

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE IV, “BUILDING REGULATIONS”, CHAPTER 2, “ELECTRICAL CODE”, OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2017 NATIONAL ELECTRICAL CODE, SO AS TO MAKE A COMPREHENSIVE REVISION OF THE ELECTRICAL CODE OF THE CITY OF MIDLAND, TEXAS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2019; AND ORDERING PUBLICATION

WHEREAS, by Ordinance No. 9491, adopted October 20, 2015, the City Council adopted and incorporated certain provisions of the 2014 National Electrical Code and amendments thereto into the Electrical Code of the City of Midland; and

WHEREAS, several changes and amendments to the National Electrical Code have been approved by the National Fire Protection Association and incorporated into the 2017 National Electrical Code; and

WHEREAS, the Council has heretofore on March 26, 2019, approved the 2017 National Electrical Code, as a public record in order that same be filed as a public record in the office of the City Secretary; and

WHEREAS, the City Council of the City of Midland finds it to be in the public interest to update the Electrical Code regulations of the City of Midland to be more in line with currently accepted practices;

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

SECTION ONE. That Title IV, “Building Regulations”, Chapter 2, “Electrical Code”, of the City Code of the City of Midland, Texas, is hereby amended to hereafter read as follows:

4-2-1. Electrical inspector.

Electrical inspectors shall work under the direction of the Building Official.

- (A) *Qualifications.* Electrical inspectors shall have had adequate experience within the electrical field and each shall have at least four years experience as a journeyman electrician or hold an electrical engineering degree or equivalent in experience, with said experience being limited to credit as follows: one year of academic study is equivalent to one year experience in the field; and each shall have adequate knowledge of current and approved methods and practices relating to electrical installations.
- (B) *Appointment.* Electrical inspectors shall be appointed by the Building Official who may delegate any authority to them which he deems appropriate for enforcement of the Electrical Code. The electrical inspector shall be responsible in the performance of his duties to the Building Official and it shall be his duty to confer from time to time with the Fire Department and the electrical utility company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the Building Official from time to time for his consideration in recommending amendments to the Code.

4-2-2. Duties and powers generally.

- (A) The electrical inspector shall inspect all installations, alterations and repairs of electrical work in consumer installations.
- (B) When in the performance of his duties and as may be necessary for the performance of his duties, the electrical inspector shall have the right to enter any consumer's premises at all reasonable hours for the purpose of making tests or inspections of electrical wiring, appliances, or apparatus contained therein. When on duty, the electrical inspector shall have adequate identification with a photograph furnished by the City of Midland to indicate his position.
- (C) The Code Administration Division shall keep, or cause to be kept, a record of all permits, licenses and inspections which are required under this Chapter. Records of all condemnations and disconnects of electrical installations resulting from condemnations shall be kept.
- (D) The electrical inspector may issue a stop work order, when work has proceeded contrary to the adopted code. The procedure for issuance of the stop work order shall follow the currently adopted Building Code.

4-2-3. Conflict of interest.

An electrical inspector shall have no vested interest in any electrical contracting company, nor shall he do any electrical work for any private party or any company within the Midland City limits at any time while in the employment of the City of Midland.

4-2-4. Reserved.

4-2-5. Reserved.

4-2-6. Liability.

An electrical inspector charged with enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered

liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

4-2-7. Licenses and registration – electrical contractor; supervision of work.

- (A) *Registration required.* Any person, company, firm, partnership or corporation desiring to engage in the business of electrical contracting within the corporate limits of the City of Midland, Texas shall register with the City of Midland Code Administration Division the correct name, address and telephone number under which he will be doing business, and provide a copy of their current Texas Master Electrician's License and Texas Electrical Contractor's License.
- (B) *Supervision of work.* In the actual work of installing, maintaining, altering or repairing any electrical conductors or equipment for which this Code or other ordinance requires a permit, there shall be present and in direct supervision a qualified electrician of the proper classification. An electrical contractor or master electrician shall be liable and responsible for layout and technical supervision of any work which requires a permit and a journeyman or higher classified electrician shall be in direct “on the job” supervision of ongoing work. It shall be unlawful to have more than four apprentices assisting a person duly registered and qualified under the provisions of this section. Homeowners performing work on their own premises under a homeowner permit are exempt from this provision.

4-2-8. Master electrician.

Master electricians shall be licensed in accordance with the Texas Electrical Safety and Licensing Act.

4-2-9. Journeyman electrician and residential wireman.

Journeyman electricians and residential wiremen shall be licensed in accordance with the Texas Electrical Safety and Licensing Act.

4-2-10. Apprentices.

Apprentices shall be licensed in accordance with the Texas Electrical Safety and Licensing Act.

4-2-11. Maintenance electrician.

Maintenance electricians shall be licensed in accordance with the Texas Electrical Safety and Licensing Act.

4-2-12. Electrical sign contractor.

- (A) Electrical sign contractors shall be licensed in accordance with the Texas Electrical Safety and Licensing Act.
- (B) *Registration required.* Any person, company, firm, partnership or corporation engaged in the electrical sign contracting business within the corporate limits of the City of Midland, Texas, shall be, or shall have continuously in his employment a qualified Texas master sign electrician and shall file with the

Code Administration Division, the current name, address and license number of such Texas master sign electrician, which Texas master sign electrician have direct responsibility for the installation, maintenance and/or repair of any electrical sign wiring, device, material and/or equipment within the corporate limits of the City of Midland, Texas, and shall be responsible for carrying out the provisions of this Chapter in its entirety.

4-2-13. Master sign electrician.

Master sign electricians shall be licensed in accordance with the Texas Electrical Safety and Licensing Act.

4-2-14. Journeyman sign electrician.

Journeyman sign electricians shall be licensed in accordance with the Texas Electrical Safety and Licensing Act.

4-2-15. Definitions.

- (A) *Definitions adopted.* All definitions contained in the National Electrical Code and the Texas Electrical Safety and Licensing Act are adopted as the minimum standard for definitions of words used in this Chapter and words used within the purpose and scope of this Chapter.
- (B) *Certain words defined.* The following definitions shall apply when the defined words are used in this Chapter and words used within the purpose and scope of this Chapter:
 - 1. *Approved* means conformity with the applicable standards of the National Electrical Code, the Board of Fire Underwriters, or approval of the Building Official of the City of Midland, Texas.
 - 2. *City Council* means the duly elected council members of the City of Midland, Texas, assembled in a business meeting or executive session.
 - 3. *Consumer* means one who uses electricity on a premises.
 - 4. *Corporate limits* and *City limits* mean the current boundary of the City of Midland, Texas, as defined by the City of Midland, Texas.
 - 5. *Current* and *currently* mean as of the time of the matter in question.
 - 6. *National Electrical Code* means the 2017 edition of the National Electrical Code as recommended by the National Fire Protection Association and approved by the American Standard Association and the National Board of Fire Underwriters.
 - 7. *Premises* means a lot, tract or piece of real estate, a house or building (public, private, commercial or residential) and its land, private or public streets, roadways, parks, alleys, etc.

4-2-16. Application of Chapter.

All of the provisions of this Chapter shall apply to all persons, companies, corporations, firms, associations and governmental agencies except as specifically exempted

by written agreement or franchise with the City.

4-2-17. National Electrical Code.

In the installation and maintenance of electrical wiring systems and apparatus, the National Electrical Code shall be the minimum requirements permitted within the scope of this Chapter unless otherwise specifically covered herein.

4-2-18. Certification authorities.

All materials and apparatuses used in electrical installation shall conform with applicable standards of a nationally recognized certification agency and bear the certification agency's label or have the approval of the Building Official of the City of Midland.

4-2-19. Unlawful installation.

It shall be unlawful for any person to install or use any electrical apparatus, material, appliance or fixture in connection with wiring of any kind in the corporate limits of the City of Midland, Texas, unless such apparatus, material or fixture meets the requirements of a nationally recognized certification agency and bears the certification agency's label or unless the Building Official or Construction Board of Appeals issues a written approval.

4-2-20. Interference; inspection tag; responsibility of contractor.

It shall be unlawful for any person to interfere in any manner with any electrical wiring being installed on any premises or in any building during construction. In inspecting the electrical wiring of any building or premises, the electrical inspector shall leave a tag or notice attached to the service entrance switch. This notice shall state clearly if the wiring is approved or is to be kept open for further inspection. No person shall lath, sheetrock, insulate, seal or in any manner conceal any wiring until he has been informed that such wiring has been approved by the electrical inspector. The general contractor or owner shall be held responsible for any violation of this Section and shall be liable to the penalties provided herein.

4-2-21. Clearance required to connect or disconnect services.

It shall be unlawful for any person or any public service company serving the City to connect electricity to any premises of any nature, kind or description, without first obtaining a clearance from the electrical inspector. A single family residential primary structure and all accessory structures associated with the primary structure shall be served by a single electrical service.

Whenever service is discontinued for any building and/or premises (except a private residence, duplex, living quarters of apartments or mobile home park space, where service is carried over for a continuing occupancy, or nonpayment of bill) a clearance will be necessary before reconnecting. This shall mean that any time premises are vacated the electrical inspector must satisfy himself that no Code violation exists. If the local electrical utility provider removes an electric meter from any building in the City for any reason and requires an inspection to be made before reinstalling said meter, then an inspection will be made, and a fee will be charged. There will be a charge per the current adopted Fee Schedule ordinance for a clearance for a residential structure and such clearance will be issued as often as required. A commercial structure will be cleared via the use of a certificate of occupancy, which must be signed by the owner/manager of a building or his agent. There is a charge per the current adopted Fee Schedule ordinance for the issuance of a certificate of occupancy.

4-2-22. Wiring methods.

All wiring methods approved by the National Electrical Code are hereby adopted with the following exceptions:

- (A) No conductor smaller than size number twelve (12) wire shall be permitted in any type of electrical installation that exceeds one hundred (100) volts to ground except in control circuits.
- (B) No aluminum wire conductor smaller than size number one-zero (1/0) shall be used on premise wiring within the corporate limits of the City of Midland, except overhead exterior (aerial) circuits may use aluminum wire conductor that meet National Electrical Code sizing requirements.
- (C) *Branch circuit.* All residence branch circuit conductors shall be 20 ampere capacity and shall be protected by 20 ampere circuit breakers or 20 ampere fuses of the tamper-proof type. Larger branch circuit protectors shall be allowed only on special purpose circuits.
- (D) *Future circuits.* There shall be a minimum of two three-fourths inch conduit or electrical metallic tubing from lighting panels with twenty or more breaker switches and there shall be a minimum of one three-fourths inch conduit or electrical metallic tubing from lighting panels with less than 20 breaker switches.
- (E) *Residential services.* All meter locations shall conform to the latest electric utility provider guidelines and specifications which are hereby adopted, a copy of which is on file with the City Secretary, when such locations are in agreement with the National Electrical Code or the provisions of this Chapter. A single family residential structure and its accessory structures shall be served by a single service.
- (F) Weather-proof main disconnects shall be installed outside on all new residence and apartments and on service changes to residences and apartments.
- (G) Not more than six consuming outlets (plugs and lights) on one 20 ampere circuit shall be installed in commercial buildings within the City limits of Midland, except as designed by a State of Texas licensed electrical engineer. Circuits with lighting only shall be installed according to the National Electrical Code.
- (H) Not less than 24 inches of each conductor shall be left at the service head for connection to the service drops and the neutral conductor shall be permanently identified.

4-2-23. In general.

- (A) *Buildings moved into the City.* Wiring in any building moved into the City limits of Midland, Texas, shall be installed in a manner prescribed for its classification as to use or occupancy and must meet all requirements of the National Electrical Code and the City of Midland Electrical Code.
- (B) *Reserved.*
- (C) *Reserved.*

- (D) *Change of use of single family residence or duplex.* Whenever the use of a single family residence or a duplex is changed from residential use to any type of commercial use, the building must meet all requirements of the National Electrical Code and the City of Midland Electrical Code.
- (E) *Wiring to be completed before service is connected.* Buildings, dwellings and premises shall be wholly and completely wired, equipped and approved for permanent electric service before connecting to or being supplied by a source or supply of electricity. Temporary connection to a permanent service installation may be made by proper application to the Code Administration Division.
- (F) *Temporary lighting and power installation.* Temporary lighting and power installations on premises which are used for the display of merchandise or for public or private gatherings shall have all wiring and equipment completed before connection is made to the temporary service equipment by the electricity supply agency. All such wiring shall meet clearance requirements and all other requirements of this Chapter.

4-2-24. Permits required.

No person, company, firm, partnership or corporation shall begin work on any electrical installation within the corporate limits of the City of Midland, Texas, without first securing a permit, provided, however, that no permit shall be required for minor work such as repairing flush switches, replacing fuses, changing lamp sockets and receptacles. Permits will be issued to such master electricians who qualify under the provisions of this Chapter or to his duly authorized representatives, and to homeowners who qualify as set forth herein. When a qualified person, company, firm, partnership, corporation or homeowner fails to obtain a permit before commencing work on such job, such person, company, firm, partnership, corporation or homeowner becomes liable for a double charge for the permit and/or other penalties as set forth in this Chapter.

4-2-25. Issuance of permit.

Homeowners and holders of a license shall make application for a permit to the Code Administration Division. Upon proper application for a permit and after payment of the required inspection fee, the Code Administration Division shall issue to the applicant a permit for the proposed installation.

4-2-26. Homeowner's affidavit.

Nothing herein shall be construed to prevent the issuance of a permit to owners of single unit dwellings, provided that said owners live in said single unit dwellings and further that they comply with the provisions as set out herein, and all other applicable provisions of this Chapter and sign the required affidavit when applying for the permit. A homeowner's affidavit shall indicate that he is the owner of such property, that he does live there and will perform all of the electrical construction himself; however, he may have assistance provided that he is physically present on the premises while such work is performed. A homeowner

shall not install wiring in any portion of a duplex, triplex, apartment, commercial, retail, industrial or in any rental property of any description.

4-2-27. Completion of work stopped.

Whenever a permit holder desires to complete any work which has been stopped for

any reason he may do so provided that he has made the necessary correction and will comply with the provisions of this Chapter. No additional fee will be required for that portion of the work for which a fee has already been paid.

4-2-28. Temporary permits.

Permits may be granted for temporary services to any licensed master electrician for a pre-determined and limited time by application for a temporary permit and the payment of the proper inspection fee.

4-2-29. Additional work.

Additional work during construction and before final inspections may be added to the original permit as an add-on at the regular item price by obtaining and paying for an add-on permit.

4-2-30. Inspections required.

There shall be a rough-in inspection where required and a final inspection of each installation. Extra inspections will be required as necessary, based on the scope of the project. Inspections shall be made and approved before proceeding with work or an installation or concealing such work or installation.

4-2-31. Re-inspections.

When any electrical work covered by this Chapter is reported to the electrical inspector as ready for inspection, and upon such inspection, the electrical work does not meet all requirements of this Chapter, the permit electrician shall be notified by tag of the defects existing and he shall correct such defects promptly and request a re-inspection by the electrical inspector.

If for reason of faulty work, negligence or omission, changes or additions are required by the inspector or if an incorrect address is given which necessitates an additional trip by the inspector, a re-inspection fee per the current adopted Fee Schedule ordinance will be charged for each extra trip.

This rule shall not apply where periodical inspections are required during the progress of construction.

4-2-32. Concealed wiring and apparatus.

Where electric wiring or apparatus is to be hidden from view by the permanent placement of parts of a building or otherwise concealed, the permit holder shall notify the Inspector and have an inspection made, and such wiring or apparatus shall not be concealed by any person until it has been inspected and approved.

In the event that such wiring or apparatus has been concealed, the electrical inspector shall have the authority to require the removal of such concealing parts for inspection and require a re-inspection permit and fee.

4-2-33. Schedule of permit fees.

New construction, additions, alterations and repairs. No fee shall be paid pursuant to this Section for permits issued for electrical work in connection with the construction of new buildings or structures, or for additions, alterations or repairs where a building permit

is required. The Building Code, Section 4-1-3 of the City Code, as amended, provides for the payment of a composite fee at the time of application for a building permit to cover the cost of all permits to be issued in connection with such construction. Fees shall be per the current adopted Fee Schedule ordinance.

4-2-34. Penalty.

Any person, company, firm, partnership or corporation who violates any of the terms or provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided for in Section 1-3-1 of the City Code.

4-2-35. Special clauses – Exemptions.

All provisions of this Chapter shall apply to all person, companies, firms, partnerships or corporations and to all government agencies except as specifically exempted by written agreements or franchise with the City of Midland, Texas.

SECTION TWO. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION THREE. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FOUR. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars (\$2,000.00).

SECTION FIVE. This ordinance shall become effective July 1, 2019.

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2019; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2019, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2019.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

Robert Patrick, Assistant City Manager

Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

John Ohnemiller, City Attorney