

**TOWN OF FLOWER MOUND, TEXAS**

**ORDINANCE NO. 07-15**

**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 2014 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 2014 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 2014 edition of the *National Electrical Code* is the most current published electrical code at this time; and

**WHEREAS**, the 2014 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 2011 edition of the *National Electrical Code* and the *ICC Electrical Code—Administrative Provisions*, 2006 Edition, published by the International Code Council, 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 2014 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*, 2014 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*, 2014 Edition. Where an amendment is not clear or is silent regarding a certain requirement, the requirements of the *National Electrical Code*, 2014 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*, 2014 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 professional engineer licensed in the State of Texas, 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*, 2014 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.

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.

- (e) Article 210.52(G)(1) of the *National Electrical Code*, 2014 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*, 2014 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 240.91 of the *National Electrical Code*, 2014 edition, is hereby amended by deleting this section:

**Article 240.91. Deleted.**

- (h) Article 300.11(A) of the *National Electrical Code*, 2014 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 ½”).

- (i) Article 310.15(B)(7) of the *National Electrical Code*, 2014 edition, is hereby amended by adding a new sentence to the end of said provision to read as follows:

**(7) 120/240-volt, Single-Phase Dwelling Services and Feeders.** This Article shall not be used in conjunction with 220.82.

- (j) Article 500.8(A)(3) of the *National Electrical Code*, 2014 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:

**(3)** Articles 500 through 504 require equipment construction and installation that ensure safe performance under conditions of proper use and maintenance.

Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care with regard to installation and maintenance.

Informational Note No. 2: Since there is no consistent relationship between explosion properties and ignition temperature, the two are independent requirements.

Informational Note No. 3: Low ambient conditions require special consideration. Explosion proof or dust-ignition proof equipment may not be suitable for use at temperatures lower than -25°C (-13°F) unless they are identified for low-temperature service. However, at low ambient temperatures, flammable concentrations of vapors may not exist in a location classified as Class I, Division 1, at normal ambient temperature.

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

- (1) Equipment listing or labeling.
- (2) Evidence of equipment evaluation from a qualified testing laboratory or inspection agency concerned with product evaluation.
- (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 professional engineer licensed in the State of Texas.

Informational Note: Additional documentation for equipment may include certificates demonstrating compliance with applicable equipment standards,

indicating special conditions of use, and other pertinent information.

- (k) Article 505.7(A) of the *National Electrical Code*, 2014 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 must be performed by a qualified professional engineer licensed in the State of Texas.

- (l) Article 517.30 of the *National Electrical Code*, 2014 edition, is hereby amended by amending (G) and adding (H), to read as follows:

**(G) Coordination.** Overcurrent protective devices serving the equipment branch of the essential electrical system must be coordinated for the period of time that a fault's duration extends beyond 0.1 second.

**Exception No. 1:** Between transformer primary and secondary overcurrent protective devices, where only one overcurrent protective device or set of overcurrent protective devices exists on the transformer secondary.

**Exception No. 2:** Between overcurrent protective devices of the same size (ampere rating) in series.

Informational Note: The terms coordination and coordinated as used in this section do not cover the full range of overcurrent conditions.

**(H) Selective Coordination.** Overcurrent protective devices serving the life safety and critical branches of the essential electrical system must be selectively coordinated with all supply-side overcurrent protective devices.

**Exception No. 1:** Between transformer primary and secondary overcurrent protective devices, where only one overcurrent protective device or set of overcurrent protective devices exists on the transformer secondary.

**Exception No. 2:** Between overcurrent protective devices of the same size (ampere rating) in series.

Informational Note: The terms coordination and coordinated as used in this section do not cover the full range of overcurrent conditions.

- (m) Article 680.25(A)(1) of the *National Electrical Code*, 2014 edition, is hereby amended by adding two new wiring methods as items (7) and (8) to read as follows and by deleting the exception:

(7) Nonmetallic-sheathed cable

(8) Type SE cable

**Exception: Deleted.**

#### **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.**

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Article, there shall be and is hereby created a Board of Appeals. The members of the Flower Mound Board of Adjustment are hereby appointed as the Board of Appeals, as provided by Section 14-32, or Article XIV of this Chapter, as applicable. Any changes in membership of said Board of Adjustment shall likewise be reflected in the membership of said Board of Appeals.

#### **SECTION 5**

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 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**

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 8**

Any person, firm, or corporation who violates any of the provisions of the *National Electrical Code*, 2014 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 9**

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 10**

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 2nd DAY OF FEBRUARY, 2015.**

**APPROVED:**

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**Thomas E. Hayden, MAYOR**

**ATTEST:**



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**Theresa Scott, TOWN SECRETARY**

**APPROVED AS TO FORM AND LEGALITY:**

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**Bryn Meredith, TOWN ATTORNEY**