

ORDINANCE NO. _____

An ordinance amending Chapter 18, "Municipal Solid Wastes," of the Dallas City Code by amending Article V; providing revised storage, license, and record keeping requirements and establishing training requirements for tire businesses; 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 Section 18-55, "Definitions," of Article V, "Tires," of Chapter 18, "Municipal Solid Wastes," of the Dallas City Code is amended to read as follows:

"SEC. 18-55. DEFINITIONS

In this article:

- (1) CITY means the city of Dallas, Texas.
- (2) DIRECTOR means the director of the department designated by the city manager to enforce and administer this article, and includes the director's authorized representatives.
- (3) MANIFEST means a tracking mechanism to monitor the transfer of tires from the point of generation to their end-use or final destination, such as a tire storage site, scrap tire facility, permitted landfill, or land reclamation project using tires. The manifest is a five-part form whose format and content is prescribed by the Texas Commission on Environmental Quality.
- (4) MOBILE TIRE REPAIR BUSINESS means a business that repairs tires at any temporary location, including but not limited to a roadway, alley, parking lot, or residence. The term does not include a business that only changes out or replaces tires, but does not make any repairs to a tire.
- (~~5~~[4]) MOBILE TIRE REPAIR UNIT means any vehicle used in a mobile tire repair business.
- (~~6~~[~~5~~]) SCRAP TIRE means a whole tire or any portion of a tire that:
 - (A) can no longer be used for its original intended purpose; or

(B) is being held, transported, or processed for disposal or recycling.

(7) SCRAP TIRE GENERATOR means a fleet operator, an automotive dismantler, or a retailer, wholesaler, manufacturer, recapper, or retreader of new or used tires.

(8) SCRAP TIRE TRANSPORTER means any business or person who transports more than six scrap tires at any one time or is loading or unloading scrap tires from or to any location within the city.

(9[6]) TIRE BUSINESS means any business or establishment where used tires are collected, repaired, processed, recycled, scrapped, sold, bought, or stored, including but not limited to a mobile tire repair business and a salvage yard.

(10[7]) TIRE RECYCLING FACILITY means a state-registered facility that processes, recycles, or conducts energy recovery with scrap tires.

(11[8]) VEHICLE means any motorized vehicle and any non-motorized trailer that is or may be attached to a motorized vehicle. If a trailer is attached to a motorized vehicle, both the trailer and the motorized vehicle will be considered as one vehicle.”

SECTION 2. That Subsection (b) of Section 18-56, “Tire Business License and Mobile Tire Repair Unit Permit Required; Application; Transferability,” of Article V, “Tires,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code is amended to read as follows:

“(b) To obtain a tire business license, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the tire business. The application must be signed and verified by the applicant and contain all of the following information:

(1) The name, residential mailing address, county of residence, email address, and telephone and facsimile number of each owner and operator of the tire business.

(2) The physical address, email address, and telephone number of the tire business.

(3) The approximate number of tires that will be stored on site at the tire business.

(4) If the tire business is located in the city of Dallas, the zoning district or districts where the business is located.

(5) The tax identification number or taxpayer [~~tax payer~~] identification number of each owner and operator listed in the license application.

(6) A statement that the tire business is in compliance with the requirements of Section 19-34.1 of this code.

(7) The number and description of vehicles the applicant proposes to use as mobile tire repair units, including the year, make, model, color, vehicle identification number, and state license registration number for each vehicle, and proof that each vehicle is in compliance with state requirements for vehicle registration, vehicle inspection, and vehicle financial responsibility.

(8) The registration or license number of any Texas Commission on Environmental Quality registration or license, if applicable.”

SECTION 3. That Section 18-58, “Issuance, Denial, and Display of a License or Permit.” of Article V, “Tires,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code is amended to read as follows:

“SEC. 18-58. ISSUANCE, DENIAL, AND DISPLAY OF A LICENSE OR PERMIT; TIRE DISPOSAL RECORDS.”

(a) The director shall issue a tire business license to the applicant, unless the director determines that the applicant:

- (1) failed to completely fill out an application;
- (2) provided false information on an application;
- (3) failed to pay a license or permit fee required under this article;~~[-or]~~
- (4) has had a tire business license revoked within the preceding 12 months; or
- (5) has failed to complete the training required by Section 18-61.1.

(b) Upon issuance of a license to an applicant, the director shall issue a permit to each vehicle to be operated by the applicant as a mobile tire repair unit.

(c) If the director determines that an applicant should be denied a tire business license, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal. The director shall provide the notice within 10 business days of making the determination.

(d) A license or permit issued under this section must be displayed in a manner and location approved by the director. A license and permit must be presented upon request to the director or to a peace officer for examination.

(e) A tire business shall keep a state approved manifest of all tires received and transported out of its facility. A notarized audit of all tire transactions must be made available upon the request of the director, chief of police, city marshal, or city attorney. A tire business shall maintain manifest records for three years at the physical address designated on its license.

(f) A tire business, mobile tire repair unit, or scrap tire transporter commits an offense if it allows any tire to be transported upon any public street other than by an approved and registered permit holder. Each tire business, mobile tire repair unit, and scrap tire transporter shall maintain daily records of the numbers of tires generated at each premise under its control.”

SECTION 4. That Section 18-59, “Revocation of a License,” of Article V, “Tires,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code is amended to read as follows:

“SEC. 18-59 REVOCATION OF A LICENSE.

(a) The director shall revoke a tire business license if the licensee:

(1) refuses to allow any agent of the city entry into and inspection of the tire business or a mobile tire repair unit;

(2) is convicted twice within a 24-month period of any city ordinance or state or federal law regulating solid waste, litter, dumping, pollution, standing water, insect or rodent infestation, junk or salvage yards, junk motor vehicles, tires, or similar health, sanitation, or environmental concerns; [ø]

(3) violates any provision of this article or Section 19-34.1 of this code; or

(4) does not complete the training required by Section 18-61.1.

(b) Any person whose license or permit has been revoked shall return the license or permit to the director, along with any identification stickers or decals issued to the licensee within 10 business days of revocation.”

SECTION 5. That Article V, “Tires,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code is amended by adding a new Section 18-61.1, “Required Training,” to read as follows:

“SEC. 18-61.1. REQUIRED TRAINING.

(a) The licensee and each of the licensee’s authorized agents at each tire business location and mobile tire repair unit shall complete a two-hour training course delivered by the director prior to initial registration and annually thereafter prior to renewal.

(b) The licensee shall notify the director within 15 days of the separation of any authorized agent or the termination of the agency relationship.

(c) All new authorized agents shall complete the required training within 30 days of the establishment of the agency relationship. If the training is not completed within 30 days, the tire business license is subject to revocation pursuant to Section 18-59.

(d) For purposes of this section, an authorized agent is manager, supervisor, or person in control of a tire business or mobile tire repair unit.”

SECTION 6. That Article V, “Tires,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code is amended by adding a new Section 18-61.2, “Scrap Tire Generator Storage Methods,” to read as follows:

“SEC. 18-61.2. SCRAP TIRE STORAGE METHODS.

- (a) Tires stored by a tire business must be stored under a roofed structure.
- (b) All used tires and scrap tires must be stored in a manner which prevents exposure to natural elements.
- (c) Tires must be stored to prevent the collection of water, debris, dirt, rubbish, and other materials.
- (d) Used tires and scrap tires pieces stored outside must be screened from public view.
- (e) Tires must be secured to prevent unauthorized removal from the structure.
- (f) Tires must be stored in compliance with the Dallas Fire Code.
- (g) Tires must be stored in a regular manner that tends to eliminate mosquito breeding and rodent habitation.
- (h) Tires stored in violation of this section will be deemed a public nuisance subject to abatement at the expense of the premises owner.
- (i) Tires must be stored at each facility in accordance with all local, state, and federal laws and regulations.
- (j) Scrap tire generators storing more than 500 scrap tires on the ground or more than 2,000 scrap tires in enclosed and lockable containers at a facility must obtain a scrap tire storage registration pursuant to 30 Texas Administrative Code Section 328.56.”

SECTION 7. That Article V, “Tires,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code is amended by adding a new Section 18-61.3, “Tire Identification,” to read as follows:

“SEC. 16-61.3. TIRE IDENTIFICATION.

Within one business day of receipt, the tire business who first receives the scrap tire must mark it with the assigned business’s license number. The license number must be placed on each tire using a permanent marking system and:

- (1) be at least one inch in height;
- (2) be of contrasting color; and
- (3) be located on at least one side of the tire.”

SECTION 8. That Subsection (a) of Section 18-62, “Transporting Scrap Tires,” of Article V, “Tires,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code is amended to read as follows:

“(a) A person commits an offense if he transports scrap tires in a vehicle within the city without:

- (1) displaying a valid scrap tire transporter decal in a visible and conspicuous location on the rear of the vehicle;
- (2) being listed as a transporter or authorized driver for the vehicle in the application for the vehicle’s scrap tire transporter decal that is on file with the director; [or]
- (3) maintaining for inspection at any time a current manifest as required by Section 361.112 of the Texas Health and Safety Code, as amended;
- (4) the appropriate identification markings as described by Section 18-61.3; or
- (5) displaying the decal owner’s name, phone number, and decal number on both sides of each vehicle owned and operated by the owner and used in the transporting of scrap tires. The lettering must be permanently affixed to the vehicle, be of a contrasting color, and be at least two inches in height. The decal number must be preceded by the letters “CODL.” For purposes of this subsection, magnetic lettering is not considered permanently affixed.”

SECTION 9. That Article V, “Tires,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code is amended by adding a new Section 18-65.1, “Required Inspections,” to read as follows:

“SEC. 18-65.1. REQUIRED INSPECTIONS.

(a) The director is authorized, at a reasonable time, to inspect each tire business operating in the city for the purposes of ascertaining whether a violation of this article or any other city ordinance or state or federal law applicable to a tire business has occurred.

(b) The director shall inspect each tire business operating in the city at least once per year.

(c) When a tire business is inspected by the director and a violation of this article or any other city ordinance or state or federal law applicable to the tire business is found, the tire business will, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, be reinspected by the director to determine that the violation has been eliminated.”

SECTION 10. That Subsection (a) of Section 18-66, “Penalty,” of Article V, “Tires,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code is amended to read as follows:

“(a) An offense under this article is punishable by a fine of not less than \$500 or more than \$2,000.

(1) Each day that any violation continues constitutes a separate offense.

(2) Each tire transported in violation of this article constitutes a separate offense.”

SECTION 11. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 12. That Chapter 18 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 13. 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 14. 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 15. 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:

CHRISTOPHER J. CASO, City Attorney

By _____
Assistant City Attorney

Passed _____