

CITY OF BALCH SPRINGS, TEXAS

ORDINANCE NO. 3071-13

AN ORDINANCE OF THE CITY OF BALCH SPRINGS, TEXAS, AMENDING CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, ARTICLE VI, MINIMUM URBAN STANDARDS, DIVISION 1, GENERALLY, BY DEFINING “CERTIFICATE OF OCCUPANCY,” “TEMPORARY HOUSING,” “TEMPORARY CERTIFICATE OF OCCUPANCY,” “CARNIVAL, CIRCUS, TENT REVIVAL OR SIMILAR OPEN-AIR ENTERPRISE”; REGULATING PARKING, SQUARE-FOOTAGE, AND ISSUANCE OF PERMITS FOR TENT REVIVALS AND OTHER TEMPORARY HOUSING; PROVIDING FOR CONFLICTING PROVISIONS; SEVERABILITY; EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Balch Springs (“City”) has obtained and reviewed information concerning temporary housing and their use within the City; and

WHEREAS, the City wishes to establish provisions concerning temporary housing and the issuance of temporary certificate of occupancies; and

WHEREAS, the purpose of Chapter 14 is to establish building standards and building regulations for structures within the city of Balch Springs; and

WHEREAS, the provisions recommended within this Ordinance are made pursuant to such authority and for the good government of the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BALCH SPRINGS, TEXAS, that:

SECTION 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. Chapter 14, Buildings and Building Regulations, section 14-261 of the Code of Ordinances of the City of Balch Springs is hereby amended in part, to provide additional definitions, which shall read as follows:

Sec. 14-261. - Definitions.

Certificate of Occupancy means an official certificate issued by the City through the Building Official which indicates conformance with the zoning regulations and building codes and authorizes legal use of the premises for which it is issued; may be referred to as a Certificate of Occupancy (CO) Permit Application.

Temporary housing means any carnival, circus, tent revival or similar temporary open-air enterprise, trailer or other structure used for human shelter which is designed to be transportable and which is not permanently attached to the ground, to another structure or to any utilities system on the same premises for more than thirty (30)-consecutive days.

Temporary Certificate of Occupancy means an official certificate, which shall be effective for a temporary, definite period of time, issued by the City through the Building Official, indicating conformance with the zoning regulations and building codes and authorizing use of the premises for which it is issued.

Carnival, circus, tent revival or similar open-air enterprise means a temporary, traveling show or exhibition that has no permanent structure or installation.

SECTION 3. Chapter 14, Buildings and Building Regulations, Code of Ordinances of the City of Balch Springs is hereby amended to provide a new section 14-265, which shall read as follows:

Sec. 14-265. Certificate of Occupancy Required

- (a) No building hereafter erected or structurally altered shall be used, occupied or changed in use until a certificate of occupancy and compliance shall have been issued by the building inspector stating that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations.
- (b) Certificates of occupancy and compliance shall also be applied for coincident with the application for building permit and shall be issued within ten days after the erection or structural alteration of such building shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the building inspector and copies shall be furnished on request to any person having a propriety or tenancy interest in the building affected.
- (c) No permit for excavation for a building within the city shall be issued before application has been made for a certificate of occupancy and compliance.

SECTION 4. Chapter 14, Buildings and Building Regulations, Code of Ordinances of the City of Balch Springs is hereby amended to provide a new section 14-266, which shall read as follows:

Sec. 14-266. Temporary Certificate of Occupancy Required, Revival Tents and Other Temporary Housing

- (a) The owner, operator, or authorized agent of a carnival, circus, tent revival or similar temporary open-air enterprise (“applicant”) shall apply for and obtain from the City a temporary certificate of occupancy.
- (b) The building official may issue a temporary certificate of occupancy for a period of 15-

consecutive days for a carnival, circus, tent revival or similar temporary open-air enterprise.

- (c) The applicant shall submit a non-refundable fee of \$200 to the Permit Department for a Temporary Certificate of Occupancy Application.
- (d) A permit may be granted a maximum of 30-consecutive days in a calendar year.
- (e) The Building Official may grant one 30-day extension of the temporary certificate of occupancy if the use has fully complied with all applicable city ordinances.
- (f) No more than one certificate of occupancy may be issued for a temporary carnival, circus, tent revival or similar temporary open-air enterprise at the same location within a 12-month period

SECTION 5. Chapter 14, Buildings and Building Regulations, Code of Ordinances of the City of Balch Springs is hereby amended to provide a new section 14-267, which shall read as follows:

Sec. 14-267. Regulation of Revival Tents.

- (a) A revival tent may be placed only on property occupied by an existing building used as a place of worship.
- (b) The revival tent or any area used for assembly shall be located at least 300 ft. from a property line of any single-family residential district or use.
- (c) No temporary sanitary facility or trash receptacle may be located within 200 ft.; of an existing dwelling and no tent shall be located within 300 ft. of an existing dwelling.
- (d) A minimum of one (1) parking space per four (4) seats shall be provided.
- (e) A sound level of 65 DBA shall not be exceeded at adjacent property lines of any residential use as determined by City of Balch Springs and measured utilizing an approved sound meter device.
- (f) A drawing to scale shall accompany the application and shall accurately depict the number of seats and the standards of this section.
- (g) The hours of operation shall be no earlier than 8:00 a.m. and no later than 10:00 p.m. This shall include all set-up and break down of events and any sound check by live performers.
- (h) Tents less than 5,000 square feet do not require a building permit; tents equal to or greater than 5,000 square feet require a structural plan review and a building permit. All tents are subject to approval by the Balch Springs Fire Department.

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SECTION 6 . All provisions of the ordinances of the City of Balch Springs in conflict with the provisions of this ordinance be and the same are hereby repealed to the extent of such conflict, and all other provisions of the ordinances of the City of Balch Springs not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 8. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

SECTION 9. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

DULY PASSED AND ADOPTED by the City Council of the City of Balch Springs, Texas, on the 23rd day of September, 2013.

APPROVED:

Carrie F. Gordon, Ph.D., Mayor

ATTEST:

Cindy Gross, City Secretary