

ORDINANCE NO. 2023-111

AN ORDINANCE OF THE CITY OF CELINA, TEXAS AMENDING THE CITY'S CODE OF ORDINANCES; CHAPTER 3: BUILDING REGULATIONS; ARTICLE 3.02 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS; SECTION 3.02.003 ADOPTION BY REFERENCE; SUBSECTIONS (A)(7) AND (B)(3); PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING SEVERABILITY; PROVIDING FOR SAVINGS; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURES OR CONTINUES AND INCLUDING PROVISIONS FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS WHICH CONSTITUTE AN IMMINENT HAZARD OR DANGER TO THE PUBLIC HEALTH AND SAFETY; PROVIDING A PUBLICATION CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina, Texas, is a Home Rule Municipality located in Collin County and Denton County, Texas, created in accordance with provisions of the Texas Local Government Code the Texas Constitution and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City of Celina, Texas is a home rule municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the City; and

WHEREAS, the Texas Local Government Code, Chapter 214, was amended by Senate Bill No. 365, an act of the 77th Texas Legislature, by adding Subchapter G, which provides for the adoption of the International Residential Code as a municipal residential building code in the State of Texas; and

WHEREAS, the City Council does hereby find and determine that the adoption of this Ordinance is in the best interest of the public health, safety, morals and general welfare of the City to adopt the construction and related codes as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, COLLIN COUNTY, TEXAS:

SECTION 1
INCORPORATION OF PREMISES

That the above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
FINDINGS

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Celina, Texas, and of the public health, safety, and welfare.

SECTION 3
AMENDMENT

3.01 Chapter 3: Building Regulations; Article 3.02: Technical and Construction Codes and Standards; Section 3.02.003 Adoption by Reference, Subsection (a)(7) is hereby amended to read as follows:

“(7) The National Electrical Code, being in particular the 2023 edition and appendices, as amended, as published by the National Fire Protection Association, except as it may be in conflict with the provisions of any ordinance of the city.”

3.02 Chapter 3: Building Regulations; Article 3.02: Technical and Construction Codes and Standards; Section 3.02.003 Adoption by Reference; Subsection (b)(3) is hereby amended to read as follows:

“(3) The National Electrical Code is hereby amended as follows:

(A) 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 as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ.

(B) Article 110.2; Change the following to read as follows:

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

Exception: Unlisted equipment that is relocated to another location within a jurisdiction or is field modified is subject to 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 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.

(C) Article 110.5; Change the following to read as follows:

110.5 Conductors. Conductors normally used to carry current shall be of copper or maybe of aluminum of (2) AGW or larger and may be used only for service panel boards or sub-panel board service feeders. Where conductor material is not specified, the material and the sizes... (the rest of the paragraph as written.)

(D) Article 110.12 B; Add the following to:

(B) Integrity of Electrical Equipment and Connections.

Internal parts of electrical equipment, including busbars, wiring terminals, insulators, and other surfaces, shall not be damaged or contaminated by foreign materials such as paint, plaster, cleaners, abrasives, corrosive residues or influences, fire, products of combustion, or water.

There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment such as parts that are broken; bent; cut; or deteriorated by corrosion, chemical action, or overheating. Except where prohibited elsewhere in this Code, equipment shall be specifically evaluated by its manufacturer or a qualified testing laboratory prior to being returned to service.

(E) Article 210.8 A 1; Bathrooms Exception; Change the following to read as follows:

Dwelling Units.

All 125-volt through 250-volt receptacles installed in the following locations and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit- interrupter protection for personnel:

Bathrooms.

Exception No. 4: Factory-installed receptacles that are not readily accessible and are mounted internally to exhaust fan assemblies shall not require GFCI protection unless required by the installation instructions or listing.

(F) Article 210.52 C 1; Countertop and Work Surfaces Exception; Change the following to read as follows:

(C) Countertops and Work Surfaces.

In kitchens, pantries, breakfast rooms, dining rooms, and similar areas of dwelling units, receptacle outlets for countertop and work surfaces that are 300 mm (12 in.) or wider shall be installed in accordance with 210.52 (C) (3) through (C)(3) and shall not be considered as the receptacle outlets required by 210.52(A).

For the purposes of this section, where using multioutlet assemblies, each 300 mm (12 in.) of multioutlet assembly containing two or more receptacles installed in individual or continuous lengths shall be considered to be one receptacle outlet.

(2) Wall Spaces.

Receptacle outlets shall be installed so that no point along the wall line is more than 600 mm (24 in.) measured horizontally from a receptacle outlet in that space. The Location of the receptacles shall be in accordance with 210.52 (C) (3).

Exception: Receptacle outlets shall not be required directly behind a range, counter-mounted cooking unit, or sink in the installation described in Figure 210.52 (C)(1).

(G) Article 210.52 (C)(2); Island and Peninsular Countertops and Work Surfaces; Change the following to read as follows:

Receptacle outlets, if installed to serve an island or peninsular countertop or work surface, shall be installed in accordance with 210.52 (C) (3). If receptacle outlet is not provided to serve an island or peninsular countertop or work surface a **Chapter 3** wiring method shall be installed and supplied from a **Small Appliance Branch Circuit** to a listed outlet box in the peninsular countertop or work surface.

(H) Article 210.63 (B) (1), (2); Equipment Requiring Servicing; Change the following to read as follows:

(B) Other Electrical Equipment.

In other than one- and two-family dwellings, a receptacle outlet shall be located as specified in 210.63(B) (1) and (B)(2).

(1) Indoor Service Equipment

The required receptacle outlet shall be located within the same room or area as the service equipment.

(2) Indoor Equipment Requiring Dedicated Equipment Spaces.

Where equipment, other than service equipment, requires dedicated equipment space as specified in 110.26(E), the required receptacle outlet shall be located within the same room or area as the electrical equipment-

(I) Add New Article 220.7; Load Calculation; add the following:

A load calculation shall be provided upon request when modifications to the electrical installation occurs.

(J) Article 230.2; add sentences to end of this section to read as follows:

230.2 Number of Services. {no changes to current section} ... The height of the meter, measured from finish grade, shall be between a minimum height of 4 feet to a maximum of 6 feet measured to the center of the glass. **For residential services**, only one service will be allowed for main building and other structures.

(K) Article 230.70 (A) (1); Amend to read as follows:

1) Readily Accessible Location. The service disconnection means shall be installed at a readily accessible location on the outside of a building or structure nearest the service.

(L) Article 230.85 Emergency Disconnects (C) Replacement: Change the following to read as follows:

(C) Replacement

Where service equipment is replaced, all of the requirements of this section shall apply.

Exception: Where a pre-existing installation is Code Compliant with 230.70 A, only meter sockets, service entrance conductors, or related raceways and fittings are replaced, the requirements of this section shall not apply

(M) Article 408.4 Descriptions Required: Change the following to read as follows:

(A) Circuit Directory or Circuit Identification.

Every circuit and circuit modification shall be provided with legible and permanent description that complies with all of the following conditions as applicable:

- (1) Located at each switch or circuit breaker in a switchboard or switchgear
- (2) Included in a circuit directory that is located on the face of, inside of, or in an approved location adjacent and permanently affixed to the panel door in the case of a panelboard.
- (3) Clear, evident and specific to the purpose or use of each circuit including spare positions with an unused overcurrent device.
- (4) Described with a degree of detail and clarity that is unlikely to result in confusion between circuits.
- (5) Not dependent on transient conditions of occupancy.
- (6) Clear in explaining abbreviations and symbols when used.

(N) 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.

(O) 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

(P) 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. One of the following shall determine suitability of identified equipment:

- (1) Equipment listing or labeling.
- (2) Evidence of equipment evaluation from a qualified testing laboratory or inspection agency concerned with product evaluation; or,
- (3) By Special Permission Only, Evidence acceptable to the authority having jurisdiction such as a manufacturer's self-evaluation *accompanied by* or an owner's engineering judgment an engineering judgment signed and sealed Under Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ.

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

(Q) Article 505.7 and 505.7 (A) changed to read as follows:

505.7 Special Precaution.

This article 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 to the installation and maintenance of electrical equipment in hazardous (classified) locations.

Informational Note No. 2: Electrical equipment that is dependent on the protection technique 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. Low ambient conditions require special consideration. At low ambient temperatures, flammable concentrations of vapors might 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 Supervision. By a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ.

(B) GO TO TBPE LAW FOR THE DEFINITION OF AN ENGINEER
<https://pels.texas.gov/>

(R) Article 690.9 (D): Change the following to read as follows:

690.9 (D) Transformers. Overcurrent protection for power transformers shall be installed in accordance with 705.30(F).

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

(T) Article 705.8 System Installation: Change the following to read as follows:

705.8 System Installation. Installation of one or more electrical power production sources operating in parallel with a primary source(s) of electricity shall be performed only by qualified persons. During the installation there shall be on site one of the following:

- (1) A person holding a Master Electrician License issued by the Texas Department of Licensing and Regulation.
- (2) A person holding a Journeyman Electrician License issued by the Texas Department of Licensing and Regulation.

(U) Article 705.80: Change to read as follow:

705.80 Power Source Capacity.

For interconnected power production sources that operate in island mode, capacity shall be calculated using the sum of all power source output maximum currents for the connected power production source. Solar photovoltaic (PV) and wind systems shall not be included in the sum capacity.

(V) Article 710.15 (A) Supply Output: Delete the entire section.”

SECTION 4

CUMULATIVE REPEALER CLAUSE

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit, which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance, shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5

SAVINGS CLAUSE

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning which have secured 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 court.

SECTION 6
SEVERABILITY

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative, or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 7
PENALTY

Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Celina, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs and continues.

If the governing body of the City of Celina determines that a violation of this Ordinance has occurred, the City of Celina may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 8
PUBLICATION CLAUSE

The City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the Local Government Code.

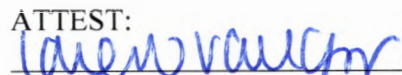
SECTION 9
ENGROSSMENT AND ENROLLMENT

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

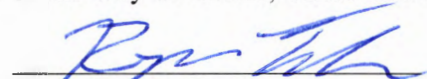
SECTION 10
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage in accordance with the law.

DULY PASSED AND APPROVED by the City Council of the City of Celina, Texas this 10th day of October 2023.

ATTEST:

Lauren Vaughns, City Secretary




Ryan Tubbs, Mayor