

ORDINANCE NO. 2020-26

AN ORDINANCE OF THE TOWN OF FAIRVIEW, TEXAS, ADOPTING THE 2017 EDITION OF THE NATIONAL ELECTRIC CODE, REPEALING ORDINANCE NUMBER 2014-45 AND ALL AMENDMENTS; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Fairview deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the Town to enforce regulations regarding the use, construction and occupancy of buildings in the Town; and

WHEREAS, the Town Council finds that the adoption of model codes promotes uniform construction and provides a minimum standard of safety; and

WHEREAS, the Town Council finds it necessary to amend the provisions of the model code to address regional conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:

SECTION 1. All the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety. There is hereby adopted by the Town of Fairview, Texas for the purpose of establishing rules and regulations for the design, quality of materials, erection, construction, installation, alteration, repair, location, relocation, replacement, conversion, addition to, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all building or structures, the 2017 National Electric Code, as published by the National Fire Protection Association, and as amended by the recommended amendments of the North Central Texas Council of Governments, and the same are hereby adopted and incorporated herein, the same as if entirely set out at length herein, and from the date of which this Ordinance shall take effect, the provisions hereof shall be controlling within the corporate limits of the Town of Fairview, Texas. This code shall be known as the "Electric Code" or the "Fairview Electrical Code".

SECTION 2. Section 3.04.031, being the electrical code adopted in Chapter 3 Building Regulations, Article 3.04 Electricity, Division 2. Electrical Code of the Code of Ordinances, Town of Fairview, Texas shall be amended as follows:

The National Electrical Code, 2017 edition, as published by the National Fire Protection Association, and as amended by the recommendations of the North Central Texas Council of Governments and as amended by the Town of Fairview. Said amendments are filed in the office of the Town Secretary.

SECTION 3. The amendments referenced in Section 2 of this ordinance are hereby adopted as follows:

The following articles, paragraphs, and sentences of the *2017 National Electrical Code (NEC)* are hereby amended as follows: Standard type is text from the NEC. Highlighted with gray shading is text inserted. Lined through type is deleted text from NEC. A double asterisk (**) at the beginning of an article identifies an amendment carried over from the 2014 edition of the code and a triple asterisk (***) identifies a new or revised amendment with the 2017 code.

****Article 100; add the following to definitions:**

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

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

*****Article 100; remove the amendment to the following definition:**

Intersystem Bonding Termination. A device that provides a means for connecting intersystem bonding conductors for communication systems and other systems such as metallic gas piping systems to the grounding electrode system. ~~Bonding conductors for other systems shall not be larger than 6 AWG.~~

(REASON FOR CHANGE: Remove the above amendment. Updates to the 2017 National Electrical Code Article 250.94(A) only accommodate connecting communication systems to an intersystem bonding termination device, but Article 250.94(B) provides an alternative or other means. To allow for a termination point for other bonding conductors in addition to communication systems that are required by the various model codes. 6 AWG was chosen to coincide with the minimum size of bonding conductor required to the intersystem bonding jumper.)

****Article 110.2; change the following to read as follows:**

110.2 Approval. The conductors and equipment required or permitted by this Code shall be acceptable only if approved. Approval of equipment may be evident by listing and labeling of equipment by a Nationally Recognized Testing Lab (NRTL) with a certification mark of that laboratory or a qualified third-party inspection agency 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 approved by the AHJ.

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

Informational Note No. 1: See 90.7, Examination of Equipment for Safety, and 110.3, Examination, Identification, Installation, and Use of Equipment. See definitions of *Approved*, *Identified*, *Labeled*, and *Listed*.

Informational Note No. 2: Manufacturer's self-certification of equipment may not necessarily comply with U.S. product safety standards as certified by an NRTL.

Informational Note No. 3: National Fire Protection Association (NFPA) 790 and 791 provide an example of an approved method for qualifying a third party inspection agency.

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

*****Article 210.52(G) (1) Garages: remove the amendment that deleted the following:**

(1) Garages. In each attached garage and in each detached garage with electric power. ~~The branch circuit supplying this receptacle(s) shall not supply outlets outside of the garage.~~ At least one receptacle outlet shall be installed for each car space.

~~*(REASON FOR CHANGE: Installations in compliance with this Code are not necessarily efficient, convenient, or adequate for good service or future expansion of electrical use.)*~~

(REASON FOR CHANGE: Updates to this section in the 2017 National Electrical Code provided relief by removing "shall not supply outlets outside of the garage.")

*****Article 230.71(A); remove the amendment that added the following exception:**

~~Exception: Multi-occupant buildings. Individual service disconnecting means is limited to six for each occupant. The number of individual disconnects at one location may exceed six.~~

~~(REASON FOR CHANGE: This is currently the accepted installation practice of the region. No noteworthy complaints have surfaced. It is more reasonable than the current NEC requirements. It allows more than six disconnects grouped at one location. This also allows designers more flexibility in the placement of electrical meters and main service disconnects.)~~

~~(REASON FOR CHANGE: This is below the minimum standard of the 2017 National Electrical Code adopted by the State of Texas.)~~

*****Article 300.11; remove the amendment that added the following exception:**

~~Exception: Ceiling grid support wires may be used for structural supports when the associated wiring is located in that area, not more than two raceways or cables supported per wire, with a maximum nominal metric designation 16 (trade size 1/2").~~

~~(REASON FOR CHANGE: To provide limited support of raceways and cables by ceiling grid support wire.)~~

~~(REASON FOR CHANGE: This is below the minimum standard of the 2017 National Electrical Code adopted by the State of Texas.)~~

*****Article 310.15(B) (7); remove the amendment that changed the following to read as follows:**

~~(7) This Article shall not be used in conjunction with 220.82.~~

~~(REASON FOR CHANGE: 310.15(B) (7) has been revised and the table has been deleted.)~~

(REASON FOR CHANGE: Upon review of the 2014 and 2017 code-making panel 6 and in conjunction with the wire manufacturing industry, based on the diversification of loads in modern construction, this amendment becomes irrelevant.)

****Article 500.8 (A) (3); change to read as follows:**

500.8 Equipment.

Articles 500 through 504 require equipment construction and installation that ensure safe performance under conditions of proper use and maintenance.

Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care with regard to installation and maintenance.

Informational Note No. 2: Since there is no consistent relationship between explosion properties and ignition temperature, the two are independent requirements.

Informational Note No. 3: Low ambient conditions require special consideration. Explosion proof or dust-ignition proof equipment may not be suitable for use at temperatures lower than -25°C

(-13°F) unless they are identified for low-temperature service. However, at low ambient temperatures, flammable concentrations of vapors may not exist in a location classified as Class I, Division 1 at normal ambient temperature.

(A) Suitability. Suitability of identified equipment shall be determined by one of the following:

- (1) Equipment listing or labeling;
- (2) Evidence of equipment evaluation from a qualified testing laboratory or inspection agency concerned with product evaluation; or,
- (3) Evidence acceptable to the authority having jurisdiction such as a manufacturer's self-evaluation or ~~an owner's engineering judgment.~~ an engineering judgment signed and sealed by a qualified Registered licensed Professional Engineer in the State of Texas.

Informational Note: Additional documentation for equipment may include certificates

demonstrating compliance with applicable equipment standards, indicating special conditions of use, and other pertinent information.

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

****Article 505.7 (A) changed to read as follows:**

505.7 Special Precaution.

Article 505 requires equipment construction and installation that ensures safe performance under conditions of proper use and maintenance.

Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care with regard to the installation and maintenance of electrical equipment in hazardous (classified) locations.

Informational Note No. 2: Low ambient conditions require special consideration. Electrical equipment depending on the protection techniques described by 505.8(A) may not be suitable for use at temperatures lower than -20°C (-4°F) unless they are identified for use at lower temperatures. However, at low ambient temperatures, flammable concentrations of vapors may not exist in a location classified Class I, Zones 0, 1, or 2 at normal ambient temperature.

(A) Implementation of Zone Classification System. Classification of areas, engineering and design, selection of equipment and wiring methods, installation, and inspection shall be performed by a qualified persons Registered licensed Professional Engineer in the State of Texas.

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

*****Article 517.30 Essential Electrical Systems for Hospitals; remove the amendment that created a new (H) and added the following language:**

(G) Coordination. Overcurrent protective devices serving the ~~equipment branch of the~~ essential electrical system shall be coordinated for the period of time that a fault's duration extends beyond 0.1 second.

Exception No. 1: Between transformer primary and secondary overcurrent protective devices, where only one overcurrent protective device or set of overcurrent protective devices exists on the transformer secondary.

Exception No. 2: Between overcurrent protective devices of the same size (ampere rating) in series.

Informational Note: The terms coordination and coordinated as used in this section do not cover the full range of overcurrent conditions.

~~**(H) Selective Coordination.** Overcurrent protective devices serving the life safety, and critical branches of the essential electrical system shall be selectively coordinated with all supply-side overcurrent protective devices.~~

~~Exception No. 1: Between transformer primary and secondary overcurrent protective devices, where only one overcurrent protective device or set of overcurrent protective devices exists on the transformer secondary.~~

~~Exception No. 2: Between overcurrent protective devices of the same size (ampere rating) in series.~~

~~Informational Note: The terms coordination and coordinated as used in this section do not cover the full range of overcurrent conditions.~~

(REASON FOR CHANGE: Changes made by deleting the definition of emergency systems in Article 517 Health Care Facilities and removing emergency systems as "Essential Electrical Systems for Hospitals in 517.30(B) (2), plus the new addition of section 517.30(G) for "Coordination" instead of using selective coordination, has diminished the reliability of the "Life Safety and Critical Branches of the Essential Electrical System" to deliver power to vital loads. By providing only "coordination," the instantaneous portion of the time-current curve has been eliminated from the overcurrent device settings.)

(REASON FOR CHANGE: Due to no action by the 2017 code-making panel 15 and NFPA 99, this amendment is not applicable.)

*****Article 600.6(A) (1) At Point of Entry to a Sign; Exception 1 changed to read as follows:**

Exception No.1: A disconnect shall not be required for branch circuits(s) or feeder conductor(s) passing through the sign where enclosed in a Chapter 3 listed raceway or metal-jacketed cable identified for the location. The conductor(s) shall not serve the sign body or sign enclosure where passing through.

*****Article 600.6(A) (1) At Point of Entry to a Sign; create a new Exception No. 2 to add the following language:**

Exception No. 2. A disconnect shall not be required at the point of entry to a sign body, sign enclosure, or pole for branch circuit conductor(s). The conductors shall be enclosed in a Chapter 3 listed raceway or metal-jacketed cable identified for the location. The conductor(s) shall be routed to a device box which contains the disconnect. A field-applied permanent warning label that is visible during servicing shall be applied to the raceway at or near the point of entry into the sign enclosure or sign body. The warning label shall comply with 110.21(B) and state the following: "Danger. This raceway contains energized conductors." The marking shall include the location of the disconnecting means for the energized conductor(s). The disconnecting means shall be capable of being locked in the open position in accordance with 110.25.

*****Article 600.6(A) (1) At Point of Entry to a Sign; move the original Exception 2 to create a new Exception No. 3 and add the following language:**

Exception No. 3: A disconnect shall not be required at the point of entry to a sign enclosure or sign body for branch circuit(s) or feeder conductor(s) that supply an internal panelboard(s) in a sign enclosure or sign body. The conductors shall be enclosed in a Chapter 3 listed raceway or metal-jacketed cable identified for the location. A field-applied permanent warning label that is visible during servicing shall be applied to the raceway at or near the point of entry into the sign enclosure or sign body. The warning label shall comply with 110.21(B) and state the following: "Danger. This raceway contains energized conductors." The marking shall include the location of the disconnecting means for the energized conductor(s). The disconnecting means shall be capable of being locked in the open position in accordance with 110.25.

(2017 Code) Informational Note: The location of the disconnect is intended to allow service or maintenance personnel complete and local control of the disconnecting means.

(REASON FOR CHANGE: This is a modification of the nationwide sign manufacturing practice that was standard before the 2014 Code revision. It is more reasonable but not less than the current Code requirements. It provides local control of the disconnect by service personnel as the informational note suggests, while requiring a sign disconnect to be at or within sight of the sign. This also allows sign designers more flexibility in the placement of the disconnecting means in relation to the location of the sign.)

*****Article 680.25(A) remove the amendment that added the following language and exception:**

680.25 Feeders.

These provisions shall apply to any feeder on the supply side of panelboards supplying branch circuits for pool equipment covered in Part II of this article and on the load side of the service equipment or the source of a separately derived system.

(A) Wiring Methods.

(1) Feeders. Feeders shall be installed in rigid metal conduit, intermediate metal conduit. The following wiring methods shall be permitted if not subject to physical damage:

- (1) Liquid tight flexible nonmetallic conduit
- (2) Rigid polyvinyl chloride conduit
- (3) Reinforced thermosetting resin conduit
- (4) Electrical metallic tubing where installed on or in a building
- (5) Electrical nonmetallic tubing where installed within a building
- (6) Type MC Cable where installed within a building and if not subject to corrosive environment
- ~~(7) Nonmetallic sheathed cable~~
- ~~(8) Type SE cable~~

~~Exception: A feeder within a one-family dwelling or two-family dwelling unit between remote panelboard and service equipment shall be permitted to run in flexible metal conduit or an approved cable assembly that includes an insulated equipment grounding conductor within its outer sheath. The equipment grounding conductor shall comply with 250.24(A) (5).~~

~~(REASON FOR CHANGE: Carry over from previous amendments. Text changed to reflect 2014 National Electrical Code. Exception deleted per Errata No. 70-14-2)~~

(REASON FOR CHANGE: Updates to this section in the 2017 National Electrical Code provided relief by recognizing these wiring methods.)

End of NCTCOG amendments

SECTION 4. Any person, firm or corporation convicted of violating any of the provisions or terms of this ordinance shall be guilty of a misdemeanor and subject to a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation exists shall be considered a separate offense.

SECTION 5. If any section, paragraph, subdivision, clause, phrase or provision of this

ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 6. In addition to and accumulative of all other penalties, the Town shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 7. Any ordinance that is in conflict herewith is hereby repealed to the extent of such conflict.

SECTION 8. This ordinance shall take effect on November 1, 2020 and after its passage and publication as required by law.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, this 6th day of October 2020.



Henry Lessner, Mayor
Town of Fairview

ATTEST:



Tenitrus Bethel, Town Secretary



