

ORDINANCE NO. 2009-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, REPEALING THE CURRENT SECTIONS 3-4-31 AND 3-4-32 OF ARTICLE 3-4, "ELECTRICITY", DIVISION 2, "ELECTRICAL CODE", OF CHAPTER 3, "BUILDING REGULATIONS", OF THE CITY OF ODESSA CODE OF ORDINANCES; ADOPTING NEW SECTIONS 3-4-31 AND 3-4-32 OF ARTICLE 3-4, "ELECTRICITY", DIVISION 2, "ELECTRICAL CODE", OF CHAPTER 3, "BUILDING REGULATIONS"; ADOPTING AN AMENDED VERSION OF THE 2008 NATIONAL ELECTRICAL CODE AND SUBSEQUENT 2008 NATIONAL ELECTRICAL CODE SUPPLEMENTS IN ORDER TO REGULATE THE DESIGN AND CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF ELECTRICAL SYSTEMS IN THE CITY OF ODESSA AND INDUSTRIAL DISTRICTS UNDER THE CITY'S JURISDICTION, TOGETHER WITH CERTAIN RELATED MATTERS; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Odessa desires to adopt an amended version of the 2008 NATIONAL ELECTRICAL CODE, and 2008 NATIONAL ELECTRICAL CODE Supplements, the same to replace the City's existing electrical code as amended; and

WHEREAS, the City of Odessa desires that there be no interval or intervening time between the effective date of this ordinance and the date of repeal of existing ordinances, and that this ordinance will not in any way repeal such existing ordinances until after publication and this ordinance is legally in effect;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS:

Section 1. That the current Sections 3-4-31 and 3-4-32 of Article 3-4, "Electricity", Division 2, "Electrical Code", of Chapter 3, "Building Regulations" of the City Code are to be repealed and that new Sections 3-4-31 and 3-4-32 of Article 3-4, "Electricity", Division 2, "Electrical Code", of Chapter 3, "Building Regulations", of the City Code are hereby adopted, which Sections shall read as follows:

Chapter 3 Building Regulations
Article 3-4 Electricity

Division 1. Generally

Secs. 3-4-1 through 3-4-30 Reserved

Division 2. Electrical Code

Sec. 3-4-31 Adoption

The 2008 version of the National Electrical Code, as amended by subsequent provisions of this chapter, is hereby adopted by the City.

Sec. 3-4-32 Amendments

The hereinafter set forth amendments to the 2008 version of the National Electrical Code are hereby adopted by the City. When an amendment consists of a revision of an existing article, section, subsection, table or other portion of the 2008 National Electrical Code, the language of such amendment, to the extent that it is not in conflict with this ordinance, shall supersede the language of the respective portion amended. Amendments to the 2008 National Electrical Code consisting of the addition of new articles, sections, subsections, tables or other portions shall constitute supplements to such code.

08-10.1 New subsection:

08-10.1 Title. The regulations shall be known as the Electrical Code of Odessa, Texas, hereinafter referred to as "this code."

08-11. New section:

08-11 Offense. Any person, firm or corporation found guilty of violating any of the provisions of this code shall be fined in an amount not to exceed two thousand dollars (\$2,000.00); provided, however, that if any provision hereof provides for a specific penalty, then such specific penalty shall apply. Each day a violation continues shall be deemed a separate offense.

08-12. New section:

08-12 Definitions. As used in this chapter, the following terms shall have the definitions assigned to them below, unless the context indicates otherwise:

(1) **Assumed name**--A name used by a business as defined in the Business and Commerce Code, Title 4, Chapter 36, Subchapter A, §36.02.

(2) **Business affiliation**--The business organization to which a master licensee may assign his or her license.

(3) **City** shall be construed to mean the municipal corporation, the City of Odessa, Texas.

(4) **Electrical Apprentice**- An individual, licensed as an apprentice who works under the on-site supervision of a master electrician, a journeyman electrician, or a residential wireman, on behalf of an electrical contractor, or employing governmental entity performing "Electrical Work" as defined by Texas Occupations Code, §1305.002(11).

(5) **Electrical code** - means the current edition adopted by this ordinance of the National Electrical Code published by the National Fire Protection Association as adopted by the City of Odessa.

(6) **Electrical contracting** - means the business of designing, installing, erecting, repairing, or altering electrical wires or conductors to be used for light, heat, power, or signaling purposes. The term includes the installation or repair of ducts, raceways, or conduits for the reception or protection of wires or conductors and the installation or repair of any electrical machinery, apparatus, or system used for electrical light, heat, power, or signaling.

(7) **Electrical contractor** - means a person, or entity, licensed by the Texas Department of Licensing and Registration (TDLR), engaged in electrical contracting such as offering services for the installation, alteration, modification or replacement of electrical items.

(8) **Electrical Engineer**- means a person currently licensed by the Texas Board of Engineers who possesses the necessary qualifications, training, and technical knowledge to perform electrical engineering work in Texas.

(9) **Electrical inspector** shall mean the person or persons appointed by the Building Official to act in that capacity.

(10) **Electrical maintenance work**- The replacement, or repair of existing electrical appurtenances, apparatus, equipment, machinery, or controls used in connection with the use of electrical energy in, on, outside, or attached to a building, residence, structure, property, or premises. All replacements or repairs must be of the same rating and type as the existing installation. No improvements may be made that are necessary to comply with applicable codes under Texas Occupations Code, Chapter 1305. Electrical maintenance work does not include the installation of any new electrical appurtenances, apparatus, equipment, machinery, or controls beyond the scope of any existing electrical installation.

(11) **Electrical sign contracting** - means the business of designing, manufacturing, installing, connecting, reconnecting, or servicing an electric sign, cold cathode, neon gas tubing, or outline gas tubing, or altering electric sign wiring or conductors either inside or outside of a building.

(12) **Electrical Sign Contractor**- A person, or entity, licensed by the Texas Department of Licensing and Registration (TDLR) as an electrical sign contractor, that is in the business of performing "Electrical Sign Contracting" as defined by Texas Occupations Code, §1305.002(9).

(13) **Electrical Sign Work**- Any labor or material used in manufacturing, installing, maintaining, extending, connecting or reconnecting an electrical wiring system and its appurtenances, apparatus or equipment used in connection with signs, outline lighting, awnings, signals, light emitting diodes, and the repair of existing outdoor electric discharge lighting, including parking lot pole lighting. This also includes the installation of an electrical service integral to an isolated sign and/or outline lighting installation

(14) **Electrical work** - means any labor or material used in installing, altering, maintaining, or extending an electrical wiring system and the appurtenances, apparatus, or equipment used in connection with the use of electrical energy in, on, outside, or attached to a building, residence, structure, property, or premises. The term includes service entrance conductors as defined by the National Electrical Code.

(15) **Emergency work** - Unplanned, unscheduled work arising from conditions outside the control of the property owner to facilitate the repair of an existing electrical installation to prevent harm to persons or property.

(16) **Employee**- An individual who performs tasks assigned to him by his employer. The employee is subject to the deduction of social security and federal income taxes from his pay. An employee may be full time, part time, or seasonal.

(17) **Employer**- One who employs the services of employees, pays their wages, deducts the required social security and federal income taxes from the employee's pay, and directs and controls the employee's performance.

(18) **Fire District** -- As defined by the current Building Code.

(19) General Supervision- Exercise of oversight by a master electrician on behalf of an electrical contractor, or electrical sign contractor, or by a master sign electrician on behalf of an electrical sign contractor of performance by all classes of electrical licensees of electrical work bearing responsibility for the work's compliance with applicable codes under Texas Occupations Code, Chapter 1305.

(20) Journeyman Sign Electrician- An individual, licensed by the Texas Department of Licensing and Registration (TDLR), as a journeyman sign electrician by the Texas Department of Licensing and Registration (TDLR), who works under the general supervision of a master electrician or a master sign electrician, on behalf of an electrical sign contractor, while performing "Electrical Sign Work" as defined in this section.

(21) Maintenance Electrician- An individual, licensed by the Texas Department of Licensing and Registration (TDLR), as a maintenance electrician, who works under the general supervision of a master electrician, on behalf of an electrical contractor, or employing governmental entity and performs "Electrical Maintenance Work" as defined in this section.

(22) Master Electrician- An individual, licensed by the Texas Department of Licensing and Registration (TDLR), as a master electrician, who on behalf of an electrical contractor, electrical sign contractor, or employing governmental entity, performs "Electrical Work" as defined by Texas Occupations Code, §1305.002(11).

(23) Master Sign Electrician- An individual, licensed by the Texas Department of Licensing and Registration (TDLR), as a master sign electrician, who, on behalf of an electrical sign contractor, performs "Electrical Sign Work" as defined in paragraph (18) of this section.

(24) NEC shall mean the current edition of the National Electrical Code as adopted by this ordinance.

(25) NBFU shall mean the National Board of Fire Underwriters.

(26) Offer to perform- To make a written or oral proposal, to contract in writing or orally to perform electrical work or electrical sign work, or to advertise in any form through any medium that a person or business entity is an electrical contractor or electrical sign contractor, or that implies in any way that a person or business entity is available to contract for or perform electrical work or electrical sign work.

(27) On-Site Supervision - Exercise of supervision of electrical work or electrical sign work by a licensed individual other than a residential wireman electrician (for commercial electrical work) or an electrical apprentice.

A maximum of 7 electrical workers may be under on site supervision of a master electrician, journeyman electrician, or (on residential electrical work only) a residential wireman electrician.

Electrical work for signs shall have on site supervision by a master electrician, a journeyman electrician, a master sign electrician or a journeyman sign electrician.

Maintenance electricians cannot perform on site supervision for maintenance electrical work.

(28) Residential appliance- A unit of electrical equipment that is designed and installed in a dwelling by direct connection to an existing electrical circuit to perform a specific function such as water heating, for example. The term does not include general use equipment, such as an electric motor, for example, that is not designed for a specific function.

(29) Residential appliance installation contractor- means a business entity, other than an electrical contractor or electrical sign contractor that is engaged in residential appliance installation contracting.

(29-b) Residential appliance installation - means electrical work that is limited to the connection or disconnection of a residential appliance to an existing electrical circuit other than by inserting or removing a plug from an electrical outlet.

(29-c) Residential appliance installation contracting - means the business of residential appliance installation.

(29-d) Residential appliance installation contractor- means a business entity, other than an electrical contractor or electrical sign contractor that is engaged in residential appliance installation contracting.

(29-e) Residential appliance installer - means a person, other than a licensed electrician, who is licensed to perform residential appliance installation.

(30) Residential Wireman--An individual, licensed by the Texas Department of Licensing and Registration (TDLR) as a residential wireman, who works under the general supervision of a master electrician, on behalf of an electrical contractor, or employing governmental entity, while performing electrical work that is limited to electrical installations in single family and multifamily dwellings not exceeding four stories, as defined by Texas Occupations Code, §1305.002(13).

02-13. New section:

02-13 Scope. The provisions of this chapter shall apply to all electrical work, wiring and equipment installed, used, altered, or maintained in the City, except the electrical work, wiring, or equipment used in the generation, distribution, by or for, and owned or maintained by a public utility, telephone, telegraph, or district messenger company permitted to operate in the City or designated industrial districts under City jurisdiction. The licenses, permits, and fees herein provided for shall not apply to such companies and their employees, but the wiring and installations for light, heat, and power equipment of said companies shall be done according to the requirements of this chapter, and all other electrical work by said companies shall be done in accordance with adopted City electrical code, the Texas Electrical Safety and Licensing Act and the Electrical Licensing Administrative Rules of the Texas Department of Licensing and Regulation.

02-14. New section:

02-14 Department of building inspection. The Department of Building Inspection is responsible for electrical inspection, and the official in charge thereof shall be the Building Official.

02-15. New section:

02-15 Duties.

A. The Building Official shall collect and account for the fees and deposits herein provided for, and shall issue permits and certificates. The Electrical Inspector shall make inspections and perform such other duties as the Building Official may prescribe.

B. Where, in the opinion of the Chief of the Fire Department or Fire Marshal, a fire originated due to faulty electrical wiring, overloading of electrical equipment, or overloading lines or equipment, or any unauthorized electrical installation, it shall be the duty of the Fire Chief and/or Fire Marshal to have the premises involved fully inspected by the electrical inspector and said electrical services shall not be reinstated and/or reconnected until the premises conform to the provisions of this chapter.

02-16. New section:

112.1 Advisory Board. *Amend this section as follows:*

Section 112. General. The Building Board of Appeals is hereby created, in order to hear and decide appeals or orders, decisions or determinations made by the Building Official relative to the application and interpretation of the building code; the one- and two family dwelling code; the plumbing code; the fuel and gas code; the mechanical code; the electrical code; the energy conservation code; the Existing building code; the performance code; or the property maintenance code. The Building Official shall be an ex officio member of said Board but shall have no vote on any matter before the Board.

Amend to add the following:

112.2.1 Application for appeal. Upon payment of the appropriate filing fee, a person shall have the right to appeal a decision of the Building Official to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code 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 Building Official within twenty (20) days after the notice was served. The board shall have no authority to waive requirements of the code. *See building code amendments.*

02-16

02-20. New section:

02-21 License requirements.

A. No person or firm shall perform electrical work without the required electrical license and, when required the issue of the electrical permit.

Exception: With the issue of an electrical permit, a homeowner with a homestead registered on the property may perform electrical work on property owned and occupied by the owner.

B. An electrical license holder may not perform electrical work in violation of the restrictions of their license.

C. An apprentice electrician or apprentice sign electrician shall be under the constant on site supervision of a master electrician; journeyman electrician; or, on residential work only, a licensed residential wireman.

D. For electrical work on commercial property, a maximum of 7 apprentice electricians and/or residential wireman electricians shall be under constant on site supervision of a master electrician, journeyman electrician.

E. For electrical work on residential property, a maximum of 7 apprentice electricians shall be under the constant on site supervision of a master electrician, journeyman electrician or a residential wireman electrician.

F. Maintenance electricians are restricted to performing maintenance work only in the maintenance of existing electrical installations and electrical equipment.

02-21. New section:

02-21.1 Required registration.

A. An electrical contractor shall not engage in contracting of electrical business within the City or industrial districts under the jurisdiction of the City of Odessa unless they are currently registered as an electrical contractor with the Building Official.

B. An electrical sign contractor shall not engage in contracting business within the City or industrial districts under the jurisdiction of the City of Odessa unless they are currently registered as an electrical sign contractor with the Building Official.

C. A master electrician, master sign electrician, journeyman electrician, journeyman sign electrician, residential wireman, maintenance electrician, registration shall not engage in work within the City or industrial districts under the jurisdiction of the City of Odessa unless they are currently registered with the Building Official. Apprentice electricians are not required to register with the City.

D. Electrical contractors and responsible master electricians shall notify the Building Official immediately of any change in the information on the registration.

E. Each registration will remain valid for two years at the end of which time new registration is required.

F. Registration shall be on forms furnished by the Building Official.

G. Failure to renew registration. Electrical contractors, electrical sign contractors, and electricians shall maintain and keep registration information current while working in the City of Odessa or industrial districts under its jurisdiction. Failure to do so shall be a violation of this ordinance.

02-24. New section:

02-24 Registration fees: See ordinance on fees.

02-25. New section:

02-25 Contractor's Responsibilities

02-25A. Electrical Contractors' Responsibilities.

(a) A licensed electrical contractor shall display its name and license number on both sides of each vehicle owned or operated by the business and used in the conduct of electrical work. Lettering shall be of a contrasting color and at least two inches in height. The license number shall be preceded by the letters "TECL".

(b) All of a contractor's non-exempt electrical work shall be performed by licensed individuals. A contractor is responsible for compliance with applicable codes for all such electrical work performed on its behalf.

(c) The electrical contractor's name, address, phone number, and license number shall appear on all proposals, invoices, and written contracts proposed by the contractor. The following information: "Regulated by The Texas Department of Licensing and Regulation, P. O. Box 12157, Austin, Texas 78711, 1-800-803-9202, 512-463-6599; website: www.license.state.tx.us/complaints" shall be listed on invoices and written contracts.

(d) A licensed electrical contractor shall maintain employee records and records of all work performed on its behalf for a period of four years after completion of the work, and shall make those records available to the Department at the contractor's place of business during normal business hours for inspection and copying.

(e) A licensed electrical contractor and its designated master electrician are responsible for supervision of all licensees performing work on behalf of the contractor to assure compliance with applicable statutes and rules and in particular, standards of conduct set out in these rules.

02-25 B Electrical Sign Contractors' Responsibilities.

(a) A licensed electrical sign contractor shall display its name and license number on both sides of each vehicle owned or operated by the business and used in the conduct of electrical sign work. Lettering shall be of a contrasting color and at least two inches in height. The license number shall be preceded by the letters "TECL".

(b) All of a contractor's non-exempt electrical sign work shall be performed by licensed individuals. A contractor is responsible for compliance with applicable codes for all such electrical sign work performed on its behalf.

(c) The electrical sign contractor's name, address, phone number, and license number shall appear on all proposals, invoices, and written contracts proposed by the contractor. The following information: "Regulated by The Texas Department of Licensing and Regulation, P. O. Box 12157, Austin, Texas 78711, 1-800-803-9202, 512-463-6599; website: www.license.state.tx.us/complaints" shall be listed on invoices and written contracts.

(d) A licensed electrical sign contractor shall maintain employee records and records of all work performed on its behalf for a period of four years after completion of the work, and shall make those records available to the Department at the contractor's place of business during normal business hours for inspection and copying.

(e) A licensed electrical sign contractor and its designated master electrician or master sign electrician are responsible for supervision of all licensees performing work on behalf of the contractor to assure compliance with applicable statutes and rules and in particular, standards of conduct set out in these rules.

02-26 New Section

02-26 Licensees' Responsibilities.

A. All licensees must perform non-exempt electrical work or non-exempt electrical sign work in compliance with applicable codes.

B. Each electrician must have their license on their person while performing electrical work and upon request must present the license as evidence of their qualifications to perform electrical work.

C. An individual licensee must provide all electrical work requiring a license through a licensed contractor.

02-27. New section:

08-27 Electrical contractor, electrical sign contractor registration.

A. A person or firm shall not engage in business within the City or industrial districts under its jurisdiction as an electrical contractor or electrical sign contractor, nor establish, maintain or advertise a place of business without being registered in the manner required by TDLR.

B. Any person desiring to engage in the business of electrical contracting shall make application for registration at the Department of Building Inspection. Upon filing of an application in proper form, the Building Official shall register the applicant as a contractor within the City, provided he has qualified under the requirements of state and local ordinances.

C. A contractor's registration shall entitle the holder to secure permits and engage in the business of contracting for installation, replacement, alteration and/or repair in compliance with code requirements.

D. A contractor shall not engage in a contracting business within the City unless the business is qualified by a master electrician license by TDLR and registered with the City.

E. The Building Official is authorized to withhold inspections from and the issuance of permits to any contractor who fails to maintain the insurance or approved master electrician as required, or is thirty (30) days past due on permit invoice accounts with the City.

F. When the required registered master leaves the employment of a contractor, written notice shall be given immediately to both the TDLR and to the Building Official. Permit privileges of the contractor shall, without further order or action, be suspended until the contractor registers a qualified master.

G. A contractor shall provide evidence of the following coverage in the form of a certificate of insurance:

1) Commercial general liability coverage in the amount of:

Three hundred thousand dollars (\$300,000.00) for bodily injury;

Twenty thousand dollars (\$20,000.00) for property damage;

2) The policy must specifically provide coverage for completed operations in an amount not less than \$20,000.00.

3) The certificate of insurance must indicate the certificate holder as the City of Odessa, Building Inspection Division, PO Box 4398, Odessa, TX 79760

08-28. New section:

08-28 Permit.

A. No person, firm or corporation shall begin any electrical work of installing, erecting, or altering material, wiring, fixtures or other apparatus to be used for the utilization of electricity for light, heat, and power in or on any building or premises in the City or industrial districts under the jurisdiction of the City of Odessa without first securing a permit from the Building Official.

B. Blank applications for permits for electrical work shall be furnished by the Building Official, which shall be approved and countersigned by the Building Official or his representative.

C. No permit shall be required for minor work such as repairing flush and snap switches, replacing fuses, or changing lamp sockets and receptacles.

D. A permit to install electrical equipment, apparatus, or fixtures may be issued to a registered electrical contractor, a licensed maintenance electrician, or a property owner who is doing his own work on the property he occupies as his home which is and has been registered as his homestead.

E. When the contractor registration fee has been paid and when the provisions of this chapter relating to licenses, and certificates of insurance are complied with, the Building Official shall issue to the applicant a permit from the permit application submitted by the contractor. The application shall list the location by address, detail all the work to be performed, and list the total value or contract amount of work to be performed. Once issued, permits must be amended to include additional work to be performed that is not included on the original permit application. Such permit shall be without effect as to any work not therein described on the application or as to any place other than therein described.

F. Refunds. Request for refund of permit fees must be submitted in writing within thirty (30) days of the issue of the permit. The request must detail the reason for the refund. There shall be no refund for a permit charged a minimum permit fee, an expired permit or a permit that has been voided. The maximum refund on any permit shall not exceed the amount charged for a minimum permit fee and in no case shall more than ninety (90) percent of the permit fee be refunded. The Building Official shall determine the amount of a refund due on partially completed work. Refunds shall be made by the accounting department upon written request from the Building Official.

G. Expiration of permit. Permits will expire if work has not started within 180 days from the date of issue or, if work has been suspended for 180 days or more.

H. Alterations after inspection. It shall be unlawful for any person, firm or corporation to make, alter or modify any connection from a supply of electricity to any electrical equipment for which the installation of which a permit is required, or which has been disconnected or ordered to be disconnected by the Building Official, until such connection has been authorized by the Building Official.

I. Compliance with code. The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this code as adopted by the City, except as specifically stipulated by modification or legally granted variation as described in the application.

J. Work performed without permit. Any person who commences any work on electrical installations or systems or items before obtaining necessary permits shall be subject to double permit fees and/or citations.

Exception: Emergency work.

K. Revocation of permits. Revocation of permits shall conform to the following:

(1) The Building Official shall be permitted to revoke a permit or approval if any violation of this code is found upon inspection or in case there have been any false statements, failure to make full disclosure of the scope of work to be performed, or plans on which the permit or approval was based.

(2) Any attempt to defraud or otherwise deliberately or knowingly design, install, service, maintain, operate, sell, represent for sale, falsify records or applications, or other related activity in violation of the requirements prescribed by this code shall be a violation of this code and shall be cause for the revocation of a permit. In addition, any violation shall be subject to any other complaints, criminal or civil penalties as available by the laws of this jurisdiction and the State of Texas.

(3) Revocation shall be constituted when the permittee is duly notified by the Building Official.

08-30 New section:

08-30 Minor changes after inspection. After the final inspection, if fixtures are changed or replaced with other fixtures without change of size of load, or circuits are run directly into a receptacle of said changes or replaced fixtures, no fixtures permit or inspection shall be required. However, if such changed or replaced fixtures require a change in the circuit load or size of wire, a permit and inspection is required.

08-31. New section:

08-31 Emergency work. In case of emergency necessitating the immediate new wiring or repairs to electrical wiring at a time when the office of the Building Official is closed so that a permit cannot be obtained, such permit application and details of the emergency work which was required to be performed shall be made to the Building Official the next business day in which the Building Inspection Division is open.

08-32. New section:

08-32 Required plans. Plans and specifications for proposed electrical work to be renovated, installed, altered or modified, must be submitted using standard architectural details with sufficient detail to clearly indicate the full scope of work to be performed. The plans and details shall be submitted to the Building Official by the owner or his representative for review and approval before the permits will be issued. When the Building Official is satisfied that the plans for electrical work comply with the provisions of this chapter, he shall approve the plans and specifications therefor in writing. If any minor changes are required by the Building Official, he shall attach a list of such requirements to the plans or specifications.

B. Engineer and/or Architect seals. As required by state law and/or upon request of the Building Official, plans and documents shall be prepared by a registered design professional in accordance with the state board of architectural examiners, chapter 1051, Texas Occupations Code, and/or the Texas Engineering Practice Act, chapter 1001 Texas.

C. Retention of construction documents. Two (2) complete and bound sets of plans shall be submitted with permit applications for review by the Building Official. One (1) set of approved plans, specifications, and computations shall be retained by the Building Official and one (1) set shall be returned to the applicant upon payment of permit fees. The applicants City approved set is to be kept on the construction site at all times during which the work authorized by permit is in progress and must be present for City inspections.

Exception: When it is determined by the Building Official that the electrical work is of a minor nature, plans and/or specifications shall not be required.

08-33. New section:

08-33 Notice of defective wiring. If any part of any electrical equipment in or about any building in the City or industrial districts under the jurisdiction of the City of Odessa is found to have been installed and connected in violation of this chapter, or is dangerous to life or property, the owner or tenant shall be notified to cease using electrical current in such equipment and to have the defects in said equipment repaired within a reasonable time not exceeding thirty (30) days from date of notice. If defects in wiring or equipment shall not have been repaired at the expiration of said notice, the Building Official shall disconnect, or cause to be disconnected, such defective wiring or equipment from the source of supply.

08-34. New section:

08-34 Temporary use permit. The Building Official may give permission in writing to furnish or use electric current through any wiring, apparatus or fixture for a stated time if, in his opinion, such wiring, apparatus or fixture is in such condition that current may be safely used for such use. This permission shall be granted only if the owner, or general contractor, and the electrical contractor have submitted the prescribed application, furnished by the Building Official, for temporary clearance for connection of electric service from the Inspection Division. No current shall be supplied unless the installation meets the requirements of the code.

08-35. New section:

08-35 Liability of City. This chapter shall not be construed to relieve from or lessen the responsibility of any person, firm, or corporation owning, operating, controlling, or installing any electrical wiring, connections, fixtures, appliances, apparatus, machinery, equipment or work inside, overhead, or underground in the City for damages to anyone injured by defect therein; nor shall the City, or its officers or employees, be held as assuming any liability by reason of the inspection authorized or required herein, or of any of the matters or things herein provided for and regulated.

08-36. New section:

08-36 Right of entry. The inspector shall have the right to enter any building, room or place used as a church, theater, music hall, auditorium, place of public assemblage or place to which the public is generally admitted, or any apartment house, hotel, or motor or tourist court or any building used as such and any room, division, or compartment of such place, for the purpose of inspecting any electrical wiring, connections, fixtures, appliances, apparatus, machinery, or work unless prohibited by the constitution, statutes, or other laws; and it shall be unlawful to hinder, impede, obstruct, or exclude the inspector or any of his deputies when attempting to enter or entering any such place or division, room, or compartment thereof for such purposes, or to conceal any electrical wiring, connection, fixtures, apparatus, appliance, machinery or work contained in any such building or place or any division, room, or compartment thereof.

08-37. New section:

08-37 Wiring in prefab or ready-built buildings. Where buildings are constructed on premises other than the location where the building is to be re-located and where said building is to be moved into or within the City or designated industrial districts under City jurisdiction, wiring installations shall be made by an electrical contractor, permits shall be applied for, required inspections made, and clearance shall be given by the Building Official before the moving permit is issued.

Exception: Certified mobile homes; certified modular homes; certified manufactured homes and certified commercial structures constructed under the Texas Industrial Building Act that have not been modified or altered from the original factory condition and are currently in good repair.

08-38. New section:

08-38 Inspections.

A. When written notice is given by any person that work has been done pursuant to any permit issued herein provided and accompanied by a complete plan of the work done, the inspector shall within forty-eight (48) working hours inspect such work, and, if such work is found to conform to the provisions of this chapter, an inspection tag shall be issued to that effect. Inspection tags shall also be issued indicating deficiency in respect to the provisions and requirements thereof.

B. No work may be covered prior to the completion of an approved inspection that certifies compliance with the code. No work may be covered for any reason if it has been inspected and found to be deficient.

C. No work may be altered after it has been inspected without an additional inspection to certify compliance with the code.

D. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Reinspection fees shall be paid at the Building Inspection Division office prior to a reinspection.

08-39. New section:

08-39 Adoption; amendments. In the installation of all wiring, fixtures, and apparatus, the rules and regulations of the 2008 edition of the National Electrical Code and the NFPA 70A Electrical Code for One- and Two-Family Dwellings, 2008 edition, shall be complied with subject to the following modifications of said code.

08-40. New section:

08-40 Requirements.

A. Existing installations. Except as otherwise provided for in this code, a provision of this code shall not require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of, existing electrical systems and equipment lawfully in existence at the time of adoption of this code.

B. All wiring hereafter installed within the City shall be rigid metallic conduit, metal tubing, approved metal raceways, approved nonmetallic conduit, or approved multi-outlet assemblies.

C. Minimum size branch circuit wire shall be #12 copper or equal.

D. Convalescent homes and children's day nurseries requiring a state license shall be wired in approved rigid metallic conduit, metal tubing, approved metal raceways, approved nonmetallic conduit, or approved multi-outlet assemblies. Any residence or other building converted to commercial use, a convalescent home or a child nursery shall be brought to this standard.

Exceptions:

1. Outside the fire district as defined in the building code, separate and detached one- and two-family dwellings and outbuildings on the same premises may be wired with nonmetallic sheathed cable as a minimum requirement.

2. Individual residential units in multiple-occupancy buildings of wood frame construction as defined by the building code with no occupants above the second floor may be wired with nonmetallic sheathed cable; provided, however, if any part of a residence is used for any commercial purpose, that part of the building shall be disconnected from the original wiring and be rewired in conduit in accordance with the requirements for commercial use and the fire district. If more than fifty (50) percent of the existing building is used for any commercial purpose, the entire building shall be rewired in accordance with the requirements for commercial use and the fire district.

3. Residential multifamily units of any type construction two (2) stories or less may be wired in nonmetallic cable.

4. With the exception of recreation rooms, laundry rooms, offices and any area of commercial uses, residential multifamily units in excess of two (2) stories may be wired in non-metallic cable in lieu of conduit provided the units and all attached accessory areas or structures are fully protected by a code approved fire sprinkler system and fire alarm system and all remaining electrical items are installed in complete compliance with this code.

E. The ground wire shall not be smaller than number six (#6) copper wire.

Exception: Recreation rooms, laundry rooms, offices and commercial uses shall be wired as shown in 08-40(B) above. The exception to paragraph B above will not apply to this section.

F. Low voltage transformers, low voltage systems to be used to operate any mechanical system, air-conditioning unit, central heating unit, lighting or other such system shall be installed under the supervision of an electrical contractor.

Exception: The installation of heating and A/C control wiring installed by a licensed mechanical contractor.

G. Future Circuits. There shall be a minimum of two (2) three quarter inch (3/4 ") conduit or electrical metallic tubing from panels with 20 or more breaker switches and there shall be a minimum of one three quarter inch (3/4") conduit or electrical metallic tubing from lighting panels with less than 20 breaker switches to accessible areas for future extensions and space, for a minimum of four and two spare circuits respectively in each panel.

08-41. New section:

08-41 Entrance service.

A. All overhead service conductors shall be enclosed in rigid galvanized conduit or electrical metallic tubing.

B. All dwellings shall be supplied by copper three-wire no. 6 or aluminum three-wire no. 4 or larger service. Entrance cables may be used as service entrance for dwellings, or dwellings may be supplied by service as called for in subsection A above. Main entrance equipment for dwellings or three-wire service shall not be less than sixty (60) amperes for fused switches nor less than fifty (50) amperes for circuit breakers for fused switches nor less than fifty (50) amperes for circuit breakers.

C. Service riser shall be 1" diameter minimum.

- D. Service riser penetrating roof shall be 2" minimum diameter rigid conduit.
- E. Weatherproof main disconnects shall be installed outside of all new residences and apartments and on service changes on residences and apartments.
- F. When repair of an existing meter loop that was originally installed as per code requirements in effect at the time of the original installation is made without an increase in size of wire or capacity, the system may be repaired to its previous condition. The replacement of a meter loop shall be installed in compliance with the current code.

Exception: If original service installation was not grounded, an approved ground shall be provided.

08-42. New section:

08-42 Service entrance location and underground service. The point of entrance of electrical service wires on underground services and the point of landing of electrical service drops on overhead services shall be designated by the electricity supply agency and approved by the electrical advisory board. All facilities for the installation of meters shall meet the metering requirements of the electric power company.

08-42.1. New subsection:

08-42.1 The electrical contractor or homeowner shall install service wire brackets. Brackets or other means of electrical service line attachment shall be installed by the contractor or homeowner, when the homeowner is the permittee on buildings or points of service attachment, as per 230-54(D).

08-43. New section:

08-43 Check before concealing. The permittee shall submit each request for inspection to the Building Inspection Division. The permittee shall check all wiring to be concealed for code compliance before submitting a request for an inspection.

08-44. New section:

08-44 Approval required before concealment. The inspection tag shall not be destroyed and shall remain on the job site until final inspection approval.

A. When the electrical installation has been made to comply with the code, the inspector shall leave a certificate of inspection attached to the meter loop or other convenient location stating that the wiring or conduit has been passed and may be concealed.

B. Any person removing, destroying or defacing one of these approval cards, or any person concealing any wiring or conduit which has not been approved, shall be guilty of a misdemeanor and punishable as provided in this chapter.

08-45. New section:

08-45 Concealed wiring, notification of changes. When an electrical contractor is notified of an electrical change, modification or installation that has not passed inspection, he must make such changes at once, and, in all cases, he shall request a reinspection immediately upon making the changes.

08-46. New section:

08-46. Address affixed to Meter Base. On each building, structure, property or meter service where there is more than one meter base installed, each meter base shall have the address it serves permanently affixed to the base by methods of materials or installation that are weather resistant in a manner approved by the Building Official. The assigned address shall also be permanently affixed to each single or multiple meter base installed for permanent or temporary use when the meter base is not attached directly to a building or structure with the same address.

Amend as follows.

08-210-8 (A). Add new paragraph below 210.8:

In all new construction, multiple receptacles may be served by one GFCI receptacle device if they are in the same room and each receptacle controlled by the GFCI is within line of sight of the controlling GFCI device. A GFCI breaker in a panel may be used to serve multiple outlets.

08-230-24(B). *Delete as written and substitute the following:*

08-230-24(B) (1) Vertical clearance for service drop conductors.

Amend 3.0 m (10 ft) to 3.7 m (12 ft)

08-250-52 (3). *Amend to add the following to the start of the paragraph:*

250-52 (A) (3) Concrete-Encased Electrode. In all new construction, a concrete encased electrode is required.

08-250-52 (3). *Amend to add the following to the end of the paragraph:*

250-52 (A) (3) Concrete-Encased Electrode.

In all new residential construction, an electrode encased by at least two (2) inches of concrete, located 3 inches from the bottom of a 12 inch deep foundation at or near the location of the electrical service, consisting of at least twenty (20) feet of one (1) or more reinforcing bars of not less than one-half inch (1/2") diameter, or consisting of at least twenty (20) feet of bare solid copper conductor not smaller than no. 4 AWG, bent on one end such that only six (6) inches extends above the finish floor. Reinforcing bars shall be bonded together by the usual steel tie wires or other effective means.

Section 2. That the herein adopted amended version of the 2008 NATIONAL ELECTRICAL CODE shall be in full force and effect 30 days after its adoption. On the date that the said amended version of the 2008 NATIONAL ELECTRICAL CODE is in full force and effect, then Ordinance No. 2003-09 as amended and such other and further existing ordinances as are inconsistent and incompatible with any provisions of the herein adopted amended version of the 2008 NATIONAL ELECTRICAL CODE shall be wholly repealed. In addition, nothing in this ordinance shall be construed to invalidate or cause to be void any of those provisions of the 2008 NATIONAL ELECTRICAL CODE that are not amended in this ordinance. Provided, further, that notwithstanding any of the foregoing, all buildings, structures, work, etc. for which a permit has been issued and/or work legally begun prior to the date the said amended version of the 2008

NATIONAL ELECTRICAL CODE is in full force and effect shall continue to be constructed, repaired, altered, moved, etc., under the provisions of the presently existing codes of the City of Odessa.

Section 3. That nothing contained in this ordinance shall in any manner whatsoever change, alter or otherwise affect the commission of or punishment for any offense, crime or act committed or done prior hereto, or any penalty or forfeiture incurred, or any prosecution whatsoever, or any suit or other proceedings pending, or any judgment rendered on or before the passage and publication of this ordinance, nor shall anything herein change, alter or otherwise affect any cause or action, contract or right established or accruing to the City or to any person, association or corporation, or any contract or obligation by or in favor of the City before same.

Section 4. If any section, subsection, sentence, clause or phrase herein is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of same shall not be affected thereby, it being the intent of the City Council in passing and adopting this ordinance that no portion hereof or provisions or regulations contained herein, shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, portion, provision or regulation.

Section 5. That any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$2,000.00 as provided in Section 1-1-9, "General Penalty, continuing violations, right of entry, enforcement officers" Chapter 1, Odessa City Code, which section is adopted by reference and made a part hereof. Each day any such violation shall continue shall constitute a separate offense.

Section 6. The City Secretary is hereby directed to effect such publication as may be required by law in connection with the passage of this ordinance.

The foregoing ordinance was first approved on the 11th day of August, A.D., 2009, by the following vote:

Bill Cleaver	AYE
James B. Goates	AYE
Royce Bodiford	AYE
Dean Combs	AYE
Benjamin Velasquez	AYE

The foregoing ordinance was adopted on second and final approval on the 25th day of August, A.D., 2009, by the following vote:

Bill Cleaver	AYE
James B. Goates	AYE
Royce Bodiford	AYE
Dean Combs	AYE
Benjamin Velasquez	AYE

Approved this the 25th day of August, A.D., 2009.

Larry L. Melton, Mayor

ATTEST:

Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

Larry Long, City Attorney