

AN ORDINANCE 48242

AMENDING THE 1970 UNIFORM BUILDING CODE, WITH CERTAIN AMENDMENTS AND ADDITIONS, REGULATING THE DEMOLITION OF BUILDINGS AND STRUCTURES IN THE CITY OF SAN ANTONIO; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING FOR LICENSING OF DEMOLITION CONTRACTORS; PROVIDING THAT VIOLATIONS HEREOF SHALL BE PUNISHED BY A FINE OF NOT MORE THAN \$200.00 AND MAKING EACH DAY'S OFFENSE A SEPARATE VIOLATION; AMENDING ARTICLE II OF CHAPTER 10 OF THE CITY CODE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

Article II of Chapter 10 of the City Code is hereby amended by adding the following Sections:

Section 301(a) of the Uniform Building Code, as amended, adopted in Section 10-12 of the City Code, is hereby amended to read as follows:

Sec. 301.(a) Permits Required. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, or convert, any building or structure in the city, or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the Building Official.

SECTION 10.16 AMENDED PROVISIONS.

Subsection (d) of Section 4407 of the Uniform Building Code, as amended, adopted in Section 10-12 of the City Code, is hereby amended by adding thereto the following provisions:

Section 4407.

- (d) By adding the following specifications to the first paragraph except in buildings thirty-six (36) feet in height or three (3) stories, whichever is less.

Pedestrian canopies for construction and demolition jobs may be constructed of metal scaffolds of two (2) inch tubing adequately braced with one and one-fourth (1 1/4) inch tubing. The passageway shall not be less than thirty-nine (39) inches in width at any point with a head room not less than eight (8) feet. The scaffold ends shall be braced by approved diagonal cross bracing maintaining a maximum of eight (8) feet between ends. A solid tightly sheathed cover between scaffold and job site to be not less than one-half (1/2) inch plywood with railing when required by this section. The roof shall be tightly sheathed with a minimum two (2) inch nominal wood planking or equal.

Section 4409 of the Uniform Building Code, as amended, adopted in Section 10-12 of the City Code, is hereby amended to read as follows:

Section 4409. PERMIT REQUIRED

- (a) No person, firm, association or corporation shall demolish any building or structure in the city, or cause the same to be done, without first obtaining a demolition permit for each such building or structure from the Director of Building and Zoning. The term "demolition" applied to a building or structure shall mean the taking down or razing of any building or structure to any level.
- (b) Every demolition permit issued by the Director of Building and Zoning shall expire by limitation and become null and void if the demolition work authorized by such permit is not finished 180 days from the date of issuance of the permit. Before such work can be recommenced a new permit shall be first obtained. Nothing in this section shall prevent the contractor from filing an application for a new permit at any time during the demolition of the building or structure.

(c) DEMOLITION PERMIT FEES

A fee for each demolition permit shall be paid to the Director of Building and Zoning as follows:

- (1) Ten Dollars (\$10.00) for one story buildings or structures.
 - (2) Twenty-five Dollars (\$25.00) for multi-story buildings or structures.
- (d) All applications for demolition permits shall be referred to the Historic Preservation Officer for the purpose of determining whether or not the building or structure has historic or architectural significance.

The Historic Preservation Officer shall make a determination of the building or structure's historic or architectural significance within 30 days and notify the Director of Building and Zoning in writing of such determination. If the building or structure is determined to have no historic or architectural significance, a demolition permit may be issued immediately, provided such application complies with the provisions of the demolition ordinances.

If said structure is thought to be of historic or architectural significance by the Historic Preservation Officer, the Director of Building and Zoning shall refer the matter to the Board of Review for Historic Districts and Landmarks for a detailed study, review, and an official determination of the structure's historic and architectural status.

If said structure is determined by the Board of Review for Historic Districts and Landmarks to be of historic or architectural significance, the Director shall

withhold issuance of a demolition permit for 120 days from date of such determination. At the end of this period, such permit may be issued. The applicant will be notified in writing, by the Director, of the decision of the Board of Review for Historic Districts and Landmarks.

The applicant has ten (10) days from the date of decision or receipt of the Director's notice to appeal such ruling to City Council by giving notice to the City Manager. The City Council shall hear and act upon such appeal and shall have the power to affirm or to reverse the decision of the Board of Review.

In making the above decisions as to the architectural or historic significance of a building, the Historic Preservation Officer, the Board, and the City Council shall use the same standards and criteria as are used in designating historic landmarks under Chapter 42, Article VII of the City Code, and the review of demolition permits for such landmarks.

SECTION 10.16.1 ADDED PROVISIONS.

The Uniform Building Code, as amended, adopted in Section 10-12 of the City Code, is hereby amended by adding thereto the following provisions:

Section 4410. APPLICATION FOR PERMIT

Applications for demolition permits shall include the following information:

- (a) Name and address of demolition contractor.
- (b) Name and address of building and property owners including a letter authorizing demolition of building or structure.
- (c) Except for single family residence and other single story buildings where it is not possible for debris to fall on public walkways or thoroughfares, the Director of Building and Zoning shall require an engineering report, prepared by a qualified registered professional engineer, of the building or structure to be demolished so as to determine the condition of the framing, floors and walls, copy of which is to be filed with the Director of Building and Zoning.
- (d) The demolition contractor shall be required to prepare a complete plan and schedule for demolition to be filed with the Director of Building and Zoning. Should the plan and schedule be changed at any time, the changes must be approved by the Director of Building and Zoning and a copy of such changes must be filed with the Director.
- (e) The location site for disposal of debris and the proposed route to be used to disposal site.

Section 4411. INSURANCE

Applicant for demolition permits shall maintain and cause to be maintained the following types of insurance:

- (a) Workmen's Compensation Insurance--statutory requirements.
- (b) Automobile Liability Insurance with limits of Personal injury \$100,000.00 each person, \$300,000.00 each accident, Property Damage \$50,000.00 each accident.
- (c) Public liability insurance and insurance coverage on their employees, agents and contractors, from a company authorized to do business in the State of Texas, in the following amounts:

Comprehensive General Liability Insurance-- Public Liability (bodily injury) insurance with limits of not less than \$300,000.00 for each occurrence. Public Liability (property damage) insurance with limits of not less than \$100,000.00 for each accident and \$200,000.00 in the aggregate. The policy shall include the hazards of explosion and collapse coverage.

The policies shall further provide that the same shall not be cancelled until a ten (10) day written notice of cancellation, material change or non-renewal has been served upon the City Clerk of the City of San Antonio. Applicant shall file with the City Clerk certificates of insurance executed by the insurance carrier issuing said policies certifying that said insurance is in full force and effect and that the demolition operations are covered by such policies.

Section 4412.

- (a) No structural or load-supporting members, which would affect the stability of the structure, shall be cut or removed from any story until all construction materials above such a story have been completely demolished and removed.
- (b) No material shall be dropped to any point outside the exterior walls of the structure except in enclosed chutes.
- (c) In masonry construction the demolition of exterior walls and floor construction shall be removed and dropped into the storage space before commencing the removal of exterior walls and floor in the story below.
- (d) In buildings with a structural steel frame member type construction, the steel framing may be left in place during the demolition of masonry. Where this is done, all steel beams girders and similar structural supports shall be cleared of all loose material as the masonry demolition progresses downward.
- (e) No wall, chimney or other structural part shall be left at the end of each shift in such condition that it may collapse due to wind, vibration or any other cause.
- (f) After demolition operations are completed the site should be completely cleared of rubbish, brush,

weeds and other debris. The site must be left free of ponding and underground tanks should be removed. Basement slabs should be broken up to allow drainage and septic tanks, wells, cess-pools, and cisterns should be broken open and filled in.

- (g) Security service during non-working hours shall be provided by contractor.
- (h) Where shown to be necessary in the plan for demolition, the city shall coordinate and approve the blocking of walkways, thoroughfares and alleys to protect the public.

Section 4413. INDEMNITY BOND

Before such permit shall be issued, the person, firm, association or corporation applying therefor shall execute and deliver to the city, to be kept on file in the City Clerk's Office, a good and sufficient bond of indemnity, issued by a surety company licensed to do business in the State of Texas, in the sum of Five Thousand Dollars (\$5,000.00) to be approved by the City Attorney and conditioned that the person, firm, association or corporation making such application shall promptly pay in and unto the City of San Antonio any and all costs, damages and expenses which said city may incur or suffer, including, but not limited to, damages to streets, sidewalks, utilities, or other public places by reason of carelessness or negligence in the performance of such demolition, or by reason of any defects caused from or arising from careless, negligent or imperfect demolition procedures, or any and all acts and omissions of said applicant, his agents, servants, or sub-contractors.

Section 4414.

The City Council may issue a permit for selective use of explosives for demolition purposes if the contractor has complied with all of the conditions of this Chapter and if the plan for selective demolition by the use of explosives is conducted in accordance with Sections 1926.900 through 1926.914 inclusive of Subpart "U" of the Rules and Regulations of the Occupational Safety and Health Administration of the Department of Labor. Volume 39 - Number 122 Federal Register, June 24, 1974.

Section 4415-1. LICENSE REQUIRED

From and after the effective date hereof, it shall be unlawful for any person to maintain, own or operate a demolition contracting business, unless a license is first obtained as provided herein. Such licenses, when issued, shall be valid for a period of one (1) year from the date of issuance, shall not be assignable or transferable except as specifically authorized, and shall be posted in a conspicuous place in the office of the licensee.

Section 4415-2. LICENSE FEES

The fee for the initial license (contractor's) to conduct a business shall be thirty-three dollars (\$33.00) and for each annual renewal thereof the fee shall be thirteen dollars (\$13.00). The fee for issuing a duplicate license for one which has been

lost, destroyed or mutilated shall be two dollars (\$2.00). Such fee as above specified shall be paid to the Director of Building and Zoning upon issuance of the license.

Section 4415-3. LICENSE DISPLAY; RENEWALS; DUPLICATES

- (a) All licenses shall be for a period of one (1) year.
- (b) No license shall be assignable or transferable. The owner of a business and all partners of a partnership and all officers of a corporation who are actively engaged in the demolition business must qualify for a license. Licenses will be issued to owner of a business, partnership or corporation.
- (c) Each license issued pursuant to this chapter shall be posted and kept in some conspicuous place in home office listed in the license.
- (d) Any license, which has not been suspended or revoked, may, upon the payment of the renewal fee prescribed in this chapter, be renewed for an additional period of one (1) year from its expiration, upon filing of an application for such renewal, on a form to be prescribed by the Director of Building and Zoning.
- (e) A duplicate license may be issued for one lost, destroyed or mutilated upon application therefor on a form prescribed by the City Manager and the payment of the fee prescribed therefor by this chapter. Each such duplicate license shall have the word "duplicate" stamped across the face thereof and shall bear the same number as the one it replaces.
- (f) All owned vehicles used in business shall have posted on each side in letters 3" minimum height in contrasting colors stating name of contractor and his demolition contractor's license number.

Section 4415-4. REQUIREMENTS FOR LICENSING AND PROCEDURES APPLICABLE THERETO

Applicants for the licenses required by this chapter shall establish to the satisfaction of the Director of Building and Zoning at least the following:

- (a) The existence and maintenance of a bona fide office, equipped with telephone, for the conducting of his business;
- (b) That neither applicant, nor any partner or corporate officer in the demolition contracting business on whose behalf the application is submitted, has ever been convicted of any penal offense arising out of or related to the performance of demolition contracts nor convicted of a felony or a misdemeanor involving moral turpitude during a five (5) year period immediately preceding the date of the applications;
- (c) That applicant, or the entity upon whose behalf the application is submitted, is qualified by either training or experience to conduct a demolition contracting business;

- (d) That neither applicant, nor any partner or corporate officer in the demolition business upon whose behalf the application is made, has heretofore been convicted of a violation of this chapter.

In addition to the foregoing requirements, the Director of Building and Zoning may require that the applicant furnish information reasonably pertinent to the determination of the applicant's fitness to be issued such license, or any renewal thereof and the reasons or any of them contained in Section 4415-6 as grounds for cancellation of a license shall be sufficient reason to deny the application.

Applications for licenses shall be submitted to the Director of Building and Zoning in a form established by him and he shall investigate and examine the qualifications and fitness of the applicant. Within a period of thirty (30) days from receipt of an application in proper form, the Director of Building and Zoning shall issue or refuse a license to the applicant. Upon issuance of such license, the fee required therefor shall be paid by the applicant to the Director of Building and Zoning. If an application is refused, the Director of Building and Zoning shall furnish the applicant a written statement by certified or registered mail to the applicant's last known mailing address setting forth the grounds for the refusal.

The action of the Director of Building and Zoning in refusing to grant such license shall be appealable by applicant or his representative by filing a written notice of appeal with the City Clerk appealing such determination to the City Council. Such notice of appeal shall be filed within ten (10) days after the notification herein.

TEMPORARY LICENSE. The Director of Building and Zoning may, in his judgment, issue a temporary license or continue in existence a license already issued for a period not to exceed ninety (90) days in any matter wherein the evidence before the said Director indicates a violation of the demolition contractor's licensing ordinance. The issuance of any such temporary license shall be for the purpose of permitting the applicant or licensee to correct and alleviate the circumstances and condition which may justify the cancellation of any license. Within said ninety (90) days period the applicant or licensee may furnish additional evidence to the said Director. Upon the receipt of such additional evidence and/or at the expiration of the ninety (90) day period, the said Director of Building and Zoning shall determine whether the application for the license shall be denied, or whether the license in existence shall be cancelled. Applicant or licensee shall be notified in writing by certified or registered mail of the action of the Director. Appeal, from the action of the Director, to the City Council may be taken by the applicant or licensee as provided for in Section 4415 of the City Code. The fee to be paid by an applicant for a license who is instead granted a temporary license as herein provided shall be ten dollars (\$10.00) which sum shall not be returnable but which may, if applicant subsequently is granted a license, be applied toward the payment of the required fee for such license.

Section 4415-5. POWERS AND DUTIES OF DIRECTOR OF BUILDING
AND ZONING

In addition to the powers and duties elsewhere prescribed in this chapter, the Director of Building and Zoning shall have the power and duty to keep all records of licenses applied for, issued, refused and cancelled. Such records shall be open to the public for inspection during regular business hours. He shall further have the power and duty to adopt, amend or repeal such rules and regulations not inconsistent with the provisions of this chapter as may be necessary for the proper administration and enforcement hereof.

Section 4415-6. CANCELLATION OF LICENSES

- (a) A demolition contractor's license shall be cancelled by the Director of Building and Zoning after a hearing in the event said licensee, or any proprietor, partner, or corporate officer is convicted of any penal offense arising out of or related to the performance of a contract or suffers a judgment against him in a civil action predicated upon fraud in connection with the performance of a demolition contract.
- (b) The Director of Building and Zoning after a hearing shall cancel a license for any one or more of the following reasons:
- (1) Conviction of the licensee or any proprietor, partner or corporate officer therein of a felony or misdemeanor involving moral turpitude;
 - (2) The making of any false statement as to a material matter in an application for license, renewal thereof or hearing in connection with same;
 - (3) Conviction of violation of the Building Code of the City of San Antonio;
 - (4) Violation of any provision of this chapter;
 - (5) Upon judicial determination of an abandonment or willful failure to perform any demolition contract or project in or undertaken by a contractor, or willful deviation from or disregard of plans or specifications in any material respect;
 - (6) Upon judicial determination of substantial misrepresentation on part of contractor in the procurement of a demolition contract;
 - (7) Upon judicial determination of fraud on the part of a contractor in the execution of or in the material alteration of any contract or mortgage, promissory note or other document relating to said contract;
 - (8) Failure of contractor to notify Director of Building and Zoning of any change in the ownership, management, business name, or location of his registered business office;
 - (9) Licensed contractor obtaining permit(s) for an unlicensed contractor or one whose license has been revoked or denied.

- (c) Notification to the licensee of a hearing before the Director of Building and Zoning shall be mailed by the Director of Building and Zoning to the licensee by certified or registered mail, at last known mailing address. The notification shall give not less than ten (10) days notice of the hearing.

SECTION 10.16.2 PENALTIES FOR VIOLATION.

Section 205 of said Uniform Building Code is amended to read as follows:

It shall be unlawful for any person to demolish, any building or structure in the city or cause the same to be done, contrary to or in violation of any of the provisions of this code.

Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and each violation shall be punishable by a fine not to exceed two hundred dollars (\$200.00).

SECTION 10.16.3 SEVERABILITY.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City without the incorporation in this ordinance of any unconstitutional phrase, clause, sentence, paragraph or section.

PASSED AND APPROVED this 14th day of July, 1977.

Lila Cockell

M A Y O R

ATTEST:

G. I. Jackson
City Clerk

77-36

APPROVED AS TO FORM: *LH*

City Attorney

DISTRIBUTION

AVIATION	
BUILDING & ZONING	2
CITY WATER BOARD	
COMMERCIAL RECORDER	1
COMMUNITY DEVELOPMENT	
CONVENTION BUREAU	
CONVENTION CENTER	
EQUAL EMPLOYMENT OPPORTUNITY	
FINANCE DIRECTOR	1
ASSESSOR	
BUDGET	1
CONTROLLER	1
TREASURY DIVISION	1
FINANCE-GRANT SECTION	
INTERNAL AUDIT	1
PROPERTY RECORDS	
FIRE CHIEF	
HEALTH DIRECTOR	
HEMISFAIR PLAZA	
HUMAN RESOURCES	
LEGAL - CITY ATTORNEY	
BACK TAX ATTORNEY	
TRIAL SECTION	
LIBRARY DIRECTOR	
MANPOWER PROGRAM	
MARKET & PARKING	
MONITORING & EVALUATION	
MUNICIPAL COURTS	1
PARKS & RECREATION DEPT.	
PERSONNEL DIRECTOR	1
PLANNING DEPARTMENT	1
POLICE CHIEF	1
PRESS ROOM	
PUBLIC INFORMATION	
PUBLIC WORKS DIRECTOR	
ENGINEERING DIV.	
ENGINEERING - SEWERS	
PURCHASING	
RIGHT OF WAY & LAND ACQUISITION	
TRAFFIC & TRANSPORTATION	1
Mun. Code	1

Mayer
~~Adm. Serv. Div.~~
 ITEM NO. 5

MEETING OF THE CITY COUNCIL DATE: JUL 14 1977

MOTION BY: *[Signature]* SECONDED BY: *[Signature]*

ORD. NO. 48242 ZONING CASE _____

RESOL. _____ PETITION _____

COUNCIL MEMBER	ROLL CALL	AYE	NAY
HENRY G. CISNEROS PLACE 1		<input checked="" type="checkbox"/>	
JOE WEBB PLACE 2		<input checked="" type="checkbox"/>	
HELEN DUTMER PLACE 3		<input checked="" type="checkbox"/>	
FRANK D. WING PLACE 4		<input checked="" type="checkbox"/>	
BERNARDO EURESTE PLACE 5		<input checked="" type="checkbox"/>	
RUDY C. ORTIZ PLACE 6		<input checked="" type="checkbox"/>	
JOE ALDERETE, JR. PLACE 7		<input checked="" type="checkbox"/>	
PHIL PYNDUS PLACE 8		<input checked="" type="checkbox"/>	
GLEN HARTMAN PLACE 9		<input checked="" type="checkbox"/>	
JOHN STEEN PLACE 10		<input checked="" type="checkbox"/>	
LILA COCKRELL PLACE 11 (MAYOR)		<input checked="" type="checkbox"/>	

77-36

CITY OF SAN ANTONIO

Garcia

Interdepartment Correspondence Sheet

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TO: Thomas E. Huebner, City Manager

FROM: George D. Vann, Jr., Director of Building & Zoning

COPIES TO: _____

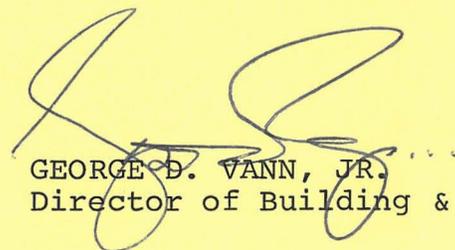
SUBJECT: Proposed Amendments to Chapter 44, Uniform Building Code

Date July 7, 1977

It is requested that an ordinance be prepared and placed on the City Council "A" Session of July 14, 1977 regarding the proposed amendments to Chapter 44 of the Uniform Building Code (Demolition Ordinance).

These amendments were agreed upon after several cities in Texas, Arizona, Louisiana and California were contacted in order to obtain information regarding their requirements in demolitions. Further, meetings were held with the Associated General Contractors, Texas Society of Professional Engineers, the City Attorney's Office and a representative of the San Antonio Insurance Advisory Board.

This item has already been discussed at the City Council "B" Session of July 6, 1977.


GEORGE D. VANN, JR.
Director of Building & Zoning

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CITY OF SAN ANTONIO

Interdepartment Correspondence Sheet

TO: Thomas E. Huebner, City Manager

FROM: George D. Vann, Jr., Director of Building & Zoning

COPIES TO: Luis R. Garcia, Assistant City Attorney

SUBJECT: SUGGESTED AMENDMENTS TO DEMOLITION SECTION OF BUILDING CODE

Date May 26, 1977

It is suggested that the following sections of the Uniform Building Code of 1970 be amended to read as follows:

Section 4409 PERMIT REQUIRED

- (a) No person, firm, association or corporation shall demolish any building or structure in the city, or cause the same to be done, without first obtaining a demolition permit for each such building or structure from the Director of Building and Zoning. The term "demolition" applied to a building or structure shall mean the taking down or razing of any building or structure to any level.
- (b) Every demolition permit issued by the Director of Building and Zoning shall expire by limitation and become null and void if the demolition work authorized by such permit is not finished 180 days from the date of issuance of the permit. Before such work can be recommenced a new permit shall be first obtained. Nothing in this section shall prevent the contractor from filing an application for a new permit at any time during the demolition of the building or structure.
- (c) DEMOLITION PERMIT FEES
A fee for each demolition permit shall be paid to the Director of Building and Zoning as follows:
 - (1) Ten Dollars (\$10.00) for one story buildings or structures.
 - (2) Twenty-five Dollars (\$25.00) for multi-story buildings or structures.
- (d) All applications for demolition permits shall be referred to the Historic Preservation Officer for the purpose of determining whether or not the building or structure has historic or architectural significance.

The Historic Preservation Officer shall make a determination of the building or structure's historic or architectural significance within 30 days and notify the Director

of Building and Zoning in writing of such determination. If the building or structure is determined to have no historic or architectural significance, a demolition permit may be issued immediately, provided such application complies with the provisions of the demolition ordinances.

If said structure is thought to be of historic or architectural significance by the Historic Preservation Officer, the Director of Building and Zoning shall refer the matter to the Board of Review for Historic Districts and Landmarks for a detailed study, review, and an official determination of the structure's historic and architectural status.

If said structure is determined by the Board of Review for Historic Districts and Landmarks to be of historic or architectural significance, the Director shall withhold issuance of a demolition permit for 120 days from date of such determination. At the end of this period, such permit may be issued. The applicant will be notified in writing, by the Director, of the decision of the Board of Review for Historic Districts and Landmarks.

The applicant has ten (10) days from the date of decision or receipt of the Director's notice to appeal such ruling to City Council by giving notice to the City Manager. The City Council shall hear and act upon such appeal and shall have the power to affirm or to reverse the decision of the Board of Review.

In making the above decisions as to the architectural or historic significance of a building, the Historic Preservation Officer, the Board, and the City Council shall use the same standards and criteria as are used in designating historic landmarks under Chapter 42, Article VII of the City Code, and the review of demolition permits for such landmarks.

Section 4410 APPLICATION FOR PERMIT

Applications for demolition permits shall include the following information:

- (a) Name and address of demolition contractor.
- (b) Name and address of building and property owners including a letter authorizing demolition of building or structure.
- (c) Except for single family residences and other single story buildings where it is not possible for debris to fall on public walkways or thoroughfares, the Director of Building and Zoning shall require an engineering report, prepared by a qualified registered professional engineer, of the building or structure to be demolished so as to determine the condition of the framing, floors and walls, copy of which is to be filed with the Director of Building and Zoning.

- (d) The demolition contractor shall be required to prepare a complete plan and schedule for demolition to be filed with the Director of Building and Zoning. Should the plan and schedule be changed at any time, the changes must be approved by the Director of Building and Zoning and a copy of such changes must be filed with the Director.
- (e) The location site for disposal of debris and the proposed route to be used to disposal site.

Section 4411 INSURANCE

Applicant for demolition permits shall maintain and cause to be maintained the following types of insurance:

- (a) Workmen's Compensation Insurance--statutory requirements.
- (b) Automobile Liability Insurance with limits of Personal injury \$100,000.00 each person, \$300,000.00 each accident, Property Damage \$50,000.00 each accident.
- (c) Public liability insurance and insurance coverage on their employees, agents and contractors, from a company authorized to do business in the State of Texas, in the following amounts:

Comprehensive General Liability Insurance--Public Liability (bodily injury) insurance with limits of not less than \$300,000.00 for each occurrence. Public Liability (property damage) insurance with limits of not less than \$100,000.00 for each accident and \$200,000.00 in the aggregate. The policy shall include the hazards of explosion and collapse coverage.

The policies shall further provide that the same shall not be cancelled until a ten (10) day written notice of cancellation, material change or non-renewal has been served upon the City Clerk of the City of San Antonio. Applicant shall file with the City Clerk certificates of insurance executed by the insurance carrier issuing said policies certifying that said insurance is in full force and effect and that the demolition operations are covered by such policies.

Section 4412

- (a) No structural or load-supporting members, which would affect the stability of the structure, shall be cut or removed from any story until all construction materials above such a story have been completely demolished and removed.
- (b) No material shall be dropped to any point outside the exterior walls of the structure except in enclosed chutes.

- (c) In masonry construction the demolition of exterior walls and floor construction shall be removed and dropped into the storage space before commencing the removal of exterior walls and floor in the story below.
- (d) In buildings with a structural steel frame member type construction, the steel framing may be left in place during the demolition of masonry. Where this is done, all steel beams girders and similar structural supports shall be cleared of all loose material as the masonry demolition progresses downward.
- (e) No wall, chimney or other structural part shall be left at the end of each shift in such condition that it may collapse due to wind, vibration or any other cause.
- (f) After demolition operations are completed the site should be completely cleared of rubbish, brush, weeds and other debris. The site must be left free of ponding and underground tanks should be removed. Basement slabs should be broken up to allow drainage and septic tanks, wells, cess-pools, and cisterns should be broken open and filled in.
- (g) Security service during non-working hours shall be provided by contractor.
- (h) Where shown to be necessary in the plan for demolition, the city shall coordinate and approve the blocking of walkways, thoroughfares and alleys to protect the public.

Section 4413 INDEMNITY BOND

Before such permit shall be issued, the person, firm, association or corporation applying therefor shall execute and deliver to the city, to be kept on file in the City Clerk's Office, a good and sufficient bond of indemnity, issued by a surety company licensed to do business in the State of Texas, in the sum of Five Thousand Dollars (\$5,000.00) to be approved by the City Attorney and conditioned that the person, firm, association or corporation making such application shall promptly pay in and unto the City of San Antonio any and all costs, damages and expenses which said city may incur or suffer, including, but not limited to, damages to streets, sidewalks, utilities, or other public places by reason of carelessness or negligence in the performance of such demolition, or by reason of any defects caused from or arising from careless, negligent or imperfect demolition procedures, or any and all acts and omissions of said applicant, his agents, servants, or sub-contractors.

Section 4414

The City Council may issue a permit for selective use of explosives for demolition purposes if the contractor has complied with all of the conditions of this Chapter and if the plan for selective demolition by the use of explosives is conducted in accordance with Sections 1926.900 through 1926.914 inclusive of

Subpart "U" of the Rules and Regulations of the Occupational Safety and Health Administration of the Department of Labor.
Volume 39 - Number 122 Federal Register June 24, 1974

Section 4415-1 LICENSE REQUIRED

From and after the effective date hereof, it shall be unlawful for any person to maintain, own or operate a demolition contracting business, unless a license is first obtained as provided herein. Such licenses, when issued, shall be valid for a period of one (1) year from the date of issuance, shall not be assignable or transferable except as specifically authorized, and shall be posted in a conspicuous place in the office of the licensee.

Section 4415-2 LICENSE FEES

The fee for the initial license (contractor's) to conduct a business shall be thirty-three dollars (\$33.00) and for each annual renewal thereof the fee shall be thirteen dollars (\$13.00). The fee for issuing a duplicate license for one which has been lost, destroyed or mutilated shall be two dollars (\$2.00). Such fee as above specified shall be paid to the Director of Building and Zoning upon issuance of the license.

Section 4415-3 LICENSE DISPLAY; RENEWALS; DUPLICATES

- (a) All licenses shall be for a period of one (1) year.
- (b) No license shall be assignable or transferable. The owner of a business and all partners of a partnership and all officers of a corporation who are actively engaged in the demolition business must qualify for a license. Licenses will be issued to owner of a business, partnership or corporation.
- (c) Each license issued pursuant to this chapter shall be posted and kept in some conspicuous place in home office listed in the license.
- (d) Any license, which has not been suspended or revoked, may, upon the payment of the renewal fee prescribed in this chapter, be renewed for an additional period of one (1) year from its expiration, upon filing of an application for such renewal, on a form to be prescribed by the Director of Building and Zoning.
- (e) A duplicate license may be issued for one lost, destroyed or mutilated upon application therefor on a form prescribed by the City Manager and the payment of the fee prescribed therefor by this chapter. Each such duplicate license shall have the word "duplicate" stamped across the face thereof and shall bear the same number as the one it replaces.
- (f) All owned vehicles used in business shall have posted on each side in letters 3" minimum height in contrasting

colors stating name of contractor and his demolition contractor's license number.

Section 4415-4 REQUIREMENTS FOR LICENSING AND PROCEDURES APPLICABLE THERETO

Applicants for the licenses required by this chapter shall establish to the satisfaction of the Director of Building and Zoning at least the following:

- (a) The existence and maintenance of a bona fide office, equipped with telephone, for the conducting of his business;
- (b) That neither applicant, nor any partner or corporate officer in the demolition contracting business on whose behalf the application is submitted, has ever been convicted of any penal offense arising out of or related to the performance of demolition contracts nor convicted of a felony or a misdemeanor involving moral turpitude during a five (5) year period immediately preceding the date of the applications;
- (c) That applicant, or the entity upon whose behalf the application is submitted, is qualified by either training or experience to conduct a demolition contracting business;
- (d) That neither applicant, nor any partner or corporate officer in the demolition business upon whose behalf the application is made, has heretofore been convicted of a violation of this chapter.

In addition to the foregoing requirements, the Director of Building and Zoning may require that the applicant furnish information reasonably pertinent to the determination of the applicant's fitness to be issued such license, or any renewal thereof and the reasons or any of them contained in Section 4415-6 as grounds for cancellation of a license shall be sufficient reason to deny the application.

Applications for licenses shall be submitted to the Director of Building and Zoning in a form established by him and he shall investigate and examine the qualifications and fitness of the applicant. Within a period of thirty (30) days from receipt of an application in proper form, the Director of Building and Zoning shall issue or refuse a license to the applicant. Upon issuance of such license, the fee required therefor shall be paid by the applicant to the Director of Building and Zoning. If an application is refused, the Director of Building and Zoning shall furnish the applicant a written statement by certified or registered mail to the applicant's last known mailing address setting forth the grounds for the refusal.

The action of the Director of Building and Zoning in refusing to grant such license shall be appealable by applicant or his representative by filing a written notice of appeal with the City Clerk appealing such determination to the City Council. Such notice of appeal shall be filed within ten (10) days after the notification herein.

TEMPORARY LICENSE. The Director of Building and Zoning may, in his judgment, issue a temporary license or continue in existence a license already issued for a period not to exceed ninety (90) days in any matter wherein the evidence before the said Director indicates a violation of the demolition contractor's licensing ordinance. The issuance of any such temporary license shall be for the purpose of permitting the applicant or licensee to correct and alleviate the circumstances and condition which may justify the cancellation of any license. Within said ninety (90) day period the applicant or licensee may furnish additional evidence to the said Director. Upon the receipt of such additional evidence and/or at the expiration of the ninety (90) day period, the said Director of Building and Zoning shall determine whether the application for the license shall be denied, or whether the license in existence shall be cancelled. Applicant or licensee shall be notified in writing by certified or registered mail of the action of the Director. Appeal, from the action of the Director, to the City Council may be taken by the applicant or licensee as provided for in Section 4415 of the City Code. The fee to be paid by an applicant for a license who is instead granted a temporary license as herein provided shall be ten dollars (\$10.00) which sum shall not be returnable but which may, if applicant subsequently is granted a license, be applied toward the payment of the required fee for such license.

Section 4415-5 POWERS AND DUTIES OF DIRECTOR OF BUILDING AND ZONING

In addition to the powers and duties elsewhere prescribed in this chapter, the Director of Building and Zoning shall have the power and duty to keep all records of licenses applied for, issued, refused and cancelled. Such records shall be open to the public for inspection during regular business hours. He shall further have the power and duty to adopt, amend or repeal such rules and regulations not inconsistent with the provisions of this chapter as may be necessary for the proper administration and enforcement hereof.

Section 4415-6 CANCELLATION OF LICENSES

- (a) A demolition contractor's license shall be cancelled by the Director of Building and Zoning after a hearing in the event said licensee, or any proprietor, partner, or corporate officer is convicted of any penal offense arising out of or related to the performance of a contract or suffers a judgment against him in a civil action predicated upon fraud in connection with the performance of a demolition contract.
- (b) The Director of Building and Zoning after a hearing shall cancel a license for any one or more of the following reasons:
 - (1) Conviction of the licensee or any proprietor, partner or corporate officer therein of a felony or misdemeanor involving moral turpitude;

- (2) The making of any false statement as to a material matter in an application for license, renewal thereof or hearing in connection with same;
 - (3) Conviction of violation of the Building Code of the City of San Antonio;
 - (4) Violation of any provision of this chapter;
 - (5) Upon judicial determination of an abandonment or willful failure to perform any demolition contract or project in or undertaken by a contractor, or willful deviation from or disregard of plans or specifications in any material respect;
 - (6) Upon judicial determination of substantial misrepresentation on part of contractor in the procurement of a demolition contract;
 - (7) Upon judicial determination of fraud on the part of a contractor in the execution of or in the material alteration of any contract or mortgage, promissory note or other document relating to said contract;
 - (8) Failure of contractor to notify Director of Building and Zoning of any change in the ownership, management, business name, or location of his registered business office;
 - (9) Licensed contractor obtaining permit(s) for an unlicensed contractor or one whose license has been revoked or denied.
- (c) Notification to the licensee of a hearing before the Director of Building and Zoning shall be mailed by the Director of Building and Zoning to the licensee by certified or registered mail, at last known mailing address. The notification shall give not less than ten (10) days notice of the hearing.

Section 4407

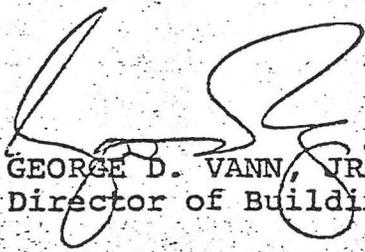
- (d) By adding the following specifications to the first paragraph except in buildings thirty-six (36) feet in height or three (3) stories, whichever is less.

Pedestrian canopies for construction and demolition jobs may be constructed of metal scaffolds of two (2) inch tubing adequately braced with one and one-fourth (1½) inch tubing. The passageway shall not be less than thirty-nine (39) inches in width at any point with a head room not less than eight (8) feet. The scaffold ends shall be braced by approved diagonal cross bracing maintaining a

maximum of eight (8) feet between ends. A solid tightly sheathed cover between scaffold and job site to be not less than one-half ($\frac{1}{2}$) inch plyboard with railing when required by this section. The roof shall be tightly sheathed with a minimum two (2) inch nominal wood planking or equal.

Section 301

- (a) By deleting the word "demolish" from this section.



GEORGE D. VANN, JR.
Director of Building & Zoning

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Affidavit of Publisher

THE STATE OF TEXAS, }

COUNTY OF BEXAR
CITY OF SAN ANTONIO }

Before me, the undersigned authority, on this day personally appeared

Irene Palencia

, who being by me duly sworn,

says on oath that she is Office Supervisor

of the Commerical Recorder, a newspaper of general circulation in the City of San

Antonio, in the State and County aforesaid, and that the Ordinance #48242

hereto attached has been published in every issue of said newspaper on the

following days, to-wit: July 18, 1977.

AN ORDINANCE 48,242

AMENDING THE 1970 UNIFORM BUILDING CODE WITH CERTAIN AMENDMENTS AND ADDITIONS. REGULATING THE DEMOLITION OF BUILDINGS AND STRUCTURES IN THE CITY OF SAN ANTONIO. PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR. PROVIDING FOR LICENSING OF DEMOLITION CONTRACTORS. PROVIDING THAT VIOLATIONS HEREOF SHALL BE PUNISHED BY A FINE OF NOT MORE THAN \$200.00 AND MAKING EACH DAY'S OFFENSE A SEPARATE VIOLATION. AMENDING ARTICLE II OF CHAPTER 10 OF THE CITY CODE. AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. AND PROVIDING FOR SEVERABILITY.

PASSED AND APPROVED this 14th day of July, 1977.

APPROVED
LILA COCKRELL
Mayor

ATTEST:

G.V. JACKSON, JR.
City Clerk

Irene Palencia

Sworn to and subscribed before me this 18th Day of July, 1977.

Wm G Covert

Notary Public in and for Bexar County, Texas