

ORDINANCE NO. 2096

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS REPEALING CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.03 ELECTRICITY, OF THE CODE OF ORDINANCES OF THE TOWN OF HIGHLAND PARK, AND ALL ORDINANCES, OR AMENDMENTS THERETO, THAT CONFLICT WITH THE TERMS OR CONDITIONS OF THIS ORDINANCE AND ENACTING IN LIEU THEREOF A NEW CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.03 ELECTRICITY ADOPTING THE NATIONAL ELECTRIC CODE 2020 EDITION AS THE OFFICIAL ELECTRICAL CODE OF THE TOWN OF HIGHLAND PARK, TEXAS SUBJECT TO CERTAIN AMENDMENTS CONTAINED HEREIN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS:

SECTION 1. That, CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.03 ELECTRICITY, is hereby repealed.

SECTION 2. That, a new CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.03 ELECTRICITY, of the Code of Ordinances of the Town of Highland Park is hereby adopted and shall read as follows:

Division 1. Generally

Secs. 3.03.001- 3.03.030 Reserved

Division 2. Electrical Code

Sec. 3.03.031 Title

This division shall be known as the Town electrical code and may be cited as such, and shall be hereinafter referred to as "the electrical code." The electrical code is hereby adopted as the safe and practical standards for the installation, alteration, and use of electrical equipment in the Town.

Sec. 3.03.032 Adopted

The National Electrical Code, 2020 edition, together with all amendments thereto, shall be and the same are hereby made a part of this division by reference, the same as if copied at length herein, and made a part hereof for all purposes, and copies of said National Electrical Code, 2020 edition, together with all amendments thereto, shall be kept on file in the office of the Town Electrical Inspector.

Sec. 3.03.033 Requirements varying from or not covered by code

Any requirement considered necessary for the safety of existing or proposed electric wiring, electric apparatus or electric equipment, or for the safety of occupants of any building or structure in which wiring, electric apparatus or electric equipment is installed, altered or repaired, which varies from provisions of the National Electrical Code, 2020 edition, or any amendments thereto, or which is not specifically covered by the National Electrical Code, 2020 edition, or any amendments thereto, shall be determined by the Town Electrical Inspector subject to appeal to the Town Council.

Sec. 3.03.034 Amendments

The National Electrical Code, 2020 edition, is hereby amended as follows:

Article 100; amend the following definition by adding the sentence below:

Authority Having Jurisdiction (AHJ). Add the following sentence to the end of the definition "The AHJ shall be the Town of Highland Park and its employees or agents as assigned."

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.

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 by the Authority Having Jurisdiction. Approval of equipment may be evident by listing and labeling of equipment by a Nationally Recognized Testing Lab (NRTL) with a certification mark of that laboratory or a qualified third party inspection agency or a field evaluation by a Field Evaluation Body accredited by either the International Code Council International Accreditation Service AC354 or ANSI National Accreditation Board programs and approved by the AHJ.

**Exception:** Unlisted equipment that is relocated to another location within a jurisdiction or is field modified is subject to the approval by the AHJ. This approval may be by a field evaluation by a NRTL or qualified third-party inspection agency or a field evaluation by a Field Evaluation Body accredited by either the ICC IAS AC354 or ANAB programs and approved by the AHJ

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

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

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

Article 400.8 Field Identification Required: Change the following to read as follows

#### **408.4 Field Identification Required.**

(A) Circuit Directory or Circuit Identification.

Every circuit and circuit modification shall be legibly identified as to its clear, evident, and specific purpose or use. The identification shall include an approved degree of detail that allows each circuit to be distinguished from all others. Spare positions that contain unused overcurrent devices or switches shall be described accordingly. The identification shall be included in a circuit directory that is located on the face or inside of, or in an approved location adjacent *and permanently affixed* to the panel door in the case of a panelboard and at each switch or circuit breaker in a switchboard or switchgear. No circuit shall be described in a manner that depends on transient conditions of occupancy.

Article 410.118: Change the following to read as follows:

#### **410.118 Access to other boxes.**

Luminaires recessed in the ceilings, floors, or walls shall not be used to access outlet, pull, or junction boxes or conduit bodies, unless the box or conduit body is an integral part of the listed luminaire.

**Exception:** removable luminaires with a minimum measurement of 22 in. X 22 in. shall be permitted to be used as access to outlet, pull, junction boxes or conduit bodies.

Article 422.31 B: Change the following to read as follows:

#### **422.31 B Appliances Rated over 300 Volt-Amperes**

(B) Appliances Rated over 300 Volt-Amperes. For permanently connected appliances rated over 300 volt-amperes, the branch-circuit switch or circuit breaker shall be permitted to serve as the disconnecting means where the switch or circuit breaker is within sight from and is readily accessible to the appliance it serves or is capable of being locked in the open position in accordance with 110.25 and is readily accessible to the appliance it serves.

Informational Note No. 1: For appliances employing unit switches, see 422.34.

Informational Note No 2: The following means of access are considered to constitute readily accessible for this code change when conforming to the additional access requirements of the I Codes:

- (1) A permanent stair.
- (2) A pull-down stair with a minimum 300 lb. (136 kg) capacity.
- (3) An access door from an upper floor level.

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 engineering judgment signed and sealed by a qualified licensed Professional Engineer in the State of Texas.

Informational Note: Additional documentation for equipment may include certificates demonstrating compliance with applicable equipment standards, indicating special conditions of use, and other pertinent information.

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 licensed Professional Engineer in the State of Texas.

Article 695.6 A 1: Change the following to read as follows

**695.6 (A) Supply Conductors.**

**(1) Services and On-Site Power Production Facilities.**

Service conductors and conductors supplied by on-site power production facilities shall be physically routed outside a building(s) and shall be installed as service-entrance conductors in accordance with 230.6, 230.9, and Parts III and IV of Article 230. Where supply conductors cannot be physically routed outside of buildings, the conductors shall be permitted to be routed through the building(s) where

installed in accordance with  
230.6(1) or (2).

Article 710.15 A: Change the following to read as follows

### **710.15 General**

#### **710.15(A) Supply Output.**

Power supply to premises wiring systems fed by stand-alone or isolated microgrid power sources shall have adequate capacity to meet the calculated load in accordance with Article 220.

Annex H 80.23 shall be changed by deleting the words "Notice of violations" in the first paragraph and by deleting (A) and changing (B) Penalties (2) to read as follows:

"Failure to comply with the requirements of this code shall result in each day the offense continues being a separate violation."

By changing (B) (3) to read as follows:

"(3) The penalty for violation of the Town Electric Code is as set out in the Highland Park Code of Ordinances section 1.01.009."

#### Sec. 3.03.035 Registration of electrical contractors

(a) The term "electrical contractor" as used in this division is hereby defined and construed to mean any person, firm, or corporation engaged in the business of installing or altering electrical equipment and appliances, for the utilization of electricity supplied by light, heat or power. The term "electrical contractor" does include employees employed by such contractor to do or supervise such work.

(b) No person, firm or corporation shall engage in any electrical contracting work in the Town without having first being registered with the Town as an electrical contractor with a valid master electrician's license issued by the Texas Department of Licensing and Regulation. All applications for registration shall be made to the Town Building Inspection Department on forms furnished by the Department. The Town shall charge an annual registration fee as established by Town Council resolution. Such registrations are valid only for the calendar year in which they are issued.

(c) The electrical contractor registration issued by the Town under the provisions of this division shall expire 365 days from the date of issuance. The electrical registration of any person, firm, or corporation violating any of the provisions of this division may be revoked by the Town.

(d) Any registration issued under the terms of the electrical code may be revoked if the Town determines that the licensee is no longer qualified.

#### Sec. 3.03.036 Permit required

It shall be unlawful for any person or corporation licensed under the provisions of this division to install any electrical appliances, wiring, or fixtures within the Town not in compliance with the Town's ordinances, and it shall be unlawful for such person, firm, or corporation to do any such work without first having obtained a permit by a registered electrical contractor as defined in Section

3.03.035 (a) or as otherwise required by the Town. Plans and specifications to cover proposed work must be submitted to and approved by the Town Electrical Inspection Department prior to the issuance of a permit. A permit issued by the Town shall be construed to be a license to proceed *with* the work and shall not be construed as authority to violate, alter, cancel, or set aside any provisions of the electrical code, nor shall such issuance of a permit prevent the Town Electrical Inspector from thereafter requiring correction of errors in plans or in work performed which may be deemed by the Town in violation of the electrical code.

Sec. 3.03.037 Permit fees

Fees covering the installation, alteration and repair of electric wiring, electric apparatus, and electric equipment shall be established by Town Council resolution.

All but \$50.00 of the permit fee can be refunded if work has not commenced and request for refund is made in writing no more than thirty (30) days from issuance of permit.

Sec. 3.03.038 Concealing wiring prior to inspection

No electrical wiring or conduit shall be concealed in any manner prior to inspection and approval by the Town Electrical Inspector.

Sec. 3.03.039 Enforcement

The Town Electrical Inspector shall enforce the provisions of the electrical code, and he, or his duly authorized representative, may enter any building, structure, or premises to perform any duty imposed upon him by the electrical code. Upon notice from the Town Electrical Inspector that work is being performed in violation of the electrical code, such work shall be stopped immediately.

SECTION 3. That, should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid and the same shall not affect the validity of the Code of Ordinances of the Town of Highland Park as a whole.

SECTION 4. That, the penalty provision of Chapter 1, Section 1.01.009 of The Code of Ordinances is hereby adopted for this ordinance.

SECTION 5. That, this ordinance shall be deemed to be incorporated into The Code of Ordinances of the Town of Highland Park, Texas.

SECTION 6. That, this ordinance shall become effective January 1, 2022. Permits obtained from this date forward shall adhere to the establish requirements.

PASSED AND APPROVED by the Town Council of the Town of Highland Park, Texas, on this the 7<sup>th</sup> day of December, 2021.

APPROVED AS TO FORM:



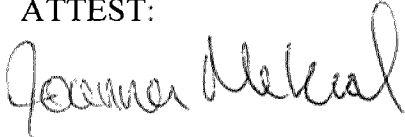
Matthew Boyle  
Town Attorney

APPROVED:



Margo Goodwin  
Mayor

ATTEST:



Joanna Mekeal  
Town Secretary