

ORDINANCE NO. 2021-23

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 18,
ARTICLE VI OF THE CODE OF ORDINANCES, CITY OF PORT NECHES,
TEXAS, WHICH PERTAINS TO ELECTRICAL CODE IN THE CITY OF
PORT NECHES; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, Chapter 18, Article VI of the Code of Ordinances of the City of Port Neches relates to and regulates the electrical code located within the limits of the City of Port Neches; and,

WHEREAS, the City Council of the City of Port Neches, after conducting a public hearing, finds that it is in the best interest of the citizens of the City of Port Neches to repeal the current Chapter 18, Article VI of the City Code of Ordinances of the City of Port Neches, Texas, in its entirety, and all other Ordinances or parts of Ordinances in conflict herewith, and replace it with provisions which would better serve the City and its citizens.

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

SECTION I.

That Chapter 18, Article VI of the Code of Ordinances of the City of Port Neches is hereby repealed and as the same may be hereafter modified by the City Council of the City of Port Neches, Texas.

Secs. 18-123—18-150. - Reserved.

ARTICLE VI. - ELECTRICAL CODE

DIVISION 1. - GENERALLY

Sec. 18-151. – National Electrical Code adopted

A certain document being marked and designated as the National Electrical Code, 2017 edition, as published by the NFPA, be and is hereby adopted as the Electrical Code of the City of Port Neches, in the State of Texas regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems and electrical devices as herein provided; providing for the issuance of permits and collection of fees, therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Electrical Code on file in the office of the Building Official and hereby referred to, adopted and made part hereof, as if fully set out in this Article, with the additions, insertions, deletions, and changes, if any, prescribed in Section 18-152.

Sec. 18-152. – Revisions, amendments and additions to the 2017 National Electrical Code.

The following sections are hereby revised:

Section 225.32. – amend to delete “inside or”.

Sec. 18-153. - Public utilities.

The provisions of this article shall not apply to installations made or used by agencies in the generation, transmission or distribution of electricity or for the operation of railways, signal or transmission of intelligence when located within or on buildings, enclosures or premises used exclusively by such agency or on public thoroughfare; provided, however, such agencies excepted are operating under a valid franchise agreement with the city.

Secs. 18-154—18-184. - Reserved.

DIVISION 2. - ADMINISTRATION

Any officer, employee or member of the Construction Board of Adjustments and Appeals charged with the enforcement of this Code, acting for the City in the discharge of his or her duties shall not thereby render himself or herself personally liability and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties. Any suit brought against any officer or employee or member because of such act performed by him or her in the enforcement of any provision of this Code shall be defended by the city attorney until the final termination of the proceedings.

The Building Official is hereby authorized and directed to enforce the provisions of this Code. The Building Official or his designee is further authorized to render interpretations of this Code which are consistent with their spirit and purpose. The Building Official shall have the power to suspend or revoke the registration of any electrician who is found guilty of:

- (1) The practice of any fraud or deceit in obtaining such license;
- (2) Taking out electrical permits in the name of some person authorized by law to do electrical work and thereafter permitting a person without a proper license to do the work;
- (3) Any gross negligence, incompetence or misconduct in the performance of electrical work within the jurisdiction of the city under this article.

Sec. 18-185. - Decision of the Building Official.

The owner of the building, structure or service system or such owner's duly authorized agent or registered electrician may appeal a decision of the Building Official or his designee to the Construction Board of Adjustments and Appeals whenever any one of the following conditions is claimed to exist:

- (1) The Building Official or his designee rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
- (2) The provisions of this Article do not apply to this specific case.
- (3) An equally good or more desirable form of installation can be employed in any specific case.

(4) The true intent and meaning of this article or any of the regulations thereunder has been misconstrued or incorrectly interpreted.

(5) The wrong intent or facts were used by the Building Official in the revoking of a registration.

Sec. 18-186. - Notice of appeal.

Notice of appeal shall be in writing to the Construction Board of Adjustments and Appeals and filed within 30 calendar days after the decision is rendered by the Building Official. Appeals shall be in a form acceptable to the Building Official. In the case of a building, structure or service system which, in the opinion of the Building Official, is unsafe or dangerous, he/she may limit the time for such appeal to ten calendar days.

Sec. 18-187. - Decisions.

The Construction Board of Adjustments and Appeals shall meet within 30 calendar days after notice of appeal has been received. It shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Construction Board of Adjustments and Appeals shall also include the reason for the decision. If a decision of the Construction Board of Adjustments and Appeals reverses or modifies a refusal, order or disallowance of the Building Official or varies the application of any provision of this article, the Building Official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the City Secretary and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant. Every decision of the Construction Board of Adjustments and Appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity.

Sec. 18-188. - Revocation of registration.

Conviction under the provisions of this article shall be deemed just cause for the revocation of the City registration which such person must have under the provisions of this Article in order to work in the City. Any registration being revoked shall be for a period that shall be determined by the Construction Board of Adjustments and Appeals. After said time period reinstatement shall be contingent upon payment of all current registration fees. The decision of the Construction Board of Adjustments and Appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity.

Secs. 18-189—18-210. - Reserved.

DIVISION 3. - REGISTRATION FOR ELECTRICIANS

Sec. 18-211. - Registration required.

All master electricians, journeyman electricians, master sign electricians, journeyman sign electricians and maintenance electricians doing residential or commercial wiring in the City shall be required to hold a valid Texas State Electrical License and be currently registered with the City.

Sec. 18-212. - False representations of registration.

It shall be unlawful for any person to engage in the business of installing, maintaining, altering or repairing any wiring, fixtures or equipment used for the conducting of electricity for which a permit is required by

this Article or to, in any manner, undertake to execute such work unless such person is the holder of a license and City registration as required by this article.

(Ord. No. 2019-19, § II, 9-19-2019)

Sec. 18-213. - Registration classification.

There shall be five classes of state electrical licenses accepted by the city requiring registration and a fee. These are:

- (1) Master electrician;
- (2) Master sign electrician;
- (3) Journeyman electrician;
- (4) Journeyman sign electrician;
- (5) Maintenance electrician.

Sec. 18-214. - Registration; fees; issuance.

Each state-licensed electrician wishing to register to do electrical work in the city shall submit the required registration fee, a copy of his or her electrical license and a copy of his or her liability insurance certificate to the inspection department.

The following fees shall be applicable in this article:

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CLASSIFICATION	REGISTRATION	ANNUAL RENEWAL	LIABILITY INSURANCE
Master electrician	\$50.00	\$25.00	As required by State law
Master sign electrician	50.00	25.00	As required by State law
Journeyman electrician	10.00	5.00	None
Journeyman sign electrician	10.00	5.00	None
Maintenance electrician	10.00	5.00	None

Sec. 18-215. - Registration renewal.

Annual renewal of the City registration shall be accompanied by submitting the renewal fee and, if required, a copy of the registrant's renewed liability insurance certificate.

Annual renewal fees are due January 1 and payable before January 31 of each year. License holders who have not paid the annual renewal fee will not be permitted to perform work or be issued permits until the fees are paid in full.

Sec. 18-216. - License transferability; signing.

A license registration shall not be transferable and shall be issued to the person examined by the State and named on the license and known as the holder of the license.

Secs. 18-217—18-240. - Reserved.

DIVISION 4. - PERMITS

Sec. 18-241. - Application; scope of permit requirement.

Every person who shall install, cause to be installed or permit to be installed any electrical wiring, fixtures or equipment or shall make any alteration, addition, change or repair within the scope of this Article shall, before commencement of such work, make application for a permit therefor with the office of the Building Official.

Sec. 18-242. - Required; to whom issued; exemption.

(a) Permits shall be issued to master electricians or master sign electricians qualified to secure permits, as set forth in this Article, or to his or her duly authorized agent. The master electrician or master sign electrician shall certify his or her duly authorized agent to the Building Official in the form of an affidavit stating that such master or master sign electrician assumes all and full responsibility for any permit taken out or applied for by such agent.

(b) When one master electrician or master sign electrician completes the rough work, in whole or in part, or does any electrical wiring or installation of fixtures or equipment and a second master electrician or master sign electrician is called upon to complete the work, in whole or in part, a separate permit is required for which regular fees shall be paid for the work done. Before the second master electrician or master sign electrician is issued a permit for the completion of an electrical wiring or installation of fixtures or equipment job, the Building Official shall require the holder of the building permit or the owner of the property to submit a letter stating the first electrical permit holder is released from the job and that all diligent effort has been put forth to notify the electrical permit holder of this release. The issuance of the second permit shall cancel the first permit and no refund of fees shall be made.

(c) Nothing in this Article shall be construed to prevent a person from doing electrical work himself or herself on his or her own residence which is owned, occupied and homesteaded or to be occupied and homesteaded by him or her immediately upon completion. By signing said permit, the individual owner is also acknowledging the affidavit on the permit which states the above statement to be true. This exception shall be construed to mean an individual owner (not a firm, copartnership or corporation) who actually does the labor himself or herself. This individual owner shall be present at the time of any electrical inspection. Electrical work on rent property shall be permitted and performed by a licensed and bonded master electrician or a journeyman electrician who performs the work directly under the permit and direction of a master electrician.

(d) The application for permit shall include a diagram or plan in such a format as required by the Building Official showing clearly the character and kind of wiring or installation of fixtures or equipment work to be done. The plan or diagram shall show the manner in which the electrical installation is to be made or the character of any repairs to any existing electrical installation. The work shall comply with all of the provisions of the Article.

Sec. 18-243. - Fees; administrative.

Payment of permit fees shall be made for the issuance of a permit and shall be based on the schedule of fees herein set out:

(a)

Fee schedule.

Issuance of permit\$15.00

Service up to 200 amperes15.00

Over 200 amperes25.00

Additional meter, each5.00

Additional subpanel, each10.00

Outlet, switch and receptacle, each0.50

Fixtures0.50

Bells, buzzers and chimes0.50

Smoke detectors0.50

Water heater2.50

Dishwasher2.50

Disposal2.50

Dryer2.50

Range2.50

Vent-a-hood or bath vent fan, each0.50

Room air conditioner outlet2.50

Central heating unit5.00

Air conditioning unit (up to five tons)5.00

Over five tons, per ton1.00

Each motor up to five HP5.00

Each motor over five HP7.50

Electrical signs15.00

Rectifier or transformer, each7.50

Elevators, dumbwaiters, escalators15.00

Gasoline pumps10.00

Floodlight poles5.00

Welding machine outlet5.00

Walk-in boxes and freezers5.00

Washing machines (washeteria), each2.50

Temporary service pole25.00

Reinspection25.00

Inspection for lights or name change25.00

Swimming pools25.00

Antennas2.50

(b) Administrative fee. Where work for which a permit is required by this code is begun prior to obtaining said permit, the fees shall be doubled, plus an additional reinspection fee.

Sec. 18-244. - Cancellation.

The Building Official shall have the right to declare a permit null and void if there has been misrepresentation of facts or any violation of the provisions of this article.

Secs. 18-245—18-260. - Reserved.

DIVISION 5. - STANDARDS AND SPECIFICATIONS

Sec. 18-261. - Responsibility for safe work, liability of city for damages.

The electrical regulations of this Article shall not be construed to relieve from or lessen the responsibility or liability of any person owning, operating or installing electrical conductors, devices, appliances, fixtures, apparatus, motors or equipment for damages to persons or buildings caused by any defect therein by reason of the inspection herein authorized or the certificate of approved inspection issued by the Building Official as herein provided; nor shall the city be held liable for any damages that occurred from the action taken by the Building Official in connection with the performance of his or her duties.

Sec. 18-262. - Installation standards generally; adoption of code.

Conformity of electrical installations with the applicable standards set forth in the 2017 National Electrical Code. The 2017 version of the National Electrical Code is the electrical code of the city. Such code is adopted and made a part of this Article as if fully copied herein. One copy of such current code shall be filed in the office of the Building Official.

Sec. 18-263. - Equipment standards generally.

All electrical equipment installed or used shall be reasonably safe to persons and property in conformity with the provisions of this Article, the applicable statutes of the State and any rules or regulations issued by authority thereof.

Sec. 18-264. - Sign standards generally.

(a) All electrically illuminated or electrically powered outdoor and indoor signs and displays shall be safe to persons and property and in conformity with the provisions of this Article.

(b) Conformity of all types of electrical signs with applicable standards of the National Electrical Code shall be prima facie evidence that such installations are reasonably safe to persons and property.

(c) Conformity of construction, erecting, foundation and means of support of all such signs with the adopted Building Code shall be approved by the Building Official before permits for electrical inspection shall be issued under the authority of this article.

Sec. 18-265. - Radio and television equipment standards generally.

(a) The object of this Section is to provide regulations supplemental to the National Electrical Code for the installation and inspection of television antennas erected on or above the rooftop of buildings.

(b) It shall be unlawful for any person to install or cause to be installed or permit to be installed any television antenna or to make any alteration or addition to a television antenna without first having secured a permit therefor issued by the Building Official. There shall be one permit secured for each television antenna installed.

(c) Antenna systems must not interfere with Fire department operations.

(d) An antenna system must have a clear clearance of eight feet from other antennas on flat roofs. An antenna system must be eight feet above all points on a flat roof.

(e) An antenna system must not cross a public way or above or below light, power and communications lines.

(f) Downleads must be separated by at least two feet from power lines with potentials up to 250 volts and ten feet from lines with potentials higher than 250 volts and six feet from lightning rod systems.

(g) The location of the antenna system must be such that sagging, swinging or collapse of the antenna will not result in contact with lights, power or communication lines.

(h) Antenna systems must be adequately supported to withstand the wind-load requirement as listed in the international Building Code.

(i) Chimneys must be in good condition and have at least a two-square foot cross section to be suitable as a mast support.

(j) Masts should not extend above eight feet from the top of a chimney unless properly guyed.

(k) All antennas, except those of the self-supporting type, with masts ten feet or higher should be guyed at one level of the mast. Masts from 20 to 30 feet high should be guyed at two levels.

(l) The maximum height of antennas mounted on building structures shall not exceed 30 feet.

(m) Attachment of any part of the antenna system to light, power or communication structures or poles is prohibited.

(n) The materials entering into the construction of the antenna system shall be of a quality that meets the standards of recognized testing laboratories and shall bear the stamp of approval of these laboratories.

(o) All antennas must be set back a minimum distance out from the front building line equal to the length of the mast plus eight feet.

(p) Upon completion of the installation of any television antenna, regardless of whether or not the antenna is connected to a television set upon completion, the person in charge shall notify the electrical inspector that the antenna is ready for final inspection. The electrical inspector shall then cause a final inspection to be made within 24 hours. If any faulty or defective work or materials is found, the person in charge of the installation shall be notified of the changes to be made in order that the work shall conform to this division and a reinspection must be made when such changes are made. If such work is found to be correctly installed, replaced or repaired, the electrical inspector shall endorse his or her approval upon the final inspection certificate, stating that the work has been done in accordance with the provisions of this division. If a reinspection is necessary before the final inspection certificate is issued, a fee for each reinspection shall be charged as provided for in this article.

Sec. 18-266. - Utility company rules and regulations.

Rules and regulations for the company supplying electricity to the City regarding service and meter installations for the kind and character of service to be rendered, as passed and approved by the City Council from time to time, in accordance with franchise provisions, are hereby referred to, incorporated herein and made a part hereof.

Sec. 18-267. - Main disconnects.

There shall be an outside main disconnect provide for all new construction, renovations or replacement and repair on any commercial or residential structure.

Sec. 18-268. - Temporary construction poles.

Temporary poles shall comply with the National Electrical Code and the requirements of the local utility company's standard service practices.

Sec. 18-269. - Posting advertisements on light, power or communication poles.

It shall be unlawful for any person to place or allow to be placed any advertising cards, posters or like material on any poles within the city limits used for the transmission of light, power or communication.

Secs. 18-270—18-284. - Reserved.

DIVISION 6. - INSPECTIONS

Sec. 18-285. - Rough and final inspection, correcting faulty work, reinspection.

Notice, time, signing inspection tag. When the rough wiring or final wiring installation work is completed on any premises, the responsible person therefor shall notify the Building Official that the job is ready for inspection, giving proper identification of the work, address and permit number. The Building Official or his/her designee shall then make every reasonable effort to do an inspection of the electric installation within 24 hours from the time of notification (exclusive of Saturdays, Sundays and legal holidays). If the wiring or installation work has been installed in accordance with the terms and provisions of this Article, the Building Official shall sign the inspection tag, noting thereon the date of approval of the work. More

than one rough or final inspection may be made without charge when the progress of construction requires such inspection.

(b) Rectification of faulty work. The responsible person shall, within a reasonable time from the time of notification, make or start to make the changes ordered and shall proceed with the work until the same is completed. Upon completion thereof and payment of the reinspection fee, he or she shall notify the Building Official to the effect that faulty work has been corrected. The latter shall then cause the reinspection to be made and, if such work is found to comply with this Article, he or she shall sign the inspection card noting there on the date of approval of the work. If the Building Official shall again find the work incorrectly installed, he or she shall notify the responsible person of the necessary changes and that person shall pay an additional reinspection fee to the city before any other inspections are made. If the responsible person does not make the required changes within a reasonable time, the Building Official shall refuse to issue to any such person any further permits until such work in question is corrected and approved.

Sec. 18-286. - Leaving work open.

It shall be unlawful for any person to cover or cause to be covered any part of a wiring installation with flooring, lath, wallboard or other material until the electrical inspector shall have approved the wiring installation, in part or as a whole.

SECTION II.

All ordinances or parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed; provided, however, 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 by this Ordinance.

SECTION III. SEVERABILITY CLAUSE:

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance and, to such end, the various portions and provisions of this Ordinance are declared to be severable.

SECTION IV. NOTHING AFFECTING LEGAL RIGHTS OR REMEDIES:


Nothing in this Ordinance of Electrical Code hereby adopted shall be construed to affect any suit or proceeding pending in any court or any rights acquired or liability incurred or any cause or causes of action acquired or existing under any Act or Ordinance hereby repealed as cited in Chapter 18, Article VI of this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION V. EFFECTIVE DATE AND PUBLICATION:

The City Secretary is hereby ordered and directed to cause this Ordinance to be published and this Ordinance and the rules, regulations, provisions, requirements, orders and

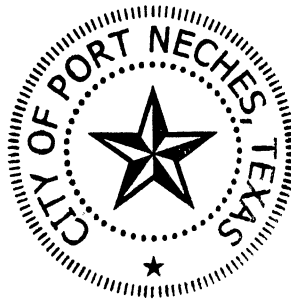
matters established and adopted hereby shall take effect and be in full force and effect on January 1, 2022 and after its approval, adoption and publication pursuant to law.

PASSED AND APPROVED by the City Council of the City of Port Neches, Texas, at a regular meeting this, the 11th day of November, A.D., 2021.


Glenn Johnson, Mayor
City of Port Neches, Texas

ATTEST:


Holly Alexander, City Secretary
City of Port Neches, Texas



APPROVED AS TO FORM:


Pete Steele, City Attorney
City of Port Neches