

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2009- 20

AN ORDINANCE AMENDING IN ITS ENTIRETY CHAPTER 26 "BUILDINGS AND BUILDING REGULATIONS", ARTICLE III "ELECTRICAL CODE", OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, BY ADOPTING THE 2008 NATIONAL ELECTRICAL CODE AS THE ELECTRICAL CODE FOR THE CITY OF KERRVILLE; SAID CODE TO REGULATE THE ASSEMBLY, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, EQUIPMENT, DESIGN, QUALITY OF MATERIALS, USE, AND MAINTENANCE OF ELECTRICAL EQUIPMENT WITHIN THE CITY OF KERRVILLE, TEXAS; PROVIDING FOR THE ISSUANCE OF PERMITS, INSPECTIONS, AND THE COLLECTION OF FEES THEREFOR; REQUIRING LICENSES AND REGISTRATIONS FOR ELECTRICAL CONTRACTORS AND ELECTRICIANS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

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

WHEREAS, Texas Local Government Code Section 214.214(a) provides 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; and

WHEREAS, Texas Local Government Code Section 214.214(a) provides that the National Electrical Code applies to all residential and commercial electrical construction applications; and

WHEREAS, Texas Local Government Code Section 214.214(c) provides that the National Electrical Code applies to all commercial buildings in a municipality for which construction began on or after January 1, 2006, and to any alteration, remodeling, enlargement, or repair of those commercial buildings; and

WHEREAS, Texas Local Government Code Section 214.214(b) provides that a municipality may establish procedures to adopt local amendments to the National Electrical Code and for its administration and enforcement; and

WHEREAS, Texas Occupations Code Section 1305.201(c) provides 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; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety, and general welfare of citizens, and

Approved by City Council
Date: Nov. 10, 2009
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WHEREAS, the City of Kerrville is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.072(a) provides that a home-rule municipality has full power of self-government; and

WHEREAS, Texas Local Government Code Section 51.072(b) provides that the grant of powers to a municipality under the Texas Local Government Code does not prevent by implication or otherwise, the municipality from exercising the authority incident to self-government; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for good government, peace, or order of the municipality; and

WHEREAS, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, Section 1.02 of the Kerrville City Charter provides that the City shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of Texas, and that all such powers, whether express or implied, shall be exercised and enforced in the manner prescribed by the Charter, and when not prescribed by the Charter, in such manner as shall be provided by ordinances and resolutions of the City Council; and

WHEREAS, Section 1.02 of the Kerrville City Charter provides that the enumeration of particular powers by the Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated in the Charter, the City shall have, and may exercise, all other powers which, under the constitution and laws of Texas, it would be competent for the Charter specifically to enumerate; and

WHEREAS, the City Council, has previously adopted the 2002 edition of the National Electrical Code, as the regulations governing the conduct of electrical work within the City; and

WHEREAS, City staff and the City's Electrical Board have reviewed the 2008 edition of the National Electrical Code, promulgated by the National Fire Protection Association, Inc., and has recommended that the 2008 National Electrical Code, with certain local amendments, be adopted as the regulations governing the conduct of electrical work within the City; and

WHEREAS, the City Council finds that the 2008 National Electrical Code contains various amendments and changes from previous editions, all of which are intended to safeguard

persons and property from hazards arising from the use of electricity and as such, the Council believes it desirable to adopt the 2008 National Electrical Code, with local amendments; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to amend the Code of Ordinances of the City of Kerrville, Texas, to adopt the 2008 edition of the National Electrical Code, with local amendments;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. Chapter 26 "Building and Building Regulations", Article III "Electrical Code", of the Code of Ordinances of the City of Kerrville, Texas, is deleted in its entirety and replaced as follows:

"ARTICLE III. ELECTRICAL CODE

Sec. 26-61. National Electrical Code, 2008 Edition, Adopted; Compliance Required.

(a) *Adoption.* The National Electrical Code, 2008 Edition ("NEC" or "Code"), including Annex H, is hereby adopted as the Electrical Code of the City of Kerrville, Texas. One (1) copy of the NEC shall be filed in the Office of the City Secretary for permanent record and inspection. One (1) copy of the NEC shall also remain available for public review within the offices of the Chief Building Official.

(b) *Compliance.* No electrical work performed within the City shall be approved unless the work is in strict conformity with this Article, state laws, and city law, to include chapter 26 of the City's Code of Ordinances.

(c) *Applicability to the International Residential Code.* The NEC shall serve as the electrical provisions of the *International Residential Code*, as adopted elsewhere.

(d) *Amendments.* The NEC is amended as follows:

(1) Section 80.2 of Annex H is amended in its entirety to provide as follows:

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

(2) Sections 80.3, 80.5, 80.15, 80.25, 80.27, 80.31, 80.33, and 80.35 of Annex H are deleted in their entirety.

(3) Section 80.19 of Annex H is amended in its entirety to provide as follows:

Section 80.19 ADMINISTRATION AND ENFORCEMENT. Permits and approvals shall conform to (A) through (G), as follows:

(A) Application.

(i) Activity authorized by a permit issued under the NEC shall be conducted by the permittee or the permittee's agents or employees in compliance with all requirements of the NEC applicable thereto and in accordance with the approved plans and specifications. No permit issued under the NEC shall be interpreted to justify a violation of any provision of the NEC or any other applicable law or regulation. Any addition or alteration of approved plans or specifications shall be approved in advance by the authority having jurisdiction as evidenced by the issuance of a new or amended permit.

(ii) A copy of the permit shall be posted or otherwise readily accessible at each work site or carried by the permit holder as specified by the authority having jurisdiction.

(B) Content. Permits shall be issued by the authority having jurisdiction and shall bear the name and signature of the authority having jurisdiction or the designated representative of the authority having jurisdiction. In addition, the permit shall include the following:

- (i) Operation or activities for which permit is issued;
- (ii) Address or location where the operation or activity is to be conducted;
- (iii) Name and address of the permittee;
- (iv) Permit number and date of issuance;
- (v) Period of validity of the permit; and
- (vi) Inspection requirements.

(C) Issuance of Permits. The authority having jurisdiction shall be authorized to establish and issue permits, certificates, notices and approvals, or orders pertaining to electrical safety hazards pursuant to Section 80.23, except that no permit shall be required to execute any of the classes of electrical work specified in the following:

(i) Installation or replacement of equipment such as lamps and of electric utilization equipment approved for connection to suitable permanently installed receptacles. Replacement of flush or snap switches, fuses, lamp sockets, and receptacles, and other minor maintenance and repair work, such as replacing worn cords and tightening connections on a wiring device;

(ii) The process of manufacturing, testing, servicing, or repairing electric equipment or apparatus; or,

(iii) Changes in occupancy within the same occupancy group, as established by the City's Building Code, which is adopted by the City and cited within Chapter 26, Article II of the City's Code of Ordinances, shall not require upgrading the existing structure to the NEC. Additionally, where the Chief Building Official

determines that change in occupancy to another group does not increase the hazard level based on life and fire risk and the structure was constructed to the then current codes, there shall be no requirement to upgrade the existing structure to newer or more stringent codes unless there is an existing health or safety hazard present.

(D) Fees. The City shall assess fees in accordance with its adopted fee schedule.

(E) Inspection and Approvals.

(i) Upon the completion of any installation of electrical equipment that has been made under a permit, it shall be the duty of the person, firm, or corporation making the installation to notify the Chief Building Official, who shall inspect the work within a reasonable time.

(ii) Where the Chief Building Official finds the installation to be in conformity with the NEC, the Chief Building Official shall issue to the person, firm, or corporation making the installation a certificate of approval authorizing connection.

(F) Revocation of Permits. Revocation of permits shall conform to the following:

(i) The authority having jurisdiction shall be permitted to revoke a permit or approval issued if any violation of the NEC is found upon inspection or in case there have been any false statements or misrepresentations submitted in the application or plans on which the permit or approval was based.

(ii) Any attempt to defraud or otherwise deliberately or knowingly design, install, maintain, operate, sell, represent for sale, falsify records, reports, or applications, or other related activity in violation of the requirements prescribed by the NEC is prohibited. Such violations shall be cause for immediate suspension or revocation of any related licenses, certificates, or permits issued by the City. In addition, any such violation shall be subject to any other criminal or civil penalties.

(iii) Revocation shall be constituted when the permittee is duly notified by the authority having jurisdiction.

(iv) Any person who engages in any business, operation, or occupation, or uses any premises, after the permit issued therefore has been suspended or revoked pursuant to the provisions of the NEC, and before such permit has been reinstated or a new permit issued, shall violate the NEC.

(v) A permit shall be predicated upon compliance with the requirements of the NEC and shall constitute written authority issued by the authority having jurisdiction to install electrical equipment. Any permit issued under the NEC shall not take the place of any other license or permit required by other regulations or laws of the City.

(vi) The authority having jurisdiction may require an inspection prior to the issuance of a permit.

(vii) A permit issued under the NEC shall continue until revoked or for the period of time designated on the permit. The permit shall be issued to one person or business only and for the location or purpose described in the permit. Any change that affects any of the conditions of the permit shall require a new or amended permit.

(G) Applications and Extensions. Applications and extensions of permits shall conform to the following:

(i) The authority having jurisdiction shall be permitted to grant an extension of the permit time period upon presentation by the permittee of a satisfactory reason for failure to start or complete the work or activity authorized by the permit.

(ii) Applications for permits shall be made to the authority having jurisdiction on forms provided by the jurisdiction and shall include the applicant's answer in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the authority having jurisdiction, such as plans and specifications, location, and so forth.

(iii) The authority having jurisdiction shall review all applications submitted and issue permits as required. If an application for a permit is rejected by the authority having jurisdiction, the applicant shall be advised of the reasons for such rejection. Permits for activities requiring evidence of financial responsibility by the jurisdiction shall not be issued unless proof of required financial responsibility is furnished.

(4) Section 80.23 (B) of Annex H is amended in its entirety to provide as follows:

(B) Penalties. It shall be unlawful for any person, firm, or corporation to violate any of the provisions of the NEC. Penalties for violations of the NEC are set forth in the City Code.

(5) Section 80.29 of Annex H is amended in its entirety to provide as follows:

80.29 Liability. Neither the City nor its employees or agents charged with the enforcement of the NEC, acting in good faith and without malice in the discharge of their duties required by the NEC or other pertinent law or ordinance, shall be liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. The NEC shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the City be held as assuming any such liability by reason of the inspections authorized by the NEC or any permits or certificates issued under the NEC.

(6) Section 230.28 is amended in its entirety to provide as follows:

230.28 Service Masts as Supports. Where a service mast is used for the support of service-drop conductors, it shall be of adequate strength or be supported by braces or guys to safely withstand the strain imposed by the service drop. Where raceway-type service masts are used, all raceway fittings shall be identified for use with service masts. Only power service-drop conductors shall be permitted to be attached to a service mast. All service risers shall be made of rigid metallic conduit, intermediate metal conduit, or electrical metallic tubing subject to the following specifications:

(a) *Drops of 30 Feet or Less.* Service risers that penetrate a roof and have a service drop of thirty feet (30.0') or less shall be made of rigid metallic conduit or intermediate metal conduit of not less than 2.0" diameter; and

(b) *Drops Exceeding 30 Feet.* Service risers that penetrate a roof and have a service drop of more than thirty feet (30.0') shall be made of rigid metallic conduit or intermediate metal conduit of not less than 2.0" diameter.

(7) Section 314.3 is amended in its entirety to provide as follows:

314.3. Nonmetallic Boxes. Nonmetallic boxes shall be permitted only with open wiring on insulators, concealed knob-and-tube wiring, cabled wiring methods with entirely nonmetallic sheaths, flexible cords, and nonmetallic raceways. Non-metallic boxes shall not be used in any structure within the Fire Limits.

(8) Section 320.12 is amended by adding the following prohibited use:

(6). Where the cable exceeds twenty-five feet (25.0') in length.

(9) Section 334.12(A) is amended by adding the following prohibited use:

(11) In structures used for commercial purposes (other than apartments of three stories or less) and in compliance with "Assembly" classification restrictions.

(10) Section 334.12(B) is amended by adding the following prohibited use:

(12) In any structure located within the Fire Limits.

(11) Section 338.12 is amended by adding the following:

(C). Additional Uses Not Permitted. In no instance shall Type SE and Type USE cable be used in structures used for commercial purposes (other than apartments of three stories or less) and in compliance with "Assembly" classification restrictions or in any structure located within the Fire Limits.

(12) Section 340.12 is amended by adding the following prohibited uses:

(12) In structures used for commercial purposes (other than apartments of three stories or less) and in compliance with "Assembly" classification restrictions

(13) In any structure located within the Fire Limits."

(13) Section 352.12 is amended by adding the following:

352.12 Uses Not Permitted. PVC conduit shall not be used under the conditions specified in 352.12(A) through (G).

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(G) Structures in Fire Limits. In any structure located within the Fire Limits.

(14) Section 356.12 is amended by adding the following prohibited use:

(6) In any structure located within the Fire Limits.

(15) Section 362.12 is amended by adding the following prohibited use:

(11) In any structure located within the Fire Limits.

(16) Section 378.12 is amended by adding the following prohibited use:

(6) In any structure located within the Fire Limits.

(17) Section 382.12 is amended by adding the following prohibited use:

(5) In any structure located within the Fire Limits.

(18) Section 388.12 is amended by adding the following prohibited use:

(8) Any structure located within the Fire Limits.

(19) Section 680.62 is amended by adding the following:

(G) Accessibility. Branch circuit conductors shall be directly and readily accessible for the purpose of allowing the inspection, maintenance, replacement, and repair of any and all associated motors.

(20) Section 680.71 is amended by adding the following sentence at the end of the section:

Branch circuit conductors shall be directly and readily accessible for the purpose of allowing the inspection, maintenance, replacement, and repair of any and all associated motors.

Sec. 26-62. Definitions and Interpretation of Words and Phrases.

(a) *Supplemental Definitions.* For purposes of this Article and the NEC, the following words and phrases, which are in addition to those definitions set forth in Chapter 1, Article 100 and Appendix H of the NEC, shall have the meanings prescribed below:

- (1) Approved or approval. Inspected and accepted by the Chief Building Official as having met the requirements of this Article.
- (2) Agent. An individual employed by an Electrical Contractor who has been authorized in writing as provided herein to apply for permits in the name of the Electrical Contractor.
- (3) Board. The Electrical Board of Adjustments and Appeals of the City of Kerrville, Texas.
- (4) Chief Building Official. The officer or other designated authority charged with the administration and enforcement of the NEC, or a duly authorized representative. For the purpose of the NEC, the Code Official shall be the Chief Building Official.
- (5) City. The City of Kerrville, Texas.
- (6) Construction meter. A source of temporary power at the permanent meter location for construction purposes.
- (7) Conviction. A final determination of guilt in Municipal Court or any other court which has jurisdiction, or the forfeiture of a bail, recognizance or appeal bond.
- (8) Electrical Contractor. A person defined as an electrical contractor under Chapter 1305 of the Texas Occupations Code (Texas Electrical Safety and Licensing Act).
- (9) Electrical inspector. City Building Inspectors having been appointed to this position by the Chief Building Official, to enforce the provisions of this Article.
- (10) Fire Limits. The Fire Limits of the City of Kerrville, Texas as defined in Chapter 50 of the City's Code of Ordinances.
- (11) Major household appliance. A cord and plug connected or permanently connected utilization equipment, generally other than industrial, normally built in standardized sizes or types, 1/3 horsepower or greater, rated at 120 volts with a full-load rating of 720 volt-amperes (VA) or more, and installed or connected to perform as one unit. Major household appliances shall include the following: whole house attic fan; 110-volt room air conditioner; bath heater (HVL); compactor; dishwasher; disposal; central vacuum cleaner system; freezer; hot water dispenser; water heater; kiln; refrigerator; sump pump; microwave; space heater; clothes dryer; garage door opener with motor of 1/2 horsepower or greater.
- (12) Minor Addition. The addition of floor coverings, painting, ceilings, and the interior non-structural walls, not including demising or fire walls between tenant spaces that do not require the addition of plumbing, mechanical equipment, fuel gas, or electrical components nor shall this

reduce accessibility below what is required by state and federal law.

- (11) National Electrical Code, Code, or NEC. The National Electrical Code, 2008 Edition, promulgated by the National Fire Protection Association, Inc.
- (b) Interpretation of Words and Phrases. Unless otherwise defined or the context indicates a different meaning, the words and phrases used in this Article, including the words and phrases used in the National Electrical Code, shall have their common meaning. Words relating to the use of buildings and their structural or mechanical systems, when not otherwise separately defined in this Article, shall have the meaning given such words or phrases found within the appropriate building codes adopted by the City.

Sec. 26-63 Electrical Board of Adjustments and Appeals.

- (a) *Establishment.* The Electrical Board of Adjustments and Appeals (“Electrical Board”) shall continue as previously established.
- (b) *Composition.* The Electrical Board shall consist of five (5) members appointed by City Council. Council may appoint two (2) alternates to the Electrical Board in an effort to obtain a quorum of the Board. Any such alternate shall serve only in the absence of a regular member when requested to do so by the Chief Building Official. The Chief Building Official shall serve as an ex officio member of the Electrical Board but shall not be entitled to vote upon any matter. No member shall hear an appeal in which that member has a personal, professional, or financial interest or where a conflict of interest arises pursuant to law.
- (c) *Qualifications; terms of members.* Persons serving on the Electrical Board shall include the following: three (3) active and licensed master electricians; one (1) active and licensed journeyman electrician; and one (1) electrical engineer, licensed as a professional engineer, all of whom shall live in Kerr County and operate a business within the City. Should there not be a registered engineer available to serve, then the City Council shall add either a licensed and active journeyman electrician or a licensed and active master electrician to fill the vacancy through the remainder of the term. No two (2) members of the Electrical Board shall be members of the same firm or business. Members shall hold office for a term of two (2) years from the date of their appointment, or until their successor's appointment becomes final. Alternates shall be required to have the same qualifications as a regular member.
- (d) *Removal of members; filling vacancies.* Any member of the Electrical Board may be removed by the City Council for any reason. If for any reason any Electrical Board member is unable to act, resigns, or is removed from office for any reason, then City Council shall appoint a successor or successors who shall serve out the unexpired term, or until respective successors shall be appointed.
- (e) *Absences.* Any member having three (3) consecutive unexcused absences shall have his membership reviewed by the Electrical Board. The Electrical Board, by

majority vote, may recommend to the City Council that such member be removed from office.

- (f) *Compensation of members.* Members of the Electrical Board shall serve without compensation.
- (g) *Election of officers; adoption of rules; minutes; quorum.* The Electrical Board shall elect a chair and a vice-chair from its members for a term of one (1) year and may adopt such rules as it deems necessary for the orderly conduct of its affairs. Any such rules shall be consistent with and not in conflict with rules adopted by the City Council. A record of all official transactions of the Electrical Board shall be kept in the minutes of the Board. Three (3) members of the Board present at any meeting shall constitute a quorum for the transaction of business and a majority of the members present and voting shall be necessary to constitute an official action of the Board.
- (h) *Duties and Powers of the Electrical Board.*
 - (1) Any person shall have the right to appeal a decision of the Chief Building Official regarding an application of the NEC to the Electrical Board. An application for appeal shall be based on the claim that the true intent of the NEC has been incorrectly interpreted, the provisions of the NEC do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the Chief Building Official within ten (10) business days after the Chief Building Official makes a determination.
 - (2) Within ten (10) business days from the filing of the appeal, the Electrical Board shall hear the appeal, together with the testimony of all parties concerned. Thereafter, the Board shall render its decision within five (5) business days thereafter so as to comply with the Texas Open Meetings Act. Should the Board fail to convene to hear an appeal within the (10) business days after the City's receipt of the written appeal or fail to reach a decision within the five (5) business days thereafter, the application for appeal shall be submitted to City Council for final action.
 - (3) In hearing such an appeal, the Electrical Board, or City Council, shall not have the power to waive or set aside the requirements of the NEC, but shall have the power to interpret its provisions, and in case of alternate types of construction or material, shall determine whether or not such alternate type of construction or material is in fact equal to the standards of the NEC, considering adequacy, stability, strength, sanitation, and safety to the public health and welfare. Any person, firm or corporation who may be aggrieved by the decision of the Board shall have a right of appeal to the City Council within ten (10) business days from the rendition of such decision. The appeal shall be perfected by written notice addressed to the Mayor and City Council asking for a hearing by the Council, and the action of the City Council thereon shall be final.

- (4) The Electrical Board shall periodically review the NEC and where appropriate, recommend amendments.

Sec. 26-64 Licensing and Registration of Electricians.

- (a) *License and Registration Required.* Except as otherwise provided in this Article, it shall be unlawful for any person to perform electrical work or hold himself out to the public as being authorized to perform electrical work within the corporate limits of the City, unless such person is licensed by the State of Texas and registered with the City.
- (b) *Exemptions from Licensing Requirements.* A person is not required to be licensed in accordance with this Article prior to performing the following electrical work:
 - (1) A homeowner requesting a permit to make electrical repairs or other alterations to his homestead, if the work is performed exclusively by the homeowner and the dwelling is the homeowner's residence.
 - (2) The replacement of lamps, fuses, switches or the connection of cord-and-plug connected portable devices to suitable receptacles which have been permanently installed according to the provisions of this Article.
 - (3) The installation, alteration, or repair of wiring, devices, appliances or equipment for the operation of a control signal or the transmission of messages, where such wiring, devices, appliances, or equipment:
 - (i) operate at a voltage not exceeding thirty (30) volts between conductors; and
 - (ii) does not include lighting systems operating at less than thirty (30) volts or generating or transforming equipment.
 - (4) The installation, alteration or repair of electric wiring, devices, appliances and equipment installed by or for an electrical public utility when for the use of such utility in the generation, transmission, distribution, or metering of electrical energy, or for the use of such utility in the operation of control signals or the transmission of messages.
 - (5) Work performed by a person licensed by the State of Texas as an Air Conditioning Contractor to:
 - (i) replace and reconnect environmental air conditioning, commercial refrigeration, process cooling or heating systems, or component parts of the same or lesser amperage; or
 - (ii) after making application for and receiving an electrical permit, install an electrical disconnect directly adjacent to or on the replacement system when the electrical disconnect has not been previously installed and is otherwise required by this Article.

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(c) *Required Registration of Electrical Contractors.* Each Electrical Contractor doing electrical work within the City shall register with the City. At the time of registration, an Electrical Contractor shall designate the name(s) of the master electrician(s) employed by the contractor. Except as otherwise provided in this subsection, an Electrical Contractor must employ a master electrician at all times. The Electrical Contractor is not required to employ a master electrician if the Electrical Contractor is a master electrician. The Electrical Contractor shall register with the City by submitting a form furnished by the Chief Building Official which shall contain as a minimum the following information:

- (1) the full name, date of birth, race, sex, residence and business address of the applicant;
 - (2) State of Texas contractor license information;
 - (3) Valid picture identification, such as a Texas Drivers License;
 - (4) the full name, date of birth, race, sex, residence and business address of any agent(s) of the Electrical Contractor who is (are) allowed to obtain permits on behalf of the Electrical Contractor; and
 - (5) Proof of assumed name or letter of incorporation.
- (d) *Notification of Changes; Updates.* An Electrical Contractor shall notify the Chief Building Official of any changes made to the information submitted as part of the registration within thirty (30) days of the change becoming effective. The Electrical Contractor shall also be responsible for keeping a current copy of his/her state license on file with the City. Permits may be withheld if the City does not have a copy of the Electrical Contractor's current and valid license.

Sec. 26-65. Permits.

- (a) *One Permit per Installation.* There shall only be one permit issued or outstanding at the same time for any one installation of electrical equipment or associated wiring.
- (b) *Connection to Power Source.* No meter loop shall be connected to any electrical distribution service company system operating in the City unless a permit has been issued and all required fees paid.
- (c) *Exceptions to Permitting.* No electrical permit shall be required for the following:
 - (1) maintenance work for making minor repairs, such as replacement of lamps, sockets, fuses, drop cords, snap switches, or other similar items;
 - (2) the connection of cord-and-plug connected portable electrical equipment to suitable receptacles which have been permanently installed according to the provisions of this Article;

- (3) the replacement of a motor by another motor of the same horsepower and rating, solenoid valves, low pressure controls, or other controls when the electrical supply to same is or has been properly installed according to the provisions of this Article;
- (4) the installation of electrical conductors or equipment to be installed by or for a public utility in the generation, transmission, sale or use of electrical energy as outlined in its franchise; nor for the use of such conductors in the transmission of messages; or
- (5) any work involved in the manufacturing, testing, servicing, altering or repairing of electrical equipment or apparatus, except that this exemption shall not include any permanent wiring.

Sec. 26-66. Issuance of Permits.

- (a) *Permit Applications.* An application for a permit shall be made in writing upon forms provided by the City and shall contain:
 - (1) the date the application was submitted;
 - (2) the name of person under whose authority the application is made;
 - (3) the name of the person actually presenting the application to the City;
 - (4) the exact address where the work is to be done;
 - (5) a description of the work to be performed;
 - (6) signature of person receiving the application;
 - (7) time and date that such application is actually received by the City;
 - (8) other pertinent information required by the Chief Building Official.
- (b) *Submission of Plans and Specifications.* When deemed necessary to accomplish the objective of this Article, the Chief Building Official may require a person applying for a permit under this Article to submit plans, specifications, service and sub-panel loads, equipment locations, riser diagrams, and complete branch circuit and feeder layouts of large or special installations of electrical work. The plans or diagrams shall show the manner in which the electrical installation is to be made, or the character of any of the repairs to any existing electrical installations. When plans, specifications, diagrams, locations and layouts are required pursuant to this Section, a person shall not install any part of the electrical system which is the subject of the permit application until the Chief Building Official approves the installation.
- (c) *When Applications Accepted.* Applications for permits shall only be accepted when presented during normal working hours of the City. Applications shall be presented in person.

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- (d) *Approval and Disapproval of Permits.* When the Chief Building Official finds the application to be correct and the diagram, plans, and specifications are approved, and when the required fees have been paid, he/she shall cause the permit to be issued. Upon receipt of such permit, the electrician may start the proposed job and make the installation described in his application, requesting inspection by the Electrical Inspector in the proper sequence, as the work progresses. If the plans relating to electrical fixtures, equipment, or wiring, and the application herein before required are found to be incorrect or faulty, they shall be disapproved and the Chief Building Official shall notify the applicant, listing necessary corrections.

Sec. 26-67. Persons Eligible to Obtain Permits.

Except as otherwise specifically provided in this Article, permits shall be issued only to:

- (a) an Electrical Contractor;
- (b) an agent acting on behalf of an Electrical Contractor is allowed to obtain permits on behalf of the Electrical Contractor, provided the agent is listed on the Electrical Contractor's registration form; or
- (c) a homeowner, performing the electrical work with his/her own hands only at the location of their homestead property

Sec. 26-68. Prohibited Acts; Transfer of Permits. Except as otherwise specifically provided in this Article, no person shall:

- (a) obtain a permit in the name of another person;
- (b) allow another person to obtain a permit in such other person's name;
- (c) do or perform any electrical work under a permit issued to another person; or
- (d) allow another person to do or perform any electrical work under the permit issued to such other person's name.

Sec. 26-69. Permits for Partial Jobs.

- (a) *Separate Permit Required.* A separate permit is required when one Electrical Contractor completes in whole or in part electrical work on any electrical installation of fixtures, equipment, conduit, or wire started by another electrician.
- (b) *Separate Permit Fee Paid.* When a permit is obtained to complete work under this Article, a separate permit fee must be paid for the second permit, which fee shall be the same as the original permit fee.
- (c) *Responsibility for Work.* Each permit holder shall be held responsible only for the work installed by him.

- ()
- ()
- (d) *Notice Prior to Issuance.* A permit may not be issued to a second electrician in accordance with this Article for the completion of a job until the fourth day after the Chief Building Official notifies the electrician to whom the original permit was issued that a request for a second permit has been made and the original permit holder does not recommence the work.

Sec. 26-70. Permit Fees.

- (a) *Specified Work.* The permit fees required to be paid pursuant to this Article shall be as established from time to time by the City Council.
- (b) *Payment of Permit and Inspection Fees.* The permit and inspection fees provided for in this Article shall be paid to the City before the issuance of a permit and before any work is begun.
- (c) *Fee for Failure to Obtain Permit Prior to Starting Work.* When an application for a permit is submitted to the City after the work for which the permit is required has commenced, an additional fee shall be required. Utilization of the remedy provided herein does not constitute an election of remedies for future incidents, nor does such use constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including but not limited to, criminal prosecution under applicable provisions of the NEC and/or the City's Code of Ordinances.
- (d) *Compliance Required For Late Issued Permit.* The payment of the fees shall not relieve any person from fully complying with the requirements of this Article in the execution of the work, nor from any other penalties prescribed herein.

Sec. 26-71. Term of Permits.

- (a) *Expiration Generally.* All permits for electrical work shall expire and become null and void:
- (1) six (6) months after the issue date if the work authorized by the permit is not commenced within by that date;
 - (2) one (1) year after the date of issuance if the work authorized by the permit is suspended or abandoned on or before that date and has not recommenced; or
 - (3) on a date commensurate with the time required for completion of the electrical work in the usual course and performance of similar work as determined by the Chief Building Official if the Chief Building Official finds that the time specified in (b), above, would be inadequate in the usual course for the completion of such work.
- (b) *Extension of Permit Expiration Date.* The Chief Building Official may extend the expiration date of a permit upon finding that extraordinary circumstances beyond

the control of the permit holder has made it impossible to complete the work before the specified expiration date.

- (c) *Failure to Obtain Extension.* It shall be a violation for a person who has been issued a permit pursuant to this Article to:
 - (1) fail to apply for an extension of the term of a permit in order to complete the work; or
 - (2) request a final inspection after the expiration date of the permit.
- (d) *Work to Cease on Permit Expiration.* After the expiration date of a permit, no electrical work shall be done nor shall final approval of the electrical work be given by the Chief Building Official until an extension of the permit is obtained or a new permit is issued.
- (e) *Other Penalties Not Affected.* The extension of a permit pursuant to this Article, including an extension granted retroactively, shall not affect the ability of the City to seek and impose penalties which may be applicable under other provisions of this Article.

Sec. 26-72. Inspection Required.

- (a) *Authorization for Connection.* If electrical work for which a permit is obtained complies with the requirements of this Article, the Chief Building Official shall immediately take the necessary action to allow the utility company to connect such electrical work to a source of power. No electrical work shall be connected to the electric utility until such electrical work is completed and all wiring, conduit, fixtures, service panels, equipment and appurtenances have been inspected, accepted and approved by the Chief Building Official.
- (b) *Nonconforming Work; Corrections.* The electrician to whom the permit was issued shall be notified in writing by the Chief Building Official of the defects existing, who shall make such corrections not later than thirty (30) days after the date of notice. Failure to make corrections in defective work within the time required shall constitute a violation of this Article.
- (c) *Failure to Make Corrections; Non-Issuance of Permits.* In addition to any other penalties hereunder, no permits for electrical work shall be issued to an electrician until the defects determined by the Chief Building Official to exist on another job are corrected and approved by the Chief Building Official.
- (d) *Concealing Service or Circuits Prohibited Prior to Inspection.* It shall be unlawful for the permit holder, or any person having charge of the construction, alteration, or repair of any building:
 - (1) to cover or conceal, or to cause to cover or conceal, any electrical work for which a permit has been issued before such electrical work has been inspected or approved by the Chief Building Official; or

- (2) to connect or cause to be connected to an electrical utility any electrical work for which a permit has been issued before such electrical work has been inspected or approved by the Chief Building Official.
- (e) *Advance Notice Required.* All requests for the inspection of electrical work for which a permit has been issued shall be made as soon as practical before the electrical work concerned is to be concealed or connected to power, as the case may be.
- (f) *Reinspection.* When any electrical work is reported to the Chief Building Official as ready for inspection and upon such inspection the electrical work does not meet the requirements of this Article, written notice shall be given to the electrician to whom the permit was issued of the defects existing. The electrician shall correct such defects promptly and deliver a written request for re-inspection to the Chief Building Official. A reinspection fee shall be charged for each additional reinspection required as a result of corrections not being made as instructed on previous inspections.
- (g) *Periodic Inspections; Removal of Hazards.* When electrical work is deemed by the Chief Building Official to create a dangerous or unsafe condition, the Chief Building Official shall have authority to notify the person owning, using, or operating such electrical work and direct that such be placed in a safe, secure, and operative condition. Any person failing, neglecting, or refusing, within a reasonable time, to make the necessary repairs or changes and have the necessary work completed within a reasonable time after the receipt of such notice shall be deemed guilty of a violation of this Article, and every day which shall elapse after the expiration of such reasonable time until such dangerous or unsafe conditions are repaired, removed, or changed as required by the Chief Building Official shall be considered a separate offense within the intent and meaning of this Article.
- (h) *Procedure When Contract Does Not Cover Completion.* When a permit holder does not have the contract for finishing the electrical work covered by a permit issued to him, the master electrician shall deliver his final inspection request in writing when his part of the electrical work is completed, and shall describe in writing the part of the electrical work installed by him.
- (i) *Final Inspection Required.* When any electrical work for which a permit is required has been installed, the master electrician to whom the permit was issued shall deliver to the electrical inspector a written request for final inspection. The Chief Building Official shall inspect such electrical work as soon as practical after receipt of the written request.
- (j) *Final Inspection Request.* A request for final inspection shall be made by:
- (1) the electrician to whom a permit was issued;
 - (2) the general contractor as identified on the building permit for the project;
- or

- (3) if the electrician to whom the permit was issued fails or refuses to make the request, the owner or person in control of the premises on which the electrical work has been performed, may make the request.
- (k) *Certificate to Be Issued upon Approval.* A written certificate of approval shall be issued by the electrical inspector upon request of the electrician to whom the permit was issued regarding electrical work approved by the Chief Building Official.
- (l) *Use or Destruction of Electrical Inspection Notices and Seal(s):* It shall be unlawful for any person to use any seal or break, change, destroy, tear, mutilate, cover, or otherwise deface or injure any official notice or device attached to any work or device by an Chief Building Official without the prior authorization of the Chief Building Official.

Sec. 26-73 Construction Meter Connection.

- (a) *Application Required.* A written application for temporary release of utilities shall be required before an inspection may be preformed to connect a construction meter.
- (b) *Expiration Date.* A construction meter permit shall be valid for a period of thirty (30) days from the date of the application or satisfactory final inspection, whichever occurs first.
- (c) *Extensions.* The expiration date may be extended for a period of seven (7) days with written notice to the City and approval of the Chief Building Official.
- (d) *Name of Service Billing.* This service billing must be in the General or Electrical Contractors name.
- (e) *Meter Removal.* If the permit for a construction meter expires prior to a request for final inspection or a written request for an extension of the term of a permit, the City may cause the construction meter to be removed.

Sec. 26-74. Identification Marks To Be Used In Installations. The maker's name, trademark, or other identification symbols, shall appear on all electrical materials, devices, equipment, and appliances used or installed pursuant to this Article.

Sec. 26-75. Interference With Fire Department, Police Department or Fire Escapes Prohibited. No wire shall be installed, operated, or maintained over any street, alley, sidewalk, or building which is likely to interfere with the work of the fire department in the use of ladders or other apparatus, or which shall obstruct or render hazardous the use of fire escapes. On complaint of the Chief Building Official, the interfering obstruction or hazardous wire shall be removed or properly rearranged in order to eliminate the potential interference. If any electrical work is deemed by the electrical inspector to be in conflict with or interfere with the work of the fire or police department, such electrical work shall be removed in a reasonable amount of time. Any person failing, refusing, or neglecting, to make the necessary repairs or changes and have the necessary work completed within a reasonable time after the receipt of such notice shall be

deemed guilty of a violation of this Article and every day which shall elapse after the expiration of such reasonable time until such conditions are removed, or changed as required by the Chief Building Official shall be considered a separate offense within the intent and meaning of this Article.

Sec. 26-76. Administration; Enforcement.

- (a) *Administration.* The Chief Building Official shall be the person primarily responsible for the administration of the provisions of this Article.
- (b) *Enforcement.* A penalty for violation of this Article shall be in accordance with the general penalty provisions contained in the general penalty provision of the Code of Ordinances for the City of Kerrville.”

SECTION TWO. Future amendments, not including clarifications or technical notices of any type, of the 2008 Edition of the *National Electrical Code*, are not adopted by this Ordinance, and must be subsequently approved and adopted by the City Council of the City.

SECTION THREE. The City Secretary is authorized and directed to submit this Ordinance to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the amendment adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code, as appropriate.

SECTION FOUR. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FIVE. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas, hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SIX. This Ordinance shall become effective immediately upon final passage; provided, however, the provisions of this Ordinance shall be applicable only to work performed in accordance with a building permit issued pursuant to an application filed with the City on or after the effective date of this Ordinance.

SECTION SEVEN. The penalty for violation of this Ordinance shall be in accordance with that general penalty provision contained in Chapter 1 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense.

SECTION EIGHT. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Secretary is hereby authorized and directed to publish the

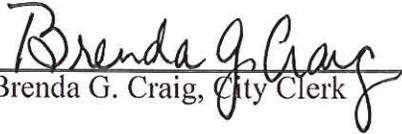
descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

PASSED AND APPROVED ON FIRST READING, this the 27th day of October, A.D., 2009.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the 10th day of November, A.D., 2009.

ATTEST:


Todd A. Bock, Mayor


Brenda G. Craig, City Clerk

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney