

## ORDINANCE NO. 1147

**AN ORDINANCE OF THE CITY OF LAKE WORTH, TEXAS AMENDING CHAPTER 3 "BUILDING REGULATIONS" OF THE LAKE WORTH CODE OF ORDINANCES, REPEALING ARTICLE 3.1700 "TECHNICAL AND CONSTRUCTION CODES ADOPTED", DIVISION 7 "NATIONAL ELECTRICAL CODE" BY REPEALING AND REPLACING IT WITH A NEW SECTION 7, ENTITLED "NATIONAL ELECTRICAL CODE ADOPTED," AND BY ADOPTING THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00 FOR EACH VIOLATION; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lake Worth, Texas (the "City") is a Home Rule City acting under its charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, a new edition of the *National Electrical Code* ("NEC") is produced every two (2) years, and the 2017 Edition of the NEC has recently been issued by the National Fire Protections Association ("NFPA"); and

**WHEREAS**, the NFPA has developed the NEC, and in addition reviewed by the Regional Codes Coordinating Committee of the North Central Texas Council of Governments ("NCTCOG"); and

**WHEREAS**, the City's electrical code is intended to be updated periodically, and the 2017 edition of the NEC is the most current published electrical code at this time; and

**WHEREAS**, the adoption of the 2017 Edition of the NEC, including local amendments, will provide the most current life safety applications with respect to construction, occupancy, use and maintenance of buildings and structures in the City; and

**WHEREAS**, the current electrical code in the City is the 2011 edition of the NEC, and the City's electrical code should be updated to the most current published code available; and

**WHEREAS**, the City Council of the City of Lake Worth, Texas, has determined that it is in the best interest of the citizens of the City of Lake Worth to update and adopt the 2017 edition of the NEC the minimum standard for electrical installations, as set forth herein and as the code specifically modified by the ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE WORTH, TEXAS:**

**SECTION 1.**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes:

**SECTION 2.**

All ordinances and provisions of the City of Lake Worth, Texas that are in conflict with this ordinance shall be and the same are hereby repealed, and all ordinances and provisions of ordinances of said City not so repealed are hereby retained in full force and effect.

**SECTION 3.**

From and after the effective date of this ordinance, Section 3.1700, Technical and Construction Codes, Division 7, of the Code of Ordinances of the City of Lake Worth, entitled "National Electrical Code," is hereby repealed and replaced with a new Section 7 entitled "National Electrical Code Adopted," to read as follows":

**Sec.3.1707**

**National Electrical Code Adopted**

The NEC, 2017 edition, a copy of which is on file with the City Secretary, is hereby adopted and designated as the electrical code of the city the same as though the provisions, of the NEC, 2017 edition, were copied at length in this section, subject to and modified by amending only the enumerated sections and provisions, as follows, and all sections and provisions not expressly amended or deleted shall remain in full force and effect. Where an amendment is not clear or is silent regarding a certain requirement, the requirements of the NEC, 2017 edition, shall be met.

- (1) Article 100 of the NEC, 2017 edition is hereby amended by adding the following definition to read as follows:

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

- (2) Article 100 of the NEC, 2017 edition is hereby amended by amending the definition of "Intersystem Bonding Termination" to read as follows:

**Intersystem Bonding Termination.** A device that provides a means for connecting intersystem bonding conductors for communications systems to the grounding electrode system.

- (3) Article 110.2 of the NEC, 2017 edition is hereby amended by changing 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.*

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.

- (4) Article 210.52 (G) (1) of the NEC, 2017 edition is hereby amended by changing the following to read as follows:

**(1) Garages.** In each attached garage and in each detached garage with electric power. At least one receptacle outlet shall be installed for each car space.

- (5) Article 230.71 (A) of the NEC, 2017 edition is hereby amended by removing 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.

- (6) Article 300.11 of the NEC, 2017 edition is hereby amended by removing 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").

- (7) Article 310.15 (B) (7) of the NEC, 2017 edition is hereby amended by removing the amendment that changed the following exception to read as follows:

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

- (8) Article 500.8 (A) (3) of the NEC, 2017 edition is hereby amended 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.

- (9) Article 505.7 (A) of the NEC, 2017 edition is hereby 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 qualified licensed Professional Engineer in the State of Texas.

- (10) Article 517.30 Essential Electrical Systems for Hospitals of the NEC, 2017 edition does hereby remove the amendment that created a new (H) and adds language as follows:

**(G) Coordination.** Overcurrent protective devices serving 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.

(11) Article 600.6 (A) (1) At Point of Entry to a Sign; Exception 1, of the NEC, 2017 edition is hereby amended as follows:

**Exception No.1:**

A disconnect shall not be required for branch circuit(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.

**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.

**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.

(12) Article 680.25 (A) of the NEC, 2017 edition is hereby amended to read as follows:

**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

**SECTION 4.  
CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of all other ordinances of the City of Lake Worth, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 5.  
PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 6.  
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Lake Worth that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 7.  
SAVINGS CLAUSE**

All rights or remedies of the City of Lake Worth, Texas are expressly saved as to any and all violations of the provisions of any ordinance affecting zoning or land use, which have accrued at the time of the effective date of this Ordinance; and as to such accrued violations and all pending litigation, both civil and criminal, whether pending in



court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

**SECTION 8.  
ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Lake Worth is hereby directed to engross and enroll this Ordinance by copying the caption, publication clause and effective date clause in the minutes of the City Council and by filing the Ordinance in the Ordinance Records of the City.

**SECTION 9.  
PUBLICATION**

The City Secretary of the City of Lake Worth is hereby directed to publish in the official newspaper of the City of Lake Worth, the caption, the penalty clause, publication clause, and effective date clause of this ordinance two (2) days as authorized by Section 52.013 of the Local Government Code.

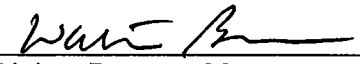
**SECTION 10.  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

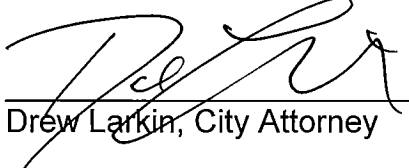
**PASSED AND APPROVED** on 13th day of August, 2019.

**ATTEST**  
  
  
\_\_\_\_\_  
Monica Solko, City Secretary

**CITY OF LAKE WORTH**

By:   
\_\_\_\_\_  
Walter Bowen, Mayor

**APPROVED AS TO FORM AND LEGALITY:**

  
\_\_\_\_\_  
Drew Larkin, City Attorney