

ORDINANCE B-687

AN ORDINANCE OF THE CITY OF BURLESON, AMENDING CHAPTER 5, ARTICLE II, DIVISION 1 OF THE CITY OF BURLESON CODE OF ORDINANCES AS IT PERTAINS TO LOCAL AMENDMENTS TO THE INTERNATIONAL BUILDING CODE, 2000 EDITION AND THE INTERNATIONAL RESIDENTIAL CODE, 2000 EDITION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE CLAUSE.

WHEREAS, on December 27, 2001, the City of Burleson adopted Ordinance B-672, amending Chapter 5, Article II, of the City of Burleson Code of Ordinances;

WHEREAS, Ordinance B-672 adopted, among others, the 2000 International Building Code and the 2000 International Residential Code, and local amendments thereto; and

WHEREAS, the City desires to adopt further amendments to these Codes pertaining to the design, construction and permitting of new and reconstructed retaining walls.

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

SECTION I

Section 5-31 of the Code of Ordinances of the City of Burleson is hereby amended by adding new subsections (53) and (54) to read as follows. The remaining subsections of Section 5-31 shall remain unaltered:

- (53) (Page 312-313, Section 1610)
Section 1610 is hereby amended to add a new Section 1610.3 as follows:

1610.3 Retaining walls. New and reconstructed retaining walls shall be designed, permitted, and constructed in accordance with Table 1, Retaining Wall Requirements.

- (54) (Page 4, Section 105.2, subsection 4)
Section 105.2, subsection 4, is hereby amended to read as follows:

Building:

* * *

4. Permits shall be required for new and reconstructed retaining walls in accordance with Section 1610.3.

* * *

SECTION II

Section 5-101 of the Code of Ordinances of the City of Burleson is hereby amended by adding new subsection (73) to read as follows. The remaining subsections of Section 5-101 shall remain unaltered:

(73) (Page 3, Section R105.2, Number 3)
Section R105.2, subsection 3, is hereby amended to read as follows:

Building:

* * *

3. Permits shall be required for new and reconstructed retaining walls as indicated in Table 1, Retaining Wall Requirements.

* * *

SECTION III. Severability

If any article, section, sub-section, sentence or phrase of this Ordinance should be held to be invalid for any reason whatsoever, such invalidity shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

SECTION IV. Cumulative

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this Ordinance are hereby repealed. Provided that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this Ordinance.

SECTION V. Penalty

Any person, firm, association or persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative or other remedies provided by state law, and the power of injunction as provided in V.T.C.A. Local Government Code Section 54.016 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

SECTION VI. Effective Date

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED this the _____, day of
_____, 2002.

MAYOR

ATTEST:

City Secretary

First reading: _____

	Wall Height	Engineer Design Required	Concrete Only (see note 3 below)	Approved Materials other than Wood	Approved Materials including Wood	Permit Required
Requirements for Walls Supporting Permanent Construction (see note 1 below)	Less than 2 ft.	Yes	No	Yes	No	Yes
	2 ft. to 3.99 ft.	Yes	No	Yes	No	Yes
	4 ft. and greater	Yes	Yes	No	No	Yes
Requirements for Walls Not Supporting Permanent Construction (see note 1 below)	Less than 2 ft.	No	No	No	Yes	No
	2 ft. to 3.99 ft.	No	No	Yes	No	Yes
	4 ft. and greater	Yes	No	Yes	No	Yes

TABLE 1

REQUIREMENTS FOR
NEW OR RECONSTRUCTED RETAINING WALLS

1. For the purposes of Table 1, the following shall apply:
 - A. Permanent construction is defined as any construction that requires a building permit from the City.
 - B. The retaining wall is assumed to support permanent construction if the setback from the top of the wall to the permanent construction is less than 1.5 times the height of the wall, unless a geotechnical report prepared by a licensed engineer states that a structure closer to the wall does not bear on the wall.
 - C. A multi-tier wall shall be considered a single wall if the base of the upper wall is set back from the top of the lower wall less than 1.5 times the height of the lower wall.
2. When an engineered design is required, the building permit shall include a copy of the sealed, signed, and dated design from the engineer. When a building permit is required, but an engineered design is not, the owner shall provide construction drawings indicating the location, height, and material of the retaining wall.
3. Prefabricated concrete products may be used upon approval of the Building Official.