

ORDINANCE # 141

AN ORDINANCE AMENDING ORDINANCE 66 OF THE CODE OF ORDINANCES, CITY OF WHEELER, TEXAS (BEING THE BUILDING CODE) BY ENACTING TRENCH SAFETY REQUIREMENTS WHICH REQUIRE TRENCH SAFETY SYSTEMS IN CONTRACTS, PLANS TO BE FILED, A PERMIT TO BE OBTAINED AND TRENCH SAFETY SYSTEMS TO BE INSTALLED AND MAINTAINED BEFORE ANY WORK MAY BE BEGUN AS MORE FULLY SET OUT HEREIN, PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEELER:

SECTION 1. THAT Ordinance # 66 of the Code of Ordinances, City of Wheeler, Texas, which amends the Uniform Building Code, 1965 Edition, BE and is hereby amended by changing it to include Trench Safety requirements within its prohibitions. Such ordinance shall appear and require as follow:

Is Shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, imrove, remove, convert or demolish equipment, use, occupy or maintain any building or structure in the City, or cause the same to be done; or excavate and cause to be used any Trench which exceeds a depth of five feet (5') in the City or within the City's extraterritorial jurisdiction, contary to or in violation of any of the provisions of this Code."

Trench Excavations.

A. Permit required, Trench Safety Systems.

Any person who excavates a Trench which exceeds a depth of five feet (5') within the City of Wheeler or within one (1) mile of the corporate limits of the City of Wheeler and requires a Trench Safety System under this Chapter shall obtain a Trench Excavation permit from the Code Enforcement Department of the City of Wheeler. Failure to obtain a permit or to comply with the Trench Safety requirements of this Chapter shall constitute and offense punishable by a fine of not less than Two Hundred Dollars (\$200.00) or more than FiveHundred Dollars (\$500.00).

A Trench Safety System shall be provided in any Excavation which exceeds a depth of five feet (5') if any person is required or allowed to enter said Excavation for any reason or may be otherwise exposed to cave-ins. A Trench Safety System shall also be required in an Excavation of less than five feet (5') if soil instability or a danger of ground movements exists.

B. Definitions.

- 1) Angle of Repose. The maximum angle with the horizontal plane at which a mass of soil material, as in a cut or embankment, will lie without sliding.
- 2) Engineer. A registered professional engineer licensed to practice in the State of Texas.
- 3) Excavation. A man-made cavity in the earth's surface formed by earth removal, except an Excavation regulated by Articles 6053-1, 6053-2, Revised Statutes of Texas.
- 4) OSHA. Occupational Safety and Health Administration of the United States Department of Labor.
- 5) OSHA Standards. The requirements and specifications of Subpart P, Excavation, Trenching and Shoring, Table P-1 and P-2, of the Occupational Safety and Health Administration construction standards, 29CFR 1926/1910, and from time to time may be amended, revised, and adopted by reference as if fully set out herein.
- 6) Trench. An Excavation of fifteen feet (15') or less in width in which, in general, the length is greater than the width, except a Trench regulated by Articles 6053-1, 6053-2, Revised Statutes of Texas.
- 7) Trench Safety System, Organized or established procedures and physical actions planned and prepared by an Engineer to facilitate the occupational and worker safety of Trench Excavations. A Trench Safety System may include shoring, bracing, sloping of Trench sides, Trench Safety Shields or any procedure, policy or mechanical device to insure safety that meets OSHA Standards.
- 8) Trench Shield. A shoring system composed of steel plates and braces rigidly fastened together to support the walls of a Trench and which can be moved along the Trench as work progresses.

C. Permit Requirements.

- 1) To obtain a Trench Excavation permit, the applicant shall furnish two (2) copies of engineering plans and specifications prepared and sealed by an Engineer. Plans and specifications shall be of sufficient clarity to indicate the scope, extent and details of all work proposed, including:
 - a) Description of all work to be performed, along with an accurate, detailed schedule of construction;
 - b) Description of the land on which the work is to be performed by legal description, street address or similar description that shall readily identify the project location;
 - c) Details of the route, width and depth of the Trench, description and analysis of types of soils and locations of adjacent structures and installations both above and below ground;
 - d) Engineering and details of the Trench Excavation including but not limited to plan and profile sheets, soil analysis, design computations and excavated material storage;
 - e) Details of Trench Safety System, including methods and equipment for Excavation, construction installation and worker safety;
 - f) For Excavations having sloped trenched sides, soil testing laboratory reports determining the maximum Angle of Repose. For testing purposes, core samples are required no less than each seven hundred (700) linear feet of Trench length; and
 - g) Any other OSHA Standards pertinent to proper completion of said project.
- 2) Plans, specifications and reports submitted for permit shall bear the name, seal and registration number of an Engineer and contain the following certification:

"I herby certify that these plans and accompyanying specifications or these engineering works were prepared by me, or under my direct supervision, in accordance with OSHA and City of Wheeler trench excavation and construction safety standards and requirements."

Signature and Registration Number

- 3) Fees for each Trench Excavation permit as set out in Table 3-A shall be paid prior to the initiation of work.
- 4) The bid documents and the contract authorizing the work for which a Trench Excavation permit is required shall include, in addition to the plans and specifications for the Trench Safety System, a separate pay item for the Trench Safety System.

D. Materials.

- 1) Materials used for sheeting, sheet piling, cribbing, bracing, shoring, and underpinning shall be in good serviceable condition and free of defects. Defective materials or equipment may not be used and shall be immediately removed from the job site.
- 2) Steel Trench Shields shall be constructed of steel plate welded or bolted to a rigid steel framework and include the following minimum protective measures:
 - a) Trench Shields shall be constructed in a manner that provides protection at a minimum equal to sheeting or shoring required for Trench Safety construction;
 - b) Adjustable jacks that meet or exceed the rigidity requirements of OSHA Standards and this Chapter may be used;
 - c) An access ladder shall be provided at the midpoint or center of the Trench Shield for ingress-egress;
 - d) Runners or wheels may be installed or incorporated under the Trench Shield side walls for ease of movement;
 - e) Lifting eyes shall be welded to the Trench Shield to provide ease of lifting;
 - f) When the side walls of a Trench extend above the sides and top of the Trench Shield, a reinforced steel roof with access doors or hatches shall be installed; and
 - g) Continuous forced, fresh air ventilation shall be mandatory for fully-enclosed Trench Shields.

E. Special Requirements.

- 1) Construction requiring trenching shall meet or exceed the minimum OSHA Standards and requirements of this Chapter as may from time to time be amended and which are incorporated by reference as if fully set out herein;
- 2) A Trench Safety System shall be installed in a true or level horizontal position, shall be bottomed in the Trench, shall be properly spaced vertically and shall be secured to prevent sliding, falling or kick-outs;
- 3) Any evidence of a change in soil conditions shall be corrected immediately;
- 4) Water shall not be allowed to accumulate within a Trench and shall be diverted prior to entry or removed immediately after entry;
- 5) Trench Excavations shall have an exit every twenty-five (25) linear feet, at minimum, which is anchored in place to withstand the combined weight of individuals working in the Trench;
- 6) Excavated soil material shall be removed not less than two feet (2') from the edge or side walls of the Trench;
- 7) A trench excavated within or adjacent to previously disturbed soil shall be classified as unstable and shall require special safety precautions to be analyzed and established by an Engineer. Said precautions shall be included as part of the plans and specifications submitted for the Trench Excavation Permit; and
- 8) Heavy equipment shall not operate in the area between a new Trench and adjacent previously disturbed soil when individuals are in said Trench or otherwise exposed to cave-ins.

F. Permit Holder/Contractor Requirements.

- 1) Compliance with OSHA Standards and requirements of this Chapter shall be the responsibility of the permit holder or contractor, or both. As part of said compliance, the permit holder or contractor, or both, shall:

- a) Inspect and maintain for soundness and adequacy on a regular basis, the Trench Safety System and its associated materials, equipment and environment;
 - b) Have daily inspections of excavation made by a competent person, and if evidence of possible cave-ins, slides, or changing soil condition is instability is apparent, all work in the excavation shall cease until the necessary precautions have been taken to safeguard the employees and the public;
 - c) Document each inspection and maintenance procedure in writing with said record kept for immediate review on the job site. Each recorded entry shall include the date, time, person's name performing the task and results of said inspection or maintenance action performed.
- 2) The City may require the permit holder or contractor, or both, to remove, replace or repair any portion of the Trench Safety System which it determines to be unsafe, but such requirement in no way relieves the permit holder or contractor, or both of responsibility for Trench safety.

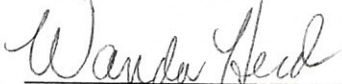
Fees for Trench Excavation Permits are as follows:

<u>Trench Length</u>		<u>Inside City</u>	<u>Outside City</u>
A)	250 Linear Feet or less	\$50.00	\$100.00
B)	251 to 1000 :inear Feet	\$100.00	\$200.00
C)	1001 Linear Feet or Longer	\$250.00	\$500.00

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than TWO HUNDRED DOLLARS (\$200.00) nor more than FIVE HUNDRED DOLLARS (\$500.00). Each such violation shall be considered a separate offense to no greater or lesser degree than another violation if a provision of this ordinance. Each day any violation exists shall constitute a separate offense. A director, officer, employee, or other person authorized to act in behalf of a corporation or association having responsibility for the discharge of a duty to act imposed by law on a corporation or association is criminally responsible for a violation under this ordinance to the same extent as if such person were criminally responsible under this ordinance.

This ordinance shall become and be effective upon its adoption and publication as required by law.

INTRODUCED AND PASSED by the City Council of the City of Wheeler, Texas on the 15 day of December, 1987.



Wanda Herd, Mayor

ATTEST:

Mildred Ramsey, Secretary