

CITY OF FORNEY, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF FORNEY, TEXAS, BY AMENDING ARTICLE 3.02, DIVISION 6, "ELECTRICAL CODE," ADOPTING THE 2020 EDITION OF THE *NATIONAL ELECTRICAL CODE* BY THE AMENDMENT OF SECTION 3.02.251, "ADOPTION," AND ESTABLISHING AMENDMENTS TO THE 2020 EDITION OF THE *NATIONAL ELECTRICAL CODE* IN ACCORDANCE WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS' RECOMMENDED AMENDMENTS, LOCAL AMENDMENTS AND INDUSTRY STANDARDS THROUGH THE AMENDMENT OF SECTION 3.02.252, "AMENDMENTS"; PROVIDING A PENALTY; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the National Fire Protection Association ("NFPA") has developed the *National Electrical Code*, and the City of Forney, Texas ("City") has been involved throughout the regional review process by the Regional Codes Coordinating Committee of the North Central Texas Council of Governments ("NCTCOG"); and

WHEREAS, the *National Electrical Code* has been prepared by NFPA and in addition to review by the NCTCOG, has been reviewed by City staff; and

WHEREAS, the City's electrical code is intended to be updated periodically, and the 2020 edition of the *National Electrical Code* is the most current, published electrical code at this time; and

WHEREAS, the 2020 edition of the *National Electrical Code* addresses the electrical design aspects of all buildings in the City; and

WHEREAS, the current electrical code in the City is the 2017 edition of the *National Electrical Code*, and the City's electrical code should be updated to the most current, published electrical code available; and

WHEREAS, the City Council of the City of Forney, Texas ("City Council") has determined that it is in the best interest of the citizens of the City of Forney to update the City's electrical code by adopting the 2020 edition of the *National Electrical Code* as the minimum standard for electrical installations, as set forth herein and as that code is specifically modified by this Ordinance.

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

Section 1. FINDINGS INCORPORATED

All of the above premises are found to be true and correct factual and legislative determinations of the City of Forney and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. AMENDMENT OF ORDINANCE

From and after the effective date of this Ordinance, Chapter 3, Article 3.02, Division 6, of the Code of Ordinances of the City of Forney, Texas, entitled “Electrical Code,” is hereby amended by amending Sections 3.02.251, entitled “Adoption,” and 3.02.252, entitled “Amendments,” in their entirety and replacing said provisions with new Sections 3.02.251, entitled “Adoption of *National Electrical Code*,” and 3.02.252, entitled “*National Electrical Code* Amendments,” to read as follows:

“Sec. 3.02.251 Adoption of *National Electrical Code*.

The *National Electrical Code*, 2020 edition, a copy of which is on file in the offices of the City of Forney, is hereby adopted and designated as the Electrical Code of the City, the same as though the provisions of the *National Electrical Code*, 2020 edition, were copied at length in this section, subject to the deletions, amendments, and additions provided in section 3.02.252.

Sec. 3.02.252 *National Electrical Code* Amendments.

The following amendments repeal and reenact or add sections to the *National Electrical Code*, 2020 edition, adopted by Section 3.02.251 of this Code for the purpose of consistency with specific past practices and the recommendations of the North Central Texas Council of Governments, and all sections not expressly amended remain in full force and effect as adopted.

- (1) Article 85, entitled Administration, is hereby added to the *National Electrical Code*, 2020 edition, to read as follows:

Article 85 Administration. These regulations shall be known as the Electrical Code for the City of Forney and shall be cited as such. It is referred to herein as the “this code.”

- (2) Article 100 of the *National Electrical Code*, 2020 edition, is hereby amended to add the following definition to read as follows:

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

- (3) Article 110.2 of the *National Electrical Code*, 2020 edition, is hereby 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 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 AC34 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 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.

- (4) Article 400.8, Field Identification Required, of the *National Electrical Code*, 2020 edition, is hereby amended 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 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.

- (5) Article 410.118 of the *National Electrical Code*, 2020 edition, is hereby amended 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.

- (6) Article 422.31 B of the *National Electrical Code*, 2020 edition, is hereby amended 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 disconnection 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.

- (7) Article 500.8(A)(3) of the *National Electrical Code*, 2020 edition, is hereby amended 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. Explosionproof 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 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.

- (8) Article 505.7(A) of the *National Electrical Code*, 2020 edition, is hereby amended 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.

- (9) Article 695.6(A)(1) of the *National Electrical Code*, 2020 edition, is hereby amended 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 in installed in accordance with 230.6(1) or (2).

- (10) Article 71.15(A) of the *National Electrical Code*, 2020 edition, is hereby amended 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 have adequate capacity to meet the calculated load in accordance with Article 220.

Section 3. PENALTY CLAUSE

Any person, firm or corporation violating any of the provisions or terms of this Ordinance or the Code of Ordinances as amended hereby shall be deemed guilty of a misdemeanor, and

upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

Section 4. SEVERABILITY CLAUSE

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 phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncoded, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 6. EFFECTIVE DATE

Upon its passage and publication as required by law, this Ordinance shall become effective on January 1, 2023.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Forney, Texas, on this the _____ day of _____, 2022.

Amanda Lewis, Mayor

ATTEST:

Laura Calcote, Interim City Secretary

APPROVED AS TO FORM AND LEGALITY:

Jennifer Barnes Smith, City Attorney