

ORDINANCE NO. 28019

An ordinance amending Sections 5A-5.1 and 5A-8 of CHAPTER 5A, "AIR POLLUTION"; Sections 18-3, 18-4, 18-8, 18-9, and 18-11 of CHAPTER 18, "MUNICIPAL SOLID WASTES"; Section 27-32 of CHAPTER 27, "MINIMUM URBAN REHABILITATION STANDARDS"; Section 28-114.1 of CHAPTER 28, "MOTOR VEHICLES AND TRAFFIC," and Sections 44-22, 44-32, and 44-33 of CHAPTER 44, "TAXATION," of the Dallas City Code, as amended; defining terms; adjusting registration fees for used car lots and facilities emitting air contaminants; adjusting solid waste collection and disposal charges; restricting the use of bags as solid waste containers; providing requirements for the placement of containers for solid waste collection service; adjusting registration fees for multi-tenant properties; increasing the hourly rate for parking at the city hall metered parking lot; adjusting the coin-operated machine tax in accordance with state law; 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 5A-5.1, "Used Car Lots; Registration Required; Fees," of CHAPTER 5A, "AIR POLLUTION," of the Dallas City Code, as amended, is amended to read as follows:

**"SEC. 5A-5.1. USED CAR LOTS: REGISTRATION REQUIRED; FEES.**

(a) Any person who owns or operates a used car lot within the city shall register with the director on a form provided for that purpose.

(b) Before a used car lot will be registered, an annual registration fee must be paid to the director in accordance with the following schedule:

<u>Number of vehicle display spaces</u>	<u>Fee</u>
3 or less	None
4 to 9	<u>\$165</u> [100]
10 to 49	<u>\$215</u> [250]
50 or more	<u>\$260</u> [380]

(c) Registration expires one year from the date of issuance and renewal must be obtained annually.

(d) At least once a year, the director shall inspect a used car lot for compliance with state and federal laws requiring proper installation of pollution control devices on used motor vehicles."

SECTION 2. That Section 5A-8, "Registration Fees," of CHAPTER 5A, "AIR POLLUTION," of the Dallas City Code, as amended, is amended to read as follows:

**"SEC. 5A-8. REGISTRATION FEES.**

(a) Any person operating or maintaining a facility registered with the director under Section 5A-5(a) or (b) shall pay a nonrefundable registration fee for each calendar year. The fee is ~~shall be~~ based upon the applicable facility class, or upon the facility source status. The fee for each calendar year must be paid by December 31 of the previous calendar year.

(b) The fee for each class of facility is as follows:

Class "1" facility	<u>\$1,910</u> [1,000]
Class "2" facility	<u>\$1,910</u> [800]
Class "3" facility	<u>\$1,535</u> [600]
Class "4" facility	<u>\$1,065</u> [500]
Class "5" facility	\$50

(c) The annual registration fee for a new facility will be prorated from the date on which operations begin to the end of the calendar year.

(d) If the annual registration fee is not received by the date due, the registration for the facility lapses, and a reinstatement fee of \$50 must be paid in addition to the registration fee before the registration will be renewed.

(e) A person commits a separate offense each day that he fails to either register a facility or pay the appropriate registration fee for a facility by the date due."

SECTION 3. That Section 18-3, "Regulating Containers for Municipal Solid Waste Materials," of Article I, "Collection and Disposal," of CHAPTER 18, "MUNICIPAL SOLID WASTES," of the Dallas City Code, as amended, is amended to read as follows:

**"SEC. 18-3. REGULATING CONTAINERS FOR MUNICIPAL SOLID WASTE MATERIALS.**

(a) Containers for residences and duplexes. Every occupant of a residence or duplex shall provide the premises with a sufficient number of solid waste containers to provide for the peak output of municipal solid wastes from those premises without overloading the containers. The containers must be ~~[either]~~ rollcars (except that [or] bags may be used as containers for recyclable materials or as containers for grass cuttings collected under Section 18-8(b)(3)) ~~[as designated by the director of sanitation for the particular area,]~~ and must meet the requirements of this subsection.

(1) At a residence or duplex ~~[located in an area designated by the director of sanitation to use manual collection service, a person shall use only bags as solid waste containers. Each bag must be of watertight, leakproof plastic and must have at least a 1.3 mil thickness. In addition],~~ a bag used as a container for recyclable materials must be blue or clear, must have at least a 1.3 mil thickness, and ~~[A bag that is manually collected by city sanitation services employees]~~ must not exceed ~~[50 gallons in capacity for yard trash and]~~ 33 gallons in capacity. The ~~[for all other municipal solid wastes, including recyclable materials, and the]~~ combined weight of the recyclable materials ~~[waste]~~ and the bag must not exceed 50 pounds.

(2) At a residence or duplex ~~[located in an area designated by the director of sanitation to use rollcart service],~~ a person shall use only city owned and provided rollcars as solid waste containers, except that blue rollcars, clear or blue bags, or any combination of each may be used as solid waste containers for recyclable materials.

(3) A person shall comply with the following requirements when using a rollcart or a blue or clear recycling bag as a solid waste container:

(A) A container must not be overloaded to the point where spillage occurs from overflow, wind, or handling.

(B) A container must be closed or secured at the top to prevent spillage.

(C) Glass and other wastes that are dangerous to handle must be securely wrapped, and the container must be labeled to warn of the need for careful handling.

(D) Ashes must be cold before being placed in a container.

(E) Non-recyclable materials must not be placed in a container (rollcart or blue or clear recycling [reeyclable] bag) designated for recyclable materials. A recycling rollcart that is used for non-recyclable materials may be removed from the premises at the direction of the director of sanitation.

(4) Unless otherwise specified by the director of sanitation, and in addition to the requirements of Subsection (a)(3), a person shall comply with the following requirements when using a rollcart as a solid waste container:

(A) A rollcart must be placed for collection so that there is a minimum clearance of three feet to each side of the rollcart and one and one-half feet to the rear of the rollcart from any fence, gas meter, telephone pole, utility box, tree, shrub, additional collection container, or other potential obstruction. A rollcart must be placed so that its handle faces the dwelling unit.

(B) No person shall block or cause to be blocked access to or hinder collection of a rollcart that has been placed for curbside collection.

(C) Solid waste, including recyclable materials, must be placed in a rollcart in a manner that prevents the contents from blowing out of the rollcart when being emptied.

(D) The director of sanitation must be promptly notified of any need for repair or replacement of a rollcart. Cleanliness of a rollcart is the responsibility of the occupant or owner of the premises to which the rollcart is provided.

(E) A 60 to 65 gallon rollcart may not weigh more than 200 pounds when loaded, and a 90 to 96 gallon rollcart may not weigh more than 250 pounds when loaded.

(F) Additional rollcarts for garbage may be obtained from the director of sanitation for an additional fee set forth in Section 18-9(c)(1) of this article. Additional rollcarts for recyclable materials may be obtained from the director of sanitation for no additional fee.

(G) A rollcart that is lost or damaged due to a customer's negligence may be replaced for a fee as set forth in Section 18-9(c)(8) of this article.

(b) Containers for apartments, mobile home parks, institutions, and commercial establishments. Every owner of an apartment, mobile home park, institution, or commercial establishment shall provide the premises with a sufficient number of solid waste containers to provide for the peak output of municipal solid wastes from those premises without overloading the containers.



(1) A container must be watertight and constructed of a solid and durable grade of metal or plastic material. Any container that is manually collected by city sanitation services employees must not exceed 50 gallons in capacity, and the combined weight of the waste and the container must not exceed 50 pounds. A container must not be overloaded to a point where spillage occurs from overflow, wind, or handling.

(2) All containers (except blue or clear recycling [plastic] bags) must [shall] meet the following requirements:

(A) A container must be provided with suitable lifting handles on the outside and a close-fitting or other approved cover equipped with a handle.

(B) A container must not contain any inside structure, such as a band or reinforcing angle, or anything within the container to prevent the free discharge of the contents. A container that has deteriorated or become damaged to the extent that the cover will not fit securely or that has a jagged or sharp edge capable of causing injury to a sanitation services employee or other person whose duty it is to handle the container will be condemned by the city. If such a container is not replaced after notice to the owner or user, the container will be removed along with its contents.

(C) The lid of a container must be close-fitting and must remain in place covering the container at all times when there is any material in the container. The lid may be attached by an appropriate means to the rack upon which the container is placed or to an adjacent fence or other appropriate fixed object in order to prevent the lid from getting into the pathway of a vehicle. Except on a mechanically emptied container, the lid must not be directly attached to the container. A container that has the lid directly attached to it is a hazard to any sanitation services employee engaged in the collection of solid waste and will be condemned by the city. If such an attachment is not removed after notice to the owner or user, the container will be removed along with its contents.

(c) Underground solid waste containers . Underground solid waste containers are prohibited for use in the city unless the installation is specifically approved by the director of sanitation.

~~[(d) — Enforcement. Failure to comply with the requirements of Subsection (a) of this section does not constitute a criminal offense.]~~

SECTION 4. That Section 18-4, "Regulating the Collection of Solid Waste Materials from Residences and Duplexes," of Article I, "Collection and Disposal," of CHAPTER 18, "MUNICIPAL SOLID WASTES," of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 18-4. REGULATING THE COLLECTION OF SOLID WASTE MATERIALS FROM RESIDENCES AND DUPLEXES.**

(a) General. It shall be the duty of every occupant of any residence or duplex to provide a sufficient number of solid waste containers at the place designated by the director of sanitation for collection of municipal solid waste from the particular premises and to provide adequate capacity for the solid waste placed out for collection without overloading the capacity of the containers or wedging the contents in the container by compaction.

(1) All containers must conform to the requirements of Section 18-3(a).

(2) A person commits an offense if he collects dry or wet solid waste, including salvageable newspaper or any other recyclable material, from a residence or duplex. It is a defense to prosecution under this paragraph that the person was:

(A) the owner or occupant of the residence or duplex;

(B) employed or under contract with the city to provide solid waste collection services to the residence or duplex and was in the performance of official duties;

(C) a charitable organization that gathers clothes, salvageable newspapers, or other recyclable material;

(D) hauling away brush, bulky trash, or yard trash from the residence or duplex as a service that was incidental to a maintenance, delivery, lawn, or home improvement service being provided by the person to the residence or duplex; or

(E) providing recycling services to the premises pursuant to a written agreement with the owner or occupant of the residence or duplex and was collecting only recyclable materials that were composed solely of one or more of the following:

(i) newspapers, magazines, catalogs, telephone books, corrugated cardboard, scrap paper, office paper, or junk mail; or

(ii) empty and rinsed aluminum, steel, glass, or recyclable plastic containers that were only used for the storage or processing of consumable food or beverage products, medications, or ordinary household detergents or soaps and that were never used to store or process any hazardous material or hazardous waste.

(3) The city may, through the competitive bid process, contract with a private solid waste collection service, which is franchised in accordance with Article IV of this chapter, to provide solid waste collection, including the collection of recyclable materials, for specific areas designated by the director of sanitation.

(b) Placement of containers for alley collection service. Except as may be otherwise authorized by the director of sanitation, it shall be unlawful for any person to place any container within any alley within the city~~[, and in cases where the garbage or recyclable materials are to be collected from the alley outlet, containers must be placed entirely within the lot line and adjacent to, but not in, the alley or other public utility easement or public way utilized for this purpose. Suitable racks for containers must be provided by the occupant of any premises where racks are deemed by the director of sanitation as necessary to prevent overturn or spillage by the actions of animals, wind, or other similar causes].~~ (1) If a fence ~~[without a gate]~~ separates the alley from the lot where the container is located, ~~[a platform rack for]~~ the container ~~[or containers]~~ must be placed ~~[constructed so that the top of the containers is not lower than level with the top of the fence nor higher than five feet above the bottom of the fence or the ground at the fence. (2) Where a gate is provided in the fence, the containers must be placed at the fence just inside the gate. (3) If a fence is constructed with an inset space for the placement of solid waste containers]~~ outside the fence in a manner that protects ~~[-but inside]~~ the ~~[lot line,]~~ container~~s placed in the space must be protected]~~ from overturn or spillage and does not interfere with solid waste collection service in the alley. A container may not be placed in ~~[by]~~ a rack, and any rack on the premises may not extend into the alley or interfere with solid waste collection service in the alley ~~[as specified by the director of sanitation].~~

(c) Placement of garbage or recycling containers for curb collection service ~~[where no alley exists].~~ Where a residence or duplex is designated by the director of sanitation to be provided with curb collection service ~~[not served by an alley, public utility easement, or other public way in the rear or alongside thereof],~~ each ~~[all]~~ container~~s]~~ must be placed just behind the curblane of the street abutting such property, but may not be placed in the street, ~~[or]~~ on the sidewalk, or in any manner ~~[placed]~~ where the container~~s]~~ will interfere with vehicular or pedestrian traffic or with solid waste collection service.

(1) Where garbage or recyclable materials are collected from the street curblane adjacent to the property, a container~~s]~~ must be placed there no earlier than 6:00 p.m. of the afternoon preceding the collection day and must be removed to a point at the side or rear of the structure not later than 8:00 a.m. of the day following collection.

(2) A container must be ~~[Where special conditions exist that subject containers so]~~ placed in a manner that protects it from ~~[to]~~ overturn and spillage~~[-the director of sanitation may require such containers subject to overturn and spillage to be placed in a portable or moveable rack].~~

(3) A container may not be placed in a rack, and any rack on the premises may not extend into the street or sidewalk or interfere with solid waste collection service.

(d) Placement of garbage and recycling containers for packout or drive-in collection service. Garbage containers and recycling containers must be placed at locations and under such conditions approved by the director of sanitation for packout or drive-in collection service by the sanitation services of the city.

(e) Placement of oversize brush and bulky trash. Oversize brush and bulky trash must be placed just behind the curb line of the street abutting the property from which the brush and trash originated, or as otherwise designated by the director, but must not be placed:

(1) in the street, on the sidewalk, or in any manner that will interfere with vehicular or pedestrian traffic or with solid waste collection service; or

(2) out for collection earlier than the Thursday preceding the collection week or later than 7:00 a.m. on the Monday of the collection week.

(f) Placement of bundled or containerized brush and yard or household containerized trash. Bundled or containerized brush and yard or household containerized trash must be placed adjacent to the normal place for collection of garbage or as designated by the director of sanitation, but must not be placed in the street, [or] on the sidewalk, or in any manner that will interfere with vehicular or pedestrian traffic or with solid waste collection service.

(1) Where the quantity of brush set out for collection is excessive, the director of sanitation shall determine the amount of brush to be collected at any one time, the day of its collection, and any other matters pertaining to brush collection in order not to disrupt normal service to other premises.

(2) Rubbish or trash consisting of small, loose items must be placed in an approved container as specified in Section 18-3(a).

(3) Bulky trash and oversized brush may not be placed out for collection in an alley, whether paved or unpaved, but must be placed at the street as specified in this section.

(4) All boxes and cartons must be broken down and bundled where specified by the director of sanitation, and no bundle may exceed 50 pounds in weight for collection by sanitation services crews of the city.

(5) Brush or trash collection service may not be rendered as a packout collection service."

SECTION 5. That Subsection (b) of Section 18-8, "Solid Waste Materials Not Handled by City Sanitation Services," of Article I, "Collection and Disposal," of CHAPTER 18, "MUNICIPAL SOLID WASTES," of the Dallas City Code, as amended, is amended to read as follows:

"(b) Materials not collected by city. Solid waste materials that will not be collected and removed by the city sanitation services as a regular service include:

(1) Trash or debris resulting from construction, demolition, destruction by fire, or clearance of vacant or improved property in preparation for construction or occupancy, or similar materials as designated by the director of sanitation, will not be collected and removed by the city as a regular service, but these materials must be removed at the expense of the owner or developer.

(2) Industrial wastes resulting from manufacturing or processing operations, including waste from food and vegetable produce houses, poultry dressing establishments, and meat processing and meat packing plants, must be disposed of by the owner or occupant of the building, business, or premises where the wastes originate in the manner prescribed by state law and any other applicable ordinance. The director of sanitation shall determine what wastes fall within the industrial classification described in this subsection.

(3) Grass cuttings will not be collected or removed by the city, except that, from March 15 through April 15 of each calendar year, grass cuttings that are placed in disposable bags and separated from all other solid waste materials will be collected and removed by the city, for an additional service charge that provides the city with full cost recovery, either by using city sanitation services or by contracting through the competitive bid process with a private solid waste hauler franchised [licensed] under Article IV of this chapter. Each bag used for grass cuttings must be of watertight, leakproof plastic, must have at least a 1.3 mil thickness, must not exceed 50 gallons in capacity, and must be secured at the top to prevent spillage. The combined weight of the grass cuttings and bag must not exceed 50 pounds. Grass cuttings collected will be composted by the city of Dallas and in no case will any of the cuttings collected be placed in the McCommas Bluff landfill. City sanitation services will continue to collect and remove brush and yard trash, other than grass cuttings, from premises within the city. Nothing in this paragraph prohibits the city from collecting and removing grass cuttings as part of a code enforcement action against any premises in the city."

SECTION 6. That Subsection (c) of Section 18-9, "Specifying Charges for Sanitation Service," of Article I, "Collection and Disposal," of CHAPTER 18, "MUNICIPAL SOLID WASTES," of the Dallas City Code, as amended, is amended to read as follows:

"(c) Schedule of service charges.

(1) The collection service charge for a residence or duplex is as follows:

(A) Alley or curb collection service for municipal solid waste - \$20.25 [20.34] per dwelling unit per month for [bags or for] one rollcart [~~which ever is required by the director of sanitation to be used in the particular area~~], plus \$10.56 [10.54] per month for each additional garbage rollcart requested by the owner or occupant of the premises.

(B) Packout or drive-in collection service for municipal solid waste - \$70.11 per dwelling unit per month.

(2) The collection service charge for an apartment or a mobile home park that receives manual collection service from the sanitation services of the city is as follows:

(A) Alley, curb, or drive-in collection service for municipal solid waste - \$20.25 [~~20.34~~] per apartment unit or mobile home space per month.

(B) Packout collection service for municipal solid waste - \$70.11 per apartment unit or mobile home space per month.

(3) A monthly collection service charge will be made for all commercial establishments for collection service provided by the sanitation services of the city as follows:

### TABLE OF MONTHLY CHARGES

(Rear-end Loaders)

QUANTITY OF SOLID WASTE		NUMBER OF COLLECTIONS PER WEEK				
Gallons	2	3	4	5	6	7
60	<u>\$37.79</u> [ <del>\$33.74</del> ]	<u>\$68.76</u> [ <del>\$61.39</del> ]	<u>\$93.53</u> [ <del>\$83.51</del> ]	<u>\$113.77</u> [ <del>\$101.58</del> ]	<u>\$138.95</u> [ <del>\$124.06</del> ]	<u>\$169.70</u> [ <del>\$151.52</del> ]
100	<u>\$50.18</u> [ <del>\$44.80</del> ]	<u>\$93.53</u> [ <del>\$83.51</del> ]	<u>\$116.24</u> [ <del>\$103.79</del> ]	<u>\$147.20</u> [ <del>\$131.43</del> ]	<u>\$246.31</u> [ <del>\$219.92</del> ]	<u>\$412.13</u> [ <del>\$367.97</del> ]
200	<u>\$85.27</u> [ <del>\$76.13</del> ]	<u>\$182.31</u> [ <del>\$162.78</del> ]	<u>\$235.98</u> [ <del>\$210.70</del> ]	<u>\$297.92</u> [ <del>\$266.00</del> ]	<u>\$351.61</u> [ <del>\$313.94</del> ]	<u>\$414.96</u> [ <del>\$370.50</del> ]
300	<u>\$134.83</u> [ <del>\$120.38</del> ]	<u>\$246.31</u> [ <del>\$219.92</del> ]	<u>\$326.83</u> [ <del>\$291.81</del> ]	<u>\$407.36</u> [ <del>\$363.71</del> ]	<u>\$492.00</u> [ <del>\$439.29</del> ]	<u>\$594.25</u> [ <del>\$530.58</del> ]

(4) Extraordinary collection and removal service: A cost plus rate determined by the director of sanitation for materials not included in the regular collection service as described in Section 18-8.

(5) Miscellaneous collection service charges will be as follows:

(A) Public housing may be charged as apartments.

(B) Churches, clinics, hospitals, public buildings, and schools will be charged as commercial locations.

(6) The service charge for the collection and removal of grass cuttings from any premises is:

(A) \$1.50 per bag, if the service is performed by city sanitation services; and



(B) an amount specified by city contract, if the service is performed by a contractor selected by the city under Section 18-8(b)(3).

(7) Packout or drive-in service for certain handicapped persons meeting uniform requirements specified by the director of sanitation will be provided at the rate for alley or curb collection service. Any applicant for a reduced rate under this subparagraph who intentionally makes any misrepresentation in any written statement required by such uniform requirements is guilty of an offense and, upon conviction, is punishable by a fine not to exceed \$500.

(8) The fee for replacement of a rollcart that is lost or damaged due to a customer's negligence is \$49.59 for a garbage rollcart or \$52.94 for a recycling rollcart.

(9) Large dead animals, including but not limited to horses, cattle, and other animals of similar size, will be picked up by the city for a fee of \$100 [25] per animal."

SECTION 7. That Subsection (b) of Section 18-11, "Specifying Charges for Disposal of Solid Waste Materials," of Article I, "Collection and Disposal," of CHAPTER 18, "MUNICIPAL SOLID WASTES," of the Dallas City Code, as amended, is amended to read as follows:

"(b) The following disposal service charges are established for disposing of municipal solid waste at city landfill sites:

(1) Passenger cars, station wagons, pickups, and trailers less than 15 feet long that are used by Dallas city residents to haul their own waste from their residences to a city landfill site - no charge. (A current, valid Texas driver's license showing a Dallas address or a current Dallas water utilities bill is required as proof of residency.)

(2) Except as provided in Subsection (b)(3), the charge for all materials accepted at a city landfill site is \$21.50 [24] per ton based on the landfill weighing system, with a minimum charge of \$21.50 [24] for any load that is less than one ton.

(3) Whenever the landfill weighing system is inoperable, the following fees will be charged for materials accepted at a city landfill:

(A) Passenger cars, station wagons, and pickups that are used by persons other than Dallas city residents to haul their own waste from their residences to a city landfill site - \$39.50 per load.

(B) Commercial pickups - \$39.50 per load.

(C) Trucks or trailers with a cargo bed length of less than 15 feet - \$92.15 per load.

(D) Trucks or trailers with a cargo bed length of 15 feet or greater - \$197.50 per load.

(E) Roll-off containers, whether open top or compactor - \$210.60 per load.

(F) Compactor trucks - \$263.25 per load.

(4) A fee of \$46.80 per load will be charged for the use of city equipment, when available, to off-load bundled waste by pulling it with cables, chains, or other devices. City equipment will be used at the customer's own risk, with the city assuming no liability for any resulting damage. Non-city vehicles are prohibited from pulling loads off of other vehicles at a city landfill site.

(5) The fee for use of the city's mechanical tipper to off-load tractor trailer loads is \$87.75 per use.

(6) Collection vehicles not constructed with an enclosed transport body must use nets, tarpaulins, or other devices to prevent accidental spillage. A cover fee of \$10 will be charged for any collection vehicle (other than a pickup truck) that enters the landfill without being so equipped.

(7) Tires exceeding 25 inches in diameter will not be accepted at a city landfill site."

SECTION 8. That Section 27-32, "Registration Fees," of Article VII, "Registration and Inspection of Multi-Tenant Properties," of CHAPTER 27, "MINIMUM URBAN REHABILITATION STANDARDS," of the Dallas City Code, as amended, is amended to read as follows:

**"SEC. 27-32. REGISTRATION FEES.**

(a) The fee for a certificate of registration for a multi-tenant property is an amount equal to \$6.51 times the total number of units in the multi-tenant property, whether occupied or unoccupied.

(b) No refund of a registration fee will be made."



SECTION 9. That Subsection (c) of Section 28-114.1, "Zones within the Central Business District," of Division 4, "Parking Meters," of Article XI, "Stopping, Standing, and Parking Generally," of CHAPTER 28, "MOTOR VEHICLES AND TRAFFIC," of the Dallas City Code, as amended, is amended to read as follows:

"(c) One dollar an hour zones - streets. A person shall pay an hourly rate of one dollar on Monday through Sunday, from 7:00 a.m. until 12 midnight only, for the use of a metered parking space upon the following streets or portions of streets within the central business district:

<u>STREET</u>	<u>BLOCK(S)</u>	<u>SIDE(S)</u>	<u>EXTENT</u>
Corbin Street	600-900	Both	Record Street to Laws Street
Hord Street	900	Both	Lamar Street to Laws Street
Lamar Street	300-2000 N.	Both	Pacific Avenue to McKinney Avenue
Market Street	300-1800 N.	Both	Pacific Avenue to Munger Avenue
McKinney Avenue	600-900	Both	Record Street to Laws Street
Munger Avenue	600-900	Both	Record Street to Laws Street
Record Street	300-1900 N.	Both	Pacific Avenue to McKinney Avenue
Ross Avenue	500-800	Both	Pacific Avenue to Lamar Street"

SECTION 10. That Subsection (d) of Section 28-114.1, "Zones within the Central Business District," of Division 4, "Parking Meters," of Article XI, "Stopping, Standing, and Parking Generally," of CHAPTER 28, "MOTOR VEHICLES AND TRAFFIC," of the Dallas City Code, as amended, is amended to read as follows:

"(e) [~~(d)~~] Sixty cents an hour zones [-streets]. A person shall pay an hourly rate of 60 cents for the use of a metered parking space upon the following streets or portions of streets within the central business district during the following effective times:

(1) Monday through Sunday from 7:00 a.m. until 6:00 p.m. only.

<u>STREET</u>	<u>BLOCK(S)</u>	<u>SIDE(S)</u>	<u>EXTENT</u>
Akard Street	500-700 S.	Both	Young Street to Canton Street
Ervay Street	500-700 S.	Both	Young Street to Canton Street
Ervay Street Service Road	500-700 S.	Both	Young Street to Canton Street
Evergreen Street	500	Both	Young Street to Marilla Street
Field Street	400 S.	Both	Wood Street to Young Street
Griffin Street	400-600 S.	Both	Wood Street to Ceremonial Drive
Lamar Street	300-600 S.	Both	Jackson Street to Ceremonial Drive
Marilla Street	1300-1800	Both	Field Street to Park Avenue
Park Avenue	400 S.	Both	Wood Street to Young Street
Ross Avenue	900-2300	Both	Lamar Street to Leonard Street
St. Paul Street	400 S.	Both	Wood Street to Young Street
Young Street	500-1700	Both	Houston Street to St. Paul Street

(2) Monday through Sunday from 7:00 a.m. until 12 midnight only.

<u>STREET</u>	<u>BLOCK(S)</u>	<u>SIDE(S)</u>	<u>EXTENT</u>
Houston Street	300-2000 N.	Both	Pacific Avenue to McKinney Avenue
Lamar Street	2100 N.	Both	McKinney Avenue to Broom Street

Laws Street

1700-2000 N.

Both

Ross Avenue to McKinney  
Avenue"

SECTION 11. That Subsection (e) of Section 28-114.1, "Zones within the Central Business District," of Division 4, "Parking Meters," of Article XI, "Stopping, Standing, and Parking Generally," of CHAPTER 28, "MOTOR VEHICLES AND TRAFFIC," of the Dallas City Code, as amended, is amended to read as follows:

"(d) [(e)] One dollar [Sixty cents] an hour zones - parking lots. A person shall pay an hourly rate of one dollar [60 cents] on Monday through Sunday, from 7:00 a.m. until 6:00 p.m. only, for the use of a metered parking space upon the following areas within the central business district:

PARKING LOTBOUNDARIES

City Hall

Marilla Street

Ervay Street

Canton Street

Akard Street"

SECTION 12. That Article III, "Occupation Licenses," of CHAPTER 44, "TAXATION," of the Dallas City Code, as amended, is retitled as Article III, "Occupation Taxes."

SECTION 13. That Section 44-22, "Required by Businesses, Etc., Taxed by the State," of Article III, "Occupation Taxes," of CHAPTER 44, "TAXATION," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 44-22. OCCUPATION TAX LEVIED [~~REQUIRED BY BUSINESSES, ETC., TAXED BY THE STATE~~].

There is hereby levied and assessed and shall be collected from every person pursuing within the city any calling, occupation, profession, trade, vocation or business upon which a license tax or occupation tax is levied under the laws of the state, a license or occupation tax equal to one-half of such state tax, unless specifically provided otherwise by city ordinance, the city charter, or state law."

SECTION 14. That Section 44-32, "Coin-operated Machines – Display of License," of Article III, "Occupation Taxes," of CHAPTER 44, "TAXATION," of the Dallas City Code, as amended, is amended to read as follows:

**"SEC. 44-32.            OCCUPATION TAX ON COIN-OPERATED MACHINES  
[-DISPLAY OF LICENSE].**

(a) In this section:

(1) COIN-OPERATED MACHINE has the meaning given that term in Section 2153.002 of the Texas Occupations Code, as amended.

(2) DIRECTOR means the director of the water utilities department of the city, or the director's authorized representative.

(3) OWNER means the owner of a coin-operated machine.

(4) SPECIAL COLLECTIONS DIVISION means the special collections division of the water utilities department of the city.

(5) TAX means the local occupation tax imposed on coin-operated machines under this section.

(b) Pursuant to Section 2153.451 of the Texas Occupations Code, as amended, an annual occupation tax is imposed on each coin-operated machine that an owner exhibits or displays, or permits to be exhibited or displayed, in the city. The rate of the tax is one-fourth the rate of the tax imposed by the state under Section 2153.401 of the Texas Occupations Code, as amended. All exemptions that apply to the state occupation tax on coin-operated machines under Chapter 2153 of the Texas Occupations Code, as amended, apply to the local occupation tax imposed under this section.

(c) The special collections division of the water department shall issue a tax permit sticker to an owner who pays the tax for a coin operated machine. The sticker must ~~[Licenses which are issued for coin-operated machines shall]~~ be securely attached to the machine in a manner ~~that [which will]~~ requires continued application of steam and water to remove the sticker [same, or posted in a conspicuous place at or near the machine so as to be easily seen by the public].

(d) If an owner fails to pay the tax on a coin-operated machine, the director may seal or cause the sealing of the machine in a manner that prevents the full operation of the machine. The director shall release or cause the release of the sealed coin-operated machine after the tax on the machine and a fee of \$5 is paid to the special collections division.

(e) A person commits an offense if the person:

- (1) removes a tax permit sticker from a coin-operated machine;
- (2) exhibits or displays a coin-operated machine without a current tax permit sticker attached;
- (3) breaks a seal attached to a coin-operated machine;
- (4) exhibits or displays a coin-operated machine with a broken seal; or
- (5) removes from its location a coin-operated machine that has a broken seal.

(f) It is a defense to prosecution under Subsection (e)(1) of this section that the person was the owner or the owner's authorized representative and removed the sticker to replace it with a new one issued under this section.

(g) It is a defense to prosecution under Subsection (e) of this section that the person was a city or state employee acting in the performance of official duties.

(h) An offense under this section is punishable by a fine not to exceed \$500."

SECTION 15. That Section 44-33, "Same – Procedure when License Not Obtained and Displayed; Violation of Seal," of Article III, "Occupation Taxes," of CHAPTER 44, "TAXATION," of the Dallas City Code, as amended, is amended to read as follows:

**"SEC. 44-33.        RESERVED. [~~SAME PROCEDURE WHEN LICENSE NOT OBTAINED AND DISPLAYED; VIOLATION OF SEAL.~~**

(a) ~~If any owner, operator, or person exhibits, displays, or has in his possession within the city any coin-operated machine taxable under the provisions of Section 44-22 and fails or refuses to pay an occupation tax due on the coin-operated machine or fails or refuses to have attached to or posted in a conspicuous place at or near the machine, so as to be easily seen by the public, a license card showing the classification of the coin-operated machine issued by the assessor and collector of taxes, or his duly authorized deputy or employee, upon payment of an occupation tax, then the assessor and collector of taxes, or his duly authorized deputy or employee, shall have the right to place a seal on the coin-operated machine in order to prevent the use of the machine until the occupation tax has been paid or until the license card has been properly attached or posted at or near the coin-operated machine.~~

(b) ~~After the machine has been sealed by the assessor and collector of taxes, or his duly authorized deputy or employee, it shall be the duty of the owner, operator or person in charge of the premises in or on which the machine is located to see that the seal is not broken or removed, or the machine removed from the premises. Proof that the seal was tampered with, removed or destroyed shall be prima facie evidence that such acts were done by the owner, operator or person in charge of the premises.~~

~~(c) — The seal shall only be removed by the assessor and collector of taxes, his duly authorized deputy or employee, after a fee of \$5 has been paid to cover the expense of sealing and removing the seal.~~

~~(d) — Whoever breaks the seal affixed by the assessor and collector of taxes, or his duly authorized deputy or employee, or exhibits or displays any coin-operated machine after the seal has been broken, or removes any coin-operated machine from its location after the machine has been sealed by the assessor and collector of taxes, or his duly authorized deputy or employee, is guilty of an offense.]”~~

SECTION 16. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance governing fire safety, zoning, or public health and sanitation, including dumping of refuse, is, upon conviction, punishable by a fine not to exceed \$2,000 and that a person violating any other provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 17. That CHAPTERS 5A, 18, 27, 28, and 44 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

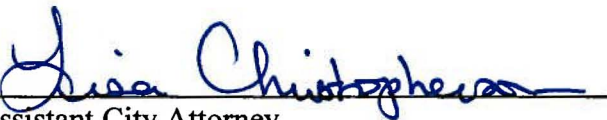
SECTION 18. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 19. That this ordinance will take effect on October 1, 2010, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By

  
Assistant City Attorney

Passed SEP 22 2010

LC/DCC/00492A