

ORDINANCE NO. 1378

AN ORDINANCE AMENDING CHAPTER 15 OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY ADOPTING THE 2014 NATIONAL ELECTRICAL CODE AND REGIONAL AMENDMENTS; PROVIDING FOR THE RECORDING OF THE ELECTRICAL CODES AS A PUBLIC RECORD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Benbrook is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has previously adopted Chapter 15 of the Benbrook Municipal Code (1985), as amended, which adopted the 2011 National Electrical Code, and

WHEREAS, the City Council desires to adopt a more recent internationally-recognized Electrical Code, containing construction standards regulating both methods of construction and materials' quality; and

WHEREAS; the City Council has reviewed the available codes and has determined that the 2014 Edition of the National Electrical Code most fully meets the needs of the City of Benbrook, Texas, and

WHEREAS; the City Council of the City of Benbrook, Texas, desires to provide a mechanism by which local modifications reflecting the unique needs of the City of Benbrook may be made when deemed appropriate; and

WHEREAS; the North Central Texas Council of Governments and City Staff have recommended adoption of certain amendments to the 2014 Edition of the National Electrical Code to reflect regionally accepted practice; and

WHEREAS; the City Council of the City of Benbrook, Texas, has determined that these regional amendments are in the public interest and therefore deems it advisable to amend the 2014 Edition of the National Electrical Code to incorporate these regional amendments;

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

SECTION 1

That Section 15.08.010 of the Benbrook Municipal Code is hereby amended by adopting the 2014 Edition of the National Electrical Code published by the National Fire Protection Association, as the official electrical code of the City of Benbrook, Texas. This document is fully incorporated into this ordinance by reference as though copied into the ordinance in its entirety.

SECTION 2

That Section 15.08.020(B) of the Benbrook Municipal Code is hereby amended by amending the 2014 Edition of the National Electrical Code as shown in Exhibit "C" attached to this ordinance and incorporated by reference as though copied into this ordinance in its entirety.

SECTION 3

The material contained in Exhibit "C" to this ordinance, although fully adopted and incorporated by reference, shall not be included in the formal municipal codification of ordinances. The material contained in Exhibit "C" shall instead be maintained as a public record in the office of the City Secretary and the office of the Building Official. This exhibit will be available for public inspection and copying during regular business hours. The purpose of maintaining these records separate and apart from the municipal codification is to avoid the inclusion of detailed technical construction materials, subject to frequent change, which would unreasonably lengthen the code.

SECTION 4

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Benbrook, Texas (1985), as amended, except where 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 City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000) for all violations involving zoning, fire safety or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7

All rights and remedies of the City of Benbrook, Texas, are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code or any other ordinances affecting the issuance of permits and the payment of fees which 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

The City Secretary of the City of Benbrook is hereby directed to engross and enroll this Ordinance by copying the caption, penalty clause, and effective date clause of this Ordinance in the Ordinance records of the City.

SECTION 9

That the City Secretary is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this Ordinance for two (2) days in the official newspaper of the City of Benbrook, Texas, as authorized by Section 52.013 of the Local Government Code.

SECTION 10

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED this 6th day of November, 2014.

Jerry Dittrich, Mayor

ATTEST:

Joanna King, City Secretary

Exhibit C

Recommended Amendments to the 2014 National Electrical Code North Central Texas Council of Governments Region

The following articles, paragraphs, and sentences of the *2014 National Electrical Code (NEC)* are hereby amended as follows:

*****Article 90.4; add text to read as follows:**

Supervision of Work. In the actual work of installing, maintaining, altering or repairing any electric conductors or equipment which requires a permit, apprentice electricians shall be directly supervised by a higher grade classification of electrical license when electrical work is being performed.

Informational Note: As defined by the State of Texas in Title 8, Occupational Code Chapter 1305 administered by the Texas Department of Licensing and Regulation for proper grade classifications of electrical license.

*****Article 100; add the following to definitions:**

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

*****Article 100; amend the following definition:**

Intersystem Bonding Termination. 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.

*****Article 110.2; change the following 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 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*.

Informational Note No. 2: Manufacturer's self-certification of equipment may not necessarily comply with US product safety standards as certified by a Nationally Recognized Testing Lab.

Informational Note No. 3: NFPA 790 and 791 provide an example of an approved method for qualifying a third party inspection agency.

*****Article 210.52(G) (1) Garages: delete the following**

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

****Article 230.71(A); add the following exception:**

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.

*****Article 240.91; delete the Article.**

****Article 300.11; add the following exception:**

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 1/2").

****Article 310.15(B) (7); change to read as follows:**

(7) This Article shall not be used in conjunction with 220.82.

*****Article 500.8 (A) (3) changed to read as follows:**

500.8 Equipment.

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 shall be 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 licensed Professional Engineer 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.

*****Article 505.7 (A) changed to read as follows:**

505.7 Special Precaution.

Article 505 requires equipment construction and installation that ensures 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 the installation and maintenance of electrical equipment in hazardous (classified) locations.

Informational Note No. 2: Low ambient conditions require special consideration. Electrical equipment depending on the protection techniques described by 505.8(A) may not be suitable for use at temperatures lower than -20°C (-4°F) unless they are identified for use at lower temperatures. However, at low ambient temperatures, flammable

concentrations of vapors may not exist in a location classified Class I, Zones 0, 1, or 2 at normal ambient temperature.

(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.

*****Article 517.30 Essential Electrical Systems for Hospitals; create a new (H) and add the following language:**

(G) Coordination. Overcurrent protective devices serving the equipment branch of the essential electrical system shall 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 shall 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.

*****Article 680.25(A) changed to read as follows:**

680.25 Feeders.

These provisions shall apply to any feeder on the supply side of panelboards supplying branch circuits for pool equipment covered in Part II of this article and on the load side of the service equipment or the source of a separately derived system.

(A) Wiring Methods.

(1) Feeders. Feeders shall be installed in rigid metal conduit, intermediate metal conduit. The following wiring methods shall be permitted if not subject to physical damage:

- (1) Liquid tight flexible nonmetallic conduit
- (2) Rigid polyvinyl chloride conduit
- (3) Reinforced thermosetting resin conduit
- (4) Electrical metallic tubing where installed on or in a building
- (5) Electrical nonmetallic tubing where installed within a building
- (6) Type MC Cable where installed within a building and if not subject to corrosive environment
- (7) Nonmetallic-sheathed cable
- (8) Type SE cable

END