

ORDINANCE NO. 2517

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE BY ADDING A NEW SUB-SECTION (c) TO SECTION 2903 OF THE UNIFORM BUILDING CODE; PROVIDING THAT BID DOCUMENTS AND CONTRACTS WHERE TRENCH EXCAVATION WILL EXCEED FIVE (5) FEET INCLUDE PLANS AND SPECIFICATIONS FOR TRENCH SAFETY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 5 of the Code of the City of Mesquite, Texas is amended by amending the Uniform Building Code Section 2903 by adding section (c) to read as follows:

Section 2903.

- (c) On construction projects in which trench excavation in excess of five (5) feet is required, bid documents and contracts shall include detailed plans and specifications for trench safety that meet Occupational Safety and Health Administration (OSHA) standards. Plans and specifications shall include an expense item for safety systems relating to trench excavation.

Construction projects which will necessitate trenching five (5) feet or more in depth shall include a statement from an engineer licensed by the State of Texas that all trenching and excavation has been designed to comply with Occupational Safety and Health Administration standards.


The quality and design of materials used structurally in excavations, footings and foundations shall conform to the requirements specified in Chapters 23, 24, 25, 26, 27, and 28 of this Code.

SECTION 2. That should any paragraph, sentence, subdivision clause, phrase, section or provision 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 hereof other than the part or provision so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of any other ordinance of the City of Mesquite.


SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 4. The fact that the present ordinances of the City of Mesquite are inadequate to protect the health and welfare of the inhabitants of the City of Mesquite creates an urgency and an emergency and necessitates that this ordinance become effective immediately from and after its date of passage and the publication of its caption as the law in such cases provides.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on
18th day of April, 1988.


George A. Venner, Sr.
Mayor

ATTEST:


Lynn Prugel
City Secretary

APPROVED:


Jonathan Graham
City Attorney