

ORDINANCE NO. 1402-2023

AN ORDINANCE OF THE CITY OF RIVER OAKS, TEXAS AMENDING CHAPTER 3 "BUILDING REGULATIONS", ARTICLE 3.04 "ELECTRICITY" SPECIFICALLY UNDER SECTION 3.04.031 "ADOPTED" OF THE RIVER OAKS CODE OF ORDINANCES (2020) AS AMENDED BY REPEALING THE FORMER ORDINANCE NUMBER 1269-2020 ON JANUARY 28, 2020 THAT ADOPTED THE 2017 NATIONAL ELECTRIC CODE (NEC); ADOPTING THE 2020 EDITION OF THE NATIONAL ELECTRIC CODE (NEC); AMENDING SECTION 3.04.032 "AMENDMENTS" OF THE RIVER OAKS CODE OF ORDINANCES (2020) REPEALING THE FORMER AMENDMENTS ADOPTED ON JANUARY 28, 2020 BY ADOPTING LOCAL AMENDMENTS TO THE 2020 NEC ATTACHED HERETO THIS ORDINANCE AS EXHIBIT "A"; PROVIDING THAT THE MATERIAL CONTAINED IN EXHIBIT "A" OF THIS ORDINANCE ALTHOUGH FULLY ADOPTED AND INCORPORATED BY REFERENCE, SHALL NOT BE INCLUDED IN THE FORMAL MUNICIPAL CODIFICATION OF ORDINANCES; AMENDING SECTION 3.04.033 "AVAILABILITY" OF THE RIVER OAKS CODE OF ORDINANCES (2020) PROVIDING FOR RECORDING OF THE NATIONAL ELECTRIC CODE AS A PUBLIC RECORD; AMENDING SECTION 3.04.034 "MODIFICATIONS"; AMENDING SECTION 3.04.035 "PENALTY FOR VIOLATION"; 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 THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks 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 National Electric Code was created for the practical safeguarding of persons and property from hazards arising from the use of electricity; and

WHEREAS, as a part of the Planning Livable Military Communities (PLMC) project, North Central Texas Council of Governments (NCTCOG) staff has reviewed model building codes in the communities surrounding the Naval Air Station Fort Worth, Joint Reserve Base; and

WHEREAS, the NCTCOG has actively promoted the standardization of model codes since 1967 in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors and reduce training and construction costs; and

WHEREAS, NCTCOG's Regional Codes Coordinating Committee (RCCC) did recommend that local jurisdictions throughout the North Texas Region adopt the 2017 National Electric Code (NEC) along with its respective amendments as their model electric code; and

WHEREAS, the City Staff has also reviewed the available code and has recommended that the 2020 Edition of the National Electric Code inclusive with the City's local amendments reflecting the unique needs of the City of River Oaks be incorporated together with the RCCC's respective amendments; and

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

WHEREAS, the City Council of the City of River Oaks, Texas, has determined that these local amendments are in the public interest and therefore deems it advisable to amend the 2020 Edition of the National Electric Code to incorporate both the respective amendments from the RCCC and local amendments from City Staff in a single document titled "Recommended Amendments to the 2020 National Electric Code" collectively being the model electric code for the City; and

WHEREAS, the City Council of the City of River Oaks, Texas, has concluded that the 2020 NEC along with its local amendments attached herein to this Ordinance as Exhibit "A" most fully meets the

needs of the City of River Oaks, Texas.

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

SECTION 1.

With the adoption of this Ordinance Section 3.04.031 "Adopted" is hereby amended to now read as follows:

Section 3.04.031 "Adopted". The 2020 edition of the National Electrical Code is hereby adopted as the official electrical code of the city. This electrical code is fully incorporated by reference as though copied into this division in its entirety. The material contained in the National Electrical Code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours. (Ordinance 1402-2023, sec. 1 adopted 12/12/2023)"

SECTION 2.

With the adoption of this Ordinance Section 3.04.032 "Amendments" is hereby amended to now read as follows:

Section 3.04.032 "Amendments". "The 2020 edition of the National Electrical Code, as adopted herein, is hereby amended as shown in Exhibit A attached to Ordinance 1402-2023. (Ordinance 1402-2023, sec. 2, adopted 12/12/2023)"

SECTION 3.

With the adoption of this Ordinance Section 3.04.033 "Availability" is hereby amended to now read as follows:

"Section 3.04.033 "Availability". "The material contained in Exhibit "A" to Ordinance 1402-2023, although fully adopted and incorporated by reference, shall not be included in the formal municipal codification of ordinances. The material contained in Exhibit "A" shall instead be maintained as a public record in the office of the city secretary. These exhibits 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. (Ordinance 1402-2023, sec. 3, adopted 12/12/2023)"

SECTION 4.

With the adoption of this Ordinance Section 3.04.034 "Modifications" is hereby amended to now read as follows:

Sec. 3.04.034 "Modifications". "The city may from time to time determine that additional local modifications to the codes adopted herein are necessary and appropriate to meet the unique building needs of the city. To effectuate modifications, the city council may enact individual ordinances amending this division fully setting forth the change to be made in the specific code. Such subsequent amendments shall be consolidated as an exhibit to Ordinance 1402-2023 and shall be maintained as a public record in the office of the city secretary. (Ordinance 1402-2023, sec. 4, adopted 12/12/2023)"

SECTION 5.

With the adoption of this Ordinance Section 3.04.035 "Penalty for violation" is hereby amended to now read as follows:

Sec. 3.04.035 "Penalty for violation". "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 division

shall be fined as provided in section 1.01.009 of this code. Each day that a violation is permitted to exist shall constitute a separate offense. (Ordinance 1402-2023, sec. 4, adopted 12/12/2023)."

SECTION 6.

This ordinance shall be cumulative of all provisions of ordinances, 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 are hereby repealed. **The former Ordinance 1269-2020 as adopted on January 28, 2020 that adopted the 2017 National Electric Code is hereby repealed and the 2020 National Electric Code including its local amendments is hereby adopted as the official electric code of the city.**

SECTION 7.

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, such unconstitutionality shall not affect any of the remaining, phrase, 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 8.

Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation other than dumping of refuse may not exceed two thousand dollars (\$2,000.00); a fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse may not exceed four thousand dollars (\$4,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 9.

All rights and remedies of the City of River Oaks, Texas, are expressly saved as to any and all violations of the provisions of the ordinances of the City of River Oaks 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 10.

The City Secretary is directed to publish in the official newspaper of the City, the caption, penalty clause, savings clause, publication clause and effective date clause of this ordinance one time as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

SECTION 11.

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 THE 12th DAY OF DECEMBER 2023.

Darren Houk
DARREN HOUK
MAYOR

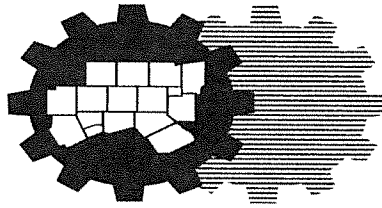
ATTEST: *Paula Shick*
CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:
Buddy Kishel
CITY ATTORNEY

ADOPTED: DECEMBER 12, 2023

EFFECTIVE: DECEMBER 18, 2023





North Central Texas Council of Governments

Recommended Amendments to the 2020 National Electrical Code North Central Texas Council of Governments

EXHIBIT A

The following articles, paragraphs, and sentences of the *2020 National Electrical Code (NEC)* are hereby amended as follows: Standard type is text from the NEC. Highlighted with gray shading is text inserted. Lined through type is deleted text from NEC. A double asterisk (**) at the beginning of an article identifies an amendment carried over from the 2017 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2020 code.

****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.

(REASON FOR CHANGE: To better define the qualifications for engineering supervision. This term is used twenty-four times in the 2017 National Electrical Code.)

****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 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 the 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.
~~Manufacturer's self-certification of any equipment shall not be used as a basis for approval 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.

(REASON FOR CHANGE: To add clarity and provide more positive options for enforcement and approval of unlisted equipment.)

*****Article 400.8 Field Identification Required: Change the following to read as follows**

408.4 Field Identification Required.

(A) Circuit Directory or Circuit Identification.

Every circuit and circuit modification shall be legibly identified as to its clear, evident, and specific purpose or use. The identification shall include an approved degree of detail that allows each circuit to be distinguished from all others. Spare positions that contain unused overcurrent devices or switches shall be described accordingly. The identification shall be included in a circuit directory that is located on the face or inside of, or in an approved location adjacent and permanently affixed the panel door in the case of a panelboard and at each switch or circuit breaker in a switchboard or switchgear. No circuit shall be described in a manner that depends on transient conditions of occupancy.

(REASON FOR CHANGE: To add clarity and provide more positive options for enforcement and approval)

*****Article 410.118: Change the following 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.

REASON FOR CHANGE: To add clarity and provide more positive options for enforcement and approval. This will allow access to boxes not integral with the luminaire. This measurement aligns with the limited access above a lay-in ceiling measurement in 110.26(A)(4).

*****Article 422.31 B: Change the following to read as follows**

422.31 B Appliances Rated over 300 Volt-Amperes

(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 I 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.

REASON FOR CHANGE: To add clarity and provide more positive options for enforcement and approval)

****Article 500.8 (A) (3); change 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; or,
- (3) Evidence acceptable to the authority having jurisdiction such as a manufacturer's self-evaluation or an owner's engineering judgment, an engineering judgment signed and sealed by a qualified Registered 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.

(REASON FOR CHANGE: Carry over from previous amendment with change to better define the qualifications for an engineering judgment.)

****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 persons Registered licensed Professional Engineer in the State of Texas.

(REASON FOR CHANGE: Carry over from previous amendment with change to better define the qualifications for an engineering judgment.)

*****Article 695.6 A 1: Change the following to read as follows**

695.6 (A) Supply Conductors.

(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).

~~Exception: The supply conductors within the fire pump room shall not be required to meet 230.6 (1) or (2)~~

(REASON FOR CHANGE: To add clarity and provide more positive options for enforcement and approval. All Fire Pump rooms are not Fire Rated as on all 4 sides. There are Fault Currents that could exceed 150,000-190,000 amps and protection of these Service Conductors is essential and conflict with other codes specifically 230.70(A)(1).)

*****Article 71.15 A: Change the following to read as follows**

710.15 General

710.15(A) Supply Output.

Power supply to premises wiring systems fed by stand-alone or isolated microgrid power sources shall be permitted to have less capacity than the calculated load. The capacity of the sum of all sources of the stand-alone supply shall be equal to or greater than the load posed by the largest single utilization equipment connected to the system. Calculated general lighting loads shall not be considered as a single load have adequate capacity to meet the calculated load in accordance with Article 220.

Informational Note: For general use loads the system capacity can be calculated using the sum of the capacity of the firm sources, such as generators and ESS inverters. For specialty loads intended to be powered directly from a variable source, the capacity can be calculated using the sum of the variable sources, such as PV or wind inverters, or the combined capacity of both firm and variable sources.

(REASON FOR CHANGE: To add clarity and provide more positive options for enforcement and approval. Unless amended, standby systems would not be required to meet any load demanded by their standby definitions.)

END