

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 27-21

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," THROUGH THE AMENDMENT OF ARTICLE V, ENTITLED "ELECTRICAL CODE," BY ADOPTING THE 2020 EDITION OF THE *NATIONAL ELECTRICAL CODE* THROUGH THE AMENDMENT OF SECTION 14-131, ENTITLED "NATIONAL ELECTRICAL CODE ADOPTED," BY AMENDING SECTION 14-132, ENTITLED "AMENDMENTS TO THE *NATIONAL ELECTRICAL CODE*," AND BY AMENDING SECTION 14-138, ENTITLED "BOARD OF APPEALS"; PROVIDING THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES AND REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the National Fire Protection Association (NFPA) has developed the *National Electrical Code*, and the Town of Flower Mound has been involved throughout the regional review process by the Regional Codes Coordinating Committee of the North Central Texas Council of Governments (NCTCOG); and

WHEREAS, the 2020 edition of the *National Electrical Code* has been published by the NFPA and, in addition to review by the NCTCOG, has been reviewed by Town staff; and

WHEREAS, the Town's electrical code is intended to be updated periodically, and the 2020 edition of the *National Electrical Code* is the most current published electrical code at this time; and

WHEREAS, the 2020 edition of the *National Electrical Code* addresses the electrical design aspects of all buildings in the Town; and

WHEREAS, the current Electrical Code of the Town is the 2014 edition of the *National Electrical Code*, and the Town's electrical code should be updated to the most current published electrical code available; and

WHEREAS, the Town Council of the Town of Flower Mound has determined that, to protect the public health, safety, and welfare, it is in the best interest of the citizens of the Town of Flower Mound to update the Town's electrical code by adopting the 2020 edition of the *National Electrical Code* as the minimum standard for the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto, as set forth herein and as that said code is specifically modified by this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1

All of the above premises are found to be true and correct factual and legislative determinations of the Town of Flower Mound and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

From and after the effective date of this Ordinance, Section 14-131 of the Code of Ordinances of the Town of Flower Mound, entitled "*National Electrical Code Adopted*," is hereby amended in its entirety and replaced with the following provision:

Section 14-131. *National Electrical Code Adopted.*

The following document, copies of which are on file in the office of the Town Secretary, being marked and designated as the *National Electrical Code*, 2020 Edition, published by the National Fire Protection Association, is hereby adopted as the Electrical Code of the Town of Flower Mound, Texas, regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, or maintenance of electrical systems, wiring, or electrical equipment within the Town of Flower Mound, Texas; providing for the issuance of permits and collection of fees therefor.

SECTION 3

From and after the effective date of this Ordinance, Section 14-132 of the Code of Ordinances of the Town of Flower Mound, entitled "*Amendments to the National Electrical Code*," is hereby amended in its entirety and replaced with the following provision:

"Section 14-132. *Amendments to the National Electrical Code.*

The following amendments shall supersede all requirements of the *National Electrical Code*, 2020 Edition. Where an amendment is not clear or is silent regarding a certain requirement, the requirements of the *National Electrical Code*, 2020 Edition, must be met.

(a) Disconnection.

The electrical service provider must disconnect the electrical service to any building or premises, except private residences and duplex apartments, each time such building or premises changes ownership, is leased, or changes occupancy, and it shall not again supply electricity to such building or premises until authorized to do so by the Building Official. The owners or the new occupants of such buildings

or premises must make application to the Building Official for an inspection.

(b) Connection to electricity without Building Official approval.

It is unlawful for any person, including the electrical service provider, to connect to a supply of electricity or to supply electricity to any electrical equipment that requires a permit for its installation, or which has been disconnected or ordered to be disconnected by the Building Official, or, except for private residences, which has been disconnected for any reason whatsoever, until such connection has been authorized by the Building Official.

(c) Article 100 of the *National Electrical Code*, 2020 edition, is hereby amended by adding the definition, "Engineering Supervision" and amending the definition "Intersystem Bonding Termination" to read as follows:

Engineering Supervision. Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations.

Intersystem Bonding Termination. A device that provides a means for connecting bonding conductors for communication systems and other systems such as metallic gas piping systems to the grounding electrode system.

(d) Article 110.2 of the *National Electrical Code*, 2020

edition, is hereby amended by deleting said provision and replacing it with a new Article 110.2 to read as follows:

Article 110.2. Approval. The conductors and equipment required or permitted by this Code shall be acceptable only if approved. Approval of equipment may be evident by listing and labeling of equipment by a Nationally Recognized Testing Lab (NRTL) with a certification mark of that laboratory or a qualified third party inspection agency or a field evaluation by a Field Evaluation Body accredited by either the International Code Council International Accreditation Service AC354 or ANSI National Accreditation Board programs and approved by the AHJ.

Exception: Unlisted equipment that is relocated to another location within a jurisdiction or is field modified is subject to the approval by the AHJ. This

approval may be by a field evaluation by a NRTL or qualified third-party inspection agency or a field evaluation by a Field Evaluation Body accredited by either the International Code Council International Accreditation Service AC354 or ANSI National Accreditation Board programs and approved by the AHJ.

Informational Note No. 1: See 90.7, Examination of Equipment for Safety, and 110.3, Examination, Identification, Installation, and Use of Equipment. See definitions of Approved, Identified, Labeled, and Listed.

Informational Note No. 2: Manufacturer's self-certification of equipment may not necessarily comply with U.S. product safety standards as certified by an NRTL.

Informational Note No. 3: National Fire Protection Association (NFPA) 790 and 791 provide an example of an approved method for qualifying a third-party inspection agency.

- (e) Article 210.52(G)(1) of the *National Electrical Code*, 2020 edition, is hereby amended to read as follows:

(1) Garages. In each attached garage and in each detached garage with electric power. At least one receptacle outlet must be installed for each car space.

- (f) Article 230.71(A) of the *National Electrical Code*, 2020 edition, is hereby amended by adding a new exception at the end of this provision to read as follows:

Exception: Multi-occupant buildings. Individual service disconnecting means is limited to six for each occupant. The number of individual disconnects at one location may exceed six.

- (g) Article 408.4 (A) of the *National Electrical Code*, 2020 edition, is hereby amended to read as follows:

(A) Circuit Directory or Circuit Identification. Every circuit and circuit modification shall be legibly identified as to its clear, evident, and specific purpose or use. The identification shall include an approved degree of detail that allows each circuit to be distinguished from all others. Spare positions that contain unused overcurrent devices or switches shall be described accordingly. The identification shall be included in a circuit directory that is located on the

face or inside of, or in an approved location adjacent and permanently affixed the panel door in the case of a panelboard and at each switch or circuit breaker in a switchboard or switchgear. No circuit shall be described in a manner that depends on transient conditions of occupancy.

- (h) Article 410.118 of the *National Electrical Code*, 2020 edition, is hereby amended by adding a new exception at the end of this provision to read as follows:

Exception: Removable luminaires with a minimum measurement of 22 inches X 22 inches shall be permitted to be used as access to outlet, pull, junction boxes or conduit bodies.

- (i) Article 422.31 (B) of the *National Electrical Code*, 2020 edition, is hereby amended to read as follows:

(B) Appliances Rated over 300 Volt-Amperes. For permanently connected appliances rated over 300 volt-amperes, the branch-circuit switch or circuit breaker shall be permitted to serve as the disconnecting means where the switch or circuit breaker is within sight from and is readily accessible to the appliance it serves or is capable of being locked in the open position in accordance with 110.25 and is readily accessible to the appliance it serves.

Informational Note No. 1: For appliances employing unit switches, see 422.34.

Informational Note No 2: The following means of access are considered to constitute readily accessible for this code change when conforming to the additional access requirements of the International Code Council Codes:

- (1) A permanent stair.
- (2) A pull-down stair with a minimum 300 lb. (136 kg) capacity.
- (3) An access door from an upper floor level.

- (j) Article 500.8(A)(3) of the *National Electrical Code*, 2020 edition, is hereby amended to read as follows:

(A) Suitability. Suitability of identified equipment shall be determined by one of the following:

- (3) Evidence acceptable to the authority having jurisdiction such as a manufacturer's self-evaluation or an engineering judgment signed and sealed by a

qualified licensed Professional Engineer in the State of Texas.

- (k) Article 505.7(A) of the *National Electrical Code*, 2020 edition, is hereby amended to read as follows:

(A) Implementation of Zone Classification System. Classification of areas, engineering and design, selection of equipment and wiring methods, installation, and inspection shall be performed by a qualified licensed Professional Engineer in the State of Texas.

- (l) Article 695.6 (A) (1) of the *National Electrical Code*, 2020 edition, is hereby amended by deleting the exception at the end of this provision to read as follows:
Exception: Deleted.

- (m) Article 710.15 (A) of the *National Electrical Code*, 2020 edition, is hereby amended to delete the informational note and to read as follows:

(A) Supply Output. Power supply to premises wiring systems fed by stand-alone or isolated microgrid power sources shall have adequate capacity to meet the calculated load in accordance with Article 220.”

SECTION 4

This Ordinance is cumulative of all provisions of ordinances and of the Code of Ordinances of the Town of Flower Mound, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event, the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 5

It is hereby declared to be the intention of the Town 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 invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, as if the same had been enacted by the Town Council without the incorporation of any such invalid or unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 6

All rights and remedies of the Town of Flower Mound are expressly saved as to any and all violations of the provisions of Chapter 14 of the Code of Ordinances of the Town of Flower

Mound or any ordinances relating to the Electrical Code, that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7

Any person, firm, or corporation who violates any of the provisions of the *National Electrical Code*, 2020 edition, as adopted and amended by this Ordinance, or who does or attempts to do electrical work without first securing the permit prescribed herein for such work, or who, in any other manner, violates the provisions of this Ordinance is guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not to exceed \$2,000.00, and each day or fraction of a day that an offense hereunder is committed or permitted to exist constitutes a separate offense and is punishable as such hereunder.

SECTION 8

Chapter 14 of the Code of Ordinances, Town of Flower Mound, Texas, as amended, remains in full force and effect, save and except as amended by this Ordinance.

SECTION 9

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the laws of the State of Texas and the Home Rule Charter of the Town of Flower Mound, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 5 TO 0 ON THIS 21ST DAY OF JUNE, 2021.

APPROVED:

Derek France, MAYOR

ATTEST:

Theresa Scott, TOWN SECRETARY