

Memorandum



CITY OF DALLAS

DATE November 1, 2019

TO Honorable Mayor and Members of the City Council

SUBJECT **Upcoming Agenda Items #10, 11, and 12 – November 13, 2019 – Code Compliance Ordinance Amendments**

The following Code Compliance Services (CCS) items will be considered by City Council on the November 13, 2019 Agenda. Approval of these items will amend the Dallas City Code as a result of the 86th State Legislative Session.

- 10** An ordinance amending Chapter 17, “Food Establishments,” of the Dallas City Code by amending Section 17-1.5; Chapter 32, “Parks and Water Reservoirs,” of the Dallas City Code by amending Section 32-10; and Chapter 50, “Consumer Affairs,” of the Dallas City Code by amending Sections 50-157, 50-158, 50-160, 50-169, and 50-172; **(1)** amending the definition of food establishment; **(2)** providing an exception to the regulations regarding the sale of goods on park property and vendors on private property to allow the occasional sale of lemonade or other nonalcoholic beverages from a stand on private property or in a public park by an individual younger than 18 years of age without a permit; **(3)** providing a penalty not to exceed \$2,000.00 for a violation of this ordinance governing public health and \$500.00 for all other violations; **(4)** providing a saving clause; **(5)** providing a severability clause; and **(6)** providing an effective date - Financing: No cost consideration to the City

House Bill 234 was signed by the Governor on June 14, 2019 and became effective September 1, 2019. H.B. 234 prohibits municipalities from adopting or enforcing an ordinance, order, or rule that prohibits or regulates, including by license, permit, or fee, the occasional sale of lemonade or other nonalcoholic beverages from a stand on private property or in a public park by an individual younger than 18 years of age. This item amends definitions in Chapter 17 – Food Establishments and Chapter 50 – Street Vendor or Vendor of the Dallas City Code by excluding the occasional sale of lemonade and other nonalcoholic beverage stand on private or public property by an individual younger than 18 years of age. This item also amends Chapter 32 – Parks and Water Reservoirs of the Dallas City Code by providing an exception to the regulations regarding the sale of goods on park property to allow the occasional sale of lemonade or other nonalcoholic beverages from a stand in a public park by an individual younger than 18 years of age.

Fiscal Impact:

The ordinance amendment will result in no cost consideration to the City.

- 11** An ordinance amending Chapter 17, “Food Establishments,” of the Dallas City Code, by amending Section 17-10.2 to amend the annual fee for a booth or stall operating at a neighborhood farmers market to be in compliance with state law – Financing: Estimated Revenue Foregone \$21,400

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Senate Bill 932 was signed by the Governor on May 31, 2019 and became effective September 1, 2019. Code Compliance previously charged a fee of \$123.00 for each booth or stall at a single market location and a fee of \$228.00 for a booth/stall at multiple market locations. S.B. 932 prohibits municipalities from imposing an annual fee in excess of \$100.00 for the issuance or renewal of a permit for the sale of food at a farmer's market. This amendment will ensure compliance with state law.

Fiscal Impact:

The ordinance amendments will result in an estimated loss of \$21,400 in revenue.

- 12** An ordinance amending Chapter 17, "Food Establishments," of the Dallas City Code by amending Section 17-10.2 and adding a new Section 17-10.1.1;(1) adopting state law requirements for dogs in outdoor dining areas; and (2) deleting variance requirements allowing dogs in outdoor patio areas in food establishments to be in compliance with state law – Financing: No cost consideration to the City

Senate Bill (S.B.) 476 was signed by the Governor on June 4, 2019 and became effective September 1, 2019. S.B. 476 allows food establishments to permit customers to bring pet dogs into outdoor dining areas. City Code currently requires food establishments to seek a variance to allow dogs on outdoor patio areas. The variance process included a site inspection and required certain guidelines such as separate entrance for dogs with self-closing devices, signage indicating dog friendly patio, no food preparation on outdoor patio, etc., be met. The code is being amended to adopt state guidelines and delete the variance requirement.

Fiscal Impact:

The ordinance amendment will result in no cost consideration to the City.

Should you have any questions or concerns, please contact myself or Carl Simpson, Director of Department of Code Compliance Services.



Nadia Chandler Hardy
Assistant City Manager

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney (Interim)
Mark Swann, City Auditor
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager
Jon Fortune, Assistant City Manager

Joey Zapata, Assistant City Manager
Michael Mendoza, Chief of Economic Development and Neighborhood Services
M. Elizabeth Reich, Chief Financial Officer
Laila Alequresh, Chief Innovation Officer
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion
Directors and Assistant Directors