



City of Dallas

Code Compliance Services Habitual Nuisance Property Designation

**Public Safety Committee
September 13, 2021**

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City of Dallas

Presentation Overview



- Current Enforcement
- Enhancement Considerations
- Enforcement Advantages
- Enhancement Recommendations
- Future Enhancement Plans



Current Enforcement



- Most commercial establishments operate after regular Code Compliance work hours
 - Response may occur after the reported violation
 - Relies heavily on witness accounts of activity
 - Limited dedicated staffing detailed to these after-hour activities
- Recently, Code Compliance, in collaboration with Dallas Fire Rescue and DPD, has dedicated a team of inspectors to late night issues – ie. noise, overcrowding, etc.



Current Enforcement (continued)



- However, there are limited enforcement tools in place to change the behaviors some operators - often resulting in repeated visits from DFR, DPD, and Code.
- Citations and fines are often the cost of doing business.
- Resulting in nuisance behavior continuing to negatively impact neighboring communities quality of life and the expense of valuable city resources.



Enhancement Considerations



- Consider expanding Article VIII, “Habitual Criminal Properties,” of Chapter 27 of the Dallas City Code to include occupancy, noise, and other code violations as an abatable nuisance activity to create an additional enforcement tool.
- Currently, Article VIII regulates habitual criminal properties.
 - **Chief of Police** has authority to enforce
 - Defines a habitual criminal property as a site with **5 or more** abatable criminal activities within **365 days**
 - Allows for a property to be **designated a habitual criminal property** if the owner has not implemented measures necessary to abate the criminal activity
 - Following designation, the owner is required to pay a **fee** and post a **placard** notifying the public of the designation.



Enhancement Considerations (Continued)



- Amend Chapter 27, Article VIII to add “nuisance” as follows:
 - **Code Director and Fire Marshal** have authority to enforce habitual nuisance violations
 - A property is presumed a habitual nuisance property if the property is the site of **three or more citations for code violations** (noise, overcrowding, vehicular traffic interference) within **365 days**
 - Allows for a property to be **designated a habitual nuisance property** if the owner has not implemented measures necessary to abate the nuisance activity



Enhancement Considerations (Continued)



- CODE VIOLATIONS means violations of the following provisions of the Dallas City Code:
 - Section 107.6, “Overcrowding,” of Chapter 16, “Dallas Fire Code.”
 - Section 30-1, “Loud and Disturbing Noises and Vibrations,” of Chapter 30, “Noise.”
 - Section 30-4, “Loudspeakers and Amplifiers,” of Chapter 30, “Noise.”
 - Section 51A-6.102, “Noise Regulations,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code.
 - Conditions in planned development or specific use permit ordinances regulating outdoor live music, outdoor patios, the operation of outdoor speakers and amplification, and hours of operation of a use.



Enhancement Considerations (Continued)



- Require habitual criminal **and nuisance** properties to implement certain conditions to help abate criminal activity or code violations. Possibilities might include:
 - Security guards.
 - Monitoring for loitering, vandalism, excessive noise, crowd control, illegal acts.
 - Crowd control protocols.
 - Limitation on hours of entertainment activities.
 - Use of identification scanners.
 - Litter control protocols.
 - Use of mechanical counting devices.
 - Employee training.
- Require notification to the plan commission if a property operating under a specific use permit is designated a habitual criminal or nuisance property.



Enforcement Advantages



- This enhanced enforcement tool will:
 - Increase **efficiency and effectiveness**
 - **Support DFR** and enhances the ability to ensure safety of patrons due to occupancy violations
 - **Support DPD** and enhances the ability to respond to habitual noise complaints within commercial venues
 - **Improve the quality of life** for residents and patrons



Future Considerations



- Amend to Chapter 14 to eliminate the defense to prosecution that allows restaurants to allow dancing without a **dance hall** license.
- Amend **definition of “restaurant”** in the Dallas Development Code and add additional provisions to this use:
 - Require an on-site commercial kitchen as part of a restaurant use.
 - Require a restaurant to operate under another certificate of occupancy during times the restaurant’s kitchen is closed.
- Create a **new music entertainment establishment use** as a commercial establishment with an occupancy of 50 or more people where a band or DJ provides music for customers.
 - SUP requirement.
 - May not operate as an accessory use.





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August 9, 2021**

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