

ORDINANCE NO. 455

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE PROVISIONS OF THE NATIONAL BUILDING CODE, 1955 EDITION, AS AMENDED IN 1957, AND AS ADOPTED BY THE CITY OF MESQUITE, TEXAS, BY ORDINANCE NO. 307, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 319.7 "CANVAS TENTS, PLATFORMS, BENCHES AND/OR OTHER APPURTENANCES USED FOR OPEN-AIR PUBLIC ASSEMBLY" PRESCRIBING CERTAIN RULES, REGULATIONS AND STANDARDS AND REQUIRING A PERMIT FOR THE USE THEREOF, PROVIDING FOR PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

AMENDMENT TO THE BUILDING CODE

Section 1. That the National Building Code, 1955 Edition, as amended in 1957, is hereby amended by adding thereto a new section to read as follows:

319.7 - Canvas Tents, Platforms, Benches and/or other Appurtenances used for Open-Air Public Assembly.

Canvas tents, platforms, benches and/or other appurtenances for open-air meetings shall be permitted in the City of Mesquite only during the months of April through October, inclusive, and subject to the following rules and regulations:

a. The granting of a permit for such use is hereby declared to be a privilege, which privilege may be revoked at any time upon violation of any of the conditions as contained herein or at any other time that may be deemed necessary for the protection of the public.

b. All applicants for a permit to erect a tent or to locate platforms, benches and/or other appurtenances for open-air meetings shall make his application to the Building Inspector or such other person named by the City Manager and shall at the time of making said application provide satisfactory evidence in writing, or on forms furnished by the Building Inspector, that the occupants of contiguous properties have no objections, and providing further that the term "contiguous" as herein used shall include not only those premises having property lines or angle points in common with the premises to be used, but shall include the property immediately across a street or alley which would be contiguous were it not for the intervention of the said street or alley.

c. The Building Inspector shall, upon receipt of said application and after investigation assures compliance with the provisions of this ordinance, shall grant or deny the permit.

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d. The applicant, or any person or persons using the permit, shall not at any time use, operate or permit to be used or operated any loud speaker, sound amplifier or other machine or device for the production or reproduction of sound which is located outside of the confines of the tent or structure being used for any open-air meeting purposes.

e. The applicant, or any person or persons using the permit, shall not use, operate or permit to be used or operated any radio, receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or any other machine or device for the production or reproduction of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants at any time with a louder volume than is necessary for the convenient hearing of the person or persons who are in the tent or structure in which the machine or device is operated and who are voluntary listeners thereto.

f. All the provisions of the permit shall apply not only to the applicant, but to all persons on the premises in attendance of any such open-air assembly being conducted thereon and the applicant, as such, shall be responsible for the conduct of all persons or groups of persons using the same.

g. At any time that the Building Inspector has evidence of violation of any of the terms of this ordinance, he may immediately issue a "Stop Order" to be made in writing to the applicant, and such order issued shall require the applicant and any other person, persons or group of persons to cease and desist the use of the premises unless and until the City of Mesquite shall reinstate said permit. The applicant or other users of the permit shall have the right to direct appeal to the City Council to have the same reinstated.

h. Mechanical loud speakers or amplifiers, when used, shall not be used so as to create a nuisance as otherwise herein stipulated.

i. Tents or other structures shall comply with the building line requirements as stated in the zoning ordinance for area being so used but in no case shall any such tent or other structure be located less than 10 feet from any adjoining lot.

j. Off-street parking shall be provided on the premises sufficient to accommodate one automobile for each five seats.

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k. Flammable materials and vegetation shall be removed from the premises as provided for under the City Code and Fire Prevention Code of the City of Mesquite. Sawdust and shavings, when used, shall be kept damp. No smoking, fireworks or open flame of any kind shall be permitted in any tent. Motion picture films, when used, shall be of the safety type. Tents and all places used for open-air assembly shall be provided with one 1 1/4 gallon fire extinguisher for each 1,000 square feet or fraction thereof with a minimum of two such extinguishers for each such facility. All tents shall be made of materials that are adequately flameproof. A certificate from a material flameproofing company showing that the tent material has been flameproofed and will comply with the American Standard Testing Laboratory shall be provided by the applicant. All Building Codes and the Fire Prevention Code of the City of Mesquite shall be complied with.

l. All electrical wiring shall comply with the Codes of Electrical Wiring adopted by the City and each premises to be used for open-air public assembly shall be provided with a separate, individual electrical service from the power source.

m. In the event any occupant of contiguous property shall raise any objection in writing, the Building Inspector shall consider this objection in granting or denying the request.

n. The Building Inspector may require such further information from the applicant as to the occupancy and use of such temporary facilities as may in his judgment be deemed proper for adequate safeguards for the preservation of health, welfare, comfort and safety of the citizens of the City of Mesquite.

o. The permit fee for all open-air assemblies shall be \$2.00 for each thirty (30) day period. All religious and charitable organizations will be exempt from such permit fee.

p. A renewal permit may be obtained upon request and payment of a two dollar fee for an additional thirty (30) day period, but no further application shall be necessary.

q. Upon expiration of the permit, the tent, platform, benches and/or other appurtenances shall be removed and the premises cleared of all debris and refuse within seven (7) days.

r. The provisions of this ordinance shall be administered and enforced by the Building Inspector of the City of Mesquite or such other person as may be designated by the City Manager.

s. All supports for the tent shall be of sufficient size and strength to adequately support the tent and such supports shall be guyed and braced to withstand a wind pressure of not less than 20 pounds per square foot of the projected area of the tent.

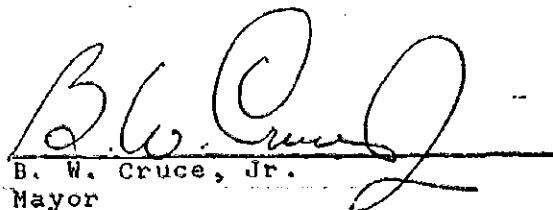
t. Arrangements of seats, aisles and passageways and exits shall conform to the requirements of this Code. No tent stakes, guy wire or guy rope shall be permitted in any exit passage.

u. Exit lights shall be provided at all exits in tents and shall be designated by illuminated signs.

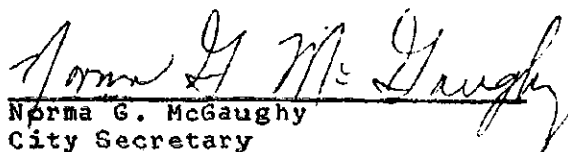
Section 2. That any persons, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not to exceed the sum of Two Hundred (\$200.00) Dollars for each offense, and each and every day such violation shall be permitted to remain after notification from the City of Mesquite to remove the same shall constitute a separate offense.

Section 3. The fact that the present ordinances of the City of Mesquite regulating the use of canvas tents, platforms, benches and other appurtenances used for open-air public assemblies are not adequate, creates an urgency and an emergency requires that this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on this the 19th day of November, 1962.


B. W. Cruce, Jr.
Mayor

ATTEST:


Norma G. McGaughy
City Secretary