



MEMORANDUM

To: Mayor and City Council

From: Steve Schubert, Building Official

Date: 2/14/23

Reference: Consider the approval of the adoption of the 2023 National Electrical Code

2040: Sustainable Government

Introduction:

The purpose of this agenda item is to update the City of Coppel Electrical Ordinance through adoption of the most current version of the National Electrical Code. The verbiage of the Electrical Ordinance is also proposed to be updated.

Background:

The State of Texas adopts the latest version of the National Electrical Code during that code's cycle-year. They adopted the 2020 National Electrical Code in 2020. We are currently on the 2014. Our current Electrical Ordinance makes references to codes and practices that are more than twenty years out of date.

Benefit to the Community:

Through adoption of the most current version of the National Electrical Code, the 2023 in this instance, we will be on the same edition of the state once they complete their adoption process in September, as well as rating higher on an ISO (International Organization for Standardization) audit, thereby potentially reducing the cost of insurance for structures in our municipality.

Legal Review:

This has been reviewed and recommended for approval by the Board of Adjustment on December 8, 2022.

Fiscal Impact:

This has a minimal fiscal impact on our community and there are only minor budgeted expenses for new code books and training.

Recommendation:

Building Inspections department is recommending approval of the adoption of the 2023 National Electric Code as the City of Coppel Electrical Code.

AN ORDINANCE OF THE CITY OF COPPELL, TEXAS
ORDINANCE NO.

AN ORDINANCE OF THE CITY OF COPPELL, TEXAS AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 15 ARTICLE 15-2 TO ADOPT THE NATIONAL ELECTRICAL CODE, 2023 EDITION, AS THE CITY OF COPPELL ELECTRICAL CODE; PROVIDING AMENDMENTS TO THE NATIONAL ELECTRICAL CODE, 2023 EDITION AND ADMINISTRATIVE PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; EXCEPT HOWEVER, WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENSE WHICH IS A VIOLATION OF ANY PROVISION OF LAW THAT GOVERNS FIRE SAFETY, ZONING, OR PUBLIC HEALTH AND SANITATION, INCLUDING DUMPING OF REFUSE, THE PENALTY SHALL BE A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COPPELL, TEXAS:

SECTION 1. That the City of Coppel Code of Ordinances be, and the same is, hereby amended by amending Chapter 15, Article 15-2, in part to adopt the National Electrical Code, 2023 Edition as it existed on October 3, 2022, with amendments to read as follows:

CHAPTER 15-2. NATIONAL ELECTRICAL CODE

Sec. 15-2-1. National Electrical Code -Adopted.

There is hereby adopted by the City of Coppel, Texas, the National Electrical Code, 2023 Edition, and made a part hereof for all purposes, the same as if fully copied in full herein, with the exception of such sections hereof, which are hereafter deleted, modified or amended.

Sec. 15-2-2. Amendments:

The following sections of the National Electrical Code, 2023 Edition, and administrative provisions for the National Electrical Code, 2023 edition, are hereby amended to read as follows:

1. Article 90.4 Enforcement add the sections B, though I to read as follows:

(A) Enforcement. Existing language to remain

(B) Supervision of Work. In the actual work of installing, maintaining, altering, or repairing any electrical conductors or equipment for which requires a permit, apprentice electricians must have on-site supervision (as defined by Texas Administrative Code, Title 16, Chapter 73, Subsection 73.10) provided by a TDLR-issued journeyman or master electrician license holder.

(C) Powers and Duties of building official.

- 1. General.** The Chief Building Official and designee are hereby authorized to enforce all the provisions of this Code. They shall cause a record to be kept of all permits issued and inspections made.
- 2. Deputies.** In accordance with prescribed procedures and with the approval of the appointing authority, the Chief Building Official may appoint designees as their deputies with powers and duties as designated by the Chief Building Official.
- 3. Reference to Inspector/Electrical Inspector.** References to "Inspector" and "Electrical Inspector" in this Code shall mean the Chief Building Official or designee authorized to perform inspections.
- 4. Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the Chief Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the Chief Building Official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Chief Building Official or designee shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Chief Building Official or designee shall have recourse to the remedies provided by law to secure entry.
- 5. Notice.** When any order or notice is issued pursuant to the provisions of this Code to any person who cannot be found after a reasonable search, such order or

notice may be served by posting it in a conspicuous place upon the premises occupied by that person or upon the premises where the defects are alleged to exist. Such posting of the notice shall be considered equivalent to personal service of such order or notice. An order sent by mail in a sealed envelope with postage prepaid and directed to the address of the contractor, owner, lessee, or occupant of the premises shall be equivalent to personal service of such order. The Chief Building Official and their designees are hereby empowered to attach to the nearest electrical cabinet or equipment feeding defective or hazardous wiring, any official notice or seal to prevent use of electricity in that area, and it shall be unlawful for any other person to place or attach such seal, or to break, change, destroy, tear, mutilate, cover or otherwise deface or injure any such official notice or seal posted by the Chief Building Official or their designee.

- 6. Stop Work Orders.** Whenever any work is being done contrary to the provisions of this Code, the Chief Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Chief Building Official to proceed with the work.
- 7. Authority to disconnect utilities in emergencies.** The Chief Building Official or their designee shall have the authority to disconnect any electric power or energy service supplied to the building, structure or building service equipment therein regulated by this Code in case of emergency where necessary to eliminate an immediate hazard to life or property, or, where there is a violation of the temporary electric connection per section 85-6(b). The Chief Building Official or their designee shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.
- 8. Authority to condemn electrical system and equipment.** Whenever the Chief Building Official or designee ascertains that any electrical system or equipment regulated in this code has become hazardous to life, health or property, they may order in writing that such electrical system or equipment either be removed or restored to a safe condition, whichever is appropriate. The written notice itself

shall fix a time limit for compliance with such order. No person shall use or maintain defective electrical system or equipment after receiving such notice. When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefore shall be given within 24 hours of the order to disconnect to the serving utility, the owner and occupant of such building, structure or premises. When any electrical system or equipment is maintained in violation of this code and in violation of any notice issued pursuant to the provisions of this section, the Chief Building Official or designee shall institute any appropriate action to prevent, restrain, correct, or abate the violation.

9. Connection after order to disconnect. No person shall make connections from any energy or power supply nor supply power to any electrical system or equipment which has been disconnected or ordered to be disconnected by the Chief Building Official or designee; the use of which has been ordered to be discontinued until the Chief Building Official or designee authorizes the reconnection and use of such electrical system or equipment.

10. Liability. The Chief Building Official and their designees charged with the enforcement of this code, acting in good faith and without malice in the discharge of his duties, shall not thereby render themselves personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of their duties. Any suit brought against the Chief Building Official or their designees because of such act or omission performed by them in the enforcement of any provision of this code shall be defended by legal counsel provided by this jurisdiction until final termination of such proceedings. This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building, structure or building service equipment therein for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by the code or approvals issued under this code.

11. Appeals. Any person, firm, or corporation may file an appeal through the Building Inspections department for the Board of Adjustment to review any decision of the Chief Building Official, provided that such appeal is made in writing within (5) days of receiving the notification by the Chief Building Official or their designee. The Board of Adjustment shall meet within a reasonable time following receipt of such appeal to hear the appeal and render a decision and findings in writing to the appellant with a duplicate copy to the Chief Building Official or designee.

(D) Electrical License and Registration.

- 1. Registration required.** It shall be unlawful for any person, firm, or corporation who is not registered as a qualified electrician in the City of Coppell to engage in work regulated by this code. Prior to the approval of any permit to do work regulated by this code, the applicant for such permit must first register with the Building Inspection Department.
- 2. Application for Registration.** A person, firm, or corporation who desires to register as an electrician in the City of Coppell shall complete the appropriate application and provide the following information:
 - (a) A current master electrician or master sign electrician license issued by the TDLR (Texas Department of Licensing and Regulation).
 - (b) A form of picture identification.
 - (c) Business identification to include the business name, business owner(s), address, and telephone number.
 - (d) Copy of liability insurance (minimum of \$1 million coverage).
- 3. Issuance and Term of Registration.** Upon satisfactory completion of the requirements and payment of applicable fees as specified by the City of Coppell Master Fee Schedule for registration as an electrician, as classified, the chief building official may approve such registration. An approved registration is valid for a period of not more than one (1) year and shall terminate at the end of each calendar year.

- 4. Transfer of registration.** It shall be unlawful for any person, firm, or corporation to lend, rent, or transfer an electrical contractor registration issued by the City of Coppell to another person firm, or corporation for any purpose.
- 5. Revocation of registration.** An electrical registration issued by the City of Coppell may be revoked by the Chief Building Official for the following:
 - (a) Falsification of any portion of an application for registration with intent to defraud.
 - (b) Any person, firm, or corporation who, after being found guilty in municipal court of violations of this code, is unwilling to make appropriate corrections to the satisfaction of the Chief Building Official or his designee.
 - (c) Threatening or abusive behavior to City staff or City representatives.
 - (d) Notice of revocation of electrical registration. The Chief Building Official or designee shall provide proper notice in writing to the person, firm or corporation holding a revoked electrical contractor registration. Notice shall be deemed effective on the post date of certified mail.
 - (e) Appeal of revocation. In the event that any person, firm, or corporation shall appeal the decision of the Chief Building Official or designee to revoke an electrical registration, a request for a public hearing of the matter shall be made in writing to the Chairman of the Building and Standards Commission within five (5) days of receipt of notice of revocation. The Building and Standards Commission shall meet to consider an appeal of revocation within a reasonable time of receipt of a written request.
- 6. False Representation as to Registration Unlawful.** It shall be unlawful for any person, firm, or corporation to represent themselves or a business as an electrician or electrical contractor in the City of Coppell without having first properly registered with the Building Inspection Department.
- 7. Electrical Company Vehicles to Be Marked.** All electrical contractors' vehicles engaged in doing work in the City of Coppell shall have signs

permanently affixed to both sides of the vehicle indicating the company name of the electrical contractor.

8. Supervision. The actual work of installing, maintaining, altering, or repairing of electrical work for which a permit is required by this Code shall have supervision by a licensed master or journeyman electrician as provided by this Code. In the event the owner of electrical contracting business is not a licensed master electrician, their master electrician of record shall be the person responsible for, and supervising, the electrical work done. Should such supervision not be constantly provided, the Chief Building Official or their designee may order the work being done by such electrical contractor to be removed and replaced under the proper supervision.

9. License display. Each holder of a master, journeyman or specialist license shall carry evidence of proper license on their person at all times while doing electrical work, and shall produce and exhibit same when requested by any officer of the City.

10. Exception from Licensing and Registration.

Persons who are not registered electricians may carry out the following classes of work:

- (a) The installation, alteration, or repairing of any wiring, devices, or equipment for signaling, remote control, or the transmission of information, provided such are inherently power limited and have a maximum nameplate rating not exceeding one volt- ampere.
- (b) Electrical work done by a property owner in a building owned and occupied by them is thereby classified as their homestead. Where the electrical work done by property owner is deemed by the Chief Building Official or designee to be hazardous to persons or property, and the repair thereof is beyond the skills and electrical knowledge of the property owner as deemed by the Chief Building Official or designee, the Chief Building Official may void the permit and/or registration obtained by the homeowner. In such an event, the electrical work shall only be completed by a licensed electrical contractor, registered with the City of Coppell, through a new permit.

(c) Application for permit. To obtain a permit, the applicant shall first file an application with the Building Inspection Department for that purpose.

11. Plans and specifications. With each application for a permit, and where required by the Chief Building Official or designee for enforcement of any provision of this Code, plans, specifications, and calculations shall be submitted. When deemed necessary to ensure code compliance, the Chief Building Official or designee may require plans and specifications to be prepared and designed by an engineer licensed by the State of Texas.

12. Information on plans and specifications. Plans and specifications shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules, and regulations.

13. Permits issuance. After all review requirements have been met and have been approved by the Chief Building Official or their designee, and the fees specified by the City of Coppel Master Fee Schedule for the proposed scope of work have been paid, the Chief Building Official or designee may issue the permit to the applicant. When the Chief Building Official or designee issues the permit where plans are required, they shall endorse in writing or stamp the plans and specifications as stated in the currently adopted edition of the International Building Code. Such approved plans and specifications shall not be changed, modified, or altered, and all work shall be done in accordance with the approved plans. Any deviations from the city-stamped plans must be submitted to and approved by the City prior to execution of the changes in field.

14. Validity of permit. The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code, or of any other ordinance of the City, nor shall the issuance of a permit or approval of plans be construed as representing or warranting the safety or lack of defects of any electrical work described therein. No permit presuming to give authority to violate or cancel the provisions of these Codes shall be valid. The issuance of a permit based upon plans, specifications, and other data shall not prevent the Chief Building Official

or designee from thereafter requiring the correction of errors in said plans, specifications, and other data, or from preventing building operations being carried on thereunder when in violation of these codes or of any other ordinances of the City. Work on a property may not commence until the issued permit is posted in a conspicuous location visible from the main street that the structure or property is addressed from.

15. Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Chief Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

16. Suspension or revocation. The Chief Building Official or designee may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of the City.

17. Fees. Permit fees shall be levied in the amounts specified by the City of Coppell, Master Fee Schedule approved by city council.

(E) Inspections.

1. General. All electrical systems and equipment for which a permit is required by this code shall be subject to inspection by the Chief Building Official or designee. No portion of any electrical system intended to be concealed shall be concealed until inspected and approved. The Chief Building Official, their designee, nor the City shall be liable for expense entailed in the removal or replacement of any material necessary to allow inspection. When the installation of an electrical system and equipment is complete, an additional and final inspection shall be made. Electrical systems and equipment regulated by this code shall not be connected to the energy source until authorized by the Chief Building Official or designee.

2. **Inspection requests.** It shall be the duty of the permit holder to request the scope of work to be inspected through the appropriate process. Every request for inspection must be filed at least one working day before such inspection is desired. It shall be the duty of the permit holder to provide access to and means for proper inspection of such work.
3. **Other inspections.** In addition to the inspections required by this code, the Chief Building Official or designee may make or require other inspections of any work to ascertain compliance with the provisions of this Code and other laws which are enforced by the Code enforcement agency.
4. **Reinspections.** A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when required corrections are not made. This provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection or when required corrections are not made. Reinspection fees may be assessed when the approved plans are not readily available to the Inspector, for failure to provide access on the date for which inspection is requested, or for deviating from the city-approved plans. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

(F)Service Connections.

1. **Connection approval.** An electrical system or equipment regulated by this code for which a permit is required shall not be connected to a source of energy or power until approved by the Chief Building Official or designee.
2. **Temporary connections.** The Chief Building Official or designee may authorize the temporary connection of the electrical system or equipment to the source of energy or power for the purpose of testing the equipment, or for the use under a temporary Certificate of Occupancy.
3. **Authorized connection.** When new electrical meters are installed or existing electrical meters are to be relocated, the disconnection, connection or

reconnection to the meter shall be made only by authorized employees of the utility purveyor.

(G) Violations.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any electrical system or equipment or cause or permit the same to be done in violation of this Code.

The issuance or granting of a permit or approval of plans and specifications or the completion or approval of an inspection shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which is authorized is lawful.

2. Article 100, Part I definitions shall be added or amended to read as follows:

Definitions.

Board of Adjustment. The Board of Adjustment shall be as appointed by the City Council of the City of Coppell.

Building Code is the International Building Code, as adopted by the City of Coppell.

Chief Building Official (building official) is the officer charged with the administration and enforcement of this Code, or his duly authorized representative, and is the authority having jurisdiction for this Code.

Code Enforcement Agency is the department, division or agency of the City of Coppell charged with the function of Code Enforcement and shall be under the administration and operational control of the building official.

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

Electrical Code is the National Electrical Code, 2023 edition promulgated by the National Fire Protection Association, as adopted by the City of Coppell.

SECTION 2. If any section, subsection, paragraph, sentence, phrase or work in this ordinance, or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Coppell, Texas hereby declares it would have enacted such remaining portions despite any such invalidity.

SECTION 3. That the repeal of any ordinance or any portion thereof by the preceding sections shall not affect or impair any act done or right vested or accrued or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceedings, suit or prosecution had or commenced shall remain in full force and effect to all intents or purposes as if such ordinance or part thereof so repealed shall remain in force.

SECTION 4. That any person, firm or corporation violating any of the provisions of this ordinance or the Code of Ordinances as amended hereby, shall be guilty of a misdemeanor and upon conviction in the Municipal Court of the City of Coppell, Texas, shall be subject to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, except where a different penalty has been established by State law for such offense, the penalty shall be that fixed by State law, and for any offense which is a violation of any provision of law that governs fire safety, zoning or public health and sanitation, including dumping of refuse, the penalty shall be fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 5. That this ordinance shall become effective_____.

DULY PASSED by the City Council of Coppell, Texas, this the _____ day of _____, 2023.

APPROVED:

WES MAYS, MAYOR

ATTEST:

ASHLEY OWENS, CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY