

**CITY OF BELLMEAD, TEXAS  
ORDINANCE 2021-19**

**AN ORDINANCE OF THE CITY OF BELLMEAD, TEXAS AMENDING CHAPTER 4 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE II. – BUILDING CODE; PROVIDING FOR THE ADOPTION OF THE MOST CURRENT *NATIONAL ELECTRICAL CODE EDITION* ADOPTED BY THE TEXAS DEPARTMENT OF LICENSING AND REGULATIONS; PROVIDING FOR RECORDING OF SUCH CODE AS A PUBLIC RECORD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bellmead is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

**WHEREAS**, the *National Electric Code* is a regionally adoptable standard for the safe installation of electrical wiring and equipment. It is part of the National Fire Code series published by the National Fire Protection Association (NFPA), a private trade association; and,

**WHEREAS**, Chapter 214 of the Local Government Code authorizes a municipality to regulate substandard buildings and establishes procedures thereof; and,

**WHEREAS**, the City Council desires to update, revise, and clarify the standards and regulations that apply to substandard buildings in conformance with legislative amendments and to provide for civil penalty as permitted by law; and,

**WHEREAS**, the City Council of the City of Bellmead deems it necessary to adopt this ordinance providing minimum standards to safeguard the health, property, and welfare of the citizens of Bellmead by regulating and controlling the use, occupancy, maintenance, repair, design, construction, and quality of materials for buildings and structures within the City.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLMEAD, TEXAS:**

**SECTION 1**

**Sec. 4-27. – Code Adopted.**

There are hereby adopted by the city, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits. The following codes which are adopted by reference as though they were fully copied herein:

(10) National Electric Code as adopted under the Texas Department of Licensing and Regulations.

**SECTION 2**

This ordinance shall be cumulative of all provisions of ordinances of the City of Bellmead, 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 ordinance are hereby repealed.

**SECTION 3**

It is hereby declared to be the intention of the City Council 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 unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutional 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 and such unconstitutional phrase, clause, sentence, paragraph or section.

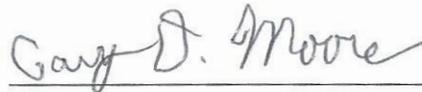
**SECTION 4**

This ordinance shall be in full force and effect upon the third and final reading.

**PASSED AND APPROVED ON FIRST READING AUGUST 10, 2021.**

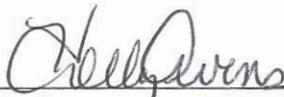
**PASSED AND APPROVED ON SECOND READING SEPTEMBER 14, 2021.**

**PASSED AND APPROVED ON THIRD READING SEPTEMBER 14, 2021.**



**Mayor, Gary Moore**

**ATTEST:**



**Holly Owens, City Secretary**



**APPROVED AS TO FORM & LEGALITY:**



**City Attorney**



# CITY COUNCIL AGENDA MEMO

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Prepared by: Holly Owens

September 7, 2021

City Manager Approval: Yousry Zakhary

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National Electrical Code

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**DESCRIPTION:**

Consider **Ordinance 2021-19**; Amending Chapter 4 – Buildings and Building Regulations, Article II. – Building Code; Providing for the adoption of the most current *National Electrical Code Edition* adopted by the Texas Department of Licensing and Regulations; Providing for recording of such code as a public record; Providing that this ordinance shall be cumulative of all ordinances; Providing a severability clause; Providing a savings clause; and providing an effective date.

**BACKGROUND:**

The first reading was held on August 10, 2021, with a vote of 5-0-0. This is the second and third final reading.

On April 13, 2021, City Council adopted the *International Building Code 2018 Edition*. Appendix K included the 2017 National Electrical Code (NEC). At the time, there was no reason to adopt the NEC since Appendix K included it.

The Texas Electrical Safety and Licensing Act requires the Texas Department of Licensing and Regulation (TDLR) to adopt the latest edition of the NEC as the electrical code for the State of Texas. TDLR has adopted the 2020 NEC as the electrical code for the State of Texas to establish it as the minimum standard for all electrical work in Texas. This ordinance will serve as the adoption for the 2020 NEC as well as future TDLR NEC adoptions moving forward.

By adopting the 2020 NEC Edition and future NEC Editions, the City of Bellmead will continue to be current with all codes and with the surrounding communities.

Impactful changes include:

- New requirements for exterior emergency disconnect of one-and-two-family dwellings for improved electrical safety for emergency responders.
- Revisions to service disconnect rules to help protect electrical workers from arc flash hazards.
- Adapted and adjusted requirements for installation practices of new technologies to meet the evolving demand of power over Ethernet.
- Updates to modernize tables currently in use for calculations to reflect improvements in energy efficiency and align with evolving codes.

## AGENDA ITEM 8I

- Revised requirements for ground-fault protection within marinas and boatyards.
- Introduction of guidelines for the safe use of electric vehicles (electric vehicle power export equipment) as a backup or emergency power source for a building or a home.
- Reorganization of Article 310, including new user-friendly numbering for important ampacity tables, and new definition for *cable bundle* in Article 725.
- Relocation of surge protection device requirements to new Article 242.
- Revisions to alternative energy systems and electric vehicle requirements to clarify what portions of the PV system are covered by the requirements of Article 690 and the line side and load side connections of interconnected power supply sources, and to clearly distinguish energy storage systems from storage battery systems.
- Reorganization of Article 800 to provide a general set of requirements to apply throughout the Chapter 8 articles.
- Revisions to requirements for communications cables that are also carrying power to communication devices and revisions to the current limit for cables carrying power and data.

The NEC, 2020 edition, introduces significant new requirements for:

- The residential installation of receptacle outlets serving island and peninsular countertops and for surge protection of services supplying dwelling units.
- Working space for “housekeeping pads” for electrical equipment, the installation of wiring methods in exit enclosures, sizing supply and load conductors used with adjustable-speed drive systems, and AFCI protection of branch circuits in patient sleeping areas in care facilities.
- Calculating the load of electric vehicle supply equipment with variable current settings.
- Worker safety in identifying the source of power for disconnecting means and for egress from spaces containing large electrical equipment.
- Grounding of disconnecting means installed on the supply-side of service disconnecting means.
- Cables installed exposed on ceiling surfaces and sidewalls.
- Special occupancies, special equipment, and special conditions, including installation of splash pads, the use of “Type P” cables in hazardous classified locations, and the reinspection of swimming pools and other bodies of water.

### **FISCAL IMPACT or FUNDING SOURCE:**

N/A

### **STAFF RECOMMENDATION:**

Motion to approve **Ordinance 2021-19**; Amending Chapter 4 – Buildings and Building Regulations, Article II. – Building Code; Providing for the adoption of the most current *National Electrical Code Edition* adopted by the Texas Department of Licensing and

## AGENDA ITEM 8I

Regulations; Providing for recording of such code as a public record; Providing that this ordinance shall be cumulative of all ordinances; Providing a severability clause; Providing a savings clause; and providing an effective date.

**ATTACHMENTS:**

- Ordinance 2021-19
- TDLR adoption



LICENSE TYPES  
REGULATED BY TDLR

APPLY/RENEW  
LICENSES, CHANGE INFO, ETC.

DRIVER EDUCATION  
PARENT TAUGHT, FORMS, ETC.

SEARCH SITE  
LICENSES, VIOLATIONS, ETC.

CONTINUING EDUCATION  
FOR PROGRAMS AND PROVIDERS

COURT ORDERED PROGRAMS

E-MAIL UPDATES

FILE A COMPLAINT

MEETINGS, COMMISSION, RULES AND STATUTE

EMPLOYMENT

## ELECTRICIANS

# Justification for Adoption of Administrative Rules

### JUSTIFICATION FOR ADMINISTRATIVE RULE ADOPTION

#### Electricians Program

#### 16 TAC Chapter, 73, amendments to §73.100.

The Texas Department of Licensing and Regulation (Department) adopts amendments to an existing rule at 16 Texas Administrative Code (TAC), Chapter 73, §73.100, regarding the Electricians program, with changes to the proposed text as published in the April 10, 2020, issue of the *Texas Register* (45 TexReg 2400).

### EXPLANATION OF AND JUSTIFICATION FOR THE RULE

The rules under 16 TAC, Chapter 73, implement Texas Occupations Code, Chapter 1305, Electricians.

The adopted rule is necessary to adopt the 2020 National Electrical Code (NEC), as required by statute. The Texas Electrical Safety and Licensing Act, §1305.101(a), requires the Commission to adopt, every three years, the revised NEC as the electrical code for the state. The current rule references the 2017 edition of the NEC. The 2020 edition of the NEC was approved by the National Fire Protection Association on August 25, 2019.

### SECTION-BY-SECTION SUMMARY

The adopted rule amends §73.100 by adopting the 2020 edition of the NEC. Changes were made to this rule to make the NEC effective on November 1, 2020, and to state that 2020 NEC was “approved” by the National Fire Protection Association, Inc., rather than “adopted” by the organization.

### PUBLIC COMMENTS

The Department drafted and distributed the proposed rule to persons internal and external to the agency. The proposed rule was published in the April 10, 2020, issue of the *Texas Register* (45 TexReg 2400). The deadline

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**MILITARY SERVICE  
MEMBERS, VETERANS,  
AND SPOUSES**

for public comments was May 11, 2020. The Department received comments from 12 interested parties on the proposed rule during the 30-day public comment period. The public comments are summarized below.

Comment: Three commenters expressed approval of the proposed rule as published.

*Department Response:* The Department appreciates the comments. The Department did not make any changes to the proposed rule in response to this comment.

Comment: One commenter recommended changing the proposed rule to delay the effective date of the 2020 NEC until either the next calendar or fiscal year.

*Department Response:* The Department appreciates the comment. The Department delayed the effective date of the NEC in response to this and similar comments.

Comment: One commenter recommended changing the proposed rule to delay the effective date of the 2020 NEC until December 15, 2020.

*Department Response:* The Department appreciates the comment. The Department delayed the effective date of the NEC in response to this and similar comments.

Comment: One commenter recommended a change to the proposed rule to state that the National Fire Protection Association “approved,” rather than “adopted,” the National Electrical Code. The commenter also recommended changing “National Electrical Code” to “NFPA 70 – 2020 National Electrical Code.”

*Department Response:* The Department appreciates the comment. The Department changed the proposed rule to replace the word “adopted” with “approved.”

Comment: One commenter recommended that the Department stay one code cycle behind in adopting the NEC.

*Department Response:* The Department is required by statute to adopt the current version of the NEC. The Department did not make any changes to the proposed rule in response to this comment.

Comment: One commenter requested changes to the Department’s fiscal impact analysis.

*Department Response:* The Department appreciates the comment. The Department did not make any changes to the proposed rule in response to this comment.

Comment: One commenter asked a question about examination requirements during the COVID-19 crisis.

*Department Response:* The question was forwarded to Department staff. The Department did not make any changes to the proposed rule in response to this comment.

Comment: One commenter requested assistance with scheduling an examination.



For more information about obtaining a TDLR license or renewing a TDLR license that expired while serving on active duty, please see the [Military Outreach](#) page.

## CONTACT INFORMATION

For more information about Electricians, [contact customer service](#).

Texas Department of Licensing and  
Regulation  
Electricians Program  
PO Box 12157  
Austin, TX 78711

(800) 803-9202 [in state only]  
(512) 463-6599  
Fax: (512) 463-9468  
Relay Texas-TDD: (800) 735-2989

*Department Response:* The request was forwarded to Department staff. The Department did not make any changes to the proposed rule in response to this comment.

Comment: One commenter recommended statutory changes unrelated to the proposed rule.

*Department Response:* This comment was not relevant to the present rulemaking. The Department did not make any changes to the proposed rule in response to this comment.

Comment: One commenter accused the Department of accepting bribes in connection with its adoption of the 2020 NEC.

*Department Response:* The Department disagrees with this comment. The Department did not make any changes to the proposed rule in response to this comment.

#### ADVISORY BOARD RECOMMENDATIONS AND COMMISSION ACTION

The Electrical Safety and Licensing Advisory Board met on June 11, 2020, to discuss the proposed rule and the public comments received. The Advisory Board recommended that the Commission adopt the proposed rule with changes. Most notably, the Advisory Board recommended an effective date of December 15, 2020, rather than the published effective date of September 1, 2020. At its meeting on June 30, 2020, the Commission agreed that an effective date of November 1, 2020, would be a suitable compromise between the published effective date and the effective date recommended by the Advisory Board. The Commission agreed that delaying the effective date until November 1, 2020, would protect against supply chain disruptions caused by the COVID-19 crisis while ensuring the greater health and safety protections of the 2020 NEC were in place reasonably soon.

#### STATUTORY AUTHORITY

The adopted rule is adopted under Texas Occupations Code, Chapters 51 and 1305, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

More specifically, Section 1305.101(a)(2) requires the Commission to adopt, every three years, the revised National Electrical Code as the electrical code for the state.

The statutory provisions affected by the adopted rule are those set forth in Texas Occupations Code, Chapters 51 and 1305. No other statutes, articles, or codes are affected by the adopted rule.

- 73.100. Technical Requirements.

Effective November 1, 2020, the department adopts the 2020 National Electrical Code as approved by the National Fire Protection Association, Inc. on August 25, 2019.

REVIEW BY AGENCY COUNSEL

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State, on July 10, 2020.

Brad Bowman  
General Counsel  
Texas Department of Licensing and Regulation

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