

Memorandum



CITY OF DALLAS

DATE October 8, 2021

TO Honorable Members of the Public Safety Committee

SUBJECT **Proposed Amendments to: Chapter 27, Article VIII by Adding Habitual Nuisance Properties Program**

On September 13, 2021, the Code Compliance Director appeared before the Public Safety Committee recommending an amendment to Chapter 27.

Proposed amendments to:

1. Provide the Code Director and Fire Marshal authority to enforce habitual nuisance.
2. A property presumed habitual nuisance when issued three or more citations for code violations within 365 days.
3. Allow for designation of habitual nuisance property if the owner fails to implement measures necessary to abate the nuisance activity.

City staff responds to complaints of overcrowding, noise and other nuisance activity arising out of businesses often operating at night. While most businesses respond to a warning or education on the code by ceasing the activity, some are revisited by staff on multiple occasions. Designating a property as a "Habitual Nuisance" followed by agreed upon conditions to prevent the activity will serve as an effective tool stopping the behavior.

Additional considerations for future action included amendments to Chapter 51A, "Dallas Development Code," to revise the definition of the restaurant land use to include an on-site kitchen, requiring restaurants to operate under another certificate of occupancy at times when the off-site kitchen is closed, and create a new land use of entertainment establishment with consideration of an SUP requirement. Amendments to Chapter 51A must be considered by the Zoning Ordinance Advisory Committee and the City Plan Commission before City Council action.

Based on feedback and comments from the Public Safety Committee, staff intends to move forward with the recommended changes to Chapter 27, Article VIII (Habitual Nuisance Property), bringing them back to the full council for consideration. Additionally, Code will engage Development Services to bring amendments in Chapter 51A (amending restaurant definition) through the ZOAC and CPC processes.

Should you have any questions or concerns, please contact Carl Simpson, Director of Code Compliance Services at carl.simpson@dallascityhall.com

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Jon Fortune
Assistant City Manager

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Chris Caso, City Attorney
Mark Swann, City Auditor
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizzor Tolbert, Chief of Staff to the City Manager

Majed A. Al-Ghafry, Assistant City Manager
Joey Zapata, Assistant City Manager
Dr. Eric A. Johnson, Chief of Economic Development and Neighborhood Services
M. Elizabeth Reich, Chief Financial Officer
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity, and Inclusion
Directors and Assistant Directors