

ORDINANCE NO. 13-C-08

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE I, GENERAL REQUIREMENTS; ARTICLE II, THE BUILDING CODE; AND ARTICLE III, THE RESIDENTIAL CODE PROVIDING A PENALTY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

WHEREAS, the City Council of the City of Schertz, Texas (the "City") desires to protect the safety and welfare of the citizens of the City through regulation of construction activities in the City;

WHEREAS, the Planning and Zoning Commission ("P&Z") of the City voted to recommend approval of the provisions regulating construction activities set forth herein at the P&Z meeting on March 27, 2013;

WHEREAS, the City Staff of the City has recommended that the City Council adopt the provisions set forth herein, which regulate construction activities in the City; and

WHEREAS, the City Council has determined that the regulation of construction activities in the City, as set forth herein, is in the best interests of the City.

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

Section 1. Chapter 18, Buildings and Building Regulations, Article II, Building Code of the Code of Ordinances, City of Schertz, Texas is hereby amended as follows:

Sec. 18-39 - Amendments.

The building code adopted by section 18-38 is hereby amended as set forth in the following paragraphs of the section:

Section 1801.2 Design is hereby amended to add the following new paragraph to the end of Section 1801.2:

"All foundations shall be designed by a registered Professional Engineer in the State of Texas and all drawings and documentation must be signed and sealed. Design Engineers must be registered with the City of Schertz. Documentation shall include:

1. Design letter referencing soils report numbers, date of report, and soils engineer name; specific location including lot, block and subdivision; specific design criteria including soil bearing capacity, plasticity index, and potential vertical rise. The engineer shall also approve a concrete mix design with performance criteria based on soils and seasonal conditions.
2. Signed and sealed drawings clearly indicating the strand and reinforcement placement, pier size, depth, location, and reinforcing, beam size and location, and any special details. Design calculations must be included.
3. Design engineer must perform a pre-pour inspection and provide the City of Schertz with a signed and sealed document stating that the foundation has been inspected and approved. This inspection must take place prior to requesting a foundation inspection from the City of Schertz. The design engineer shall be present during placement of concrete to verify concrete mix design and seasonal conditions during placement, and verify tensioning and elongation of cables if it is a post-tension foundation.
4. Letter from the engineer indicating that rough grading of the lot occurred immediately after form removal to maintain drainage away from foundation during the construction process.
5. The engineer must provide to the City of Schertz a Letter of Final Acceptance stating that the foundation has been placed in compliance with the design prior to issuance of a Certificate of Occupancy.
6. Prior to issuance of a Certificate of Occupancy, the engineer shall provide a letter indicating that a strength test was performed on the batch of concrete and the results of the concrete strength test were consistent with the acceptable range specified in the foundation design. Copies of relevant logs or test results from the concrete manufacturer shall also be provided.

“After foundation construction, but prior to commencement of framing, the owner or applicant shall provide the building official of the City with a sealed certification from an engineer licensed to practice in the State of Texas and registered with the City of Schertz that the concrete has adequately cured to allow for framing of the first floor only to occur. Prior to placing any additional load on the slab the owner or applicant shall provide the building official of the City with a sealed certification from an engineer licensed to practice in the State of Texas that the concrete has adequately cured to allow an additional load to be placed on the slab, including framing above the first floor. In no event shall this be less than 3 days after the foundation was poured.

If the foundation is a post-tension foundation that it was designed after the engineer’s consideration of (a) the Post-Tensioning Institute’s Construction and Maintenance Manual for Post-Tensioned Slab-on-Ground Foundations, 3d Edition; (b) the Post-Tensioning Institute’s Design of Post-Tensioned Slabs-on-Ground, 3d Edition with 2008 Supplement; and the soil test conducted for the lot.”

“Post-Tension foundations must be inspected by a Post-Tensioning Institute (PTI) Level 1 or 2 Unbonded PT Inspector prior to placing a load on the slab or commencement of framing. Additionally, the PTI Level 1 or 2 Unbonded PT Inspector must provide

foundation design drawings, shipping lists, material certifications, jack certifications, stressing records, and concrete placement records (as described in the Post-Tensioning Institute's Construction and Maintenance Manual for Post-Tensioned Slab-on-Ground Foundations, 3d Edition) to the City.

Section 1802.2 Where required is hereby amended to add the following new paragraph to the end of Section 1802.2:

"Notwithstanding the foregoing, prior to issuance of a building permit, the owner or applicant shall provide to the building official for the City a soil test (geotechnical investigation) for the lot signed, sealed, and made by a geotechnical engineer licensed to practice in the State of Texas. The soil test shall contain design recommendations. The soil test shall be conducted within the area where the building foundation is to be located and the owner shall provide a survey of the lot to the City indicating the location of the soil test. Such soil test report shall be referenced on the building permit application along with a signed and sealed statement from an engineer licensed to practice in the State of Texas that the foundation(s) on the lot was/were designed in consideration of the results shown in the soil test report for that lot. The owner(s) of the property shall provide a letter stating that no cut or fill was done subsequent to the soil test being conducted. The Exception to Section 1802.2 stating 'The building official need not require a foundation or soils investigation where satisfactory data from adjacent areas is available that demonstrates an investigation is not necessary for any of the conditions in Sections 1802.2.1 through 1802.2.6' is hereby deleted."

Section 1806.1 General is hereby amended to add the following new paragraphs to the end of Section 1806.1:

"Construction of a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing of the wall to the top of the wall, constructed on public property or to be dedicated to the City as a public improvement, as a part of the overall subdivision civil plans and the Development Permit application process, shall require submission to, and approval by, the City Engineer of the City of detailed retaining wall design plans sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction of such wall. Construction of such retaining wall shall also require submission to, and approval by, the City Engineer of the City of a sealed engineering inspection report verifying the construction of the retaining wall in conformance with the retaining wall design plans in order to close out the Development Permit.

Construction of a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing of the wall to the top of the wall, constructed on private property and that will not be dedicated to the City as a public improvement, as a part of the building permit application process, shall require submission to, and approval by, the building official of the City of detailed retaining wall design plans sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction of such wall. Construction of such retaining wall shall also require submission to, and approval by, the

building official of the City of a sealed engineering inspection report verifying the construction of the retaining wall in conformance with the retaining wall design plans in order to close out the building permit.

On lots with a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing to the top of the wall, in addition to the designated rear and side yard setbacks, a maintenance and access easement for the benefit of the adjacent property owners and the City on either side of the retaining wall, as necessitated by the design of the retaining wall and in accordance with the signed and sealed engineering plans, shall be required for retaining wall maintenance and to prevent any incursion into fill material. The required area of the easement shall vary according to the retaining wall design and adjacent property access and shall, at a minimum, include all of the fill area. Any incursion into a retaining wall fill for maintenance and construction of utilities shall require the submission to, and approval by, the building official of the City of detailed design plans, sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction on such incursion. All other incursions are prohibited.”

Section 2. Chapter 18, Buildings and Building Regulations, Article III, Residential Code of the Code of Ordinances, City of Schertz, Texas is hereby amended and restated as follows:

Sec. 18-68 - Amendments.

The residential code adopted by section 18-67 is hereby amended as set forth in the following paragraphs of the section:

Section R401.2 Requirements is hereby amended to add the following new paragraph to the end of Section 401.2:

“All foundations shall be designed by a registered Professional Engineer in the State of Texas and all drawings and documentation must be signed and sealed. Design Engineers must be registered with the City of Schertz. Documentation shall include:

1. Design letter referencing soils report numbers, date of report, and soils engineer name; specific location including lot, block and subdivision; specific design criteria including soil bearing capacity, plasticity index, and potential vertical rise. The engineer shall also approve a concrete mix design with performance criteria based on soils and seasonal conditions.
2. Signed and sealed drawings clearly indicating the strand and reinforcement placement, pier size, depth, location, and reinforcing, beam size and location, and any special details. Design calculations must be included.
3. Design engineer must perform a pre-pour inspection and provide the City of Schertz with a signed and sealed document stating that the foundation has been inspected and approved. This inspection must take place prior to requesting a foundation inspection from the City of Schertz. The design engineer shall be present during placement of concrete to verify concrete mix

design and seasonal conditions during placement, and verify tensioning and elongation of cables if it is a post-tension foundation.

4. Letter from the engineer indicating that rough grading of the lot occurred immediately after form removal to maintain drainage away from foundation during the construction process.
5. The engineer must provide to the City of Schertz a Letter of Final Acceptance stating that the foundation has been placed in compliance with the design prior to issuance of a Certificate of Occupancy.
6. Prior to issuance of a Certificate of Occupancy, the engineer shall provide a letter indicating that a strength test was performed on the batch of concrete and the results of the concrete strength test were consistent with the acceptable range specified in the foundation design. Copies of relevant logs or test results from the concrete manufacturer shall also be provided.

“After foundation construction, but prior to commencement of framing, the owner or applicant shall provide the building official of the City with a sealed certification from an engineer licensed to practice in the State of Texas and registered with the City of Schertz that the concrete has adequately cured to allow for framing of the first floor to occur. Prior to placing any additional load on the slab the owner or applicant shall provide the building official of the City with a sealed certification from an engineer licensed to practice in the State of Texas that the concrete has adequately cured to allow an additional load to be placed on the slab, including framing above the first floor. In no event shall this be less than 3 days after the foundation was poured.

If the foundation is a post-tension foundation that it was designed after the engineer’s consideration of (a) the Post-Tensioning Institute’s Construction and Maintenance Manual for Post-Tensioned Slab-on-Ground Foundations, 3d Edition; (b) the Post-Tensioning Institute’s Design of Post-Tensioned Slabs-on-Ground, 3d Edition with 2008 Supplement; and the soil test conducted for the lot.”

“Post-Tension foundations must be inspected by a Post-Tensioning Institute (PTI) Level 1 or 2 Unbonded PT Inspector prior to placing a load on the slab or commencement of framing. Additionally, the PTI Level 1 or 2 Unbonded PT Inspector must provide foundation design drawings, shipping lists, material certifications, jack certifications, stressing records, and concrete placement records (as described in the Post-Tensioning Institute’s Construction and Maintenance Manual for Post-Tensioned Slab-on-Ground Foundations, 3d Edition) to the City.

Prior to receiving a Certificate of Occupancy, a final survey indicating final grade elevations and verifying positive drainage away from the foundation must be submitted to the City.

Section R401.4 Soil Tests is hereby amended to add the following new paragraph to the end of Section 401.4:

“Notwithstanding the foregoing, prior to issuance of a building permit, the owner or applicant shall provide to the building official of the City a soil test (geotechnical

investigation) for the residential lot made by a geotechnical engineer licensed to practice in the State of Texas. The soil test shall contain design recommendations. The soil test shall be conducted within the area where the building foundation is to be located and the owner shall provide a survey of the lot to the City indicating the location of the soil test. Such soil test report shall be referenced on the building permit application along with a signed and sealed statement from an engineer licensed to practice in the State of Texas that the foundation on the residential lot was designed in consideration of the results shown in the soil test report for that lot and that no cut or fill was done subsequent to the soil test being conducted.”

Section R404.5 Retaining Walls is hereby amended to add the following new paragraphs to the end of Section 404.5:

“Construction of a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing of the wall to the top of the wall, constructed on public property or to be dedicated to the City as a public improvement, as a part of the overall subdivision civil plans and the Development Permit application process, shall require submission to, and approval by, the City Engineer of the City of detailed retaining wall design plans sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction of such wall. Construction of such retaining wall shall also require submission to, and approval by, the City Engineer of the City of a sealed engineering inspection report verifying the construction of the retaining wall in conformance with the retaining wall design plans in order to close out the Development Permit.

Construction of a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing of the wall to the top of the wall, constructed on private property and that will not be dedicated to the City as a public improvement, as a part of the building permit application process, shall require submission to, and approval by, the building official of the City of detailed retaining wall design plans sealed by an engineer licensed to practice in the State of Texas, prior to commencing construction of such wall. Construction of such retaining wall shall also require submission to, and approval by, the building official of the City of a sealed engineering inspection report verifying the construction of the retaining wall in conformance with the retaining wall design plans in order to close out the building permit.

On residential lots with a retaining wall in excess of four (4) feet in height, as measured from the bottom of the footing to the top of the wall, in addition to the designated rear and side yard setbacks, a maintenance and access easement for the benefit of the adjacent property owners and the City on either side of the retaining wall, as necessitated by the design of the retaining wall and in accordance with the signed and sealed engineering plans, shall be required for retaining wall maintenance and to prevent any incursion into fill material. The required area of the easement shall vary according to the retaining wall design and adjacent property access and structures and shall, at a minimum, include all of the fill area. All incursions are prohibited, including but not limited to the planting of trees, except that a fence may be constructed but shall require the submission to, and approval by, the building official of the City of detailed design plans, sealed by an

engineer licensed to practice in the State of Texas, prior to commencing construction on such incursion. Additionally motor vehicles shall not be parked within the easement.”

Section 3. Chapter 18, Buildings and Building Regulations, Article I, In General of the Code of Ordinances, City of Schertz, Texas is hereby amended and restated as follows:

- (a) *Building contractors responsibilities.* It shall be the duty of every contractor who shall make contracts for the construction, erection, alteration, repair, moving, demolition, installation or replacements of any building, structure, swimming pool, or sign, whether permanent or temporary, obtain all the necessary permits. Such contractor shall be licensed by the city.
- (b) *Insurance required.* It shall be the duty of all contractors who practice their craft within the city to show proof of general commercial liability insurance for claims for property damage, or bodily injury regardless of whether the claim arises from a negligence claim or on a contract claim. Coverage amount of liability insurance shall not be less than \$250,000.00. The insurance shall run for a concurrent term with the license.
- (c) *Application.* A written application for a contractor's license will be submitted to the building official on a form prescribed by the city along with the required initial fee and evidence of qualifications as follows:
 - (1) Required initial fee;
 - (2) Renewal fee;
 - (3) Completed application;
 - (4) Reference of one financial institution;
 - (5) Reference of two suppliers;
 - (6) Reference of three customers with work performed within the last two years.

The building official, within 30 days from the receipt of the completed application, will issue the license or give a written refusal setting out the reasons for refusal.

- (d) *Renewal.* All renewals shall be due January 1, of each year. Failure to renew within 30 days after the renewal date will require the applicant to reapply for licensing at the initial fee rate.
- (e) *Revocation.* Any license issued under this section may be revoked by the building official for violations of the chapter, failure to obtain permits, or failure to obtain proper inspections.
- (f) *Appeal.* An applicant, whose license has been denied or revoked, may appeal to the board of adjustments within 30 days, in writing along with an established filing fee.

Section 4. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 5. All ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 6. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

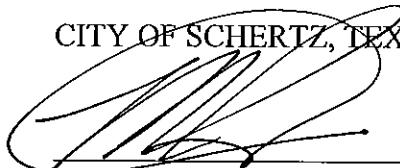
Section 7. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 8. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 9. Pursuant to Section 4.09(e) of the City Charter, by vote of not less than two-thirds of the members of the City Council present at the meeting at which this Ordinance was first considered, the City Council has determined that an emergency exists which requires immediate action, and this Ordinance is hereby adopted on a single reading, and this Ordinance shall be effective upon the date hereof and any publication required by law.

PASSED, APPROVED and ADOPTED ON FIRST AND FINAL READING, the 16th
day of April, 2013.

CITY OF SCHERTZ, TEXAS



Mayor, Michael R. Carpenter

ATTEST:



Brenda Dennis, City Secretary

(CITY SEAL)