

PLANNING AND DEVELOPMENT MEMORANDUM

#08-14

July 1, 2008

TO: Honorable Mayor Kathleen M. Novak and City Council members

FROM: David Allen, Acting City Manager *DA*
James Hayes, Director of Planning and Development *JH*
Rick Davis, Chief Building Official *RD*

SUBJECT: CB-1657, Adopt by reference the 2008 National Electrical Code with amendments.

RECOMMENDATION:

Attached to this memorandum is a proposed Ordinance which, if approved, would adopt the 2008 National Electrical Code with amendments. Staff recommends approval of this proposed Ordinance.

BACKGROUND:

In 2007, pursuant to Ordinance No. 1469, Series of 2007, the City Council of Northglenn adopted the 2005 National Electrical Code (NEC), which was codified at Article 3, Chapter 10 of the Northglenn Municipal Code. The National Electrical Code is updated every three years. The most current edition is the 2008 edition, and adopting this version will allow the City to stay up to date. Moreover, C.R.S. § 12-23-104 prohibits municipalities from adopting any standards that are less stringent than those set forth in the most current edition of the National Electrical Code. As of August 1, 2008, the 2008 National Electrical Code will be the most current version adopted by the State Electrical Board. Adopting this edition of the National Electrical Code will allow the City to enforce the State's current electrical code standards. The proposed amendments are consistent with previously adopted version of the Code. In the 2008 National Electrical Code, "Administration and Enforcement", was changed from Annex G in the 2005 edition to Annex H in the 2008 Edition. Annex A-G are informational sections only and are not subject to adoption by local jurisdictions.

BUDGET/TIME IMPLICATIONS:

Adoption of the 2008 National Electrical Code has no budgetary impacts.

STAFF REFERENCE:

If Council members have any comments or questions they may contact James Hayes, 303-450-8937, or jhayes@northglenn.org

SPONSORED BY: MAYOR NOVAK

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1657
Series of 2008

Series of 2008

A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLE 3 TO CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2008 NATIONAL ELECTRICAL CODE WITH AMENDMENTS

WHEREAS, in 2007, pursuant to Ordinance No. 1592, Series of 2007, the City Council of Northglenn adopted the 2005 National Electrical Code, which was codified at Article 3, Chapter 10 of the Northglenn Municipal Code;

WHEREAS, the City Council therefore desires to repeal its adoption of the 2005 National Electrical Code, and adopt the 2008 National Electrical Code, sponsored by the National Fire Protection Association, Quincy, Massachusetts, as adopted by the State of Colorado, to help ensure that the buildings in the City remain in good and safe repair, which ensures the health, safety and welfare of the public, and which improves the value of all property within the City, and helps make the City a desirable place within which to reside and do business.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

SECTION 1. ARTICLE 3 OF CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND RE-ENACTED TO READ AS FOLLOWS:

SECTION 10-3-1. TITLE. THIS ORDINANCE SHALL BE KNOWN AND CITED AS THE NATIONAL ELECTRICAL CODE.

SECTION 10-3-2. ADOPTION OF THE 2008 NATIONAL ELECTRICAL CODE. THE 2008 NATIONAL ELECTRICAL CODE, SPONSORED BY THE NATIONAL FIRE PROTECTION ASSOCIATION, QUINCY, MASSACHUSETTS, AS ADOPTED BY THE STATE OF COLORADO, IS ADOPTED BY REFERENCE AS A PRIMARY CODE TO HAVE THE SAME FORCE AND EFFECT AS THOUGH SET FORTH IN THIS CHAPTER IN EVERY PARTICULAR.

SECTION 10-3-3. COPIES ON FILE. AT LEAST ONE CERTIFIED COPY OF THE 2008 NATIONAL ELECTRICAL CODE, AS ADOPTED BY THE STATE OF COLORADO, IS ON FILE IN THE OFFICE OF THE CITY CLERK AND MAY BE INSPECTED DURING REGULAR BUSINESS HOURS.

SECTION 10-3-4. SCOPE. THE PURPOSE OF THE CODE IS NOT TO CREATE OR OTHERWISE ESTABLISH OR DESIGNATE ANY

PARTICULAR CLASS OR GROUP OF PERSONS WHO WILL OR SHOULD BE ESPECIALLY PROTECTED OR BENEFITED BY THE TERMS OF THE CODE.

SECTION 10-3-5. ADOPTION OF ANNEX H.

ANNEX H IS HEREBY ADOPTED WITH THE FOLLOWING AMENDMENTS:

(A) ARTICLE 80.5 IS HEREBY DELETED IN ITS ENTIRETY.

(B) ARTICLE 80.13(13) IS HEREBY AMENDED BY THE INSERTION OF "TWENTY (20)" IN THE BLANK SPACE.

(C) ARTICLE 80.15 IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

"APPEALS OF ORDERS, DECISIONS OR DETERMINATIONS MADE BY THE BUILDING OFFICIAL RELATIVE TO THE APPLICATION AND INTERPRETATION OF THIS CODE MAY BE MADE TO THE NORTHGLENN BOARD OF ADJUSTMENT. APPEALS SHALL BE IN ACCORDANCE WITH SECTION 11-42-5 OF THE NORTHGLENN ZONING ORDINANCE."

(D) ARTICLE 80.19(E) IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

THE FEE FOR EACH PERMIT REQUIRED UNDER THE NATIONAL ELECTRICAL CODE SHALL BE AS SET FORTH BELOW:

ELECTRICAL PERMIT FEES.

RESIDENTIAL: THIS INCLUDES SINGLE FAMILY, MULTI-FAMILY, AND CONDOMINIUMS, AND EXTENSIVE REMODELING AND ADDITIONS. FEES ARE BASED ON ENCLOSED LIVING AREA, AND ARE AS FOLLOWS:

NOT MORE THAN 1,000 SQ.FT.	\$46.00
OVER 1,001 SQ.FT. AND NOT MORE THAN 1,500 SQ.FT.	\$46.00
OVER 1,500 SQ.FT. AND NOT MORE THAN 2,000 SQ.FT.	\$46.00
PER 100 SQ. FT. IN EXCESS OF 2000 SQ. FT.	\$ 1.00

ALL OTHER FEES SHALL BE COMPUTED ON THE DOLLAR VALUE OF THE ELECTRICAL INSTALLATION AS DETERMINED BY THE BUILDING OFFICIAL, INCLUDING FIXTURES AND INSTALLATION COSTS THEREOF, AND SUCH FEES SHALL BE AS FOLLOWS:

VALUATION OF WORK:

NOT MORE THAN \$300	\$46.00
\$301 BUT NOT MORE THAN \$2,000	\$46.00
\$2,001 BUT NOT MORE THAN \$50,000	\$11.50 PER EACH \$1,000 VALUATION OR FRACTION THEREOF OF TOTAL VALUATION, PLUS \$17.25 BASE FEE
\$50,001 BUT NOT MORE THAN \$500,000	\$11.50 PER EACH \$1,000 VALUATION OR FRACTION THEREOF OF TOTAL VALUATION, PLUS \$17.25 BASE FEE
MORE THAN \$500,000	\$11.50 PER EACH \$1,000 VALUATION OR FRACTION THEREOF OF TOTAL VALUATION, PLUS \$17.25 BASE FEE

(E) ARTICLE 80.19(F)(3) IS HEREBY AMENDED BY THE INSERTION OF "TWENTY (20)" IN THE BLANK SPACE.

(F) ARTICLE 80.23 IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

IT SHALL BE UNLAWFUL FOR ANY PERSON TO VIOLATE ANY OF THE PROVISIONS OF THE NATIONAL ELECTRICAL CODE.

ANY VIOLATION OF THE PROVISIONS OF THIS ORDINANCE AND ANY VIOLATION OF ANY OF THE PROVISIONS OF THE NATIONAL ELECTRICAL CODE, AS ADOPTED, SHALL, UPON CONVICTION, BE PUNISHABLE AS PROVIDED IN SECTION 1-1-10(A)(2) OF THE NORTHGLENN MUNICIPAL CODE.

(G) ARTICLE 80.25(C) IS HEREBY AMENDED BY THE INSERTION OF "TWENTY (20)" IN THE BLANK SPACE.

(H) ARTICLE 80.27(A) IS HEREBY AMENDED BY THE INSERTION OF "CITY OF NORTHGLENN" IN THE BLANK SPACE.

(I) ARTICLE 80.27(B)(3) IS HEREBY AMENDED BY THE INSERTION OF "COLORADO" IN THE BLANK SPACE.

(J) ARTICLE 80.27(B)(4) IS HEREBY AMENDED TO READ AS FOLLOWS:

HAVE HAD AT LEAST “TWO (2)” YEARS EXPERIENCE AS AN ELECTRICAL INSPECTOR OR “FIVE (5)” YEARS IN THE INSTALLATION OF ELECTRICAL EQUIPMENT. IN LIEU OF SUCH EXPERIENCE, THE APPLICANT SHALL BE A GRADUATE IN ELECTRICAL ENGINEERING OR OF A SIMILAR CURRICULUM OF A COLLEGE OR UNIVERSITY CONSIDERED BY THE CITY MANAGER AS HAVING SUITABLE REQUIREMENTS FOR GRADUATION AND SHALL HAVE HAD TWO YEARS’ PRACTICAL ELECTRICAL EXPERIENCE.

(K) ARTICLE 80.29 IS HEREBY AMENDED BY THE INSERTION OF “CITY” IN THE BLANK SPACE.

(L) ARTICLE 80.33 IS HEREBY DELETED IN ITS ENTIRETY.

(M) ARTICLE 80.35 IS HEREBY DELETED IN ITS ENTIRETY.

SECTION 10-3-6. APPLICATION. THE PROVISIONS OF THIS ARTICLE AND THE PROVISIONS OF THE NATIONAL ELECTRICAL CODE ADOPTED BY REFERENCE SHALL APPLY TO EVERY BUILDING OR STRUCTURE LOCATED EITHER WITHIN OR WITHOUT THE CORPORATE LIMITS OF THE CITY OF NORTHGLENN, THE USE OF WHICH THE CITY HAS JURISDICTION AND AUTHORITY TO REGULATE.

SECTION 10-3-7. VIOLATIONS -- PENALTY. IT SHALL BE UNLAWFUL FOR ANY PERSON TO VIOLATE ANY OF THE PROVISIONS OF THE NATIONAL ELECTRICAL CODE, AS ADOPTED, OR THE PROVISIONS OF THIS ORDINANCE.

ANY VIOLATION OF THE PROVISIONS OF THIS ORDINANCE AND ANY VIOLATION OF ANY OF THE PROVISIONS OF THE NATIONAL ELECTRICAL CODE, AS ADOPTED, SHALL, UPON CONVICTION, BE PUNISHABLE AS PROVIDED IN SECTION 1-1-10(A)(2) OF THIS CODE.

SECTION 10-3-8. CONFLICTS. IF THE PROVISIONS OF THIS CODE, AS ADOPTED IN THIS ARTICLE, CONFLICT WITH ANY OTHER PROVISIONS OF THE NORTHGLENN MUNICIPAL CODE THEN THE MORE RESTRICTIVE OF THE TWO SHALL GOVERN. WHERE THERE IS A CONFLICT BETWEEN A GENERAL REQUIREMENT AND A SPECIFIC REQUIREMENT, THE SPECIFIC REQUIREMENT SHALL BE APPLICABLE.

SECTION 10-3-9. SEVERABILITY CLAUSE. IF ANY ARTICLE, SECTION, PARAGRAPH, SENTENCE, CLAUSE OR PHRASE OF THIS

ORDINANCE IS HELD TO BE UNCONSTITUTIONAL OR INVALID FOR ANY REASON, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OR CONSTITUTIONALITY OF THE REMAINING PORTIONS OF THIS ORDINANCE. THE CITY COUNCIL HEREBY DECLARES THAT IT WOULD HAVE PASSED THIS ORDINANCE AND EACH PART OR PARTS THEREOF, IRRESPECTIVE OF THE FACT THAT ANY ONE PART OR PARTS BE DECLARED INVALID OR UNCONSTITUTIONAL.

SECTION 10-3-10. SAFETY CLAUSE. THE CITY COUNCIL HEREBY FINDS, DETERMINES, AND DECLARES THAT THIS ORDINANCE IS NECESSARY FOR THE PRESERVATION OF THE PUBLIC HEALTH, SAFETY AND WELFARE.

SECTION 10-3-11. EFFECTIVE DATE. THIS ORDINANCE SHALL BECOME EFFECTIVE JULY 1, 2008.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2008.

KATHLEEN M. NOVAK
Mayor

ATTEST:

JOHANNA SMALL, CMC
Acting City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2008.

KATHLEEN M. NOVAK
Mayor

ATTEST:

APPROVED AS TO FORM:

JOHANNA SMALL, CMC
Acting City Clerk

COREY Y. HOFFMANN
City Attorney