

ORDINANCE O-2024-49

A BILL FOR AN ORDINANCE REPEALING AND REENACTING CHAPTER 16.08 OF
THE LONGMONT MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2023
NATIONAL ELECTRICAL CODE AND AMENDING CHAPTER 2.97, SECTION 2.97.010.B

THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

Section 1

Chapter 16.08 of the Longmont Municipal Code is hereby repealed and reenacted to read
as follows:

Chapter 16.08 Electric Code

Section 16.08.010. National Electrical Code adopted.

Pursuant to Colorado Revised Statutes title 31, article 16, part 2, as amended, and
article IV, section 4.9 of the City Charter, there is adopted, as the electrical code of
the city, by reference thereto, NFPA 70-National Electrical Code, 2023 edition,
including all annexes except annex H, published by the National Fire Protection
Association, Inc., One Batterymarch Park, Quincy, MA 02269, that code to have
the same force and effect as if set forth in this chapter in every particular, save and
except such portions as are deleted, modified, substituted or amended in this
chapter. The adopted code includes comprehensive provisions and standards for
practical safeguarding of persons and property from hazards arising from the use of
electricity. All references in this Code to the National Electrical Code are to the
edition referenced in this section.

1 Section 16.08.020. Copies of code; filing for public inspection; sale.

2 At the time of adoption, one certified true copy of the National Electrical Code,
3 2023 edition, published by the National Fire Protection Association, Inc., is on file
4 in the office of the city clerk and may be inspected by any interested person between
5 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The electrical
6 code, as finally adopted, is available for sale at the office of the city clerk, at a price
7 reflecting cost to the city as established by the city manager, pursuant to this Code.
8 The city shall keep a copy of the adopted code in the office of the chief enforcement
9 officer for public inspection.

10 Section 16.08.030. Article 210.8 Ground-Fault Circuit-Interrupter Protection for
11 Personnel.

12 Article 210.8(A) of the National Electrical Code is amended to include the
13 following:

14 Exception No. 5: As to (A)(2) only, on a 15- or 20-amp circuit, a single yoke non-
15 GFCI protected receptacle located in the garage ceiling may be installed for a
16 garage door opener.

17 Exception No. 6: As to (A)(5) only, on a 15- or 20-amp circuit, a single yoke non-
18 GFCI protected receptacle located in the mechanical room ceiling may be installed
19 for an automatic damper device.

20 Exception No. 7: As to (A)(6) only, a dedicated 20-amp circuit with single yoke
21 non-GFCI protected receptacle may be installed for a refrigerator appliance.

22 Article 210.8 of the National Electrical Code is amended to include the following:

210.8(G) Bathroom lighting outlets. GFCI protection shall be provided for lighting outlets installed on a wall and switches within a zone measured 900 mm (three feet) horizontally and 2.5 meters (eight feet) vertically on wall from the top of the bathtub rim or shower stall threshold. The identified zone is all-encompassing and shall include the space directly over the tub or shower stall.

Article 210.8(F) Exception No. 1 of the National Electrical Code is amended to read as follows:

Exception No. 1: Ground-fault circuit interrupter protection shall not be required on lighting outlets other than those covered in 210.8(C) and 210.8(G).

Section 16.08.040. Article 210.12(E) Arc-Fault Circuit-Interrupter Protection; Branch Circuit Wiring Extensions, Modifications, or Replacements.

The Exception to Article 210.12(E) of the National Electrical Code is amended to read as follows:

Exception: AFCI protection of existing circuits is not required for an extension or modification of a panel board or service equipment.

Section 16.080.050. Article 210.18 Branch-Circuit Ratings; Ratings.

Article 210.18 of the National Electrical Code is amended to read as follows:

210.18 Rating. Branch circuits recognized by this article shall be rated in accordance with the maximum permitted ampere rating or setting of the overcurrent device. The rating for other than individual branch circuits shall be 15, 20, 30, 40, and 50 amperes. Where conductors of higher ampacity are used for any reason, the ampere rating or setting of the specified over-current device shall determine the circuit rating.

1 Section 16.080.060. Article 210.23 Permissible Loads, Multiple-Outlet Branch
2 Circuits.

3 Article 210.23(A), including subparts (A)(1) and (A)(2), of the National Electrical
4 Code is deleted and replaced with “Reserved”.

5 Article 210.23 of the National Electrical Code is amended to remove all reference
6 to 10 Amp circuits.

7 Section 16.080.070. Article 230.50(A) Protection Against Physical Damage;
8 Underground Service-Entrance Conductors.

9 Article 230.50(A) of the National Electrical Code is amended to read as follows:

10 (A) Underground Service-Entrance Conductors. Underground service-entrance
11 conductors shall be installed in a raceway.

12 Section 16.080.080. Article 240.4(D) Protection of Conductors; Small Conductors.

13 Article 240.4(D)(3) of the National Electrical Code is deleted and replaced with
14 “Reserved”.

15 Article 240.4(D) is amended to remove all references to 14 American Wire Gauge
16 (AWG) copper-clad aluminum conductors.

17 Section 16.08.090. Article 394.10 Concealed Knob-and-Tube Wiring; Uses
18 Permitted.

19 Article 394.10 of the National Electrical Code is deleted and replaced with
20 “Reserved”.

21 Section 16.08.100. Article 406.5 Receptable Mounting.

22 Article 406.5 of the National Electrical Code is amended to add the following:

1 406.5(K). Receptacles outside. Receptacles mounted outside a building shall have
2 a vertical clearance of not less than 300 millimeters (12 inches) from final grade,
3 roof surface, or similar location.

4 Section 16.08.110. Purpose; scope.

5 A. Purpose. The purpose of this article is to provide requirements for
6 administration and enforcement of the National Electrical Code.

7 B. Scope.

8 1. The inspection of electrical installations as covered by article 90.2(C) of the
9 National Electrical Code.

10 2. The investigation of fires caused by electrical installations.

11 3. The review of construction plans, drawings, and specifications for electrical
12 systems.

13 4. The design, alteration, modification, construction, maintenance, and testing
14 of electrical systems and equipment.

15 5. The regulation and control of electrical installations at special events,
16 including, but not limited to, exhibits, trade shows, amusement parks, and other
17 similar special occupancies.

18 Section 16.08.120. Application.

19 A. New installations. This code applies to new installations. Buildings with
20 construction permit applications submitted after adoption of the ordinance from
21 which this code is derived shall comply with its requirements.

22 B. Existing installations.

1 1. Existing electrical services if altered or modified shall meet current code
2 requirements.

3 2. When structures are remodeled and the framing exposed through
4 demolition, all accessible electrical wiring shall be brought up to current code
5 requirements.

6 3. All wiring including low voltage cable shall be removed if no longer in use.

7 C. Additions, alterations or repairs.

8 1. Additions, alterations, or repairs to any building, structure, or premises shall
9 conform to that required of a new building without requiring the existing building
10 to comply with all the requirements of this code.

11 2. Additions, alterations, installations, or repairs shall not cause an existing
12 building to become unsafe or to adversely affect the performance of the building as
13 determined by the city.

14 3. Electrical wiring added to an existing service, feeder, or branch circuit shall
15 not result in an installation that violates the provisions of the code in force at the
16 time the additions are made.

17 Section 16.08.130. Occupancy of building or structure.

18 A. New construction. No newly constructed building shall be occupied in
19 whole or in part in violation of the provisions of this code.

20 B. Existing buildings. Existing buildings that are occupied at the time of
21 adoption of the ordinance from which this code is derived shall be permitted to
22 remain in use provided the following conditions apply:

23 1. The occupancy classification remains unchanged.

2. There exists no condition deemed hazardous to life or property that would constitute an imminent danger.

Section 16.08.140. Authority.

A. This code shall be administered and enforced by the city chief building official or designees.

B. The city may render interpretations of this code in order to provide clarification to its requirements, as permitted by article 90.4(B) of the National Electrical Code.

1. The city may waive specific requirements in this code or permit alternative methods where it is ensured that equivalent objectives can be achieved by establishing and maintaining effective safety. Technical documentation shall be submitted to the city to demonstrate equivalency and that the system, method, or device is approved for the intended purpose.

2. Each application for a waiver of a specific electrical requirement shall be filed with the city and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as required to justify the request. The city shall keep a record of actions on such applications, and a signed copy of the city's decision shall be provided for the applicant.

C. Disconnection. When the use of any electrical equipment or its installations is found to be dangerous to human life or property, the city is empowered to have the premises disconnected from its source of electric supply.

1. When such equipment or installation has been so condemned or disconnected, a notice shall be placed thereon listing the causes for the

1 condemnation, the disconnection, or both, and the penalty for the unlawful use
2 thereof. Written notice of such condemnation or disconnection and the causes
3 therefor shall be given within 24 hours to the owners, the occupant, or both, of such
4 building, structure, or premises.

5 2. It is unlawful for any person to remove said notice, to reconnect the
6 electrical equipment to its source of electric supply, or to use or permit to be used
7 electric power in any such electrical equipment until such causes for the
8 condemnation or disconnection have been remedied to the satisfaction of the
9 inspection authorities.

10 D. Inspection. The city is authorized to inspect, at all reasonable times, any
11 building or premises for dangerous or hazardous conditions or equipment as set
12 forth in this code. The city is permitted to order any person to remove or remedy
13 such dangerous or hazardous condition or equipment. Any person failing to comply
14 with such order shall be in violation of this code.

15 1. The city shall investigate the cause, origin, and circumstances of any fire,
16 explosion, or other hazardous condition.

17 2. The city shall order the immediate evacuation of any occupied building
18 deemed unsafe when such building has hazardous conditions that present imminent
19 danger to building occupants.

20 Section 16.08.150. Records and reports.

21 The city shall keep a record of all electrical inspections, including the date of such
22 inspections and a summary of any violations found to exist, the date of the services

1 of notices, and a record of the final disposition of all violations. All required records
2 shall be maintained under the city's records retention policy.

3 Section 16.08.160. Permits and approvals.

4 A. Permit required; applications.

5 1. Applications for permits shall be made to the city on forms provided, shall
6 include the applicant's answers in full to inquiries set forth on such forms, and shall
7 be accompanied by such data as required by the city.

8 2. The city shall review all applications submitted and issue permits as
9 required. If an application for a permit is rejected by the city, the applicant shall be
10 advised of the reasons for such rejection.

11 3. Exceptions: No permit shall be required to execute any of the following
12 classes of electrical work:

13 a. Installation or replacement of equipment such as lamps and of electric
14 utilization equipment approved for connection to suitable permanently installed
15 receptacles. Replacement of flush or snap switches, fuses, lamp sockets, and
16 receptacles, and other minor maintenance and repair work, such as replacing worn
17 cords and tightening connections on a wiring device.

18 b. The process of manufacturing, testing, servicing, or repairing electrical
19 equipment or apparatus.

20 B. Plan review. For new construction, modification, or rehabilitation, the city
21 shall review the applicant's construction documents and drawings.

22 1. It is the responsibility of the applicant to ensure that the construction
23 documents:

- a. Include all of the electrical requirements.
 - b. Are correct and in compliance with the applicable codes and standards.
 - c. Meet all provisions of city electrical plans requirements available at 385 Kimbark Street, Longmont, Colorado at the building inspection office.
2. Where field conditions necessitate any substantial change from the approved plan, the city shall require that the corrected plans be submitted for approval.
 3. Review and approval by the city shall not relieve the applicant of the responsibility of compliance with this code.
- C. Content; posting. Permits issued by the city shall indicate the following:
1. Operation or activities for which the permit is issued.
 2. Address or location where the operation or activity is to be conducted.
 3. Name and address of the permittee.
 4. Contractor's name, state license number, address and daytime telephone number.
 5. Permit number and date of issuance.
 6. Period of validity of the permit.
 7. Inspection requirements.
 8. A copy of the permit shall be posted or otherwise readily accessible at each work site or carried by the permit holder as specified by the city.
- D. Scope.

1 1. The permit shall be issued to one person or business only and for the
2 location or purpose described in the permit. Any change that affects any of the
3 conditions of the permit shall require a new or amended permit.

4 2. Activity authorized by a permit issued under this code shall be conducted
5 by the permittee or the permittee's agents or employees in compliance with all
6 requirements of this code and in accordance with the approved plans and
7 specifications.

8 3. No permit issued under this code shall be interpreted to justify a violation
9 of any provision of this code or any other applicable law or regulation.

10 4. Any addition or alteration of approved plans or specifications shall be
11 approved in advance by the city, as evidenced by the issuance of a new or amended
12 permit.

13 5. No state-licensed electrical contractor shall work under a homeowners'
14 permit.

15 6. Homeowner may perform his own wiring provided the following is true:

16 a. The work is personally performed by the homeowner.

17 b. The property is not for sale or is not rental property which is occupied or to
18 be occupied by tenants for lodging, either transient or permanent in nature, and is
19 not generally open to the public.

20 c. All work must be inspected prior to covering and again upon completion of
21 the system prior to occupancy and permanent power release.

22 d. All work complies with the code.

23 E. Permit expiration; extensions.

1 1. Every permit issued shall expire unless the work on the site authorized by
2 such permit is commenced within 365 days after its issuance, or if the work
3 authorized on the site by such permit is suspended or abandoned for a period of 365
4 days after the time the work is commenced.

5 2. The city may grant an extension of the permit time-period upon presentation
6 by the permittee of a satisfactory reason for failure to start or complete the work or
7 activity authorized by the permit.

8 F. Fees. Permit fees shall be established by a resolution of the city council.

9 Section 16.08.170. Inspection and approvals.

10 A. Upon the completion of any installation of electrical equipment that has
11 been made under a permit other than an annual permit, it shall be the duty of the
12 person, firm, or corporation making the installation to notify the chief building
13 official having jurisdiction, who shall inspect the work within a reasonable time.

14 B. Where the city finds the installation to be in conformity with all applicable
15 statutes, local ordinances and other rules and regulations, the building official shall
16 issue to the person, firm, or corporation making the installation a certificate of
17 approval, with duplicate copy for delivery to the owner, authorizing the connection
18 to the supply of electricity and shall send written notice of such authorization to the
19 supplier of electric service.

20 C. When any portion of the electrical installation is to be hidden from view by
21 the permanent placement of parts of the building, the person, firm, or corporation
22 installing the equipment shall notify the chief building official, and such equipment
23 shall not be concealed until it has been approved by the chief building official,

provided that on large installations, where the concealment of equipment proceeds continuously, the person, firm, or corporation installing the equipment shall give the chief building official due notice in advance, and inspections shall be made periodically during the progress of the work.

D. If, upon inspection, any installation is found not to be fully in conformity with the provisions of this code, and all applicable statutes, ordinances, rules, and regulations, the chief building official shall forward to the person, firm, or corporation making the installation a written notice stating the defects that have been found to exist.

Section 16.08.180. Revocation of permits; stop-work orders.

A. Revocation of permits.

1. The chief building official may revoke any permit, after notice, when it is determined that either:

- a. There is a material departure from the approved plans, specifications, or conditions of the permit;
- b. There is a violation of any provision of this code;
- c. The permit or approval was obtained by false representation; or
- d. The permit was issued in error.

2. The city shall serve written notice of revocation upon the owner, the owner's agent, the applicant, or other person to whom the permit was issued, or such notice may be posted in a prominent location at the place of the violation. The notice shall state the allegations of noncompliance and of the permit holder's right to appeal the revocation to the master board of appeals.

1 3. Appeals shall be governed by chapter 16.30.

2 4. No work or construction shall proceed after service of the revocation notice.

3 B. Stop-work order. With or without revoking permits, the chief building
4 official may issue an order to stop work on any property on which there is an
5 uncorrected violation of this code. The stop-work order shall specify the code
6 provisions allegedly being violated. After a stop-work order is served, no work shall
7 proceed on any building or other structure covered by such order, except to correct
8 such violation or comply with the order.

9 Section 16.08.190. Violations; penalties.

10 A. Unlawful acts. It is unlawful for any person to erect, install, alter, repair,
11 relocate, add to, replace, demolish, use, occupy or maintain any building or
12 structure, or cause or permit the same to be done, in violation of this code.

13 B. Violation. Any person committing or permitting a violation of this code
14 commits a separate offense for each day or part of a day during which the violation
15 exists.

16 C. Violation penalties.

17 1. Violations of Chapter 16.08 shall be an administrative civil penalty as
18 defined in Chapter 2.97 and subject to all relevant provisions as described therein.

19 2. Imposition of one penalty for any violation shall not excuse the violation
20 nor permit it to continue, and all such persons shall correct or remedy such
21 violations or defect within a reasonable time.

22 D. Public nuisance. In addition to any other penalties, any violation of this code
23 is a public nuisance and shall be enjoined by a court of competent jurisdiction.

Nothing in this code shall prevent the city attorney from seeking appropriate legal or equitable relief from any court of competent jurisdiction.

Section 16.08.200. Liability for damages.

This chapter shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling, or installing any electrical equipment for damages to persons or property caused by a defect therein, nor shall the city or any of its employees be held as assuming any such liability by reason of the inspection, reinspection, or other examination authorized.

Section 2

The Council amends chapter 2.97, section 2.97.010.B of the Longmont Municipal Code, by adding italicized material. In this ordinance, ellipses indicate material not reproduced as the Council intends to leave that material in effect as it now reads.

B. This chapter applies to the following provisions of this Code:

...

24. Chapter 16.08, National Electrical Code.

Section 3

To the extent only that they conflict with this ordinance, the Council repeals any conflicting ordinances or parts of ordinances. The provisions of this ordinance are severable, and invalidity of any part shall not affect the validity or effectiveness of the rest of this ordinance.

Introduced this 9th day of July, 2024.

Passed and adopted this _____ day of _____, 2024.

MAYOR

1 ATTEST:

2
3
4 _____
5 CITY CLERK
6
7

8 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT
9 7:00 P.M. ON THE 23RD DAY OF JULY, 2024, AT THE LONGMONT CITY COUNCIL
10 MEETING.
11
12

13 APPROVED AS TO FORM:

14
15
16 /s/ Jeremy Tyrrell 07/03/2024
17 ASSISTANT CITY ATTORNEY DATE
18

19
20 /s/ Cristi Campbell 07/03/2024
21 PROOFREAD DATE
22

23
24 APPROVED AS TO FORM AND SUBSTANCE:
25

26
27 /s/ Grant Penland 07/03/2024
28 ORIGINATING DEPARTMENT DATE
29

30 CA File: 24-002955