

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 17-11

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 2011 EDITION OF THE *NATIONAL ELECTRICAL CODE* AND THE ICC *ELECTRICAL CODE--ADMINISTRATIVE PROVISIONS*, 2006 EDITION, 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"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY 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 *National Electrical Code* has been prepared by 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 2011 edition of the *National Electrical Code* is the most current published electrical code at this time; and

WHEREAS, the 2011 edition of the *National Electrical Code* addresses the electrical design aspects of all buildings in the Town; and

WHEREAS, the current electrical code in the Town is the 2008 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 ICC *Electrical Code--Administrative Provisions*, 2006 Edition, published by the International Code Council, is necessary to correlate the provisions of the *National Electric Code* with provisions in the International Code system and is specifically geared to electrical code enforcement; and

WHEREAS, the Town Council of the Town of Flower Mound has determined that 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 2011 edition of the *National Electrical Code* together with the ICC *Electrical Code--Administrative Provisions*, 2006 Edition, as the minimum standard

for electrical installations, as set forth herein and as that said codes are 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 documents, copies of which are on file in the office of the Town Secretary, being marked and designated as the *National Electrical Code*, 2011 Edition, published by the National Fire Protection Association, and the *ICC Electrical Code--Administrative Provisions*, 2006 Edition, published by the International Code Council, are 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*, 2011 Edition. Where an amendment is not clear or is silent regarding a certain requirement, the requirements of the *National Electrical Code*, 2011 Edition, shall be met.

(a) Disconnection.

The electrical service provider shall 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 shall make application to the Building Official for an inspection.

(b) Connection to electricity without Building Official approval.

It shall be 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) Permit, license and fees.

It shall be unlawful for any person, firm, or corporation to make any installation, alteration, repair, replacement, or remodel of any electrical system regulated by this code without having registered a valid Texas Master Electrical License with the Town of Flower Mound,

Texas. Said registration shall be upon forms supplied by the Building Official and shall become null and void on December 31st of each year. Any contractor registration regulated by this Code may be placed on hold or suspended by the Building Official, preventing any additional permits being issued, if it is determined by the Building Official that corrective action is needed for compliance with the requirements of Chapter 18, Article II, Section 18-32. If any contractor registration regulated by this Code is suspended, the procedures outlined in Chapter 18, Article II, hereof shall apply. Any registration placed on hold more than three times in a calendar year may be subject to suspension by the Building Official.

An appropriate fee for registration shall be assessed in accordance with the provisions of Appendix A of the Code of Ordinances of the Town of Flower Mound, Texas.

Exception: Any residential property owner who, at his legal residence, desires to make any installation, alteration, repair, replacement, or remodel of any electrical system(s) regulated by this Code shall be exempt from paying a registration fee. For this section, *legal residence* shall be defined as property for which a property owner shows proof of a homestead exemption.

- (1) Permit and license fees shall be assessed in accordance with Sections 5, 6, 7, and 8 of Appendix A of the Code of Ordinances of the Town of Flower Mound.
- (2) When electrical work requiring a permit is found to be in progress or completed and no permit has been issued for such work, the required permit fee shall be doubled and charged to the master electrician performing or supervising all or part of the work.

Exception: a double permit fee shall not be charged when emergency repair work is

performed by a master electrician, by a journeyman electrician, or by a residential specialist under the supervision of a licensed master electrician, or by a homeowner, for work at his legal residence, so long as the permit for such work is obtained between 8:00 a.m. and 5:00 p.m. on the first regular working day after such work has been performed.

- (d) Section 101.1 of the ICC *Electrical Code--Administrative Provisions*, 2006 edition, is hereby amended by deleting said provision in its entirety and replacing it with a new Section 101.1 to read as follows:

Section 101.1. Title. These regulations shall be known as the Electrical Code-Administrative Provisions of The Town of Flower Mound and shall be cited as such and will be referred to herein as "this code."

- (e) Section 402.5 of the ICC *Electrical Code--Administrative Provisions*, 2006 edition, is hereby amended by deleting said provision in its entirety and replacing it with a new Section 402.5 to read as follows:

Section 402.5. Time limitation of application. An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing for commercial applications and 45 days after the date of filing for residential applications, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not to exceed 90 days each for commercial applications and 45 days each for residential applications. The extension shall be requested in writing and justifiable cause demonstrated by the applicant.

- (f) Section 403.2 of the ICC *Electrical Code--Administrative Provisions*, 2006 edition, is hereby amended by deleting said provision in its entirety and replacing it with a new Section 403.2 to read as follows:

Section 403.2. Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance for commercial permits and 45 days after its issuance for residential permits, or if the work authorized on the site by such permit is suspended or abandoned for a period of time as stated above after the time the work is commenced. For this section, *suspended or abandoned* will be defined as an elapsed time between any two approved required inspections. The Building Official is authorized to grant, in writing, one or more extensions of time, for additional periods not to exceed 90 days each for commercial permits and 45 days each for residential permits. The extension shall be requested in writing and justifiable cause demonstrated by the applicant. Once a permit becomes invalid and before such building or work can be recommenced, a new permit shall first be obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such building or work, provided no changes have been made or will be made in the original plans and specifications for such building or work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration of more than one year, the permittee shall pay a new full permit fee.

- (g) Section 403.3 of the ICC *Electrical Code--Administrative Provisions*, 2006 edition, is hereby deleted in its entirety:

Section 403.3. Extensions. Deleted.

- (h) Section 404.2 of the ICC *Electrical Code--Administrative Provisions*, 2006 edition, is hereby amended by deleting said provision in its entirety and replacing it with a new Section 404.2 to read as follows:

Section 404.2. Schedule of permit fees. A fee for each permit shall be paid as required, in accordance

with Sections 5, 6, 7, and 8 of Appendix A of the Code of Ordinances of the Town of Flower Mound.

- (i) Section 404.3 of the ICC *Electrical Code--Administrative Provisions*, 2006 edition, is hereby amended by deleting said provision in its entirety and replacing it with a new Section 404.3 to read as follows:

Section 404.3. Work commencing before permit issuance. Any person who commences any work regulated by this Code before obtaining the necessary permits shall be subject to a citation for working without a permit and/or a fee equal to the total permit fee for that project, which shall be in addition to the required permit fees.

- (j) Section 702.1.5.1 of the ICC *Electrical Code--Administrative Provisions*, 2006 edition, is hereby added to read as follows:

Section 702.1.5.1. Utility inspection. Utility inspection shall be approved after all fixtures and outlets are installed and the main distribution panel is approved for meter connection.

Exception: On larger projects, an early release may be granted if good cause is demonstrated in writing by the contractor and approved for safety by the Building Official.

- (k) Section 1102 of the ICC *Electrical Code--Administrative Provisions*, 2006 edition, is hereby deleted and replaced with the following:

Section 1102. Membership. The members of the Flower Mound Board of Adjustment are hereby appointed as the Board of Appeals as provided by the ICC *Electrical Code--Administrative Provisions*, 2006 Edition, and any changes in membership of said Zoning Board of Adjustment shall likewise be reflected in the membership of said Board of Appeals.

- (l) Section 1103 of the ICC *Electrical Code--Administrative Provisions*, 2006 edition, is hereby deleted and replaced with the following:

Section 1103. Procedures. All procedures concerning the Board of Appeals shall following the procedures as outlined in the Code of Ordinances of the Town of Flower Mound, Chapter 78, Division 3, "Board of Adjustment," Sections 78-81 through 78-86.

- (m) Chapter 12 of the ICC *Electrical Code--Administrative Provisions*, 2006 edition, is hereby deleted in its entirety:

Chapter 12. Electrical provisions. Deleted.

- (n) Article 100 of the *National Electrical Code*, 2011 edition, is hereby amended by amending the definition of "Intersystem Bonding Termination" to read as follows:

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.

- (o) Article 110.2 of the *National Electrical Code*, 2011 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 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 approved by the AHJ.

Manufacturer's self-certification of any equipment shall not be used as a basis for approval by the AHJ.

Informational Note: 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.

- (p) Article 110.5 of the *National Electrical Code*, 2011 edition, is hereby amended by adding a new exception immediately following the "Informational Note" to read as follows:

Exception: Aluminum and copper-clad aluminum conductors are permitted only in size #2 or larger.

- (q) Article 210.1 of the *National Electrical Code*, 2011 edition, is hereby amended by adding a new paragraph immediately following the existing paragraph to read as follows:

Aluminum and copper-clad aluminum conductors are prohibited in branch circuits.

- (r) Article 230.71 (A) of the *National Electrical Code*, 2011 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 not more than six switches or sets of circuit breakers for each occupant. The number of individual disconnects at one location may exceed six switches or sets of circuit breakers.

- (s) Article 240.91 of the *National Electrical Code*, 2011 edition, is hereby amended by deleting this section:

Article 240.91. Deleted.

- (t) Article 300.11(A) of the *National Electrical Code*, 2011 edition, is hereby amended by adding a new exception immediately following said provision to read as follows:

Exception: Ceiling grid support wires may be used for structural supports when the associated wiring is located in that area, not more than two raceways or cables supported per wire, with a maximum nominal metric designation 16 (trade size 1½").

- (u) Article 310.15(B)(7) of the *National Electrical Code*, 2011 edition, is hereby amended by amending the first sentence of said provision and adding a new sentence to the end of said provision to read in pertinent part as follows:

Article 310.15(B). Tables. (7). 120/240-volt, 3-wire, single-phase dwelling services and feeders. For any and all dwelling units, conductors, as listed in Table 310.15(B)(7), shall be...*{text unchanged}*...provided the requirements of 215.2, 220.61, and 230.42 are met. This Article shall not be used in conjunction with 220.82.

- (v) Article 500.8(A)(3) of the *National Electrical Code*, 2011 edition, is hereby amended by deleting said provision in its entirety and replacing it with a new Article 500.8(A)(3) to read as follows:

Article 500.8(A)(3). Evidence acceptable to the authority having jurisdiction such as a manufacturer's self-evaluation or an engineered judgment signed and sealed by a qualified Registered Professional Engineer.

- (w) Article 505.7(A) of the *National Electrical Code*, 2011 edition, is hereby amended by deleting said provision in

its entirety and replacing it with a new Article 505.7 (A) to read as follows:

Article 505.7(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.

- (x) Article 680.25(A) of the *National Electrical Code*, 2011 edition, is hereby amended by adding two new wiring methods as items #7 and #8 to read as follows:

Article 680.25. Feeders. (A). Wiring Methods.

(7) Nonmetallic-sheathed cable

(8) Type SE cable

SECTION 4

From and after the effective date of this Ordinance, Section 14-138 of the Code of Ordinances of the Town of Flower Mound, entitled "Board of Appeals," is hereby amended in its entirety and replaced with the following provision:

Section 14-138. Board of appeals.

The members of the Flower Mound Board of Adjustment are hereby appointed as the Board of Appeals, as provided by the ICC *Electrical Code—Administrative Provisions*, 2006 Edition, and any changes in membership of said Board of Adjustment shall likewise be reflected in the membership of said Board of Appeals.

SECTION 5

All ordinances, orders, or resolutions heretofore passed and adopted by the Town of Flower Mound, Texas, are hereby repealed to the extent that said ordinances, orders, or resolutions, or parts thereof, are in conflict herein.

SECTION 6

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 7

Any person, firm, or corporation who shall violate any of the provisions of the *National Electrical Code* adopted by this Ordinance, or who shall do or attempt to do electrical work without first securing the permit prescribed herein for such work, or who shall in any other manner violate the provisions of this Ordinance shall be 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 shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 8

Chapter 14 of the Code of Ordinances, Town of Flower Mound, Texas, as amended, shall remain 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 Revised Civil Statutes 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 ____ TO ____ ON THIS 18th DAY OF APRIL, 2011.

APPROVED:

Melissa D. Northern, MAYOR

ATTEST:

Theresa Fawcett, INTERIM TOWN SECRETARY

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, TOWN ATTORNEY