

ORDINANCE NO. 2024-10884

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF IRVING, TEXAS, BY AMENDING SECTIONS 8B-21 THROUGH 8B-23, ADOPTING THE 2023 EDITION OF THE NATIONAL ELECTRICAL CODE AS THE ELECTRICAL CODE FOR THE CITY OF IRVING; PROVIDING LOCAL AMENDMENTS, ADDITIONS, AND DELETIONS THERETO; ADOPTING PENALTY PROVISIONS; AND PROVIDING FOR SEVERABILITY, SAVINGS, AND AN EFFECTIVE DATE.

WHEREAS, Local Government Code Section 214.214 allows a municipality to establish procedures to adopt local amendments to the National Electrical Code and for the administration and enforcement of the National Electrical Code; and

WHEREAS, the North Central Texas Council of Governments encourages local jurisdictions to adopt the most recent National Electrical Code; and

WHEREAS, the Construction Board of Appeals, among its other duties, has been created to obtain public comment on the periodic update of the code; and

WHEREAS, on January 22, 2024 the Construction Board of Appeals conducted a public meeting to receive public comments from persons affected by the proposed amendments to the code, and recommended the adoption of the 2023 National Electrical Code as the electrical code for the City of Irving including local amendments; and

WHEREAS, on February 29, 2024 the City of Irving published notice of the proposed action conspicuously on the city's Internet website;

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Construction Board of Appeals and of all testimony and information submitted during the public hearing, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens that the 2023 National Electrical Code and local amendments thereto be adopted as the electrical code for the City of Irving.

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

SECTION 1. That Chapter 8B entitled "Building Codes" of The Land Development Code of the City of Irving, Texas is hereby amended by amending Sections 8B-21, 8B-22, and 8B-23 to read as follows:

**Sec. 8B-21. National Electrical Code.**

The 2023 edition of the National Electrical Code, including Informative Annex "H," is adopted as the electrical code of the City of Irving, Texas, as amended herein.

**Sec. 8B-22. Local Amendments, additions, and deletions to the 2023 edition of the National Electrical Code.**

Amendments included in this section are intended to be specific code provisions. If there is a conflict between a provision in the published 2023 National Electrical Code and this section, the specific provisions of this section shall control. Amendments, modifications, and deletions to the 2023 National Electrical Code are adopted as follows:

- a) Article 100 (Definitions) is amended to add the following to definitions:

Authority Having Jurisdiction (AHJ) shall mean the City of Irving director of inspections or a duly authorized representative.

Engineering Supervision. Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ.

Intersystem bonding termination shall mean a device that provides a means for connecting intersystem bonding conductors for communication systems and other systems to the grounding electrode system. Bonding conductors for other systems shall not be larger than 6 AWG.

- b) Article 110 (General Requirements for Electrical Installations) section 110.2 is amended to read as follows:

**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 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 ICC IAS AC354 or ANAB 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.

- c) Article 110 (General Requirements for Electrical Installations) Section 110.12(B) is amended to read as follows:

**(B) Integrity of Electrical Equipment and Connections.** Internal parts of electrical equipment, including busbars, wiring terminals, insulators, and other surfaces, shall not be damaged or contaminated by foreign materials such as paint, plaster, cleaners, abrasives, corrosive residues or influences, fire, products of combustion, or water. There shall be no damaged parts that may adversely affect the safe operation or mechanical strength of the equipment, such as parts that are broken, bent, cut, or deteriorated by corrosion, chemical action, or overheating. Except where prohibited elsewhere in this

Code, equipment shall be specifically evaluated by its manufacturer or a qualified testing laboratory prior to being returned to service.

- d) Article 210 (Branch Circuits Not Over 1000 Volts AC, 1500 Volts DC, Nominal), Section 210.8 “Ground-Fault Circuit-Interrupter Protection for Personnel”, Exception No. 4 is amended to read as follows:

*Exception No. 4: Factory-installed receptacles that are not readily accessible and are mounted internally to exhaust fan assemblies shall not require GFCI protection unless required by the installation instructions or listing.*

Article 210 (Branch Circuits Not Over 1000 Volts AC, 1500 Volts DC, Nominal), Section 2

- e) 10.52 “Dwelling Unit Receptacle Outlets”, Subsection 210.52(C) (Countertops and Work Surfaces), Subsection 210.52(c)(1) (Wall Spaces) is amended to revise Exception 1 to read as follows, and intentionally omit Exception No. 2:

*Exception: Receptacle outlets shall not be required directly behind a range, counter-mounted cooking unit, or sink in the installation described in Figure 210.52(C)(1).*

Exception No. 2 in this subsection is intentionally omitted.

- f) Article 210 (Branch Circuits Not Over 1000 Volts AC, 1500 Volts DC, Nominal) Section 210.52(C) “Countertops and Work Surfaces” is amended to read as follows:

**210.52(C)(2) Island and Peninsular Countertops and Work Surfaces.** Receptacle outlets, if installed to serve an island or peninsular countertop or work surface, shall be installed in accordance with 210.52(C)(3). If a receptacle outlet is not provided to serve an island or peninsular countertop or work surface, a chapter 3 wiring method shall be installed and supplied from a Small Appliance Branch Circuit to a Listed Outlet Box in the Peninsular or Island Cabinet at an Accessible Location, for future addition of a receptacle outlet to serve the island or peninsular countertop or work surface.

- g) Article 210 (Branch Circuits Not Over 1000 Volts AC, 1500 Volts DC, Nominal), Section 210.63 “Equipment Requiring Servicing” is amended such that 210.63(B)(2) reads as follows:

**210.63(B)(2) Indoor Equipment Requiring Dedicated Equipment Spaces.** Where equipment, other than service equipment, requires dedicated equipment space as specified in 110.26(E), the required receptacle outlet shall be located within the same room or area as the electrical equipment.

- h) Article 220 (Branch-Circuit, Feeder, and Service Load Calculations) is amended to add a new Section 220.6 “Load Calculation” to read as follows:

**Section 220.6 Load Calculation.** A load calculation shall be provided upon request when modifications to the electrical installation occur.

Article 230 (Services), Section 230.85 “Emergency Disconnects”, Subsection 230.85(C) (Rep

- i) lacement) is amended such that the Exception reads as follows:

*Exception: Where a pre-existing installation is Code Compliant with 230.70 A, only meter sockets, service entrance conductors, or related raceways and fittings are replaced, the requirements of this section shall not apply.*

- j) Article 410 (Luminaires, Lampholders, and Lamps), Section 410.118 “Access for Other Boxes” is amended to add an Exception to read as follows:

**410.118 Access to other boxes.** Luminaires recessed in the ceilings, floors, or walls shall not be used to access outlet, pull, or junction boxes or conduit bodies, unless the box or conduit body is an integral part of the listed luminaire.

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

- k) Article 422 (Appliances), Section 422.31 “Disconnection of Permanently Connected Appliances” subsection (B) is 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 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.

- l) Article 445 (Generators), Section 445.10 “Location” is amended to add Subsection A (Residential Location) to read as follows:

**(A) Residential Location.** The installation of stationary engine generators shall be in an approved location, a minimum of three (3) feet from a property line, a minimum of five (5) feet from openings, and in accordance with the listing, the manufacturer’s installation instructions, whichever is greater, and Articles 100 through 800.

- m) Article 500 [Hazardous (Classified) Locations], Section 500.8 “Equipment” subsection (A)(3) is amended to read as follows:

(A)(3) By Special Permission Only, Evidence acceptable to the authority having jurisdiction such as a manufacturer's self-evaluation accompanied by or an owner's engineering judgment an engineering judgment signed and sealed Under Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ.

- n) Article 505 (Zone 0, 1, and 2 Locations), Section 505.7 “Special Precaution” subsection (A) is 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 State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ.

*GO TO TBPE LAW FOR THE DEFINITION OF AN ENGINEER*

<https://pels.texas.gov/>

<https://pels.texas.gov/downloads/lawrules.pdf>

- o) Article 690 [Solar Photovoltaic (PV) Systems], Section 690.9 “Overcurrent Protection”, Subsection (D) (Transformers) is amended to read as follows, intentionally omitting the listed exception:

**690.9 (D) Transformers.** Overcurrent protection for power transformers shall be installed in accordance with 705.30(F).

*The exception listed in this subsection is intentionally omitted.*

- p) Article 695 (Fire Pumps), Section 695.6 “Power Wiring” subsection (A) “Supply Conductors” subparagraph (1) is amended to read as follows, intentionally omitting the listed exception:

**(1) Services and On-Site Power Production Facilities.** Service conductors and conductors supplied by on-site power production facilities shall be physically routed outside a building(s) and shall be installed as service-entrance conductors in accordance with 230.6, 230.9, and Parts III and IV of Article 230. Where supply conductors cannot be physically routed outside of buildings, the conductors shall be permitted to be routed through the building(s) where installed in accordance with 230.6(1) or (2).

*The exception listed in this subsection is intentionally omitted.*

- q) Article 705 (Interconnected Electric Power Production Sources), Section 705.8 “System Installation” is amended to read as follows:

**705.8 System Installation.** Installation of one or more electrical power production sources operating in parallel with a primary source(s) of electricity shall be performed only by qualified persons. During the installation there shall be on site one of the following:

(1) A person holding a Master Electrician License issued by the Texas Department of Licensing and Regulation.

(2) A person holding a Journeyman Electrician License issued by the Texas Department of Licensing and Regulation.

Informational Note: See Article 100 for the definition of *Qualified Person*.

- r) Section 705 (Interconnected Electric Power Production Sources), Section 705.80 “Power Source Capacity” is amended to read as follows:

**705.80 Power Source Capacity.** For interconnected power production sources that operate in island mode, capacity shall be calculated using the sum of all power source output maximum currents for the connected power production source. Solar photovoltaic (PV) and wind systems shall not be included in the sum capacity.

## **Sec. 8B-23. Penalty.**

- a) A person commits an offense if the person violates a provision of the 2023 National Electrical Code, as adopted and amended by the City of Irving, allows another person to violate a provision of the 2023 National Electrical Code, as adopted and amended by the City of Irving, or fails to perform an act required of the person by the 2023 National Electrical Code, as adopted and amended by the City of Irving. A person commits a separate offense each day or portion of a day during which the violation is committed, allowed, or continued.
- b) An offense described in Section 8B-23(a) is a class “C” misdemeanor and shall be punishable by a fine not to exceed \$500.00. However, a fine for the violation of a provision of this chapter that governs fire safety, zoning, or public health and sanitation, including dumping or refuse, may not exceed \$2,000.00.
- c) The penalties provided for in this section are in addition to any other enforcement remedies that the city may have under other city ordinances or state law.

SECTION 2. That terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

SECTION 3. That it is the intent of the Irving City Council that pending prosecutions, brought under the previous code, which this ordinance replaces, should continue under the terms and penalties of said code and be saved from dismissal as if said prior ordinances had not been repealed.

SECTION 5. That this ordinance shall become effective on April 22, 2024 and shall be published in accordance with the provisions of the Texas Local Government Code and the Irving City Charter.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,  
on March 21, 2024.

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RICHARD H. STOPFER  
MAYOR

ATTEST:

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Shanae Jennings  
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

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Kuruvilla Oommen  
City Attorney