

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF IRVING, TEXAS, BY AMENDING SECTIONS 8B-21 THROUGH 8B-23, ADOPTING THE 2020 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, 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, the Construction Board of Appeals has conducted a public meeting to receive public comments from persons affected by the proposed amendments to the code, and recommends adoption of the 2020 National Electrical Code as the electrical code for the City with the following local amendments;

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 2020 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 2020 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 2020 National Electrical Code and this section, the specific provisions of this section shall control. Amendments, modifications, and deletions to the 2020 National Electrical Code are adopted as follows:

- a) Article 100 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.

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 110.2 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 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

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 408.4 Field Identification Required Subsection A is amended to read as follows:

408.4 (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.

- d) Article 410.118 is 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.

- e) Article 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 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.

- f) Article 500.8 “Equipment” subsection (A)(3) is amended to read as follows:

(A)(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.

- g) Article 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 licensed Professional Engineer in the State of Texas.

- h) Article 695.6 “Power Wiring” subsection (A) “Supply Conductors” subparagraph (1) is amended to read as follows:

(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.

- i) Article 710.15 “General” subsection (A) is amended to read as follows:

(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.

The informational note included in this subsection is intentionally omitted.

Sec. 8B-23. Penalty.

- a) A person commits an offense if the person violates a provision of the 2020 National Electrical Code, as adopted and amended by the City of Irving, allows another person to violate a provision of the 2020 National Electrical Code, as adopted and amended by the City of Irving, or fails to perform an act required of the person by the 2020 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 February 13, 2023.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on _____.