

ORDINANCE NO. _____

An ordinance repealing Ordinance No. 32346, passed by the City Council on November 9, 2022, and amending the Dallas City Code by amending Section 1-5 of Chapter 1, “General Provisions”; amending Section 2-44 of Chapter 2, “Administration”; amending Sections 11-2, 11-18, and 11-19 of Chapter 11, “Cemeteries and Burials”; amending Section 12B-23 of Chapter 12B, “Convenience Stores”; adding a new Section 13-2.1 to Chapter 13, “Courts, Fines, and Imprisonments”; amending Chapter 13A, “Dallas Transit System”; amending Sections 14B-2, 14B-3, 14B-6, 14B-7, 14B-8, and adding a new Section 14B-7.1 of Chapter 14B, “Emergency Management”; amending Sections 17-2.2 and 17-10.2 of Chapter 17, “Food Establishments”; amending Sections 18-2, 18-4, 18-5, 18-6, 18-8, 18-9, and 18-32 of Chapter 18, “Municipal Solid Wastes”; amending Chapter 20, “Earned Paid Sick Time”; amending Chapter 25, “Loan Brokers”; amending Chapter 25A, “Massage Establishments”; amending Sections 27-11, 27-30, 27-31, and 27-42 of Chapter 27, “Minimum Property Standards”; amending Section 28-128.6 of Chapter 28, “Motor Vehicles and Traffic”; amending Sections 31-13.1 and 31-35 of Chapter 31, “Offenses-Miscellaneous”; amending Sections 32-14 and 32-15 of Chapter 32, “Parks and Reservoirs”; amending Sections 36-5, 36-27, 36-34, and 36-49 of Chapter 36, “Poles and Wires”; amending Chapter 38, “Private Detectives”; amending Chapter 39, “Railroads”; amending Sections 43-126.17, 43-126.18, and 43-126.33 of Chapter 43, “Streets and Sidewalks”; amending Sections 48-6, 48-8, and 48-11 of Chapter 48, “Trees and Shrubs”; amending Sections 210.1, 210.3, 601.2, 602.3, and 610 of Chapter 52, “Administrative Procedures for the Construction Codes”; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Ordinance No. 32346, passed by the Dallas City Council on November 9, 2022, which required a notice of proposed eviction by a residential landlord before a notice to vacate a residential tenancy, is repealed.

SECTION 2. That Section 1-5, “Rules of Construction,” of Chapter 1, “General Provisions,” of the Dallas City Code is amended to read as follows:

“SEC. 1-5. RULES OF CONSTRUCTION.

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

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

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

CITY HEALTH AUTHORITY, CITY HEALTH OFFICER, AND DIRECTOR OF PUBLIC HEALTH. The words “city health authority,” “city health officer,” and “director of public health” shall be construed to mean the director of the Dallas County Health Authority

CITY SECRETARY, CHIEF OF POLICE or OTHER CITY OFFICERS OR DEPARTMENTS. The words “city secretary”, “chief of police” or words designating any “other city officers or departments” shall be construed to mean the city secretary, chief of police or such other municipal officers or departments, respectively, of the city of Dallas, Texas.

CODE. The words “the code” or “this code” shall mean “The Revised Code of Civil and Criminal Ordinances of the City of Dallas.”

COMPUTATION OF TIME. In construing this code, whenever a notice is required to be given or an act to be done a certain length of time before any proceeding or step in a proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding or step in a proceeding is to be had shall not be counted.

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.

COUNCIL. The words “the council” or “the city council” shall mean the mayor and councilmen acting as the city council of Dallas, Texas.

~~[COUNTY. The word “county” shall mean Dallas County, Texas.]~~

DALLAS DEVELOPMENT CODE. The words “Dallas Development Code” mean Chapters 51, 51A, and 51P.

GENDER. A word importing the masculine gender only shall extend and be applied to include females and to firms, partnerships and corporations as well as to males.

HIGHWAY. The term “highway”, when used in this code, shall include any street, alley, highway, avenue or public place or square, bridges, viaducts, tunnels, underpasses, overpasses and causeways in the city, dedicated or devoted to public use.

JOINT AUTHORITY. Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

MONTH. The word “month” shall mean a calendar month.

NUMBER. Any word importing the singular number shall include the plural, and any word importing the plural number shall include the singular.

OATH. The word “oath” shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed”.

OFFICIAL TIME STANDARD. Whenever certain hours are named in this code, they shall mean Standard Time or Daylight Saving Time, as may be in current use in the city.

OR, AND. “Or” may be read “and,”[;] and “and” may be read “or,”[;] if the sense requires it.

OWNER. The word “owner”, applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

PERSON. The word “person” shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to individuals.

PERSONAL PROPERTY. The words “personal property” include every species of property, except real property, as defined in this section.

PRECEDING, FOLLOWING. The words “preceding” and “following” mean next before and next after, respectively.

PROPERTY. The word “property” includes real and personal property.

REAL PROPERTY. The words “real property” include land, tenements and hereditaments.

ROADWAY. The word “roadway” shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic and that portion of a street used for drainage.

SIDEWALK. The word “sidewalk” shall mean any portion of the street between the curb or the lateral line of the roadway and the adjacent property line, all or a part of which is intended for the use of pedestrians.

SIDEWALK AREA. The space between the lateral line of the roadway and the boundary separating the public right-of-way and the adjacent private property.

SIGNATURE or SUBSCRIPTION. The words “signature” or “subscription” shall include a mark when a person cannot write.

STATE. The words “the state” or “this state” shall be construed to mean the State of Texas.

STREET. The term “street” shall include any highway, boulevard, alley, street, avenue or public place or square, bridges, viaducts, culverts, underpasses, overpasses, tunnels and causeways in the city, dedicated or devoted to public use.

WRITTEN or IN WRITING. The words “written” or “in writing” shall be construed to include any representation other than oral of words, letters or figures, whether by printing or otherwise.

YEAR. The word “year” shall mean a calendar year.”

SECTION 3. That Subsection (a) of Section 2-26.7, “Purchase Proposals by Nonprofit Organizations; Procedures and Requirements for City Approval or Rejection of Proposals,” of Division 2, “Alternate Manner of Sale of Real Property to Nonprofit Organizations for Affordable Housing,” of Article III, “Management and Sale of City-Owned Real Property,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

“(a) A nonprofit organization wanting to purchase land under this division must submit a complete proposal to the director [~~and the director of development services~~]. 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.”

SECTION 4. That Subsection (c) of Section 2-26.7, “Purchase Proposals by Nonprofit Organizations; Procedures and Requirements for City Approval or Rejection of Proposals,” of Division 2, “Alternate Manner of Sale of Real Property to Nonprofit Organizations for Affordable Housing,” of Article III, “Management and Sale of City-Owned Real Property,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

“(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 development services]~~ 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.”

SECTION 5. That Section 2-44, “Duties of the Director of Facilities and Real Estate Management,” of Article V-a, “Department of Facilities and Real Estate Management,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

“SEC. 2-44. DUTIES OF THE DIRECTOR OF FACILITIES AND REAL ESTATE MANAGEMENT.

The director of the department of facilities and real estate management shall perform the following duties:

(1) Supervise and administer the department of facilities and real estate management.

(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 of the city council.

(5) Supervise the purchase and sale of all real property of the city, not to include property operated by the Housing Department or Dallas Water Utilities.”.

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

(7) 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.

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

SECTION 6. That Section 11-1, “Establishment of New Cemeteries Prohibited; Exception,” of Chapter 11, “Cemeteries and Burials,” of the Dallas City Code is amended to read as follows:

“SEC. 11-1. ESTABLISHMENT OF NEW CEMETERIES PROHIBITED; EXCEPTION.

(a) Except as provided in this section, i[f]t shall be unlawful for any person to lay out or establish a public or private burying ground within the city.

(b) Subsection (a) does not apply to the establishment of a national cemetery for veterans pursuant to Chapter 24, Title 38 of the United States Code Annotated, as amended.

(c) Subsection (a) does not apply to a cemetery established through a specific use permit or planned development district granted in compliance with Chapter 51 or Chapter 51A of this code.”

SECTION 7. That Section 11-2, “Recognition and Authorization of Existing Cemeteries,” of Chapter 11, “Cemeteries and Burials,” of the Dallas City Code is amended to read as follows:

“SEC. 11-2. RECOGNITION AND AUTHORIZATION OF EXISTING CEMETERIES.

(a) The following named cemeteries now established within the city or subject to the jurisdiction of the city are hereby recognized and authorized as legal and proper places for the interment of persons who may die in the city or who may be brought to the city for burial:

Calvary Hill Cemetery, 3235 Lombardy Lane.

Calvary Cemetery, Campbell N.E. Corner Hall Street.

Crown Hill Memorial Park and Mausoleum, 9718 Webb Chapel Road.

Emanuel Cemetery, Lemmon Avenue Corner Campbell Street.

Forest Lawn Cemetery, 10977 Harry Hines Boulevard.

Grove Hill Cemetery, 4118 Samuell Boulevard.

Greenwood Cemetery, Campbell Street and Lemmon Avenue.

Hillcrest Memorial Park, 7403 Northwest Highway.

Hillcrest Mausoleum, 7407 Northwest Highway.

Laurel Land Memorial Park, 6000 South Beckley.

Lincoln Memorial Park, 1621 North Haskell

Lisbon Cemetery, 4315 Denley Drive.

Oak Cliff Cemetery, 1300 East Eighth Street.

Oakland Cemetery, 3808 Oakland Avenue.

Pleasant Mound Cemetery, Scyene Road and Buckner Boulevard.

Restland Memorial Park, Greenville Avenue and Valley View Lane.

Shearith Israel Cemetery, 4600 Block Dolphin Road.

(b) A cemetery established through a specific use permit or planned development district granted under Chapter 51 or Chapter 51A of this code is recognized and authorized as a legal and proper place for the interment of persons who may die in the city or who may be brought to the city for burial.”

SECTION 8. That Section 11-18, “Regulations,” of Chapter 11, “Cemeteries and Burials,” of the Dallas City Code is amended to read as follows:

“SEC. 11-18. RESERVED [REGULATIONS].

~~[All cemeteries and burying grounds without the city and within 3,000 feet of the city limits are hereby made subject to the provisions of this section.~~

~~(a) The person controlling or operating such cemeteries shall file with the director of public health a written application to operate such cemetery or burying ground. It shall be unlawful for such cemetery or burying ground to thereafter operate, and it shall be unlawful for anyone to be buried in such cemetery, unless such application shall be made.~~

~~(b) Such application shall state,~~

~~(1) a description of the cemetery by metes and bounds and, if part is without the city and within 3,000 feet of the city, such part shall be described as above,~~

~~(2) the name of the person controlling or operating the cemetery,~~

~~(3) the sexton in immediate charge of same.~~

~~(c) The director of public health shall forthwith examine such cemetery and, if same is conducted in a sanitary manner and is not injurious to the health and comfort of the inhabitants of the city, a permit to continue the operation of such cemetery shall be issued by the director of public health. If the operation of such cemetery is unsanitary and if it is likely to injure the public health or inconvenience the public comfort of the inhabitants of the city, such permit shall be refused. If same is refused, the applicants may renew their application to the city council whose action thereon shall be final.~~

~~(d) No new cemetery or part thereof shall be opened in such territory, or the limits of any cemetery extended, unless application is made direct to the city council, and their authority obtained.~~

~~(e) Any cemetery in such territory shall, at all times, be in the charge of a competent sexton who shall be present at such cemetery during all reasonable hours of the day. The sexton shall keep an accounting of all burials, the location of the graves by record book and plat map, the names of the persons buried and the names of the persons arranging for the burial.~~

~~(f) No person shall ever bury a deceased person in any cemetery in such territory, or any part of a cemetery if the part of a cemetery is in such territory, unless the cemetery or part thereof in such territory shall be operated in full compliance with this chapter. No person shall bury any deceased person in any grave that is not excavated to a depth of at least five feet below the surface of the ground, except that persons may be buried in burial vaults or tombs erected in such territory.~~

~~(g) The limits of any cemetery lawfully operating in such territory shall never be extended unless authority is obtained from the authorities of the city.]”~~

SECTION 9. That Subsection (a) of Section 11-19, “Official Visiting Hours; Regulations Generally,” of Chapter 11, “Cemeteries and Burials,” of the Dallas City Code is amended to read as follows:

“(a) All cemeteries and burying grounds within the city, including those that are no longer used for interment purposes, regardless of whether they are listed or not under Section 11-2, [~~and those regulated under Section 11-18,~~] whether public or private, shall be officially open for any authorized use, such as visiting, care of graves, services for the burial of the dead, and other appropriate uses from one-half hour before official sunrise, Central Standard Time, until one-half hour after official sundown, Central Standard Time, daily. It shall be unlawful for any person to loiter in, enter into, make use of, attempt to gain access to, or otherwise be present in any such cemetery before or after such official visiting hours, except as provided in Subsection (c).”

SECTION 10. That Section 12B-23, “Automatic Teller Machines,” of Article III, “Safety Requirements for Convenience Stores,” of Chapter 12B, “Convenience Stores,” of the Dallas City Code, is amended to read as follows:

“SEC. 12B-23. AUTOMATIC TELLER MACHINES.

Automatic teller machines must be:

- (1) secured to the floor of the convenience store using bolts or other similar hardware; and
- (2) located more than 12 feet away from glass windows and doors, unless approved by the building official, chief, director of code compliance, or their designee.”

SECTION 11. That Article I, “In General,” of Chapter 13, “Courts, Fines, and Imprisonments,” of the Dallas City Code is amended by adding a new Section 13-2.1, “Agricultural Operations,” to read as follows:

“SEC. 13-2.1. AGRICULTURAL OPERATIONS.

(a) Purpose. It is the express intent of the city council to comply with Texas Agriculture Code Chapter 251. This section allows a person to seek relief from the enforcement of any provision in this code that would result in imposing a governmental requirement on an agricultural operation in violation of Texas Agriculture Code Chapter 251.

(b) Defense to prosecution. Except as provided in this section, it is a defense to prosecution to any provision in this code if the complained of offense pertains to an agricultural operation as defined in Texas Agriculture Code Section 251.002.

(c) Exception to defense to prosecution. The defense to prosecution provided in this section does not apply if the city council has, in accordance with Texas Agriculture Code Section 251.005, made a finding by resolution that the governmental requirement is necessary to protect public health, or if the governmental requirement is otherwise expressly permitted under state law.”

SECTION 12. That Chapter 13A, “Dallas Transit System,” of the Dallas City Code is amended to read as follows:

**“CHAPTER 13A
RESERVED ~~[DALLAS TRANSIT SYSTEM]~~**

SEC. 13A-1. ~~CREATED; PURPOSE.~~

~~There is hereby created a city department to be known as the Dallas transit system for the purpose of providing public mass transportation for the general public of the city, contiguous unincorporated areas and adjoining municipalities, the head of which shall be the general manager who shall be appointed by the city manager. In addition to the general manager, the Dallas transit system shall be comprised of such assistants and employees as the city council may authorize upon recommendation of the city manager.~~

SEC. 13A-2. ~~PERSONNEL RULES AND SOCIAL SECURITY.~~

~~(a) Employees of the Dallas transit system shall be governed by the personnel rules of the city except as otherwise provided in the personnel policies and employees benefit manual of the Dallas transit system adopted by the Dallas Transit Board and effective October 1, 1984. In the event of conflict, the provisions of the transit system personnel policies and employee benefit manual shall prevail. The general manager may hereafter modify these departmental rules provided he has notified employees and/or their representatives in advance and given them an opportunity to present their views. Any proposed change of the departmental rules is subject to hearing and review by the city manager or his designee before implementation upon request by employees or their representatives. Further, employees and/or their representatives may propose modifications of the departmental rules to the general manager, and obtain hearing and review by the city manager or his designee.~~

~~(b) Employees of the Dallas transit system shall participate in the federal social security system, as required by federal law. The director of finance shall make provisions for the necessary social security payments to the proper department of the United States government.~~

SEC. 13A-3. ~~ASSURANCES TO DEPARTMENT OF LABOR.~~

~~It shall be the duty of the city manager to make such assurances to the United States Department of Labor as may be required by federal law regarding the protection of Dallas transit system employee benefits in connection with the provisions of federal grants.~~

~~SEC. 13A-4. DALLAS AREA RAPID TRANSIT AUTHORITY.~~

~~The Dallas transit system, under the direction of the general manager, shall provide public mass transportation service for the Dallas area rapid transit authority as required by the terms and conditions of any interlocal service agreement between the city and the Dallas area rapid transit authority.~~

~~SEC. 13A-5. IRREGULAR ROUTE TRANSIT SERVICES.~~

~~The general manager shall prescribe rules and regulations for charter service, contract service or any other special service which is not ordinarily a regular route transit service of the system. The general manager shall operate such services in coordination with the Dallas area rapid transit authority when required by any interlocal service agreement.~~

~~SEC. 13A-6. PURCHASES AND SALES.~~

(a) ~~Purchases of supplies, services, and equipment for the transit system shall be made according to applicable provisions of the city charter, this code, and state law.~~

(b) ~~The sale of surplus or obsolete transit system buses may be made by negotiation, rather than by auction, when authorized by resolution of the city council. No negotiated sale may be completed until the price is approved by the city council.~~

~~SEC. 13A-7. CLAIMS FOR DAMAGE OR INJURY.~~

(a) ~~The general manager and the city attorney are authorized to investigate, settle, and recommend disposition of claims for damage or injury which are alleged to have resulted from the negligent act or omission of an employee of the transit system. For the payment of these claims, the city controller shall establish a Dallas transit system claim fund. This fund shall be used only for the payment of settled claims.~~

(b) ~~Checks drawn on this fund with preprinted signatures of the city manager and the city controller, but requiring additional signatures for payment, shall be issued to the general manager. These checks may be used to pay settled claims without further city approvals as follows:~~

(1) ~~Claims investigators designated by the general manager are authorized to sign checks for the payment of claims that are settled for an amount that does not exceed \$1,000.~~

(2) ~~The general manager and the director of claims are authorized to sign checks for the payment of claims that are settled for an amount that is more than \$1,000 but does not exceed \$5,000, both signatures being required on each check.~~

(c) ~~The city controller shall periodically audit the fund to determine whether it is in balance and may establish procedures for use of the fund.~~

~~(d) The general manager shall prepare a monthly report giving a complete analysis of all claim activities.~~

~~SEC. 13A-8. SMOKING.~~

~~(a) A person commits an offense if he smokes a cigar, cigarette, pipe, or any substance in a transit system bus.~~

~~(b) The operator of a transit system bus commits an offense if he knowingly permits a person to smoke a cigar, cigarette, pipe, or any substance in a transit system bus.~~

~~SEC. 13A-9. REFUSING TO PAY FARE.~~

~~A person commits an offense if he refuses to pay the established fare, without delay, for transportation on a transit system bus when demanded by the operator or person in charge of the bus.~~

~~SEC. 13A-10. PENALTY.~~

~~(a) An offense committed under Section 13A-8 is punishable by a fine not to exceed \$2,000.~~

~~(b) An offense committed under Section 13A-9 is punishable by a fine not to exceed \$500.~~

~~SEC. 13A-11. FREE TRANSPORTATION.~~

~~The Dallas transit system will not furnish free transportation or other free service to any person without council approval. All service furnished by the system will be charged for at the established rate to all persons, including employees from departments and agencies of the city, of the transit system or of any other public body; except that this restriction shall not apply to policemen, firemen and transit employees in uniform and in performance of their duties, or to any other group to which it shall be made inapplicable by action of the city council.]”~~

SECTION 13. That Subsection (c) of Section 14B-2, “Intent and Purpose,” of Chapter 14, “Emergency Management,” of the Dallas City Code is amended to read as follows:

“(c) Nothing in this chapter may be construed to interfere with the dissemination of news or comment on public affairs, but any communications facility or organization, including radio and television stations, wire services, internet websites, and newspapers, may be required to transmit or print public service messages furnishing information or instructions in connection with a disaster or potential disaster.”

SECTION 14. That Section 14B-3, “Definitions,” of Chapter 14, “Emergency Management,” of the Dallas City Code is amended to read as follows:

“SEC. 14B-3. DEFINITIONS.

In this chapter:

(1) ~~[ATTACK or ACT OF TERRORISM means an assault against the city, its government, or its environs, or an assault against the United States, by domestic or foreign forces of a hostile nation or its agents including, but not limited to, assault by bombing, radiological, chemical, or biological warfare or sabotage.~~

(2) CONTRABAND means any article, substance, or property, the possession or transportation of which is prohibited, that is subject to summary destruction upon seizure by officers of the law.

(2[3]) CURFEW means a regulation requiring withdrawal of persons from streets, highways, alleys, sidewalks, vacant lots, parks, public buildings, or any other public places in all or a delineated part of the city during the stated hours when the regulation is in effect.

(3[4]) DIRECTOR means the director of the office of management services.

(4[5]) DISASTER has the meaning assigned to it by Texas Government Code Chapter 418, as amended ~~[means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or man-made cause].~~

(5[6]) EMERGENCY MANAGEMENT means the mitigation of, preparation for, response to, and recovery from a disaster, and the maintaining of the public peace, health, and safety during a disaster. The term includes plans and preparations for protection from, and relief, recovery, and rehabilitation from, the effects of a disaster. The term does not include any activity that is the primary responsibility of the military forces of the United States or the State of Texas.

(6[7]) EMERGENCY MANAGEMENT FORCES means:

(A) the employees, equipment, and facilities of all city departments, offices, boards, institutions, and commissions; and

(B) all volunteer personnel, equipment, and facilities contributed by or obtained from volunteer persons or agencies.

(7[8]) EMERGENCY MANAGEMENT VOLUNTEER means any person duly registered, identified, and appointed by the director of the office of management services, the city manager, or the mayor and assigned to participate in the emergency management activity.

(8) MEDICAL SUPPLY DISTRIBUTOR has the meaning assigned to it by Subchapter C of Chapter 546 of the Texas Transportation Code, as amended.

(9) ~~[MAN-MADE CAUSE means, but is not limited to:~~

- ~~(A) a nuclear, radiological, or hazardous material accident;~~
- ~~(B) an airplane/aviation, ship/maritime, or train/railroad accident;~~
- ~~(C) an oil spill or other water contamination;~~
- ~~(D) a hostile military or paramilitary action, act of terrorism, or enemy attack;~~
- ~~(E) a riot or civil unrest;~~
- ~~(F) an explosion;~~
- ~~(G) a power outage or energy emergency;~~
- ~~(H) air contamination;~~
- ~~(I) a home or building fire;~~
- ~~(J) a bridge collapse or dam break;~~
- ~~(K) an epidemic or other health emergency; or~~
- ~~(L) any other similar impending or actual calamity requiring emergency action.~~

(10) ~~NATURAL CAUSE means, but is not limited to:~~

- ~~(A) severe weather, a thunderstorm, or lightning;~~
- ~~(B) a hurricane or tornado;~~
- ~~(C) snow, ice, or a winter storm;~~
- ~~(D) a flood or flash flood;~~
- ~~(E) an earthquake, landslide, or mudflow;~~
- ~~(F) a heat wave, drought, blight, or infestation;~~
- ~~(G) a wildfire;~~

~~(H) a tsunami or other wave or tidal action;~~

~~(I) volcanic activity; or~~

~~(J) any other similar impending or actual calamity requiring emergency action.~~

~~(44)] PERSON means an individual, corporation, association, or other legal entity.~~

~~(10) PLACE OF WORSHIP has the meaning assigned to it by Texas Civil Practice and Remedies Code Chapter 110, as amended.~~

~~(11[42]) REGULATIONS mean plans, programs, and other emergency procedures deemed essential to emergency management.~~

~~[(13) RIOT means a state of violent civil disorder that causes or threatens to cause loss of life or property in the city.]~~

~~(12[44]) STATE-DESIGNATED EMERGENCY MANAGEMENT DIRECTOR means the mayor of the city as specified by executive order RP32 of the governor of the State of Texas.~~

~~[(15) STATE DESIGNATED EMERGENCY MANAGEMENT COORDINATOR means the city manager as specified in executive order RP32 of the governor of the State of Texas.]~~

~~(13[46]) VOLUNTEER means any person contributing service, equipment, or facilities to the emergency management organization without compensation.”~~

SECTION 15. That Section 14B-6, “Declaration of State of Disaster,” of Chapter 14, “Emergency Management,” of the Dallas City Code is amended to read as follows:

“SEC. 14B-6. DECLARATION OF STATE OF DISASTER.

(a) If the mayor determines that a local disaster exists, the mayor shall declare a local state of disaster and invoke emergency powers. Emergency powers may not be continued or renewed for a period in excess of seven days except ~~by or~~ with the consent of the city council.

(b) During any period in which a state of disaster has been declared by either the mayor or the governor, the city council may convene to perform its duties as the situation demands, and shall receive reports relative to emergency management activities. If it becomes necessary for the mayor and city council to vacate or leave the city limits, the city council shall have full power and authority to act in matters affecting property or people remaining in the city limits in the same

manner as though the city council were conducting its business within the city limits. As soon as the city council finds that emergency powers need not be used to deal with a situation, it shall immediately proclaim that the state of disaster has terminated.

(c) Any order or proclamation declaring, continuing, or terminating a state of disaster must be filed promptly with the city secretary and given prompt and general publicity, such as through newspapers, radio, ~~and~~ television, and internet websites.”

SECTION 16. That Section 14B-7, “City Manager - Powers and Duties,” of Chapter 14, “Emergency Management,” of the Dallas City Code is amended to read as follows:

“SEC. 14B-7. MAYOR [~~CITY MANAGER~~] - POWERS AND DUTIES.

(a) Except as provided in Section 14B-7.1, d[~~D~~] uring any period that a disaster order or proclamation, issued by either the mayor or governor, is in effect, the mayor [~~city manager~~] may promulgate such regulations as he or she deems necessary to protect life and property and preserve critical resources. Such regulations and powers may include, but are not limited to, the power to:

(1) prohibit or restrict the movement of vehicles in order to facilitate the work of emergency management forces or to facilitate the mass movement of persons from critical areas within or without the city;

(2) recommend the movement of persons from areas deemed to be hazardous or vulnerable to disaster;

(3) order a curfew into effect in all or any delineated part of the city and to exempt from the curfew any person whose movement is essential to the health, safety, and welfare of the public;

(4) order the closing of any place where arms, ammunition, dynamite, or other explosives are sold, and forbid the sale, barter, loan, or gift of those items;

(5) order the closing of bars, lounges, private clubs, package liquor stores or any business establishment having a liquor, beer, or wine permit; gasoline stations; theaters; ball rooms; and public rooms or buildings;

(6) prohibit the sale of beer, wine, and intoxicating liquor and prohibit the sale, distribution, or gift of gasoline or other flammable liquid or combustible product in any container other than a gasoline tank properly affixed to a motor vehicle;

(7) declare certain items that may be potentially injurious to the public health or welfare to be contraband and authorize a search for those items;

(8) exclude sightseers from any area where a disaster or emergency is imminent or has occurred;

(9) order the detention of persons who impede or incite others to impede the preservation or restoration of order;

(10) temporarily suspend or modify, for not more than 60 days, any regulation or ordinance of the city of Dallas, including, but not limited to, those regarding health, safety, or zoning, if the suspension or modification is essential to provide temporary housing for disaster victims;

(11) promulgate any other regulations necessary to preserve public peace, health, and safety during a disaster.

(b) Regulations promulgated in accordance with the authority granted by this chapter will be given widespread circulation by proclamations published on the internet and in newspapers and aired on radio and television. These regulations will have the effect of ordinances when duly filed with the city secretary.”

SECTION 17. That Chapter 14B, “Emergency Management,” of the Dallas City Code is amended by adding a new Section 14B-7.1, “Limitation on Disaster Declaration,” to read as follows:

“SEC. 14B-7.1. LIMITATION ON DISASTER DECLARATION.

The mayor, director, state-designated emergency management director, the state-designated emergency management coordinator, or any other city official or employ may not issue:

(1) Place of worship. An order that closes or has the effect of closing a place of worship.

(2) Construction and related services. An order to address a pandemic disaster that limits or prohibits:

(A) housing and commercial construction activities, including related activities involving the sale, transportation, and installation of manufactured homes;

(B) the provision of governmental services for title searches, notary services, and recording services in support of mortgages and real estate services and transactions;

(C) residential and commercial real estate services, including settlement services; or

(D) essential maintenance, manufacturing, design, operation, inspection, security, and construction services for essential products, services, and supply chain relief efforts.

(3) Medical supply distributor. An order that limits or prohibits access to highways, streets, and bridges for a vehicle used by a medical supply distributor to transport prescription drugs and other medical supplies to an emergency care facility, pharmacy, or nursing home if the transport vehicle will not negatively impact evacuation activities or any response or recovery activities in the disaster area.”

SECTION 18. That Section 14B-8, “State-Designated Emergency Management Director and State- Designated Emergency Management Coordinator - Powers and Duties,” of Chapter 14, “Emergency Management,” of the Dallas City Code is amended to read as follows:

“SEC. 14B-8. STATE-DESIGNATED EMERGENCY MANAGEMENT DIRECTOR AND STATE-DESIGNATED EMERGENCY MANAGEMENT COORDINATOR - POWERS AND DUTIES.

(a) The mayor as the state-designated emergency management director may designate a person to serve as the state-designated emergency management coordinator. ~~[and the city manager as]~~

(b) The state-designated emergency management director and the state- designated emergency management coordinator shall have the following duties and responsibilities:

(1) To obtain vital supplies, equipment, and other properties, including, but not limited to, sites required for installation of temporary housing units and the housing units themselves, found lacking and needed for the protection of health, life, and property.

(2) To require emergency services of any city officer or employee. If regular city forces are determined inadequate, then to require the services of such other personnel as he or she can obtain that are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by state law to other registered and identified emergency management and disaster workers.

(3) To cause to be prepared the city of Dallas emergency operations plan.”

SECTION 19. That Section 17-2.2, “Additional Requirements,” of Article II, “Management and Personnel,” of Chapter 17, “Food Establishments,” of the Dallas City Code, is amended by adding a new Subsection (d), “Food Allergen Awareness Poster Requirement,” to read as follows:

“(d) Food allergen awareness poster requirement.

(1) All retail and food establishments shall display a food allergen awareness poster in an area that is regularly accessible to food service employees.

(2) The poster must be identical or substantially similar to the sample food allergen awareness poster provided by the Texas Department of State Health Services (DSHS) and must include, at a minimum, the following information:

(A) A list of the eight major food allergens recognized by the Food and Drug Administration (FDA): milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, and soy.

(B) A description of the health risks associated with food allergens.

(C) Instructions for proper handling of food to prevent cross-contact with allergens.

(3) The food allergen awareness poster must be:

(A) clearly visible and legible to all food service employees;

(B) located in a designated area such as the kitchen, employee break room, or food preparation area; and

(C) maintained in good condition, with legible text and graphics.

(4) The responsibility to ensure the proper display and maintenance of the food allergen awareness poster lies with the person in charge of the food establishment.

(5) Failure to comply with this subsection constitutes a violation of the code.”

SECTION 20. That Paragraph (7) of Subsection (s), “Variances,” of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of Chapter 17, “Food Establishments,” of the Dallas City Code, is amended to read as follows:

“(7) Reserved. ~~[If, pursuant to this section, the director grants a variance to Subchapter F, Subsection 228.186(o), of the Texas Food Establishment Rules (which prohibits animals on the premises of a food establishment) to allow dogs to be present in the outdoor patio area of a food establishment, then the food establishment shall comply with the following conditions and standards in addition to any other conditions and standards established by the director for the variance:~~

~~(A) Except as allowed under Subchapter F, Subsection 228.186(o), of the Texas Food Establishment Rules, no dog may be present inside the food establishment or on any playground area of the food establishment.~~

~~(B) A separate entrance must be provided from the outside of the food establishment to the outdoor patio so that a dog will have direct access to the patio without entering the interior of the food establishment or any playground area of the food establishment. A dog on an outdoor patio may not be allowed within seven feet of any entrance to the interior of the food establishment, except when necessary to enter or exit the patio.~~

~~(C) A sign must be posted at the front entrance of the food establishment and on the outdoor patio so that it is easily visible to the public. The sign must state: "DOG FRIENDLY PATIO — DOG ACCESS ONLY THROUGH OUTDOOR PATIO. FOR COMPLAINTS RELATED TO THE DOG FRIENDLY PATIO, CALL 311." Signs must be:~~

- ~~(i) no smaller than 9-1/2 inches long by 12 inches wide;~~
- ~~(ii) printed in English and Spanish with bolded lettering of at least 36 point font in contrasting colors; and~~
- ~~(iii) displayed in a landscape orientation.~~

~~(D) Doors equipped with self closing devices must be provided at all entrances to the outdoor patio from the interior of the food establishment.~~

~~(E) No food preparation, including mixing drinks or serving ice, may be performed in the outdoor patio area, except that a beverage glass may be filled on the patio from a pitcher or other container that has been filled or otherwise prepared inside the food establishment.~~

~~(F) The outdoor patio must be continuously maintained free of visible dog hair, dog dander, and other dog related waste or debris. The outdoor patio must be hosed down or mopped with animal friendly chemicals at the beginning of each shift during which food or beverages will be served (breakfast, lunch, dinner, or late hours), or, if a food establishment has continuous food or beverage service without designated shifts, then every six hours that the establishment is open for business, except that cleaning under this subparagraph is not required if no dog has been present on the outdoor patio since the last cleaning. Waste created from a dog's bodily functions must be cleaned up with animal friendly chemicals within five minutes after each occurrence. All dog waste must be disposed of outside of the food establishment in an appropriate waste receptacle. Equipment used to clean the outdoor patio must be kept outside of the food establishment. A food establishment must maintain a log of the cleaning schedule of the dog friendly patio and make the log available to the director for inspection upon request.~~

~~(G) While on duty, wait staff or other food handlers at the food establishment may not pet or have contact with any dog.~~

~~(H) A dog must be kept on a leash and remain in the control of the customer while in the outdoor patio area. The dog must be wearing a collar or harness with a current rabies tag attached to it.~~

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

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

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

SECTION 21. That Section 18-2, “Definitions,” of Article I, “Collection and Disposal,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code is amended to read as follows:

“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].** A development with three or more dwelling units on a lot ~~[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.

(6[7]) CODE. The Dallas City Code, as amended.

(7[8]) COMMERCIAL ESTABLISHMENT. Any structure intended or used for the purpose of conducting a commercial business enterprise.

(8[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).

(9[10]) CONTAINER. A receptacle for the deposit of solid waste, including garbage and recyclable materials (meeting the requirements of Section 18-3 for containers).

(10[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.

(11[12]) DIRECTOR OF SANITATION. The head of the department of sanitation services of the city or any authorized representative.

(12[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.

(13[14]) DRIVE-IN SERVICE. Service involving city sanitation service employees driving in on private property to collect garbage or recyclable materials.

(14[15]) DRY SOLID WASTE. Trash (or rubbish), as defined in this section.

(15[16]) DUPLEX. A structure on a lot intended for the use and occupancy as two family dwelling units.

(16[17]) DWELLING UNIT. Dwelling unit has the meaning assigned in Section 51A-2.102 of the Dallas Development Code, as amended.

(~~17~~~~[48]~~) FOOD ESTABLISHMENT. Cafe, restaurant, or other similar establishment serving food or food products, including quick service drive-ins where food is prepared or served.

(~~18~~~~[49]~~) 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.

(~~19~~~~[20]~~) ILLEGALLY DUMPED SOLID WASTE. Any solid waste placed on property with or without the consent of the owner or person in control.

(~~20~~~~[24]~~) INDUSTRIAL SOLID WASTE. Solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations.

(~~21~~~~[22]~~) INSTITUTION OR INSTITUTIONAL. Any church, church building, or structure housing any charitable or philanthropic undertaking, or any school.

(~~22~~~~[23]~~) MANAGER. The person in charge of real estate used for apartment, institutional, or commercial purposes.

(~~23~~~~[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.

(~~24~~~~[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.

(~~25~~~~[26]~~) MULCH. Cutting grass, weeds, and similar vegetation into fine particles.

(~~26~~~~[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.

(28[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.

(29[30]) OCCUPANT. A person living on premises or in control of premises.

(30[31]) OWNER. A person or the person's agent, including a condominium or homeowner's association, jointly or severally, with an ownership interest in a commercial establishment, multifamily site, residence, or duplex.

(31[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.

(32[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.

(33[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.

(34[35]) PERMITTEE. Any person licensed by the city of Dallas to contract to collect, remove, or dispose of solid waste.

(35[36]) PERSON. Any individual, corporation, organization, partnership, association, or any other legal entity.

(36[37]) PROPERTY LINE. The peripheral boundary of real estate.

(37[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.

(38[39]) PUBLIC WAY. Any street, alley, easement, or other right-of-way.

(39[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.

(40[41]) RECYCLABLE MATERIAL. Any material or product designated in writing by the director of sanitation as being suitable for re-use and/or recycling.

(41[42]) RESIDENCE. An attached or detached structure on a lot 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.

(42[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.

(43[44]) ROLLCART SERVICE. The service rendered in collecting municipal solid waste, including recyclable materials, by mechanical means from rollcart containers furnished by the city.

(44[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.

(45[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).

(46[47]) STREET. Any public roadway for the passage of vehicular and pedestrian traffic.

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

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

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

(48[49]) UNPAVED ALLEY. Any alley not paved with concrete or asphalt.

(49[50]) VEGETATION. Any plant growth.

(50[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.

(51[52]) WALKWAY. Any area, paved or unpaved, normally used as a pedestrian right-of-way.

(52[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.”

SECTION 22. That Subsection (c), “Placement of Garbage or Recycling Containers for Curb Collection,” of Section 18-4, “Regulating the Collection of Solid Waste Materials from Residences and Duplexes,” of Article I, “Collection and Disposal,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code is amended to read as follows:

“(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, except as may be authorized by the director of sanitation, 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.

(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.”

SECTION 23. That Subsection (e), “Placement of Brush and Bulky Trash,” of Section 18-4, “Regulating the Collection of Solid Waste Materials from Residences and Duplexes,” of Article I, “Collection and Disposal,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code is amended to read as follows:

“(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.”

SECTION 24. That Subsection (d) of Section 18-5, “Regulating the Collection and Removal of Solid Waste Materials from Apartments, Institutions, Commercial Establishments, and Mobil Home Parks,” of Article I, “Collection and Disposal,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code is amended to read as follows:

“(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 franchise ~~[license]~~ as provided in Article IV of this chapter.”

SECTION 25. That Subsection (e) of Section 18-5, “Regulating the Collection and Removal of Solid Waste Materials from Apartments, Institutions, Commercial Establishments, and Mobile Home Parks,” of Article I, “Collection and Disposal,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code is amended to read as follows:

“(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 once ~~[twice]~~ every seven days.”

SECTION 26. That Subsection (b) of Section 18-6, “Regulating the Collection and Removal of Solid Waste from the Downtown Area,” of Article I, “Collection and Disposal,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code is amended to read as follows:

“(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.]”~~

SECTION 27. That Subsection (b), “Materials Not Collected by City,” of Section 18-8, “Solid Waste Materials Not Handled by City Sanitation Services,” of Article I, “Collection and Disposal,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code is amended to read as follows:

“(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.]”~~

SECTION 28. That Paragraph (1) of Subsection (a), “Method of Charging and Billing for Sanitation Services,” of Section 18-9, “Specifying Charges for Sanitation Service,” of Article I, “Collection and Disposal,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code is amended to read as follows:

“(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 receiving city sanitation service 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 receiving city sanitation service 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.”

SECTION 29. That Subsection (c), “Schedule of Service Charges,” of Section 18-9, “Specifying Charges for Sanitation Service,” of Article I, “Collection and Disposal,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code is amended to read as follows:

“(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 - \$37.98 per dwelling unit per month for one roll-cart, plus \$14.69 per month for each additional garbage roll-cart requested by the owner or occupant of the premises.

(B) Packout or drive-in collection service for municipal solid waste - \$132.29 per dwelling unit per month for one roll-cart, plus \$14.69 for each additional garbage roll-cart requested by the owner or occupant of the premises.

(C) Effective October 1, 2022, the owner or occupant of a dwelling unit with one rollcart for recyclable materials may request one additional rollcart for recyclable materials from the director of sanitation for no additional fee. Dwelling units with two or more rollcarts for recyclable materials may request additional rollcarts for recyclable materials for a one-time processing and handling fee for \$50.00 per rollcart, which will be applied to the dwelling unit's water account.

(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 - \$37.98 per apartment unit or mobile home space per month.

(B) Packout collection service for municipal solid waste - \$132.29 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)

A multiplier will be used for multiple carts.

NUMBER OF COLLECTIONS PER WEEK*

	1	2	3	4	5	6	7
96-gallon RollCarts	\$40.06	\$80.12	\$120.18	\$160.24	\$200.30	\$240.36	\$280.42

(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)

A multiplier will be used for multiple carts.

NUMBER OF COLLECTIONS PER WEEK

	1	2	3	4	5	6	7
96-gallon RollCarts	\$26.04	\$52.09	\$78.13	\$104.17	\$130.20	\$156.24	\$182.28

(5) Extraordinary collection and removal service is as follows:

(A) A cost plus rate of \$60 per five cubic yards, billed in five cubic yard increments for materials set out for collection in advance or after the period designed by the director of sanitation, as described in Section 18-4(e), as amended, and for materials not included in the regular collection service as described in Section 18-8, as amended.

(B) The director of sanitation may provide an out-of-cycle collection of garbage and recyclable materials from rollcarts owned and provided by the city, upon a customer's request through the city's 311 system, for a fee of \$25 for garbage and \$25 for recyclable materials. In the event a customer submits a service request through the city's 311 system claiming regular collection services were missed, and the director of sanitation later determines through vehicle on-board camera systems that the rollcart(s) in question were not set out at the prescribed time of collection, or did not comply with the requirements of Sections 18-3 or 18-4 of this article, the director of sanitation may assess a collection fee of \$25 for garbage and \$25 for recyclable materials to the dwelling unit's water account.

(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.

(8[9]) The fee for replacement of a rollcart that is lost or damaged due to a customer's negligence is \$67.90 for a garbage rollcart or \$70.81 for a recycling rollcart.

(9[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 \$125 per animal.

(10[1]) 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."

SECTION 30. That Section 18-32, "Franchise Required," of Division 2, "Solid Waste Collection Franchises," of Article IV, "Private Solid Waste Collection Service," of Chapter 18, "Municipal Solid Wastes," of the Dallas City Code is amended to read as follows:

"SEC. 18-32. FRANCHISE REQUIRED.

A person commits an offense if, without a valid solid waste collection franchise granted under this article and Chapter XIV of [within] the city charter, 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."

SECTION 31. That Chapter 20, "Earned Paid Sick Time," of the Dallas City Code is amended to read as follows:

“CHAPTER 20
RESERVED [EARNED PAID SICK TIME

ARTICLE I.
GENERAL PROVISIONS.

SEC. 20-1. PURPOSE.

(a) ~~The purpose of this chapter is to protect the health, safety, and welfare of the people of the City of Dallas by providing employees with the ability to accrue and use earned paid sick time when they need to be absent from work because the employee or the employee's family member suffers illness, injury, stalking, domestic abuse, sexual assault, or otherwise requires medical or health care, including preventative care and mental health care.~~

(b) ~~The denial or deprivation of earned paid sick time to employees is detrimental to the health, safety, and welfare of the residents of Dallas and is within the power and responsibility of the city to prevent.~~

SEC. 20-2. DEFINITIONS.

In this chapter:

(1) ~~CITY means the City of Dallas, Texas.~~

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

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

(4) ~~EARNED PAID SICK TIME means a period of paid leave from work accrued by an employee in accord with this chapter.~~

(5) ~~EMPLOYEE means an individual who performs at least 80 hours of work for pay within the City of Dallas, Texas in a year for an employer, including work performed through the services of a temporary or employment agency. Employee does not mean an individual who is an independent contractor according to Title 40, Section 821.5 of the Texas Administrative Code. Employee does not mean an unpaid intern.~~

(6) ~~EMPLOYER means any person, company, corporation, firm, partnership, labor organization, non-profit organization, or association that pays an employee to perform work for an employer and exercise control over the employee's wages, hours, and working conditions. The term does not include:~~

(A) ~~the United States government, any of its departments or agencies, or any corporation wholly owned by it;~~

(B) ~~the government of the State of Texas or any of its departments, agencies, or political subdivisions;~~

(C) ~~the City of Dallas, Texas; or~~

(D) ~~any other agency that cannot be regulated by city ordinance.~~

(7) ~~FAMILY MEMBER means a spouse, child, parent, any other individual related by blood, or any other individual whose close association to an employee is the equivalent of a family relationship.~~

(8) ~~MEDIUM OR LARGE EMPLOYER means an employer with more than 15 employees at any time in the preceding 12 months, excluding the employer's family members.~~

(9) ~~PREDECESSOR means an employer that employs at least one individual covered in this chapter, and for which a controlling interest in such employer or a recognized division of such employer is acquired by a successor.~~

(10) ~~RELEVANT INFORMATION AND TESTIMONY means only materials, documents, testimony or information necessary to determine whether a violation of this chapter has occurred.~~

(11) ~~SMALL EMPLOYER means any employer that is not a medium or large employer.~~

(12) ~~SUBPOENA means a subpoena or a subpoena duces tecum.~~

(13) ~~SUCCESSOR means an employer that acquires a controlling interest in a predecessor or a controlling interest in a recognized division of a predecessor.~~

~~SEC. 20-3. GENERAL AUTHORITY AND DUTY OF THE DIRECTOR.~~

~~The director shall implement, administer, and enforce the provisions of this chapter. The director has the power to render interpretations of this chapter and to adopt and enforce rules and regulations supplemental to this chapter as the director deems necessary to clarify the application of this chapter. Such interpretations, rules, and regulations must be in conformity with the purpose of this chapter.~~

ARTICLE II.
EARNED PAID SICK TIME REQUIREMENTS.

SEC. 20-4. ACCRUAL REQUIREMENTS AND YEARLY CAP.

(a) ~~An employer shall grant an employee one hour of earned paid sick time for every 30 hours worked for the employer in the City of Dallas. Earned paid sick time shall accrue in one hour unit increments, unless an employer's written policies establish the accrual of earned paid sick time to be in fraction of an hour increments.~~

(b) ~~Earned paid sick time shall accrue starting at the commencement of employment or either August 1, 2019, for an employer with more than five employees, or August 1, 2021, for an employer with not more than five employees at any time in the preceding 12 months, whichever is later.~~

(c) ~~This chapter does not require an employer to provide an employee with more earned paid sick time in a year than the yearly cap provided in this section. This chapter does not require an employer to allow an employee to accrue more than the yearly cap of earned paid sick time in a year. An employer may inform an employee that leave requested in excess of the employee's available earned paid sick time will not be paid. The yearly cap for earned paid sick time under this chapter is:~~

(1) ~~Sixty four hours per employee per year for medium or large employers, unless the employer chooses a higher limit; and~~

(2) ~~Forty eight hours per employee per year for small employers, unless the employer chooses a higher limit;~~

(d) ~~All available earned paid sick time up to the yearly cap provided in this section shall be carried over to the following year. Provided, that an employer that makes at least the yearly cap of earned paid sick time available to employees at the beginning of the year under the purpose and usage requirements of this chapter is not required to carry over earned paid sick time for that year.~~

(e) ~~A written contract made pursuant to Title 29, Section 158(d) of the United States Code between an employer and a labor organization representing employees may modify the yearly cap requirement established in this section for employees covered by the contract if the modification is expressly stated in the contract.~~

(f) ~~A successor must provide to an employee who was employed by a predecessor at the time of the acquisition and hired by the successor at the time of acquisition all earned paid sick time available to the employee immediately before the acquisition.~~

ARTICLE III. ENFORCEMENT.

SEC. 20-9. PROCEDURES FOR FILING COMPLAINTS.

~~Any employee alleging a violation of this chapter or their representative may file a complaint with the director. The director shall receive and investigate complaints, including anonymous complaints, alleging a violation of this chapter. A complaint alleging a violation of this chapter must be filed with the director by or on behalf of an aggrieved employee within two years from the date of the violation.~~

SEC. 20-10. INVESTIGATION.

~~(a) Upon filing of a complaint, the director shall commence a prompt and full investigation to determine the facts behind the complaint and whether there is sufficient cause to believe that a violation of this chapter has occurred, except that no investigation may commence if, after reviewing the allegations of the aggrieved employee, the director determines that the complaint does not come within the scope of this chapter. Unless the complaint is filed anonymously, within 15 days after determining that a particular complaint does not come within the scope of this chapter, the director shall give an employee or their representative a clear and concise explanation of the reasons why it does not and take no further action on the complaint.~~

~~(b) The director may issue subpoenas to compel the attendance of a witness or the production of materials or documents in order to obtain relevant information and testimony. Refusal to appear or to produce any document or other evidence after receiving a subpoena pursuant to this section is a violation of this chapter and subject to sanctions as described in Section 2-9 of the Dallas City Code. Before issuing a subpoena, the director shall seek the voluntary cooperation of any employer to timely obtain relevant information and testimony in connection with any investigation of a complaint filed under this chapter.~~

~~(c) The director may inform employees at a worksite of any investigation of a complaint at that worksite alleging a violation of this chapter.~~

SEC. 20-11. VOLUNTARY COMPLIANCE; VIOLATIONS; PENALTIES; APPEALS.

~~(a) Unless specifically provided otherwise in this chapter, an offense under this chapter is punishable by a civil fine not to exceed \$500. Each violation of a particular section or subsection of this chapter constitutes a separate offense. If the director finds after investigation of a timely complaint that a violation of this chapter has occurred, an employer shall receive written notice of the violation and the civil penalty assessed.~~

~~(b) The director shall seek voluntary compliance from the employer to remedy any violation of this chapter before any civil penalty is collected. If voluntary compliance is not achieved within 10 business days following the employer's receipt of the written violation notice, the employer shall be liable to the city for the amount of the civil penalty assessed.~~

~~(c) No penalties shall be assessed under this chapter until April 1, 2020, except that civil penalties for a violation of Section 20-8, "Retaliation Prohibited," may be assessed at any time after either August 1, 2019, for an employer with more than five employees, or August 1, 2021, for an employer with not more than five employees at any time in the preceding 12 months. For a violation of this chapter that occurs before April 1, 2020, the director may issue a notice to the employer that a civil penalty may be assessed for a violation that occurs after April 1, 2020.~~

~~(d) Employers may appeal any civil penalty assessed under this chapter. The director shall establish and enforce additional rules and regulations and adopt necessary procedures regarding the filing and adjudication of appeals submitted under this section.~~

~~(e) This section does not create a criminal offense.~~

~~SEC. 20-12. ANNUAL REPORT.~~

~~The director may publish an annual report regarding implementation and enforcement of this chapter.]”~~

SECTION 32. That Chapter 25, “Loan Brokers,” of the Dallas City Code is amended to read as follows:

“CHAPTER 25 RESERVED [LOAN BROKERS

ARTICLE I. IN GENERAL.

~~SEC. 25-1. APPLICABILITY OF CHAPTER.~~

~~This chapter shall not apply to any person doing business under and as permitted by the laws of this state or the United States relating to banks, savings banks, trust companies, building and loan companies, Morris Plan Banks, licensed credit unions, licensed rural credit unions, agricultural and livestock pools and farmers’ societies, nor shall it apply to pawnbrokers as defined in this code.~~

~~SEC. 25-2. RECORDS TO BE KEPT; STATEMENTS TO BORROWER.~~

~~Each holder of a license to lend money shall keep a complete set of records showing a list of loans made, giving the name and address of the borrower, the amount of cash actually loaned and the amount of principal and interest the borrower agreed to pay, whether such transaction was an original lending or a renewal of an existing loan, the amount of money paid to the licensee by the borrower and how much payment was credited. Such books and records shall at all reasonable times during business hours be subject to inspection by the city manager and his duly authorized agents, but the city manager shall not be required to divulge such information to members of the public. Any licensee, upon request by any borrower from such licensee, shall be required to furnish~~

such borrower a true and correct copy of such borrower's account with the licensee, signed by the licensee or his duly authorized agent, setting forth the following information:

- (a) ~~The name and address of the borrower.~~
- (b) ~~The amount of cash actually loaned.~~
- (c) ~~The amount of principal and interest the borrower agreed to pay.~~
- (d) ~~Whether such transaction was an original lending or a renewal of an existing loan.~~
- (e) ~~The amount of money paid to the licensee by the borrower.~~
- (f) ~~How such payment was credited.~~

~~SEC. 25-3. COMMUNICATIONS WITH EMPLOYER OF BORROWER.~~

~~No holder of a license to lend money, his agents, servants or employees, shall communicate with the employer of any borrower relating to any loan made by the licensee to the borrower with intent to harass or annoy the employer of the borrower.~~

**~~ARTICLE II.
LICENSES.~~**

~~SEC. 25-4. APPLICABILITY OF ARTICLE.~~

~~The provisions of this article shall apply to all persons engaged in the business of lending money, whether with or without security, in amounts of \$75 or less unless such persons are expressly excluded by the terms of this article. Any person attempting to evade the provisions of this article by any subterfuge, artifice or device shall be deemed guilty of a misdemeanor.~~

~~SEC. 25-5. REQUIRED.~~

~~No person, either as principal or agent, representative, broker or trustee of another, shall engage in the business of lending money in amounts of \$75 or less to any person within the city without first having obtained a license therefor from the city and displaying such license as provided in this article. The terms of this article shall also apply to any person who makes a loan in excess of \$75 and requires the loan to be repaid in less than three days from the time of the actual making thereof.~~

SEC. 25-6. APPLICATION.

~~Every person, before opening, maintaining or operating a business for the lending of money, as described in Section 25-4, in the city, shall make application to the city manager for a license for each such business maintained or operated by him, upon a blank to be furnished by the city manager on a form prescribed by such officer, which shall include, among other things, the full name and address of the applicant, both residence and place of business, including the street and number, and if the applicant is a partnership or association, the full name and address of every member thereof, if a corporation, the name and address of each officer or director of such corporation, if a trustee, the name and address of the cestui que trust, and if an agent, representative or broker, the name and address of the client or principal; also the name under which the business is to be conducted.~~

~~Every such application for license shall be sworn to by the applicant.~~

SEC. 25-7. SEPARATE APPLICATION AND LICENSE FOR EACH ESTABLISHMENT.

~~A separate license and application shall be required for each establishment, office or place of business conducting a business of lending money as provided in this article regardless of the ownership of such business.~~

SEC. 25-8. RENEWAL OF LICENSE.

~~The application and the information required in the application for a license required by this article as set out in Section 25-6 shall be furnished annually on each renewal of any such license.~~

SEC. 25-9. DUTY OF LICENSEE TO PAY TAXES.

~~It shall be the duty of every licensee to pay all ad valorem taxes levied and assessed by the city against such licensee, and the sufferance by any such licensees of such ad valorem taxes to become delinquent shall constitute just cause for the refusal to renew the license or for the revocation of the same.~~

SEC. 25-10. LICENSE TO BE POSTED IN PLACE OF BUSINESS.

~~Each license for a business of lending money shall state the address at which the business is to be conducted and the name under which the business is to be conducted. Such license shall be kept conspicuously posted in the place of business of the licensee where it may be readily available for inspection by the public.~~

SEC. 25-11. TRANSFER AND ASSIGNMENT.

~~No license issued under the provisions of this article shall be transferable or assignable but shall be valid only for the use of the licensee named therein, nor shall any licensee maintain more than one place of business under the same license; provided, however, that the city manager may issue more than one license to the same licensee upon compliance with all the provisions of this article governing an original issuance of a license.~~

SEC. 25-12. CHANGE OF LOCATION.

~~A license issued under the provisions of this article shall be valid only at the address stated in such license; provided, however, that should a licensee desire to change his place of business to another location, he shall give written notice thereof to the city manager who shall attach to the license, in writing, a record of the change and the date thereof, which record shall be authority for the operation of such business under such license at such new location.~~

SEC. 25-13. FEE.

~~In order to defray part of the expense necessary to provide the surveillance, supervision and inspection required under the terms of this article, there is hereby levied a license fee of \$50.00 per annum for each business so operated, which fee shall be collected by the assessor and collector of taxes from each applicant for each such license. Such license fee shall be payable on an annual basis and shall be due and payable for any year not later than the 10th day of January of each year, such fee to cover the calendar year. If a license to operate any such business is granted during a current year, the fee shall be made pro rata for the balance of the calendar year on a basis of the number of months and fraction thereof remaining in said calendar year, such pro rata rates to be figured from the first day of each month. The license fee shall be paid to the assessor and collector of taxes of the city after the applicant has filed the application provided for in Section 25-6 with the city manager and secured such license as provided for in Section 25-5.~~

SEC. 25-14. REVOCATION.

~~Any license granted under the provisions of this article shall be subject to revocation by the city council after due notice to the holder of such license and hearing thereon upon proof of the violation of any of the provisions of this article.]”~~

SECTION 33. That Chapter 25A, “Massage Establishments,” of the Dallas City Code is amended to read as follows:

**“CHAPTER 25A
MASSAGE ESTABLISHMENTS**

SEC. 25A-1 DEFINITIONS.

~~In [For the purpose of] this chapter [the following words and phrases shall have the meanings respectively ascribed to them by this section]:~~

~~[(a) CHIEF OF POLICE means the chief of police of the city of Dallas, or his duly authorized representative.~~

~~(b) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter or the director's authorized representative.]~~

~~(1[e]) MESSAGE means a massage as defined by Texas Occupations Code Chapter 455, as amended [any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but shall not include massage by duly licensed physicians and chiropractors, and registered physical therapists who treat only patients recommended by a licensed physician and who operate only under such physician's direction, nor massage of the face practiced by beauty parlors or barbershops duly licensed under the penal code of the state].~~

~~(2[d]) MESSAGE ESTABLISHMENT means a massage establishment as defined by Texas Occupations Code Chapter 455, as amended [any building, room, place or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bathhouses. This term shall not include, however, duly licensed beauty parlors or barbershops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operate only under such physician's direction].~~

SEC. 25A-2 RESERVED [~~LICENSE REQUIRED~~].

~~[It shall be unlawful for any person to operate a massage establishment without first having obtained a license therefor from the assessor and collector of taxes in accordance with the provisions of this chapter, or to operate a massage establishment after such license has been revoked, or during a period for which such license has been suspended. Such license shall be issued only upon the payment of the fee specified in Section 25A-6 and upon the approval in writing of the director and the chief of police upon the issuance of a certificate of occupancy from the building official. Such license shall expire on the 31st day of December of each year.]~~

SEC. 25A-3. RESERVED [~~SAME DISPLAY~~].

~~[The license required by this chapter shall be posted and kept in some conspicuous place in the massage establishment.]~~

SEC. 25A-4. RESERVED [~~SAME INVESTIGATION OF APPLICANT~~].

~~[After an application has been made for issuance of an original license or a renewal of an existing license to operate a massage establishment as defined herein, the chief of police, as the principal enforcement officer of this chapter, shall determine whether the applicant has been finally convicted in any court of theft, fornication, sodomy, procuring, pandering, keeping a bawdy house, keeping an assignation house, engaging in prostitution or engaging in assignation, or whether such~~

establishment employs any person who has been finally convicted in any court of theft, fornication, sodomy, procuring, pandering, keeping a bawdy house, keeping an assignation house, engaging in prostitution or engaging in assignation.]

SEC. 25A-5. RESERVED [~~SAME -- APPLICANT TO FURNISH NAMES OF EMPLOYEES AND OTHER INFORMATION~~].

[At the time of making application for the license required by this chapter the applicant shall furnish to the chief of police the names, addresses, race, sex, date of birth, and telephone number of the applicant, his spouse and of all employees of the massage establishment.]

SEC. 25A-6. RESERVED [~~SAME -- FEE; REFUND~~].

[The annual license fee shall be \$200 for each such establishment. If the license is obtained between January 1st and June 30th of any year, the full amount of such fee shall be paid. If such license is obtained between July 1st and December 31st of any year, the fee shall be one half of such amount. No refund of license fees shall be made.]

SEC. 25A-7. RESERVED [~~SAME -- REFUSAL TO ISSUE OR RENEW~~].

[The chief of police shall refuse to approve issuance or renewal of any license required by this chapter to any applicant who has been finally convicted in any court of theft, fornication, sodomy, procuring, pandering keeping a bawdy house, keeping an assignation house, engaging in prostitution or engaging in assignation; or to any applicant who employs in such establishment any person who has been finally convicted of theft, fornication, sodomy, procuring, pandering, keeping a bawdy house, keeping an assignation house, engaging in prostitution or engaging in assignation.]

SEC. 25A-8. RESERVED [~~SAME -- REVOCATION, SUSPENSION~~].

(a) A license issued pursuant to this chapter shall be revoked upon final conviction in any court of the holder of such license for the offense of theft, fornication, sodomy, procuring, pandering, keeping a bawdy house, keeping an assignation house, engaging in prostitution or engaging in assignation.

(b) A license issued pursuant to this chapter shall be suspended for a period of not less than 30 days nor more than 90 days upon final conviction in any court of the holder of such license for the operation of the massage establishment in violation of any statute of this state, or any provision of this code or other ordinance of the city of Dallas.

(c) Any license issued pursuant to this chapter shall be suspended for a period of 90 days upon the final conviction in any court of any employee of such massage establishment for the offense of theft, fornication, sodomy, procuring, pandering, keeping a bawdy house, keeping an assignation house, engaging in prostitution or engaging in assignation, or a violation of any provision of this chapter.

(d) ~~Written notice of such revocation or suspension shall be given by the chief of police to the holder of such license at the holder's last known business address.]~~

SEC. 25A-9. RESERVED ~~[SAME -- APPEAL FROM REFUSAL TO GRANT OR RENEW; FROM DECISION TO REVOKE OR SUSPEND].~~

~~[In the event the chief of police shall refuse to approve the issuance of an original license or the renewal of a license to any applicant, or revokes or suspends the license issued to any license holder under this chapter, this action shall be final unless the license holder files an appeal with a permit and license appeal board in accordance with Section 2-96 of this code.]~~

SEC. 25A-10. HOURS OF OPERATION; LIVING, ETC., QUARTERS THEREIN PROHIBITED.

(a) A ~~[No]~~ message establishment must be closed for business and may not ~~[shall]~~ be ~~[kept]~~ open for any purpose between the hours of 10:00 p.m. and 8:00 a.m.

(b) A message ~~[, and no such]~~ establishment may not ~~[shall]~~ be operated or conducted in connection either directly or indirectly, with any place used for living or sleeping quarters.

SEC. 25A-11. RESERVED ~~[INSPECTION OF MESSAGE ESTABLISHMENTS; EXAMINATION OF EMPLOYEES].~~

~~[(a) The director shall be authorized to make or cause to be made inspections to determine the condition of any message establishment in order to safeguard the health, safety, and welfare of the public and to make examinations through the licensed physicians of the department as are necessary to determine whether employees of the message establishment are infected with any infectious disease.~~

~~(b) If in the opinion of the director or his designated representative, there is probable cause to enter a message establishment for the purpose of making inspections and examinations pursuant to this chapter, he shall request the owner or occupant thereof to grant permission for such entry, and if refused he shall make application to a magistrate for a search warrant, showing said magistrate why such search warrant should be issued for the purpose herein.]~~

SEC. 25A-12. RESERVED ~~[LIST OF EMPLOYEES].~~

~~[The manager or person in charge of a message establishment shall keep a list of the names and addresses of all employees, both on duty and off duty, and such list shall be shown to all proper authorities of the police and health departments upon request.]~~

SEC. 25A-13. OPERATION IN RESIDENTIAL AREA PROHIBITED.

A ~~[It shall be unlawful for any]~~ message establishment may not operate ~~[to be operated]~~ in any section of the city which is zoned for residential purposes.

SEC. 25A-14. RESERVED [~~SANITARY REQUIREMENTS~~].

~~[(a) It shall be the duty of every person conducting or operating a massage establishment to keep the same at all times in a clean and sanitary condition. All instruments and mechanical, therapeutic, and bathing devices or parts thereof, that come into contact with the human body, shall be sterilized by a modern and approved method of sterilization before initial use, and any such instruments and devices, or parts thereof, after having been used upon one patron, shall be sterilized before being used upon another. All towels and linens furnished for use of one patron shall not be furnished for use of another until thoroughly laundered.]~~

~~(b) All masseurs and operators shall wash their hands thoroughly before administering massage manipulations to each patron accommodated.~~

~~(c) No person suffering from a communicable disease shall work or be employed in a massage establishment.~~

~~(d) No person shall be accommodated as a patron within a massage establishment when to the knowledge of the owner, person in control, or an employee, such person is suffering from a communicable disease.]~~

SEC. 25A-15. RESERVED [~~ADMINISTERING MESSAGE TO PERSON OF OPPOSITE SEX~~].

~~[It shall be unlawful for any person to administer a massage as defined in Section 25A-1 to any person of the opposite sex; provided, however, that this section shall not apply to any person licensed or registered by the State of Texas as a physician, chiropractor, physical therapist, nurse, massage therapist, cosmetologist, or athletic trainer, or as a member of a similar profession subject to state licensing or registration, while performing duties authorized by the state license or registration.]”~~

SECTION 34. That Paragraph (17), “Fencing, Retaining Walls, and Barriers,” of Subsection (d), “Structural and Materials Standards,” of Section 27-11, “Minimum Property Standards; Responsibilities of Owners,” of Article III, “Minimum Standards,” of Chapter 27, “Minimum Property Standards,” of the Dallas City Code, is amended to read as follows:

“(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 slats [~~slots~~] and support posts; and

(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].”~~

SECTION 35. That Subsection (b) of Section 27-30, “Registration and Posting Requirements; Defenses,” of Article VII, “Registration and Inspection of Rental Properties and Condominiums,” of Chapter 27, “Minimum Property Standards,” of the Dallas City Code, is amended to read as follows:

“(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.”

SECTION 36. That Subsection (g) of Section 27-30, “Registration and Posting Requirements; Defenses,” of Article VII, “Registration and Inspection of Rental Properties and Condominiums,” of Chapter 27, “Minimum Property Standards,” of the Dallas City Code, is amended to read as follows:

“(g) It is a defense to prosecution under this section that:

(1) at the time of notice of 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 violation, the owner of the single dwelling unit rental property had rented the property to tenants for a total of no more than 30 consecutive days during the preceding 12 months;~~

(~~3~~) at the time of the notice of violation, the only tenants living in the single dwelling unit rental property are individuals related to the owner by consanguinity or affinity;

(3[4]) 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

(4[5]) at the time of the notice of violation:

(A) the property was registered as a short-term rental in accordance with Chapter 42B; and

(B) applicable hotel occupancy taxes levied on the property under Articles V and VII of Chapter 44 had been collected and remitted in full.”

SECTION 37. That Subsection (c) of Section 27-31, “Registration; Fees; Renewal,” of Article VII, “Registration and Inspection of Rental Properties and Condominiums,” of Chapter 27, “Minimum Property Standards,” of the Dallas City Code, is amended to read as follows:

“(c) R[~~Rental~~] registration expires one year after the registration date.”

SECTION 38. That Subsection (a) of Section 27-42, “Property Inspection; Inspection and Reinspection Fees; Self-Certification Process,” of Article VII, “Registration and Inspection of Rental Properties and Condominiums,” of Chapter 27, “Minimum Property Standards,” of the Dallas City Code, is amended to read as follows:

“(a) The director shall conduct a graded inspection of each multitenant 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 comprehensive inspections on a multitenant property at any time the director deems necessary. The director, in accordance with Subsection (e) of this section, may allow a multitenant property owner to conduct a self-certification inspection of the property.

(1) After completing a graded inspection, the director shall timely issue the property owner or manager a certificate of inspection that includes the inspection score.

(2) Multitenant properties that were constructed and issued a certificate of occupancy within the preceding five years are not subject to a graded inspection.”

SECTION 39. That Subsection (b) of Section 27-42, “Property Inspection; Inspection and Reinspection Fees; Self-Certification Process,” of Article VII, “Registration and Inspection of Rental Properties and Condominiums,” of Chapter 27, “Minimum Property Standards,” of the Dallas City Code, is amended to read as follows:

“(b) ~~[The director shall conduct an inspection of each single dwelling unit rental property at least once every five years.]~~ The director may conduct inspections of single dwelling rental properties at any time the director deems necessary when determined to be in the interest of the public health, safety, and welfare. The director, in accordance with Subsection (e) of this section, may allow a single dwelling unit rental property owner to conduct a self-certification inspection of the property.”

SECTION 40. That Section 28-128.6, “Illegally Parked Vehicles—Authority to Remove and Issue Parking Citations,” of Division 6A, “Dallas City Hall Parking Garage,” of Article XI, “Stopping, Standing, and Parking Generally,” of Chapter 28 “Motor Vehicles and Traffic,” of the Dallas City Code is amended to read as follows:

“SEC. 28-128.6. ILLEGALLY PARKED VEHICLES - AUTHORITY TO REMOVE AND ISSUE PARKING CITATIONS.

(a) The director of the Dallas Marshall’s Office ~~[equipment and building services]~~, or a designated agent, may remove to the city pound any vehicle stopped, standing, or parked in the parking garage in violation of this division.

(b) The director of the Dallas Marshall’s Office ~~[equipment and building services]~~, or a designated agent, have authority to enforce the provisions of this division and to issue citations for violations of this division and the speed limit designated in Section 28-52 of this chapter.”

SECTION 41. That Subsection (f) of Section 31-13.1, “Prohibition on the Unauthorized Placement, Erection, or Maintenance of Temporary Shelters on Designated Public Property,” of Article I, “General,” of Chapter 31, “Offenses-Miscellaneous,” of the Dallas City Code is amended to read as follows:

~~“(f) Reserved [If a person’s temporary shelter and personal belongings are not removed from the designated public property in compliance with a warning issued by a police officer under Subsection (e), the city may remove those items from the designated public property and store them at a secure location (if the items are determined by the city to have a market value) or dispose of them as solid waste (if the items are determined by the city to be perishable, to have no market value, or to pose a threat to the public health, safety, or welfare). If stored property is not claimed within 60 days after removal, it will be deemed unclaimed or abandoned, and the city may sell, recycle, convert, or dispose of the property in accordance with city ordinances and policies and any applicable state or federal laws].”~~

SECTION 42. That Section 31-35, “Solicitation by Coercion; Solicitation Near Designated Locations and Facilities; Solicitation After Sunset; Solicitation-Free Zones,” of Article I, “General,” of Chapter 31, “Offenses-Miscellaneous,” of the Dallas City Code is amended to read as follows:

“SEC. 31-35. RESERVED [~~SOLICITATION BY COERCION; SOLICITATION NEAR DESIGNATED LOCATIONS AND FACILITIES; SOLICITATION AFTER SUNSET; SOLICITATION-FREE ZONES~~].

(a) ~~In this section:~~

(1) ~~AUTOMATED TELLER MACHINE~~ means a machine, other than a telephone:

(A) ~~that is capable of being operated by a customer of a financial institution;~~

(B) ~~by which the customer may communicate to the financial institution a request to withdraw a benefit for the customer or for another person directly from the customer’s account or from the customer’s account under a line of credit previously authorized by the financial institution for the customer; and~~

(C) ~~the use of which may or may not involve personnel of a financial institution.~~

(2) ~~CENTRAL BUSINESS DISTRICT SOLICITATION FREE ZONE~~ means the area of the city bounded by Woodall Rodgers Freeway on the north, Central Expressway (elevated bypass) on the east, R. L. Thornton Freeway on the south, and Stemmons Freeway on the west.

(3) ~~COERCION~~ means:

(A) ~~to approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:~~

(i) ~~imminent bodily injury; or~~

(ii) ~~the commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;~~

(B) ~~to persist in a solicitation after the person solicited has given a negative response;~~

(C) ~~to block, either individually or as part of a group of persons, the passage of a solicited person; or~~

(D) ~~to engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands.~~

(4) ~~DEEP ELLUM SOLICITATION FREE ZONE means the area bounded by and including the following streets or portions of streets:~~

STREET	EXTENT
Good Latimer Expressway	Elm Street to Canton Street
Canton Street	Good Latimer Expressway to Hall Street
Hall Street	Canton Street to Elm Street
Elm Street	Hall Street to Good Latimer Expressway

(5) ~~EXTERIOR PUBLIC PAY TELEPHONE means any coin or credit card reader telephone that is:~~

(A) ~~installed or located anywhere on a premises except exclusively in the interior of a building located on the premises; and~~

(B) ~~accessible and available for use by members of the general public.~~

(6) ~~FIXED FOOD ESTABLISHMENT means a food establishment, as defined in Section 17-1.5 of this code, that is operated from a fixed facility.~~

(7) ~~PUBLIC TRANSPORTATION STOP means an area officially marked and designated as a place to wait for a bus, a light rail vehicle, or any other public transportation vehicle that is operated on a scheduled route with passengers paying fares on an individual basis.~~

(8) ~~SELF SERVICE CAR WASH means a structure:~~

(A) ~~at which a vehicle may be manually washed by its owner or operator with equipment that is activated by the deposit of money in a coin-operated machine; and~~

(B) ~~that is accessible and available for use by members of the general public.~~

(9) ~~SELF-SERVICE FUEL PUMP~~ means a fuel pump:

(A) ~~from which a vehicle may be manually filled with gasoline or other fuel directly by its owner or operator, without the aid of an employee or attendant of the premises at which the fuel pump is located; and~~

(B) ~~that is accessible and available for use by members of the general public.~~

(10) ~~SOLICITATION~~ means to ask, beg, solicit, or plead, whether orally or in a written or printed manner, for the purpose of receiving contributions, alms, charity, or gifts of items of value for oneself or another person.

(11) ~~SUNRISE~~ means the time of day published on the weather page of the *Dallas Morning News* as the time for sunrise on a particular day in the city.

(12) ~~SUNSET~~ means the time of day published on the weather page of the *Dallas Morning News* as the time for sunset on a particular day in the city.

(13) ~~UPTOWN SOLICITATION FREE ZONE~~ means the area bounded by and including the following streets or portions of streets:

STREET	EXTENT
Akard Street	Woodall Rogers Freeway to Cedar Springs Road
Cedar Springs Road	Akard Street to McKinnon Street
McKinnon Street	Cedar Springs Road to the Katy Trail
Katy Trail	McKinnon Street to Cambrick Street
Cambrick Street	Katy Trail to Central Expressway
Central Expressway	Cambrick Street to Woodall Rogers Freeway
Woodall Rogers Freeway	Central Expressway to Akard Street

(14) ~~VICTORY SOLICITATION FREE ZONE~~ means the area bounded by and including the following streets or portions of streets:

STREET	EXTENT
Harry Hines Boulevard	Dallas North Tollway to N. Field Street
N. Field Street	Harry Hines Boulevard to Caroline Street
Caroline Street	N. Field Street to Woodall Rogers Freeway
Woodall Rogers Freeway	Caroline Street to Stemmons Freeway
Stemmons Freeway	Woodall Rogers Freeway to the Dallas North Tollway
Dallas North Tollway	Stemmons Freeway to Harry Hines Boulevard

(b) ~~A person commits an offense if he conducts a solicitation by coercion.~~

(c) ~~A person commits an offense if he conducts a solicitation in any outdoor area in the city at any time between sunset and sunrise on any day of the week. It is a defense to prosecution under this subsection if the solicitation:~~

(1) ~~consisted exclusively of passive, nonverbal acts; or~~

(2) ~~was being conducted on property with the advance written permission of the owner, manager, or other person in control of the property.~~

(d) Solicitation-free zones.

(1) ~~A person commits an offense if he conducts a solicitation at any time in any outdoor area located within any of the following solicitation-free zones:~~

(A) ~~Central Business District solicitation-free zone.~~

(B) ~~Deep Ellum solicitation-free zone.~~

(C) ~~Uptown solicitation-free zone.~~

(D) ~~Victory solicitation-free zone.~~

(2) ~~It is a defense to prosecution under this subsection if the solicitation was being conducted on property with the advance written permission of the owner, manager, or other person in control of the property.~~

(e) ~~A person commits an offense if he conducts a solicitation to any person placing or preparing to place money in a parking meter.~~

(f) ~~A person commits an offense if he conducts any solicitation within 25 feet of:~~

(1) ~~an automated teller machine;~~

~~institution;~~

(2) ~~an entrance or exit of a bank, credit union, or other similar financial~~

~~(3) an exterior public pay telephone;~~

~~(4) a self-service car wash;~~

~~(5) a self-service fuel pump;~~

~~(6) a public transportation stop; or~~

~~(7) an outdoor dining area of a fixed food establishment.~~

~~(g) For purposes of Subsection (f), measurement will be made in a straight line, without regard to intervening structures or objects, from the nearest point at which a solicitation is being conducted to whichever is applicable of the following:~~

~~(1) the nearest entrance or exit of a facility in which an automated teller machine is enclosed or, if the machine is not enclosed in a facility, to the nearest part of the automated teller machine;~~

~~institution;~~

~~(2) the nearest entrance or exit of a bank, credit union, or other similar financial~~

~~(3) the nearest part of an exterior public pay telephone;~~

~~(4) the nearest part of the structure of a self-service car wash;~~

~~(5) the nearest part of a self-service fuel pump;~~

~~(6) the nearest point of any sign or marking designating an area as a public transportation stop; or~~

~~(7) the nearest part of any table in an outdoor dining area or, if the outdoor dining area is contained within an enclosure, the nearest part of that enclosure.~~

~~(h) In addition to any enforcement action by a peace officer for a violation of this section, any person who is a victim of a solicitation prohibited under Subsection (b), (c), (d), (e), or (f), or who witnesses a violation of Subsection (c), (d), (e), or (f), 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.~~

~~(i) An offense under this section is punishable by a fine not to exceed \$500.]”~~

SECTION 43. That Section 32-14, “Applicability of Building Code,” of Division 1, “Generally,” of Article II, “Fair Park and State Fair Grounds,” of Chapter 32, “Parks and Water Reservoirs,” of the Dallas City Code is amended to read as follows:

“SEC. 32-14. APPLICABILITY OF BUILDING CODE.

All buildings and structures erected or constructed within or moved into the state fair area shall comply with the Dallas [city] Building Code, except that:

(a) Buildings and structures of not more than two stories in height erected and constructed for use as temporary buildings, as defined in Section 32-13 and which are classified under the Dallas Building Code as groups A2, B, M, S2, and U [~~F, G, I and J~~] occupancies, shall not be required to set back from the site property lines and may be built adjoining other buildings; provided, that all exterior walls shall be of one-hour fire resistive construction as required by the Dallas Building Code; and provided further, that the aggregate or total ground area of all buildings and structures constructed in any one group shall not exceed 10,000 square feet for one story buildings or structures and 5,000 square feet for two story buildings or structures, unless provided with an absolute fire separation or 15 foot clear space between such groups. All fire extinguisher requirements must adhere to Section 906 of the Dallas Fire Code. Additionally, all temporary and permanent tents and membrane structures must comply with Section 3104 of the Dallas Fire Code. This includes, but is not limited to, [In lieu of the Building Code requirements which are not applicable, a 2 1/2 gallon fire extinguisher of an approved type shall be provided for each 2,000 square feet of floor area or fraction thereof and all] drapes, curtains, decorations, and other similar flammable materials [shall be sprayed or dipped in flame retardant solution as required by the fire marshal].

(b) Partitions in the interior of buildings shall be constructed of one-half inch sheet rock on both sides of wood studs or equal or better fire resistive construction and shall maintain fire extinguishers as provided in Subsection (a) of this section and flame retardant proofing shall be done as provided in Subsection (a).

(c) The requirements of the Dallas Building Code with respect to the number of toilets may be waived by the health officer of the city when the waiving of this requirement does not conflict with this Code or other ordinances of the city dealing with health.”

SECTION 44. That Subsection (a) of Section 32-15, “Regulations Pertaining to Structures Used One Month or Less,” of Division 1, “Generally,” of Article II, “Fair Park and State Fair Grounds,” of Chapter 32, “Parks and Water Reservoirs,” of the Dallas City Code is amended to read as follows:

“(a) Tents, stands, awnings, and canopies may be used individually in any size in the area known as the midway area or may be grouped together; provided, that any tent, stand or groups of tents and stands having 3,000 square feet in total ground area shall be separated from all other tents, stands, buildings and structures by not less than 15 feet of open space, clear of all combustible material and provided that flame proofing is carried out as provided in Section 32-14[~~except that portions of awnings, tents or other heavy canvas over 10 feet above grade need not be flameproofed unless required by the fire marshal~~]. If any additional decoration or combustible [~~flammable~~] material is used therein, this material shall be flameproofed [~~regardless of height~~].”

SECTION 45. That Section 36-5, “Specifications for Poles,” of Article I, “In General,” of Chapter 36, “Poles and Wires,” of the Dallas City Code is amended to read as follows:

“SEC. 36-5. RESERVED [~~SPECIFICATIONS FOR POLES~~].

~~[Poles used as provided in this chapter shall be of sound timber, not less than five inches in diameter at the upper end, straight, shapely and of uniform size, neatly planed and shaved and thoroughly creosoted.]”~~

SECTION 46. That Section 36-27, “Daily Testing of Circuits,” of Article I, “In General,” of Chapter 36, “Poles and Wires,” of the Dallas City Code is amended to read as follows:

“SEC. 36-27. RESERVED [~~DAILY TESTING OF CIRCUITS~~].

~~[All circuits shall be tested for grounds at 9:00 a.m., 12:00 noon and 3:00 p.m. every day. When a ground connection occurs it must be found and remedied without delay or, failing in this, the current must be discontinued until insulation is restored.]”~~

SECTION 47. That Section 36-34, “Fire Indicators In Electric Light or Power Company Stations; Duty of Company In Case of Fire,” of Article I, “In General,” of Chapter 36, “Poles and Wires,” of the Dallas City Code is amended to read as follows:

“SEC. 36-34. RESERVED [~~FIRE INDICATORS IN ELECTRIC LIGHT OR POWER COMPANY STATIONS; DUTY OF COMPANY INCASE OF FIRE~~].

~~[The fire department of the city shall erect in every station of every electric light or power company, at the latter’s expense, a suitable gong and indicator, connecting with the fire lines, by which the location of all fires shall be indicated. On the occurrence of a fire in any district in which any company has wires, such company shall forthwith send a man prepared to remove such wires, under the direction of the fire department.]”~~

SECTION 48. That Section 36-49, “Rights of Certain Companies,” of Article II, “Poles and Wires—Reports, Records, and Inspections,” of Chapter 36, “Poles and Wires,” of the Dallas City Code is amended to read as follows:

“SEC. 36-49. RESERVED [~~RIGHTS OF CERTAIN COMPANIES~~].

~~[None of the obligations, burdens, and restrictions of this chapter may in any manner interfere with or destroy the rights and privileges secured by telegraph companies that have accepted the provisions of the Act of Congress of July 24, 1866.]”~~

SECTION 49. That Chapter 38, “Private Detectives,” of the Dallas City Code, is amended to read as follows:

**“CHAPTER 38
RESERVED [~~PRIVATE DETECTIVES~~]**

~~SEC. 38-1. DEFINITIONS.~~

~~For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:~~

~~DETECTIVE AGENCY. Any person engaged in the detective business for hire which employs one or more persons as employees, assistants, clerks, bookkeepers or operatives in its business; provided, that persons engaged in such business whose employees, other than office employees, are in full uniform shall not be classed as a detective agency.~~

~~DETECTIVE BUSINESS. The business of making for hire an investigation for the purpose of obtaining information with reference to any of the following matters:~~

~~Crimes against the laws of the land or wrongs done or threatened; the habits, conduct, movements, associates, transactions, reputation, character or location of persons; the credibility of witnesses or other persons; the location or recovery of lost or stolen property; securing evidence to be used before authorized investigating committees, boards of award or arbitration or in the trial of civil or criminal cases; the causes, origins or responsibility for fires, accidents or injury to real or personal property; or strikes and labor difficulties.~~

~~PRIVATE DETECTIVE. A person engaged in the detective business for hire who does not employ or use any employees, assistants, clerks, bookkeepers or operatives.~~

~~SEC. 38-2. LICENSE -- REQUIRED.~~

~~No person shall engage in the business of a private detective or conduct a private detective agency within the city without first having obtained a license therefor.~~

~~SEC. 38-3. SAME -- FINGERPRINTING; MINIMUM AGE.~~

~~No license to engage in the business of a private detective or to conduct a private detective agency shall be issued until the police department has taken the fingerprints of the applicant. No license shall be issued where the applicant is under 23 years of age.~~

~~SEC. 38-4. SAME -- FEE.~~

~~In order to defray a part of the expense necessary to provide the surveillance, supervision and inspection of persons as required under the terms of this chapter, there is hereby fixed a license fee or police tax, which shall be collected from any person engaged in the private detective business or conducting a private detective agency of \$50 per annum. If any application is granted during the calendar year, the fee shall be paid pro rata for the balance of the current year. In no event shall there be any refunds of license fees or police taxes paid under this chapter. The fee shall be paid to the assessor and collector of taxes who shall issue a receipt therefor on a form prepared by him for that purpose.~~

~~SEC. 38-5. SAME -- EXPIRATION DATE.~~

~~Each license granted and issued under the provisions of this chapter shall expire at midnight of the 31st day of December next following the date of issuance of same.~~

~~SEC. 38-6. APPLICATION FOR LICENSE -- INFORMATION REQUIRED.~~

~~Any person intending to conduct a private detective business in the city shall, for each such bureau or agency, file with the chief of police a written application duly signed and verified as follows:~~

~~(a) If the applicant is a person, the application shall be signed and verified by such person, and if the applicant is a firm or partnership, the application shall be signed and verified by each individual composing or intending to compose such firm or partnership. The application shall state the full name, age, residence, present and previous occupations of each person so signing the same, that he is a citizen of the United States and shall also specify the name of the street and number and the trade name of the business for which the license is desired and such further facts as may be required by the chief of police to show the good character, competency and integrity of each person so signing such application. Each person signing such application shall, together with such application, submit to the chief of police his photograph in duplicate in passport size and fingerprints of his two hands recorded in such manner as may be specified by the chief of police or his authorized representative. Before approving such application it shall be the duty of the chief of police or his authorized representative to compare such fingerprints with those filed with the identification bureau of the police department. Every such applicant shall establish to the satisfaction of the city manager and by at least two duly acknowledged certificates that such applicant, if he be a person or in the case of a firm, company, partnership or corporation, at least one member of such firm, partnership, company or corporation has been regularly employed as a detective or shall have been a member of the United States government investigative service, a~~

~~sheriff or member of the city police department of a rank or grade higher than that of patrolman for a period of not less than three years.~~

~~Such applications shall be approved as to each person or individual so signing the same by not less than five reputable citizens of this community, each of whom shall certify that he has personally known the person for a period of at least five years prior to the filing of such application, that he has read such application and believes each of the statements made therein to be true, that such person is honest, of good character, competent and not related or connected to the person so certifying by blood or marriage.~~

~~Local branches of detective agencies licensed, chartered or organized outside of the city by authority of a law of their home state where the provisions are substantially the same as those of this chapter, shall be exempted from the provisions of this section; provided, however, that the local manager shall be fingerprinted.~~

~~(b) If the applicant is a corporation, the application shall be signed and verified by the president, secretary and treasurer thereof and shall specify the name of the corporation, the date and place of its incorporation, the location of its principal place of business and the location of the premises on which it intends to do business in the city. Each and every requirement of this section shall apply to the president, secretary and treasurer and each such officer and his successor shall, prior to entering upon the discharge of his duties, sign and verify a like statement, proved in like manner as is prescribed in this section as in case of person or individual member of a firm or partnership. In the event of the death, resignation or removal of such officer, due notice of that fact shall forthwith be given in writing to the chief of police together with a copy of the minutes of any meeting of directors of such corporation, certified by the secretary indicating the death, resignation or removal of such officer and the election or designation of the successor of each deceased, resigned or removed officer. The local manager or representative of a person whose headquarters is elsewhere than in the city shall comply with the requirements in part (a) of this section.~~

~~SEC. 38-7. SAME -- INVESTIGATION.~~

~~Upon the filing of an application for a license to engage in the business of a private detective or conduct a private detective agency, properly filled out, the chief of police shall make or cause to be made such investigation as he may deem necessary to determine the fitness of the applicant for a license. Then the chief of police shall within 10 days forward the application with his recommendations to the city manager.~~

~~SEC. 38-8. SAME -- ACTION BY CITY MANAGER; ISSUANCE OF LICENSE.~~

~~The city manager shall have authority to grant a license to engage in the business of a private detective or conduct a private detective agency without further investigation or to cause further investigation to be made before granting such license or disapproving the application. Upon the granting of such license by the city manager, it shall be the duty of the applicant to present the action of the city manager to the assessor and collector of taxes of the city and upon the payment of the proper license fee the assessor and collector of taxes shall accordingly issue the proper license permit on a form to be prescribed by the assessor and collector of taxes.~~

~~SEC. 38-9. SAME -- FACTORS TO BE CONSIDERED BY CITY MANAGER.~~

~~In approving or disapproving any license to engage in the business of a private detective or to conduct a private detective agency, the city manager shall consider the following factors:~~

~~(a) Whether the applicant has been convicted of a felony, or on renewal of license, for the violation of any of the provisions of this chapter, during the year next preceding the filing of this application.~~

~~(b) Whether the applicant is of good moral character and his reputation for being a peaceable law abiding citizen.~~

~~(c) Whether the applicant is a former member of the police department or was formerly employed as a special police officer and was released for cause.~~

~~(d) Such other lawful matters as he considers pertinent and proper in arriving at a fair and lawful conclusion with respect to such application for a license.~~

~~SEC. 38-10. SAME -- APPEAL TO CITY COUNCIL.~~

~~The city manager shall consider all licenses applied for under this chapter and approve or disapprove the same; provided, that upon refusal of the city manager to approve such application, the applicant may within 10 days thereafter appeal to the city council, which shall within 30 days thereafter accord to such applicant a hearing as to whether or not a license to engage in the business of a private detective or to conduct a private detective agency shall be granted.~~

~~SEC. 38-11. FUNCTIONS, POWERS AND DUTIES OF POLICE DEPARTMENT.~~

~~With regard to all applicants for a license to engage in the business of a private detective or to conduct a private detective agency, the police department shall have the following functions, powers and duties:~~

~~(a) To investigate qualifications for fitness of all applicants.~~

~~(b) To investigate and aid in the prosecution of all violations of this chapter and cooperate in the prosecution of offenders before any court having jurisdiction to hear the same.~~

~~(c) To fingerprint all applicants.~~

SEC. 38-12. ~~BOND--REQUIRED.~~

~~Before any license to engage in the business of a private detective or to conduct a private detective agency shall be issued as provided in this chapter, the applicant shall furnish to the city a good and sufficient surety bond or insurance policy, the same to be approved by the city manager. A bond shall be signed by some good solvent bonding company authorized to do business in this state and an insurance policy shall be executed by some good solvent insurance company authorized to do business in this state.~~

SEC. 38-13. ~~SAME--AMOUNT; CONDITIONS.~~

~~The surety bond or insurance policy required by Section 38-12 shall be in the sum of \$10,000 and shall be conditioned that the obligor therein will pay to the extent of the face amount of such surety bond or insurance policy all judgments which may be recovered against such detective or detective agency by reason of the wrongful or illegal acts of its servants, officers, agents or employees committed by them in the course of their employment. Such surety bond or insurance policy shall further be conditioned that such person so injured shall have the right to sue directly upon the surety bond or insurance policy in his own name, and the same shall be subject to successive suits for recovery until a complete exhaustion of the face amount thereof.~~

SEC. 38-14. ~~SAME--RENEWAL; FAILURE TO RENEW.~~

~~The surety bond or insurance policy required by Section 38-12 shall be in effect for the period of time covered by the license for which such bond or policy is given and shall expire at the expiration of the license for which such bond or policy was given. Each such detective or detective agency shall, on or before the date of the expiration of the terms of any surety bond or insurance policy so filed by such agency, file a renewal thereof or a new surety bond or insurance policy containing the same terms or obligations of the preceding surety bond or policy and shall each year thereafter or before the expiration date of the existing surety bond or insurance policy file such renewal surety bond or insurance policy so as to provide continuous security to persons so injured. In the event any such detective or detective agency fails to execute any surety bond or insurance policy in the first instance or to execute any renewal surety bond or insurance policy or to file the same with the city manager as provided in this article, it shall constitute grounds for revoking the license issued under the provisions of this chapter.~~

SEC. 38-15. ~~APPLICABILITY OF SECTIONS 8-12 to 38-14.~~

~~The provisions of Sections 38-12 to 38-14 shall not apply to a foreign corporation having a permit to do business in this state.~~

SEC. 38-16.**~~POSTING AND SURRENDER OF LICENSE CERTIFICATE.~~**

~~Immediately upon the receipt of the license certificate issued by the city, the licensee named therein shall cause such license certificate to be posted up and at all times displayed in a conspicuous place in the bureau, agency, subagency, office or branch office for which it is issued so that all persons visiting such place may readily see the same. Such license certificate shall at all reasonable times be subject to inspection by the chief of police or an authorized representative of the police department. No person holding such license certificate shall post such certificate or permit such certificate to be posted upon premises other than those described therein or to which it has been transferred pursuant to the provisions of this article or knowingly alter, deface or destroy any such license certificate. Every license certificate shall be surrendered to the chief of police within 72 hours after its terms shall have expired or after notice in writing to the holder that such license has been revoked. Failure to comply with any provisions of this section is a misdemeanor and sufficient cause for the revocation of a license.~~

SEC. 38-17.**~~EFFECT OF CHAPTER.~~**

~~Nothing in this chapter shall be construed to authorize the agents, servants, officers or employees of licensee to have the power of peace officers in this city unless such power be conferred thereon under the provisions of the laws of this state, this code or other ordinances of this city.~~

SEC. 38-18.**~~REMOVAL OF BUREAU, AGENCY, ETC.~~**

~~If the holder of an unexpired license certificate issued pursuant to this chapter shall remove the bureau, agency, subagency, office or branch office to a place other than that described in the license certificate, he shall within the 24 hours immediately following such removal give written notice of such removal to the chief of police, which notice shall describe the premises to which such removal is made and the date on which it was made, and send such license certificate to the chief of police, who shall cause to be written or stamped across the face of such certificate a statement signed by the city manager to the effect that the holder of such license has, on the date stated in such written notice, removed such bureau, agency, subagency, office or branch office from the place originally described in such written notice. Such license certificate with the endorsement thereon shall then be returned to the licensee named therein.~~

SEC. 38-19.**~~EMPLOYEES -- NUMBER PERMITTED; RESPONSIBILITY OF EMPLOYER.~~**

~~The holder of any license certificate issued pursuant to this chapter may employ to assist him in his work as a private detective and in the conduct of such business as many persons as he may deem necessary. The licensee shall at all times during such employment be legally responsible for the good conduct in the business of each and every person so employed.~~

SEC. 38-20. ~~SAME — CERTAIN PERSONS PROHIBITED FROM EMPLOYMENT.~~

~~No holder of any unexpired license certificate issued pursuant to this chapter shall knowingly employ in connection with his business in any capacity whatsoever any person who has been convicted of a felony, who has been discharged from a law enforcement agency for cause, whose private detective license was revoked or application for such license denied by the authorities of this city or any other city or state or who has been found guilty of illegally using, carrying or possessing a pistol or other dangerous weapon, buying or receiving stolen property or any offense indicating moral turpitude. Should the holder of an unexpired license certificate falsely state or represent that a person is or has been in his employ, such false statement or misrepresentation shall be sufficient cause for the revocation of such license. Any person falsely stating or representing that he is or has been a detective or employed by a detective agency, shall be guilty of a misdemeanor.~~

SEC. 38-21. ~~SAME — “EMPLOYEE’S STATEMENT” REQUIRED.~~

~~No person shall hereafter be employed by any holder of a license certificate issued pursuant to this chapter until he shall have executed and furnished to such license holder a verified statement, to be known as an “employee’s statement,” setting forth:~~

- ~~(a) The employee’s full name, age and residence address.~~
- ~~(b) His place of birth and the county of which he is a citizen.~~
- ~~(c) The business or occupation engaged in for five years immediately preceding the date of the filing of the statement, setting forth the place where such business or occupation was engaged in and the name of employers, if any.~~
- ~~(d) That he has not been convicted of a felony or any offense involving moral turpitude or any of the offenses described in Section 38-20.~~
- ~~(e) Such further information as the city manager or chief of police may by rule require to show the good character, competency and integrity of the person executing the statement.~~

SEC. 38-22. ~~SAME — FINGERPRINTING.~~

~~Immediately upon the verification of an employee’s statement, the holder of the license certificate issued pursuant to this chapter by whom such person has been or is to be employed shall cause two sets of fingerprints of the two hands of such person to be recorded in such manner as the chief of police may by rule prescribe. The holder of the license certificate shall immediately stamp in indelible ink the employee’s statement and each set of fingerprints with the name, year and license certificate number of such holder and a number which number shall be determined by the number of such statements furnished to such holder and shall be in numerical sequence.~~

~~The holder of a license certificate shall affix one set of such fingerprints to the employee's statement in such manner that the prints can be examined without disclosing the contents of the employee's statement, and shall retain such statement and prints so long as he shall be licensed under this chapter by the city. The holder of a license certificate shall file the other set of fingerprints with the chief of police within 24 hours of such employment. Within five days after the filing of such fingerprints the chief of police shall cause such fingerprints to be compared with fingerprints filed with the identification bureau of the city and if any record of such prints are found he shall notify the holder of such license certificate. The chief of police may also from time to time cause such fingerprints to be checked with the state department of public safety or other official fingerprint files within or without this state, and if he finds such person has been convicted of a felony or other offense he shall immediately notify the holder of such license certificate. The chief of police or his authorized representative shall at all times be given access to and may from time to time examine the fingerprints retained by the holder of the license certificate provided in this article. No holder of a certificate shall file with the police department the fingerprints of a person other than the person so employed.~~

SEC. 38-23. ~~SAME -- REVOCATION OF LICENSE.~~

~~(a) The city council shall have the right and authority to revoke and cancel any license issued under the provisions of this chapter for cause upon a hearing duly had after five days' notice to the licensee. In addition to the general authority contained in this code for the revocation of licenses, any license issued under the provisions of this article may be revoked by the city council for any of the following reasons:~~

- ~~(1) If such licensee has knowingly violated any of the provisions of this chapter.~~
- ~~(2) If any employee or operative of such licensee shall have knowingly violated any of the provisions of this chapter with permission and instructions from such licensee to do so.~~
- ~~(3) If such licensee has knowingly made a false report to his client or other person entitled to receive such information in respect to any of the matters in which licensee may be employed.~~
- ~~(4) If such licensee has knowingly and wrongfully divulged any confidential information which he may have acquired from or for his client to any person other than his client or other person authorized to receive such information and if such licensee has knowingly permitted or instructed any employee wrongfully to divulge any confidential information acquired from or for his client, in the event such employee or operative shall actually make such false report or wrongfully divulge such confidential information.~~
- ~~(5) If such licensee has knowingly and wilfully sworn falsely in any judicial proceeding or suborned perjury therein, upon conviction of such licensee of such offense.~~
- ~~(6) If such licensee, during the period of his employment by the client, shall accept money or gratuities from any person whose affairs he may have been employed by such client to investigate.~~

~~(b) In the event any member of a firm or any officer or authorized local agent of a corporation holding a license issued pursuant to this chapter has done any of the things set forth in the foregoing provisions of this section, then the city council may revoke the license of such partnership, firm, company, or corporation.~~

~~SEC. 38-24. DIVULGING OF CERTAIN INFORMATION PROHIBITED.~~

~~Any person who is or has been an employee or holder of a license shall not divulge to anyone other than his employer or as his employer may direct, except as he may be required by law, any information acquired by him during such employment in respect to any of the work to which he shall have been assigned by such employer. Any such employee violating the provisions of this section and any such employee who shall wilfully make a false report to his employer in respect to any such work shall be guilty of a misdemeanor. The employer of any employee believed to have violated this section shall, without any liability whatsoever upon such employer, supply the chief of police or such person as the chief of police may designate all the known facts and circumstances in connection with such employee's transactions, performance or action believed to be in violation of this article and the chief of police or his authorized representative shall, should the facts and circumstances be deemed to warrant, conduct further investigation and submit the evidence thus acquired in the support of charges filed against such employee.~~

~~SEC. 38-25. CERTAIN PERSONS EXEMPTED FROM PROVISIONS OF CHAPTER.~~

Nothing in this chapter shall apply to the following persons:

~~(a) Any officer belonging to the police force of the United States, this state or any county, city, town or other municipal corporation appointed or selected by due authority of law insofar as their activities are concerned.~~

~~(b) Any private special police officer, private guard or private patrol as provided for elsewhere in this code.~~

~~(c) Any person engaged exclusively in the insurance business.~~

~~(d) Any attorney or counselor at law in the legal practice of their profession, but such exemption shall not inure to the benefit of any employee or representative of such attorney or counselor at law who is not employed solely, exclusively and regularly by such attorney or counselor at law.~~

~~(e) Any person or any bureau or agency whose business is exclusively the furnishing of information as to the business and financial standing and credit responsibility of persons or as to personal habits and financial responsibility of applicants for insurance, indemnity bonds or commercial credit or of claimants under insurance policies.~~

SECTION 50. That Chapter 39, "Railroads," of the Dallas City Code, is amended to read as follows:

"CHAPTER 39
RESERVED [RAILROADS

ARTICLE I.
PURPOSE, DEFINITIONS.

SEC. 39-1. **PURPOSE.**

~~The regulations in this chapter have been established to promote the health, safety, and general welfare of the citizens of the city by providing for the reasonable and safe operation of all railroad traffic operating within the city.~~

SEC. 39-2. **DEFINITIONS.**

~~In this chapter, unless the context requires otherwise:~~

- ~~(1) AREA means the American Railway Engineering Association.~~
- ~~(2) CITY means the city of Dallas.~~
- ~~(3) COMMITTEE means the citizen's safety advisory committee.~~
- ~~(4) DEPARTMENT means the department of the city designated by the city manager to enforce and administer this chapter.~~
- ~~(5) DIRECTOR means the director of the department and any authorized representative of the director.~~
- ~~(6) FRA means the Federal Railroad Administration.~~
- ~~(7) HAZARDOUS MATERIAL means "hazardous material," "hazardous substance," or "hazardous waste" as defined in Section 171.8, Part 171, Subchapter C, Chapter 1, Subtitle B, Title 49, Code of Federal Regulations.~~
- ~~(8) LOCAL means residing or situated within the city.~~
- ~~(9) LOOSE MATERIAL means dirt, sand, gravel, or other material that is capable of blowing or spilling from a railroad car as a result of movement or exposure to air, wind currents or weather.~~
- ~~(10) MAIN RAILROAD LINE means the following railroad lines. Any other railroad line within the city is considered a switch or spur line.~~

(A) Main Lines of the Atchison, Topeka and Santa Fe Railroad (“SF”).

(i) ~~Line SF1 is directionally described as follows: From the south city limits near its intersection with Red Bird Lane northward to Ledbetter Drive to Loop 12 (Walton Walker Boulevard), then northeasterly to Cockrell Hill Road, Westmoreland Road, Hampton Road, Tyler Street, then easterly to Zang Boulevard, then northeasterly to Marsalis Avenue, Corinth Street and the Trinity River, to Lamar Street, to South Central Expressway to the east Dallas yards at Good Latimer Expressway.~~

(ii) ~~Line SF2 is directionally described as follows: From the east Dallas yards at Good Latimer Expressway northeasterly to Haskell Avenue, Peak Street, Munger Boulevard, Beacon Street, West Shore Drive, then southeasterly to East Grand Avenue to the Southern Pacific Railroad Belt Line to White Rock Creek, then northeasterly to Highland Road, Lakeland Drive, Peavy Road, Barnes Bridge Road, to the Garland city limits near IH 635.~~

(iii) ~~Line SF3 is directionally described as follows: Northwesternly from Line 2 north of Northwest Highway to the Garland city limits at IH 635, then northwestward from the Garland city limits at Jupiter Road to Kingsley Road, Plano Road, then northerly to Miller Road, Skillman Street, Walnut Street, to the north city limits at Buckingham Road, then westerly from the Plano city limits being approximately 2680 feet east of Preston Road near Coit Road to 1250 feet west of Preston Road to Dallas Parkway to the west city limits near Midway Road.~~

(B) Main Lines of the former Chicago, Rock Island and Pacific Railroad (“RI”).

(i) ~~Line RI1 is directionally described as follows: From near Corinth Street northwestward to Union Station, Continental Avenue, Oak Lawn Avenue, Industrial Boulevard to Motor Street, to Inwood Road, Mockingbird Lane, then westward to the city limits at the Trinity River.~~

(C) Main Lines of the Missouri Kansas Texas Railroad (“MKT”).

(i) ~~Line MKT1 is directionally described as follows: From the south city limits near Wintergreen Road northward to Cleveland Road, IH 635, Simpson Stuart Road, Ledbetter Drive (Loop 12), Illinois Avenue, Overton Road, Sargent Road, Martin Luther King Boulevard, Corinth Street to Union Station.~~

(ii) ~~Line MKT2 is directionally described as follows: From Union Station northward and northwestward to Continental Avenue, Oak Lawn Avenue, crossing Harry Hines Boulevard, to Lucas Drive, Amelia Street, Maple Avenue, Inwood Road, Mockingbird Lane, Shorecrest Drive, Webb Chapel Extension, Northwest Highway (Loop 12), Walnut Hill Lane, Royal Lane, Forest Lane, IH 635, to the north city limits, 0.5 miles north of IH 635.~~

(iii) ~~Line MKT3 is directionally described as follows: From Line 2 near Harry Hines Boulevard and McKinnon Street northeasterly to Maple Avenue, Lemmon Avenue, Fitzhugh Avenue, Knox Street, Mockingbird Lane, Abrams Road, Northwest Highway (Loop 12), then northward to White Rock Creek, Kingsley Road, Miller Road, then northeasterly to Audelia Road, IH 635, Plano Road to the east city limits east of Plano Road.~~

(D) ~~Main Lines of the Missouri Pacific Railroad (“MP”).~~

(i) ~~Line MP1 is directionally described as follows: From the west city limits southwest of the intersection of IH 30 and Loop 12 easterly to Chalk Hill Road, Westmoreland Road, Hampton Road, Sylvan Avenue to the Trinity River to Union Station.~~

(ii) ~~Line MP2 is directionally described as follows: From the Missouri Pacific Junction with the Southern Pacific Railroad Belt Line east of Hatcher Street easterly to Military Parkway, Jim Miller Road, Buckner Boulevard, Prairie Creek Road, to the east city limits near Sam Houston Road.~~

(E) ~~Main Lines of the St. Louis San Francisco Railroad (“FR”).~~

(i) ~~Line FR1 is directionally described as follows: From the west city limits at the Trinity River Elm Fork northward to California Crossing, Northwest Highway (Spur 348), Royal Lane, IH 635, to the north city limits, 0.25 miles north of IH 635.~~

(F) ~~Main Lines of the St. Louis Southwestern Railroad (“SL”).~~

(i) ~~Line SL1 is directionally described as follows: From the west city limits at Dallas Parkway northeasterly to Preston Road, Campbell Road, Hillcrest Road, Coit Road to the east city limits, 0.75 miles east of Coit Road.~~

(G) ~~Main Lines of the Southern Pacific Railroad (“SP”).~~

(i) ~~Line SP1 is directionally described as follows: From the south city limits south of Kleberg Road northwestward to South Belt Line Road, Jordan Valley Road, IH 635, Haymarket Road, St. Augustine Road, US 175, Buckner Boulevard (Loop 12), Jim Miller Road, Lake June Road, then northerly to Bruton Road, then westward to Lawnview Avenue, to the Southern Pacific Railroad Belt Line (SP3) east of Hatcher Street.~~

(ii) ~~Line SP2 is directionally described as follows: From the south city limits at IH 635 northward to McCommas Bluff Road, Simpson Stuart Road, Ledbetter Drive (Loop 12), Linfield Road, the Trinity River to the Southern Pacific Railroad Belt Line (SP3) at Municipal Street.~~

(iii) ~~Line SP3 is directionally described as follows: Southern Pacific Railroad Belt Line from Union Station southward to Corinth Street to Martin Luther King Boulevard, IH 45, Lamar Street, then northward to Municipal Street, US 175, Macon Street, Second Avenue, Seyene Road (SH 352), the Missouri Pacific Junction, Military Parkway, IH 30, the Santa Fe Railroad, East Grand Avenue, Mockingbird Lane, the MKT Railroad, Northwest Highway (Loop 12), Abrams Road, Skillman Street, Park Lane, Walnut Hill Lane, Greenville Avenue, White Rock Creek, Forest Lane, IH 635, Restland Road, to the north city limits south of Spring Valley Road.~~

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

(12) ~~RAILROAD COMPANY means a person owning or operating trains on a railroad line within the city.~~

(13) ~~SLOW ORDER means a written or verbal instruction to a railroad company from the FRA, the city or the railroad company itself requiring the railroad company to reduce the speed of its trains on the portion of track referred to in the order because of conditions adversely affecting the safe operation of railroad traffic on that track.~~

(14) ~~SWITCH OR SPUR RAILROAD LINE means any railroad line within the city, not designated as a main railroad line.~~

(15) ~~TRAIN means any of the following:~~

(A) ~~Any number of railroad engines, cars, or service vehicles operated as a unit.~~

(B) ~~Railroad engines operated singly.~~

(C) ~~Self-powered railroad cars.~~

(16) ~~SHIFTABLE LOAD MATERIAL means brick, lumber, pipes, or other material capable of shifting within or falling from a railroad car as a result of the movement of the railroad car or the failure of load securing devices.~~

~~ARTICLE II.~~

~~ENFORCEMENT, DECISION MAKING, REPORTING DUTIES.~~

~~SEC. 39-3. ENFORCEMENT.~~

(a) ~~Enforcement authority. The provisions of this chapter shall be administered and enforced by the director. For this purpose, the director shall have police power necessary to secure compliance with the provisions of this chapter.~~

~~(b) Designation of local railroad company official. Each railroad company shall designate a local official who is an employee of the railroad company to be available for notification by the director. This designation shall be in writing to the director and shall include the information necessary to enable the director to contact the designated official in emergencies. The designated official shall be available at all times.~~

~~(e) Notification of violations by the director. The director shall notify, in writing, the FRA and the responsible railroad company of any violation of the provisions of this chapter. This written notification shall list all particulars of the alleged violation with sufficient detail to enable the United States Attorney General to seek prosecution under federal regulations.~~

~~(d) Penalty for violation. Upon conviction, a person who violates a provision of this chapter is punishable by a fine not to exceed \$500. A person who violates a provision of this chapter is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted.~~

~~(e) Repeat violations. Whenever three or more violations are committed in any calendar year by the same railroad company, the director shall notify, in writing, the chairman of the committee and the responsible railroad company.~~

~~(f) Exception. This chapter does not apply to a public transportation authority chartered by the state or to any railroad tracks owned or operated by a public transportation authority chartered by the state.~~

SEC. 39-4. THE SUBCOMMITTEE.

~~(a) Creation of the railroad subcommittee. The chair of the committee is authorized to form a railroad subcommittee to provide better communication between the railroad companies and the city. If formed, the committee chair is authorized to appoint a representative from each railroad company and from the police department, fire rescue department, and department of transportation of the city to serve as ex officio members of the subcommittee.~~

~~(b) Powers and duties of the subcommittee. The subcommittee has the following powers and duties:~~

- ~~(1) To review railroad operations for public safety.~~
- ~~(2) To recommend revisions to this chapter relating to the safety of rail operations.~~

SEC. 39-5. REPORTING DUTIES AND REQUESTS FOR CITY ACTION.

~~(a) Reports to the director. Beginning January 1984, each railroad company shall furnish to the director complete operating and engineering data as specified by the director, including, but not limited to, the following information:~~

- (1) ~~main lines in operation;~~
- (2) ~~spurs being served;~~
- (3) ~~a copy of the latest FRA inspection report for each main line;~~
- (4) ~~a copy of the latest United States Department of Transportation's AAR crossing inventory form for each grade crossing;~~
- (5) ~~an outline of any major maintenance or rehabilitation projects undertaken;~~
- (6) ~~the number of through trains each day of the week and their average speed and length for each main line;~~
- (7) ~~the number of switch moves each day of the week and their average speed and length for each main line and each spur line;~~
- (8) ~~the approximate time of day reference for each train;~~
- (9) ~~hazardous materials movements and procedures;~~
- (10) ~~new crossing protection or grade separations.~~

(b) ~~Supplemental reports. Every January and July after the filing of its initial report, each railroad company shall furnish to the director changes in any data required to be furnished in the initial report under Subsection (a).~~

(c) ~~Accident reports. Each railroad company shall furnish to the director a copy of the FRA accident report within 72 hours of any accident involving track conditions, hazardous materials, or a motor vehicle collision with a train.~~

(d) ~~Slow orders. Each railroad company shall notify the director within 48 hours of the imposition of any slow orders issued by the FRA if the slow orders are related to track or structure conditions.~~

(e) ~~Requests for city action.~~

(1) ~~A railroad company may request the director to bring proposed revisions to this chapter before the city council. These requests may include the following topics:~~

- (A) ~~rail operations;~~
- (B) ~~closure of hazardous or little used grade crossings;~~
- (C) ~~speed limits; or~~

(D) ~~any other matter requiring city action for the railroad company to conduct its business.~~

(2) ~~The director shall forward all requests to the committee for review and recommendation. The director shall forward requests to the city council within 90 days of receipt, whether or not the committee has acted on the request.~~

ARTICLE III. GENERAL REGULATIONS.

SEC. 39-6. TRANSPORTING HAZARDOUS MATERIALS AND SHIFTABLE LOAD MATERIALS.

(a) ~~Transporting hazardous materials. A railroad company commits an offense if it transports hazardous materials over:~~

(1) ~~any railroad spur track in the city which does not meet at least FRA class 1 standards; or~~

(2) ~~any railroad main line track in the city which does not meet at least FRA class 2 standards.~~

~~For purposes of this subsection, a temporary slow order does not change track classification.~~

(b) ~~Transporting both hazardous materials and shiftable load materials. A railroad company transporting both hazardous materials and shiftable load materials on one train commits an offense if it fails to separate each railroad car transporting hazardous materials from each railroad car transporting shiftable load materials in compliance with FRA standards.~~

SEC. 39-7. TRANSPORTING LOOSE MATERIALS.

~~A railroad company transporting loose materials commits an offense if it fails to transport the loose materials in a manner which prevents the escape of any part of the load due to blowing or spilling.~~

SEC. 39-8. OPERATING RAILROAD CARS WITHOUT ENGINES.

(a) ~~A person commits an offense if he operates a railroad car without an engine across or along any public street or highway within the city.~~

(b) ~~It is a defense to prosecution under Subsection (a) if:~~

(1) ~~the railroad car is self powered and is equipped with FRA standard signalling and lighting devices for warning of the railroad car's approach; or~~

- (2) a flagman is present at each traffic approach.

SEC. 39-9. RINGING BELL.

(a) A person commits an offense if he operates a train within the city and fails to sound the train's bell or audible warning device:

- (1) before starting the train; or
- (2) upon approaching any street crossing within the city.

(b) It is a defense to prosecution under Subsection (a) of this section if the train's movements are within railroad yards.

SEC. 39-10. SOUNDING WHISTLE OR HORN.

A person commits an offense if he operates a train within the city and fails to sound the train's whistle or horn at least 1320 feet from any public street or highway before crossing the street or highway.

SEC. 39-11. JUMPING OFF OR CLINGING TO TRAINS.

A person commits an offense if he jumps off or clings to a train while the train is in motion. It is a defense to prosecution under this section if the person is a paying train passenger or an employee or official of the railroad company operating or owning the train.

SEC. 39-12. RUNNING SWITCHES.

(a) Definition. RUNNING SWITCH, in this section, means the method of changing railroad cars from one track to another track in the process of making or unmaking trains. This method involves bringing the railroad cars to a certain grade, detaching the cars from the railroad engine, and allowing the cars to run to other cars or places on a different track without the control of a brake, a brakeman, an engine, an engineer, or any other person. The term "running switch" is also referred to as "kicking cars."

(b) Running switches. A person commits an offense if he makes a "running switch" across or along any public street or highway within the city.

- (c) It is a defense to prosecution under Subsection (b) if:
 - (1) a flagman is present at each traffic approach; or
 - (2) any crossing at which a "running switch" is made is equipped with automatic gates.

~~SEC. 39-13. RIGHT-OF-WAY FENCING.~~

~~A railroad company commits an offense if it fences its right of way within the city:~~

- ~~(1) with barbed wire that begins less than seven feet above the ground; or~~
- ~~(2) in such a manner that the fencing obstructs a public street or highway extending to or across the right of way.~~

~~SEC. 39-14. BLOCKING OF STREETS.~~

~~If a city street crossing has been obstructed by a train for more than five consecutive minutes, the railroad company owning or operating the train commits an offense if it allows its trains to again cross the city street within the next five consecutive minutes or before waiting traffic has cleared the crossing, whichever occurs first.~~

~~SEC. 39-15. TAXICABS AND BUSES -- USE OF DESIGNATED PARKING PLACES.~~

~~(a) Taxicabs. While waiting for employment at any railroad depot in the city, a driver of a taxicab commits an offense if he stops in a parking place not designated by the director for use by taxicabs.~~

~~(b) Buses. While waiting for employment at any railroad depot in the city, a driver of a bus commits an offense if he stops in a parking place not designated by the director for use by buses.~~

**~~ARTICLE IV.
MAINTENANCE AND CONSTRUCTION STANDARDS.~~**

~~SEC. 39-16. ADOPTION OF FRA TRACK SAFETY STANDARDS.~~

~~(a) Sections 213.1 through 213.241, excluding Section 213.9(a), of Part 213, Chapter H, Subtitle B, Title 49, Code of Federal Regulations, providing Federal Railroad Administration track safety standards, are incorporated into this chapter.~~

~~(b) A reference in this chapter to an FRA standard refers to a track safety standard in the federal regulations listed in Subsection (a) of this section.~~

~~(c) The director shall keep a copy of the federal regulations in the director's permanent files. The federal regulations shall be available for public inspection.~~

~~(d) If a provision in the federal regulations listed in Subsection (a) of this section conflicts with a provision in this chapter, the federal regulation provision prevails.~~

SEC. 39-17. RAILROAD TRACKS.

~~A railroad company shall maintain its railroad tracks within the city in accordance with FRA standards.~~

SEC. 39-18. ADOPTION OF THE 1980 AREA MANUAL FOR RAILWAY ENGINEERING.

(a) ~~Chapter 9 of the 1980 AREA Manual for Railway Engineering is incorporated into this chapter. A reference in this chapter to an AREA standard refers to a standard in the manual.~~

(b) ~~The director shall keep a copy of the manual in the director's permanent files. The manual shall be available for public inspection.~~

(c) ~~If a provision in the manual conflicts with a provision in this chapter, the chapter provision prevails.~~

SEC. 39-19. GRADE CROSSINGS.

(a) ~~Standards. A railroad company shall maintain its city grade street crossings, signs, signals, automatic gates, and floodlighting in accordance with AREA standards.~~

(b) ~~Minimum crossing standards. A railroad company shall insure that its railroad tracks crossing city streets meet at least FRA class 1 standards.~~

SEC. 39-20. STANDARDS FOR FRA CLASS 5 TRACK, FRA CLASS 6 TRACK, AND SPECIAL CLASS TRACK.

(a) ~~Definitions. In this section:~~

(1) ~~SPECIAL CLASS TRACK means track verified by the director, as described in Article V of this chapter, for the operation of trains at unlimited speeds greater than 110 miles per hour.~~

(2) ~~The following terms have the meanings given them by the federal regulations adopted in Section 39-16 of this chapter:~~

(A) ~~FRA CLASS 5 TRACK; and~~

(B) ~~FRA CLASS 6 TRACK.~~

(b) ~~Standards. A railroad company shall construct, improve and maintain its FRA class 5, FRA class 6, and special class track in accordance with standards recommended by the director and approved by the city council for each individual line.~~

(e) Procedure.

(1) ~~Railroad company's submission.~~ Before constructing or improving any track to qualify as FRA class 5, FRA class 6, or special class track, a railroad company shall submit to the director all plans and specifications for the proposed construction or improvements.

(2) Director's recommendation.

(A) ~~After 90 days from receipt of the railroad company's plans and specifications, the director shall recommend to the city council whether or not the plans and specifications are sufficient to merit the higher speed limits designated by Section 39-27(b)(2) to correspond to FRA class 5, FRA class 6, and special class track.~~

(B) ~~The director shall notify the railroad company of his recommendation at least 30 days before council action. The director's notification shall be in writing and sent by certified mail, return receipt requested.~~

(3) Public hearing.

(A) ~~The city council shall hold a public hearing to consider the railroad company's plans and specifications. Notice shall be published once in the official newspaper of the city 10 days before the hearing.~~

(B) ~~After the public hearing, the city council may accept or reject the railroad company's plans and specifications.~~

**ARTICLE V.
VERIFICATION OF TRACK CLASS FOR SPEED LIMITS.**

SEC. 39-21. VERIFICATION PROCEDURE.

(a) ~~Upon request by a railroad company for verification of its track, the department shall prepare an on-site survey of the railroad company's operational track within the city. The survey may be based upon:~~

(1) ~~engineering data previously furnished to the director by the railroad company as described in Section 39-5(a); and~~

(2) ~~the department's independent investigation of any crossing conditions and operations relevant to a speed limit determination.~~

(b) ~~Based upon the department's survey, the director shall verify the railroad company's operational track within the city by confirming the track to be:~~

(1) ~~FRA class 1 track;~~

(2) ~~FRA class 2 track;~~

- (3) FRA class 3 track;
- (4) FRA class 4 track;
- (5) FRA class 5 track;
- (6) FRA class 6 track; or
- (7) special class track.

~~SEC. 39-22. NOTIFICATION OF RAILROAD COMPANY.~~

~~Within five days of verification, the director shall notify the railroad company of the speed limit authorized for that railroad company's track. The director's notification shall be in writing and sent by certified mail, return receipt requested.~~

~~SEC. 39-23. POSTING OF SPEED LIMIT SIGNS.~~

(a) ~~In general. Within 30 days of verification, the railroad company shall certify to the director that the new speed limit has been posted in accordance with FRA standards.~~

(b) ~~Motorist warning signs. To warn city motorists of train operating speeds in excess of 40 miles per hour, the director shall cause to be posted at the railroad company's expense a "Fast Trains" sign at each traffic approach to a grade crossing. The "Fast Trains" sign shall be posted no closer than 200 feet from the crossing, preferably below and on the same post holding a standard round warning sign prescribed by the "Manual and Specifications" approved by the State Highway Commission and described in Section 28-27 of Chapter 28 of this code. The "Fast Trains" sign shall not be posted farther from the crossing than the standard round warning sign.~~

~~SEC. 39-24. APPEAL OF DIRECTOR'S ACTION.~~

~~Within 10 days after receiving notice of verification, the railroad company may file a written appeal of the director's action with the city manager. In support of its appeal, the railroad company may submit engineering data and accident reports for the tracks concerned. The city manager shall, within 10 days after the appeal is filed, consider all the evidence in support of or against the action appealed, and render a decision either sustaining or reversing the action. If the city manager sustains the action, the railroad company may within 10 days of that decision file a written appeal with the city secretary to the city council setting forth specific grounds for the appeal. Within 30 days the city council shall hear the appeal. The city council may affirm, modify, or reverse the action appealed. Until a final determination is made by the city council, the speed limit before or after verification, whichever is lower, shall be in effect. The decision of the city council is final.~~

SEC. 39-25. INTERIM SPEEDS.

~~For 90 days following verification, the interim speed limits provided in Section 39-27(b) of this chapter shall be in effect to allow for motorist and resident familiarization and review by the director of the appropriateness of the track class verification and corresponding speed limit. Unless the director requests reconsideration of the track class verification, the permanent speed limits provided in Section 39-27(b) shall take effect at the end of 90 days if all signs have been posted in accordance with Section 39-23.~~

**ARTICLE VI.
MAXIMUM SPEED LIMITS.**

SEC. 39-26. WITHOUT VERIFICATION.

(a) ~~In general.~~ A railroad company that has not obtained verification of its track class under Article V of this chapter commits an offense if it operates a train on:

- (1) ~~a main line track at a speed greater than 25 miles per hour;~~
- (2) ~~a spur or switch track crossing a public street within the city at a speed greater than 10 miles per hour if the crossing is not protected by automatic gates; or~~
- (3) ~~a spur or switch track crossing a public street within the city at a speed greater than 25 miles per hour if the crossing is protected by automatic gates or is grade separated.~~

(b) ~~Track crossings not protected by automatic gates – when visibility is impaired.~~

(1) ~~Director's recommendation.~~

(A) ~~If the director determines that traffic visibility is inadequate from any public street crossed by a track not protected by automatic gates, the director shall recommend to the city council a speed limit less than 25 miles per hour for trains using that track crossing.~~

(B) ~~The director's speed limit recommendation to the city council shall include a recommended distance from the track crossing within which the railroad company shall observe the lower speed limit.~~

(C) ~~The director shall notify the railroad company of his recommendation at least 30 days before council action. The director's notification shall be in writing and sent by certified mail, return receipt requested.~~

(2) ~~Public hearing.~~

(A) ~~If the city council determines that the proposed speed limit reduction does not warrant a public hearing, the city council may approve the speed limit by a majority vote.~~

(B) ~~If the city council determines that the proposed speed limit reduction requires a public hearing, the director shall send written notice of a public hearing on the proposed speed limit reduction to all railroad companies owning or operating trains on the track crossing under consideration and to all owners of real property lying within 200 feet of the track crossing under consideration. The measurement of 200 feet includes streets and alleys.~~

(C) ~~The written notice must be given not less than 10 days before the date set for the hearing by depositing the notice in the United States mail, properly addressed to:~~

(i) ~~the railroad companies as evidenced by the director's list of designated local railroad company officials; and~~

(ii) ~~the property owners as evidenced by the last approved city tax roll.~~

(D) ~~After a public hearing, the city council may approve the speed limit reduction by a majority vote.~~

(3) Notification of railroad company. ~~Within five days of council action, the director shall notify the railroad company of the speed limit authorized for that railroad company's track crossing. The director's notification shall be in writing and sent by certified mail, return receipt requested.~~

SEC. 39-27. WITH VERIFICATION.

(a) In general. ~~If a railroad company has obtained verification of its track class under Article V of this chapter, the railroad company shall not operate a train on a track at a speed greater than the speed applicable to that specific track class as described in Subsection (b) of this section.~~

(b) Criteria and corresponding train speeds.

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

(A) ~~INTERIM SPEEDS means those speed limits in effect for 90 days after authorization of a permanent speed limit. See Section 39-25.~~

(B) ~~MAXIMUM SPEEDS means those speed limits set forth in this subsection, except as provided by FRA regulations. See Section 39-16; see Title 49, Code of Federal Regulations, Part 213 (1982), Sections 213.9(b) and (c), 213.57(b), 213.59(a), 213.105, 213.113(a) and (b), and 213.137(b) and (c).~~

(C) ~~NOISE LEVEL means the average sound pressure level measured in accordance with the requirements of Part 201, Subchapter G, Chapter 1, Title 40, Code of Federal Regulations, providing noise emission standards for transportation equipment.~~

(D) ~~SPECIAL CLASS TRACK is defined in Section 39-20(a).~~

(2) Schedule of criteria and corresponding train speeds.

TRACK CLASS	ROAD CROSSING PROTECTION	RIGHT-OF-WAY FENCING	NOISE LEVEL	TRAIN SPEEDS (MILES PER HOUR)				
				HAZARDOUS MATERIALS	FREIGHT		PASSENGER	
					INTERIM	MAXIMUM	INTERIM	MAXIMUM
F.R.A. : CLASS 1	Signing and striping according to state law	None	90 dbA	See Section 39-6(a)(1)	10	10	15	15
F.R.A. : CLASS 2	Flashing lights	None	90 dbA	10	25	25	25	25
F.R.A. : CLASS 3	Gates — or grade separation	NOTE 1	90 dbA	25	30	40	40	50
F.R.A. : CLASS 4	Gates	NOTE 1	90 dbA	40	35	50	40	60
	Grade separation				40	60	50	80
F.R.A. : CLASS 5	Gates	NOTE 2	90 dbA	50	40	60	50	70
	Grade separation				50	80	60	90
F.R.A. : CLASS 6	Gates	NOTE 2	90 dbA	60	50	80	60	90
	Grade separation				70	110	80	110
Special Class	Grade separation	NOTE 2	90 dbA	80	No Limit	No Limit	No Limit	No Limit
<p>Note 1 — At least 4 foot fencing within 200 feet of existing residential development, parks, schools, churches or other high pedestrian traffic locations as ordered by the director, except where natural terrain features provide an equivalent barrier.</p> <p>Note 2 — At least 6 foot fencing providing protection against access by the public to the right-of-way at all locations</p>								

(e) ~~FRA class 1 and class 2 track crossings – when visibility is impaired.~~

(1) ~~Director's recommendation.~~

(A) ~~If the director determines that traffic visibility is inadequate from any public street crossed by a FRA class 1 or class 2 track, the director may recommend to the city council a speed limit lower than the speed limit applicable to that specific track class provided in Section 39-27(b).~~

(B) ~~The director's speed limit recommendation shall include a recommended distance from the track crossing within which the railroad company shall observe the lower speed limit.~~

(C) ~~The director shall notify the railroad company of his recommendation at least 30 days before council action. The director's notification shall be in writing and sent by certified mail, return receipt requested.~~

(2) ~~Public hearing.~~

(A) ~~If the city council determines that the proposed speed limit reduction does not warrant a public hearing, the city council may approve the speed limit by a majority vote.~~

(B) ~~If the city council determines that the proposed speed limit reduction requires a public hearing, the director shall send written notice of a public hearing on the proposed speed limit reduction to all railroad companies owning or operating trains on the track crossing under consideration and to all owners of real property lying within 200 feet of the track crossing under consideration. The measurement of 200 feet includes streets and alleys.~~

(C) ~~The written notice must be given not less than 10 days before the date set for the hearing by depositing the notice in the United States mail properly addressed to:~~

(i) ~~the railroad companies as evidenced by the director's list of designated local railroad company officials; and~~

(ii) ~~the property owners as evidenced by the last approved city tax roll.~~

(D) ~~After a public hearing, the city council may approve the speed limit reduction by a majority vote.~~

(3) ~~Notification of railroad company.~~ Within five days of council action, the director shall notify the railroad company of the speed limit authorized for that railroad company's track crossing. The director's notification shall be in writing and sent by certified mail, return receipt requested.

SEC. 39-28. ~~TRAIN OPERATION IN REVERSE.~~

~~A person commits an offense if he operates a train in reverse across any public street within the city at a speed greater than 10 miles per hour. It is a defense to prosecution under this section if lookout and signalling (bell, whistle and lights) are provided in the lead car in compliance with FRA standards.]"~~

SECTION 51. That of Section 43-126.17, "License and Decal Required," of Division 4, "Newsracks," of Article VI, "License for the Use of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks," of the Dallas City Code, is amended to read as follows:

"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; or

(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."

SECTION 52. That Section 43-126.18, "License Application; Issuance of License; and Display of Decals," of Division 4, "Newsracks," of Article VI, "License for the Use of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks," of the Dallas City Code, is amended to read as follows:

**“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 and pay the required annual fee, and display a valid decal on the newsrack as required by this division.~~

(d[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.

(e[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.

(f[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.”

SECTION 53. That Section 43-126.23, “Allocation of Freestanding Newsrack Locations,” of Division 4, “Newsracks,” of Article VI, “License for the Use of Public Right-of-Way,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code, is amended to read as follows:

“SEC. 43-126.23. **RESERVED** ~~[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 under Subsection (a), whenever one or more freestanding newsrack spaces become available on a blockface, the director shall allocate the 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.]"~~

SECTION 54. That Section 48-6, “Interfering With Work of Park Board,” of Chapter 48, “Trees and Shrubs,” of the Dallas City Code, is amended to read as follows:

“SEC. 48-6. RESERVED [~~INTERFERING WITH WORK OF PARK BOARD~~].

~~[It shall be unlawful for any person to wilfully prevent, delay or in any manner interfere with the park board or any person acting under its direction and instruction in the planting, pruning, spraying, cultivating, caring for or removal of any living tree standing in any street or public highway in the city.]”~~

SECTION 55. That Section 48-8, “Removal of Electric Wires to Permit Pruning, Etc.,” of Chapter 48, “Trees and Shrubs,” of the Dallas City Code, is amended to read as follows:

“SEC. 48-8. RESERVED [~~REMOVAL OF ELECTRIC WIRES TO PERMIT PRUNING, ETC~~].

~~[Every person having any wire or wires charged with electricity running through a public highway shall temporarily remove any such wire or wires or the electricity therefrom when it shall be necessary, in order to take down or prune any trees growing in a public highway, within 48 hours after service upon the owner of such wires, or his agent, of a written notice signed by the director of the park department, to remove the wire or wires or the electricity therefrom.]”~~

SECTION 56. That Section 48-11, “Duty to Remove Dead, Diseased, and Damaged Trees From Parkway,” of Chapter 48, “Trees and Shrubs,” of the Dallas City Code, is amended to read as follows:

“SEC. 48-11. DUTY TO REMOVE DEAD, DISEASED, AND DAMAGED TREES FROM PARKWAY.

[(a)] Every person owning, occupying, or in control of property shall, at the person’s own expense, remove any dead, diseased, or damaged tree from the parkway abutting the property owned, occupied, or controlled by the person.

[(b)] ~~The park department may remove a dead, diseased, or damaged tree from a parkway at the request of the owner, occupant, or person in control of the abutting property or upon failure of the owner, occupant, or person in control of the abutting property to remove the tree after being issued notice of removal by the park department. The fee for removal of a dead, diseased, or damaged tree from a parkway is \$75.]”~~

SECTION 57. That Subsection 210.1, “General,” of Section 210, “Violations and Penalties,” of Subchapter 2, “Organization and Enforcement,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, is amended to read as follows:

“210.1 General. A person commits a criminal offense if:

1. contrary to or in violation of any provision of this chapter or the codes, he knowingly:
 - 1.1. erects, constructs, enlarges, adds to, alters, repairs, replaces, moves, improves, removes, installs, converts, demolishes, equips, operates, uses, occupies, or maintains a structure or building service equipment;
 - 1.2. excavates or maintains an excavation;
 - 1.3. paves or grades on a property; or
 - 1.4. causes any work or activity described in Paragraphs 1 through 3 of this section to be done.
2. 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
3. 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~~
4. ~~the person is the contractor, the agent of the contractor, or the person in control of the construction site and fails to provide rest breaks in accordance with Section 610.;~~

For purposes of this section, a person acts knowingly, or with knowledge, with respect to the nature of their conduct or to circumstances surrounding their conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of their conduct when the person is aware that the conduct is reasonably certain to cause the result. The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of Chapter 1 of the Dallas City Code, as amended.”

SECTION 58. That Subsection 210.3, “Punishment,” of Section 210, “Violations and Penalties,” of Subchapter 2, “Organization and Enforcement,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, is amended to read as follows:

“210.3 Punishment. Any person who violates a provision of this chapter or the codes is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$2,000.

~~[Exception: Each offense of Section 610 is punishable by a fine not to exceed \$500.]”~~

SECTION 59. That Subsection 601.2, “Definitions,” of Section 601, “General,” of Subchapter 6, “Construction Site Management,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, is amended to read as follows:

“601.2 Definitions. In this subchapter:

CONSTRUCTION means any activity involving:

1. construction, demolition, erection, alteration, or repair of any structure or any portion of or appurtenance to a structure; or
2. excavation, paving, or grading on a property.

CONTRACTOR means the person so listed on a permit issued by the building official. When more than one contractor has a permit or is performing construction work on the same project, the provisions of this subchapter apply to the general or prime contractor listed on the building permit. “Contractor” also means the owner of any property on which construction work is being conducted when the construction work either does not require a permit or is being done without a required permit.

~~[**REST BREAK** means a time within working hours during which a worker may not work. The term excludes any regular meal period provided by the contractor, agent of the contractor, or the person in control of the construction site.~~

~~[**SCHEDULED WORK** means the time during which a worker is subject to the control of a contractor, agent of the contractor, or the person in control of the construction site and includes all the time the worker is required or permitted to work.]”~~

SECTION 60. That Paragraph 602.3.1, “Required Information,” of Subsection 602.3, “Content,” of Section 602, “Construction Information Signs,” of Subchapter 6, “Construction Site Management,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, is amended to read as follows:

“602.3.1 Required information. Each construction information sign shall contain the following information:

1. The construction project name, if any.
2. The official city-assigned street address, including any suite number, as it appears on the building permit.
3. The general contractor's name and local telephone number.
4. The words “City of Dallas Construction Information” and the city's construction information telephone number.
- ~~5. An explanation of the requirements of Section 610 in both English and Spanish with instructions on how to confidentially report noncompliance.]”~~

SECTION 61. That Section 610, “Rest Breaks,” of Subchapter 6, “Construction Site Management,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, is amended to read as follows:

**“SECTION 610.
RESERVED [REST BREAKS].**

~~[610.1 Rest break required. A worker performing construction activity at a construction site is entitled to a rest break of not less than 10 minutes for every four hours of scheduled work.]”~~

SECTION 62. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000 if the provision violated governs fire safety, zoning, or public health and sanitation, or \$500 for violation of all other provisions.

SECTION 63. That the ordinances of the City of Dallas and Chapters 1, 2, 11, 12B, 13, 13A, 14B, 17, 18, 20, 25, 25A, 27, 28, 31, 32, 36, 38, 39, 43, 48, and 52 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 64. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part

thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 65. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 66. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

TAMMY L. PALOMINO, City Attorney

By _____
Assistant City Attorney

Passed _____