

ORDINANCE NO. 7918-08

**AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA,
RELATING TO TRENCH DIGGING; CREATING SECTION 17.07,
CLEARWATER CODE OF ORDINANCES, TO ENHANCE TRENCH
DIGGING SAFETY; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Clearwater Fire & Rescue is charged with providing rescue services in the Clearwater Fire Control District within Pinellas County, Florida; and

WHEREAS, by requiring individuals to comply with recognized standards for trench digging safety, the safety of construction workers and the safety of Clearwater Fire and Rescue personnel would be enhanced, particularly when personnel have to respond to render aid and medical services resulting from a collapse, an entrapment, or an injury; and

WHEREAS, Section 633.025, Florida Statutes (2007) requires a municipality, county, or special district with fire and life safety responsibilities to adopt and enforce minimum fire and life safety standards; and

WHEREAS, Section 633.0215(7), Florida Statutes (2007) requires that any local amendment to the Fire Code adopted by a local government must strengthen the requirements of the minimum fire and life safety codes; now, therefore,

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF
CLEARWATER, FLORIDA:**

Section 1. Section 17.07, Clearwater Code of Ordinances, is hereby created as follows:

Sec. 17.07. TRENCH DIGGING SAFETY

(1) *Definitions.* For the purposes of this section:

(a) *Excavation* means any manmade cavity or depression in the earth's surface, including its sides, wall, or faces, formed by earth removal and producing unsupported earth conditions by reasons of the excavation. If installed forms or similar structures reduce the depth-to-width relationship, an excavation may become a trench.

(b) *OSHA* means the U.S. Department of Labor, Occupational Safety and Health Administration, or successor agency.

(c) *Supervisory personnel* means any person who has the responsibility for layout, oversight, superintending, directing or controlling an excavation or a trench site.

(d) *Trench digging* means a narrow excavation in excess of five (5) feet deep below the surface of the ground. In general, the depth is greater than the width, but the width of a trench (measured at the bottom) is not greater than fifteen (15) feet. If forms or other structures are installed or constructed in an excavation so as to reduce the dimension measured from the forms or structure to the side of the

excavation to fifteen (15) feet or less (measured at the bottom of the excavation), the excavation is also considered a trench.

(2) *Prohibition.* No individual, partnership, corporation or other entity of any kind whatsoever shall engage in any trench digging except in compliance with the provisions of this article and in compliance with any applicable laws of the State of Florida or of the United States Occupational Safety and Health Administration (OSHA), particularly part 29 C.F.R.'s 1926, Subpart P--Excavations, Trenching, and Shoring Section 1926.650, 1926.651, 1926.652, 1926.653 of the code of Federal Regulations as the same now exist or may be hereafter amended, which are specifically adopted as part of this Article the same as if quoted verbatim herein.

(3) *Permit required.* No trench digging shall be performed until a permit has been obtained from the City of Clearwater Building Department. All applicants shall be required to acknowledge receipt and understanding of safety requirements before a permit will be issued. All such permits shall be conspicuously posted upon the job site. Permit shall be suspended or revoked for due cause. The violation of any laws or ordinances regulating trench digging as set forth herein shall constitute due cause for suspending or revoking such permit.

(4) *Inspection.*

(a) The Fire Inspector or his designee shall periodically inspect trench digging sites. Such inspectors shall, among other things, verify the presence of the required permits and compliance with the OSHA safety standards hereinabove adopted.

(b) Every trench digging project shall have an OSHA certified "Competent Person" on site during all aspects of the trench digging to perform the necessary inspections. The Contractor is the responsible party for damage to underground facilities such as gas mains and utility service lines.

(5) *Violations.*

(a) Violations of this Article may result in revocation or suspension of trench digging permits issued hereunder as set forth above.

(b) A written notice of violation shall be issued for any deficiency. Upon receipt of such notice, the deficiency shall be corrected immediately. No further trench digging may take place until the deficiency noted is first corrected.

(c) If deficiencies identified in a notice of violation are not corrected in a timely manner, a stop work order (red tag) will be issued.

(d) Flagrant and/or repeated violations shall be reported to OSHA for action by that agency.

Section 2. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

March 6, 2008

PASSED ON SECOND AND FINAL
READING AND ADOPTED

March 20, 2008

Frank V. Hibbard

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Robert J. Surette

Robert J. Surette
Assistant City Attorney

Cynthia E. Goudeau

Cynthia E. Goudeau
City Clerk

