

ORDINANCE NO. _____

An ordinance amending Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by adding a new Division 51A-9.600; providing for first responder street toppers for first responders to honor members of the Dallas Police Department and Dallas Fire-Rescue who have been lost in the line of duty; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

Now, Therefore,

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

SECTION 1. That Article IX, “Thoroughfares,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code, is amended by adding a new Division 51A-9.600, “First Responder Street Topper,” to read as follows:

“Division 51A-9.600. First Responder Street Topper.

SEC. 51A-9.601. PURPOSE.

The purpose of this division is to commemorate City of Dallas first responders who have paid the ultimate sacrifice and died in the line of duty.

SEC. 51A-9.602. DEFINITIONS.

In this division,

(1) FIREFIGHTER has the meaning given that term in Chapter 614 of the Texas Government Code, as amended.

(2) FIRST RESPONDER means a peace officer or firefighter employed by the City of Dallas.

(3) LINE OF DUTY has the meaning given that term in Section 615.021 of the Texas Government Code, as amended.

(4) PEACE OFFICER has the meaning given that term in Section 2.12 of the Texas Code of Criminal Procedure, as amended.

SEC. 51A-9.603. GENERAL PROVISIONS.

(a) Only public streets may be granted first responder street toppers by the process contained in this division.

(b) A first responder street topper application may be initiated when a peace officer or a firefighter:

(1) died in the line of duty; and

(2) was employed at the time by the City of Dallas.

(c) First responder street toppers must be of the peace officer's or firefighter's name, rank, and identification number, and a statement, "End of Watch" the date of that occurrence.

SEC. 51A-9.604. PROCESS.

(a) Application. An application for a first responder street topper must be submitted by the chief of police or the fire chief to the city manager. The application must include the following:

(1) A statement of how the first responder died and supporting information of the first responder including the amount of service time the first responder spent serving the City of Dallas.

(2) A map showing the location of the street and the portion of the street receiving the first responder street topper.

(b) Notification. Upon receipt of the application, the city manager shall notify the councilmember in whose district the topper will be placed.

(c) Council committee. Prior to approval, the city manager must brief and seek input from the appropriate city council committee.

(d) Determination. The city manager may approve the application based on the determination that the application meets the first responder naming criteria standards.

SEC. 51A-9.605. STANDARDS FOR FIRST RESPONDER STREET TOPPER.

(a) In general.

(1) Prospective first responder honorees must have died in the line of duty while serving the City of Dallas.

(2) When more than one first responder has died in the line of duty at the same location, the applicant will assign the locations where first responder street toppers will go to best honor all the fallen first responders, if the honorees will not fit on the multi-honoree sign.

(b) Additional standards.

(1) First responder street toppers cannot contain a product name or be used for a commercial purpose.

(2) First responder street toppers must be a person's name, rank, and identification number.

(3) A first responder street topper sign must have the following:

(A) "End of Watch" with the date.

(B) For peace officer signs, "Gone But Not Forgotten."

(C) For firefighter signs, "Caring, Serving, and Protecting."

(4) Each sign must follow the format as designed by the Department of Transportation and approved by the chief of police, the fire chief, and city manager.

SEC. 51A-9.606. EFFECTIVE DATE OF FIRST RESPONDER STREET TOPPER AND END DATE.

First responder street toppers approved by the city manager take effect immediately after the date of its approval unless the city manager sets a later effective date. The first responder street toppers have no end date.

SEC. 51A-9.607. INSTALLATION AND REPLACEMENT.

(a) Installation. The director of the Department of Transportation is responsible for the fabrication and installation of the first responder street toppers.

(b) Removal. The Department of Transportation is responsible for replacing first responder street toppers that have become damaged due to vandalism, theft, and normal wear and tear. The department may remove any first responder street topper that has become unsightly until a new topper can be installed."

SECTION 2. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$2,000.

SECTION 3. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. 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 5. 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 6. 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 _____