

ORDINANCE NUMBER 16-10850

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE I, DIVISION 5 OF THE SALINA CODE BY REPEALING THE EXISTING SECTIONS 8-146 THROUGH 8-155; ADOPTING THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE (NFPA-70) BY REFERENCE; AND ADOPTING LOCAL AMENDMENTS.

BE IT ORDAINED by the Governing Body of the City of Salina, Kansas:

Section 1. New Section. The Salina Code is amended by adding a new section to Chapter 8, Article I, Division 5 to be numbered 8-1-5-1 which section reads as follows:

Sec. 8-1-5-1-1. National Electrical Code adopted.

The National Electrical Code – NFPA 70, 2011 Edition, promulgated and published by the National Fire Protection Association, including Annex H, but not any other of its annexes, (NEC) is incorporated by reference, except as amended in this division.

Section 2. New Section. The Salina Code is amended by adding a new section to Chapter 8, Article I, Division 5 to be numbered 8-1-5-80.2 which section reads as follows:

Sec. 8-1-5-80.2. Amendment to Annex H, Section 80.2 of the NEC.

Annex H, Section 80.2 of the NEC is amended to read as follows:

Sec. 80.2 Definitions.

Authority Having Jurisdiction. The authority having jurisdiction shall mean the building official. The city manager shall appoint and hereby delegates to the building official and any other city employees in designated technical roles the authority necessary to administer, interpret, and enforce this code.

Chief Electrical Inspector. An electrical inspector who either is the building official or is designated by the city manager and is responsible for administering the requirements of this code.

Electrical Inspector. An individual meeting the requirements of 80.27 and authorized to perform electrical inspections.

Section 3. New Section. The Salina Code is amended by adding a new section to Chapter 8, Article I, Division 5 to be numbered 8-1-5-80.15 which section reads as follows:

Sec. 8-1-5-80.15. Amendment to Annex H, Section 80.15 of the NEC.

Annex H, Section 80.15 of the NEC is amended to read as follows:

Sec. 80.15 Appeals. Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard and decided by the building advisory board. See Salina Code Chapter 8, Article II.

Section 4. New Section. The Salina Code is amended by adding a new section to Chapter 8,

Article I, Division 5 to be numbered 8-1-5-80.19 which section reads as follows:

Sec. 8-1-5-80.19. Amendment to Annex H, Section 80.19 of the NEC.

Annex H, Section 80.19 of the NEC is amended to read as follows:

Sec. 80.19 Permits and Approvals.

1. No person shall install or repair, change or add to any wiring for the transmitting of electric current for light, heat or power or install or repair any lighting, fixtures, devices, disconnects, service or control equipment that has been installed in or upon any building in the city without the owner, electrical contractor or person doing such work first obtaining a permit covering such work from the city, except that no permit shall be required to execute any of the classes of electrical work specified in the following:

- (1) Listed cord-and-plug connected temporary decorative lighting. Installation or replacement of equipment such as lamps and of electric utilization equipment approved for connection to suitable permanently installed receptacles. Replacement of flush or snap switches, fuses, lamp sockets, and receptacles, and other minor maintenance and repair work, such as replacing worn cords and tightening connections on a wiring device
- (2) Replacement of branch circuit overcurrent devices of the required capacity in the same location.
- (3) Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
- (4) Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- (5) Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installation of towers and antennas.
- (6) Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

2. Permits and approvals shall conform to 80.19(A) through (H).

(A) Application.

(1) Activity authorized by a permit issued under this code shall be conducted by the permittee or the permittee's agents or employees in compliance with all requirements of this code applicable thereto and in accordance with the approved plans and specifications. No permit issued under this code shall be interpreted to justify a violation of any provision of this code or any other applicable law or regulation.

Any addition or alteration of approved plans or specifications shall be approved in advance by the authority having jurisdiction, as evidenced by the issuance of a new or amended permit.

(2) A copy of the permit shall be posted or otherwise readily accessible at each work site or carried by the permit holder as specified by the authority having jurisdiction.

(B) Content. Permits shall be issued by the authority having jurisdiction and shall bear the name and signature of the authority having jurisdiction or that of the authority having

jurisdiction's designated representative. In addition, the permit shall indicate the following:

- (1) Operation or activities for which the permit is issued;
 - (2) Address or location where the operation or activity is to be conducted;
 - (3) Name and address of the permittee;
 - (4) Permit number and date of issuance;
 - (5) Period of validity of the permit; and
 - (6) Inspection requirements
- (C) *Issuance of Permits.* The authority having jurisdiction shall be authorized to establish and issue permits, certificates, notices, and approvals, or orders pertaining to electrical safety hazards pursuant to 80.23.
- (D) *Fees.* The fee for each permit required by this code shall be as set forth in the fee schedule adopted pursuant to Section 2-2 of the Salina Code.
- (E) *Inspection and Approvals.*
- (1) Upon the completion of any installation of electrical equipment that has been made under a permit other than an annual permit, it shall be the duty of the person, firm, or corporation making the installation to notify the electrical inspector having jurisdiction who shall inspect the work within a reasonable time.
 - (2) Where the electrical inspector finds the installation to be in conformity with all applicable local ordinances, codes, and rules and regulations, the electrical inspector shall notify such authorization to the supplier of electric service. When a certificate of temporary approval is issued authorizing the connection of an installation such certificates shall be issued to expire at a time to be stated therein and shall be revocable by the electrical inspector for cause.
 - (3) When any portion of the electrical installation within the jurisdiction of an electrical inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm, or corporation installing the equipment shall notify the electrical inspector, and such equipment shall not be concealed until it has been approved by the electrical inspector; provided, however, that on large installations, where the concealment of equipment proceeds continuously, the person, firm, or corporation installing the equipment shall give the Electrical Inspector due notice in advance, and inspections shall be made periodically during the progress of the work.
 - (4) If, upon inspection, any installation is found not to be fully in conformity with the provisions of Article 80, and all applicable ordinances, codes, rules and regulations, the electrical inspector making the inspection shall at once forward to the person, firm, or corporation making the installation a written notice stating the defects that have been found to exist.
- (F) *Revocation of Permits.* Revocation of permits shall conform to the following:
- (1) The authority having jurisdiction shall be permitted to revoke a permit or approval issued if any violation of this code is found upon inspection or in the case where there have been any false statements or misrepresentations submitted in the application 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, reports, or applications, or

other related activity in violation of the requirements prescribed by this code shall be a violation of this code. Such violations shall be cause for immediate suspension or revocation of any related licenses, certificates, or permits issued by the city. In addition, any such violation shall be subject to any other criminal or civil penalties as available by the laws of this jurisdiction.

- (3) Revocation shall be constituted when the permittee is duly notified by the authority having jurisdiction.
- (4) Any person who engages in any business, operation, or occupation, or uses any premises, after the permit issued therefore has been suspended or revoked pursuant to the provisions of this code, and before such suspended permit has been reinstated or a new permit issued, shall be in violation of this code.
- (5) A permit shall be predicated upon compliance with the requirements of this code and shall constitute written authority issued by the authority having jurisdiction to install electrical equipment. Any permit issued under this code shall not take the place of any other license or permit required by other regulations or laws of this jurisdiction.
- (6) The authority having jurisdiction shall be permitted to require an inspection prior to the issuance of a permit.
- (7) A permit issued under this code shall continue until revoked or for the period of time designated on the permit. The permit shall be issued to one person or business only and for the location or purpose described in the permit. Any change that affects any of the conditions of the permit shall require a new or amended permit.

(G) *Applications and Extensions.* Applications and extensions of permits shall conform to the following:

- (1) Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned for a period of 90 days after the work has commenced. Before such work can be recommenced, a permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

- (2) Applications for permits shall be made to the authority having jurisdiction on forms provided by the jurisdiction and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the authority having jurisdiction, such as plans and

specifications, location, and so forth. Fees shall be determined as required by local laws.

- (3) The authority having jurisdiction shall review all applications submitted and issue permits as required. If an application for a permit is rejected by the authority having jurisdiction, the applicant shall be advised of the reasons for such rejection. Permits for activities requiring evidence of financial responsibility by the jurisdiction shall not be issued unless proof of required financial responsibility is furnished.

Section 5. New Section. The Salina Code is amended by adding a new section to Chapter 8, Article I, Division 5 to be numbered 8-1-5-80.27 which section reads as follows:

Sec. 8-1-5-80.27. Amendment to Annex H, Section 80.27 of the NEC.

Section 80.27 of the NEC is amended to read as follows:

Sec. 80.27 Inspector's Qualifications. Deleted.

Section 6. New Section. The Salina Code is amended by adding a new section to Chapter 8, Article I, Division 5 to be numbered 8-1-5-210.12 which section reads as follows:

Sec. 8-1-5-210.12. Amendment to Article 210.12 of the NEC.

Section 210.12 of the NEC is amended to read as follows:

Sec. 210.12 Arc-Fault Circuit-Interrupter Protection. Arc-fault circuit-interrupter protection shall be provided as required in 210.12 (A), (B), and (C). The arc-fault circuit-interrupter shall be installed in a readily accessible location.

A. Dwelling Units. All 120 volt, single phase, 15 and 20 ampere circuits supplying outlets installed in dwelling units, kitchens family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, laundry areas or similar rooms or areas shall be protected by any of the means described in 210.12(A)(1) through (6):

- (1) A listed combination-type arc-fault circuit interrupter installed to provide protection of the entire branch circuit.
- (2) A listed branch/feeder type AFCI installed at the origin of the branch circuit in combination with a listed outlet branch-circuit type AFCI installed at the first outlet box on the branch circuit. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.
- (3) A listed supplemental arc protection circuit breaker installed at the origin of the branch circuit in combination of a listed outlet branch-circuit type AFCI installed at the first outlet box on the branch circuit where all of the following conditions are met:
 - a. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch- circuit arc-fault circuit interrupter;
 - b. The maximum length of the branch circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet for a 14AWG conductor or 70 feet for a 12 AWG conductor; and

c. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.

(4) A listed outlet branch-circuit type arc-fault circuit interrupter installed at the first outlet of the branch circuit in combination with a listed branch-circuit overcurrent protective device where all of the following conditions are met:

a. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter;

b. The maximum length of the branch circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet for a 14AWG conductor or 70 feet for a 12 AWG conductor;

c. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit; and

d. The combination of the branch-circuit overcurrent device and outlet branch-circuit AFCI shall be identified as meeting the requirements for a system combination-type AFCI and shall be listed as such.

(5) If RMC, IMC, EMT, Type MC, or steel-armored Type AC cables meeting the requirements of 250.118, metal wireways, metal auxiliary gutters and metal outlets and junction boxes are installed for a portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, it shall be permitted to install a listed outlet branch-circuit type AFCI at the first outlet to provide protection for the remaining portion of the branch circuit.

(6) Where a listed metal or nonmetallic conduit or tubing or Type MC cable is encased in not less than 2 inches of concrete for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, it shall be permitted to install a listed outlet branch-circuit type AFCI at the first outlet to provide protection for the remaining portion of the branch circuit.

Exceptions:

Where an individual branch circuit to a fire alarm system installed in accordance with Section 760.41(B) or 760.121(B) is installed in RMC, IMC, EMT, or steel sheathed cable type AC or Type MC, meeting the requirements of Section 250.118, with metal outlet and junction boxes, AFCI protection shall be permitted to be omitted.

Section 7. New Section. The Salina Code is amended by adding a new section to Chapter 8, Article I, Division 5 to be numbered 8-1-5-230.70 which section reads as follows:

Sec. 8-1-5-230.70. Amendment to Article 230.70 of the NEC.

Section 230.70 of the NEC is amended to read as follows:

Sec. 230.70 General. Means shall be provided to disconnect all conductors in a building or other structure from the service-entrance conductors.

(A) *Location.* The service disconnecting means shall be installed in accordance with 230.70(A) (1), (2), and (3).

(1) *Readily Accessible Location.* The service disconnecting means shall be installed at a readily accessible location either outside of a building or structure or inside nearest the point of entrance of the service conductors. For one and two family dwellings, the

length of service conductors between the meter and the service disconnect shall not exceed 10 feet. For all other buildings where the service disconnecting means is located inside a building or structure, that portion of the service conductors located inside the building or structure shall not exceed 10 feet in length and shall be encased in conduit. (Note: See 230.6 – Conductors considered outside the building)

- (2) *Bathrooms.* Service disconnecting means shall not be installed in bathrooms.
- (3) *Remote Control.* Where a remote control device(s) is used to actuate the service disconnecting means, the service disconnecting means shall be located in accordance with 230.70(A)(1).
- (B) *Marking.* Each service disconnect shall be permanently marked to identify it as a service disconnect.
- (C) *Suitable for Use.* Each service disconnecting means shall be suitable for the prevailing conditions. Service equipment installed in hazardous (classified) locations shall comply with the requirements of Articles 500 through 517.

Section 8. New Section. The Salina Code is amended by adding a new section to Chapter 8, Article I, Division 5 to be numbered 8-1-5-406.12 which section reads as follows:

Sec. 8-1-5-406.12. Amendment to Article 406.12 of the NEC.

Section 406.12 of the NEC is amended to read as follows:

Sec. 406.12 Tamper-Resistant Receptacles. Tamper-Resistant receptacles shall be installed as specified in 406.12(A) through (C).

(A) **Dwelling Units.** In all areas specified in 210.52, all non-locking type 125 volt, 15 and 20 ampere receptacles shall be listed tamper-resistant receptacles.

(B) **Guest Rooms and Guest Suites of Hotels and Motels.** All non-locking type, 125 volt, 15 and 20 ampere receptacles located in guest rooms and guest suites of hotels and motels shall be listed tamper-resistant receptacles.

(C) **Child Care Facilities.** In all child care facilities, all non-locking type, 125 volt, 15 and 20 ampere receptacles shall be listed tamper-resistant receptacles.

Note: 406.2 Child care facility is defined as, “A building or structure, or portion thereof, for educational, supervisory, or personal care services for more than four children 7 years old or less.”

Exception to (A), (B), and (C): Receptacles in the following locations shall not be required to be tamper-resistant:

1. Receptacles located more than 5 1/2 feet (1.7m) above the floor.
2. Receptacles that are part of a luminaire or appliance.
3. A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance, that in normal use, is not easily moved from one place to another and that is cord and plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).
4. Non-grounding receptacles used for replacements as permitted in 406.4(D)(2)(a).

Section 9. Repealer. Existing Salina Code Sections 8-146 through 8-155 are repealed.

Section 10. **Effective.** That this ordinance shall be in full force and effect on January 1, 2017 after

its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 16- 10850 Summary

On October 3, 2016 the City Commission passed Ordinance No. 16- 10850. The Ordinance amends Chapter 8, Article I, Division 5 of the Salina Code; repeals existing sections 8-146 through 8-155; adopts and incorporates the 2011 edition of the National Electrical Code (NFPA-70) by reference; and adopts local amendments with an effective date of January 1, 2017. A complete copy of the ordinance can be found at www.salina-ks.gov or in the office of the City Clerk, 300 W Ash Street, free of charge. This summary is certified by the City's legal counsel.

Introduced: August 22, 2016

Passed: October 3, 2016

Kaye J. Crawford, Mayor

[SEAL]

ATTEST:

Shandi Wicks, CMC, City Clerk

Certification of Publication Summary:

Greg Bengtson, Legal Counsel