

ORDINANCE NO. 52-1989

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE VI, "UNIFORM CODES AND OTHER REGULATIONS," DIVISION 2, "BUILDING CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 8, Article VI, Division 2, "Building Code," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3. That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 7 day of December, A.D. 19 89.

PASSED ON SECOND AND FINAL READING this 21 day of December, A.D. 1989.

ATTEST:

[Signature]
CITY SECRETARY

[Signature]
MAYOR

APPROVED:

[Signature]
CITY ATTORNEY

EXHIBIT "A"

TEMPORARY BUILDINGS

1. Definition

A temporary building is a building that does not comply with all the codes and standards customarily required of permanent buildings, but which is permitted to be used for a limited time under the conditions stated herein. When approved, a temporary building may consist of more than a single structure.

Structures, such as snow-cone, hot-dog, and soft drink stands, installed on trailers licensed by the State of Texas, shall not be defined as temporary buildings so long as they are not located on one site for more than 180 days. One-story, detached accessory buildings used as tool or storage sheds, or play houses, with projected roof area not exceeding 120 square feet, as defined in the building code, are exempt from these requirements.

2. Permitted Uses

Permits for temporary buildings may only be issued for the following uses:

- a. to permit a continued function of the business in cases where a business has been damaged or destroyed by fire or natural disaster;
- b. to provide interim shelter for short-term needs or while permanent facilities are being developed for governmental or nonprofit organizations.

3. Duration of Use

Temporary building use is limited to a period of not more than 12 months. Permits may not be issued for additional temporary building use on the same site until 12 months after the first temporary building is removed. A site shall be defined as all property under one ownership, surrounded by a continuous property line, and may include one or more lots.

The City Manager or his designated representative may authorize an additional six (6) months provided a permanent building is under construction to replace the function of the temporary building.

If a temporary building causes a hazardous condition to develop at any time it is in existence, the Building Official may require that the temporary building be removed or brought up to standards required for a permanent building. If, in the opinion of the Public Works Director, the temporary building is creating additional run-off from the property, or is causing a drainage problem, he may require that these problems be mitigated or that the building be immediately removed.

4. Permit Process & Fees

Application for a permit shall be made with the Building Inspection Division. The application must receive approval from the following departments: Planning, Public Works, Traffic & Transportation, Fire, and, if applicable, Health.

The temporary building may be required to meet permanent structure standards when a hazard would be created by a non-complying temporary building.

Permit fees shall be the same as required for permanent buildings and shall be paid to the City of Abilene prior to the issuance of the permit or installation of the building. Double fee shall be required when a building is installed prior to a permit being issued.

Before a permit for a temporary building can be issued, a performance bond in the amount of Five Thousand Dollars (\$5,000.00) guaranteeing removal of the building at the end of a one-year period must be filed with the Building Inspection Division.

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