A) The property to be platted is in or drains through the escarpment zone or a geologically similar area as defined in Division 51A-5.200 of this chapter.

(B) The development of the platted area results in an increase to the existing rate of runoff due to a rezoning of the platted area that allows higher density. Detention will not be required if:

(i) the rezoned area is in the redeveloped area and there is no increase in impermeable surface; or

(ii) the change in zoning results in less than a 20 percent increase in the runoff, and the area rezoned is less than 3 acres, or an adequate outfall exists to handle the developed discharge.

(C) The proposed development does not have adequate outfall to carry the 100-year flood without damaging property downstream, or the owner of downstream property refuses to provide the needed easements to the city. Detention will not be required under this subparagraph if the owner funds and constructs the storm drainage system to provide a 100-year runoff carrying capacity.

(D) The property to be platted contributes to the storm drainage of a neighboring municipality having detention requirements, provided there are written agreements with the neighboring municipalities.

(2) Detention facilities must be designed and constructed in conformance with the Drainage Design Manual of the department of water utilities.

(3) Detention area easements must be dedicated on the plat when detention facilities are on-site, and dedicated by a separate instrument when detention facilities are off-site.

(4) Each adjoining property owner and his successors and assigns shall be responsible for simple, routine maintenance of the detention area easement. The city of Dallas is responsible for any major maintenance and repair work necessary for the public safety and welfare.

(5) The constructed detention facilities and pond area must remain to line and grade and must not be altered without the approval of the director of water utilities.

(6) If detention is provided due to inadequate outfall pursuant to Section 51A-8.611(c)(1), then upstream storm drainage systems must be designed for a 100-year storm, up to the outfall into the detention basin. Drainage systems constructed downstream must be designed for a 100-year storm of the drainage basin without taking into consideration the reduction in flow provided by the detention facility upstream, unless a lesser criteria is approved by the director of water utilities when the proposed development does not increase the stormwater drainage from the property and the director determines that the drainage system is not necessary to preserve public health or safety.

(c) Detention:

(1) Detention facilities required in this subsection must be designed to provide detention for the one-percent, two-percent, 10 percent, and 50 percent annual chance storm events. Detention must
be provided in the following instances:

(A) The property to be platted is in or drains through the escarpment zone or a geologically similar area as defined in Division 51A-5.200 of this chapter.

(B) The development of the platted area results in an increase to the existing rate of runoff due to a rezoning of the platted area that allows higher density. Detention will not be required if:

   (i) the rezoned area is in the redeveloped area and there is no increase in impermeable surface;

   (ii) the change in zoning results in less than a 20 percent increase in the runoff, and the area rezoned is less than 3 acres, or an adequate outfall exists to handle the developed discharge; or

   (iii) the rezoned area is less than one acre in size and adds less than 5,000 square feet of additional impervious surface relative to existing conditions.

(C) The proposed development does not have adequate outfall to carry the one-percent annual chance storm event without damaging property downstream, or the owner of downstream property refuses to provide the needed easements to the city. Detention will not be required under this subparagraph if the owner funds and constructs the storm drainage system to provide a one-percent annual chance storm event runoff carrying capacity.

(D) The property to be platted contributes to the storm drainage of a neighboring municipality having detention requirements, provided there are written agreements with the neighboring municipalities.

(2) Detention facilities must be designed and constructed in conformance with the Drainage Design Manual of the city of Dallas.

(3) Detention area easements must be dedicated on the plat when detention facilities are on-site, and dedicated by a separate instrument when detention facilities are off-site.

(4) Each adjoining property owner and his successors and assigns shall be responsible for simple, routine maintenance of the detention area easement. The city of Dallas is responsible for any major maintenance and repair work necessary for the public safety and welfare.

(5) The constructed detention facilities and pond area must remain to line and grade and must not be altered without the approval of the director of water utilities.

(6) If detention is provided due to inadequate outfall pursuant to Section 51A-8.611(c)(1), then upstream storm drainage systems must be designed for a one-percent annual chance storm event, up to the outfall into the detention basin. Drainage systems constructed downstream must be designed for a one-percent annual chance storm event of the drainage basin without taking into consideration the reduction in flow provided by the detention facility upstream, unless a lesser criteria is approved by the director of water utilities when the proposed development does not increase the stormwater drainage from the property and the director determines that the drainage system is not necessary to preserve public health or safety.
(7) Storm water runoff from any plat into a contiguous city may be required to comply with the criteria of the contiguous city as directed by the director of sustainable development and construction provided there is a written agreement in effect at the time.

(8) The dual outlet control is not required in the design of the detention basin when the proposed outfall is onto an erosion protected surface that is no less than 100 feet from the outfall.

(9) When development of the property downstream results in the construction of facilities designed to accommodate the 100-year storm, and the detention facilities upstream are no longer necessary, the detention facilities may be abandoned and the land reclaimed for other purposes.

(d) Floodways.

(1) Generally. Floodways must be provided in accordance with the recommendation of the director of water utilities and the requirements of the commission to accommodate the 100-year storm drainage flows. Floodway dedications must be identified on the plat and monumented on the ground. Floodway conditions must be satisfied before submitting a final plat for a certificate of approval. Division 51A-5.100 applies to all floodways.

(2) Floodway easements.

(A) Floodway easements are drainage areas dedicated to the city as an easement to prevent obstructions of floodway capacity in a flood plain. Except as provided in Paragraph (3), a floodway easement is required for any portion of a property that is within a flood plain.

(B) A 15-foot wide floodway access easement from a publicly dedicated right-of-way may be required and may extend along a creek, parallel to the top of the bank to inspect or maintain a floodway easement.
(C) The owner of a lot that includes a floodway easement is liable for floodway easement maintenance in compliance with this subsection, taxes, and all other standard property owner liabilities.

(D) Unless approved by the directors of sustainable development and construction and water utilities in an instrument filed in the county deed records or by a city council approved tree mitigation plan, structures, fencing, trees, shrubs, or any other improvement or growth may not be placed in or across any floodway easement.

(E) Common areas, such as in a CUD, may be located within floodway easements. Before the release of a final plat, access to the common area must be shown on the plat and a permanent maintenance plan must be approved as to form by the city for a common area within a floodway easement. Owners of a common area within a floodway easement are jointly and severally liable for the floodway easement common area maintenance in compliance with this subsection, taxes, and all other standard property owner liabilities.

(F) For purposes of this subsection, "maintenance" means removing any object or condition that, as determined by the director of water utilities, impedes the free flow of water. Maintenance includes:

(i) keeping the floodway easement free from any structures;

(ii) removing debris;

(iii) desilting lakes, ponds, and detention areas; and

(iv) controlling the growth of vegetation.

(G) The city retains the right, but not the obligation, to enter onto the floodway easement to inspect or maintain the easement. If the floodway
(D) The area for each floodway management area must be identified on the plat in square feet or in acres.

(E) No lot may extend into a floodway management area.

(e) Lot to lot drainage. Each lot must be drained to an abutting street or alley unless the director of sustainable development and construction determines that drainage to a street or alley is infeasible. If the director of sustainable development and construction determines that street alley drainage is not feasible, drainage may be provided as follows:

(1) If no more than the rear 15 feet of a lot drains toward the rear lot line, a well-pronounced swale must be provided as approved by the director of sustainable development and construction.

(2) If more than the rear 15 feet of a lot drains toward the rear lot line, a paved invert in a common area or a drainage easement is required. In order to accommodate the one-percent annual chance storm event, an enclosed drainage system with inlets may be designed. Each portion of the system that drains more than one lot must be a private system. Each portion of the system that drains one lot must be a public system within an easement.

SEC. 51A-8.612. PRIVATE DEVELOPMENT CONTRACTS.

(a) Generally. Once the infrastructure plans and apportionment determination have been approved, but before the final release of a plat or approval of a zoning district classification or boundary change requiring an exaction, private development contracts must be executed by the chief engineer for sustainable...
development and construction to build the proposed infrastructure facilities. Private development contracts for water and wastewater improvements, if needed,
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 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.
§ 51A-8.612  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-8.612

(i) **Order of construction.**

(1) Except where the contractor has obtained a permit to barricade and occupy existing street right-of-way, paving and storm drainage construction which must be accomplished in existing public right-of-way must be completed and accepted by the department before the issuance of any building permits for structures in the platted area unless waived by the director when sequencing of the work is infeasible. If paving and storm drainage work in existing right-of-way and work requiring a building permit are allowed to occur simultaneously, the paving and storm drainage work must be completed and accepted by the department before the issuance of a certificate of occupancy or authorization for utility connections.

(2) In order to obtain building permits for structures to be constructed in the platted area:

(A) all required infrastructure work must have been completed and accepted; or

(B) the necessary infrastructure work to satisfy the fire department requirements must have been completed, and the developer must have furnished satisfactory evidence in the form of a development bond, approved by the city attorney and furnished by the property owner with the city of Dallas named as the obligee on the bond, in an amount equal to the estimated cost of the uncompleted infrastructure. The estimated cost of the uncompleted infrastructure must be approved by the director.

(3) Private development contracts for paving must not be approved by the city until the related storm drainage construction is completed and acceptable, and a water and wastewater release is issued by the director of water utilities approving the related water facilities construction work beneath or in close proximity to the proposed pavement.

(j) **Assurance of compliance.** The owner of the property to be platted is responsible for all construction and inspection services required for paving and drainage improvements. The owner shall ensure that the work is performed and completed in conformance with the approved plans, the standard specifications for public works construction, and the standard construction details. The responsible engineer shall certify in writing that the materials and work are in conformance with all plans and specifications.

(k) **Letter of acceptance.** No infrastructure improvements are considered accepted until:

(1) the owner has filed an affidavit affirming that:

(A) all parties to the private development contracts have been paid except for the normal and usual 10 percent retainage; and

(B) no liens exist on the property dedicated;

(2) the department has a copy of the approved recorded plat;

(3) the director has inspected the infrastructure improvements and determined that they comply with the approved plans and specifications and all applicable city ordinances;

(4) all fees required by this chapter or another city ordinance for the construction of the infrastructure improvements have been paid to the city;

(5) a letter of acceptance has been issued by the director; and

(6) the engineer of record has certified that all addition corners have been set pursuant to Section 51A-8.617.

(l) **Maintenance and repairs.** The contractor responsible for the construction of the infrastructure shall make maintenance repairs and replace all defective materials and workmanship for a period of one year from the date of the acceptance of the improvements. The decision of the director is
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 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
§ 51A-8.617 Dallas Development Code: Ordinance No. 19455, as amended

prepared the plat. In locations where such monuments cannot be installed, alternate types of monuments may be installed with the prior approval of the chief city surveyor. A request for alternate monumentation must be made in writing by the surveyor of record, and must include the City Plan File Number and the reason for the alternate monumentation request.

(5) Any points of monumentation that cannot be set at the designated place must be referenced with sufficient witness monumentation.

(b) Placement of a monument on the boundary of property being platted in which no areas are to be dedicated to the public.

(1) Monuments must be installed on the boundary of such property being platted at all corners, angle points, and points of curvature and tangency.

(2) The size, shape, and substance of monuments found or installed on the perimeter of the platted boundary must be described on the drawing and in the owner’s certificate of the submitted plat.

(c) Placement of monuments on and within the boundary of property being platted in which areas are to be dedicated to the public. Monuments must be installed on the boundary of such property being platted at all corners, angle points, and points of curvature and tangency, except those points falling within areas to be dedicated. In areas to be dedicated, all points on new right-of-way lines must be monumented. Monuments must be installed within the boundary of such property being platted at the following points:

(1) All corners of parks, squares, or other portions intended for public use.

(2) All block corners.

(3) On the right-of-way lines of all alleys and public and private streets at all points of intersections, angle points, and points of curvature and tangency.

(d) Placement of monuments on floodways, conservation easement areas, and escarpment lines.

(1) Monuments must be installed on each lot line and boundary line where these lines are intersected by or tangent with a floodway management area, floodway easement, conservation easement area, or the escarpment zone.

(2) Monuments for floodway management areas, floodway easements, and detention areas must be installed at all angle points and points of curvature or tangency.

(3) Floodway management areas, detention areas, escarpment zones, and conservation easement areas must be monumented with a minimum 1/2-inch iron rod with a cap stamped with the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

(4) Floodway easement areas must be monumented in accordance with the dimensions and specifications set forth under City File No. 424-109.

(e) Registered Professional Land Surveyor’s certificate. The final plat of the area being platted must contain a certificate that the land being platted was surveyed under the supervision of a registered professional land surveyor. The certificate must contain the registered professional land surveyor’s name and registration number, and must be sworn to before a notary public.

(f) Monument verification. After required monumentation has been set, a letter stating this must be sent to the chief city surveyor, for field inspection and verification of the platted property. The letter must be from the surveyor of record and must include the City Plan File Number and the addition name.

(Ord. Nos. 20092; 23384; 24843)
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 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)
DIVISION 51A-8.700. Administration.

SEC. 51A-8.701. NOTHING DEEMED SUBMITTED UNTIL FEES PAID.

Whenever a requirement exists for the submission of plans and a fee exists for the processing of the plans, no submission is complete until all required fees have been paid. (Ord. Nos. 20092; 23384)

SEC. 51A-8.702. EARLY RELEASE OF BUILDING OR FOUNDATION PERMIT.

(a) Generally. No building or foundation permit may be issued before the completion and filing for record of a final plat except in accordance with this section. The recipient of an early release permit bears the entire risk that improvements may need to be modified or removed based on engineering plan review or final plat denial. No certificate of occupancy shall be issued until the final plat is properly filed for record as required by this article and state law, and all conditions of preliminary plat approval and all other applicable rules and regulations have been satisfied.

(b) Application. An application for an early release must be submitted to the building official. The building official shall review the application and determine whether an early release is appropriate. If the building official recommends the early release, a building or foundation permit may be issued. The application for early release must include:

   (1) the number of copies required for circulation and review;
   
   (2) a copy of the approved preliminary plat;
   
   (3) the file number assigned to the plat application by the city;
   
   (4) a copy of the action letter from the subdivision administrator outlining the conditions of preliminary plat approval;
   
   (5) all requisites for building or foundation permit applications, whichever apply; and
   
   (6) a site plan showing the following:
       (A) Boundary lines of the property.
       (B) Existing streets.
       (C) Pavement widths and surface compositions for existing and proposed driveways, sidewalks, and areas intended for vehicular travel.
       (D) Improvements existing on the property, and all proposed improvements.
       (E) All dedications required by the preliminary plat.

(c) Fee. The fee for early release of a building or foundation permit is $300.

(d) Requirements for approval. No early release may be authorized until:

   (1) clearance has been received from all affected departments;
   
   (2) the commission or the subdivision administrator has approved a preliminary or final plat subject to conditions in accordance with this article;
   
   (3) all submitted plans conform to all applicable city ordinances, requirements, and conditions of plat approval, and compliance can otherwise be enforced;
   
   (4) all affected departments have determined the basic requirements necessary for final approval;

   (d) Requirements for approval. No early release may be authorized until:

   (1) clearance has been received from all affected departments;
(2) the commission or the subdivision administrator has approved a preliminary or final plat subject to conditions in accordance with this article.

(3) all submitted plans conform to all applicable city ordinances, requirements, and conditions of plat approval, and compliance can otherwise be enforced;

(4) all affected departments have determined the basic requirements necessary for final approval;
(5) the proposed building site has adequate all-weather access through public or private right-of-way;

(6) adequate storm drainage outfall exists to safely discharge on-site drainage of a one-hundred-year flood;

(7) adequate assurance has been received that off-site easements necessary for infrastructure to serve the plat have been secured;

(8) the proposed site has adequate water facilities for emergency fire service;

(9) infrastructure plans for the proposed plat have been submitted to the department and are in general conformance with city standards;

(10) if required by the director, private development contracts and bonds have been submitted;

(11) the application complies with all applicable laws;

(12) the only requirement preventing the building or foundation permit from being issued is the completion and filing for record of the plat;

(13) the building or foundation permit clearly states that no certificate of occupancy will be issued for the property or, for residential applications, no final inspection will be made until all platting requirements have been met;

(14) the owner acknowledges in writing concurrence with the conditions under which the permit is issued; and

(15) the fee required by Subsection (c) is paid to the building official. (Ord. Nos. 20092; 21431; 23384; 25047; 26529; 28073; 31314)
SEC. 51A-8.703. CIRCUMVENTION OF REGULATIONS PROHIBITED.

(a) Recording of plat. All plats must be signed by the property owners and filed and recorded with the county clerk of the county in which the property is located in accordance with the requirements of state law. No person may file or cause to be filed for record with the county clerk a proposed plat before the final plat of the property has been endorsed by the commission chair or the subdivision administrator in accordance with this article.

(b) Building permit. No building permit may be issued for the construction of any building or structure located on a tract that was not created in accordance with this article, except that building permits may be issued for:

(1) remodeling or repair of existing structures on such a tract; and

(2) infrastructure construction.

(c) No public or private improvements. No construction of any public or private improvements may be commenced or continued except in conformity with this article.

(d) Certificates of occupancy. No certificate of occupancy may be issued and no final inspection for residential property may be made for property which was not developed in strict compliance with this article, or for property upon which all conditions of plat approval have not been met. The fact that a building permit was issued for the property does not excuse compliance with all regulations, and a certificate of occupancy may be denied if a building permit is issued in error. (Ord. Nos. 20092; 23384; 26529)
SEC. 51A-8.704. UTILITIES.

Utility connections are not authorized until a final plat has been approved by the commission in accordance with this article and filed for record with the county clerk. (Ord. Nos. 20092; 23384)

SEC. 51A-8.705. TAXES.

No final plat may be filed with the county clerk until all taxes assessed by the city against the property have been paid. (Ord. Nos. 20092; 23384; 26529)

SEC. 51A-8.706. APPROVALS AND AGREEMENTS IN WRITING.

Whenever a requirement exists for approval by an official body, a city official, or a city employee, or for an agreement, concurrence, or acknowledgement from an applicant, the approval, agreement, concurrence, or acknowledgement must be expressed in written form. (Ord. Nos. 20092; 23384)

SEC. 51A-8.707. PLATTING IN THE ESCARPMENT ZONE AND IN THE GEOLOGICALLY SIMILAR AREA.

(a) The commission or the subdivision administrator shall refuse permission to plat property in the escarpment zone or in the geologically similar area, as defined in the escarpment regulations of this chapter, unless the director has first issued an escarpment permit for the development proposed.

(b) When property in the escarpment zone or in the geologically similar area is platted:

(1) the escarpment zone or the geologically similar area must be shown on the plat; and

(2) the plat must provide any dedications necessary for maintenance, drainage, or compliance with Division 51A-5.200, “Escarpment Regulations”; and

(3) the property owner is encouraged, but not required, to dedicate the escarpment zone or geologically similar area to the city as park. (Ord. Nos. 20092; 23384; 25047; 26000; 26529; 28073)

SEC. 51A-8.708. WAIVER BY CITY COUNCIL.

Nothing in this division shall preclude the city council from waiving, in whole or in part, any provision of this division in connection with the abandonment, conveyance, or closure of streets or alleys. (Ord. 23384)
ARTICLE X.
LANDSCAPE AND TREE CONSERVATION REGULATIONS.

Division 51A-10.00. In General.

SEC. 51A-10.101. DEFINITIONS.

In this article:

(1) AGE CLASS means a distinct group of trees originating from a single natural event or regeneration activity (i.e., a 10-year age class), as used in inventory management.

(2) ANSI A300 means the American National Standard for Tree Care Operations, including all parts, as amended.

(3) APPROVED TREE LIST means the list of replacement and landscape trees approved by the director.

(4) ARTIFICIAL LOT means an area within the building site that is delineated by the building official or the director of park and recreation for the sole purpose of satisfying the requirements of this article (see Section 51A-10.122).

(5) BOUNDARY TREE means:

(A) a tree growing on a property boundary line between two private lots resulting in joint ownership by the adjacent property owners when the trunk exists on each property; or

(B) a tree that has 20 percent or more of its tree canopy cover extending over a property line into an adjacent building site.

(6) BROWNFIELD means a building site, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

(7) CALIPER means the thickness of a tree trunk measured in inches.

(8) CANOPY TREE means a species of tree that normally bears crown foliage no lower than six feet above ground level upon maturity.

(9) CLASS 1 TREE means a tree located in a primary natural area or a geologically similar area within 50 feet above the escarpment zone.

(10) CLASS 2 TREE means a tree that is not otherwise classified as a Class 1 tree or Class 3 tree.

(11) CLASS 3 TREE means Arizona ash, black willow, cottonwood, hackberry, honeylocust, mesquite, mimosa, mulberry, ornamentals, *pinus* spp., Siberian elm, silver maple, sugarberry, or a small tree.

(12) CLEARING means any activity that removes or seriously injures one or more trees or the vegetative ground cover of one or more trees, such as root mat removal or topsoil removal.

(13) COVERED SOIL AREA means an area of soil that is under nonpermeable pavement and is designed to accommodate tree root growth.

(14) CRITICAL ROOT ZONE means the circular area of ground surrounding a tree extending a distance of one foot per diameter inch of the tree, measured from the tree trunk or stem.

(15) DEVELOPMENT IMPACT AREA means the area of land or vegetation alteration within a property including, but not limited to, clearing, grading, excavating, filling, and any construction site operations, paving, or any other installation.

(16) DIAMETER means the thickness of a tree trunk.

(17) DRIP LINE means a vertical line that runs from the outermost point of the crown of a tree to the ground.

In this article:
in inventory management.

(2) ANSI A300 means the American National Standard for Tree Care Operations, including all parts, as amended.

(3) APPROVED TREE LIST means the list of replacement and landscape trees approved by the director.

(4) ARTIFICIAL LOT means an area within the building site that is delineated by the building official or the director of park and recreation for the sole purpose of satisfying the requirements of this article (see Section 51A-10.122).

(5) BOUNDARY TREE means:

(A) a tree growing on a property boundary line between two private lots resulting in joint ownership by the adjacent property owners when the trunk exists on each property; or

(B) a tree that has 20 percent or more of its tree canopy cover extending over a property line into an adjacent building site.

(6) BROWNFIELD means a building site, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

(7) CALIPER means the thickness of a tree trunk measured in inches.

(8) CANOPY TREE means a species of tree that normally bears crown foliage no lower than six feet above ground level upon maturity.

(9) CLASS 1 TREE means a tree located in a primary natural area or a geologically similar area within 50 feet above the escarpment zone.

(10) CLASS 2 TREE means a tree that is not otherwise classified as a Class 1 tree or Class 3 tree.

(11) CLASS 3 TREE means Arizona ash, black willow, cottonwood, hackberry, honeylocust, mesquite, mimosa, mulberry, ornamentals, *pinus* spp., Siberian elm, silver maple, sugarberry, or a small tree.

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(14) CRITICAL ROOT ZONE means the circular area of ground surrounding a tree extending a distance of one foot per diameter inch of the tree, measured from the tree trunk or stem.

(15) DEVELOPMENT IMPACT AREA means the area of land or vegetation alteration within a property including, but not limited to, clearing, grading, excavating, filling, and any construction site operations, paving, or any other installation.

(16) DIAMETER means the thickness of a tree trunk.

(17) DRIP LINE means a vertical line that runs from the outermost point of the crown of a tree to the ground.
(18) ENHANCED PAVEMENT means any permeable or nonpermeable decorative pavement material intended for pedestrian or vehicular use approved by the director. Examples of enhanced pavement include, but are not limited to, brick or stone pavers, grass pavers, exposed aggregate concrete, and stamped and stained concrete.

(19) EVERGREEN TREE OR SHRUB means a tree or shrub of a species that normally retains its leaves throughout the year.

(20) FACADE PLANTING AREA means the portion of a lot abutting a storefront, office, or mixed use building facade.

(21) FLOOD PLAIN means any land area susceptible to inundation by the hundred-year frequency flood.

(22) FOREST STAND DELINEATION ("FSD") means a comprehensive assessment of the conditions of a property using multiple types of information, including, but not limited to, a tree survey, aerial imagery collected from private or public sources, natural resources assessments, topographic maps, management plans, a map of conservation areas, land use maps, etc., to provide the required data to determine tree replacement requirements and forest conservation objectives.

(23) GRADING means any digging, scooping, removing, depositing or stockpiling, of earth materials.

(24) GREEN INFRASTRUCTURE means the ecological framework of trees and vegetation used in conjunction with engineered systems for the effective and resilient processes of stormwater management, climate adaptation, urban heat abatement, biodiversity, improved air quality, clean water, and healthy soils, for sustainable social, health, and economic benefits of the urban community.

(25) GROUND COVER means natural mulch, or plants of species that normally reach a height of less than three feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

(26) HABITAT PRESERVATION AND RESTORATION AREA means a designated area on a landscape plan dedicated to the restoration and preservation of an undeveloped site through active or passive management practices.

(27) HISTORIC TREE means a tree, or grove of trees, that has been recognized by resolution of the city council as having cultural or historical significance.

(28) HUNDRED-YEAR FREQUENCY FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year. This flood is based upon the drainage area being fully developed to current zoning limitations.

(29) INTERIOR ZONE means the area of a lot not included in a street buffer zone or a residential buffer zone.

(30) INVASIVE PLANT means a plant that has been classified as invasive to the Dallas region by Texas Parks and Wildlife or the Texas Department of Agriculture.

(31) LANDSCAPE ARCHITECT means a person licensed to use the title of "landscape architect" in the State of Texas in accordance with state law.

(32) LANDSCAPE AREA means an open soil area covered by natural grass, ground cover, stone aggregate or river rock, or other plant materials for the purpose of landscaping or the growth and establishment of trees and other vegetation.

(33) LANDSCAPE BUFFER STRIP means a landscape area that serves a buffer function.

(34) LARGE SHRUB means a shrub that normally reaches a height of six feet or more upon maturity.

(18) ENHANCED PAVEMENT means any permeable or nonpermeable decorative pavement material intended for pedestrian or vehicular use approved by the director. Examples of enhanced
pavement include, but are not limited to, brick or stone pavers, grass paver, exposed aggregate concrete, and stamped and stained concrete.

(19) EVERGREEN TREE OR SHRUB means a tree or shrub of a species that normally retains its leaves throughout the year.

(20) FACADE PLANTING AREA means the portion of a lot abutting a storefront, office, or mixed use building facade.

(21) FLOOD PLAIN means any land area susceptible to inundation by the one-percent annual chance flood.

(22) FOREST STAND DELINEATION ("FSD") means a comprehensive assessment of the conditions of a property using multiple types of information, including, but not limited to, a tree survey, aerial imagery collected from private or public sources, natural resources assessments, topographic maps, management plans, a map of conservation areas, land use maps, etc., to provide the required data to determine tree replacement requirements and forest conservation objectives.

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(28) INTERIOR ZONE means the area of a lot not included in a street buffer zone or a residential buffer zone.

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(30) LANDSCAPE ARCHITECT means a person licensed to use the title of "landscape architect" in the State of Texas in accordance with state law.

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(32) LANDSCAPE BUFFER STRIP means a landscape area that serves a buffer function.

(33) LARGE SHRUB means a shrub that normally reaches a height of six feet or more upon maturity.
(35) LARGE TREE means a tree species that typically attains a height and canopy width of at least 50 feet at maturity, or as classified by the director.

(36) LEGACY TREE means a large or medium tree planted in a landscape area in accordance with Section 51A-10.104 and Section 51A-10.135.

(37) LOT means:

(A) a "lot" as defined in Section 51A-2.102; and

(B) an "artificial lot" as defined in this section.

(38) LOT WITH RESIDENTIAL ADJACENCY means any of the following:

(A) A building site containing a multifamily use that is adjacent to or directly across:

(i) a street 64 feet or less in width; or

(ii) an alley;

from private property in a single family, duplex, townhouse, CH, or RTN district or a residential planned development district.

(B) A building site containing a nonresidential use that is adjacent to or directly across:

(i) a street 64 feet or less in width; or

(ii) an alley;

from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, manufactured housing, or RTN district, or a residential planned development district.

(C) An artificial lot containing a multifamily use if the lot is less than 200 feet from private property in a single family, duplex, townhouse, CH, or RTN district, or a residential planned development district.

(D) An artificial lot containing a nonresidential use if the lot is less than 200 feet from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, manufactured housing, or RTN district, or a residential planned development district.

(39) MEDIUM TREE means a tree that typically attains a canopy height of at least 30 feet and a width between 15 feet and 50 feet in width at maturity, or as otherwise classified by the director.

(40) NONPERMEABLE COVERAGE means coverage with any pavement that is not "permeable pavement" as defined in this section.

(41) NURSERY STOCK means a plant grown in or obtained from a nursery.

(42) OPEN SOIL AREA means an unpaved area of soil.

(43) PEDESTRIAN PATHWAY means an area intended for use by pedestrians or non-motorized vehicles that is physically or visually distinguishable from parking and driving surfaces by concrete curbs, wheel stops, or other permanent barriers, landscape barriers, or a change in surface materials such as pavers, patterned concrete, or flagstones.

(44) PERMEABLE PAVEMENT means director approved paving systems, pavers, or other structural surfaces that allow stormwater infiltration.

(45) PREVIOUSLY DEVELOPED SITE means a building site that has been substantially altered through paving, construction, or other activity that requires or required permitting or licensing through a regulatory agency.

(46) PRIMARY NATURAL AREA means an ecologically sensitive area including 100-year flood-plain, wetlands, and other significant habitat areas.

(34) LARGE TREE means a tree species that typically attains a height and canopy width of at least 50 feet at maturity, or as classified by the director.
LEGACY TREE means a large or medium tree planted in a landscape area in accordance with Section 51A-10.104 and Section 51A-10.135.

LOT means:
(A) a "lot" as defined in Section 51A-2.102; and
(B) an "artificial lot" as defined in this section.

LOT WITH RESIDENTIAL ADJACENCY means any of the following:
(A) A building site containing a multifamily use that is adjacent to or directly across:
   (i) a street 64 feet or less in width; or
   (ii) an alley;
from private property in a single family, duplex, townhouse, CH, or RTN district or a residential planned development district.

(B) A building site containing a nonresidential use that is adjacent to or directly across:
   (i) a street 64 feet or less in width; or
   (ii) an alley;
from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, manufactured housing, or RTN district, or a residential planned development district.

(C) An artificial lot containing a multifamily use if the lot is less than 200 feet from private property in a single family, duplex, townhouse, CH, or RTN district, or a residential planned development district.

(D) An artificial lot containing a nonresidential use if the lot is less than 200 feet from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, manufactured housing, or RTN district, or a residential planned development district.

MEDIUM TREE means a tree that typically attains a canopy height of at least 30 feet and a width between 15 feet and 50 feet in width at maturity, or as otherwise classified by the director.

NONPERMEABLE COVERAGE means coverage with any pavement that is not "permeable pavement" as defined in this section.

NURSERY STOCK means a plant grown in or obtained from a nursery.

ONE-PERCENT ANNUAL CHANCE FLOOD means the flood having a one percent chance of being equalled or exceeded in any given year. This flood is based upon the drainage area being fully developed to current zoning limitations.

OPEN SOIL AREA means an unpaved area of soil.

PEDESTRIAN PATHWAY means an area intended for use by pedestrians or non-motorized vehicles that is physically or visually distinguishable from parking and driving surfaces by concrete curbs, wheel stops, or other permanent barriers, landscape barriers, or a change in surface materials such as pavers, patterned concrete, or flagstones.

PERMEABLE PAVEMENT means director approved paving systems, pavers, or other structural surfaces that allow stormwater infiltration.

PREVIOUSLY DEVELOPED SITE means a building site that has been substantially altered through paving, construction, or other activity that requires or required permitting or licensing through a regulatory agency.

PRIMARY NATURAL AREA means an ecologically sensitive area including one-percent annual chance floodplain and riparian areas, wetlands or 50-foot wetland buffer, perennial and intermittent streams measured to 50 feet above top of bank, and the escarpment zone.
plain and riparian areas, wetlands or 50 foot wetland buffer, perennial and intermittent streams measured to 50 feet above top of bank, and the escarpment zone.

(47) **PRIVATE PROPERTY** means any property not dedicated to public use, except that "private property" does not include the following:

(A) A private street or alley.

(B) Property on which a utility and public service use listed in Section 51A-4.212 is being conducted as a main use.

(C) A railroad right-of-way.

(D) A cemetery or mausoleum.

(48) **PROTECTED TREE** means:

(A) a tree of any species that has a minimum diameter of eight inches that is not classified as unprotected in this article;

(B) any tree in a stand which projects a tree canopy over a building site when identified within a forest stand delineation review; or

(C) a tree that was planted as a replacement tree.

(49) **REMOVE OR SERIOUSLY INJURE** means an intentional or negligent action that will more likely than not cause a tree to decline and die within five years of the act. Actions that constitute removing or seriously injuring a tree include, but are not limited to: cutting down a tree; excessively pruning or topping a tree; compacting the soil above the root system of a tree; changing the natural grade above the root system of a tree; damaging the root system or the trunk of a tree (such as by operating machinery near, or by clearing or grading the area around, the trunk of a tree); failing to repair an injury to a tree from fire or other causes, which results in or permits tree infections or pest infestations into or on the tree; applying herbicidal or other lethal chemicals; and placing nonpermeable pavement over the root system of a tree.

(50) **RESPONSIBLE PARTY** means the property owner and any other person or entity responsible for removing or seriously injuring a protected tree.

(51) **REPLACEMENT TREE** means a tree that is planted in accordance with Section 51A-10.134.

(52) **ROOT PATH** means a path constructed using aeration or drainage strips providing roots a route under pavement from a tree to an adjacent landscape area.

(53) **SCREENING** means screening that complies with Section 51A-4.602, except as those regulations may be expressly modified in this article.

(54) **SECONDARY NATURAL AREA** means undisturbed areas on a building site other than primary natural areas.

(55) **SIGNIFICANT TREE** means a protected healthy tree whose age, size, unique type, or natural or historical character are of special importance to the city, and meets the following species and size requirements:

(A) Post oaks with a minimum diameter of 12 inches:

(B) Trees of the following species having a minimum 24 inch diameter: American elm, bois d’arc, cedar elm, chitalamwood, common persimmon, eastern red cedar, green ash, all other oaks, pecan, all walnut species, and white ash.

(56) **SMALL TREE** means a tree that typically attains a maximum height of 30 feet at maturity or is classified as a small tree by the director.

(57) **SOIL** means a medium that plants will grow in.
(B) Property on which a utility and public service use listed in Section 51A-4.212 is being conducted as a main use.

(C) Railroad right-of-way.

(D) A cemetery or mausoleum.

(48) PROTECTED TREE means:

(A) a tree of any species that has a minimum diameter of eight inches that is not classified as unprotected in this article;

(B) any tree in a stand which projects a tree canopy over a building site when identified within a forest stand delineation review; or

(C) a tree that was planted as a replacement tree.

(49) REMOVE OR SERIOUSLY INJURE means an intentional or negligent action that will more likely than not cause a tree to decline and die within five years of the act. Actions that constitute removing or seriously injuring a tree include, but are not limited to: cutting down a tree; excessively pruning or topping a tree; compacting the soil above the root system of a tree; changing the natural grade above the root system of a tree; damaging the root system or the trunk of a tree (such as by operating machinery near, or by clearing or grading the area around, the trunk of a tree); failing to repair an injury to a tree from fire or other causes, which results in or permits tree infections or pest infestations into or on the tree; applying herbicidal or other lethal chemicals; and placing nonpermeable pavement over the root system of a tree.

(50) RESPONSIBLE PARTY means the property owner and any other person or entity responsible for removing or seriously injuring a protected tree.

(51) REPLACEMENT TREE means a tree that is planted in accordance with Section 51A-10.134.

(52) ROOT PATH means a path constructed using aeration or drainage strips providing roots a route under pavement from a tree to an adjacent landscape area.

(53) SCREENING means screening that complies with Section 51A-4.602, except as those regulations may be expressly modified in this article.

(54) SECONDARY NATURAL AREA means undisturbed areas on a building site other than primary natural areas.

(55) SIGNIFICANT TREE means a protected healthy tree whose age, size, unique type, or natural or historical character are of special importance to the city, and meets the following species and size requirements:

(A) Post oaks with a minimum diameter of 12 inches.

(B) Trees of the following species having a minimum 24-inch diameter: American elm, bois d’arc, cedar elm, chittamwood, common persimmon, eastern red cedar, green ash, all other oaks, pecan, all walnut species, and white ash.

(56) SMALL TREE means a tree that typically attains a maximum height of 30 feet at maturity or is classified as a small tree by the director.

(57) SOIL means a medium that plants will grow in.
(58) STAND means a group of trees or other growth occupying a specific area that is sufficiently similar in species composition, size, age, arrangement, and condition, to be distinguishable from adjacent forest.

(59) SUSTAINABLE DEVELOPMENT INCENTIVE ("SDI") means a method of compliance that applies sustainable development, tree preservation practices, and tree mitigation reductions.

(60) TOPPING means the reduction of tree size using internodal cuts without regard to tree health or structural integrity.

(61) TREE CANOPY COVER means the amount of ground area directly beneath a tree's crown to the drip line or the combined crowns of a stand of trees, measured in square feet.

(62) TREE REMOVAL PROPERTY means the lot, parcel, right-of-way, or tract of land where a protected tree will be or has been removed or seriously injured.

(63) TREE SURVEY means a report that meets all of the requirements for a tree survey in Section 51A-10.132.

(64) UNPROTECTED TREE means the following:

(A) Callery pear (all cultivars).

(B) Chinaberry.

(C) Chinese tallow.

(D) Ilex species (except for yaupon holly and Possumhaw holly).

(E) Palm (all plants in Palmae).

(F) Tree-of-heaven or Ailanthus.

(G) Other trees listed as invasive plants.

(H) Trees with a diameter of less than 10 inches at the point on the trunk 4.5 feet above the ground, located on a lot with an existing single family or duplex use that is occupied at the time of removal.

(65) UNRESTRICTED ZONE means the area on a lot where tree mitigation is not required.

(66) URBAN STREETScape means the pedestrian oriented street environment between the back of curb and building facade for frontages that have a required front yard of 15 feet or less in depth.

(67) WATER COURSE means a natural or constructed channel for the flow of water.

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(C) Chinese tallow.

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(E) Palm (all plants in *Palmaceae*).

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(G) Other trees listed as invasive plants.

(H) Trees with a diameter of less than 10 inches at the point on the trunk 4.5 feet above the ground, located on a lot with an existing single family or duplex use that is occupied at the time of removal.

(65) UNRESTRICTED ZONE means the area on a lot where tree mitigation is not required.

(66) URBAN STREETSCAPE means the pedestrian-oriented street environment between the back of curb and building facade for frontages that have a required front yard of 15 feet or less in depth.

(67) WATER COURSE means a natural or constructed channel for the flow of water. (Ord. Nos. 19455; 20496; 22053; 25155; 30929; 31314)

**SEC. 51A-10.102. PURPOSE.**

The process of urban growth and development with its alteration of the natural topography, vegetation, and creation of impervious cover can have a negative effect on the ecological balance of an area by causing increases in air temperatures and accelerating the processes of runoff, erosion, and sedimentation. The economic base of the city can and should be protected through the conservation and enhancement of the unique natural beauty, environment, and vegetative space in this area. Recognizing that the general objectives of this article are to promote and protect the health, safety, and welfare of the public, the city council further declares that this article is adopted for the following specific purposes:

(1) To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground-water recharge, and storm water runoff retardation and filtration, while at the same time aiding in noise, glare, wind, and heat abatement.
(3) To enhance the beautification of the city.

(4) To safeguard and enhance property values and to protect public and private investment.

(5) To conserve energy.

(6) To provide habitat for wildlife.

(7) To encourage the preservation of large trees which, once removed, can be replaced only after generations.

(8) To conserve water.

(9) To recognize and conserve the urban forest as part of the city’s green infrastructure. (Ord. Nos. 19455; 22053; 30929)

SEC. 51A-10.103. ACCEPTABLE PLANT MATERIALS.

(a) Artificial plant materials, including synthetic turf, may not be used to satisfy the requirements of this article.

(b) In satisfying the requirements of this article, the use of high-quality, hardy, and drought-tolerant plant materials is recommended and encouraged.

(c) For a lot or tract of land two acres in size or greater, no one species of tree may constitute more than 35 percent of the replacement trees planted on the lot or tract of land.

(d) Palm trees may not be used to satisfy the requirements of this article.

(e) Invasive plants are prohibited in required landscapes.

(f) The director shall maintain a list of acceptable plant materials for required landscapes. (Ord. Nos. 22053; 25155; 30929)

SEC. 51A-10.104. SOIL AND PLANTING AREA REQUIREMENTS.

(a) In general. Planting areas dedicated to the growth of roots may include open soil areas, covered soil areas, root paths, and drainage.

(b) Soil areas. Except as provided in this section, required landscape areas must include the following:

(1) Soil resource plan. A soil resource plan is required with the submission of a landscape plan or tree protection plan. A soil resource plan is used to distinguish landscaping zones from construction zones on the building site and to determine soil protection or soil modification for vegetation, if applicable. Zones that are required to be shown include:

(A) protected zones where existing soil and vegetation will not be disturbed;

(B) zones for soil amendment or treatment with minimal disturbance;

(C) zones where construction traffic and staging will be allowed; and

(D) zones for stockpiling topsoil and imported soil amendments.

(2) Soil resource assessment. A soil resource assessment is only required in conjunction with sustainable development incentive requirements and installation of legacy trees.

(A) A soil resource assessment must be provided before submittal of a building permit.

(B) A soil resource assessment may be included in other engineering site assessments for the property.

(C) A soil resource assessment must include information on all proposed landscape planting areas that delineates, quantifies, and
characterizes the topsoils and subsoils of a site before these materials are excavated for reuse on site.

(D) The ranges for physical, chemical, and biological indicators of soil quality for urban trees is determined from the *ISA Best Management Practices for Soil Management for Urban Trees*, or in another publication approved by the building official.

(3) Additional minimum soil quality requirements. Soils used in landscape areas for tree planting must be shown on a landscape plan or a tree protection plan in protected zones where existing soil and vegetation is not disturbed, or in zones modified to correct limiting factors for tree establishment and longevity.

(c) Planting area requirements. Except as provided in this section, planting areas must meet the following requirements:

(1) For each small tree installation, a minimum of 24 inches of soil depth and 25 square feet of open soil area (total of 50 cubic feet) must be provided.

(2) For each large or medium tree installation, a minimum of 36 inches of soil depth and 160 square feet of open soil area (total of 480 cubic feet) must be provided.

(3) Except as provided in this section, trees may share open soil areas.

(4) Except as provided in this section, large trees and medium trees must be planted a minimum of four feet from pavement.

(5) The planting areas must have native soils, prepared soils, or structural soils, and may include permeable pavement, sidewalk support, and soil cells.

(6) Required areas for plant materials must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers.

(7) Planters may be used to satisfy the requirements of this article provided that the soil requirements in Section 51A-10.104(b) are met.

(d) Legacy tree soil and planting area requirements.

(1) Except as provided in this paragraph, large legacy trees must be planted in a minimum 500 square foot open soil area with a minimum average soil depth of 36 inches (1500 cubic feet) per tree. For locations with shallow soils of less than 36 inches in average depth, the open soil area must be a minimum 750 square feet.

(2) Except as provided in this paragraph, medium legacy trees must be planted in a minimum 400 square foot open soil area with a minimum average soil depth of 36 inches (1200 cubic feet) per tree. For locations with shallow soils of less than 36 inches in average depth, the open soil area must be a minimum 750 square feet.

(3) Legacy trees must be a minimum of 30 feet measured horizontally from the closest point of a building or other structure on the property or an adjacent property at the time of installation.

(4) Legacy trees may not share required minimum open soil areas with large or medium trees.

(e) Alternative planting area requirements.

(1) Planting areas in an urban streetscape or located above underground buildings or structures must have the following open soil area depths and dimensions:

(A) For each small tree installation, a minimum of 30 inches of soil depth and 25 square feet of open soil area (total of 62.5 cubic feet).
(B) For each large or medium tree installation, a minimum of 36 inches of soil depth and 25 square feet of open soil area and a combination of open soil area, covered soil area, and root paths for a minimum of 240 cubic feet of soil volume. Large or medium trees planted in less than 480 cubic feet of soil volume do not count as replacement trees for purposes of Division 51A-10.1300.

(2) Trees may share open soil areas.

(f) Waiver. The building official may waive the minimum open soil and planting area requirements if a landscape architect certifies that:

(1) the proposed alternative soil depths and dimensions are sufficient to support the healthy and vigorous growth of the plant materials affected;

(2) the depth to impermeable subsurface prohibits minimum soil depth requirements; or

(3) that the proposed structural soils or suspended paving system are sufficient to support the healthy and vigorous growth of the plant materials.

(g) Adequate space. All required trees must be planted in adequate space to allow unobstructed growth to maturity.

(h) Tree locations.

(1) In general. All required trees must be located a minimum distance of:

(A) two feet from side yard and rear yard property boundaries;

(B) 20 feet from traffic signs and light poles;

(C) two-and-one-half feet from pavement; and

(D) five feet from electrical transmission boxes, fire hydrants, in-ground or above-ground utility access, underground local utility lines, and water meters.

(2) Small trees. Small trees must be located a minimum distance of:

(A) five feet from buildings; and

(B) 10 feet from all other trees.

(3) Medium trees. Medium trees must be located a minimum distance of:

(A) 12 feet from buildings;

(B) 10 feet from small trees;

(C) 20 feet from other medium trees;

(D) 20 feet from large trees; and

(E) 15 feet from the closest point of an overhead electric line.

(4) Large trees. Large trees must be located a minimum distance of:

(A) 15 feet from buildings;

(B) 10 feet from small trees;

(C) 20 feet from medium trees;

(D) 25 feet from other large trees; and

(E) 20 feet from the closest point of an overhead electric line.

(5) Legacy trees. Legacy trees must be located a minimum distance of 30 feet from the closest point of an overhead electric line.

(6) Measurement. For purposes of this subsection, all distances are measured horizontally from the center of the tree trunk. (Ord. Nos. 22053; 25155; 30929)
SEC. 51A-10.105. MEASUREMENTS.

(a) **Caliper.** For nursery stock trees:

1. Caliper is measured at six inches above soil level; which should be at or near the top of the root flare, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size interval (i.e., from four inches up to, but not including, four and one-half inches);

2. If the caliper measured at six inches is four and one-half inches or more, the caliper must be measured at 12 inches above the ground level, soil line, or root flare, as appropriate; and

3. If a tree has multiple stems, caliper is one-half of the combined caliper of the three largest trunks.

(b) **Diameter.**

1. **Diameter at breast height.** Diameter at breast height ["DBH"] is the measurement of a tree trunk at a height of four and one-half feet above the ground, on the uphill side of the tree, or as recommended in the Landscape and Tree Manual for special situations for tree fork, leaning trees, or on slopes.

2. **Multiple stems.** For trees with multiple stems, the diameter of the trunk is measured at the narrowest point below branching when branching occurs below DBH, or near DBH.

3. **Branching.** When branching occurs at or lower than 12 inches above the ground, diameter of the trunk includes the diameter of the largest stem plus the average diameter of the remaining stems, measured at DBH. (Ord. Nos. 22053; 25155; 30929)

SEC. 51A-10.106. IRRIGATION REQUIREMENTS.

(a) **In general.**

1. Except as provided in this section, automatic irrigation systems must be installed in conjunction with new required landscaping for commercial and multifamily uses with combined landscape areas of 500 square feet or more per building site.

2. The automatic irrigation system must be:

   - (A) shown on a landscape plan or irrigation plan; and
   - (B) adequate to maintain the plant materials in a healthy, growing condition at all times.

(b) **Renovations and additions that require landscaping.** For building sites or artificial lots with an area of two acres or less, all required plant materials must be located a maximum of 100 feet from an irrigation source with a permanently installed threaded hose connection. Proposed watering methods (irrigation or otherwise) must be:

   - (1) shown on the landscape plan, if any; and
   - (2) capable of maintaining the plant materials in a healthy, growing condition at all times.

(c) **Alternate irrigation.** The building official may authorize an alternate method of irrigation for required landscape areas if the alternate irrigation method is:

   - (1) certified by a landscape architect or licensed irrigator;
   - (2) shown on a stamped landscape plan or irrigation plan; and
§ 51A-10.106 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-10.107 RESERVED. (Ord. 30929)

§ 51A-10.108 GENERAL MAINTENANCE.

(a) Required plant materials must be maintained in a healthy, growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any required plant that dies or is removed must be replaced with another living plant that complies with this article and the approved landscape plan, if any, within 90 days after notification by the city.

(b) Any damage to utility lines resulting from the negligence of the property owner or his agents or employees in the installation and maintenance of required plant materials in a utility easement is the responsibility of the property owner. If a public utility disturbs a landscaped area in a utility easement, it shall make every reasonable effort to preserve the plant materials and return them to their prior locations after the utility work. If, nonetheless, some plant materials die, it is the obligation of the property owner to replace the plant materials. (Ord. Nos. 22053; 30929)

§ 51A-10.109 LANDSCAPE AND TREE MANUAL.

A landscape and tree manual is provided by the director as a technical guide for conserving, protecting, maintaining, and establishing the green infrastructure, landscape, and urban forest of the city in conjunction with this article. The director shall maintain the landscape and tree manual. (Ord. Nos. 22053; 22581; 25047; 25155; 30929)

§ 51A-10.110 SPECIAL EXCEPTIONS.

(a) In general and landscaping.

(1) The board may grant a special exception to the requirements of Division 51A-10.100 and Division 51A-10.120, other than fee and notice requirements, upon making a special finding from the evidence presented that:

(A) strict compliance with the requirements of Division 51A-10.100 or Division 51A-10.120 will unreasonably burden the use of the property;

(B) the special exception will not adversely affect neighboring property; and

(C) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

(2) In determining whether to grant a special exception under Paragraph (1), the board shall consider the following factors:

(A) The extent to which there is residential adjacency.

(B) The topography of the site.

(C) The extent to which landscaping exists for which no credit is given under this article.

(D) The extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

(b) In general and urban forest conservation.

(1) The board may grant a special exception to the requirements of Division 51A-10.130, other than fee and notice requirements, upon making a special finding from the evidence presented that:
§ 51A-10.110 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-10.121

(A) strict compliance with the requirements of Division 51A-10.130 will unreasonably burden the use of the property;

(B) the special exception will not adversely affect neighboring property; and

(C) the requirements are not imposed by a site-specific landscape plan or tree mitigation plan approved by the city plan commission or city council.

(2) In determining whether to grant a special exception under Paragraph (1), the board shall consider the following factors:

(A) The extent to which there is residential adjacency.

(B) The topography of the site.

(C) The extent to which landscaping exists for which no credit is given under this article.

(D) The ability to plant replacement trees safely on the property.

(E) The extent to which alternative methods of replacement will compensate for a reduction of tree mitigation or extended time for tree replacement. (Ord. Nos. 22053; 25155; 30929)

Division 51A-10.120. Landscaping.

SEC. 51A-10.121. APPLICATION OF DIVISION.

(a) Except as provided in this article, this division does not apply to the following:

(1) Property governed by a landscape plan approved by the city council, the city plan commission, or the board of adjustment.

(2) Property lots in the following districts:

(A) The Dallas Arts District (Planned Development District Nos. 145 and 145-H/18).

(B) The Deep Ellum/Near East Side District (Planned Development District No. 269).

(C) The Oak Lawn Special Purpose District (Planned Development District No. 193).

(D) Central area districts.

(3) Restoration of a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind. For purposes of this section, "restoration" means the act of putting back into a former or original state.

(4) Property located within or in close proximity to an airport boundary if the city’s director of aviation determines that the required landscape materials will threaten public health or safety.

(b) Only Section 51A-10.125(a) of this division applies to lots containing single family or duplex uses.

(c) This division only becomes applicable to a lot or tract when the nonpermeable coverage on the lot or tract is increased by more than 2,000 square feet within a 24-month period, not including portions of pedestrian pathways, that are between three feet in
width and 15 feet in width, or when an application is made for a building permit for construction work that:

(1) increases the number of stories and increases the height of a building on the lot; or

(2) increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period. The increase in combined floor area is determined by adding the floor area of all buildings on the lot within the 24 months prior to application for a building permit, deducting any floor area that has been demolished in that time or will be demolished as part of the building permit, and comparing this figure with the total combined floor area after construction.

(d) When this division becomes applicable to an individual lot or tract, its requirements are binding on all current and subsequent owners of the lot or tract.

(e) The city council shall, as a minimum, impose landscaping requirements that are reasonably consistent with the standards and purposes of this division as a part of any ordinance establishing or amending a planned development district, or granting or amending a specific use permit. (Note: This subsection does not apply to ordinances that merely renew a specific use permit when no substantive changes are made other than to extend the time limit of the permit.) All landscaping requirements imposed by the city council must be reflected in a landscape plan that complies in form and content with the requirements of Section 51A-10.123 and complies with Division 51A-10.100.

SEC. 51A-10.122. ARTIFICIAL LOT DELINEATION.

(a) In general. If the building site is over two acres in size, the applicant may request that the building official create an artificial lot to satisfy the requirements of this division. The building official shall not create an artificial lot which would, in his or her opinion, violate the spirit of the landscape regulations. Any artificial lot created by the building official must:

(1) wholly include the area on which the construction work is to be done;

(2) have an area that does not exceed 50 percent of the area of the developed or undeveloped building site;

(3) include all new exterior paving additions except portions of pedestrian pathways, that are between three feet in width and 15 feet in width;

(4) include the street buffer zone for new construction or additions that are located wholly, or in part, within 60 feet of the nearest street frontage; and

(5) include the residential buffer zone for new construction or additions that are located wholly, or in part, within 60 feet of the nearest residential adjacency.

(b) In city parks over five acres. In city parks over five acres in size, the director of park and recreation may create an artificial lot to satisfy the requirements of this division.

(1) Except as provided in this subsection, any artificial lot created by the director of park and recreation must wholly include the area on which the construction work is to be done.

(2) Portions of pedestrian pathways that are between three feet and 15 feet in width are excepted from this requirement.

(c) Platting not required. An artificial lot need not be platted; however, it must be delineated on plans approved by the building official prior to the issuance of a building permit. (Ord. Nos. 19455; 20496; 22053; 30929)
SEC. 51A-10.123. LANDSCAPE PLAN SUBMISSION.

(a) If this division applies to a lot pursuant to Section 51A-10.121, a landscape plan must be submitted to the building official with the application for a building permit for work on the lot. For landscape plans that are not submitted electronically, a landscape plan submission must consist of two blueline or blackline prints. The plan must have a scale of one inch equals 50 feet or larger (e.g. one inch equals 40 feet, one inch equals 30 feet, etc.) and be on a standard drawing sheet of a size not to exceed 36 inches by 48 inches. A plan which cannot be drawn in its entirety on a 36 inch by 48 inch sheet must be drawn with appropriate match lines on two or more sheets.

(b) Except as provided in this article, any person may prepare the landscape plan required under this division.

(c) A landscape plan required under this division must contain the following information:

(1) Date, scale, north point, and the names, addresses, and telephone numbers of each property owner and the person preparing the plan.

(2) Location of existing boundary lines and dimensions of the lot, the zoning classification of the lot, and the zoning classification of adjacent properties. A vicinity map should also be attached to or made a part of the plan.

(3) Approximate centerlines of existing water courses and the location of the flood plain, the escarpment zone, and geologically similar areas, as those terms are defined in Article V, if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, utility easements, driveways, and sidewalks on or adjacent to the lot.

(4) Location of centerlines of overhead and underground utility lines within and adjacent to the building site, and the location of all utilities, utility easements, including the location of utility poles, generators, and equipment, and any items listed in Section 51A-10.104(h).

(5) Project name, street address, and lot and block description.

(6) Location, height, and material of proposed screening and fencing (with berms to be delineated by one-foot contours).

(7) Locations and dimensions of required landscape areas.

(8) Complete description of plant materials shown on the plan, including names (common and scientific name), locations, quantities, container or caliper sizes at installation, heights, spread, and spacing. The location and type of all existing trees on the lot over six inches in diameter must be specifically indicated to be counted as required landscape trees.

(9) Complete description of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area to be provided internal to parking areas and the number and location of required off-street parking and loading spaces.

(10) An indication of which protected trees will be removed during construction and how existing healthy trees proposed to be retained will be protected from damage during construction.

(11) Size, height, location, and material of proposed seating, lighting, planters, sculptures, and water features.

(12) A description of proposed watering methods or an irrigation plan.

(13) Location of visibility triangles on the premises (if applicable).

(14) Existing and proposed locations of trees transplanted on-site. (Ord. Nos. 19455; 10496; 22053; 30929)
SEC. 51A-10.124. LANDSCAPE PLAN REVIEW.

(a) In general. The building official shall review each landscape plan submitted to determine whether it complies with the requirements of this division. All landscape plans must comply with the mandatory provisions in Section 51A-10.125. In addition, all landscape plans must meet the minimum number of landscape design option points described in Section 51A-10.126. Except as provided in this article, the same landscape features and elements may be strategically placed so as to comply with more than one provision. (For example, the same trees may be located so as to qualify as required street buffer zone trees and required parking lot trees.)

(b) Landscape plan revisions. If requested by the applicant, the building official may approve revisions to staff-approved landscape plans and related permits if the revisions further the spirit and intent of this article. Revisions of elements required by this article are limited to:

(1) Substitution of more appropriate plant species.

(2) Revisions required by utility conflicts.

(3) Locations of plant materials up to a maximum of 10 feet. (Ord. Nos. 19455; 20496; 22053; 30929)

SEC. 51A-10.125. MANDATORY LANDSCAPING REQUIREMENTS.

(a) Single family and duplex uses.

(1) General. Except as provided in Section 51A-10.127, a lot containing a single family or duplex use established after May 29, 1994, must comply with this subsection before the final inspection of any building on the lot. The minimum number of trees required on a lot is determined by the lot size. The trees may be located in the public right-of-way if all private licensing requirements of the city code and charter are met.

(A) Lots 7,500 square feet or greater in area. A minimum of three large or medium nursery stock trees per lot with a minimum of two nursery stock trees in the front yard.

(B) Lots between 4,000 square feet and 7,499 square feet in area. A minimum of two large or medium nursery stock trees per lot with a minimum of one nursery stock tree located in the front yard.

(C) Lots 4,000 square feet or less in area. A minimum of one large or medium nursery stock tree per lot.

(D) Additional requirements:

(i) Nursery stock trees must be a species listed in the approved tree list maintained by the director.

(ii) Trees must have a minimum caliper of two inches.

(iii) Trees must be planted a minimum of 20 feet on center from the nearest point of an overhead electric line.

(iv) An existing, healthy, and protected tree on the lot or parkway may count as a required tree if it is not a boundary tree abutting adjacent private property.

(2) Shared access development.

(A) Shared access developments must comply with the following requirements:

(i) A landscape plan meeting the requirements of Section 51A-10.104 and Section 51A-10.123 must be approved before a building permit
§ 51A-10.125 Dallas Development Code: Ordinance No. 19455, as amended

for grading is issued or a private development contract pursuant to Section 51A-8.612 is approved, in conjunction with construction.

(ii) The minimum required landscape area for a shared access development is determined by the number of individual lots. Landscape areas in individual lots may be included in the total landscape area measurement for developments with a maximum of 36 individual lots. Permeable pavement does not count as landscape area.

(aa) Shared access developments with a maximum of 10 individual lots must provide a minimum landscape area equal to 10 percent of the total shared access development area.

(bb) Shared access developments with a minimum of 11 and a maximum 36 individual lots must provide a minimum landscape area equal to 15 percent of the total shared access development area.

(iii) One site tree must be provided for every 4,000 square feet within the shared access development. The trunk of any site tree must be located at least two-and-one-half feet from any pavement. Site trees must be species listed in the approved tree list. Large or medium nursery stock trees may not be planted within 20 feet on center of the nearest point of an overhead electric line.

(iv) One plant group must be provided for every 40 feet of street frontage. Plant groups may be located within the front yard or parkway if all private licensing requirements of the city code and charter are met. In this subparagraph, parkway means the portion of a street right-of-way between the projected street curb and the front lot line or corner side lot line. If the director determines that a large or medium tree would interfere with utility lines, one substitute small tree from a species listed in the approved tree list may be provided.

(B) Plant groups for shared access developments must include the following:

(i) one large tree and two small trees;

(ii) one large tree and three large evergreen shrubs; or

(iii) one large tree, two small trees, and one large evergreen shrub.

(b) Other uses. Lots containing a use other than single family or duplex must comply with the following requirements:

(1) Street buffer zone. Except as provided in this subsection, the landscape area provided along the entire length of the lot adjacent to a public right-of-way, excluding paved surfaces at points of vehicular ingress and egress, must meet the following minimum requirements:

<table>
<thead>
<tr>
<th>Right-of-way</th>
<th>Average Depth</th>
<th>Minimum Depth</th>
<th>Maximum Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeways</td>
<td>15 feet</td>
<td>5 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Arterials and community collectors</td>
<td>10 feet</td>
<td>5 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>Local and residential collectors</td>
<td>7.5 feet</td>
<td>5 feet</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

(A) Urban streetscape. The building official may approve a landscape plan for an urban streetscape that meets the following requirements:

(i) A minimum six foot wide planting area is required that meets the minimum soil area and volume requirements in Section 51A-10.104.

(ii) The planting area may be designed with open soil areas or covered soil areas.

(iii) The planting area is measured from the property line unless the building official determines that the planting area may be measured from the back of curb if necessary due to physical restraints of the property, including conflicts with local utilities.
§ 51A-10.125 Dallas Development Code: Ordinance No. 19455, as amended

(iv) A minimum of one design option must be provided in the front yard or right-of-way area.

(B) Right-of-way. The right-of-way adjacent to the property line may be used to satisfy the required street buffer zone subject to:

(i) a minimum depth of five foot maintained along the property as a street buffer zone;

(ii) local utility location;

(iii) appropriate planting conditions; and

(iv) city licensing and permit requirements.

(C) Required planting.

(i) Except as provided in this subparagraph, one large or medium street buffer tree must be provided for every 40 linear feet of frontage.

(ii) For frontages less than 20 linear feet, a large or medium street buffer tree is not required.

(iii) Large or medium trees must have a minimum caliper of three inches.

(iv) When existing conditions prohibit planting large trees or medium trees, the building official may approve two small trees be substituted for each large tree or medium tree.

(D) Buffer zone reduction. Properties less than 10,000 square feet may reduce the street buffer zone to the greater of:

(i) a minimum depth of five feet;

or

(ii) an area no less than five percent of the total lot area.

(2) Residential buffer zone.

(A) A landscape area must be provided along that portion of the perimeter of a lot where residential adjacency exists. The residential buffer zone must have an average depth of 10 feet, a minimum depth of five feet, and a maximum depth of 30 feet. No portion of the residential buffer zone may exceed 10 percent of the lot depth excluding paved surfaces at points of vehicular and pedestrian ingress or egress.

(B) The residential buffer zone must include a minimum of one plant group every 40 feet. Plant groups must include:

(i) Where screening is required, one minimum three-inch caliper large or medium tree.

(ii) Where screening is not required:

(aa) one large or medium tree and three small trees;

(bb) one large or medium tree and three large evergreen shrubs;

(cc) one large or medium tree, two small trees, and one large evergreen shrub; or

(dd) one large or medium tree, one small tree, and two large evergreen shrubs.

(C) If the building official determines that the location of a local utility prohibits planting large trees or medium trees, two small trees may be planted for each large tree or medium tree.

(D) Large or medium trees must have a minimum caliper of two inches.
§ 51A-10.125 Dallas Development Code: Ordinance No. 19455, as amended

(3) Interior zone.

(A) Surface parking lots in industrial districts. The requirements in Section 51A-10.125 (b)(3)(B)(iv) for surface parking lots with 100 spaces or more, do not apply to industrial and warehouse uses in IM or IR districts that provide a minimum of one tree meeting the requirements for trees in the street buffer zone for each 25 feet of frontage.

(B) Surface parking lots.

(i) Required large and medium trees.

(aa) Minimum caliper is three inches.

(bb) Planting must be within a landscape area.

(cc) The center of the trunk at grade must be planted a minimum of four feet from pavement.

(ii) Minimum landscape area. Individual landscape areas must be a minimum of 160 square feet, with a minimum width of eight feet.

(iii) Parking lots with 21 to 100 spaces. No parking space may be located more than 70 feet from the trunk of a large tree or medium tree.

(iv) Parking lots with 101 spaces or more. Except as provided in Paragraph (A):

(aa) No parking space may be located more than 70 feet from the trunk of a large or medium tree.

(bb) Except as provided in this item, a landscape area must be located at each end of a single row of parking spaces and contain a minimum of one large or medium tree.

(I) The building official may waive this requirement in order to preserve existing trees and natural features or due to unique natural site features.

(II) Parking island landscape areas are not required adjacent to handicapped parking spaces.

(cc) Except as provided in this romanette, maximum number of parking spaces allowed between parking island landscape areas is 12.

The building official may waive this requirement in order to preserve existing trees and natural features or due to the presence of unique natural site features.

(dd) No maximum number of parking spaces when a parking row:

(I) abuts a median landscape area running the length of the parking row with a minimum of one tree per 40 linear feet;

(II) abuts a residential buffer zone landscape area; or

(III) abuts a street buffer zone landscape area.

(4) Additional provisions.

(A) Screening of off-street loading spaces.

(i) All off-street loading spaces on a lot with residential adjacency must be screened from that residential adjacency.

(ii) In all districts except CS and industrial districts, all off-street loading spaces on a lot must be screened from all public streets adjacent to that lot.
(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:

<table>
<thead>
<tr>
<th>CALIPER OF RETAINED TREE</th>
<th>NUMBER OF SITE TREES CREDIT GIVEN FOR RETAINED TREE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 2 inches</td>
<td>0</td>
</tr>
<tr>
<td>2 inches or more but less than 8 inches</td>
<td>1</td>
</tr>
<tr>
<td>8 inches or more but less than 14 inches</td>
<td>2</td>
</tr>
<tr>
<td>14 inches or more but less than 20 inches</td>
<td>4</td>
</tr>
<tr>
<td>20 inches or more but less than 26 inches</td>
<td>8</td>
</tr>
<tr>
<td>26 inches or more and less than 32 inches</td>
<td>10</td>
</tr>
<tr>
<td>32 inches or more but less than 38 inches</td>
<td>18</td>
</tr>
<tr>
<td>38 inches or more</td>
<td>20</td>
</tr>
</tbody>
</table>

(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:

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Points Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 999 sf</td>
<td>0</td>
</tr>
<tr>
<td>1,000 sf to 1,999 sf</td>
<td>1</td>
</tr>
<tr>
<td>2,000 sf to 9,999 sf</td>
<td>2-9</td>
</tr>
<tr>
<td>(One point for every 1000 sf)</td>
<td></td>
</tr>
<tr>
<td>10,000 sf to 19,999 sf</td>
<td>10</td>
</tr>
<tr>
<td>20,000 sf to 39,999 sf</td>
<td>15</td>
</tr>
<tr>
<td>40,000 sf to 2.99 acres</td>
<td>20</td>
</tr>
<tr>
<td>3 acres to 9.99 acres</td>
<td>30</td>
</tr>
<tr>
<td>10 acres to 19.99 acres</td>
<td>35</td>
</tr>
<tr>
<td>20 acres to 49.99 acres</td>
<td>40</td>
</tr>
<tr>
<td>50 acres and greater</td>
<td>50</td>
</tr>
</tbody>
</table>

(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.
§ 51A-10.126 Dallas Development Code: Ordinance No. 19455, as amended

(1) **Plant material bonus.** Points may be provided for plant materials added to the landscape design when the required amount of points for a standard design option is deficient by five points or less. All added plant materials must be provided in the front yard. The maximum number of points allowed per building site for the plant material bonus is five.

(A) Large or medium tree caliper increase: One point per additional caliper inch for each required tree (up to a maximum caliper of six inches.)

(B) Additional large shrub plant: 0.25 points.

(C) Additional small tree: 0.5 points.

(D) Additional large or medium tree: one point.

(2) **Buffer zones enhancements.** The maximum number of points allowed per building site for buffer zone enhancements is 20.

(A) Large enhanced buffer zone. Each required buffer zone depth may be increased by a minimum of five feet. This design option is not available if the buffer zone is reduced to no more than five percent of the lot area. Five points.

(B) Small enhanced buffer zone. A required buffer zone depth may be increased by a minimum of two feet. This design option is not available if the buffer zone is reduced to no more than five percent of the lot area. Two points.

(3) **Application of engineered solutions for soil volume.** Points may be obtained when using engineered solutions for soil volume when required trees are planted in impervious environments and meet the minimum requirement for soil volume for a maximum total of 10 points. A minimum of 75 percent of required street buffer trees must meet the soil volume minimum for credits to apply.

(A) Minimum required soil volume: five points.

(B) Increase in soil volume 10 percent above minimum requirement: six points.

(C) Increase in soil volume 15 percent above minimum requirement: seven points.

(D) Increase in soil volume 20 percent above minimum requirement: eight points.

(E) Increase in soil volume 25 percent above minimum requirement: nine points.

(F) Increase in soil volume 30 percent or greater above minimum requirement: 10 points.

(4) **Screening.** An applicant may provide screening from all adjacent public streets for all surface parking lots on a building site or artificial lot that meets the following requirements.

(A) The screening may not be required screening.

(B) The screening must extend along the entire street frontage of the parking lot, excluding:

(i) driveways and accessways at points of ingress and egress to and from the lot; and

(ii) visibility triangles.

(C) Underground parking and enclosed garage parking structures are not considered to be surface parking lots for purposes of this subsection.

(D) The screening may be designed with the following options for a maximum total of 20 points:

(i) **Option 1.** Standard design is provided with screening materials in accordance with Section 51A-4.602 and shrubs with a minimum height of two feet at time of installation and a single row of material. Five points for complete frontage.
(ii) **Option 2.** Enhanced design is provided by a landscape architect and must include a minimum of two plant species in order to provide the full screening effect. 10 points for complete frontage.

(iii) **Option 3.** Grouped beds may be added to Option 1 or Option 2 to complement the screening row with planting beds placed at intervals of a minimum of one per 50 feet of frontage. Five points for complete frontage.

(iv) **Option 4.** A minimum three-foot-tall screening wall may be provided along with the screening plant materials of Option 1 or Option 2. Five points for complete frontage.

(v) **Option 5.** A minimum three-foot-tall berm with groundcover may complement standard screening materials or be used to replace Option 1 or Option 2. Five points for complete frontage.

(5) **Building facade.** Facade planting areas on a building site or artificial lot adjacent to public streets or private driveways may be designed with the following options for a maximum total of 15 points:

(A) **Option 1.** Design is provided along the foundation of the structure. The planting area for the shrubs must be a minimum of three feet in depth and extend along at least 50 percent of the portion of the foundation that faces a street. The shrubs must be spaced no more than six feet apart measured from trunk to trunk. Five points.

(B) **Option 2.** An enhanced design may be provided as designed by a landscape architect. The design may vary from the standard foundation row to create depth and layering of landscaping for visual enhancement contiguous to and extending 15 feet or more from the building facade to complement and soften the foundation of the building. The planting area must be a minimum of five feet in depth. A minimum of two perennial plant species and water conservation irrigation method are required. The landscape area must extend for a minimum of 50 percent of the street-facing facade or a combination of the street-facing facade and the building facade facing a surface parking lot. 10 points.

(C) **Option 3.** An additional grouping of medium or small trees may be added to Option 2 to provide an improved pedestrian environment a maximum of 25 feet from the facade of the structure. A minimum of one tree per 50 feet of front or side yard building facade is required. Five points.

(D) **Option 4.** One small tree or two large shrubs per 30 feet of front facade located a maximum of 15 feet from the facade. Five points.

(6) **Pedestrian uses.** An applicant may provide private or publicly accessible pedestrian amenities. These amenities must occupy a minimum of five percent of the lot area. The amenities may be designed for the following options for a maximum total of 25 points.

(A) **Option 1. Urban streetscape.** A minimum of two of the following types of pedestrian amenities must be provided along street frontages. This option may only be used in an urban streetscape within the street buffer zone. 10 points.

   (i) Benches located at one per 60 feet of street frontage (minimum of two).

   (ii) Pedestrian street lamps (free-standing or wall mounted) at one per 50 feet of street frontage.

   (iii) Enhanced sidewalk with stamped concrete or brick pavers for pedestrian uses for the full width of the sidewalk, along the entire frontage. Pavement cannot be used to meet the enhanced pavement option in Paragraph (7).

   (iv) Minimum unobstructed sidewalk width of eight feet.

   (v) Water feature.
(B) **Option 2. Special amenities.** An applicant may provide private or publicly accessible special amenities to the building site including plazas, covered walkways, fountains, lakes and ponds, seating areas, and outdoor recreation facilities. The credited facilities must occupy at least five percent of the lot area provided in no more than two locations on the lot. The special amenities area must be fully identified on a landscape plan. Private or interior courtyards are excluded. Five points for private amenities and 10 points for publicly accessible amenities.

(C) **Option 3. Adjacency to habitat restoration areas.** Amenities built contiguous to habitat preservation and restoration areas will be credited for their location in or around the habitat when constructed according to a design supporting or enhancing habitat protection. 10 points for private amenities and 15 points for publicly accessible amenities.

(D) **Option 4. Athletic fields.** Open spaces maintained for athletic fields that are a minimum of five percent of the lot. 10 points. For athletic fields on lots greater than 10 acres. 20 points.

(7) **Pavements.** An applicant may provide enhanced pavement. The same pavement cannot satisfy multiple categories. (Note: All vehicular pavement must comply with the construction and maintenance provisions for off-street parking in this chapter.) Maximum total of 15 points.

(A) **Option 1: Enhanced vehicular pavement.** Pavement must be a minimum of 25 percent of all outdoor vehicular pavement on the lot.

(i) **Enhanced texture.** Stamped concrete, sand-blasted, rock-salt finished, pavers on concrete base, stone, etc.: Three points.

(ii) **Enhanced color.** Color is integrated into textured pavement: Three points.

(B) **Option 2: Permeable vehicular pavement.** Pavement must be a minimum of 25 percent of all outdoor vehicular pavement on the lot. Five points.

(C) **Option 3: Enhanced pedestrian walkways.** Enhanced pedestrian walkways must consist of enhanced pavement intended for pedestrian use and occupy at least five percent of the lot.

(i) **Enhanced texture.** Stamped concrete, sand-blasted, rock-salt finished, pavers on concrete base, stone, etc.: Three points.

(ii) **Enhanced color.** Color is integrated into textured pavement: Three points.

(8) **Conservation.** The applicant may create a conservation area on the property. The conservation area must occupy at least five percent of the lot area. Maximum of 25 points.

(A) **Option 1: Tree preservation in the development impact area.** Large or medium trees maintained in the development impact area may be used to meet design option requirements and to meet the requirements for site tree credit in Section 51A-10.125. The trees must be protected and maintained in areas required by this article. Two points for each tree up to a maximum of 10 points. Significant trees may attain five points.

(B) **Option 2: Habitat preservation.** The applicant must preserve existing healthy native and mixed species grassland or woodland areas. Five points.

(C) **Option 3: Habitat preservation and restoration using an active management plan.** The applicant may create or restore natural habitat conditions if designed and implemented by a qualified professional. Site maintenance must be continual for the purpose of sustaining the vegetated area. The option may be combined with low impact development design for the drainage functions of the property. 10 points.

(D) **Option 4: Habitat preservation and restoration - adjacent to primary natural areas.** The applicant may preserve and restore land areas adjacent to wetlands, creeks, floodplain, and slopes which help
§ 51A-10.126 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-10.126 Dallas Development Code: Ordinance No. 19455, as amended

protect creeks, habitat, slopes, and woodland in primary natural areas from the site construction. This option may be combined with pedestrian amenities. The area must be at least five percent of building site area. 15 points.

(9) Low impact development (LID). The applicant may improve the property with low impact development design to manage stormwater flow and provide surface heat abatement. The improvements may be combined for a maximum of 20 points.

(A) Rain garden. Maximum six points.
   (i) 1 to 5,000 square feet: three points; and
   (ii) each additional 1,000 square feet: one point.

(B) Bioswale. Maximum 10 points per bioswale.
   (i) 50 to 100 feet long: three points; and
   (ii) each additional 50 feet: one point.

(C) Water-wise plant materials and planting beds. The applicant may provide landscaping that uses water conservation techniques including water-wise plants, mulch, and efficient irrigation. Maximum 10 points.
   (i) In a minimum of 50 percent of landscape areas: three points.
   (ii) In a minimum of 80 percent of landscape areas: five points.
   (iii) Low-water consumption grasses for 80 percent of turf surfaces: three points.
   (iv) Low-water consumption grasses for all turf surfaces: five points.

(10) Parking lots. The applicant may improve the surface parking and vehicle outside display and storage areas in an interior zone on the property to provide wider landscape areas and an improved shade tree environment. The improvements may be combined for a maximum of 30 points for development impact areas 10 acres or larger and 20 points for development impact areas less than 10 acres.

(A) Option 1: Pedestrian pathways.
   Provide a protected pedestrian pathway, between three feet and 15 feet in width, through a parking lot to a building from a public or private street in an expanded landscape area median with trees and a walkway. A minimum of one large or medium tree is required for each 40 linear feet of pedestrian pathway or landscape area median. Five points.

(B) Option 2: Reduce distance between parking lot landscape islands. Provide no more than 10 parking spaces between landscape areas. Five points.

(C) Option 3: Increase size of parking lot landscape islands. Increase the landscape area to a minimum of 200 square feet for each large or medium tree.
   (i) Increase landscape area of 50 percent of the required parking lot landscape islands. Five points.
   (ii) Increase landscape area of 75 percent of the required parking lot landscape islands. Ten points.

(D) Option 4: Increase landscape area of parking lot landscape islands. Increase the landscape area a minimum of 300 square feet for each large or medium tree.
   (i) Increase landscape area of 50 percent of the required parking lot landscape islands. Seven points.
(ii) Increase landscape area of 75 percent of the required parking lot landscape islands. 12 points.

(E) **Option 5: Additional parking lot landscape islands.** Each additional parking lot landscape island provided - Three points.

(F) **Option 6: Landscape medians.** Provide a minimum 10-foot-wide landscape median with large or medium trees extending the length of a minimum 12-space parking row. Five points for each full median for a maximum of 20 points on the Property.

(G) **Option 7: Landscape medians.** Provide a 12-foot-wide landscape median with large or medium trees extending the length of a minimum 12-space parking row. Seven points for each full median for a maximum of 28 points on the Property.

(H) **Option 8: Landscape medians.** Provide a 16-foot-wide landscape median with large or medium trees extending the length of a minimum 12-space parking row. 10 points for each full median for a maximum of 30 points on the Property.

(I) **Option 9: Large legacy tree.** Provide a large legacy tree in a minimum 500 square foot dedicated open soil area. Two points per tree for a maximum of 20 points.

(J) **Option 10: Pocket park.** Provide a minimum of 2,500 square feet of contiguous open soil landscape area. 20 points.

(11) **General.** The applicant may provide documentation and demonstrate ability to achieve certain conditions.

(A) **Option 1.** Provide Sustainable SITES Initiative documentation and demonstrate ability to attain SITES certified level or greater. 10 points.

(B) **Option 2.** Provide and implement a landscape maintenance plan for a minimum three year period. Three points. (Ord. Nos. 19455; 20496; 22053; 30929)

**SEC. 51A-10.127. WHEN LANDSCAPING MUST BE COMPLETED.**

(a) Except as otherwise provided in Subsection (b), all landscaping must be completed before the final inspection of any building on the lot. If there is an approved landscape plan for the lot, the landscaping must comply with that plan before the final inspection.

(b) If the property owner provides the building official with documented assurance that the landscaping will be completed within six months, the building official may permit the property owner to complete his landscaping during the six-month period. For purposes of this subsection, "documented assurance" means:

(1) a copy of a valid contract to install the landscaping in accordance with the landscape plan within the six-month period; or

(2) a set of deed restrictions containing a covenant to install the landscaping in accordance with the landscape plan within the six-month period. The deed restrictions must:

(A) expressly provide that they may be enforced by the city of Dallas;

(B) be approved as to form by the city attorney; and

(C) be filed in the deed records of the county in which the land is located.

(c) If, at the end of the six-month period, the landscaping has not been installed in accordance with the landscape plan, the owner of the property is liable to the city for a civil penalty in the amount of $200 a day for each calendar day thereafter until the
landscaping is properly installed. The building official shall give written notice to the property owner of the amount owed to the city in civil penalties, and shall notify the city attorney of any unpaid civil penalty. The city attorney shall collect unpaid civil penalties in a suit on the city’s behalf.

(d) The civil penalty provided for in Subsection (c) is in addition to any other enforcement remedies the city may have under city ordinances and state law. (Ord. Nos. 19455; 20496; 22053; 30929)

SEC. 51A-10.128. ENFORCEMENT BY BUILDING OFFICIAL.

Whenever any work is being done contrary to the provisions of this division, the building official may order the work stopped by notice in writing served on any person engaged in the work or causing the work to be done. A person issued this notice shall stop work immediately until authorized by the building official to proceed with the work. (Ord. Nos. 25155; 30929)

Division 51A-10.130. Urban Forest Conservation.

SEC. 51A-10.131. APPLICATION OF DIVISION.

(a) This division applies to all property in the city except for:

(1) except as provided in this section, lots smaller than two acres in size that contain single-family or duplex uses in residential districts; and

(2) lots in an overlay district or a planned development district with tree preservation regulations that vary appreciably from those in this article, as determined by the building official.

(b) In this section, a tree removal property with an area of two acres or less in a residential district is considered to be vacant when an application is made for a demolition permit to demolish a single family or duplex structure. The tree removal property is considered to be vacant until:

(1) the demolition permit is closed (not expired) by the building inspector (reinstating the single family or duplex use); or

(2) a certificate of completion is provided to the tree removal property owner for a new single family or duplex structure for occupancy on the property.

(c) Historic trees on lots smaller than two acres in size that contain single-family or duplex uses in residential districts may be recognized in accordance with Section 51A-10.133. (Ord. Nos. 22053; 25155; 28553; 30929)

SEC. 51A-10.131.1. INTENT.

The city council intends that this division fully comply with state law to encourage the active planting of new trees and the replacement of damaged, injured,
or removed trees by providing alternatives and options that will enhance the urban forest. (Ord. 30929)

SEC. 51A-10.131.1. PLANNED DEVELOPMENT DISTRICTS.

Deviations from this division require a three-quarters vote of the city council. (Ord. 30929)

SEC. 51A-10.132. TREE REMOVAL APPLICATIONS.

(a) Tree removal application and posting.

(1) Except as provided in this subsection, a responsible party must post either an approved tree removal application in accordance with this section or a building permit in a conspicuous place at the entrances to the tree removal property, before removing or seriously injuring a protected tree on that tree removal property.

(2) A tree removal application must be posted in a conspicuous place at the entrance to the tree removal property in conjunction with a demolition permit or a grading permit.

(3) For trees removed from public right-of-way, posting of the required tree removal application is not required.

(b) Application for review. An application required under this section must be filed with the building official on a form furnished by the city for that purpose. The application must include the following:

(1) General. The name, address, telephone number, and signature of the applicant. The applicant may be the owner of the tree removal property or a contracted agent acting for the owner.

(2) Owner information. The name, address, and telephone number of each tree removal property owner.

(3) Tree removal property information. The street address, zoning district, and any overlay district of the tree removal property.

(4) Tree survey or forest stand delineation. One of the following must be provided.

(A) A tree survey that shows the location, diameter, and name (both common and scientific) of all trees on the tree removal property (trees in close proximity that all have a diameter of less than eight inches may be designated as a "group of trees" with only the number noted), or an estimate of the total diameter inches of protected trees, calculated and documented using a tree sampling method determined by the building official to be reasonably accurate. The survey does not have to be prepared by a registered surveyor, architect, or landscape architect. Trees not proposed for removal or serious injury, or located further than 20 feet from proposed construction activity need not be shown on the survey unless the building official determines it would help evaluation of the application.

(B) A forest stand delineation ("FSD") used for the purpose of calculating the total square footage of forest canopy coverage of building sites and providing an ecological assessment of a property. An FSD must be approved by the building official. The building official shall determine the information required to be provided in an FSD. The FSD is applicable to and may be used to calculate:

(i) Tree canopy cover assessment for old-field tree stands and undeveloped lots, two acres or larger, in early succession stages when:

(aa) a stand, or partial stand, with a minimum of 60 percent Class 3, eastern red cedar, or unprotected trees is located in a proposed development impact area;

(B) A forest stand delineation ("FSD") used for the purpose of calculating the total square footage of forest canopy coverage of building sites and providing an ecological assessment of a property. An
FSD must be approved by the building official. The building official shall determine the information required to be provided in an FSD. The FSD is applicable to and may be used to calculate:

(i) Tree canopy cover assessment for old-field tree stands and undeveloped lots, two acres or larger, in early succession stages when:

(aa) a stand, or partial stand, with a minimum of 60 percent Class 3, eastern red cedar, or unprotected trees is located in a proposed development impact area;
§ 51A-10.132

(bb) the forest stand delineation excludes areas within 50 feet of a 100-year floodplain, 50 feet of a wetland, 50 feet of an escarpment zone, or 150 feet of a stream bank;

(cc) the trees in the stand, or partial stand, is designated in an age class of 60 years or less by the building official based on site and historical data; and

(dd) the stand is assessed and surveyed using tree sampling methods which provide general species quantity and tree size determinations based on the use of quadrat plots, a transect line sampling method, point-quarter sampling method, or other method approved by the building official.

(ii) Tree canopy cover credit for single family and duplex construction.

(iii) Tree canopy cover assessment of development impact areas in conjunction with sustainable development incentives.

(iv) Tree canopy cover assessment on properties five acres or larger with institutional and community service uses or recreation uses when the measured tree canopy coverage is the baseline for determining the number of trees required for replacement when using the canopy cover replacement calculation for legacy trees in Section 51A-10.134(c)(7).

(v) Forest analysis for baseline documentation to create a conservation easement.

(vi) Tree canopy cover assessment where trees are removed without authorization.

(5) All permits and approvals related to floodplain, wetland, or escarpment regulations required by city departments or other agencies.

(6) Any other reasonable and pertinent information that the building official determines to be necessary for review.
(c) **Form of approval of tree removal application.** A tree removal application is not approved until it has been signed by the building official.

(d) **Separate offense for each tree removed or seriously injured without a permit.** A responsible party commits a separate violation of this section for each tree removed or seriously injured without authorization by a building permit or approved tree removal application.

(e) **Decision of the building official.** The building official shall deny a tree removal application if the removal or serious injury is not in the public interest. This decision must be based on the following factors:

1. The feasibility of relocating a proposed improvement that would require the removal or serious injury of the tree.
2. The cost of preserving the tree.
3. Whether the lot or tract would comply with this article after the removal or serious injury.
4. Whether the removal or serious injury is contrary to the public health, safety, or welfare.
5. The impact of the removal or serious injury on the urban and natural environment.
6. Whether an economically viable use of the property will exist if the application is denied.
7. Whether the tree is worthy of preservation, is a significant tree, or a historic tree.
8. Whether the tree is diseased or has a short remaining life expectancy.
9. The effect of the removal or serious injury on erosion, soil moisture retention, flow of surface waters, and drainage systems.
§ 51A-10.132 Dallas Development Code: Ordinance No. 19455, as amended

(10) The need for buffering of residential areas from the noise, glare, and visual effects of nonresidential uses.

(11) Whether a landscape plan has been approved by the board of adjustment, city plan commission, or city council.

(12) Whether the tree interferes with a utility service.

(13) Whether the tree is near existing or proposed structures.

(14) Whether the proposed mitigation for tree removal or serious injury is sufficient.

(f) Development impact area waiver. Except as provided in this section, if tree removal is authorized by a building permit for construction of a main structure, a property owner may apply for a waiver of the tree replacement requirements in Section 51A-10.134. The waiver applies to protected trees in the development impact area on properties not listed in Sections 51A-10.131 and 51A-10.134(b), all single family and duplex permits, and properties excepted from Article X landscape requirements in Section 51A-10.121.

(1) Qualifications. The owner must demonstrate a good faith effort to design the building project to preserve the most, the biggest, and the best trees, by providing the following:

   (A) a tree survey and a tree protection plan implemented as required by this division; and

   (B) proof of consultation with a qualified consulting arborist or landscape architect for planning and implementing best management practices to reduce the negative impacts of construction on protected trees before submitting the building permit for approval.

(2) Tree removal property waiver requirements.

   (A) Tree removal properties two acres and larger. All tree removal properties two acres and larger must:

      (i) meet the qualification requirements of Section 51A-10.135(d)(1) for sustainable development incentives;

      (ii) reduce mitigable inches of protected trees on the tree removal property by a minimum of 50 percent through application of tree canopy coverage credit using Sustainable Development Incentives procedures; and

      (iii) develop and implement the sustainable landscape plan and tree preservation plan in Section 51A-10.135(d)(4).

   (B) Tree removal properties less than two acres. The owner must meet all qualifications in Section 51A-10.132(f)(1).

(3) Waivers. The building official shall waive tree replacement requirements for protected trees within the development impact area if the building official determines that all requirements in this subsection are met.

   (A) Limitations. Except as provided in this subsection, the waiver is limited to protected trees in the development impact area on the tree removal property growing within the building footprint, minimum required parking areas, driveways, sidewalks, utility easements, detention areas, areas of grading, excavation areas, and staging areas necessary for construction.

   (B) Waiver calculations. Except as provided in this subparagraph, the number of inches to be waived is determined by providing the total number of inches of protected trees in the applicable locations in the development impact area.
§ 51A-10.132 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-10.133.1

(i) The building official shall not waive mitigation of protected trees for non-required off-street parking spaces. The number of inches waived must be reduced on a pro-rata basis determined by the percentage of non-required parking spaces provided in the parking area. (Example: If the number of parking spaces required is 450; and 521 spaces are being provided on the lot, then the tree mitigation requirements shall not be waived for the 71 excess parking spaces. \[71/450=15.78\%\]).

(ii) The building official shall not waive mitigation of protected trees for an area greater than 70 percent of the tree removal property. Trees must be mitigated on a pro-rata basis if the development impact area exceeds 70 percent of the tree removal property. (Example: If the development impact area is 85 percent of the tree removal property, 15 percent of the trees removed must be mitigated, \[0.85-0.70=0.15\].)

(C) Significant trees. Any significant tree on the tree removal property removed or seriously injured must be replaced and is not eligible for this mitigation waiver.

(D) Primary natural area. The development impact area waiver may not include trees within a primary natural area.

(E) Special exception. A tree removal property with a waiver must fully comply with the minimum landscape requirements without a special exception.

(F) Completion. No waiver is complete until the tree removal property passes a final tree mitigation inspection or landscape inspection and obtains a permanent certificate of occupancy.

(G) Denial. The building official shall deny a development impact area waiver if the building official determines that the owner is in violation of any of the applicable requirements of this division during the period between initial review and final tree mitigation or landscape inspection. If a waiver is denied, the required tree replacement must be completed in accordance with Section 51A-10.134. (Ord. Nos. 22053; 25155; 30929; 31314)

SEC. 51A-10.133. HISTORIC TREES.

(a) A property owner must agree, on a form approved by the director, to have a tree designated as historic before the historic designation can be approved by city council.

(b) Except as provided in this section, historic status lasts for the life of the tree.

(c) A certified copy of the resolution declaring a tree historic must be filed in the deed records of the county where the historic tree is located.

(d) Except as provided in Section 51A-10.140, historic trees may only be removed by authorization of the city council. (Ord. 30929)

SEC. 51A-10.133.1. TRANSPLANTED TREES.

(a) Procedure. Established and healthy protected trees on a tree removal property may be transplanted within the city. The transplanting process must conform to operational and safety standards stated in ANSI A300 (Part 6), as amended, and with ISA Best Management Practices for Tree Planting, as amended.

(1) A protected tree that meets the requirements of this section is not considered removed, or seriously injured, if the transplanted tree is planted and maintained in a healthy growing condition.

(2) Building official approval is required before beginning the transplantation for credit as a landscape tree, for tree replacement, or for acceptance in tree canopy coverage measurements.

(3) The following information is required to obtain building official approval.
(A) An initial assessment report describing transplanting practices from beginning to end of the process, including post-planting care practices.

(B) A tree survey or landscape plan identifying the original and final locations of the protected tree after transplant, as applicable.

(C) Names and contact information of the property owners and contractors.

(D) Contractor credentials and a statement of equipment and procedures to be used for the operation.

(E) Other information required by the building official.

(b) Credit for transplanted trees.

(1) Healthy small trees qualify for one inch of replacement credit for each inch of the transplanted tree.

(2) Healthy large and medium protected trees six inches in diameter or less qualify for one inch of replacement credit for each inch of the transplanted tree.

(3) Healthy large and medium protected trees between seven inches and 12 inches in diameter qualify for two inches replacement credit for each inch of the transplanted tree.

(4) Healthy large and medium protected trees between 12 inches and 24 inches in diameter qualify for three inches of replacement credit for each inch of the transplanted tree.

(5) Healthy large and medium protected trees 24 inches or more in diameter qualify for five inches of replacement credit for each inch of the transplanted tree.

(c) Tree canopy coverage. Transplanted trees may be measured as part of the overall tree canopy coverage of a property in a forest stand delineation as a preserved tree. (Ord. 30929)

SEC. 51A-10.134. REPLACEMENT OF REMOVED OR SERIOUSLY INJURED TREES.

(a) In general. Except as provided in this section, if a tree removal application is approved, a building permit is issued, an unauthorized tree removal occurs, or when a tree is removed from a public right-of-way in conjunction with a private development, one or more healthy replacement trees must be planted in accordance with the requirements in this article.

(b) Exception. Trees removed with a building permit for construction of a single family or duplex dwelling on a lot one acre or less in a residential district are not required to be replaced if the tree was located in the unrestricted zone on the tree removal property. Trees not in the unrestricted zone are subject to replacement.

(1) For front and rear yards, the unrestricted zone does not include required setbacks or the area 15 feet from the property line, whichever is greater.

(2) For side yards, the unrestricted zone does not include required setbacks or the area five feet from the property line, whichever is greater.

(c) Requirements.

(1) Quantity.

(A) Except as provided in this section, the minimum total caliper of replacement trees must equal or exceed the total classified diameter inches of the protected trees removed or seriously injured as listed below.
§ 51A-10.134 Dallas Development Code: Ordinance No. 19455, as amended

(B) Tree classification for mitigation:

(i) Historic trees: 3:1

(ii) Significant: 1.5:1

(iii) Class 1: 1:1

(iv) Class 2: 0.7:1

(v) Class 3: 0.4:1

(2) Species.

(A) A replacement tree must be an approved tree determined by the director.

(B) For a tree removal property two acres in size or more, no one species of tree may constitute more than 35 percent of the replacement trees planted on the tree removal property.

(3) Location. The replacement trees must be planted on the lot from which the protected tree was removed or seriously injured, except as otherwise allowed by Section 51A-10.135. Replacement trees may not be planted within a visibility triangle, a water course, in an area within 15 feet horizontally to the closest point of an overhead electric line, or an existing or proposed street or alley unless the tree is authorized by a license and permit and is required to be in that location by other ordinance.

(4) Minimum size. A replacement tree must have a caliper of at least two inches.

(5) Timing.

(A) Except as provided in this section, all replacement trees must be planted within 30 days of removal.

(B) If the property owner provides the building official with an affidavit stating that all replacement trees will be planted within six months, the building official may allow the replacement trees to be planted during that six-month period.

(i) If the property owner submits an application for a building permit for construction on the tree removal property within the six-month period, the tree replacement requirements may be transferred to the building permit for final completion of all tree replacement prior to a final certificate of occupancy or certificate of completion for the property.

(ii) If the property owner does not submit an application for a building permit for construction within the six-month period, all tree replacement must be completed within 30 days after the expiration of the six-month period.

(C) For residential subdivision developments and multi-phase commercial developments, tree replacement may be completed in accordance with a comprehensive tree replacement plan for the development. The building official may allow the property owner additional time to complete the development project to plant the replacement trees, with the following restrictions:

(i) A proposed landscape plan identifying all conceptual landscaping for the properties within the subdivision must be provided by a landscape architect and designed according to the soil and area requirements of this article. The proposed plan will specify the minimum tree size and general species distribution for the properties in accordance with this article. The tree replacement for the development identified on the proposed plan must be completed prior to the final certificate of occupancy or certificate of completion for the project.

(ii) All required tree replacement that is not scheduled by an approved design for the property under the comprehensive tree replacement plan must be completed within six months of issuance of the tree removal application or building permit for removing trees.
§ 51A-10.134 Dallas Development Code: Ordinance No. 19455, as amended

(6) Forest stand delineation exceptions for old-field and undeveloped lots. When an FSD, under Section 51A-10.132(b)(4)(B) is used to assess tree canopy coverage:

(A) except as provided in this paragraph, no mitigation is required for a tree stand when:

(i) at least 60 percent of the trees in the stand are Class 3, eastern red cedar, or unprotected species; and

(ii) the average tree diameters in the stand are less than 12 inches DBH.

(B) significant trees in a stand located on an old-field or undeveloped lots must be mitigated.

(7) Additional requirements for forest stand delineation for properties five acres or greater with institutional uses or recreational uses. When an FSD under Section 51A-10.132(b)(5)(D) is used to assess tree canopy coverage:

(A) the tree removal property must maintain or increase the tree canopy coverage for the property recorded in the most recent FSD; and

(B) significant trees that are included in the FSD tree canopy coverage must be replaced according to the diameter standards for significant trees in this article.

(C) A replacement tree that dies within five years of the date it was planted must be replaced by another replacement tree that complies with this section. (Ord. Nos. 22053; 25155; 30929)

SEC. 51A-10.135. ALTERNATIVE METHODS OF COMPLIANCE WITH TREE REPLACEMENT REQUIREMENTS.

(a) In general. If the building official determines that, due to restrictive site conditions, it would be impracticable or imprudent for the responsible party to plant a replacement tree on the tree removal property, the responsible party shall comply with one or more of the mitigation methods in this section.

(b) Mitigation by legacy trees.

(1) Lots or artificial lots smaller than five acres on properties that are not using sustainable development incentives may attain replacement credit for planting legacy trees on the tree removal property.

(2) Each tree planted and designated as a legacy tree is given a 12 inch replacement credit.

(3) For lots containing a single-family or duplex use, credit will only be provided for legacy trees planted in the portion of the lot that abuts a street and extends across the width of the lot between the street and a main building and lines parallel to and extending outward from the front facade of a main building.

(c) Habitat preservation and restoration areas.

(1) Habitat preservation and restoration areas that are established to provide a dedicated open landscape area for native flora and fauna habitat preservation or restoration may be credited toward tree mitigation.

(2) To receive credit, habitat preservation and restoration areas must be a minimum of 1,200 square feet of contiguous area, as shown on a landscape plan.
(3) Credit will only be given for a maximum of 2,400 square feet of habitat and preservation area or 20 percent of the tree canopy cover goal for the property, as determined by the street typology of the adjacent street in Section 51A-10.135(d)(2)(A), whichever is greater.

(4) Every 1,200 square feet of habitat preserved that is not under a tree canopy may be counted as 12 diameter inches of tree replacement credit.

(5) These areas must be actively monitored and managed to be fully sustained as a protected habitat area including compliance with a maintenance plan provided to the building official.

(d) Sustainable development incentives. Sustainable development incentives must be calculated on a form provided by the director.

(1) Requirements. For a development to qualify for sustainable development incentives it must meet the requirements in this subsection.

(A) Properties must be a minimum of two acres with no residential uses except multifamily uses and shared access developments.

(B) Properties must contain commercial or multifamily uses or a shared access development.

(C) Before a building permit is issued, a consulting arborist or landscape architect must provide the following to the building official:

   (i) A forest stand delineation.

   (ii) A conceptual landscape plan identifying tree preservation, areas, natural features, landscape areas, proposed buildings, and any other site elements or improvements in as much detail as possible.

   (iii) A soil resource assessment for all landscape areas.

   (iv) A consulting arborist is required;

   (i) for design and implementation of a tree protection plan and soil resource assessment;

   (ii) to periodically inspect preserved trees;

   (iii) to insure the standards for legacy tree plantings are implemented; and

   (iv) to confirm compliance with these requirements to the building official before the final landscape inspection.

   (D) All healthy top soils disturbed during construction must be restored.

   (E) Development must be fitted to the topography and soils to minimize cut-and-fill sections.

   (F) Grading and clearing in or around the development impact area may not encroach in a primary natural area, except in conjunction with the construction of drainage facilities, approved through engineering review.

   (i) Grading near preserved trees and around the edge of the development impact area must be planned and implemented to insure minimal impact to natural topography, watercourses, vegetation, and wildlife.

   (ii) Indigenous vegetation must be retained and protected except in development impact areas or to control or remove invasive plants.

   (G) Utility easement planning and locations must be designed to insure minimal impact to preserved trees and primary natural areas.

   (H) All tree preservation and legacy tree plantings must fully comply with the tree protection requirements and soil area and tree spacing standards of this article.

   (I) A consulting arborist is required;
(J) Irrigation standards must be designed for efficient water conservation management on the property including dedicated irrigation for all legacy trees.

(K) A site maintenance schedule and implementation plan for site sustainability covering a minimum of five years must be approved by a consulting arborist or landscape architect and fully implemented. The schedule and plan must be available at the property.

(2) Pre-development assessment.

(A) Tree canopy cover goal and credit. The combined tree canopy cover of existing preserved trees, planted legacy trees, and planted landscape trees, shown on the final approved landscape plan, determines the tree canopy cover credit for sustainable development incentives.

(i) The combined preserved and planted legacy and landscape tree canopy cover measured in square feet is compared to the tree canopy cover goal for the property to determine the percentage of tree replacement reduction to be provided.

(ii) The tree canopy cover goal for the property is determined by the street typology of the adjacent streets. In this subsection, street typology is determined using the Complete Streets Manual, unless another publication is designated by the building official. Where a building site faces two or more street frontages with differing typologies, the greater canopy cover goal controls.

<table>
<thead>
<tr>
<th>Street Typology</th>
<th>Canopy Cover Goal</th>
</tr>
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<tbody>
<tr>
<td>Residential</td>
<td>40 percent</td>
</tr>
<tr>
<td>Mixed Use</td>
<td>35 percent</td>
</tr>
<tr>
<td>Commercial &amp; Freeways</td>
<td>30 percent</td>
</tr>
<tr>
<td>Industrial</td>
<td>25 percent</td>
</tr>
<tr>
<td>Parkways</td>
<td>45 percent</td>
</tr>
</tbody>
</table>

Canopy cover goal percentages are converted to square feet by multiplying the percent and the total square footage of the building site.

(B) Tree mitigation deductions. Tree mitigation deductions are subtracted from the total replacement tree requirements for the building site to calculate the base mitigation requirement in diameter inches. Available tree mitigation deductions are:

(i) Old-field mitigation reduction credit under Section 51A-10.134(c)(6).

(ii) Transplanted tree on site credit under Section 51A-10.133.1(c).

(3) Sustainable development credits.

(A) Tree canopy cover credit.

(i) Canopy cover credit square footage is divided by the tree canopy goal for the building site, measured in square feet, to obtain the percentage reduction.

(ii) The base mitigation requirement is reduced by the percentage above to determine the number of inches of mitigation remaining due.

(B) Preserved tree canopy credit.

(i) Preserved tree canopy cover is determined by completing a forest stand delineation and a conceptual landscape plan showing the protected trees to be preserved.

(ii) Preserved tree canopy cover credit, measured in square feet, must be confirmed before final inspection. Preserved tree canopy cover in a primary natural area is calculated at a rate of 0.25:1.

(C) Landscape tree canopy credit. Large and medium nursery stock landscape trees may be counted towards the tree canopy cover total for a building site at a rate of 300 square feet per tree.
(D) Legacy tree canopy credit. Large or medium legacy trees may be installed in enhanced landscape areas for legacy tree credit. Legacy tree credit is determined as follows:

(i) Large legacy trees are counted towards the tree canopy cover total at a rate of 1,200 square feet per tree.

(ii) Medium legacy trees are counted towards the tree canopy cover total at a rate of 750 square feet per tree.

(4) Green site points.

(A) Additional tree mitigation reductions are available through enhanced site planning and design, landscape, and water conservation improvements that directly promote urban forest conservation.

(B) Required green site points are calculated by determining the percentage of the tree canopy cover goal or the percentage of existing tree canopy cover compared to the overall building site area before development. The percentage is rounded and converted to points at a 1:1 ratio (i.e., 30 percent = 30 points).

(i) For building sites three acres or less, the required number of points is determined by the tree canopy cover goal or the tree canopy cover before construction, whichever is greater.

(ii) For all other building sites, the required number of points is determined by the tree canopy cover before construction, but must be a minimum of 50 points.

(C) Green site points from enhanced landscaping are determined as follows:

(i) Green site landscape plan. Five points. A green site landscape plan must meet the minimum standards of this article, be designed by a landscape architect, and include the following:

(aa) a plan for the design, implementation, and maintenance of a water-wise program and water-wise planting materials on a minimum of 75 percent of development impact area; and

(bb) a soil resource assessment throughout development for all landscape areas and required trees.

(ii) Tree preservation plan. Five points. A tree preservation plan must include a tree protection plan, soil resource assessment, and a complete tree survey performed by a consulting arborist. The tree preservation plan must be implemented and monitored by a consulting arborist. A report of soil planting conditions and tree protection during construction is required before a final landscape inspection.

(iii) Engineered solutions in an urban streetscape for replacement trees. 10 points maximum. A building site must have a minimum of five landscape design option points to qualify. Green site points are awarded when engineered solutions allow required large or medium trees in the street buffer zone to be planted in impervious environments. Soil volume must be a minimum of 480 cubic feet per required tree. A minimum of 75 percent of required street buffer trees must meet the soil volume minimum for credits to apply.

(aa) Minimum required soil volume: five points

(bb) Increase in soil volume 10 percent above minimum requirement: six points.

(cc) Increase in soil volume 15 percent above minimum requirement: seven points.

(dd) Increase in soil volume 20 percent above minimum requirement: eight points.

(ee) Increase in soil volume 25 percent above minimum requirement: nine points.
§ 51A-10.135  Dallas Development Code: Ordinance No. 19455, as amended

(ff) Increase in soil volume 30 percent or greater above minimum requirement: 10 points.

(iv) Enhanced buffer zone and increased landscape area. 15 points maximum. A building site must have a minimum of 10 landscape design option points in street buffer zone and residential buffer zone enhancements to qualify. A street buffer zone or residential buffer zone may be enlarged by a minimum average of five feet deeper than the required average buffer depth. Five points for each five feet average increase in depth along each buffer zone on the building site.

(v) Conservation through tree preservation or habitat restoration, 20 points maximum. A building site must have a minimum of 10 landscape design option points to qualify. Conservation or preservation programs on the tree removal property may qualify for credits where primary natural areas and secondary natural areas are retained for conservation purposes. Each individual area must be identified on the landscape plan and must be a minimum of five percent of the building site.

(aa) Habitat preservation. Five points. The applicant must preserve existing healthy native and mixed species grassland or woodland areas.

(bb) Habitat preservation and restoration using an active management plan. 10 points. The applicant may create or restore natural habitat conditions if designed and implemented by a qualified professional. Site maintenance must be continual for the purpose of sustaining the vegetated area. Five additional points is available for each additional area.

(cc) Habitat preservation, restoration, and maintenance of natural forest edge using an active management plan - adjacent to primary natural areas. 15 points. The applicant may preserve and restore land areas adjacent to wetlands, creeks, floodplain, and slopes which help buffer the protected creeks, slopes, habitat and woodland in primary natural areas from the development impact area. An additional five points may be allotted if 90 percent of the development impact area boundary adjacent to the primary natural area is a minimum of 100 feet from the primary natural area.

(D) Low impact development. 20 points maximum. A building site must have a minimum of six landscape design option points to qualify.

(i) Rain garden. Maximum 10 points.

(aa) One to 5,000 square feet: three points; and

(bb) each additional 1,000 square feet: one point.

(ii) Bioswale. Maximum 15 points per bioswale.

(aa) 50 to 100 feet long: three points; and

(bb) each additional 50 feet: one point.

(iii) Water-wise plant materials and planting beds. Maximum 10 points. The applicant may provide landscaping that uses water conservation techniques including water-wise plants, mulch, and efficient irrigation.

(aa) For providing water conservation techniques in a minimum of 50 percent of landscape areas: three points; or

(bb) in a minimum of 80 percent of landscape areas: five points.

(cc) For providing low-water consumption grasses for 80 percent of turf surfaces: three points; or
§ 51A-10.135 Dallas Development Code: Ordinance No. 19455, as amended

(dd) low-water consumption grasses for all turf surfaces: five points.

(E) Surface parking lots. The applicant may improve the interior zone to provide wider landscape areas and an enhanced shade tree environment. The enhancements may be combined for a maximum of 30 points. An additional five points are available if the building site achieves a 50 percent or greater projected tree canopy coverage over the parking lot with combined existing trees, legacy trees, and landscape trees.

(i) **Option 1.** Provide a protected pedestrian pathway that is between three feet in width and 15 feet in width, through a parking lot to a building from a public or private street or the expansion of a wide landscape median with trees and a walkway through the parking lot. A minimum of one large or medium tree is required for each 40 linear feet of pedestrian pathway or landscape median. Five points.

(ii) **Option 2.** Provide a maximum of 10 parking spaces between parking lot landscape islands. Five points.

(iii) **Option 3.** Increase the parking lot landscape area to a minimum of 200 square feet for each large or medium tree.

(aa) Increase of 50 percent of the required parking lot landscape islands. Five points.

(bb) Increase of 75 percent of the required parking lot landscape islands. 10 points.

(iv) **Option 4.** Increase the parking lot landscape area to a minimum of 300 square feet for each large or medium tree.

(aa) Increase of 50 percent of the required parking lot landscape islands. Five points.

(bb) Increase of 75 percent of the required parking lot landscape islands. 10 points.

(v) **Option 5.** Each additional parking lot landscape island provided. Three points.

(vi) **Option 6.** Provide a minimum 10-foot-wide landscape median with large or medium trees extending the length of a minimum 12 space parking row. Five points.

(vii) **Option 7.** Provide a 12-foot-wide landscape median with large or medium trees extending the length of a minimum 12 space parking row. 10 points for each full median for a maximum of 20 points on the lot.

(viii) **Option 8.** Provide a 16-foot-wide landscape median with large or medium trees extending the length of a minimum 12 space parking row. 15 points for each full median for a maximum of 30 points on the lot.

(ix) **Option 9.** Provide a minimum of 2,500 square feet of contiguous open soil surface area to serve as a pocket park. 20 points.

(F) Conservation easement. 10 points. The applicant may protect the primary and secondary natural areas on the building site adjacent to the development indefinitely through a conservation easement.

(G) Public deed restriction. Five points. The applicant may protect the primary and secondary natural areas on a building site with a public deed restriction for a minimum time-period of 25 years with 25 year automatic renewal provisions.

(e) Tree canopy cover credit for single family and duplex uses. To reduce tree replacement requirements, a portion of existing tree canopy coverage over a single family or duplex construction building site must be preserved.

(1) The tree canopy cover goal is 40 percent of the building site.
§ 51A-10.135 Dallas Development Code: Ordinance No. 19455, as amended

(2) Healthy large and medium trees preserved on the building site, including boundary trees, may be included in tree canopy cover calculations. Invasive trees and trees located within 20 feet on center of the nearest overhead public electric line are not included in the calculation.

(3) Each large and medium nursery stock tree planted as landscaping may also qualify as 300 square feet of tree canopy cover. If the tree canopy cover goal is met, additional landscape trees are not required, except that one tree must be provided in the front yard.

(4) Healthy large and medium trees preserved in the required front yard setback may qualify for double the total square footage of preserved tree canopy coverage.

(5) Boundary trees located on adjacent private property must be protected to the drip line according to the tree protection plan.

(6) The tree canopy cover must be measured by a forest stand delineation, verified and approved by the building official. The forest stand delineation must be provided by a consulting arborist.

(f) Conservation easement. Tree mitigation requirements may be reduced by granting a conservation easement to the city in accordance with this subsection.

(1) The conservation easement area must contain protected trees with a combined diameter equal to or exceeding the classified diameter inches for which replacement tree credit is being requested.

(2) The conservation easement area must be a minimum of 20 percent of the size of the development impact area on the tree removal property and must be:

   (A) configured primarily for urban forest conservation and preservation by protecting natural topography, waterways, forest vegetation, and wildlife habitation; and

   (B) a suitable size, dimension, topography, and general character for its intended purpose.

(3) No portion of the conservation easement may be narrower than 50 feet in width.

(4) A conservation easement must have frontage on an improved public street or have public access through private property to a public street.

(5) The city manager is authorized to accept and approve on behalf of the city a conservation easement to conserve trees and other natural features, upon:

   (A) approval as to form by the city attorney;

   (B) submission by the applicant of a metes and bounds property description prepared by a licensed surveyor; and

   (C) a determination by the building official that the easement area is suitable for conservation purposes, based on:

   (i) the submission of baseline documents prepared by a qualified professional describing the property's physical and biological conditions, the general age of any tree stands, locations of easements and construction, and the conservation values protected by the easement;

   (ii) the likelihood that the proposed conservation easement area would preserve vegetation on a parcel otherwise attractive for development;

   (iii) the overall health and condition of the trees on the conservation easement property, and the extent of invasive and exotic plants on the property and a strategy to manage the population;

   (iv) the suitability of the area as a wildlife habitat;
§ 51A-10.135 Dallas Development Code: Ordinance No. 19455, as amended

(v) other unique features worthy of preservation, e.g. water channels, rock formations, topography, or rare herbaceous or woody plant species; and

(vi) the preservation of undeveloped areas located in a flood plain on a building site before and after construction, except as authorized by the director for engineering infrastructure.

(6) The conservation easement may be structured to be monitored and managed by a nonprofit association dedicated to the conservation of land, with the city as a joint grantee having the right, but not the duty, to monitor the management of the conservation area.

(7) The city manager may not accept a sole or joint conservation easement on behalf of the city, unless and until the owner provides the building official with:

   (A) a tree survey as set forth in Section 51A-10.132, or an estimate of the caliper and type of protected trees documented in a manner determined to be reasonably accurate by the building official, or a forest stand delineation verified and approved by the building official; and

   (B) a preservation strategy for the conservation easement area.

(8) No person may place playground equipment or park amenities in a conservation easement area unless the building official has made a written determination that the amenities indicated on a site plan are unlikely to be detrimental to the conservation easement area.

(9) Conservation easement areas must be located wholly within the Dallas city limit.

(g) Use of other property for tree replacement. Replacement trees that cannot be planted on the tree removal property, and for which credit is not given through a conservation easement, may be replaced by the methods in this subsection. The applicant may:

   (1) provide a replacement tree to a city department for planting on city property, with the approval of the director of the city department.

   (2) plant a replacement tree on property in the city that is within five miles of the tree removal property as long as the responsible party obtains the written approval of the building official and provides:

      (A) a site plan indicating the location of the tree to be removed or seriously injured, the address of the property where the replacement tree will be planted, and a site plan indicating the location of the replacement tree; and

      (B) a written agreement between the owner of the property where the replacement tree will be planted and the responsible party, to transfer responsibility for the replacement tree under this article to the receiving party.

   (i) The agreement may be structured to allow a non-profit association dedicated to tree advocacy or the conservation of land to monitor and manage the replacement trees.

   (ii) The agreement must include a written affidavit by the owner of the property where the replacement tree will be planted agreeing to maintain the tree for five years and to be the responsible party for the replacement tree.

   (C) A responsible party who obtains permission to plant the replacement tree on other tree replacement property in the city shall ensure that the planting and maintenance of the tree on the other tree replacement property complies with the requirements of this article.

   (h) Park land dedication. Preserved protected trees on dedicated park land and private park land may be used to meet tree mitigation requirements in accordance with Subsection (f).
§ 51A-10.135 Dallas Development Code: Ordinance No. 19455, as amended

(1) Except as provided in this subsection, to be eligible for tree mitigation credits, dedicated park land and private park land must meet the conservation easement standards in Sections 51A-10.135(f)(1), 51A-10.135(f)(3), and 51A-10.135(f)(5).

(2) Park land dedication requirements may be met on an acre for acre basis for any land dedicated as a conservation easement under this section that meets the conservation easement standards in this section and the requirements for publicly accessible private park land in Section 51A-4.1007(b)(2)(A)(i) and is accepted by the director of the park and recreation department.

(i) Reforestation fund.

(1) Mitigation requirements may be met by making a payment into a special city account, to be known as the Reforestation Fund in accordance with this subsection.

(2) The director shall administer the reforestation fund to purchase trees to plant on public property, to create an urban forest master plan and to update it periodically, to fund a staff position for managing and directing the fund for planting and urban forest education, or to acquire conservation easements or wooded property. A minimum of 50 percent of all funds provided for each fiscal year must be available to planting trees on public property or to acquire conservation easements or wooded property.

(3) The amount of the payment required is calculated by using the formula for appraising the value of a tree, as derived from the most recent edition of the Guide for Plant Appraisal published by the Council of Tree & Landscape Appraisers, unless another publication is designated by the building official. If more than one tree is being removed or seriously injured or not planted, the values of the trees are added when calculating the payment required.

(4) All property purchased through this fund must be located within the city of Dallas. (Ord. Nos. 25155; 28073; 28553; 30929; 30934, eff. 7/1/19)

SEC. 51A-10.136. CONSERVATION AND MAINTENANCE OF PROTECTED TREES DURING CONSTRUCTION OR OTHER DISTURBANCE.

(a) City property. Except as provided in this section, trees on city property:

(1) must be established and maintained in accordance with ANSI A300 standards for tree care operations and the ISA Best Management Practices; or

(2) the American Standard for Nursery Stock Z60.

(b) In general. Where a property owner plans to retain protected trees on a site to be developed or otherwise disturbed in a manner that may affect protected trees, the following requirements must be met:

(1) Tree protection plan in general. A tree protection plan submitted to the building official must meet the specifications found in ANSI A300 Standards for Tree Care Operations, as amended, and ISA Best Management Practices.

(2) Tree protection plan additional requirements. A tree protection plan must include the following:

(A) A site plan drawn to scale, indicating the location of land disturbance, clearing, grading, trenching, tree protection zones, general projection of the tree canopy area over the property, proposed underground utilities, staging areas for parking, material storage, concrete washout, and debris burn and burial holes where these areas might affect tree protection, and areas where soil compaction is likely to occur in a tree protection zone due to traffic or materials storage.

(B) A complete tree survey in accordance with the requirements set forth in Section
§ 51A-10.132, or a forest stand delineation approved by
the building official. Significant and historic trees must
be specifically designated on the survey.

(C) Detailed drawings and descriptions
of any of the following tree protection measures that
will be used during development.

(i) Tree protection fencing. Tree
protection fences must be constructed within the
development impact area unless an alternative is
approved by the building official on the tree protection
plan.

(aa) Except as provided in this
subparagraph, tree protection fences must be a
minimum of four feet high, constructed with adequate,
durable material (e.g. orange plastic construction
fencing) approved by the building official, and located
at the drip line or the edge of the critical root zone,
whichever is farthest from the trunk, unless the
building official determines that a fence line closer to
the trunk will not be likely to result in damage to the
tree. The building official may require an expansion of
the critical root zone or approved encroachment. Once
established, the fence line must remain in place as
approved.

(bb) Tree protection fences
located in the development impact area within 15 feet
of construction activity must be a minimum of
six-feet-high and constructed of chain-link, wire-mesh,
or wood fence materials, and be solidly anchored to the
ground if:

(I) a required tree
protection fence located within the critical root zone of
a protected tree on the property is determined by the
building official to be in violation of this subsection;

(II) a significant or
historic tree is located within a development impact
area;

(III) a tree preservation
plan for sustainable development incentives is designed
for the preservation of protected trees within the area
of construction activity; or

(iv) Transplanting specifications.
Trees to be transplanted on property, or relocated from
a remote property, must conform to the specifications
found in ANSI A300 Standard for Tree Care
Operations, as amended.

(v) Tree wells, islands, retaining
walls, and aeration systems.

(vi) Staking specifications.

(vii) Soil and root protection.

(viii) Trunk protection.

(ix) Tree and site watering plan.

(c) Clearing. For clearing invasive, exotic, or
unprotected vegetation on a building site, a forest
stand delineation is required. The building official may
require a tree protection plan to be provided on all or
a portion of the building site.

(d) Implementation of tree protection plan.

(1) The responsible party must install and
maintain all tree protection measures indicated in the
approved plan prior to and throughout the land
disturbance process and the construction phase.
§ 51A-10.136 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-10.137

(2) No person may disturb the land or perform construction activity until the required tree protection measures have been inspected by the building official.

(3) The responsible party must mulch areas where soil compaction is likely to occur as indicated on the plan with a minimum four-inch layer of wood chip mulch, or by other options listed in ISA Best Management Practices, or methods and materials recommended by a consulting arborist and approved by the building official.

(4) If a cut is made to the root of a tree that is not intended to be removed or seriously injured as indicated on the plan, the cut must be made at a 90 degree angle.

(5) The responsible party must tunnel utilities if utilities are to run through a tree protection zone, rather than being placed along corridors between tree protection zones.

(6) The responsible party must provide water to the tree protection zone as needed due to weather or site conditions, with penetration between six and 18 inches of soil.

(e) Damage to protected trees. Where the building official has determined that irreparable damage has occurred to trees within tree protection zones, the responsible party must remove and replace those trees. The building official may determine that irreparable damage to a tree has occurred based on, but not limited to, the following factors:

(1) site evaluation;

(2) visible extensive damage to a tree root system;

(3) extensive soil compaction around the tree protection zone;

(4) visual evidence that required tree protection has been removed or is in disrepair; or

(5) a tree risk assessment by a consulting arborist that includes the current condition and proposed remedial measures.

(f) Topping. Topping is not an acceptable practice. (Ord. Nos. 22053; 25155; 30929)

SEC. 51A-10.137. VIOLATION OF THIS DIVISION.

(a) Stop work order. Whenever any work is being done contrary to the provisions of this division, the building official may order the work stopped by notice in writing served on any person engaged in the work or causing the work to be done. A person issued this notice shall stop work immediately until authorized by the building official to proceed with the work.

(b) Mitigation. The building official may require mitigation for the removal, or serious injury, of protected trees without a tree removal application or a building permit upon written notice of a violation of this division.

(1) Mitigation may include:

(A) replacement of nursery stock trees on the property based on a tree mitigation plan provided by the responsible party, if it is determined by the building official that it is practicable to plant trees on the tree removal property;

(B) other alternative methods of compliance in this article when approved by the building official; or

(C) a fee to be applied to the Reforestation Fund, with the amount determined in Section 51A-10.135.

(2) The responsible party must provide a tree survey or a forest stand delineation identifying all tree sizes and species, or tree canopy coverage, on the property.
(A) If the responsible party fails to provide the required information within 30 days of the notice of violation the building official may conduct a forest stand delineation using aerial imagery, field analysis, or other reasonable and pertinent information to review and identify the square footage of tree canopy coverage on the property.

(B) Required mitigation is calculated as follows:

(i) When tree size and species are identified in a verifiable survey provided by a consulting arborist and approved by the building official. Mitigation is required in accordance with Section 51A-10.134.

(ii) When protected trees have been removed with no measurable remaining evidence. Mitigation is required in accordance with Section 51A-10.134 as determined using the following calculation.

(aa) The tree canopy coverage area is estimated by measuring the tree canopy coverage area shown in an aerial image no older than three years before notice of violation.

(bb) The estimated tree canopy coverage area, in square feet, on the tree removal property is divided by 1,200 square feet to determine an estimated number of trees for the area.

(cc) The number of trees is multiplied by eight inches as the estimated average of trees to determine the inches of the trees to be replaced.

(iii) Reforestation fund.

(aa) The number of inches to be replaced for trees not located in a primary natural area is multiplied by the Class 2 base rate (0.7:1) to calculate reforestation fund value.

(bb) The number of inches to be replaced for trees located in a primary natural area is multiplied by the Class 1 base rate (1:1) to calculate reforestation fund value.

(3) Upon a finding by the building official that tree canopy coverage removal has occurred, the building official shall give written notification to the responsible party. Tree replacement or mitigation must be completed within 90 days of the date of the notification. (Ord. Nos. 22053; 25155; 30929)

SEC. 51A-10.138. APPEALS.

In considering an appeal from a decision of the building official made in the enforcement of this division, the sole issue before the board of adjustment shall be whether or not the building official erred in his or her decision. The board shall consider the same standards that the building official was required to consider in making the decision. (Ord. Nos. 22053; 25155; 30929)

SEC. 51A-10.139. FINES.

A person convicted of violating this division shall be subject to a fine of not less than $2,000.00 per protected tree removed or seriously injured without authorization, and not less than $2,000.00 per day for any other violation of this division. (Ord. Nos. 22053; 25155; 30929)

SEC. 51A-10.140. CRIMINAL RESPONSIBILITY, AND DEFENSES TO PROSECUTION.

(a) A person is criminally responsible for a violation of this division if the person:

(1) removes or seriously injures, or assists in the removal or serious injury of, a protected tree without complying with the requirements of this division; or
(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 public works;

(D) the director of transportation;

(E) the director of sanitation services;

(F) the director of code compliance;

(G) the director of park and recreation;

(H) the director of sustainable development and construction; or

(I) 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)
Dallas Development Code: Ordinance No. 19455, as amended

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ARTICLE XII.

GAS DRILLING AND PRODUCTION.

Division 51A-12.100. In General.

SEC. 51A-12.101. PURPOSE.

These regulations are intended to protect the public health, safety, and welfare; minimize the impact of gas drilling and production on surrounding property owners and mineral-rights owners; protect the environment; and encourage the safe and orderly production of mineral resources. (Ord. Nos. 26920; 29228)

SEC. 51A-12.102. DEFINITIONS.

(a) In this article, technical terms that are not defined have the meaning customarily attributed to them in the gas drilling and production industry by prudent and reasonable operators.

(b) In this article:

(1) ABANDONMENT means the discontinuation of a well or an operation site as approved by the Texas Railroad Commission and in compliance with this article.

(2) AMBIENT NOISE LEVEL means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, constituting the normal or existing level of environmental noise at a given location.

(3) BASE FLOOD means the flood having a one percent chance of being equalled or exceeded in any given year. See Article V.

(4) BLOWOUT PREVENTER means a mechanical, hydraulic, pneumatic, or other device or combination of devices secured to the top of a well casing, including valves, fittings, and control mechanisms, that can be used to completely close the top of the casing and prevent the uncontrolled flow of gas or other fluids from the well.

(5) COMPLETION means the date that drilling or reworking of the well has ended and gas is flowing to a sales or distribution point.

(6) CLOSED-LOOP SYSTEM means a system that uses sealed tanks, instead of reserve pits, to collect the drilling waste.

(7) DAYTIME HOURS means 7:00 am to 7:00 pm, Monday through Friday, and 8:00 am to 6:00 pm, Saturdays. Sundays and city holidays are not considered daytime hours.

(8) DRILLING means digging or boring a new well to explore for or produce gas.

(9) EQUIPMENT means any apparatus, machinery, or parts thereof used, erected, or maintained in connection with gas drilling or production.

(10) FRACTURING means the injecting of water into a well to cause pressure that will open up fractures already present in the formation.

(11) FLOWBACK means the process of flowing a fractured or completed well to recover water and residual sand from the gas stream before sending gas down a sales line.

(12) GAS means (1) any fluid, either combustible or noncombustible, that is produced in a natural state from the earth and that maintains a gaseous or rarefied state at standard temperature and pressure conditions or (2) any gaseous vapors derived from petroleum or natural gas.

(13) GAS INSPECTOR means the person designated by the city to enforce the provisions of this article, or the gas inspector’s representative.

(14) LANDFARMING means the depositing, spreading, or mixing of drill cuttings, drilling fluids,
drilling mud, salt water, produced water, or other waste generated by the gas drilling and production process onto the ground.

(15) OPERATION SITE means the area identified in the SUP to be used for drilling, production, and all associated operational activities after gas drilling is complete.

(16) OPERATOR means the person listed on the Texas Railroad Commission drilling permit application (currently called Form W-1 or Form P-4).

(17) PIPELINE CONSTRUCTION means the initiation of any excavation or other disturbance of property to install, construct, maintain, repair, replace, modify, or remove a pipeline.

(18) PIPELINE EMERGENCY means an incident relating to or directly attributable to the operation of a regulated pipeline in which any of the following has or is occurring:

(A) Fire or explosion not intentionally initiated by the pipeline operator as part of its normal and customary operations and in accordance with accepted safety practices.

(B) Release of a gas, hazardous liquid, or chemical that could adversely impact the environment or health of individuals, livestock, domestic animals, or wildlife in the city.

(C) Death of any person or individual.

(D) Bodily harm to any person that results in loss of consciousness, the need to assist a person from the scene of the incident, or the necessity of medical treatment in excess of first aid.

(E) Damage to private or public property not owned by the pipeline operator in excess of $5,000 in combined values, as determined by the gas inspector.

(F) The rerouting of traffic or the evacuation of buildings.

(19) PIPELINE OPERATOR means any person owning, operating, or responsible for operating a pipeline.

(20) PRODUCTION means the period between completion and abandonment of a well.

(21) REGULATED PIPELINE means all parts of those physical facilities for the transportation of gas, oil, or hydrocarbons, including pipes, valves, and other appurtenances attached to pipe, whether laid in public or private easements, public rights-of-way, or private streets within the city, including gathering lines, production lines, and transmission lines. Pipelines associated with franchised utilities are not regulated pipelines.

(22) REWORKING means the re-entry of an existing well after completion to access the existing bore hold, conduct deepening or sidetrack operations, or replace well liners or casings. Reworking is also known in the gas drilling and production industry as a work-over.

(23) TANK means a container used for holding or storing fluids from gas drilling and production.

(24) WELL means a hole or bore to any horizon, formation, or strata for the intended or actual production of gas. (Ord. Nos. 26920; 29228)

SEC. 51A-12.103. ADMINISTRATION.

(a) Gas inspector.

(1) The gas inspector is responsible for enforcing this article, other city codes applicable to gas drilling and production, and any SUP for gas drilling and production.

(2) The gas inspector shall:

(A) review and approve or deny all seismic survey, gas well, and regulated pipeline permit applications;
§ 51A-12.103 Dallas Development Code: Ordinance No. 19455, as amended § 51A-12.104

(B) conduct inspections of all wells and operation sites at least yearly for compliance with this article, the gas well permit, and the SUP for gas drilling and production;

(C) request, receive, review, and inspect any records, including records the operator sends to the Texas Railroad Commission, logs, and reports relating to the status or condition of any permitted well;

(D) issue orders or citations to obtain compliance with this article, a seismic survey, gas well, or regulated pipeline permit, and the SUP for gas drilling and production; and

(E) revoke or suspend seismic survey, gas well, or regulated pipeline permits for violations of this article, the seismic survey, gas well, or regulated pipeline permit, or SUP for gas drilling and production.

(3) The gas inspector, at each inspection, shall call the emergency contact numbers listed on the operator’s informational signs to verify that the phone numbers are current and the emergency contact persons can be reached.

(4) The gas inspector shall contact the appropriate city department to inspect the operation site if the gas inspector believes the operator is violating a city code provision not addressed in this article. The gas inspector shall determine whether the other city department completed the inspection and shall document what actions, if any, were taken against the operator.

(5) The gas inspector shall contact the appropriate state agency to inspect the operation site if the gas inspector believes the operator is violating state law. The gas inspector shall determine whether the state agency completed the inspection and shall document what actions, if any, were taken against the operator.

(b) Technical or legal advisors. The city may hire technical or legal advisors to advise the city on gas drilling and production matters. If the city hires advisors to address an operator’s unique circumstances, the city shall notify the operator of the estimated cost of services. The city shall invoice the operator, who shall pay the city within 30 days of receipt of an invoice from the city. (Ord. Nos. 26920; 29228)

SEC. 51A-12.104. SUP REQUIREMENT AND USE REGULATIONS.

See Sections 51-4.213(19) or 51A-4.203(b)(3.2). (Ord. Nos. 26920; 29228)
Division II. Gas Drilling.

SEC. 51A-12.201. SEISMIC SURVEY PERMIT.

(a) In general.

(1) No person shall participate in site preparation or any other seismic survey activities without first obtaining a seismic survey permit issued by the city in accordance with this division.

(2) Seismic surveys may only be conducted with low-impact vibrator systems designed for urban operations. Explosive charges, including dynamite, may not be used in preparing for or conducting a seismic survey.

(3) Seismic surveying is limited to the hours of 8:00 am to 5:00 pm, Monday through Friday, excluding city holidays.

(4) Seismic survey activities must be conducted in accordance with all applicable federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(5) Seismic survey activities within public rights-of-way must be conducted in accordance with a traffic control plan approved by the director of the department of transportation.

(b) Seismic survey permit. A seismic survey permit application must be in writing, signed by the operator or applicant, and submitted to the gas inspector. The operator or applicant shall provide the following information on a form furnished by the city:

(1) the date the operator or applicant submitted the application;

(2) the operator or applicant’s name, address, telephone number, and email address;

(3) the location of the seismic survey;

(4) the date and time the seismic survey will be conducted;

(5) a detailed explanation of the seismic survey methods to be used;

(6) a detailed map of the area being surveyed and the location of all vibration and geophone points;

(7) the date and time the seismic survey will be completed; and

(8) for city property and public rights-of-ways:

(A) an executed access agreement for the use of the specific public rights-of-way or city property; and

(B) a current certificate of insurance for the coverage specified in the access agreement.

(c) Review of permit applications.

(1) The gas inspector shall return incomplete applications to the operator or applicant with a written explanation of the deficiencies.

(2) The gas inspector shall determine whether the seismic survey permit should be issued, issued with conditions, or denied within 45 days after receiving a complete seismic survey permit application. If the gas inspector fails to make this determination within this specified time, the seismic survey permit is deemed denied.

(3) The gas inspector shall issue a seismic survey permit if the application meets the requirements of this division. If the application does not meet the requirements of this division, the gas inspector shall either deny the application or issue the seismic survey permit subject to written conditions if compliance with the conditions eliminates the reasons for denial. If the gas inspector denies a seismic survey permit, the gas inspector shall provide the applicant with a written explanation of the reasons for denial within 30 days.
(d) **Appeal.**

(1) If the gas inspector denies a seismic survey permit, the gas inspector shall send the applicant, by certified mail, return receipt requested, written notice of the decision and the right to appeal.

(2) The applicant 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.

(e) **Notice.** At least 72 hours before commencing geophysical operations (laying out of geophones), the operator or applicant shall provide written notice via United States mail, or other methods of delivery to each tenant, property owner, and resident within the area to be seismically surveyed. The written notice must include:

(1) general information about the seismic operations to be conducted;

(2) an overview of the seismographic survey process; and

(3) a hotline number to call with questions or complaints related to the seismic survey activities. The hotline number must be adequately staffed with trained personnel during normal working hours. (Ord. 29228)

**SEC. 51A-12.202. GAS WELL PERMIT.**

(a) **In general.**

(1) No person shall participate in site preparation, drilling, reworking, fracturing, operation, production, or any other related activity without first obtaining a gas well permit issued by the city in accordance with this article. Each well on an operation site must obtain a separate gas well permit.

(2) A gas well permit is required, in addition to any permit, license, or agreement required under this article, other city ordinances, or state or federal law.

(3) A gas well permit application may not be approved until an SUP is approved. Denial of an SUP is grounds for automatic denial of all related gas well permit applications.

(4) A gas well permit automatically terminates if the operator does not begin drilling within 180 days after the gas inspector issues the gas well permit. The gas inspector may extend the time for an additional 180 day period upon request by the operator and proof that the conditions on the operation site have not substantially changed. Only one extension is permitted.

(5) An existing gas well permit does not authorize reworking of an abandoned well. A new gas well permit is required to rework an abandoned well.

(6) A gas well permit automatically terminates after the well authorized by the gas well permit is abandoned pursuant to this article.

(7) The operator shall complete all drilling activities on the operation site within five years from the date the first gas well permit was issued.

(A) The operator may apply for a one-time, two-year extension from the gas inspector. 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.

(B) The gas inspector must approve or deny the extension within 45 days after receiving the extension request. The gas inspector must approve the extension if the drilling activities will not adversely impact the neighboring properties or if additional measures required eliminate the reasons for denial.

(C) If the gas inspector denies the request for a one-time, two-year extension, he must provide the operator with a written explanation of the reasons for denial within 30 days.

(D) As a condition of approval of the extension, the gas inspector may require additional measures, as necessary, to minimize the impact of the...
additional drilling activities upon neighboring properties.

(E) 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) Permit applications. A gas well permit application must be in writing, signed by the operator and filed with the gas inspector. The operator shall provide the following information on a form furnished by the city:

(1) the date the operator submitted the application;

(2) the proposed number of wells on the operation site;

(3) the field name as used by the Texas Railroad Commission;

(4) the proposed well name;

(5) the operator’s name and address;

(6) all surface owners’ names and addresses;

(7) all mineral rights owners’ names and addresses;

(8) the name of a representative with supervisory authority over all gas drilling and production operations and a phone number where they can be reached 24 hours a day;

(9) the name, address, and phone number of a person who is a resident of the State of Texas and is designated to receive notices from the city;

(10) the names of two designated emergency contact persons, their addresses, and phone numbers where they may be reached 24 hours a day;

(11) the names and addresses of tenants, property owners, and residents within 1,500 feet of the boundary of the operation site in accordance with the plans required as part of the gas well permit application;

(12) the address and legal description of the operation site;

(13) the location and a description of all structures and improvements within 1,500 feet of the boundary of operation site;

(14) a description of all fuel sources and public utilities required during drilling and production operations;

(15) a site plan of the operation site that matches the site plan attached to the SUP, was prepared by a licensed surveyor or registered engineer, is drawn to scale, complies with the site requirements in this article, and provides the following information:

(A) the date, scale, north point, name of owner, and name of person preparing the site plan;

(B) the location of existing boundary lines and dimensions of the operation site;

(C) the location of all improvements and equipment, including proposed wells, tanks, pipelines, compressors, separators, and storage sheds;

(D) the zoning of the operation site;

(E) the location of flood plains, and the existing and base flood elevations at the location of any proposed improvement including the well head;

(F) the existing watercourses and drainage features;

(G) off-street parking and loading areas and the surface material used;

(H) ingress and egress points;

(I) existing and proposed streets and alleys;
(J) location, height, and materials of existing and proposed fences;

(K) existing and proposed landscaping;

(L) location and description of signs, lighting, and outdoor speakers;

(M) location and description of all easements, along with the volume and page number where the easement is recorded;

(N) a map of the surrounding area, showing the zoning on all property within 1,500 feet of the boundary of the operation site, and the distance from wells, structures, or equipment to any use, structures, or features that have spacing requirements under Sections 51-4.213(19) or 51A-4.203(b)(3.2);

(O) a tree survey that complies with Article X;

(P) a copy of the SUP ordinance;

(Q) a copy of the Texas Railroad Commission drilling permit and its attached documents, as well as any other permits, disclosures, or reports required by the Texas Railroad Commission;

(R) a copy of the storm water pollution prevention plan and the notice of intent required by the Environmental Protection Agency;

(S) a copy the Texas Commission on Environmental Quality’s determination of the depth of useable-quality ground water;

(16) documentation of the insurance and security instruments required by this article;

(17) an indemnification agreement, approved as to form by the city attorney, stating that the operator agrees to defend the city and its officers and employees against all claims of injury or damage to persons or property arising out of the drilling and production operation;

(18) a notarized statement signed by the operator that the information submitted with the application is true and correct, to the best of the operator’s knowledge and belief;

(19) an air quality management and monitoring plan that includes:

(A) measures and equipment the operator will use to ensure that all site activities and equipment on the operation site comply with applicable emissions limits, applicable laws relating to emissions, and best management practices of the Environmental Protection Agency and the Texas Commission on Environmental Quality regarding air quality;

(B) monitoring techniques the operator will use to measure for and ensure compliance with applicable emissions limits and all applicable laws relating to emissions; and

(C) a categorization of Environmental Protection Agency Tier (Tier 0 to 4) of all diesel equipment that will be used on the operation site during each phase of the drilling and production use;

(20) a communications plan developed to keep tenants, property owners, and residents of protected uses within 2,000 feet of the boundary of the operation site informed that:

(A) documents how the operator will notify, solicit feedback, and respond to concerns about the gas drilling and production use;

(B) identifies how the operator will employ early and continuous engagement, including posted notice in public locations;

(C) establishes how the operator will develop and use advance or near-real-time notice of all significant activities occurring during the well’s life, including drilling, fracturing, flowback, redrilling and refracturing, completion, abandonment, as well as non-routine occurrences including flaring, spills, or emissions events;
(21) a dust mitigation plan detailing measures the operator will implement to mitigate and suppress dust generated at the operation site, including a mud shaker for vehicles exiting the site;

(22) an electricity usage plan showing:

(A) the equipment powered by electricity;

(B) the amount of electricity needed;

(C) the sources of the electric power;

(D) whether electricity is generated on site or purchased from a retail electric provider; and

(E) the approximate location of lines, poles, generators, generator fuel tanks, transformers, fuse boxes, and other apparatus necessary to use electric power;

(23) an emergency action response plan approved by the fire marshal that:

(A) establishes written procedures to minimize any hazard resulting from drilling, completion, production, or abandonment of wells, including prompt and effective response to emergencies from:

(i) leaks or releases that may impact public health, safety, or welfare;

(ii) fire, explosions, loss of well control, or blowout at or near the well; and

(iii) natural disasters;

(B) complies with the existing guidelines established by the Texas Railroad Commission, the Texas Commission on Environmental Quality, the Department of Transportation, and the Environmental Protection Agency;

(C) includes maps showing the public rights-of-way to the operation site, and turn-arounds and staging areas for emergency equipment;

(D) includes an effective means of notifying and communicating with local fire, police, and public officials during an emergency, including a detailed plan of how the operator will notify and communicate with city officials responsible for notification and evacuation of residents within one-half mile of the operation site, measured from the boundary of the operation site;

(E) includes the availability of personnel, equipment, tools, and materials at the operation site as necessary in case of an emergency;

(F) outlines measures to be taken to reduce public exposure to injury and the probability of accidental death or dismemberment;

(G) documents emergency shut-down procedures for a gas well and the operation site, if necessary;

(H) establishes a plan for the safe restoration of service and operations following an emergency or incident; and

(I) establishes a follow-up procedure for incident investigation to determine the cause of the incident and the implementation of corrective measures;

(24) an erosion control plan that complies with all city regulations;

(25) a fresh-water fracture pond design plan that includes an engineering design and a landscape and fencing design that includes:

(A) a detailed grading plan prepared by a civil engineer licensed by the state of Texas;
§ 51A-12.202 Dallas Development Code: Ordinance No. 19455, as amended

(B) measures that will be taken, such as shallow safety ledges, to prevent drowning;

(C) the fresh-water fracture pond size and how it is designed to minimize its footprint based on water supply;

(D) an open-design black or dark green chain link fence, a minimum of six feet in height, that encloses the fresh-water fracture pond; and

(E) restorative vegetation that complies with Article X;

(26) a hazardous materials management plan that:

(A) complies with the Dallas Fire Code;

(B) includes the formula identifying the non-radioactive tracing or tagging additives that the operator will use in all fracturing fluids on the operation site; and

(C) has been filed with the fire department;

(27) a hazardous materials inventory statement that:

(A) complies with the Dallas Fire Code;

(B) includes material safety data sheets or an equivalent detailing all hazardous materials that are or will be located, stored, transported, or temporarily used on the operation site, including site preparation, boring, fracturing, completing, reworking, redrilling, refracturing, and production. The material safety data sheets must indicate all types, quantities, volumes, and concentrations of all hazardous chemicals and additives used in these processes; and

(C) has been filed with the fire department;

(28) a landscape irrigation plan designed by a State of Texas licensed irrigator that includes:

(A) the appropriate type of irrigation for the operation site; and

(B) measures to be taken to adequately irrigate all landscaping, indicating the water source for irrigation;

(29) a noise management plan detailing how the equipment used in the drilling, completion, transportation, or production of a well complies with the maximum permissible noise levels in Section 51A-6.102 and this article, and that:

(A) identifies the noise impacts of gas drilling and production;

(B) provides documentation establishing the ambient noise level in accordance with this article; and

(C) details how the gas drilling and production noise impacts will be mitigated, considering the operation site characteristics, including:

(i) nature and proximity of adjacent development, location, and type;

(ii) seasonal and prevailing weather patterns, including wind directions;

(iii) vegetative cover on and adjacent to the operation site; and

(iv) topography on and adjacent to the operation site;

(30) a pipeline map indicating the location of the nearest gathering station, the alignment of the pipelines connecting the operation site to the gathering station, and a description of how the operator intends to get the gas to market;

(31) a screening and landscape plan that complies with all city screening and landscape requirements and includes:
§ 51A-12.202 Dallas Development Code: Ordinance No. 19455, as amended

(A) a schedule detailing the timing of all landscaping and screening installation or, if a SUP has already been approved with a screening and landscape plan, a copy of the approved screening and landscape plan;

(B) the proposed efforts to replace dead or dying screening vegetation; and

(C) a fully-executed third-party landscape maintenance agreement detailing the frequency and scope of the services to be provided;

(32) a security plan that includes details about how the security alarm system requirements in this article will be complied with and provides the location of all security cameras provided on the operation site;

(33) a signage plan that complies with the Texas Railroad Commission regulations, this article, and all other city ordinances, rules, and regulations for the operation site and pipelines;

(34) a spill prevention plan that complies with state and federal regulations, this article, and all other city ordinances, rules, and regulations and includes a plan for effective containment of all materials on site, including containment and mitigation strategies for any failures of temporary or permanent pipes, tanks, secondary containment systems, and water recycling systems;

(35) a surface reclamation plan that includes how the operator, using industry best practices, will:

(A) restore the operation site to allow its use under the city’s comprehensive plan;

(B) control surface water drainage, water accumulation, and measures that will be taken during the reclamation process to protect the quantity and quality of surface and groundwater systems;

(C) clean up any polluted surface or ground water;

(D) backfill, grade, and re-vegetate the operation site;

(E) reconstruct, replace, and stabilize the soil;

(F) reshape the topography; and

(G) employ other methods or practices necessary to ensure that all disturbed areas will be reclaimed;

(36) a site lighting plan that complies with city code, is designed to promote the safety of all gas drilling and production operations, and includes a photometric plan, indicating the type and color of lights to be used and demonstrates how it complies with all Federal Aviation Administration requirements;

(37) a transportation plan that includes a:

(A) traffic impact analysis, including the proposed truck routes, types and weights of trucks and vehicles accessing the operation site; hours of the day that truck and vehicle traffic will be entering and leaving the operation site; days of the week that truck and vehicle traffic will be entering and leaving the operation site; turning movements associated with truck and vehicle traffic; proposed access points; and proposed traffic control devices;

(B) map consistent with any SUP requirements showing the truck routes approved by the gas inspector and identifying all public rights-of-way, private streets, and routes intended for use within the city;

(C) videotape of the approved truck routes, showing in adequate detail the physical conditions of the rights-of-way; and

(D) road repair agreement approved as to form by the city attorney and signed by the operator;

(38) a vector control plan detailing all measures:
§ 51A-12.202 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-12.202

(A) that will be taken to ensure that a fresh-water fracture pond will not become a site for mosquito harbourage; and

(B) for mosquito abatement activities, including any biological or chemical control applications or water level control measures;

(39) a waste management plan that includes:

(A) recycling, treatment, and disposal methods for all drilling muds and cuttings, flowback water, fracturing fluids, salt water, produced water, solid waste, and any other materials generated from pad site operations;

(B) a copy of the Texas Railroad Commission underground injection control permit if the waste management plan includes an injection method; and

(C) the location of the landfill and a copy of the permit if the waste management plan includes disposal at a landfill;

(40) a water management plan that includes a description of the water source to be used, the volumes, and the recycling, reuse, or disposal methods that will be used during drilling and production operations; and

(41) any other information the gas inspector deems necessary.

(c) Review of permit applications.

(1) The gas inspector shall return incomplete applications to the operator with a written explanation of the deficiencies.

(2) The gas inspector shall determine whether the gas well permit should be issued, issued with conditions, or denied within 45 days after receiving a complete gas well permit application. If the gas inspector fails to make this determination within this specified time, the gas well permit is deemed denied.

(3) The gas inspector shall issue a gas well permit if the application meets the requirements of this article and the conditions of the SUP. If the application does not meet the requirements of this article or the conditions of the SUP, the gas inspector shall either deny the application or issue the gas well permit subject to written conditions if compliance with the conditions eliminates the reasons for denial. If the gas inspector denies a gas well permit, the gas inspector shall provide the operator with a written explanation of the reasons for denial within 30 days.

(d) Content of gas well permit. A gas well permit must:

(1) identify the name of the well and its operator;

(2) identify the name, address, and telephone number of the person designated to receive notices from the city;

(3) identify the names, addresses, and phone numbers of the two emergency contact persons;

(4) state the date the permit is issued;

(5) state that the gas well permit will automatically terminate if the operator does not begin drilling within 180 days after the date of issuance unless the gas inspector grants an extension;

(6) state that all drilling activities must cease within five years from the issuance of the first gas well permit issued on the operation site unless a one-time two-year extension is approved;

(7) state that the gas well permit shall automatically terminate after the well is abandoned;

(8) state that the operator shall apply for a new gas well permit before reworking an abandoned well;

(9) incorporate the full text of the indemnity provision from the operator’s submitted indemnity agreement;
§ 51A-12.202 Dallas Development Code: Ordinance No. 19455, as amended

(10) incorporate, by reference:

(A) the insurance and security requirements of this article;

(B) the conditions of the applicable SUP;

(C) the information contained in the permit application;

(D) the rules and regulations of the Texas Railroad Commission, including the field rules;

(E) all other required permits and fees; and

(F) the requirement for annual inspections, periodic reports, emergency reporting, and notice before reworking a well; and

(11) state that the operator shall comply with the most recently submitted and approved site plan, tree survey, hazardous materials management plan, and emergency action response plan. The SUP and the full-sized site plan must be attached to the gas well permit.

(e) Acceptance of permit. By accepting a gas well permit, the operator expressly stipulates and agrees to be bound by and comply with the provisions of this article. The terms of this article shall be deemed to be incorporated in any gas well permit as if they were set forth verbatim in the gas well permit.

(f) Amendment of permit. If the operator wants to change the original site plan attached to the gas well permit and the SUP, the operator shall first seek a zoning amendment or minor amendment and then apply in writing for a gas well permit amendment. If the operator pays the fee to amend their gas well permit, and the new site plan complies with the requirements of the SUP and this article, the gas inspector shall issue an amended gas well permit.

(g) Transfer of permit.

(1) The gas inspector shall transfer a gas well permit to a new operator if:

   (A) the transfer is in writing, approved as to form by the city attorney, signed by both operators, and the new operator agrees to be bound by the terms and conditions of the transferred gas well permit, the SUP, and this article;

   (B) all information previously provided to the city as part of the application for the original gas well permit is updated to reflect the new operator;

   (C) the new operator provides proof of the insurance and security required by this article; and

   (D) the operator-transfer fee is paid in full.

(2) The gas inspector shall release the insurance and security provided by the old operator if the requirements of this subsection are met. The transfer does not relieve the old operator from any liability arising out of events occurring before the transfer.

(h) Revocation or suspension of permit.

(1) If the operator violates this article, the gas well permit, or the SUP, the gas inspector shall give written notice to the operator describing the violation and giving the operator a reasonable time to cure. The time to cure must take into account the nature and extent of the violation, the efforts required to cure, and the potential impact on public health, safety, and welfare. The time to cure must not be less than 30 days unless the violation:

   (A) could cause imminent destruction of property or injury to persons; or
§ 51A-12.202 Dallas Development Code: Ordinance No. 19455, as amended § 51A-12.203

(B) involves the operator’s failure to take a required immediate action as required by this article.

(2) If the operator fails to correct the violation within the specified time, the gas inspector shall suspend or revoke the gas well permit. The gas inspector shall also report any violations to the Texas Railroad Commission and request that the Texas Railroad Commission take appropriate action.

(3) If a gas well permit is suspended, no person may engage in any activities that were permitted under that gas well permit except for those activities necessary to remedy the violation. If the violation is remedied, the gas inspector shall reinstate the gas well permit, and the operator may resume gas drilling and production.

(4) If a gas well permit is revoked, the operator shall obtain a new gas well permit before resuming gas drilling or production.

(i) Appeal.

(1) If the gas inspector denies, suspends, or revokes a gas well permit, the gas inspector shall send the operator, by certified mail, return receipt requested, written notice of the decision and the right to appeal.

(2) 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. (Ord. Nos. 26920; 29228)

SEC. 51A-12.203. INSURANCE AND SECURITY INSTRUMENTS.

(a) In general.

(1) The operator shall provide the insurance required in this section at its own expense.

(2) The operator shall keep the insurance in effect until the gas inspector approves the abandonment and restoration of the operation site.

(3) Companies approved by the State of Texas with an AM Best Rating of A or better and acceptable to the city must issue the insurance.

(4) The operator shall provide the gas inspector with a copy of the certificates of insurance.

(5) Upon the gas inspector’s request, the operator shall provide copies of the insurance policies and all endorsements at no cost to the city.

(b) Modification of insurance.

(1) The office of risk management may modify the insurance requirements of this section when necessary based upon economic conditions, recommendation of professional insurance advisors, changes in law, court decisions, or other relevant factors.

(2) The operator shall modify the insurance as requested and shall pay the cost of any modifications.

(c) Subcontractor insurance.

(1) The operator shall require each subcontractor performing work on the operation site to obtain insurance that is appropriate for the services the subcontractor is performing.

(2) The subcontractor shall provide the subcontractor’s insurance at its own expense to the operator and gas inspector.

(3) The subcontractor’s insurance must name the operator as an additional insured.
(4) The subcontractor shall keep the subcontractor’s insurance in effect until the gas inspector approves the abandonment and restoration of the operation site.

(5) Companies approved by the State of Texas with an AM Best Rating of A or better and acceptable to the city must issue the subcontractor’s insurance.

(6) The operator shall provide the gas inspector with a copy of the certificates of insurance for each subcontractor at least 30 days before the subcontractor begins work.

(7) Upon request, the operator shall provide the gas inspector with copies of the subcontractor’s insurance policies and all endorsements at no cost to the city.

(d) Required provisions. All insurance contracts and certificates of insurance must have an endorsement:

(1) stating that the city is an additional insured to all applicable policies;

(2) stating that coverage may not be cancelled, non-renewed, or materially changed in policy terms or coverage without 30-days advance written notice by mail to the:

(A) gas inspector; and

(B) City of Dallas, Director, Office of Risk Management, 1500 Marilla, 6A-South, Dallas, TX 75201;

(3) waiving subrogation against the city, its officers, employees, and elected representatives for bodily injury (including death), property damage, or any other loss to all applicable coverages;

(4) stating that the operator’s insurance is the primary insurance;

(5) stating that liability, duty, standard of care obligations, and the indemnification provision are underwritten by contractual liability coverage that includes these obligations;

(6) identifying the operation site by address; and

(7) identifying the gas inspector as the certificate holder.

(e) Required coverage. Subject to the operator’s right to maintain reasonable deductibles, and subject to a maximum deductible or self-insured retention of $250,000, the operator shall obtain insurance coverage in the following types and amounts:

(1) Workers’ compensation insurance with statutory limits.

(2) Employer’s liability insurance with the following minimum limits for bodily injury by:

(A) accident, $1,000,000 per each accident; and

(B) disease, $1,000,000 per employee with a per-policy aggregate of $1,000,000.

(3) Business automobile liability insurance covering owned, hired, and non-owned vehicles, with a minimum combined bodily injury (including death) and property damage limit of $2,000,000 per occurrence. If the operator is subject to the Motor Carrier Act, endorsement form MCS 90 is required and a copy must be attached to the certificate of insurance.

(4) Commercial general liability insurance covering explosion, collapse, underground blowout, cratering, premises/operations, personal and advertising injury, products/completed operations, independent contractors, and contractual liability with the following minimum combined bodily injury (including death) and property damage limits of:
§ 51A-12.203 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-12.203

(A) $2,000,000 per occurrence;

(B) $2,000,000 products/completed operations aggregate; and

(C) $2,000,000 general aggregate.

(5) Environmental impairment or pollution legal liability insurance covering handling, removal, seepage, storage, testing, transportation, and disposal of materials.

(A) Coverage must include loss of use of property; cleanup cost; and defense, including costs and expenses incurred in the investigation, defense, or settlement of claims in connection with any loss arising from the operation site.

(B) Coverage must apply to sudden and accidental pollution resulting from the escape or release of smoke; vapors; fumes; acids; alkalis; toxic chemicals; liquids or gases; waste material; or other irritants, contaminants, or pollutants.

(C) Coverage must include gradual pollution or pollution legal liability with time element pollution for a minimum combined bodily injury (including death) and property damage limit of $10,000,000 per occurrence.

(D) Coverage must be maintained with a minimum combined bodily injury (including death) and property damage limit of $10,000,000 per occurrence.

(6) Umbrella liability insurance following the form of the primary liability coverage described in Paragraphs (1) through (4) and providing coverage with minimum combined bodily injury (including death) and property damage limit of $25,000,000 per occurrence and $25,000,000 annual aggregate. Increased primary liability limits equivalent to the umbrella liability insurance limits specified will satisfy the umbrella liability insurance requirements.

(A) A copy of the declaration page of the policy must be attached to the certificate of insurance.

(B) Coverage must include explosion, collapse, underground blowout, crating, sudden and accidental pollution, handling, removal, seepage, storage, testing, transportation, and disposal of materials. A copy of the endorsement providing this coverage must be attached to the certificate of insurance.

(7) Control-of-well insurance to provide coverage for the cost of regaining control of an out-of-control (wild) well including the cost of re-drilling and clean up of an incident with minimum limit of $10,000,000. Coverage must include seepage, pollution, stuck drill stem, evacuation expense of residents, loss of equipment, experts, and damage to property that the operator has in the operator’s care, custody, or control.

(8) If the insurance required in Section 51A-12.203(e)(4)-(6) is written on a claims-made form, coverage must be continuous (by renewal or extended reporting period) for at least 60 months after the gas inspector approves the abandonment and restoration of the operation site. Coverage, including renewals, must contain the same retroactive date as the original policy.

(f) Miscellaneous provisions.

(1) The city’s approval, disapproval, or failure to act regarding any insurance supplied by the operator or a subcontractor does not relieve the operator or subcontractor of full responsibility or liability for damages and accidents. Bankruptcy, insolvency, or the insurance company’s denial of liability does not exonerate the operator or the subcontractor from liability.

(2) If an insurance policy is cancelled or non-renewed, the gas inspector shall suspend the gas well permit on the date of cancellation or non-renewal and the operator shall immediately cease operations until the operator provides the gas inspector proof of replacement insurance coverage.

(g) Performance bond or irrevocable letter of credit. Before issuance of a gas well permit, the operator shall give the gas inspector a performance
§ 51A-12.203 Dallas Development Code: Ordinance No. 19455, as amended

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 public works completes the final inspection of 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.
§ 51A-12.204 Dallas Development Code: Ordinance No. 19455, as amended

(9) Salt water, produced water, or other wastewater collection or transportation pipelines must be approved by city council as part of a required SUP for a gas drilling and production use.

(10) Landfarming is prohibited.

(11) Lift and line compressors are permitted as part of the gas drilling and production use.

(12) The operation site must be kept clear of dilapidated structures, debris, pools of water or other liquids, contaminated soil, brush, high grass, weeds, and trash or other waste material.

(13) See Sections 51-4.213(19)(E) or 51A-4.203(b)(3.2)(E) for additional spacing, fencing, and slope requirements.

(b) Dust, vibrations, and odors.

(1) To prevent injury or nuisances to persons living and working in the area surrounding the operation site, the operator shall conduct all drilling and production in a manner that minimizes dust, vibrations, or odors, and in accordance with industry best practices for drilling and production of gas and other hydrocarbons.

(2) The operator shall adopt proven technological improvements in industry standards for drilling and production if capable of reducing dust, vibration, and odor.

(3) If the gas inspector determines that the dust, vibrations, or odors related to the gas drilling and production use present a risk of injury or have become a nuisance to persons living and working in the area, the gas inspector shall require the operator to adopt reasonable methods for reducing the dust, vibrations, and odors.

(4) Brine water, sulphur water, or water mixed any type of hydrocarbon may not be used for dust suppression.

(c) Electric lines. Electric lines to the operation site must be located in a manner compatible with those already installed in the surrounding area.

(d) Equipment, structures, and operations.

(1) In general.

(A) American Petroleum Institute. All equipment and permanent structures must conform to the standards of the American Petroleum Institute unless other specifications are approved by the fire marshal.

(B) Maintenance. All equipment and structures must be maintained in good repair and neat appearance.

(C) Painting. Unless a specific color is required by federal or state regulations, all equipment and structures must be painted with a neutral color approved by the gas inspector.

(D) Removal of rig and equipment. The drilling rig and associated drilling equipment must be removed from the operation site within 30 days after completion of each well unless other wells on the operation site are in the drilling phase.

(2) Drip pans and other containment devices. Drip pans or other containment devices must be placed underneath all tanks, containers, pumps, lubricating oil systems, engines, fuel and chemical storage tanks, system valves, and connections, and any other area or structures that could potentially leak, discharge, or spill hazardous liquids, semi-liquids, or solid waste materials.

(3) Engines.

(A) Electric motors must be used during drilling unless the operator submits a report to the gas inspector and the gas inspector determines that electric motors cannot be used.
(B) Only electric motors may be used during production.

(C) Electric power may be generated on the operation site but may not be sold for off-site use. All electrical installations and equipment must comply with city, state, and federal rules and regulations.

(4) Fire prevention equipment.

(A) The operator, at the operator’s expense, shall provide fire-fighting apparatus and supplies as approved by the fire department and required by city, state, and federal rules and regulations on the operation site at all times during drilling and production. The operator shall be responsible for the maintenance and upkeep of the fire-fighting apparatus and supplies.

(B) If the chief of the fire department makes a written request to the operator, the operator shall provide training and instruction to the fire department and other emergency responders about well safety, emergency management protocol, and all information specific to the well operations or emergency management activities at the operation site. The training must occur within 30 days after the written request is made.

(5) Mud pits.

(A) Only closed-loop drilling fluid systems are permitted.

(B) Low toxicity glycols, synthetic hydrocarbons, polymers, and esters must be substituted for conventional oil-based drilling fluids.

(6) Tanks.

(A) Gas well operations must use tanks for storing liquid hydrocarbons. Tanks must be portable, closed, and made of steel or fiberglass. If the gas inspector discovers condensate or liquid hydrocarbons, the gas inspector may require that tanks have a remote foam line.

(B) All tanks must have a vent line, flame and lightning arrester, pressure-relief valve, and level-control device. The level-control device must automatically activate a valve to close the well to prevent the tank from overflowing.

(C) Tanks must have a secondary containment system that is lined with an impervious material. The secondary containment system must be high enough to contain one-and-one-half times the contents of the largest tank in accordance with the Dallas Fire Code.

(D) Drilling mud, cuttings, liquid hydrocarbons, and other waste materials must be discharged into tanks in accordance with the Texas Railroad Commission rules and other city, state, or federal rules and regulations.

(E) Temporary flowback tanks must be removed from the operation site within 90 days after completion of a gas well unless:

   (i) the gas inspector extends the time period for no more than 30 additional days; or

   (ii) other wells on the operation site are in the drilling phase.

(F) The top of any tank may not exceed the required fence height.

(7) Wells.

(A) Each well must have an automated valve that closes the well if an abnormal change in operating pressure occurs. All wellheads must also have an emergency shut-off valve to the well distribution line.

(B) Surface casing must be run and set in full compliance with the Texas Railroad Commission and the Texas Commission on Environmental Quality.

(C) A blowout preventer must be used when wells are being drilled, reworked, or at anytime when tubing is being changed.
§ 51A-12.204 Dallas Development Code: Ordinance No. 19455, as amended

(e) **Emergencies.**

(1) **In general.**

(A) The emergency action response plan that complies with the Dallas Fire Code must be kept current.

(B) A copy of the current emergency response plan must be kept on the operation site at all times.

(C) Updates to the emergency action response plan must be submitted to the gas inspector, the fire chief, and the fire marshal within two business days after any additions, modifications, or amendments are made.

(D) The operator shall also conduct an annual review and provide updates of the emergency action response plan that must be approved by the fire marshal.

(2) **Compliance with emergency action response plan.** In emergencies, the operator shall comply with the current emergency action response plan submitted to the gas inspector.

(3) **Loss of control.**

(A) If the operator loses control of a well, the operator shall immediately take all necessary steps to regain control regardless of other provisions of this article.

(B) If the gas inspector believes that the loss of control of a well creates a danger to persons and property and the operator is not taking the necessary steps to regain control, the gas inspector is authorized to:

   (i) take the necessary steps to regain control; and

   (ii) incur expenses for labor and materials necessary to regain control.

(C) The operator shall reimburse the city for any expenses incurred in regaining control of a well.

(f) **Environmental requirements.**

(1) **In general.**

(A) All federal, state, and local rules regarding protection of natural resources must be strictly followed.

(B) The operator shall ensure that ground and fresh-water wells are not contaminated by gas drilling and production operations or any related activities.

(C) The operator shall comply with all local, state, and federal storm water quality regulations.

(D) The operator shall use industry best practices in recycling and reusing hydraulic fracturing fluids and flowback water.

(2) **Air quality.**

(A) **Gasses vented or burned.**

   (i) Except as permitted by the Texas Railroad Commission and the fire marshal, the operator shall not vent gases into the atmosphere or burn gases by open flame.

   (ii) At no time may a well flow or vent directly into the atmosphere without first directing the flow through separation equipment or into a portable tank.

   (iii) If venting or burning of gases is permitted, the vent or open flame must be located at least 300 feet from any structure that is necessary to the everyday operation of wells.

(B) **Reduced emissions.**

   (i) Internal combustion engines and compressors, whether stationary or mounted on
the operation site complies with applicable emissions limits and all applicable laws related to emissions; and

(cc) quarterly reporting to the gas inspector for a period of 12 months of documented compliance.

(3) Baseline assessments.

(A) Air.

(i) Before gas drilling activities begin on an operation site, the operator shall perform a baseline test of air quality on the operation site.

(ii) The baseline air quality test results must be collected and analyzed by a qualified third party using proper sampling and laboratory protocol from an Environmental Protection Agency or a Texas Commission on Environmental Quality approved laboratory.

(iii) The minimum baseline air quality results must include benzene, toluene, ethylbenzene, xylenes, ozone, hydrocarbons (e.g. methanes, ethanes, propanes), nitrogen oxides, volatile organic compounds, sulfur dioxide, naphthalenes, acroleins, and formaldehyde.

(iv) The baseline air quality test results must be provided to the gas inspector within 30 days after the baseline testing is conducted.

(v) The operator is responsible for the cost and fees associated with baseline testing of air quality.

(B) Natural gas.

(i) Within 30 days after the first well enters production on an operation site, the operator must provide to the gas inspector a written extended natural gas analysis.

(ii) The extended natural gas analysis must be performed by a qualified third party...
laboratory and must include findings for benzene and hydrocarbons.

(iii) The operator is responsible for the cost and fees associated with an extended natural gas analysis.

(C) Water.

(i) Except as otherwise provided in this paragraph, before gas drilling activities begin, the operator shall perform a baseline test of all water wells within 2,000 feet of a well bore and all surface water within 750 feet of a well bore.

(ii) Water samples must be collected by a third party consultant and analyzed using proper sampling and laboratory protocol from an Environmental Protection Agency or Texas Commission on Environmental Quality approved laboratory.

(iii) The minimum baseline water test results must include TDS, Chlorides, VOCs and TPH, dissolved gases (methane, ethane), TPH fractioned, SVOC’s, and HAP.

(iv) The baseline water test results must be provided to the gas inspector within 30 days after the baseline testing is conducted.

(v) If the operator documents to the satisfaction of the gas inspector that permission to access private property to conduct the required baseline testing is not granted, water baseline testing is not required for that water well or surface water.

(vi) The operator is responsible for the cost and fees associated with baseline testing of all water wells and surface water.

(4) Chemical and hazardous materials storage.

(A) The purpose of this paragraph, the hazardous materials management plan, and the hazardous materials inventory statement, including the materials safety data sheets, is to minimize the:

(i) risk of unwanted releases, fires, or explosions involving hazardous materials; and

(ii) consequences of an unsafe condition involving hazardous materials during normal operations or in the event of an abnormal condition.

(B) The operator shall comply at all times with the hazardous materials management plan, the hazardous materials inventory statement, and the material safety data sheets.

(C) The hazardous materials management plan, the hazardous materials inventory statement, and all material safety data sheets must be kept current.

(D) A copy of the current hazardous materials management plan, the hazardous materials inventory statement, and all material safety data sheets must be kept on the operation site at all times.

(E) Updates to the hazardous materials management plan and the hazardous materials inventory statement must be submitted to the gas inspector, the fire chief, and the fire marshal within two business days after any additions, modifications, or amendments are made.

(F) If a hazardous material that is not identified on a material safety data sheet filed with the fire department is being introduced to the operation site, a new or updated material safety data sheet must be provided to the fire department and the gas inspector at least seven days in advance of the hazardous materials being introduced onto the operation site.

(G) If hazardous materials are removed from the operation site or quantities have changed from a previously submitted material safety data sheet, updated copies of the material safety data sheets must be provided to the fire department and gas inspector within two business days.
(H) All chemicals and hazardous materials must be stored in accordance with the hazardous materials management plan and in such a manner as to prevent release, contain, and facilitate rapid remediation and cleanup of any accidental spill, leak, or discharge of a hazardous material.

(I) Containers must be properly labeled in accordance with federal, state, and local regulations.

(J) The operator shall take all appropriate pollution prevention actions, including raising chemicals and other materials above grade (for example, placing chemicals and other materials on wood pallets); installing and maintaining secondary containment systems; and providing adequate protection from storm water and other weather events.

(5) Cleanup after spills, leaks, and malfunctions.

(A) After any spill, leak, or malfunction, the operator shall remove, to the satisfaction of the fire marshal, the gas inspector, and the office of environmental quality all waste materials from any public or private property affected by the spill, leak, or malfunction. Cleanup operations must begin immediately.

(B) If the operator fails to begin cleanup operations immediately, the city may:

(i) contact the Texas Railroad Commission to facilitate the removal of all waste materials from the property affected by the spill, leak, or malfunction; or

(ii) employ any cleanup experts, other contractors, suppliers of special services, or may incur any other expenses for labor and material that the gas inspector deems necessary to clean up the spill, leak, or malfunction.

(C) The operator shall reimburse the city for any expenses incurred in cleanup operations.

(6) Depositing materials. The operator shall not deposit any substance (oil, naphtha, petroleum, asphalt, brine, refuse, wastewater, etc.) into or upon a right-of-way, storm drain, ditch, sewer, sanitary drain, body of water, or public or private property.

(7) Erosion control practices. Berms that are at least one-foot high and two-feet wide, or equivalent erosion devices, must be installed to prevent lot-to-lot drainage. Any damages to adjacent properties from sedimentation or erosion must be repaired immediately.

(8) Flood plain. All gas drilling and production operations must comply with the flood plain regulations in Article V.

(9) Water.

(A) The operator shall set surface casing in accordance with state and local rules and regulations to ensure groundwater protection.

(B) The operator shall:

(i) give the gas inspector 72-hour’s notice before setting the well casing;

(ii) allow access to the operation site during surface casing installation; and

(iii) allow access to all relevant reports associated with the setting of the surface casing.

(g) Fresh-water fracture ponds.

(1) In general.

(A) Fresh-water fracture ponds are permitted on an operation site.

(B) Except as otherwise provided in this subparagraph, additives, oil and gas waste by-products, and salt water are not permitted in a fresh-water fracture pond. Vector control additives are permitted in a fresh-water fracture pond.
§ 51A-12.204 Dallas Development Code: Ordinance No. 19455, as amended

(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 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
§ 51A-12.204 Dallas Development Code: Ordinance No. 19455, as amended

the nearest protected use, the operator shall post a sign adjacent to the main gate of the operation site informing the public when fracturing will begin and the estimated duration of fracturing. This sign must be posted at least 10 days before fracturing begins.

(C) The operator, at his own expense, shall provide written notification of the date that fracturing will begin and the estimated duration of fracturing to each property owner and registered neighborhood association within 1,500 feet of the boundary of the operation site, measured from the boundary of the operation site in a straight line without regard to intervening structures or objects to the nearest protected use, as shown by the current tax roll. The written notification must be sent by United States mail at least 10 days before fracturing begins.

(2) Tracing or tagging additives.

(A) The operator shall add non-radioactive tracing or tagging additives into all fracturing fluids used on an operation site.

(B) The operator shall provide the formula identifying the non-radioactive tracing or tagging additives in writing as part of the hazardous materials management plan.

(C) The fracturing fluid non-radioactive tracing or tagging additives must be unique for each operation site.

(D) If the operator changes or amends the non-radioactive tracing or tagging additives, the hazardous materials management plan must be amended and submitted to the fire marshal and the gas inspector at least seven days before introducing the changed additives onto the operation site.

(i) Glare. The operator shall comply with the glare regulations in Section 51A-6.104.

(j) Hours of operation.

(1) Construction activities. Except as otherwise provided in this paragraph, construction activities involving excavation of or alteration to the operation site or repair work on any access road may only occur during daytime hours. City council may expand the hours of operations for these construction activities as part of the required SUP for a gas drilling and production use if the city council finds that the expanded hours of operation will not adversely affect nearby properties.

(2) Drill stem testing. All open hole formation or drill stem testing may only occur during daytime hours. Drill stem tests may be conducted only if the well effluent produced during the test is produced through an adequate gas separator to storage tanks and the effluent remaining in the drill pipe is flushed to the surface by circulating drilling fluid down the annulus and up the drill pipe before the tool is closed.

(3) Fracturing.

(A) Except as otherwise provided in this subparagraph, fracturing activities may only occur during daytime hours. In an emergency situation, the gas inspector may expand the hours of operation for fracturing activities until the emergency is resolved.

(B) Flowback operations may occur 24 hours per day.

(4) L oudspeakers. Unless required by state or federal laws or regulations, loudspeakers are permitted during daytime hours only.

(5) Reworking. Except as otherwise provided in this paragraph, reworking or work-over operations may only occur during daytime hours. In an emergency situation, the gas inspector may expand the hours of operation for the reworking or work-over operations until the emergency is resolved.

(6) Truck traffic. Except as otherwise provided in this paragraph, truck deliveries and removal of equipment and materials associated with drilling, fracturing, or production, well servicing, site preparation, or other related work conducted on the operation site may only occur during daytime hours.
In cases of fires, blowouts, explosions, other emergencies, or where the delivery of equipment is necessary to prevent the cessation of drilling or production, truck deliveries and removal of equipment may occur 24 hours a day.

(k) Hydrogen sulfide. If a gas or oil field is identified as a hydrogen sulfide field in accordance with the Texas Railroad Commission, Texas Commission on Environmental Quality, or the Environmental Protection Agency rules and regulations, or if a well is producing hydrogen sulfide gas in excess of applicable Texas Railroad Commission, Texas Commission on Environmental Quality, or the Environmental Protection Agency rules and regulations, the operator shall stabilize and immediately cease operation of that well or facility.

(l) Incident reports.

(1) Reporting. The operator shall immediately notify the gas inspector and fire marshal of incidents occurring on the operation site, including blowouts, fires, spills, leaks, or explosions; incidents resulting in injury, death, or property damage; or incidents resulting in product loss from a storage tank or pipeline.

(2) Written summary of incident. The operator shall give a written summary of the incident to the gas inspector and fire marshal by 5:00 p.m. on the first business day after the incident.

(3) Follow-up report. The operator shall give a follow-up report to the gas inspector and fire marshal within 30 days after the incident. The follow-up report must be signed and dated by the operator or the operator’s representative and must include:

(A) the operator’s name and location of the operation site;

(B) the phone number, address, and e-mail address of the person with supervisory authority over the operation site;

(C) a description of the incident, including the time, date, location, and cause of the event;

(D) the duration of the incident (an incident ends when it no longer poses a danger to persons or property);

(E) an explanation of how the incident was brought under control and remedied; and

(F) a full description of any internal or external investigations or inquiries related to the incident, the findings of those investigations or inquiries, and the actions taken as a result of those findings.

(m) Noise.

(1) Conflicts. Except as otherwise provided in this subsection, the noise regulations in Section 51A-6.102 apply.

(2) Pre-drilling noise levels.

(A) Before the gas well permit may be issued, the operator shall establish and report to the gas inspector the continuous 72-hour pre-drilling ambient noise levels.

(B) The 72-hour time span must include at least one, 24-hour reading during either a Saturday or Sunday. The timeframe for this noise study must be designed to avoid the influence of wind interference on the noise study.

(C) The operator shall submit a proposed ambient noise level study plan to the gas inspector for approval before conducting the noise study. The proposed noise level study plan must contain a proposed testing schedule and other details as required by the gas inspector.

(D) The gas inspector shall determine if subsequent noise studies are needed to reevaluate ambient noise conditions.
(E) The operator is responsible for all costs and fees associated with establishing and reporting the continuous 72-hour pre-drilling ambient noise levels.

(3) **Noise levels.** An operator may not drill, re-drill, or operate any equipment in such a manner so as to create any noise that causes the exterior noise level, when measured at the nearest property line of the tract upon which the nearest protected use or habitable structure is located, or at a point that is 100 feet from the nearest protected use or habitable structure, whichever is closer to the well, to:

(A) exceed the ambient noise level by more than:
   
   (i) 10 dB during fracturing operations;
   
   (ii) five dB during daytime hours that do not include fracturing operations; and
   
   (iii) three dB during all other hours;

(B) create pure tones where one-third octave band sound-pressure level in the band with the tone exceeds the arithmetic average of the sound-pressure levels of two contiguous one-third octave bands by:

   (i) five dB for center frequencies of 500 hertz and above;
   
   (ii) eight dB for center frequencies between 160 and 400 hertz; and
   
   (iii) 15 dB for center frequencies less than or equal to 125 hertz; or

(C) create low-frequency outdoor noise levels that exceed the following dB levels:

   (i) 16 hertz octave band: 65 dB;
   
and

   (ii) 32 hertz octave band: 65 dB;

   (iii) 64 hertz octave band: 65 dB.

(4) **Adjustments.**

(A) Adjustments to the noise regulations in this subsection are permitted intermittently as follows:

<table>
<thead>
<tr>
<th>Permitted increases (dBA)</th>
<th>Duration of increase in minutes (cumulative during any 1 hour period)</th>
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<tr>
<td>5</td>
<td>15</td>
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<tr>
<td>10</td>
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<tr>
<td>15</td>
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<td>20</td>
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(B) The time period of monitoring will be continuous over a minimum of one hour and will use the A-weighting network reported in decibel units. Data must be recorded and reported as Leq, which means an average measure of continuous noise that has the equivalent acoustic energy of the fluctuating signal over the same period.

(5) **Continuous monitoring.**

(A) If a proposed gas well is within 1,500 feet of a protected use, measured from the gas well in a straight line, without regard for intervening structures or objects, to the closest protected use, the operator shall comply with the following additional noise abatement measures:

(i) Exterior noise levels, including pure tone and low frequency data, must be continuously monitored to ensure compliance. The continuous noise level monitoring data must also include an audio recording to help identify the source of sound level spikes throughout the logging period.

(ii) The continuous noise monitoring equipment must be capable of wireless
transmission of real-time noise and audio data. Access to this real-time data must be made available to the gas inspector.

(iii) The noise readings must also be submitted to the gas inspector on a weekly basis in an electronic format or other format specified by the gas inspector. The weekly report must contain all noise data, including pure tone and low frequency readings. The report must state whether the operation site is in compliance with the noise requirements in this subsection and Section 51A-6.102.

(B) If the report indicates that the operation site is not in compliance with the noise regulations in this subsection or Section 51A-6.102, the report must state the measures that are being taken to bring the operation site into compliance and the timeframe for implementing these remedial measures.

(C) The operator is responsible for all costs and fees associated with all continuous noise monitoring.

(D) Continuous monitoring must occur at:

(i) the protected use property line or 100 feet from the nearest protected use, whichever is closer to the noise source; or

(ii) a location approved by the gas inspector.

(6) Blankets and other noise reduction methods.

(A) When required. If a gas well is within 2,000 feet of a protected use, measured from the gas well in a straight line, without regard for intervening structures or objects, to the closest point of the protected use, the operator shall provide noise reduction blankets along the perimeter of the operation site that faces the protected uses.

(B) Height. Minimum height for a noise reduction blanket is 30 feet, except that the city council may reduce the minimum noise reduction blanket height as part of the SUP for a gas drilling and production use if the city council determines that the proposed noise mitigation at the perimeter of the operation site is adequate.

(C) Materials.

(i) Noise reduction blankets must be constructed of a fire-retardant material approved by the fire marshal.

(ii) The gas inspector may require the operator to use noise reduction blankets that meet a standard of sound transmission class (STC) 30 or greater when necessary.

(D) Timeframe.

(i) Except as otherwise provided in this paragraph, if drilling, fracturing, or well completion operations cease for a period longer than 90 days, the operator shall immediately remove all perimeter noise blankets and all supporting structures. The gas inspector may grant a one-time, 30-day extension per well.

(ii) The gas inspector may waive the 90-day removal requirement for an operation site that has sufficient natural, vegetative, or topographical screening that prevents the view of the perimeter noise reduction blankets from city streets or protected uses.

(iii) To ensure compliance with the noise reduction blanket removal requirements, the operator shall provide written notice to the gas inspector within 48 hours after ceasing drilling, fracturing, or well completion operations.

(E) Other noise reduction methods.

(i) Acoustic blankets, sound walls, mufflers, or other methods of noise mitigation may be used to ensure compliance with this subsection and Section 51A-6.102.
§ 51A-12.204 Dallas Development Code: Ordinance No. 19455, as amended

(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 public works determines that the rights-of-way have been damaged, the gas inspector shall notify the operator in writing of the damage.
§ 51A-12.204 Dallas Development Code: Ordinance No. 19455, as amended

(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.

(q) Security.

(1) Personnel.

(A) During drilling, fracturing, or reworking of a well, at least one person designated by the operator must be on the operation site at all times to oversee the activities and monitor safety.

(B) An operator shall provide an off-duty certified peace officer to direct traffic at the entrance to the operation site when high truck traffic is accessing the site, including during the construction of the operation site and fresh-water fracture pond, drilling, fracturing, flowback, and any reworking activities that requires a rig. The off-duty certified peace officer must ensure that all traffic entering and exiting the operation site is using the approved transportation route. A written record must be maintained of any violators and must be available on-site for inspection by the gas inspector.

(2) Security system. Within 10 days of completion of the temporary perimeter fencing, the operator shall install a fully operational security system that complies with the Dallas Fire Code and meets the following requirements.

(A) Remotely monitored control access system. The operator shall install and maintain at all vehicular gates a permitted, remotely monitored control access system. The control access system must meet the following requirements:

(i) Monitoring. The control access system must be monitored by a facility capable of monitoring security-related alarm systems and meeting all required state and federal guidelines. The monitoring facility must be staffed and operational at all times.

(ii) Access control. Gate access must be secured by an access control system with an unlocking and re-locking mechanism that requires a card, numeric code, or other identification device for gate operation. The system must record the identity of the entering party and the date and time of such entry.
(iii) **Intrusion detection system.** The control access system must include a gate closure contact sensor that activates when the gate closure sensor is violated by non-identified access. The control access system must be equipped to signal a control panel that activates an on-site audible signal and registers at the monitoring facility when an access breach is detected.

(iv) **Open gate detection.** The control access system must include an open gate detection alarm that notifies the monitoring facility if the gate closure sensors, once accessed, are not closed and is reactivated within five minutes after being opened.

(v) **Exit sensor.** The operator shall equip all gates with a motion sensor, weight sensor, or other device to unarm the gate for vehicles exiting the site.

(B) **Personnel exit gate.** An exit-only gate must be installed for personnel near the vehicular gate entrance.

(C) **Response to alarms.**

(i) The operator shall obtain an alarm permit for the alarm system from the police department in accordance with the city’s alarm ordinance.

(ii) The monitoring facility must notify the operator and the police department in case of a security breach at the operation site.

(iii) The operator shall respond on-site with an authorized representative within 45 minutes after notification of an alarm.

(iv) The gas inspector may suspend the gas well permit if more than 20 false alarms occur at an operation site in any calendar year.

(D) **Automated audible alarm system.** The operator shall install and maintain an audible alarm system at each operation site to provide warnings in case of a substantial drop in pressure, fire, or the release of any gas or oil.

(3) **Security cameras.**

(A) The operator shall at all times after the temporary perimeter fence is installed have:

(i) an adequate number of 24-hour operating security cameras to ensure coverage of the operation site, inside the perimeter fence; and

(ii) post signs on the perimeter fence indicating that any activity on the operation site may be recorded by video surveillance.

(B) Cameras must be maintained in proper operating condition and must:

(i) capture clear video images of all traffic entering and exiting the gates;

(ii) capture clear video images of all production equipment located on the operation site;

(iii) be equipped with motion detection technology;

(iv) be equipped with panning technology to pan immediately to any motion detected on the operation site;

(v) show the date and time of all activity on the video footage; and

(vi) be capable of being viewed at a monitoring facility.

(C) The operator shall maintain continuous video data for at least 672 hours. Upon request, the operator shall provide to the gas inspector any recorded views of the fenced area.

(D) Data from videos may only be requested by the gas inspector or law enforcement officials.
(r) Signs. All signs must be printed on durable, reflective, waterproof material. Signs must remain legible until the operation site is abandoned and restored pursuant to this article.

(1) Informational sign. The operator shall prominently display a sign on the fence adjacent to the main gate that lists the following:

(A) well names and numbers;
(B) name of the operator;
(C) the address of the operation site;
(D) the emergency 911 number;
(E) the telephone numbers of the two people who may be contacted 24 hours a day in case of an emergency; and
(F) the contact number for the office of the gas inspector.

(2) No smoking signs. The operator shall prominently display signs reading, “Danger, No Smoking Allowed,” in both English and Spanish adjacent to all gates and any other locations required by the fire marshal. Sign lettering must be a minimum of four inches in height and be red on a white background or white on a red background.

(s) Spacing.

(1) Gas wells. Gas wells must be spaced at least:

(A) 1,500 feet from any existing freshwater well;
(B) 25 feet from any property line;
(C) 25 feet from any storage tank or source of ignition;
(D) 75 feet from all rights-of-way; and
(E) 100 feet from any structure that is not used for the everyday operation of the well.

(2) Tanks and tank batteries.

(A) Tanks and tank batteries must be spaced at least:

(i) 100 feet from any combustible structure; and
(ii) 25 feet from all rights-of-way and property lines.

(B) The Dallas Fire Code may require additional spacing depending on the size of the tank.

(3) Measurement. Spacing is measured from the center of the well bore at the surface of the ground in a straight line, without regard to intervening structures or objects, to the closest point of the use, structure, or feature creating the spacing requirement.

(t) Soil.

(1) In general.

(A) It is an offense to contaminate any soil above regulatory thresholds and fail to expeditiously remediate the contaminated soil.

(B) Except as otherwise provided in this subsection, before any drilling activities may occur on an operation site, soil sampling must be conducted by a licensed third-party contractor retained by the city to establish a baseline study of soil conditions on the operation site and property within 2,000 feet of the boundary of the operation site.

(C) Soil samples must be collected and analyzed using proper sampling and laboratory protocol set forth by the Environmental Protection Agency or the Texas Commission on Environmental Quality. The results of the analyses must be given to the gas inspector with a copy of the report provided to the operator and other property owners whose soil was sampled.
(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 freshwater fracturing pond or elsewhere on the operation site. (Ord. Nos. 26920; 28424; 29228; 29557; 30239; 30654; 31314)
SEC. 51A-12.205. ABANDONMENT AND RESTORATION.

(a) Abandonment of a well. The operator shall abandon each well after production has ceased on that well. A well is considered abandoned if the Texas Railroad Commission approves the abandonment, and the operator provides the gas inspector with a copy of the Texas Railroad Commission’s approval.

(b) Abandonment and restoration of the operation site. The operator shall abandon and restore the operation site within 60 days after production has ceased on all wells located on the operation site. An operation site is not considered abandoned until the gas inspector conducts an inspection of the operation site and approves the abandonment and restoration. The gas inspector shall approve the abandonment and restoration of the operation site if:

(1) the operation site is restored to its original condition, as nearly as practicable, in accordance with the surface reclamation plan;

(2) all wells located on the operation site are plugged and all well casings are cut and removed to a depth of at least three feet below surface;

(3) all equipment is removed from the operation site;

(4) the operator provides the gas inspector with a copy of the Texas Railroad Commission’s approval of the abandonment for each well located on the operation site;

(5) the abandonment complies with the Dallas Fire Code; and

(6) soil sampling has been conducted in accordance with this division and all required remediation is completed in accordance with state and federal regulations, this article, and all other city ordinances.

(c) Development after abandonment.

(1) No building permit may be issued for any construction on or redevelopment of the operation site until the gas inspector approves the abandonment and restoration of the operation site.

(2) No structure may be built over a vertical shaft of an abandoned well. (Ord. Nos. 26920; 29228)
§ 51A-12.301 Dallas Development Code: Ordinance No. 19455, as amended

Division III. Regulated Pipelines.

SEC. 51A-12.301. PIPELINE PERMIT.

(a) In general.

(1) No person may participate or assist in site preparation, installing, constructing, reconstructing, reworking, modifying, or replacing a regulated pipeline or any section of a regulated pipeline, without first obtaining a regulated pipeline permit issued by the city in accordance with this division.

(2) A regulated pipeline permit is required in addition to any permit, license, or agreement required under this article, other city ordinances, or state or federal laws.

(b) Permit application. A regulated pipeline permit application must be in writing, signed by the pipeline operator or the pipeline operator’s representative, and filed with the gas inspector. The pipeline operator shall provide the following information on a form furnished by the city:

(1) the name, business addresses, and telephone numbers of the pipeline operator;

(2) the names, titles, and telephone numbers of the person:
   (A) signing the application on behalf of the pipeline operator; and
   (B) designated as the principal contact for the submittal;

(3) the person designated as the 24-hour emergency contact;

(4) the names, mailing addresses, and telephone numbers of at least two primary persons, officers, or contacts available on a 24-hour basis and at least two alternative persons, officers, or contacts to be reached if the primary contacts are unavailable who:
   (A) can initiate appropriate actions to respond to an emergency;
   (B) have access to information on the location of the closest shutoff valve to any specific point in the city; and
   (C) can furnish the common name of the material being carried by the regulated pipeline;

(5) the origin point and the destination of the proposed pipeline;

(6) a text description of the general location of the proposed regulated pipeline;

(7) the substance to be transported through the proposed regulated pipeline;

(8) a copy of the material safety data sheet;

(9) an emergency response plan with procedures that provide for prompt and effective response to emergencies, including:
   (A) leaks or releases that can impact public health, safety, or welfare;
   (B) fire or explosions at or in the vicinity of a regulated pipeline or pipeline easement;
   (C) natural disasters;
   (D) effective means to notify and communicate information to local fire, police, and public officials during an emergency;
   (E) the availability of personnel, equipment, tools, and materials as necessary at the scene of an emergency;
   (F) measures to be taken to reduce public exposure to injury and probability of accidental death or dismemberment;
   (G) emergency shut down and pressure reduction of a regulated pipeline;
§ 51A-12.301  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-12.301

(H) the safe restoration of service following an emergency or incident; and

(I) a follow-up incident investigation to determine the cause of the incident and require the implementation of corrective measures;

(10) engineering plans, drawings, and maps with summarized specifications showing the horizontal location, covering depths, and location of shutoff valves for the proposed regulated pipeline;

(11) plans showing the location of all proposed lift stations, pumps, or other service structures related to the regulated pipeline;

(12) to the extent the information can be obtained, drawings showing the location of other regulated pipelines and utilities that will be crossed or paralleled within 15 feet of the proposed regulated pipeline;

(13) a description of the public safety considerations and avoidance, as far as practicable, of habitable structures, protected uses, and areas where people congregate;

(14) detailed cross-section drawings for all public street rights-of-way and easement crossings;

(15) methods to be used to prevent both internal and external corrosion;

(16) a binder or certificates of all bonds and insurance required in accordance with this division;

(17) a tree survey that complies with Article X; and

(18) a proposed alignment strip map showing the name and address of all affected property owners.

(c) Review of permit applications.

(1) The gas inspector shall return incomplete applications to the pipeline operator with a written explanation of the deficiencies.

(2) The gas inspector shall determine whether the regulated pipeline permit should be issued, issued with conditions, or denied within 45 days after receiving a complete regulated pipeline permit application. If the gas inspector fails to make this determination within this specified time, the regulated pipeline permit application is deemed denied.

(3) The gas inspector must issue a regulated pipeline permit if the application meets the requirements of this division and all other applicable city ordinances, rules, and regulations and state and federal law.

(4) If the application does not meet the requirements of this division or other city rules or regulations, the gas inspector shall either deny the application or issue the regulated pipeline application subject to written conditions if compliance with the conditions eliminates the reasons for denial. If the gas inspector denies a regulated pipeline permit application, the gas inspector shall provide the pipeline operator with a written explanation of the reasons for denial with 30 days.

(d) Expiration. A regulated pipeline permit shall expire if the regulated pipeline has not been completed and the surface restored within two years. The gas inspector may grant one extension of time not to exceed one year if the gas inspector determines that weather or other unexpected physical conditions justify an extension. If the regulated pipeline permit expires, and construction of the regulated pipeline is not completed, the pipeline operator shall immediately cease construction and complete any site remediation required by this division or other applicable law, regulation, or ordinance.

(e) Revocation or suspension.

(1) If the pipeline operator violates this division or the regulated pipeline permit, the gas inspector shall give written notice to the pipeline operator describing the violation and giving the operator a reasonable time to cure. The time to cure must take into account the nature and extent of the
§ 51A-12.301 Dallas Development Code: Ordinance No. 19455, as amended

violation, the efforts required to cure, and the potential impact on public health, safety, and welfare. The time to cure may not be less than 30 days unless the violation:

(A) could cause imminent destruction of property or injury to persons; or

(B) involves the operator’s failure to take a required immediate action required by this division.

(2) If the operator fails to correct the violation within the specified time, the gas inspector shall suspend or revoke the gas well permit. The gas inspector shall also report any violations to the United States Department of Transportation and Texas Railroad Commission and request that these agencies take appropriate action.

(3) If a regulated pipeline permit is suspended, no person may engage in any activities permitted under that regulated pipeline permit except for those necessary to remedy the violation. If the violation is remedied, the gas inspector shall reinstate the regulated pipeline permit, and the pipeline operator may resume operations.

(4) If a regulated pipeline permit is revoked, the operator shall obtain a new regulated pipeline permit before resuming operations.

(5) If the gas inspector denies, suspends, or revokes a regulated pipeline permit, the gas inspector shall send the pipeline operator, by certified mail, return receipt requested, written notice of the decision and the right to appeal.

(6) 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. (Ord. 29228)

SEC. 51A-12.302. INSURANCE.

(a) Each person must carry public liability insurance with a carrier rated “A” or better by A.M. Best in a minimum amount of $1,000,000.00 for one person and $5,000,000.00 for one accident and property damage insurance in the amount of $10,000,000.00 for one accident, which shall remain in full force and effect and be carried so long as the pipeline is operated.

(b) Each pipeline operator shall provide and maintain in full force and effect during the term of its regulated pipeline permit insurance with the following minimum limits:

(1) Worker’s compensation at statutory limits.

(2) Employer’s liability insurance with the following minimum limits for bodily injury by:

   (i) accident, $1,000,000 per each accident; and

   (ii) disease, $1,000,000 per employee with a per-policy aggregate of $1,000,000.

(3) Commercial general liability coverage, including blanket contractual liability, products and completed operations, personal injury, bodily injury, broad form property damage, operations hazard, pollution, explosion, collapse and underground hazards for $2,000,000 per occurrence and aggregate policy limit of $2,000,000.

(4) Automobile liability insurance (for automobiles used by the pipeline operator in the course of its performance under the pipeline permit, including employer’s non-ownership and hired auto coverage) for $2,000,000 combined single limit per occurrence.

(5) Umbrella liability insurance following the form of the primary liability coverage described in Subsections (a) and (b) and providing coverage with minimum combined bodily injury (including death) and property damage limit of $25,000,000 per occurrence and $25,000,000 annual aggregate. Increased primary liability limits equivalent to the umbrella liability insurance limits specified will satisfy the umbrella liability insurance requirements.
§ 51A-12.302 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-12.302 Dallas Development Code: Ordinance No. 19455, as amended

(c) Performance bond or irrevocable letter of credit.

(1) Before issuance of a regulated pipeline permit, the pipeline operator shall submit to the gas inspector a performance bond or irrevocable letter of credit approved as to form by the city attorney in the amount of $100,000.

(2) The performance bond is effective upon the issuance of the regulated pipeline permit and must remain in full force and effect until all work under the terms of the regulated pipeline permit has been completed.

(3) The performance bond may be amended to include other permitted regulated pipelines. (Ord. 29228)

SEC. 51A-12.303. GENERAL PROVISIONS.

(a) A pipeline operator shall design, construct, repair, and maintain all regulated pipelines in accordance with this division, other city ordinances, rules and regulations, and state and federal laws.

(b) All new and relocated regulated pipelines must be located as near as practicable to existing regulated pipelines or other utilities unless the pipeline operator can demonstrate to the gas inspector that the alignment is infeasible.

(c) Nothing in this section grants permission to use any street or other public rights-of-way, utility easements, or city-owned property. To install, construct, maintain, repair, replace, modify, remove, or operate a regulated pipeline on, over, under, along, or across any affected city streets, sidewalks, alleys, or other city property, the pipeline operator shall obtain an easement or license.

(d) A pipeline operator must:

(1) not interfere with or damage existing utilities, including water, sewer, gas, storm drains, electric lines, or the facilities of public utilities or franchisees located on, under, or across street or other public rights-of-way;

(2) equip all regulated pipelines with:

(i) an automated pressure monitoring system that detects leaks and shuts off any line or any section of line that develops a leak; or

(ii) provide 24-hour pressure monitoring of the regulated pipeline system that provides immediate notice of any leak to the city’s emergency response providers;

(3) grade, level, and restore the affected property to the same surface condition, as nearly as practicable, as existed before construction activities were first commenced within 30 days after completion of the regulated pipeline; and

(4) backfill all trenches and compact such trenches to 95 percent standard density proctor in eight-inch lifts and construct the regulated pipeline so as to maintain a minimum depth of ten feet below the finished grade except in public rights-of-way, where minimum cover to the top of the pipe must be at least eight feet below the bottom of any adjacent roadside ditch. The gas inspector may require that sections of proposed regulated pipeline be constructed at deeper depths based upon future city infrastructure needs. During the backfill of any regulated pipeline excavations in open cut sections, the pipeline operator shall bury “buried pipeline” warning tape one foot above any regulated pipeline to warn future excavators of the presence of a buried regulated pipeline. The gas inspector may also require that a proposed or existing regulated pipeline be relocated if it conflict with the proposed alignment and depth of a gravity dependent utility.

(e) When the required pipeline records are submitted to the Texas Railroad Commission, the pipeline operator shall provide the gas inspector the following information:

(1) Global positioning system (GPS) information sufficient to locate the regulated pipelines,
including the beginning and end points; sufficient points in between the regulated pipeline route; and the depth of cover information. This information must be submitted to the gas inspector in a format compatible with the city’s own GIS system.

(2) As-built or record drawings of the regulated pipelines. The accuracy of the record drawings must meet a survey level of one foot to 50,000 feet. The scale of the record drawings must be a minimum of one inch to 40 feet. The drawings must be provided in a digital file format with the location tied to at least one nearby GPS city monument. If the new regulated pipeline length exceeds 1,000 feet within the city, the regulated pipeline must be tied to at least two GPS city monuments.

(3) The origin point and the destination of the regulated pipeline.

(4) Engineering plans, drawings, and maps with summarized specifications showing the horizontal location, covering depths, and location of shutoff valves of the subject regulated pipeline. The drawings must show the location of other regulated pipelines and utilities that are crossed or paralleled within 15 feet of the regulated pipeline right-of-way.

(5) Detailed cross-section drawings for all public rights-of-ways and easement crossings on city property as permitted by the city.

(6) A list of the names and mailing addresses of all the residents, property owners, and tenants adjacent to the regulated pipeline construction.

(f) Changes in any of the contact information required as part of the regulated pipeline permit application must be provided to the gas inspector and the fire marshal before the contact information is changed. (Ord. 29228)

SEC. 51A-12.304. EMERGENCY RESPONSE PLAN AND INCIDENT REPORTING.

(a) The pipeline operator shall maintain and update the emergency response plan to minimize hazards from an emergency.

(b) The pipeline operator shall meet annually with the gas inspector and fire marshal to review the emergency response plan.

(c) At the annual review meeting,

(1) the pipeline operator shall:

(A) provide or update a copy of the emergency response plan;

(B) review the responsibilities of each governmental organization in response to an emergency or incident;

(C) review the capabilities of the pipeline operator to respond to an emergency or incident;

(D) identify the types of emergencies or incidents that will result in or require contacting the city; and

(E) plan mutual activities that the city and the pipeline operator can engage in to minimize risks associated with pipeline operation; and

(2) the city shall provide the pipeline operator with a list of additional contacts that must be made if a pipeline emergency or incident occurs. The city will inform the pipeline operator of the emergency response groups that will be contacted through 911.
§ 51A-12.304 Dallas Development Code: Ordinance No. 19455, as amended  § 51A-12.306

(d) Upon discovering a pipeline emergency or incident, any affected pipeline operator shall, as soon as practical, communicate to the city’s 911 system the following information:

(1) a general description of the emergency or incident;

(2) the location of the emergency or incident;

(3) the name and telephone number of the person reporting the emergency or incident;

(4) the name of the pipeline operator;

(5) whether any hazardous material is involved and identification of the hazardous material; and

(6) any other information as requested by the emergency dispatcher or other official at the time of reporting the emergency or incident.

(e) Each pipeline operator shall equip and maintain a regulated pipeline containing natural gas with hydrogen sulfide in concentrations of more than 100 parts per 1,000,000,000 with an audible alarm system that will provide notice to the general public in the event of a leak. The audible alarm system must be of a type and design approved by the gas inspector.

(f) A pipeline operator shall report to the gas inspector all nonemergency incidents involving well safety or integrity by completing an incident report on a form furnished by the city. Incident reports must be filed by the pipeline operator within 24 hours after discovering the incident. (Ord. 29228)

(b) The location of all new or replacement pipe and regulated pipeline must be marked by the pipeline operator or the person installing or operating the regulated pipelines as follows:

(1) Marker signs must be placed at all locations where pipe or regulated pipelines cross property boundary lines and at each side of a public rights-of-way or private street that the regulated pipeline crosses.

(2) The top of all marker signs must be a minimum of four feet above ground level; the support post must be sufficient to support the marker sign; and the markers must be painted yellow or another color approved by the director of the department of transportation.

(3) All marker signs must be a minimum of 12 inches square and must be marked as “gas pipeline.”

(4) All marker signs must contain the name of the pipeline operator and a 24-hour local contact number.

(5) Regulated pipelines must be marked along their entire length with a buried metal wire and metallic flag tape.

(6) All signs must also contain an 811 designation “call before you dig” statement.

(7) The pipeline operator shall annually replace signage that has been lost, damaged, or removed. (Ord. 29228)

SEC. 51A-12.305. MARKERS.

(a) The pipeline operator is responsible for maintaining markers in accordance with this section and state and federal laws.
§ 51A-12.306  Dallas Development Code: Ordinance No. 19455, as amended  § 51A-12.309

(b) A pipeline operator shall contract for service with the selected underground utility coordinating system for a minimum of five years unless there is an agreement between the pipeline operator and the city to change to an alternate system. The pipeline operator shall maintain the contract for services without interruption for the life of the regulated pipeline permit. (Ord. 29228)

SEC. 51A-12.307. PIPELINE INFORMATION REPORTING REQUIREMENTS.

(a) The pipeline operator must file with the gas inspector an annual verified report in letter form on or before June 30 of each year to cover the reporting period of June 1 through May 31. The annual report must include the following information:

(1) A statement that the regulated pipeline has no outstanding safety violations as determined in an inspection or audit by either the Texas Railroad Commission or the United States Department of Transportation.

(2) If any safety violations, as determined by the Railroad Commission or the United States Department of Transportation, have not been corrected, the violations must be reported and an action plan to correct the safety violations must be provided. The action plan must include a timeline for corrective action and the individual or firm responsible for each action.

(3) If the pipeline operator has no reporting responsibility to the Texas Railroad Commission or the United States Department of Transportation and is otherwise exempt from the safety regulations of either agency, the following documents pertaining to the preceding reporting period of June 1 through May 31:

(A) copies of internal reports of responses to pipeline emergencies;

(B) current operations and maintenance logs; and

(C) current emergency action plan.

(4) Evidence that the pipeline operator has current liability insurance in accordance with this division.

(5) A statement that the regulated pipeline information provided is correct. If the information provided is no longer correct, updated or corrected information.

(b) The pipeline operator must, upon the request by the gas inspector, make available a log of all the maintenance and monitoring activities conducted on all pipelines subject to this division for the reporting period must be made available upon request by the gas inspector.

(c) The pipeline operator shall file a copy of all initial or follow-up reports provided to the Texas Railroad Commission and the United States Department of Transportation on unsafe pipeline conditions, pipeline emergencies, or pipeline incidents with the gas inspector. The pipeline operator shall file with the gas inspector any initial or follow-up reports filed with state and federal regulatory agencies regarding pipeline releases concurrently with the city. (Ord. 29228)

SEC. 51A-12.308. PUBLIC EDUCATION.

All pipeline operators must annually provide affected landowners, public officials, and emergency providers with appropriate public awareness information in accordance with 49 CFR 192.616 and 195.440. (Ord. 29228)

SEC. 51A-12.309. REPAIRS AND MAINTENANCE.

(a) All repairs and maintenance of pipelines must be performed in accordance with the United States Department of Transportation and Texas Railroad Commission mechanical integrity requirements.
§ 51A-12.309 Dallas Development Code: Ordinance No. 19455, as amended

§ 51A-12.311

(b) A pipeline operator shall protect, maintain in a state of good repair and condition, and regularly paint all pipeline risers and appurtenances related to pipeline construction and operations that are composed of materials generally protected or painted.

(c) If non-emergency repairs require excavation of a regulated pipeline, the pipeline operator shall provide written notice to the residents, property owners, and tenants within 500 feet, measured from the centerline of the pipeline to be excavated, at least five days before beginning the repairs.

(d) If above-ground non-emergency repairs that are not routine maintenance are required, the pipeline operator shall provide written notice to the residents, property owners, and tenants within 500 feet, measured from the centerline of the pipeline section to be repaired, at least five days before beginning the repairs. The written notice must be:

(1) sent by United States mail, postage prepaid, at least five days before beginning any non-emergency repair; or

(2) hand-delivery at least three days before beginning the non-emergency repairs. (Ord. 29228)

SEC. 51A-12.310. NO ASSUMPTION OF RESPONSIBILITY BY CITY.

Nothing in this division shall be construed as an assumption by the city of any responsibility of a pipeline operator of a pipeline not owned by the city, and no city officer, employee, or agent has the authority to relieve a pipeline operator of their responsibility under this division or by any other law, ordinance, rule, or regulation. (Ord. 29228)

SEC. 51A-12.311. ABANDONED PIPELINES.

(a) All regulated pipelines must be maintained in an active condition unless abandoned in accordance with state and federal regulations.

(b) Within 60 days after the pipeline becomes idle or inactive, a pipeline must be purged and plugged.

(c) The pipeline operator shall notify the gas inspector in writing within 30 days after a pipeline is abandoned. Within 60 days after abandonment, the regulated pipeline must be purged and plugged.

(d) To reactivate an abandoned pipeline, the pipeline operator shall apply for a new regulated pipeline permit in accordance with this division.

(e) A reactivated regulated pipeline must be pressure tested for integrity and compliance with the Texas Railroad Commission and the United States Department of Transportation regulations. A regulated gas permit application to reactivate an abandoned pipeline must include the results of the pressure testing. (Ord. 29228)
Division IV. Violations.

SEC. 51A-12.401. VIOLATIONS.

(a) A person is criminally responsible for a violation of this article if the person:

(1) refuses the gas inspector access to an operation site or a regulated pipeline;

(2) fails to comply with a gas inspector’s orders; or

(3) fails to comply with any provision of this article.

(b) A person who knowingly violates any provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is continued. Each offense is punishable by a fine of $2,000. This fine shall be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. See Section 51A-1.103 for additional provisions on enforcement. (Ord. Nos. 26920; 29228)
## CODE COMPARATIVE TABLE
### CHAPTER 51
DALLAS DEVELOPMENT CODE: ORDINANCE NO. 10962, AS AMENDED

<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Passage Date</th>
<th>Specified Effective Date</th>
<th>Ordinance Number</th>
<th>Section</th>
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<td>04-22-81</td>
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Dallas City Code
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### Code Comparative Table - Part I of the Dallas Development Code (Chapter 51)

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**CHAPTER 51A**  
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### Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)

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## Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)

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Dallas City Code 53
**Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)**

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**54 Dallas City Code**
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Dallas City Code 57
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## Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)

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## Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)

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## Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)

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## Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)

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Dallas City Code 81
### Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)

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27016 | 11-28-07 | 2 | Amends Ch. 51A, Art. XI |
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Dallas City Code 85
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### Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)

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| 28079            | 12-8-10      |                          |                   |             |
| 3                |              | Amends 51A-4.122(b)(2)(J)|                   |             |
| 4                |              | Amends 51A-4.122(c)(2)(J)|                   |             |
| 5                |              | Amends 51A-4.123(a)(2)(J)|                   |             |
| 6                |              | Amends 51A-4.123(c)(2)(J)|                   |             |
| 7                |              | Amends 51A-4.123(d)(2)(J)|                   |             |
| 8                |              | Amends 51A-4.125(e)(2)(J)|                   |             |
| 9                |              | Amends 51A-4.125(f)(2)(J)|                   |             |
| 10               |              | Amends 51A-4.126(d)(2)(J)|                   |             |
| 11               |              | Amends 51A-4.126(e)(2)(J)|                   |             |
| 12               |              | Amends 51A-4.126(f)(2)(J)|                   |             |
| 13               |              | Adds 51A-4.210(b)(9.1)   |                   |             |
| 14               |              | Amends 51A-4.210(b)(13)(A)|                  |             |
| 15               |              | Amends 51A-4.210(b)(14)(A)|                  |             |
| 16               |              | Amends 51A-4.210(b)(17)(E)|                  |             |

| 28096            | 1-12-11      |                          |                   |             |
| 2                |              | Amends 51A-1.105(a)      |                   |             |
| 3                |              | Amends 51A-1.105.1(a)    |                   |             |
| 4                |              | Deletes 51A-4.204(17)(E)(v)|                 |             |
| 5                |              | Amends 51A-4.701(b)(5)   |                   |             |

| 28125            | 2-9-11       |                          |                   |             |
| 2                |              | Amends 51A-4.124(a)(2)(A)|                   |             |
| 3                |              | Amends 51A-4.124(b)(2)(A)|                   |             |
| 4                |              | Amends 51A-4.127(c)(2)(A)|                   |             |
| 5                |              | Amends 51A-4.201(3)      |                   |             |

| 28164            | 4-13-11      |                          |                   |             |
| 1                |              | Amends 51A-5.102(a)      |                   |             |
| 2                |              | Amends 51A-4.121(b)(2)(G)|                   |             |
| 3                |              | Amends 51A-4.121(c)(2)(G)|                   |             |
| 4                |              | Amends 51A-4.121(d)(2)(G)|                   |             |
| 5                |              | Amends 51A-4.122(b)(2)(G)|                   |             |
| 6                |              | Amends 51A-4.122(c)(2)(G)|                   |             |

<p>| 28214            | 5-25-11      |                          |                   |             |</p>
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8  Amends 51A-4.123(b)(2)(G)
9  Amends 51A-4.123(c)(2)(G)
10 Amends 51A-4.123(d)(2)(G)
11 Amends 51A-4.124(a)(2)(G)
12 Amends 51A-4.124(b)(2)(G)
13 Amends 51A-4.125(e)(2)(G)
14 Amends 51A-4.125(f)(2)(G)
15 Amends 51A-4.126(d)(2)(G)
16 Amends 51A-4.126(e)(2)(G)
17 Amends 51A-4.126(f)(2)(G)
18 Amends 51A-4.127(c)(2)(G)
19  Amends 51A-4.207(1)

1  Adds 51A-7.308
2  Amends 51A-1.105(k)(3)
3  Adds 51A-4.124(a)(8)(C)(v)
4  Amends 51A-7.901.1(a)
5  Amends 51A-7.901.1(c)
6  Amends 51A-7.901.1(e)
7  Adds 51A-7.901.1(f)
8  Amends caption above 51A-7.907
9  Amends 51A-7.911(a)(4)
10 Amends 51A-7.911(c)(1)
11 Amends 51A-7.911(d)(1)
12 Amends 51A-7.911(e)(1)(B)
13 Amends 51A-7.911(g)(1)(B)
14 Amends 51A-7.917(b)
15 Amends 51A-7.917(d)
16 Amends 51A-7.930(a)(4)
17  Adds 51A-7.931

1  Adds 51A-7.903(8.1)
2  Amends 51A-7.909(b)
3  Amends 51A-7.909(g)
4  Amends 51A-7.913
5  Amends 51A-7.930(a)(8)
6  Amends 51A-7.930(b)(4)
7  Amends 51A-7.930(e)(1)
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9  Amends 51A-7.930(g)
10 Amends 51A-7.930(k)(2)(E)

Dallas City Code 91
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## Code Comparative Table - Dallas Development Code: Ordinance No. 19455, as amended (Chapter 51A)

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Amends 51A-4.207(1)(E)(iii)
Deletes 51A-4.207(1)(E)(iv)
Amends 51A-4.207(2)(A)
Amends 51A-4.207(3)(A)
Amends 51A-13.201(6)
Amends 51A-13.306(d)(5)(C)(iii)
Amends 51A-7.404(a)(5)
Amends 51A-1.106
Amends 51A-3.103(a)(3)
Amends 51A-4.201(1)(B)
Amends 51A-4.201(1)(E)(i)
Amends 51A-4.201(3)(A)
Amends 51A-4.201(3)(C)
Amends 51A-4.201(3)(E)
Amends 51A-4.505
Amends 51A-7.901.1
Adds 51A-7.932
Amends 51A-13.102
Amends 51A-13.201
Adds 51A-13.303(d)
Amends 51A-13.501(a)(4)
Amends 51A-13.502(a)
Amends 51A-13.502(b)(7)
Replaces 51A-13.502(b)(7) graphic
Amends 51A-7.216
Amends 51A-3.103(a)(4)
Amends 51A-5.209(a)
Amends 51A-9.102(a)(2)
Retitles and amends 51A-4.504
Amends 51A-4.123(a)(2)(M)
Amends 51A-4.123(b)(2)(M)
Amends 51A-4.123(c)(2)(M)
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Amends 51A-4.124(a)(2)(M)
Amends 51A-4.124(b)(2)(M)
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Amends 51A-4.213(9)
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<td>Amends 51A-5.102</td>
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<td>Amends 51A-5.103(b)</td>
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<td>20</td>
<td>Amends 51A-5.107(d)</td>
<td></td>
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<tr>
<td></td>
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<td>21</td>
<td>Amends 51A-5.107(e)(1)(B)</td>
<td></td>
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<tr>
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<td>22</td>
<td>Amends 51A-5.107(e)(1)(C)</td>
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<td>Amends 51A-8.611(a)(2)</td>
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<td>Amends 51A-8.611(a)(3)</td>
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<td>Amends 51A-8.611(a)(5)</td>
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<td>Amends 51A-8.611(c)(5)</td>
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<td>Amends 51A-8.611(c)(6)</td>
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<td>Amends 51A-8.611(d)(1)</td>
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</tr>
<tr>
<td>32</td>
<td></td>
<td></td>
<td>Amends 51A-8.611(d)(2)(D)</td>
<td></td>
</tr>
<tr>
<td>33</td>
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<td></td>
<td>Amends 51A-8.611(d)(2)(F)</td>
<td></td>
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<tr>
<td>34</td>
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<td>Amends 51A-8.611(d)(3)(B)</td>
<td></td>
</tr>
<tr>
<td>31040</td>
<td>11-14-18</td>
<td></td>
<td>2</td>
<td>Amends 51A-1.105(l)</td>
</tr>
<tr>
<td>31041</td>
<td>11-14-18</td>
<td></td>
<td>2</td>
<td>Adds 51A-4.217(8.1)</td>
</tr>
<tr>
<td>31079</td>
<td>12-12-18</td>
<td></td>
<td>1</td>
<td>Amends 51A-7.1201</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>2</td>
<td>Amends 51A-7.1203(a)(23)</td>
</tr>
<tr>
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<td></td>
<td>3</td>
<td>Amends 51A-7.1203(a)(33)</td>
</tr>
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<td></td>
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<td></td>
<td>4</td>
<td>Amends 51A-7.1205(c)</td>
</tr>
<tr>
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<td></td>
<td>5</td>
<td>Amends 51A-7.1207(a)(1)</td>
</tr>
<tr>
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<td>6</td>
<td>Amends 51A-7.1208(b)(1)</td>
</tr>
<tr>
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<td>Adds 51A-7.1214.3</td>
</tr>
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<td>1-23-19</td>
<td></td>
<td>1</td>
<td>Amends 51A-5.102(a)(3)</td>
</tr>
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<td>3-27-19</td>
<td></td>
<td>7</td>
<td>Amends 51A-4.116(a)(4)</td>
</tr>
<tr>
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<td>Amends 51A-4.116(c)(4)</td>
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<td>Amends 51A-4.125(d)(4)</td>
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<td>4-10-19</td>
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<td>Adds 51A-4.511</td>
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<td>Amends 51A-12.204(g)(1)(D)</td>
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</tbody>
</table>
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THE DALLAS DEVELOPMENT CODE INDEX

APPLICABILITY ........................................................................................................... 51A-1.102
APPLICATIONS ............................................................................................................. 51A-1.104.1
APPORTIONMENT OF EXACTIONS ........................................................................... 51A-1.109
BOARD OF ADJUSTMENT ......................................................................................... 51A-3.102
BUILDING OFFICIAL ................................................................................................. 51A-3.105
CERTIFICATE OF OCCUPANCY ............................................................................... 51A-1.104
CITY PLAN AND ZONING COMMISSION ................................................................. 51A-3.101
COMPREHENSIVE PLAN ............................................................................................. 51A-1.108
DEFINITIONS ............................................................................................................. 51A-2.102
DEVELOPMENT INCENTIVES (See HISTORIC PRESERVATION TAX EXEMPTIONS
AND ECONOMIC DEVELOPMENT INCENTIVES FOR HISTORIC PROPERTIES) .... 51A-1.103
ENFORCEMENT .......................................................................................................... 51A-1.103
ENVIRONMENTAL PERFORMANCE STANDARDS
Definitions applicable to the environmental performance standards ....................... 51A-6.101
Glare .......................................................................................................................... 51A-6.104
Municipal setting designation ordinance .................................................................. 51A-6.108
Noise regulations ....................................................................................................... 51A-6.102
Nonconformance with the environmental performance standards ....................... 51A-6.107
Odors, smoke, particulate matter and other air contaminants ............................... 51A-6.106
Toxic and noxious matter ......................................................................................... 51A-6.103
Vibration .................................................................................................................... 51A-6.105
ESCARPMENT REGULATIONS
Definitions ..................................................................................................................... 51A-5.201
Development in escarpment zone prohibited ........................................................... 51A-5.202
Escarpment area review committee ......................................................................... 51A-5.209
Escarpment permit application and review ................................................................. 51A-5.204
Grading plan .............................................................................................................. 51A-5.207
Dallas Development Code Index

Permit required for development in geologically similar areas. ......................... 51A-5.203
Platting in the escarpment zone and in the geologically similar area .................. 51A-5.210
Slope stability analysis. .................................................. 51A-5.205
Soil erosion control plan. .................................................. 51A-5.206
Vegetation plan. ............................................................. 51A-5.208

FEE EXEMPTIONS AND REFUNDS. ........................................... 51A-1.105.1
FEES. ............................................................... 51A-1.105

FLOOD PLAIN REGULATIONS
  Compliance in undesignated flood plain areas. ........................................... 51A-5.103
  Definitions and interpretations applicable to the flood plain regulations ........... 51A-5.101
  Designation or removal of FP areas. .............................................. 51A-5.102
  Filling in the flood plain. ................................................... 51A-5.105
  Improvements permitted. .................................................... 51A-5.104
  Setback from natural channel required. ........................................... 51A-5.106
  Trinity River corridor development certificate process. ............................. 51A-5.107
  Uses permitted. .......................................................... 51A-5.104
  Vegetation alteration in flood plain prohibited. ................................. 51A-5.103.1

GAS DRILLING AND PRODUCTION
  Administration ............................................................. 51A-12.103
  Definitions ............................................................... 51A-12.102
  Gas drilling
    Abandonment and restoration ............................................... 51A-12.205
    Gas well permit ....................................................... 51A-12.202
    Insurance and security instruments ..................................... 51A-12.203
    Operations ............................................................ 51A-12.204
    Seismic survey permit ................................................ 51A-12.201
  Purpose ................................................................. 51A-12.101
  Regulated pipelines
    Abandoned pipelines .................................................... 51A-12.311
    Emergency response plan and incident reporting ............................. 51A-12.304
    General provisions ................................................... 51A-12.303
    Insurance ............................................................... 51A-12.302
    Markers ................................................................. 51A-12.305
    No assumption of responsibility by city .................................. 51A-12.310
    One-call system ....................................................... 51A-12.306
    Pipeline information reporting requirements ............................ 51A-12.307
    Pipeline permit ....................................................... 51A-12.301
    Public education ........................................................ 51A-12.308
    Repairs and maintenance ............................................... 51A-12.309
  SUP requirement and use regulations ........................................ 51A-12.104
  Violations ............................................................... 51A-12.401
HANDICAPPED, SPECIAL EXCEPTIONS FOR .......................................................... 51A-1.107

HISTORIC PRESERVATION TAX EXEMPTIONS AND ECONOMIC DEVELOPMENT INCENTIVES FOR HISTORIC PROPERTIES
   Other incentives for historic preservation in urban historic districts
      Historic conservation easement program ............................................................ 51A-11.301
      Transfer of development rights ................................................................. 51A-11.302
   Purpose and definitions
      Definitions .......................................................... 51A-11.102
      Purpose and authority .................................................. 51A-11.101
   Sunset provision and coordination with pending tax exemptions
      Coordination with pending tax exemptions .................................................. 51A-11.402
      Sunset provision .................................................. 51A-11.401
   Tax exemptions for historic properties
      Citywide tax exemption ............................................................ 51A-11.208
      Historic property destruction or alteration ............................................. 51A-11.203
      Initial application, completion of rehabilitation, and final application are all required for tax exemption .................................................. 51A-11.201
      Penalties for failure to complete a project or failure to obtain a certificate of occupancy .......................................................... 51A-11.202
      Tax exemption for historic properties open to the public and owned by non-profit organizations .................................................. 51A-11.207
      Tax exemptions in historic districts other than urban historic districts, endangered historic districts, and revitalizing historic districts .................................................. 51A-11.206
      Tax exemptions in endangered and revitalizing historic districts .................................................. 51A-11.205
      Tax exemptions in the urban historic districts .................................................. 51A-11.204

INTERPRETATIONS. .......................................................... 51A-2.101

LANDMARK COMMISSION. .......................................................... 51A-3.103

LANDSCAPE AND TREE CONSERVATION REGULATIONS
   Acceptable plant materials .......................................................... 51A-10.103
   Alternative methods of compliance .......................................................... 51A-10.135
   Definitions .......................................................... 51A-10.101
   General maintenance .......................................................... 51A-10.108
   Irrigation requirements .......................................................... 51A-10.106
   Landscape and tree manual .......................................................... 51A-10.109
   Landscaping
      Application of division .......................................................... 51A-10.121
      Artificial lot delineation .......................................................... 51A-10.122
      Enforcement by building official .......................................................... 51A-10.128
      Landscape design options .......................................................... 51A-10.126
      Landscape plan review .......................................................... 51A-10.124
      Landscape plan submission .......................................................... 51A-10.123
      Mandatory landscaping requirements .......................................................... 51A-10.125
      When landscaping must be completed .......................................................... 51A-10.127
PLAT REGULATIONS
NOTIFICATION SIGNS REQUIRED TO BE OBTAINED AND POSTED

PLAT REGULATIONS
Approvals and agreements in writing.
Circumvention of regulations prohibited.
Definitions.
Early release of building or foundation permit.
Function of commission.
Infrastructure design and construction
Mission.
Infrastructure design and construction
Cost sharing contract.
Covenant procedures.
Dedication.
General standards.
Median openings, extra lanes, and driveways.
Monumentation.
Nonstandard materials.
Private development contracts.
Railroad crossings.
Retaining walls.
Sanitation collection access required.
Screening walls.
Sidewalks.
Storm drainage design.
Street appurtenances.
Street engineering design and construction.
Dallas Development Code Index

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic barriers</td>
<td>51A-8.618</td>
</tr>
<tr>
<td>Utilities</td>
<td>51A-8.610</td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>51A-8.105</td>
</tr>
<tr>
<td>Nothing deemed submitted until fees paid</td>
<td>51A-8.701</td>
</tr>
<tr>
<td>Plating in the escarpment zone and in the geologically similar area</td>
<td>51A-8.707</td>
</tr>
<tr>
<td>Policy</td>
<td>51A-8.102</td>
</tr>
<tr>
<td>Procedures</td>
<td></td>
</tr>
<tr>
<td>Apportionment of exactions and park land dedication</td>
<td>51A-8.405</td>
</tr>
<tr>
<td>Engineering plan approval procedure</td>
<td>51A-8.404</td>
</tr>
<tr>
<td>Plating of street right-of-way prohibited</td>
<td>51A-8.402</td>
</tr>
<tr>
<td>Plating process</td>
<td>51A-8.403</td>
</tr>
<tr>
<td>When plating is required</td>
<td>51A-8.401</td>
</tr>
<tr>
<td>Purpose</td>
<td>51A-8.103</td>
</tr>
<tr>
<td>Subdivision layout and design</td>
<td></td>
</tr>
<tr>
<td>Alleys</td>
<td>51A-8.507</td>
</tr>
<tr>
<td>Blocks</td>
<td>51A-8.504</td>
</tr>
<tr>
<td>Building lines</td>
<td>51A-8.505</td>
</tr>
<tr>
<td>Community unit development</td>
<td>51A-8.510</td>
</tr>
<tr>
<td>Compliance with zoning</td>
<td>51A-8.501</td>
</tr>
<tr>
<td>Conservation easement</td>
<td>51A-8.511</td>
</tr>
<tr>
<td>Designation of abandoned, franchised, or licensed property</td>
<td>51A-8.502</td>
</tr>
<tr>
<td>Fire and police access</td>
<td>51A-8.509</td>
</tr>
<tr>
<td>Lots</td>
<td>51A-8.503</td>
</tr>
<tr>
<td>Parks and common areas</td>
<td>51A-8.508</td>
</tr>
<tr>
<td>Shared access development</td>
<td>51A-8.512</td>
</tr>
<tr>
<td>Street layout</td>
<td>51A-8.506</td>
</tr>
<tr>
<td>Taxes</td>
<td>51A-8.705</td>
</tr>
<tr>
<td>Title</td>
<td>51A-8.101</td>
</tr>
<tr>
<td>Utilities</td>
<td>51A-8.704</td>
</tr>
<tr>
<td>Waiver by city council</td>
<td>51A-8.708</td>
</tr>
</tbody>
</table>

PURPOSE. ..................................................................................... 51A-1.102

SIGN REGULATIONS

Arts District Extension Area Sign District

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached private signs</td>
<td>51A-7.2107</td>
</tr>
<tr>
<td>Building identification signs</td>
<td>51A-7.2109</td>
</tr>
<tr>
<td>Dallas Black Dance Theatre Subdistrict</td>
<td>51A-7.2112</td>
</tr>
<tr>
<td>Definitions</td>
<td>51A-7.2103</td>
</tr>
<tr>
<td>Designation of the Arts District Extension Area Sign District</td>
<td>51A-7.2101</td>
</tr>
<tr>
<td>Detached private signs</td>
<td>51A-7.2108</td>
</tr>
<tr>
<td>One Arts Plaza Subdistrict</td>
<td>51A-7.2110</td>
</tr>
<tr>
<td>Public signs</td>
<td>51A-7.2106</td>
</tr>
<tr>
<td>Purpose</td>
<td>51A-7.2102</td>
</tr>
<tr>
<td>Sign permit requirement</td>
<td>51A-7.2104</td>
</tr>
<tr>
<td>Special provisions for all signs</td>
<td>51A-7.2105</td>
</tr>
<tr>
<td>Two Arts Plaza And Three Arts Plaza Subdistrict</td>
<td>51A-7.2111</td>
</tr>
</tbody>
</table>
Dallas Development Code Index

Arts District Sign District
   All signs................................................ 51A-7.1205
   Arts District sign permit requirement. ...................... 51A-7.1204
   Attached private signs.................................. 51A-7.1207
   Building identification signs............................... 51A-7.1209
   Canopy fascia signs.................................... 51A-7.1211
   Construction barricade signs................................ 51A-7.1214
   Cultural institution digital signs......................... 51A-7.1212
   Cultural institution identification sign..................... 51A-7.1210
   Definitions............................................. 51A-7.1203
   Designation of arts district sign district................... 51A-7.1201
   Detached private signs.................................. 51A-7.1208
   Freestanding identification signs........................... 51A-7.1213
   Operational requirements for signs with digital displays........ 51A-7.1205.1
   Public signs............................................ 51A-7.1206
   Purpose.................................................. 51A-7.1202
   Subdistrict A........................................... 51A-7.1214.1
   Subdistrict B........................................... 51A-7.1214.2
   Subdistrict C........................................... 51A-7.1214.3

Business zoning district provisions
   Application.............................................. 51A-7.301
   Attached signs........................................ 51A-7.305
   Detached non-premise signs prohibited generally............. 51A-7.306
   Detached signs......................................... 51A-7.304
   Digital display on certain detached non-premise signs........ 51A-7.308
   General provisions applicable to signs in business zoning districts........ 51A-7.303
   Non-premise signs...................................... 51A-7.306
   Relocation of certain detached non-premise signs............... 51A-7.307

Change and amendment procedures
   Authority to amend; submission of proposed amendments to city plan commission.................. 51A-7.801
   Public hearings provided................................ 51A-7.802
   Three-fourths vote of city council in certain cases.............. 51A-7.803

Deep Ellum/Near East Side Sign District
   All signs................................................ 51A-7.1305
   Attached signs........................................ 51A-7.1306
   Definitions............................................. 51A-7.1303
   Designation of sign district............................... 51A-7.1301
   Detached signs......................................... 51A-7.1307
   Parking ad signs........................................ 51A-7.1308
   Purpose.................................................. 51A-7.1302
   Sign permit requirements................................ 51A-7.1304
   Definitions............................................. 51A-7.102

Downtown Special Provision Sign District
   Attached non-premise district activity videoboard signs........ 51A-7.909
   Definitions............................................. 51A-7.903
   Designation of Downtown Special Provision Sign District........ 51A-7.901
   Designation of subdistricts................................ 51A-7.901.1
# Dallas Development Code Index

Detached non-premise signs .................................................. 51A-7.904
General provisions for all signs in the downtown sign district ........... 51A-7.906
Purpose ................................................................. 51A-7.902
Sign permit requirement ...................................................... 51A-7.905
Signs within the general CBD, main street, convention center, and retail and discovery subdistricts
Activity district changeable message signs ................................ 51A-7.917
Akard Station subdistrict ..................................................... 51A-7.932
Attached premise signs ....................................................... 51A-7.911
Banners on streetlight poles ............................................... 51A-7.914
Construction barricade signs ............................................... 51A-7.913
Convention center complex accent lighting ................................ 51A-7.931
Detached premise signs ...................................................... 51A-7.912
District identification signs ................................................. 51A-7.920
General provisions .......................................................... 51A-7.907
Kiosks ................................................................. 51A-7.918
Movement control signs .................................................... 51A-7.919
Noncommercial message nondiscrimination ................................ 51A-7.916
Operational requirements for attached videoboard signs .................... 51A-7.910
Other temporary signs ...................................................... 51A-7.923
Protective signs ............................................................ 51A-7.921
Special purpose signs ...................................................... 51A-7.922
Supergraphic signs .......................................................... 51A-7.930
Videoboard sign .............................................................. 51A-7.908
Window art displays in vacant buildings ................................... 51A-7.915

Farmers Market Sign District
Definitions ................................................................. 51A-7.1603
Designation of sign district ................................................. 51A-7.1601
Designation of sign subdistricts ........................................... 51A-7.1601.1
Purpose ................................................................. 51A-7.1602
Sign permit requirements .................................................... 51A-7.1604
Special provisions for all signs ............................................. 51A-7.1605
Special provisions for attached signs .................................... 51A-7.1606
Special provisions for detached signs .................................... 51A-7.1607
Special provisions for the Market Center sign subdistrict ................. 51A-7.1608

Jefferson Boulevard Sign District
Attached signs ................................................................. 51A-7.1406
Definitions ................................................................. 51A-7.1403
Designation of sign district ................................................. 51A-7.1401
Detached signs .............................................................. 51A-7.1407
General requirements for all signs ....................................... 51A-7.1405
Purpose ................................................................. 51A-7.1402
Sign permit requirements .................................................... 51A-7.1404

McKinney Avenue Sign District
Definitions ................................................................. 51A-7.1504
Designation of sign district ................................................. 51A-7.1501
Dallas Development Code Index

Designation of subdistricts. ..................................................... 51A-7.1502
Purpose. .......................................................... 51A-7.1503
Sign permit requirements. .................................................. 51A-7.1505
Special provisions for all signs. ......................................... 51A-7.1506
Special provisions for attached signs. .............................. 51A-7.1507
Special provisions for detached signs. .............................. 51A-7.1508
Non-business zoning district provisions
   Application .......................................................... 51A-7.401
   Attached signs ..................................................... 51A-7.404
   Detached signs ..................................................... 51A-7.403
   General provisions applicable to signs in non-business zoning districts. 51A-7.402
Non-Conformance and Enforcement Procedures
   Board of adjustment ............................................... 51A-7.703
   Determination of noncommercial and primarily political messages. 51A-7.705
   Purpose of division ............................................. 51A-7.701
   Removal and maintenance of certain non-conforming signs. ....... 51A-7.702
Parkland Hospital Sign District
   Attached signs ..................................................... 51A-7.2216
   Banner signs ....................................................... 51A-7.2212
   Branding signs ...................................................... 51A-7.2213
   Construction barricade signs .................................... 51A-7.2219
   Creation of site .................................................. 51A-7.2207
   Definitions ......................................................... 51A-7.2204
   Designation of corridors .......................................... 51A-7.2202
   Designation of Parkland Hospital Sign District ............... 51A-7.2201
   District identification signs .................................... 51A-7.2211
   Donor recognition signs ........................................... 51A-7.2214
   General provisions for all signs ................................ 51A-7.2209
   Imitation of traffic and emergency signs prohibited .......... 51A-7.2206
   Kiosk signs ......................................................... 51A-7.2218
   Movement control signs ........................................... 51A-7.2210
   Purpose .......................................................... 51A-7.2203
   Sign permit requirements ........................................ 51A-7.2205
   Signs over the public right-of-way ................................ 51A-7.2208
   Streamers, pennants, and inflatable seasonal decorations prohibited ........................................ 51A-7.2215
   Temporary signs .................................................. 51A-7.2220
   Window display signs ............................................. 51A-7.2217
Permit procedures
   Administration of article by division of building inspection .... 51A-7.601
   Applications ........................................................ 51A-7.603
   Extraordinarily significant signs ................................ 51A-7.605
   Permits .............................................................. 51A-7.602
   Sign identification ................................................ 51A-7.604
Provisions for all zoning districts

Animal shelter sign. .................................................. 51A-7.215
Application ............................................................. 51A-7.201
Athletic field signs, portable signs, special purpose signs, movement control signs, and protective signs. .................................................. 51A-7.205
City kiosks ............................................................... 51A-7.214
Creation of site ......................................................... 51A-7.208
Detached sign unity agreements ...................................... 51A-7.213
Digital display on certain premise signs ................................ 51A-7.216
General maintenance .................................................. 51A-7.210
Government signs ....................................................... 51A-7.207
Imitation of traffic and emergency signs prohibited ................. 51A-7.202
Other codes not in conflict, applicable ............................... 51A-7.204
Roof and right-of-way signs ............................................ 51A-7.203
Signs attached to structures located on buildings .................... 51A-7.211
Signs displaying noncommercial messages ........................... 51A-7.209
Street construction alleviation signs ................................... 51A-7.212
Vehicular signs ......................................................... 51A-7.206
Purpose ................................................................... 51A-7.101

Southside Entertainment Sign District

Applicability of Highway Beautification Acts ......................... 51A-7.1812
Attached signs ............................................................ 51A-7.1805
Construction barricade signs ............................................. 51A-7.1809
Definitions ................................................................ 51A-7.1803
Designation of Southside Entertainment Sign District ............. 51A-7.1801
Detached signs ............................................................ 51A-7.1808
Event signs ................................................................ 51A-7.1806
General provisions ........................................................ 51A-7.1804
Movement control signs .................................................. 51A-7.1810
Protective signs ............................................................ 51A-7.1811
Purpose ................................................................... 51A-7.1802
Window display signs ...................................................... 51A-7.1807

Southwestern Medical District Sign District

Banners ................................................................... 51A-7.2312
Construction barricade signs ............................................. 51A-7.2313
Creation of site ............................................................ 51A-7.2306
Definitions and interpretations .......................................... 51A-7.2303
Designation of Southwestern Medical Special Provision Sign District .... 51A-7.2301
General provisions for all signs .......................................... 51A-7.2309
Government traffic signs .................................................. 51A-7.2307
Imitation of traffic and emergency signs prohibited ................. 51A-7.2305
Prohibited signs ............................................................ 51A-7.2310
Purpose ................................................................... 51A-7.2302
Signs within and over the public right-of-way ......................... 51A-7.2308
Southwestern Medical District identification sign permit requirements ........... 51A-7.2304
Southwestern Medical District identification signs ................... 51A-7.2311
Special provision sign districts

Creation. 51A-7.502
Expiration. 51A-7.506
Modifications allowed. 51A-7.503
Non-premise signs in special provision sign districts. 51A-7.502.1
Permit procedures. 51A-7.505
Purpose. 51A-7.501
Special sign district advisory committee created. 51A-7.504
Temporary signs in special provision sign districts. 51A-7.507

Uptown Sign District

All signs. 51A-7.1104
Attached signs. 51A-7.1105
Definitions. 51A-7.1103
Designation of Uptown Sign District. 51A-7.1101
Detached signs. 51A-7.1106
Non-premise detached signs in the public right-of-way. 51A-7.1107
Purpose. 51A-7.1102
Sign permit requirement. 51A-7.1109
Special purpose signs. 51A-7.1108

Victory Sign District

Applicability of highway beautification acts. 51A-7.1705
Attached signs on machinery or equipment. 51A-7.1721
Commercial versus noncommercial messages. 51A-7.1714
Creation of site. 51A-7.1709
Definitions. 51A-7.1704
Designation of subdistricts. 51A-7.1702
Designation of Victory Sign District. 51A-7.1701
Detached sign unity agreements. 51A-7.1710
Detached signs in access easements. 51A-7.1723
District identification signs. 51A-7.1722
General maintenance. 51A-7.1711
General provisions for all signs. 51A-7.1725
Government signs. 51A-7.1712
Imitation of traffic and emergency signs prohibited. 51A-7.1707
Movement control signs. 51A-7.1716
Non-conformance and board of adjustment authority. 51A-7.1730
Other codes not in conflict, applicable. 51A-7.1708
Permit requirements. 51A-7.1706
Premise versus non-premise advertisement. 51A-7.1715
Protective signs. 51A-7.1718
Purpose. 51A-7.1703
Relocation of non-premise signs prohibited. 51A-7.1731
Signs in public places. 51A-7.1717
Signs over the public right-of-way. 51A-7.1713
Streamer, pennants, inflatable signs prohibited. 51A-7.1724
Street construction alleviation signs. 51A-7.1720
Dallas Development Code Index

Subdistrict A sign regulations (entertainment complex subdistrict).......................... 51A-7.1726
Subdistrict B sign regulations (retail and entertainment subdistrict).......................... 51A-7.1727
Subdistrict C sign regulations (expressway adjacency subdistrict)............................. 51A-7.1728
Subdistrict D sign regulations (office and residential subdistrict).............................. 51A-7.1729
Vehicular signs .............................................................................................................. 51A-7.1719

West Commerce Street/Fort Worth Avenue Sign District

Attached signs ................................................................................................................. 51A-7.2007
Definitions ....................................................................................................................... 51A-7.2004
Designation of subdistricts ............................................................................................ 51A-7.2002
Designation of the West Commerce Street/Fort Worth Avenue Sign District .............. 51A-7.2001
Detached signs ............................................................................................................... 51A-7.2008
Provisions applicable to all signs .................................................................................. 51A-7.2006
Purpose ............................................................................................................................ 51A-7.2003
Sign permit requirements ............................................................................................... 51A-7.2005

West End Historic Sign District

All signs, general requirements ....................................................................................... 51A-7.1004
Antioch Church subdistrict ............................................................................................. 51A-7.1007.2
Attached signs ............................................................................................................... 51A-7.1005
Banners on streetlight poles ............................................................................................ 51A-7.1008
Definitions ....................................................................................................................... 51A-7.1003
Designation of West End Historic Sign District ............................................................. 51A-7.1001
Detached signs ............................................................................................................... 51A-7.1006
Nondiscrimination between noncommercial messages ................................................ 51A-7.1011
Purpose ............................................................................................................................ 51A-7.1002
Purse Building subdistrict .............................................................................................. 51A-7.1007.1
Sign permit requirement ................................................................................................. 51A-7.1010
Special purpose signs .................................................................................................... 51A-7.1007
Window art displays in vacant buildings ...................................................................... 51A-7.1009
Dallas Development Code Index

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West Village Sign District

Attached signs ........................................ 51A-7.1907
Definitions ............................................. 51A-7.1904
Designation of subdistricts ......................... 51A-7.1902
Designation of West Village Sign District ........ 51A-7.1901
Detached signs ......................................... 51A-7.1906
General provisions for all signs ..................... 51A-7.1905
Purpose .................................................. 51A-7.1903
Special provisions for:
    Construction barricade signs ..................... 51A-7.1914
    District identification signs ..................... 51A-7.1917
    District signs ..................................... 51A-7.1916
    Façade-mounted banner signs ..................... 51A-7.1909
    Kiosk signs ........................................ 51A-7.1910
    Movement control signs ........................... 51A-7.1913
    Newsstand signs ................................... 51A-7.1911
    Other temporary signs ............................. 51A-7.1915
    Signs attached to machinery or equipment ........ 51A-7.1912
    Special purpose signs .............................. 51A-7.1908

THOROUGHFARES

Approval of alignment of thoroughfares
    Approval of state or county thoroughfare improvements, procedure for .......... 51A-9.202
    Establishment of thoroughfare alignment, procedures for .......................... 51A-9.201

Four-way/all-way stop controls at residential intersections
    Appeals .............................................. 51A-9.403
    Application ........................................ 51A-9.401
    Standards of review ................................ 51A-9.402

Plan amendment process ................................ 51A-9.102
Plan defined ........................................... 51A-9.101

Street naming and name change process
    Application ........................................ 51A-9.303
    Definitions ....................................... 51A-9.301
    Effective date of name change .................... 51A-9.309
    General provisions ................................ 51A-9.302
    Hearing before the city council.................... 51A-9.307
    Hearing before the city plan commission .......... 51A-9.306
    Notification of name change ...................... 51A-9.308
    Review of application .............................. 51A-9.305
    Standards for street names and street name changes .................. 51A-9.304

Street naming, ceremonial
    Effective date of ceremonial street name and end date ......................... 51A-9.506
    General provisions ................................ 51A-9.502
    Installation and replacement ....................... 51A-9.507
    Notification of ceremonial street naming ........ 51A-9.505
    Process ............................................. 51A-9.503
    Purpose ............................................. 51A-9.501
    Standards for ceremonial street naming .................. 51A-9.504
# ZONING REGULATIONS

## Affordable housing
- Affordable housing instrument required. 51A-4.908
- Alternative ways to satisfy SAH unit obligation. 51A-4.910
- Application of division. 51A-4.903
- Decision by the director. 51A-4.907
- Definitions. 51A-4.902
- Operation of affordable housing program. 51A-4.909
- Procedures to obtain a density bonus. 51A-4.905
- Purpose. 51A-4.901
- Review by the director. 51A-4.906
- Special exception. 51A-4.904

## Bicycle parking regulations
- Applicability. 51A-4.331
- General provisions. 51A-4.332
- Location and design. 51A-4.334
- Spaces required. 51A-4.333
- Waivers. 51A-4.335

## Development impact review
- Definitions. 51A-4.802
- Purpose. 51A-4.801
- Site plan review. 51A-4.803

## Establishment of zoning districts
- Interpretation of district regulations. 51A-4.105
- New zoning districts established. 51A-4.101
- Zoning district boundaries. 51A-4.104
- Zoning district map. 51A-4.103

## Mechanized parking
- Definitions. 51A-4.342
- General standards. 51A-4.345
- Mechanized parking license. 51A-4.344
- Procedures for mechanized parking approval. 51A-4.343
- Purpose. 51A-4.341

## Mixed-income housing
- Applicability. 51A-4.1102
- Board of adjustment variances. 51A-4.1108
- Definitions and interpretations. 51A-4.1103
- Design standards. 51A-4.1107
- Development bonus period. 51A-4.1104
- Development requirements. 51A-4.1106
- Procedures to obtain a development bonus. 51A-4.1105
- Purpose. 51A-4.1101
Nonresidential district regulations
   Central area districts. ........................................ 51A-4.124
   Commercial service and industrial districts. ................ 51A-4.123
   Mixed use districts. ........................................... 51A-4.125
   Multiple commercial districts. ................................ 51A-4.126
   Office districts. .............................................. 51A-4.121
   Retail districts. ............................................... 51A-4.122
   Urban corridor districts. ..................................... 51A-4.127
Off-street parking and loading regulations
Handicapped parking regulations. ................................ 51A-4.305
Nonconformity as to parking or loading regulations. .......... 51A-4.307
Off-street loading regulations. ................................ 51A-4.303
Off-street parking in the central business district. .......... 51A-4.306
Off-street parking regulations. ................................ 51A-4.301
Off-street stacking space regulations. ......................... 51A-4.304
Parking [P(A)] district regulations. ............................. 51A-4.302
Off-street parking reductions
   Administrative parking reduction. ............................. 51A-4.313
   Reductions for providing bicycle parking. .................. 51A-4.314
   Special exceptions............................................. 51A-4.311
   Tree preservation parking reduction ......................... 51A-4.312
Overlay and conservation district regulations
   Accessory dwelling unit overlay ................................ 51A-4.510
   Conservation districts. ....................................... 51A-4.505
   D and D-1 liquor control overlay districts. ................ 51A-4.503
   Demolition delay overlay district. ............................ 51A-4.504
   Historic overlay district. ..................................... 51A-4.501
   Institutional overlay district. ................................. 51A-4.502
   Modified delta overlay district. ............................... 51A-4.506
   Neighborhood forest overlay. ................................ 51A-4.511
   Neighborhood stabilization overlay. ........................... 51A-4.507
   Parking management overlay district. ......................... 51A-4.509
   Turtle Creek Environmental Corridor........................... 51A-4.508
Park land dedication
   Appeals. ......................................................... 51A-4.1011
   Applicability. .................................................. 51A-4.1002
   Calculations, deductions, and credits. ....................... 51A-4.1007
   Dedication. ..................................................... 51A-4.1004
   Definitions and interpretations ................................ 51A-4.1003
   Fee-in-lieu. ..................................................... 51A-4.1005
   Park development fee. .......................................... 51A-4.1006
   Park land dedication fund. ..................................... 51A-4.1009
   Park land dedication standards ................................. 51A-4.1008
   Purpose. ......................................................... 51A-4.1001
   Review. .......................................................... 51A-4.1012
   Tree mitigation. ................................................ 51A-4.1010
Regulations of special applicability

Creation of a building site............................................................... 51A-4.601
Design standards................................................................. 51A-4.605
Fence, screening and visual obstruction regulations......................... 51A-4.602
Restrictions on access through a lot................................................ 51A-4.604
Use of conveyance as a building.................................................... 51A-4.603

Residential district regulations

Agricultural [A(A)] District.............................................................. 51A-4.111
Clustered housing (CH) district...................................................... 51A-4.115
Duplex [D(A)] district................................................................. 51A-4.113
Manufactured home [MH(A)] district............................................... 51A-4.117
Multifamily districts...................................................................... 51A-4.116
Single family districts................................................................. 51A-4.112
Townhouse [TH-1(A), TH-2(A), and TH-3(A)] districts......................... 51A-4.114

Special parking regulations

Agreement required................................................................. 51A-4.328
Appeals.................................................................................. 51A-4.327
Decision of the director......................................................... 51A-4.325
Definitions............................................................................. 51A-4.321
Notice...................................................................................... 51A-4.326
Offenses.................................................................................. 51A-4.329.1
Procedures for special parking approval............................................ 51A-4.323
Purpose.................................................................................... 51A-4.322
Review by the director............................................................ 51A-4.324
Revocation of certificate of occupancy............................................... 51A-4.329.2
Special parking license.............................................................. 51A-4.329

Use regulations

Accessory uses............................................................................ 51A-4.217
Accessory community center (private)............................................. 51A-4.217 (b) (1)
Accessory electric vehicle charging station........................................ 51A-4.217 (b) (1.1)
Accessory game court (private)...................................................... 51A-4.217 (b) (2)
Accessory helistop................................................................. 51A-4.217 (b) (3)
Accessory medical/infectious waste incinerator................................. 51A-4.217 (b) (3.1)
Accessory outside display of merchandise........................................ 51A-4.217 (b) (4)
Accessory outside sales........................................................... 51A-4.217 (b) (5)
Accessory outside storage.......................................................... 51A-4.217 (b) (6)
Accessory pathological waste incinerator........................................... 51A-4.217 (b) (6.1)
Amateur communication tower...................................................... 51A-4.217 (b) (7)
Day home................................................................................... 51A-4.217 (b) (7.1)
General waste incinerator............................................................ 51A-4.217 (b) (7.2)
Home occupation................................................................. 51A-4.217 (b) (8)
Live unit..................................................................................... 51A-4.217 (b) (8.1)
Occasional sales (garage sales)......................................................... 51A-4.217 (b) (8.1)
Pedestrian skybridges............................................................... 51A-4.217 (b) (12)
Private stable............................................................................... 51A-4.217 (b) (10)
Swimming pool (private).......................................................... 51A-4.217 (b) (11)
### Dallas Development Code Index

- **Agricultural uses.** .......................................................... 51A-4.201
  - Animal production. .................................................. 51A-4.201 (1)
  - Commercial stable. .................................................. 51A-4.201 (2)
  - Crop production. ...................................................... 51A-4.201 (3)
  - Private stable. ......................................................... 51A-4.201 (4)
- **Classification of new uses.** ......................................... 51A-4.220
- **Commercial and business service uses.** .............................. 51A-4.202
  - Building repair and maintenance shop. .......................... 51A-4.202 (1)
  - Bus or rail transit vehicle maintenance or storage facility. 51A-4.202 (2)
  - Catering service. ...................................................... 51A-4.202 (3)
  - Commercial cleaning or laundry plant. ............................ 51A-4.202 (4)
  - Custom business services. .......................................... 51A-4.202 (5)
  - Custom woodworking, furniture construction, or repair. .... 51A-4.202 (6)
  - Electronics service center. ......................................... 51A-4.202 (7)
  - Job or lithographic printing. ...................................... 51A-4.202 (8)
  - Labor hall. ............................................................. 51A-4.202(8.1)
  - Machine or welding shop. .......................................... 51A-4.202 (9)
  - Machinery, heavy equipment, or truck sales and service. ... 51A-4.202 (10)
  - Medical or scientific laboratory. .................................. 51A-4.202 (11)
  - Technical school. .................................................... 51A-4.202 (12)
  - Tool or equipment rental. .......................................... 51A-4.202 (13)
  - Vehicle or engine repair or maintenance. ...................... 51A-4.202 (14)
- **Industrial uses.** .......................................................... 51A-4.203
  - Alcoholic beverage manufacturing. ............................... 51A-4.203 (0)
  - Gas drilling and production. ..................................... 51A-4.203 (3.2)
  - Gas pipeline compressor station. .................................. 51A-4.203 (3.3)
  - Industrial (inside). .................................................. 51A-4.203 (1)
  - Industrial (inside) for light manufacturing. .................. 51A-4.203(1.1)
  - Industrial (outside). ................................................ 51A-4.203 (2)
  - Medical/Infectious Waste Incinerator. ............................ 51A-4.203 (2.1)
  - Metal salvage facility. ............................................. 51A-4.203 (3)
  - Mining. ............................................................... 51A-4.203 (6)
  - Municipal Waste Incinerator. ..................................... 51A-4.203 (b) (3.1)
  - Organic compost recycling facility. .............................. 51A-4.203 (4.1)
  - Outside salvage or reclamation. .................................. 51A-4.203 (5)
  - Pathological Waste Incinerator. ................................... 51A-4.203 (5.1)
  - Temporary concrete or asphalt batching plant. ................ 51A-4.203 (6)
- **Institutional and community service uses.** .......................... 51A-4.204
  - Adult day care facility. ............................................ 51A-4.204 (1)
  - Cemetery or mausoleum. ............................................ 51A-4.204 (2)
  - Child-care facility. ................................................ 51A-4.204 (3)
  - Church. ............................................................... 51A-4.204 (4)
  - College, university, or seminary. ................................ 51A-4.204 (5)
  - Community service center. ....................................... 51A-4.204 (7)
  - Convalescent and nursing homes, hospice care, and related institutions. ........................................... 51A-4.204 (8)
Convent or monastery.................................................. 51A-4.204 (9)
Foster home............................................................. 51A-4.204 (11)
Halfway house.......................................................... 51A-4.204 (13)
Hospital................................................................. 51A-4.204 (14)
Library, art gallery, or museum................................. 51A-4.204 (16)
Public or private school............................................ 51A-4.204 (17)
Limited uses ............................................................. 51A-4.218
Lodging uses ........................................................... 51A-4.205
Extended stay hotel or motel...................................... 51A-4.205 (1.1)
Hotel or motel.......................................................... 51A-4.205 (1)
Lodging or boarding house........................................ 51A-4.205 (2)
Overnight general purpose shelter............................. 51A-4.205 (2.1)
Miscellaneous uses..................................................... 51A-4.206
Carnival or circus (temporary).................................. 51A-4.206 (1)
Hazardous waste management facility.......................... 51A-4.206 (1.1)
Placement of fill material.......................................... 51A-4.206 (1.2)
Temporary construction or sales office....................... 51A-4.206 (2)
Office uses ............................................................... 51A-4.207
Alternative financial establishment............................ 51A-4.207 (1)
Financial institution with drive-in window.................... 51A-4.207 (3)
Financial institution without drive-in window............... 51A-4.207 (2)
Medical clinic or ambulatory surgical center................. 51A-4.207 (4)
Office................................................................. 51A-4.207 (5)
Recreation uses ........................................................ 51A-4.208
Country club with private membership....................... 51A-4.208 (1)
Private recreation center, club or area....................... 51A-4.208 (2)
Public park, playground, or golf course.................... 51A-4.208 (3)
Residential uses........................................................ 51A-4.209
College dormitory, fraternity or sorority house............. 51A-4.209 (1)
Duplex................................................................. 51A-4.209 (2)
Group residential facility......................................... 51A-4.209 (3)
Handicapped group dwelling unit............................... 51A-4.209 (3.1)
Mobile home park, mobile home subdivision, or campground. 51A-4.209 (4)
Multifamily............................................................ 51A-4.209 (5)
Residential hotel...................................................... 51A-4.209 (5.1)
Retirement housing.................................................. 51A-4.209 (5.2)
Single family.......................................................... 51A-4.209 (6)
Retail and personal service uses............................... 51A-4.210
Alcoholic beverage establishments............................ 51A-4.210 (4)
Ambulance service.................................................. 51A-4.210 (1)
Animal shelter or clinic.......................................... 51A-4.210 (2)
Auto service center................................................ 51A-4.210 (3)
Business school...................................................... 51A-4.210 (5)
Car wash.............................................................. 51A-4.210 (6)
Commercial amusement (inside)................................ 51A-4.210 (7)
Commercial amusement (outside).............................. 51A-4.210 (8)
Dallas Development Code Index

Commercial motor vehicle parking. .................................................. 51A-4.210 (8.1)
Commercial parking lot or garage. .................................................. 51A-4.210 (9)
Convenience store with drive-through.......................................... 51A-4.210 (9.1)
Drive-in theater. ........................................................................... 51A-4.210 (10)
Dry cleaning or laundry store. ....................................................... 51A-4.210 (11)
Furniture store. ............................................................................... 51A-4.210 (12)
General merchandise or food store 3,500 square feet or less........... 51A-4.210 (13)
General merchandise or food store greater than 3,500 square feet... 51A-4.210 (14)
General merchandise or food store 100,000 square feet or more...... 51A-4.210 (14.1)
Home improvement center, lumber, brick or building materials sales yard. .................................................. 51A-4.210 (15)
Household equipment and appliance repair. ................................ 51A-4.210 (16)
Liquefied natural gas fueling station. ............................................. 51A-4.210 (16.1)
Liquor store. .................................................................................. 51A-4.210 (17)
Mortuary, funeral home, or commercial wedding chapel............... 51A-4.210 (18)
Motor vehicle fueling station. ....................................................... 51A-4.210 (19)
Nursery, garden shop, or plant sales. ........................................... 51A-4.210 (20)
Outside sales.................................................................................... 51A-4.210 (21)
Pawn shop. ...................................................................................... 51A-4.210 (22)
Personal service use. ...................................................................... 51A-4.210 (23)
Restaurant with drive-in or drive-through service. ...................... 51A-4.210 (25)
Restaurant without drive-in or drive-through service.................. 51A-4.210 (24)
Surface parking. ............................................................................ 51A-4.210 (26)
Taxidermist. .................................................................................... 51A-4.210 (27)
Temporary retail use. ...................................................................... 51A-4.210 (28)
Theater.............................................................................................. 51A-4.210 (29)
Truck stop. ...................................................................................... 51A-4.210 (30.1)
Vehicle display, sales, and service. .............................................. 51A-4.210 (30)

Sexually oriented businesses. ......................................................... 51A-4.221

Specific use permit (SUP). ............................................................. 51A-4.219

Transportation uses. ..................................................................... 51A-4.211

Airport or landing field. ............................................................... 51A-4.211 (1)
Commercial bus station and terminal. ......................................... 51A-4.211 (2)
Heliport. ......................................................................................... 51A-4.211 (3)
Helistop. ......................................................................................... 51A-4.211 (4)
Private street or alley................................................................. 51A-4.211 (5)
Railroad passenger station. ......................................................... 51A-4.211 (6)
Railroad yard, roundhouse, or shops. ........................................... 51A-4.211 (7)
STOL (short takeoff or landing) port. ......................................... 51A-4.211 (8)
Transit passenger shelter. ............................................................ 51A-4.211 (9)
Transit passenger station or transfer center. ............................... 51A-4.211 (10)

Utility and public service uses. ...................................................... 51A-4.212

Commercial radio or television transmitting station. ................. 51A-4.212 (1)
Electrical generating plant. .......................................................... 51A-4.212 (2)
Electrical substation. ................................................................. 51A-4.212 (3)
Local utilities. ............................................................................... 51A-4.212 (4)
Dallas Development Code Index

Police or fire station.................................................. 51A-4.212 (5)
Post office................................................................. 51A-4.212 (6)
Radio, television, or microwave tower.......................... 51A-4.212 (7)
Refuse transfer station................................................ 51A-4.212 (8)
Sanitary landfill......................................................... 51A-4.212 (9)
Sewage treatment plant.............................................. 51A-4.212 (10)
Tower/antenna for cellular communication..................... 51A-4.212 (10.1)
Utility or government installation other than listed........... 51A-4.212 (11)
Water treatment plant................................................. 51A-4.212 (12)
Wholesale, distribution, and storage uses...................... 51A-4.213
  Auto auction......................................................... 51A-4.213 (1)
  Building mover’s temporary storage yard...................... 51A-4.213 (2)
  Contractor’s maintenance yard.................................. 51A-4.213 (3)
  Freight terminal..................................................... 51A-4.213 (4)
  Livestock auction pens or sheds................................ 51A-4.213 (5)
  Manufactured building sales lot................................. 51A-4.213 (6)
  Mini-warehouse...................................................... 51A-4.213 (7)
  Office showroom/warehouse...................................... 51A-4.213 (8)
  Outside storage..................................................... 51A-4.213 (9)
  Petroleum product storage and wholesale...................... 51A-4.213 (10)
  Recycling buy-back center...................................... 51A-4.213 (11)
  Recycling collection center..................................... 51A-4.213 (11.1)
  Recycling drop-off container................................... 51A-4.213 (11.2)
  Recycling drop-off for special occasion collection.......... 51A-4.213 (11.3)
  Sand, gravel, or earth sales and storage..................... 51A-4.213 (12)
  Trade center......................................................... 51A-4.213 (13)
  Vehicle storage lot................................................ 51A-4.213 (14)
  Warehouse............................................................ 51A-4.213 (15)
Yard, lot, and space regulations
  Maximum building height........................................ 51A-4.408
  Maximum floor area ratio........................................ 51A-4.409
  Maximum lot coverage............................................ 51A-4.407
  Minimum front yard............................................... 51A-4.401
  Minimum lot area for residential use........................ 51A-4.404
  Minimum lot depth for residential use........................ 51A-4.406
  Minimum lot width for residential use......................... 51A-4.405
  Minimum rear yard................................................. 51A-4.403
  Minimum side yard................................................ 51A-4.402
  Residential proximity slope................................. 51A-4.412
  Schedule of yard, lot, and space regulations.................. 51A-4.410
  Shared access development..................................... 51A-4.411
Zoning procedures
  Annexed territory temporarily zoned............................ 51A-4.705
  Board of Adjustment hearing procedures...................... 51A-4.703
  Nonconforming uses and structures............................ 51A-4.704
  Planned development (PD) district regulations................. 51A-4.702
  Zoning amendments................................................. 51A-4.701