

## ORDINANCE NO. 19-G

**AN ORDINANCE AMENDING CHAPTER 8, ELECTRICITY, OF THE CODE OF ORDINANCES, CITY OF ALVIN, TEXAS, PROVIDING THE ADOPTION OF THE 2017 NATIONAL ELECTRICAL CODE AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION; DELETING SECTION REGARDING PERMITS FOR PART JOBS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE, AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, THAT:**

**Section 1.** That Article I, Chapter 8; of the Code of Ordinances, City of Alvin, Texas, is hereby amended, to read as follows:

### ARTICLE I. IN GENERAL

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#### **Sec. 8-6. National Electrical Code, 2017 Edition, adopted, with Amendments.**

(a) The National Electrical Code, 2017 Edition, as adopted by the National Fire Protection Association, Inc. with all Annex provisions, and as amended herein, is hereby adopted and made a part of this chapter. A copy of such code is incorporated herein by reference and made a part hereof for all purposes. An authentic copy of the National Electrical Code, 2017 Edition, shall be on file with the City Secretary.

- (1) Article 100, Part I, Definitions is hereby amended to read, allowing for a termination point for other bonding conductors in addition to communication systems that are required by the various model codes.

**Intersystem Bonding Termination.** A device that provides a means for connecting bonding conductors for communication systems and other systems such as metallic gas piping systems to the grounding electrode system.

- (2) Article 110, Requirements for Electrical Installations, subsection 110.2 Approval, is hereby amended to read, to add clarity and provide more positive options for enforcement and approval of unlisted equipment.

**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: 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.*

(3) Chapter 5, Special Occupancies, subsection 500.8(A)(3), Equipment, is hereby amended to read, to better define the qualifications for an engineering judgment.

**500.8 Equipment.** Articles 500 through 504 require equipment construction and installation standards 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
- (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.

Informational Note: Additional documentation for equipment may include certificates demonstrating compliance with applicable equipment standards, indicating special conditions of use, and other pertinent information. Guidelines for certificates may be found in ANSI/UL120002:2014, *Certificate Standard for AEx Equipment for Hazardous (Classified) Locations.*

(4) Subsection 505.7(A), Special Precaution, is hereby amended to read, to better identify who is qualified to implement Zone Classification Systems.

**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.

**Secs. 8-7 - 8-16. Reserved.**

**Section 2.** That Article V, Chapter 8; of the Code of Ordinances, City of Alvin, Texas, is hereby amended, to read as follows:

## **ARTICLE V. WORK PERMITS, INSPECTIONS AND FEES**

### **DIVISION I. PERMITS**

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**Sec. 8-93. Separate permit required.**

A separate permit shall be required for each separate building, store space or apartment, whether such unit is metered separately or conjunctively, and a service permit shall be taken on all such units, whether supplied from a central metering station or directly from the electrical supply agency; except that in trailer courts, the individual trailer disconnect switches shall not be deemed services. And, if the permittee does not complete electrical work for which the permit has been issued, then the contractor who finishes such work shall apply for a new permit on such work, provided, however, that there shall be only one permit issued or outstanding at the same time for any one installation of electrical equipment.

**Sec. 8-94. Permit to be displayed.**

On all new installations, the permit for electrical work shall be displayed in a readily accessible location, as directed by the electrical inspector, throughout the time that such installation, as is covered by the permit, is being installed.

**Sec. 8-95. Permit not transferable.**

Each permit issued under the terms of this chapter shall be personal to the permittee and shall not be assigned or transferred to any other person; and, except as otherwise specifically provided in this chapter, it shall be unlawful:

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

**Secs.8- 96 – 8-103. Reserved.**

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**Section 3. Savings Clause.** That, except as amended herein, all other provisions of Chapter 8 of the Code of Ordinances, City of Alvin, Texas shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

**Section 4. Severability.** Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

**Section 5. Penalty provision.** Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction shall be fined an amount not to exceed \$2,000.00 for violation of any provisions governing fire safety or public health and sanitation and not to exceed \$500.00 for violation of any other provision. Each unlawful act or continuing day's violation under this Ordinance shall constitute a separate offense. The penal provision imposed under this Ordinance shall not preclude the City of Alvin from filing suit to enjoin the violation. The City of Alvin retains all legal rights and remedies available to it pursuant to local, state and federal law.

**Section 6. Publication.** The City Secretary of the City of Alvin is hereby directed to publish this ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by the Charter of the City of Alvin, Texas.

**Section 7. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of Chapter 52 of the Texas Local Government Code, and the City of Alvin Charter.

**Section 8. Open Meetings Act.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED** on this 2<sup>nd</sup> day of May, 2019.

**THE CITY OF ALVIN, TEXAS**

**ATTEST**

By: \_\_\_\_\_  
Paul A. Horn, Mayor

By: \_\_\_\_\_  
Dixie Roberts, City Secretary