

ORDINANCE NO. 2243

AN ORDINANCE OF THE CITY OF ALAMO HEIGHTS, TEXAS, AMENDING CHAPTER 5 *BUILDINGS AND BUILDING REGULATIONS* BY ADDING ARTICLE XII *RESIDENTIAL HAUNTED HOUSES* TO ENACT REGULATIONS FOR RESIDENTIAL, NON-COMMERCIAL, TEMPORARY STRUCTURES USED FOR HAUNTED HOUSES; PROVIDING FOR REPEALER AND SAVINGS; PROVIDING A PENALTY; ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Alamo Heights, Texas (the "City") is a Texas municipality that is authorized to adopt local ordinances establishing procedures for the administration and enforcement of building codes; and

WHEREAS, the City Council for the City of Alamo Heights, Texas ("City Council") seeks to promote the health, safety and general welfare of the community by preventing death, injuries and property damage within the City limits; and

WHEREAS, the City Council finds community engagement during holidays and other observances increases the quality of life of City residents; and

WHEREAS, the City Council finds that the construction and operation of temporary haunted houses in residential areas may contribute to a high level of community engagement for neighbors and guests to celebrate Halloween; and

WHEREAS, the City Council seeks a means to enable the operation of residential, non-commercial haunted houses in temporary structures, while mitigating the possible adverse impacts that may arise with the construction and operation of such structures; and

WHEREAS, the City Council finds that regulations are needed to monitor and restrict the conditions by which temporary haunted houses celebrating Halloween are erected and operated in residential areas to prevent dangerous or nuisance construction projects which put citizens at risk, impacts the wellbeing of adjacent property owners, and diminish nearby property values; the effects of which the amendments described herein area intended to avoid or mitigate.

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

SECTION 1. FINDINGS. The recitals are hereby found to be true and correct and are hereby incorporated as part of this Ordinance.

SECTION 2. AMENDMENT. Municipal Code of Ordinances Chapter 5 Buildings and Building Regulation is hereby amended by Adding Article XII Residential Haunted Houses and shall read as follows:

Chapter 5 Buildings and Building Regulation
Article XII. Residential Haunted Houses

Sec. 5-173. PURPOSE AND SCOPE.

- (A) *Purpose.* It is the purpose of this Ordinance to ensure the safe operation of temporary, non-commercial haunted house attractions on residential property during Halloween, while preserving community engagement and minimizing regulatory burden.
- (B) *Scope.* The provisions of this Ordinance shall apply to all buildings which are hereinafter defined as haunted houses for the temporary celebration of Halloween whether now in existence or which may hereafter become erected and operated.

Sec. 5-174. DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Building means any building, fence, awning, canopy, sign, shed, garage, house, tent or other structure whatsoever and the enumeration of specific types of structures shall not be deemed to exclude other types of structures to which the sense and meaning of the provisions hereof in context reasonably have application.

Building Code means the national or international model codes, as adopted and amended by the City in Article II – CODES ADOPTED BY REFERENCE and Article III – AMENDMENTS TO ADOPTED CODES of this Chapter, and shall include all other laws or regulations relating thereto.

Enclosed means the condition of any structure or building whereby the structural members are not visible from the exterior of the building. Methods to enclose a structure or building may include cladding, siding, or exterior coverings of any authorized material.

Fire Marshal means the person designated by the City Council to enforce this Article, or their designee.

Haunted House means a temporary structure or decorated area designed to entertain guests with Halloween-themed elements, located on private residential property, and do not charge fees for access.

Non-Commercial means activity or event that does not charge fees or sell merchandise.

Sec. 5-175. ENFORCEMENT.

(A) *General.*

- (1) *Administration.* The Fire Marshal is hereby authorized to enforce the provisions of this article. The Fire Marshal shall have the power to render interpretations of this article and to adopt and enforce rules and supplemental regulations in order

to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this article.

- (2) *Inspections.* The Fire Marshal or their designee is hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this article.
 - (3) *Right of entry.* When it is necessary to make an inspection to enforce the provisions of this article, or when the Fire Marshal or his/her designee has a reasonable cause to believe that there exists in a building or upon a premise a condition which is contrary to or in violation of this article which makes the building or premises unsafe, dangerous, or hazardous, the Building Official or Fire Marshal or their designee may enter the building or premises at reasonable times to inspect or perform the duties imposed by this article, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises is unoccupied, the Fire Marshal or their designee shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Fire Marshal shall have recourse to the remedies provided by law to secure entry.
- (B) *Abatement of dangerous or non-compliant haunted house buildings.* All buildings or portions thereof which are determined after inspection by the Fire Marshal to be dangerous or non-compliant haunted house buildings as defined by this article are hereby declared to be public nuisances and shall be abated by immediate redress, pausing or ceasing operation, vacation, demolition, or securing in accordance with the procedures specified in this article or this Chapter, as applicable.
 - (C) *Suspension of haunted house construction or operations.* At any point of the construction and/or operation of the non-commercial haunted house structure and/or area, the fire marshal and/or building official and their respective designees reserve the right to pause, suspend, or cease construction or use of the haunted house. The listed actions could in response to violations of the terms of this article and/or conditions that may arise that risk the public's safety and wellbeing.
 - (D) *Unlawful to violate this article.* It shall be unlawful for any person, firm, or corporation to erect, construct or use, occupy or maintain any building that is deemed to be a nuisance or cause or permit the same to be done in violation of this article.
 - (E) *Penalties.* Violations of this article may result in immediate closure of the haunted house. In addition to closure of the haunted house, violations may be subject to maximum penalties authorized under this Code.
 - (F) *Inspection authorized.* All buildings within the scope of this Article and all construction or work for which a permit is required shall be subject to inspection by the Fire Marshal or Building Official.

Sec. 5-176. PERMIT REQUIREMENTS.

- (A) For the purposes of this article, any temporary building which has any or all of the conditions hereinafter described shall be deemed to be a residential non-commercial haunted house and subject to the conditions of this article:
- (1) A temporary structure or decorated area designed to entertain guests with Halloween-themed elements and is located on private residential property.
 - (2) Admission or participation in the temporary structure or decorated area by guests does not require payment of a fee. Charging a fee for admission to experience a haunted house constitutes a commercial venture that is subject to regulations concerning Chapter 3 – Zoning and the structure's construction is dictated by the Building Code, including but not limited to the latest adopted edition of the International Building Code (IBC) and National Fire Protection Association (NFPA).
- (B) For purposes of this article, any building which has any or all of the conditions hereinafter described shall be deemed a haunted house and hereby is required to obtain a permit prior to construction and operation of a haunted house:
- (1) A temporary enclosed structure(s) or decorated area erected for purposes to entertain guests with Halloween-themed elements.
 - (2) The occupancy at any one time is five (5) or more people but no more than 20 people.
 - (3) Inside such a structure is the planned use of special effects, such as fog machines, light-based images or strobes.
 - (4) The defined haunted house is open to the general public.
- (C) For purposes of this article, any building which is being used as a temporary non-commercial haunted house shall be required to obtain a permit, but some structures and/or conditions with the following conditions may not be subject to all the provisions of this article, as interpreted by the Fire Marshal:
- (1) The occupancy is fewer than five (5) people at any one time.
 - (2) The structure or building is less than 120 square feet, not enclosed, or is part of an existing residential building.

Sec. 5-177. APPLICATION PROCEDURES.

- (A) Applicants seeking operation of a haunted house shall submit a Special Event Permit application, or permit application equivalent, no fewer than 30 days prior to the intended date construction set to begin.
- (B) Proof that neighboring property owners have been notified and are supportive of applicant's request to operate a residential haunted house. The permit application must include the following:

- (1) Written support of 100% of abutting property owners located on the same side of the street of the applicant's proposed location of the haunted house, and
- (2) Written support of at least 75% of adjacent property owners consisting of:
 - a. Owners of occupied property located within 200 feet on the same side of the proposed haunted house location; and
 - b. Owners of occupied property located within 200 feet across the street of the proposed haunted house location.

At applicant's request, the Fire Marshall, or their designee, may provide the applicant a list of the owners and properties located within 200 feet of the proposed haunted house location. However, applicant will be responsible for contacting the above-described property owners and obtaining their written support.

- (C) Site plan and safety plan ensuring compliance with the conditions of this article shall be submitted to the Fire Marshal or their designee.
- (D) Applicants must submit a signed waiver or indemnification of City liability for the construction and operation of the haunted house. Applicant must provide City proof of insurance with liability policy limits no less than \$250,000 per occurrence or \$500,000 in the aggregate. Such insurance must include City as an additional insured and provided to City prior to commencement of construction and operation of the haunted house.
- (E) *Notice to Proceed.* Haunted House permit applicants shall not begin construction of any structure or building until the permit application has been approved by the Fire Marshal or their designee. The permit issuance authorizes a notice to proceed.

Sec. 5-178. SAFETY STANDARDS.

- (A) For the purposes of this article, any deemed residential haunted house, upon issuance of a Special Event Permit, shall be subject to the conditions of this article:
 - (1) *Egress.* The haunted house structure must consist of a minimum of two clearly marked exits, pathways must be unobstructed and at least 36 inches wide, and emergency lighting or glow-in-the-dark signage for exits.
 - (2) *Occupancy.* Occupancy of a residential haunted house structure is limited to no more than 20 people.
 - (3) *Fire safety.* The haunted house structure must be free of open flames or candles, possess smoke detectors in enclosed areas and fire extinguishers accessible within 50 feet of any point, and coordinate fire watch during operations with Alamo Heights Fire Department.
 - (4) *Electrical safety.* In order to maintain electrical safety, all wiring must be UL-listed and in good condition. Extension cords cannot be daisy-chained together. Circuits must not be overloaded.
 - (5) *Structural stability safety.* The haunted house temporary structure must demonstrate structural stability safety by being able to withstand sustained winds of up to 20 miles per hour and/or wind gust up to 30 miles per hour. The applicant

shall submit to the fire marshal and/or building official a letter from a licensed third-party inspector, professional engineer, or licensed architect as appropriate, who was present during construction, visually inspected all work, and states that all work is compliant with the relevant adopted codes at the time of the permit. The fire marshal and/or building official, or their designee, has the discretion to disallow such a letter of inspection report and may require an inspection to be conducted by the city's inspector or other qualified person(s). At any point in the construction process when, in the opinion of the city, work is not being done in conformance with, or within the scope of the approved plans, the fire marshal, building official, and/or their designee may place a stop work order on the property if the issues cannot be resolved on site.

- (6) *Setbacks.* Haunted houses as defined by this article must be set back at least three (3) feet from all property lines. Haunted house structures must be on private property and cannot encroach into the public domain, including but not limited to rights-of-way and sidewalks.
- (7) *Supervision.* At least two (2) adults must be present at all times during the operation of the haunted house, with the ability to quickly communicate via communication devices. Emergency contact information must be posted at the entrance to the structure. All supervision components shall be incorporated into the Safety Plan submitted to the Fire Marshal.
- (8) *Inspections.* The Fire Marshal shall inspect any haunted house installation. Inspections will focus on egress, fire safety, structural stability, and compliance with the conditions of this article.

Sec. 5-178. CONSTRUCTION AND USE TIMELINE.

- (A) For the purposes of this article, any deemed residential haunted house shall be subject to limits to the amount of time the temporary haunted house structure is allowed to be constructed and the number of days the haunted house is in operation.
- (B) *Permitted timeline for temporary structure.* Temporary haunted house structures may be erected no more than 60 days prior to October 31st and only upon permit issuance by the Fire Marshal. For any date prior to October 1st, the exterior of the structure may not be enclosed. The exterior enclosure of the temporary haunted house structure may be constructed on October 1st. All structures must be fully dismantled and removed from the property within two (2) weeks following October 31st.
- (C) *Permitted timeline for haunted house operation.* The operation of temporary haunted house structures for public use is limited to October 31st or one replacement date.

SECTION 3. AUTHORIZATION. Notwithstanding all other provisions of this Ordinance, nothing herein shall be deemed a limitation on the duty of the city to summarily order that a building or structure be demolished, removed, secured or vacated where it is apparent that the immediate demolition of such building or structure is necessary for the protection of life, property or the general welfare of the people in the city.

SECTION 4. LIABILITY. Neither the City nor any authorized agent acting under the terms

of this Ordinance shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this Ordinance.

SECTION 5. REPEALER. The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Alamo Heights hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

PRESENTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS THIS 25th DAY OF AUGUST, 2025.



ALBERT HONIGBLUM, MAYOR

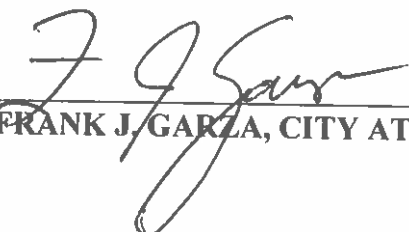
ATTEST:



ELSA T. ROBLES, CITY SECRETARY



APPROVED AS TO FORM:



FRANK J. GARZA, CITY ATTORNEY