

ORDINANCE NO. 29965

An ordinance amending Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, as amended; adding definitions; providing requirements for rest breaks for construction workers and associated signage; providing a penalty not to exceed \$500; 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 210.1, “General,” of Section 210, “Violations and Penalties,” of Subchapter 2, “Organization and Enforcement,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, as amended, is amended to read as follows:

“**210.1 General.** A person commits a criminal offense if:

1. contrary to or in violation of any provision of this chapter or the codes, he knowingly:
 - 1.1. erects, constructs, enlarges, adds to, alters, repairs, replaces, moves, improves, removes, installs, converts, demolishes, equips, operates, uses, occupies, or maintains a structure or building service equipment;
 - 1.2. excavates or maintains an excavation;
 - 1.3. paves or grades on a property; or
 - 1.4. causes any work or activity described in Paragraphs 1 through 3 of this section to be done.
2. the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner’s name, street address, and telephone number to code enforcement officials; [ø€]

3. the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property; or
4. the person is the contractor, the agent of the contractor, or the person in control of the construction site and fails to provide rest breaks in accordance with Section 610.

For purposes of this section, a person acts knowingly, or with knowledge, with respect to the nature of their conduct or to circumstances surrounding their conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of their conduct when the person is aware that the conduct is reasonably certain to cause the result. The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of Chapter 1 of the *Dallas City Code*, as amended.

SECTION 2. That Subsection 210.3, “Punishment,” of Section 210, “Violations and Penalties,” of Subchapter 2, “Organization and Enforcement,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, as amended, is amended to read as follows:

“210.3 Punishment. Any person who [~~knowingly~~] violates a provision of this chapter or the codes is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, or permitted and each offense is punishable by a fine not to exceed \$2,000.

Exception: Each offense of Section 610 is punishable by a fine not to exceed \$500.”

SECTION 3. That Subsection 601.2, “Definitions,” of Section 601, “General,” of Subchapter 6, “Construction Site Management,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, as amended, is amended to read as follows:

“601.2 Definitions. In this subchapter:

CONSTRUCTION means any activity involving:

1. construction, demolition, erection, alteration, or repair of any structure or any portion or appurtenance to a structure; or
2. excavation, paving, or grading of property.

CONTRACTOR means the person so listed on a permit issued by the building official. When more than one contractor has a permit or is performing construction work on the same project, the provisions of this subchapter apply to the general or prime contractor listed on the building permit. "Contractor" also means the owner of any property on which construction work is being conducted when the construction work either does not require a permit or is being done without a required permit.

REST BREAK means a time within working hours during which a worker may not work. The term excludes any regular meal period provided by the contractor, agent of the contractor, or the person in control of the construction site.

SCHEDULED WORK means the time during which a worker is subject to the control of a contractor, agent of the contractor, or the person in control of the construction site and includes all the time the worker is required or permitted to work."

SECTION 4. That Paragraph 602.3.1, "Required Information," of Subsection 602.3, "Sign Content," of Section 602, "Construction Information Signs," of Subchapter 6, "Construction Site Management," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code, as amended is amended to read as follows:

"602.3.1 Required information. Each construction information sign shall contain the following information:

1. The construction project name, if any.
2. The official city-assigned street address, including any suite number, as it appears on the building permit.
3. The general contractor's name and local telephone number.
4. The words "City of Dallas Construction Information" and the city's construction information telephone number.
5. An explanation of the requirements of Section 610 in both English and Spanish with instructions on how to confidentially report noncompliance."

SECTION 5. That Subchapter 6, "Construction Site Management," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code, as amended, is amended by adding a new Section 610, "Rest Breaks," to read as follows:

**“SECTION 610.
REST BREAKS.**

610.1 Rest break required. A worker performing construction activity at a construction site is entitled to a rest break of not less than 10 minutes for every four hours of scheduled work.”

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of this ordinance may proceed, as if the former laws applicable at the time the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 7. That Chapter 52 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any existing structure, system, development project, or registration that is not required to come into compliance with a requirement of this ordinance will be governed by the requirement as it existed in the former law last applicable to the structure, system, development project, or registration, and all former laws will continue in effect for this purpose.

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.

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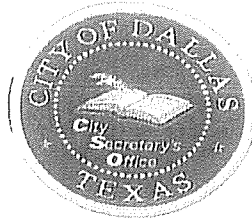
SECTION 9. That this ordinance will take effect on January 1, 2016, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M. S. ERNST, City Attorney

By Casey Byrd
Assistant City Attorney

Passed DEC 09 2015



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL DEC 09 2015

ORDINANCE NUMBER 29965

DATE PUBLISHED DEC 12 2015

ATTESTED BY: