

ORDINANCE #05-289

AN ORDINANCE OF THE CITY OF MASON, TEXAS ADOPTING CODE AND PERMIT REQUIREMENTS FOR ELECTRICAL WORK WITHIN THE CORPORATE LIMITS OF THE CITY AND AREAS SERVED BY THE CITY OF MASON ELECTRIC UTILITY; ADOPTING LICENSING REQUIREMENTS FOR ELECTRICIANS WORKING WITHIN THE CORPORATE LIMITS OF THE CITY AND AREAS SERVED BY THE CITY OF MASON ELECTRIC UTILITY; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE; PROVIDING FOR PENALTIES NOT TO EXCEED \$1,000.00 FOR THE VIOLATION OF THIS ORDINANCE; ESTABLISHING PROCEDURES FOR PROVIDING ELECTRICAL SERVICE TO THE SYSTEM'S CUSTOMERS; ESTABLISHING MISCELLANEOUS PROVISIONS OF THIS ORDINANCE; AND REPEALING ORDINANCE #02-265.

WHEREAS, from time to time it becomes necessary to make certain changes in the City's Ordinance relating to the above matters; and

WHEREAS, the adoption of certain code, permitting, inspecting, licensing and construction requirements is in the interest of the health, safety and welfare of the citizens of the City of Mason, Texas.

***NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MASON,
TEXA***

SECTION 1 (of 9)

TITLE, PURPOSE AND DISCLAIMER

1.1 TITLE

This ordinance shall be known as the City of Mason Electrical Ordinance and may be cited as such.

City of Mason
Amended December 13th 2010
Amended December 9th 2013: attachment Exhibit A
Amended August 15th, 2016 Section 8.3 (c)

1.2 PURPOSE

Through a system of licenses, permits and inspections to promote public safety by requiring that electrical work within the corporate limits of the City of Mason (hereafter referred to as the City), or within areas served the City's Electric Utility, be installed according to the standards set by the edition of the National Electric Code currently adopted by the State of Texas. And to establish procedures for providing electrical service to the system's patrons.

1.3 DISCLAIMER

- 1.3a In the event the City is unable to supply electric service to the patrons of the City within or without the City, the City will in no manner be liable for damages by reason of any such failure to any patron of the electrical system. It is expressly agreed and must be understood that the City reserves the right at any time to disconnect all or part of the electrical grid to repair or to make connections or extensions to the same, and in so doing the City shall not be liable in any manner for damages.
- 1.3b This ordinance shall not be construed to relieve or lessen the responsibility or liability of any person performing electrical work and/or providing any materials used thereof for any damages to persons or property caused by any defect or deficiency in such electrical work. Further, this ordinance shall not be construed as a warranty by the City of any electrical work performed by any person who has been issued a license by the State of Texas.

SECTION 2 (of 9)

PERMITS

2.1 REQUIREMENT

No person shall perform electrical work within the corporate limits of the City, or in areas served by the City's Electric Utility, until such person has secured an electrical permit from the City in accordance with section 2.2 and other applicable provisions of this ordinance.

2.2 ISSUANCE

An electrical permit shall only be issued in the name of a person who is:

- 2.2a A Master Electrician, currently licensed by the State of Texas, who is also currently licensed by the State of Texas as an electrical contractor, or as an electrical sign contractor.
- 2.2b A homeowner who shall perform all of the electrical work on property owned and occupied by such person as his homestead.
- 2.2c A maintenance worker if:
 - 2.2c.1 the work is performed by a person regularly employed as a maintenance person at the building or premises;
 - 2.2c.2 the work is performed in conjunction with the business in which the person is employed;
 - 2.2c.3 the person does not engage in electrical work for the public; and
 - 2.2c.4 the work is limited to maintenance activities and does not include the installation of additional wiring or equipment.
- 2.2d A worker employed within the City's Electric Department, performing work on City owned facilities.

SECTION 3 (of 9)

ADMINISTRATION AND ENFORCEMENT

3.1 BUILDING OFFICIAL DUTIES

The City shall designate one of its employees as the "building official" whose duties shall be:

- 3.1a To enforce the provisions of this ordinance and all other applicable ordinances of the City;
- 3.1b To insure that all individuals doing work as electricians are properly licensed by the State of Texas and maintain updated records of those licenses;
- 3.1c To issue permits;
- 3.1d To coordinate inspections;

- 3.1e To keep complete and detailed records of all official actions pertaining to this ordinance;
- 3.1f To request the suspension of a State electrical license for just cause under the Texas Electricians Occupation Code.
- 3.1g To undertake such other responsibilities as authorized under other ordinances of the City.

3.2 ELECTRICAL INSPECTOR QUALIFICATIONS AND DUTIES

The City shall designate one of its employees, or shall contract with a private individual to serve as the "electrical inspector" who:

- 3.2a Shall be certified by the International Association of Electrical Inspectors or the International Code Council, unless authorized by a municipality to perform electrical inspections prior to 2004 A.D.
- 3.2b Shall insure all electrical installations are done in accordance with the laws of the State of Texas, any adopted codes and the provisions of this ordinance.
- 3.2c May designate a qualified assistant to work directly under his supervision.
- 3.2d May file a complaint against unlawful electrical work with the local jurisdiction.

3.3 INSPECTIONS

- 3.3a The Electric Inspector and/or his assistant shall have the right and privilege to enter any building within reasonable hours, in the City, for the purpose of making inspections of the electrical systems constructed or under construction in such building. Except in situations creating a potential of immediate danger to the safety of the electrical system, the City shall make reasonable efforts to notify property owners prior to making such inspections. Inspections without prior notice shall be authorized only by the Mayor or the City Administrator.
- 3.3b Where applicable the following inspections shall be made of electrical installations:
 - 3.3b.1 In a slab prior to the slab being poured.
 - 3.3b.2 In a ditch prior to the ditch being covered.

3.3b.3 In walls and ceilings before they are covered.

3.3b.4 Prior to the connection of a new, or previously disconnected, electrical service. Where a service has been disconnected, it will be brought up to current code standards prior to being reconnected.

3.3b.5 At the completion of a project.

3.3c The permit holder, or an authorized agent, shall notify the inspector when an inspection is needed.

3.3d Newly constructed structures, or structures vacated to allow for a substantial remodel, shall not be occupied, or reoccupied, until a final inspection is performed approving the electrical installation.

SECTION 4 (of 9)

LICENSING REQUIREMENTS FOR ELECTRICIANS

4.1 It shall be unlawful for any person who does not have a current State of Texas electrician's license to engage in electrical work within the City limits, or in areas served by the City's Electric Utility, with the exception of electrical work permitted under sections 2.2b; 2.2c and 2.2d of this ordinance.

4.2 Prior to engaging in electrical work within the corporate City limits, or in areas served by the City's Electric Utility, all electricians, electrical contractors and electrical sign contractors shall present a copy of their current State of Texas license to the City Building Official.

SECTION 5 (of 9)

CODE ADOPTED AND EXCEPTIONS

5.1 CODE ADOPTED

The latest edition of the National Electrical Code (NFPA 70) adopted by the State of Texas (a copy of which shall be available for review at City Hall) is hereby adopted and incorporated by reference as though it was copied herein fully with the following exceptions:

- 5.1a Any current carrying conductor shall be copper; except that aluminum may be allowed for aerial conductors.
- 5.1b All new wiring in buildings not having an occupancy classification of R-3, as shown in Sect. 310.1, of the 2000 edition of the International Building Code, shall be in conduit.
- 5.1c All grounding electrode conductors shall be covered by electrical metallic tubing (EMT), which shall be properly secured to the meter base or disconnecting equipment, and shall not have any exposed conductor over 12" in length, except where connected to a utility pole ground.
- 5.1d Electrical non-metallic tubing (PVC) or flex type tubing shall not be used in a meter loop or on the line side of the main disconnect.
- 5.1e Permanent meter loops, where attached to a structure, shall be a minimum of 12'-0" from finished grade to the top of the weather head. Material is to be 2" rigid conduit, or intermediate metallic conduit (IMC), where the termination is above the roofline, or EMT where the termination is below the roofline.
- 5.1f Permanent meter loops, where attached to wooden or metal poles, shall be a minimum of 16'-6" to the top of the weather head. Material to be rigid conduit, IMC or EMT.
- 5.1g The meter base is to be installed 6'-0" (+/- 6") above the finished grade measured to the center of the meter socket.
- 5.1h A main disconnect must be located within 6'-0" of the meter base, on the exterior of the building, and shall be accessible at all times, except on a pole mounted service the disconnect may be located on the pole or on the exterior of the structure being served.
- 5.1i All new meter bases shall be rated for a minimum of 200 amps, unless otherwise approved by the City's Electric Department or the City Inspector, and shall be obtained from the City's Electric Department.

- 5.1j Meter/service poles shall be installed no less than 6'-0" from any mobile home or manufactured home.
- 5.1k All service points for new construction, or for service upgrades, shall be approved by the City's Electric Department or the City Inspector prior to construction beginning.

SECTION 6 (of 9)

PROVIDING ELECTRICAL SERVICE

6.1 SERVICE AREA

The City shall provide electric service within the boundaries defined in its Certificate of Convenience and Necessity, and may provide electric service beyond those boundaries as allowed by law or agreement, if the City deems such an extension of service to be in its best interest.

6.2 APPLICATION FOR SERVICE

Prior to beginning construction an application for new service, temporary service or for a service upgrade shall be submitted to the Building Official. The anticipated load, voltage and phase requirements, and overhead/aerial and service point preferences shall be included in the application. Upon reviewing the application and assessing the construction requirements a proposal for providing electrical service, including any construction fees and the anticipated schedule, will be submitted to the applicant.

6.3 UTILITY EASEMENT

Where an easement is required for new construction, the customer shall provide a duly executed and recorded easement agreement containing a legal description of the easement to the City. If the location of the easement cannot be readily determined, the customer shall engage a surveyor to provide ground markings and a plat to accompany the easement agreement.

6.4 SERVICE CONNECTION

Service shall be provided according to the rates, terms and conditions set forth in the City's current utility rate schedule.

SECTION 7 (of 9)

LICENSE, PERMIT, INSPECTION, METERING AND CONSTRUCTION FEES

- 7.1** All fees concerning the licenses, permits, inspections, metering equipment and electrical utility construction required under this ordinance are contained in the Fee Schedule Ordinance as adopted by the City Commission.

SECTION 8 (of 9)

MISCELLANEOUS PROVISIONS

8.1 ORDINANCES IN CONFLICT

Ordinance #02-265 is hereby repealed and all other ordinances of the City and any parts thereof that are in conflict with this ordinance are also hereby expressly repealed.

8.2 SEVERABILITY

If any portion of this ordinance shall be declared unconstitutional or in violation of the general laws of the State of Texas, such declaration shall not affect the remainder of this ordinance which shall remain in full force and effect.

8.3 VIOLATION

In the event any person performs electrical work in such a manner that it: (a) causes damage to any portion of the existing City electrical system that must be repaired by City employees; (b) results in the City employees having to redo the work in order to bring it in compliance with this Ordinance, then such person and/or that person's employer shall reimburse the City for City employee's time and use of City equipment at the rates set out in

the rate and fee schedule, and shall also reimburse the City cost of materials; or (c) It shall be a specific violation for any person to adjust, change, remove or reconnect any meter or valve so as to provide utility service to a location or address where the City has previously disconnected service, where there has not been an active previous connection, or to avoid accurate utility billing for service provided. Any time that service is connected or changed without specific activity of the City of Mason shall be considered an action of theft or services and shall be a violation of this Ordinance and shall be subject to the maximum penalty provided.

8.4 PENALTIES

Any person performing electrical work in violation of this ordinance or any portion hereof shall, upon conviction, be guilty of a misdemeanor and assessed a fine not to exceed \$1,000.00. For each day any violation of this ordinance shall continue to occur, every such additional day shall be considered a separate offense and punishment shall be assessed accordingly.

SECTION 9 (of 9)

EFFECTIVE DATE

PASSED and APPROVED this the 13 day of December, A.D. 2010

APPROVED:

 8/16/16

/s/ Brent Hinckley, Mayor

ATTEST:



/s/ Pattie Grote, City Secretary

Update 8/16/2016

APPROVED AS TO FORM



/s/ David Young, City Attorney