

10-1-21

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 52, “Administrative Provisions for the Construction Codes,” of the Dallas City Code by amending Sections 102.3, 302.1, and 303.9.2; adding new a new Subchapter 13; providing that incomplete permit applications expire and are void *ab initio* if the applicant is given notice of any deficiencies within 10 business days of the application being filed and the applicant fails to provide the required information by the 45<sup>th</sup> day after the application is filed; providing that an application loses its place in line for permit review if the applicant fails to provide additional required information within 10 business days after the building official provides written notice of any deficiencies; providing that no refund will be issued if a permit is void due to limitation of time; providing that the building official is authorized to implement a private provider model for plan reviews and inspections; providing that the building official may establish rules and regulations for private provider plan reviews and inspections; providing that the building official must return to city council no later than July 15, 2022 with any code amendments needed to fully implement the private provider program; 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 Subsection 102.3, “Definitions,” of Section 102, “Purpose of the Codes,” of Subchapter 1, “Title and Scope,” of Chapter 52, “Administrative Provisions for the Construction Codes,” of the Dallas City Code is amended by adding the following definition in alphabetical order to read as follows:

“**PRIVATE PROVIDER** means a private organization hired by an applicant to perform plan reviews and inspections.”

SECTION 2. That Subsection 302.1, “Expiration of Application,” of Section 302, “Application for and Issuance of Permit; Retention of Plans; Suspension or Revocation; Suspension of Permit Privileges,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Provisions for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“302.1 Expiration of application.**

**302.1.1 Application must be complete [General].** The application, plans, specifications, computations, and other data filed by an applicant for a permit shall be reviewed by the building official within 10 business days of receipt to determine completeness.

**302.1.1.1 Expiration of incomplete application.** An application for a permit shall expire and be void *ab initio* if:

1. by the 45<sup>th</sup> day after the date the application was filed:
  - 1.1. the applicant fails to provide documents or other information necessary to comply with the technical requirements relating to the form and content of the permit application, unless one or more extensions are granted under Section 302.1.3.1, in which case the application shall be void *ab initio* if no action is taken by the applicant during the extended time period(s); and
  - 1.2. the applicant is given written notice within 10 business days after an application is filed that specifies the additional information necessary for issuance of the permit, provides the date the application will expire if the additional information is not provided, and the applicant fails to provide the additional information within the time provided.
2. the permit is issued but later expires or is revoked.

**302.1.1.2 Order of review.**

1. Except as provided in this chapter, permit applications are reviewed in the order they are received.

2. If the building official receives an incomplete application and provides the applicant written notice that additional information is required in compliance with Section 302.1.1.1, the application maintains its place in order of review if the applicant provides the requested information within 10 business days of the date the building official provides the written notice.
3. An application loses its place in order of review if the applicant does not provide the requested information within 10 business days of the date the building official provides written notice in accordance with Section 302.1.1.1.

**302.1.2 Stale application.** An application for which no building permit is issued within 180 days following the date of application shall be void *ab initio* due to limitation of time, and plans submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action on the application in accordance with Section 302.1.3.2 due to circumstances beyond the control of the applicant which have prevented action from being taken.

**302.1.3 Extensions.**

**302.1.3.1 Incomplete application.** The building official may grant one or more extensions of time for periods not exceeding 45 days each for justifiable cause. If a request for an extension is made by the applicant or his or her agent, the request must be in writing and made within the time period sought to be extended.

**302.1.3.2 Stale application.** The application may be extended for an additional 180 days upon a request in writing submitted to the building official. The application may be extended upon approval by the building official prior to the expiration of the building permit application. An expired application may only be reactivated by the filing of a new application, including plans and fees. An applicant's written request for voluntary withdrawal of the application shall be deemed to be the same as an expiration of the application.

**302.1.3[2] Written notice.** If the building official determines that an application for a permit has expired, he or she shall by United States or electronic mail provide a written notice of that determination to the applicant in accordance with Section 302.8.”

SECTION 3. That Paragraph 303.9.2, “No Permit Issued,” of Subsection 303.9, “Fee Refunds,” of Section 303, “Fees,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Provisions for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“303.9.2 No permit issued.** The building official may authorize a refund of not more than 80 percent of the permit fee paid when no permit has been issued in accordance with the codes.

**Exception:** A permit application that is void due to limitation of time under Section 302.1.2.”

SECTION 4. That Chapter 52, “Administrative Provisions for the Construction Codes,” of the Dallas City Code is amended by adding a new Subchapter 13, “Private Providers,” to read as follows:

### **“SUBCHAPTER 13 PRIVATE PROVIDERS**

**1301.1 Authorization.** The building official is authorized to implement a private provider model for plan reviews and inspections. The building official may by written order establish such rules or regulations, consistent with this chapter, the codes, and state or federal law, as he determines are necessary to discharge his duty under, or to affect the policy of, this subchapter.

**1301.2 Establishment of rules and regulations.** Before adopting, amending, or abolishing a rule or regulation, the building official shall hold a public hearing on the proposal. The building official shall fix the time and place of the hearing and, in addition to notice required under the Open Meetings Act (Chapter 551, Texas Government Code), as amended, shall notify such persons as the building official determines are interested in the subject matter of the hearing. After the public hearing, the building official shall notify all interested persons of the building official’s action and shall post an order adopting, amending, or abolishing a rule on the official bulletin board in city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period.

**1301.3 Implementation.** The building official shall return to city council no later than July 15, 2022 with any amendments to this chapter or the codes necessary to fully implement the private provider program.”

SECTION 5. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 6. That Chapter 52 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. 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 8. 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 9. 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 \_\_\_\_\_