



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: O-4

Date: April 12, 2006

Subject: Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 6, “Buildings and Structures”, Article II., “Electricity”, Division D., “National Electrical Code”, by adopting the 2005 National Electrical Code with amendments.

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Item Reference: Texas Local Government Code Section 214.214; Texas Occupations Code Section 1305.201(c); Tyler City Code Chapter 6, Article II., Division D.

ADOPTION OF 2005 NATIONAL ELECTRICAL CODE WITH AMENDMENTS

On August 16, 2000, the City Council adopted the 2002 National Electrical Code, with amendments. Such ordinance became effective on September 1, 2000.

During the 2005 Session, the Texas Legislature adopted Senate Bill 1458, amending Texas Local Government Code Section 214.214. Texas Local Government Code Section 214.214 states that the National Electrical Code, as it existed on May 1, 2001, is adopted as the municipal electrical construction code for the State of Texas. Senate Bill 1458 amends Section 214.214(a) to state that the National Electrical Code applies to all residential and commercial electrical construction applications. Senate Bill 1458 also adopts new Texas Local Government Code Section 214.214(c), which provides that the National Electrical Code applies to all commercial buildings in a municipality for which construction begins on or after January 1, 2006, and to any alteration, remodeling, enlargement, or repair of those commercial buildings. Texas Local Government Section 214.214(b) states that a municipality may establish procedures to adopt local amendments to the National Electrical Code, and for the administration and enforcement of the National Electrical Code. Furthermore, Texas Occupations Code Section 1305.201(c) also states that a municipality may adopt procedures for the adoption of local amendments to the National Electrical Code, and for administration and enforcement of such code.

The Building Inspections Division of the Development Services Department has reviewed the 2005 Edition of the National Electrical Code and recommends its adoption, along with the amendments described below. Most of the amendments below are similar to the amendments made by the City Council to the 2002 National Electrical Code when it was adopted in 2000. Adoption of the 2005 National Electrical Code will facilitate proper inspection activities by the City of Tyler relating to electricity.

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The following amendments to the 2005 National Electrical Code are recommended:

1. Article 100, Section I. Definitions. Specifies that the Chief Building Official or designee is the authority responsible for enforcing and interpreting the Electrical Code. Definitions for Chief Electrical Inspector and Electrical Inspector are added.
2. New Section 110.2.1. A new section is added, referencing the current prohibition against electrical fences already contained in City Code Section 6-39.
3. Section 110.8. The current language is deleted and replaced with new wording regarding wiring methods.
4. Section 210.11(C)(3). Bathroom Circuit Breakers. The Building Inspections Division of the Development Services Department is of the opinion that Section 210.11(C)(3) was originally intended to require a separate circuit for the bathroom for small appliances such as hair dryers, curling irons, etc. to help keep the circuit breaker from tripping due to overload. When the current exception is applied, it allows more equipment to be added, which could cause the breaker to trip. Therefore, City Staff recommends deletion of the exception.
5. Tables 310.15(B)(6); 310.16, 310.17, 310.18, 310.19, and 310.20. References to “copper-clad aluminum” conductors are deleted.
6. Section 330.10(A). General Uses of MC Cable. Deletes the current wording and adds language allowing limited use of MC Cable.
7. Annex G, Section 80.1. Specifically states that City is adopting Annex G, Article 80, of the 2005 NEC relating to administration and enforcement, except where otherwise stated.
8. Annex G, Section 80.2. Definition of Authority Having Jurisdiction. Specifies that the Chief Building Official or designee is the authority responsible for enforcing and interpreting the Electrical Code. Clarifies the language relating to the Chief Electrical Inspector and Electrical Inspector.
9. Annex G; Section 80.15 relating to the Electrical Board and appeals is deleted, and a reference to City Code Section 6-25 is added.
10. Annex G, Section 80.23 relating to violations/penalties is amended to include a general violation clause and so as to refer to the penalties in City Code Section 1-4.
11. Annex G, Section 80.27 relating to the Electrical Inspector’s Qualifications is deleted.
12. Annex G, Section 80.29 relating to Liability is amended by adding a reference to the City of Tyler and to the indemnification provisions in City Code Section 2-62.
13. Annex G, Sections 80.31 (Validity), 80.33 (Repeal of Conflicting Acts), and 80.35 (Effective Date) are deleted because they are unnecessary.

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The Construction Board of Adjustment and Appeals has held meetings and has reviewed the attached ordinance. On April 4, 2006, the Construction Board of Adjustment and Appeals voted unanimously to recommend the adoption of this ordinance.

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance amending the Tyler City Code Chapter 6, "Buildings and Structures", Article II., "Electricity", Division D., "National Electrical Code", adopting the 2005 National Electrical Code with amendments.

**Drafted/Recommended By:
Department Leader**



**Michael F. Wilson,
Interim Development Services Engineer/Utility Engineer**

**Edited/Submitted By:
City Manager**

ORDINANCE NO. O-2006-38

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 6, "BUILDINGS AND STRUCTURES", ARTICLE II., "ELECTRICITY", DIVISION D., "NATIONAL ELECTRICAL CODE", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY ADOPTING THE 2005 NATIONAL ELECTRICAL CODE WITH AMENDMENTS RELATING TO ADMINISTRATION; DUTIES OF THE BUILDING OFFICIAL AND ELECTRICAL INSPECTOR; PENALTIES; LIABILITY AND INDEMNITY PROVISIONS FOR CITY OFFICIALS, EMPLOYEES AND BOARDS; LIMITED USE OF MC CABLE, BATHROOM CIRCUIT BREAKERS, ADDING A REFERENCE TO THE EXISTING PROHIBITION ON ELECTRICAL FENCES, WIRING METHODS, AND DELETION OF REFERENCES TO COPPER-CLAD ALUMINUM CONDUCTORS; AND PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and

WHEREAS, it is important to ensure safe and quality electrical work by electrical contractors; and

WHEREAS, it is important to adopt the 2005 Edition of the National Electrical Code with amendments;

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

PART 1: That Tyler City Code Chapter 6, "Buildings and Structures", Article II., "Electricity", Division D., "National Electrical Code", is hereby amended by amending Section 6-43 to adopt the 2005 National Electrical Code as follows:

Sec. 6-43. National Electrical Code adopted.

The 2005 edition of the National Electrical Code, as amended in Section 6-44, is hereby adopted by reference and incorporated herein. Copies of the National Electrical Code and amendments thereto are available from the Building Inspection and the City Attorney offices. (Ord. No. 0-96-36, 4-24-96, effective 6-1-96) (Ord. No. 0-2000-54, 8-16-2000, effective 9-1-2000) (Ord. No. 0-2004-9, 1/28/04) (Ord. No. 0-2006-38, 4/12/06)

PART 2: That Tyler City Code Chapter 6, "Buildings and Structures", Article II., "Electricity", Division D., "National Electrical Code", is hereby amended by deleting current

subsections a. through i. of Section 6-44 in their entirety, and adopting a new Section 6-44 to read as follows:

Sec. 6-44. Amendments to National Electrical Code.

The National Electrical Code adopted in section 6-43 is hereby amended as follows:

- a. Amend the Definitions in Article 100, Section I., by amending the first paragraph of the definition of Authority Having Jurisdiction, and also adding definitions for Chief Electrical Inspector and Electrical Inspector, as follows:

I. General

Authority Having Jurisdiction (AHJ). The organization, office, or individual responsible for approving equipment, materials, an installation, or a procedure. The Building Official or designee is hereby designated as the Authority Having Jurisdiction, and is authorized to interpret and enforce the provisions of this Code.

Chief Electrical Inspector. An electrical inspector who either is the authority having jurisdiction or is designated by the authority having jurisdiction and is responsible for administering the requirements of this Code.

Electrical Inspector. An individual authorized to perform electrical inspections.

- b. Amend Article 110, Section I., by adding a new Section 110.2.1 to read as follows:

110.2.1. Electrical fences prohibited. Electrical fences shall be prohibited as set forth in City Code Section 6-39.

- c. Amend Section 110.8 by deleting the current language in its entirety and replace it with a new Section 110.8 to read as follows:

110.8 Wiring Methods. All electric wiring in or on buildings situated in M-1, M-2, C-1, C-2, C-3, C-4, and RPO Zone, as well as all electric wiring in or on all commercial buildings, shall be encased in rigid metallic conduit, rigid non-metallic conduit, intermediate conduit, or electrical metallic tubing.

- d. Amend Section 210.11, Subsection (C)(3), by deleting the Exception.
- e. Amend Table 310.15(B)(6), Table 310.16, Table 310.17, Table 310.18, Table 310.19 and Table 310.20 by deleting the phrase “or copper-clad aluminum”.
- f. Amend Section 330.10(A) in its entirety and adopt a new Section 330.10(A) to read as follows:

A. General Uses. MC Cable may be used as fixture whips 6 ft. or less in length, or in

remodeled spaces that are not readily accessible. MC Cable may be used in combination with metallic or nonmetallic raceway systems. MC Cable may be fished up or down enclosed walls to a junction box in an attic or crawl space. The junction box shall be accessible and located no more than 3 ft. from the wall. A full size green ground wire shall be installed from the junction box to the electrical panel. A rotary type cutting tool designed for cutting MC Cable shall be used when cutting the cable. Breaking or cutting with a hacksaw shall not be used. Approved MC Cable fittings and red wire protectors shall be used at each end of MC Cable.

- g. Amend Annex G, Section 80.1, by adding the following sentence at the end:

Annex G, Article 80 is hereby adopted, except where otherwise amended herein.

- h. Amend Annex G, Section 80.2 to read as follows:

Authority Having Jurisdiction. The organization, office, or individual responsible for approving equipment, materials, an installation, or a procedure. The Building Official or designee is hereby designated as the Authority Having Jurisdiction, and is authorized to interpret and enforce the provisions of this Code.

Chief Electrical Inspector. An electrical inspector who either is the Authority Having Jurisdiction or is designated by the Authority Having Jurisdiction and is responsible for administering the requirements of this Code.

Electrical Inspector. An individual authorized to perform electrical inspections.

- h. Delete current Section 80.15 of Annex G in its entirety and adopt a new Section 80.15 to read as follows:

80.15. Appeals and variances. Appeals and variances regarding this Code are governed by City Code Section 6-25.

- i. Delete current Section 80.23 of Annex G in its entirety and adopt a new Section 80.23 of Appendix G to read as follows:

80.23. Violations and Penalties. It shall be unlawful for any person, firm or corporation to violate any of the provisions of this code. Penalties for violations of this Code are set forth in City Code Section 1-4.

- j. Delete Section 80.27 of Annex G in its entirety.

- k. Amend Section 80.29 of Annex G to read as follows:

80.29. Liability for Damages and Indemnification. Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling, or installing any electric equipment for damages to persons or

property caused by a defect therein, nor shall the City of Tyler or any of its employees be held as assuming any such liability by reason of the inspection, re-inspection, or other examination authorized. Indemnification of City officials, City employees, and members of City Council appointed boards is governed by City Code Section 2-62.

1. Delete Sections 80.31 through 80.35 of Annex G. (Ord. No. 0-2006-38, 4/12/06)

PART 3: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 4. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall become effective upon its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date shall be April 14, 2006.

PASSED AND APPROVED this 12th day of April, A. D., 2006.

JOSEPH O. SEEBER, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY