

ORDINANCE NO. 3946



AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, REPEALING IN ITS ENTIRETY CITY OF FARMERS BRANCH ORDINANCE NO. 3691, CODIFIED AS CHAPTER 22 (BUILDINGS AND BUILDING REGULATIONS) ARTICLE IV (ELECTRICAL STANDARDS); AND ADOPTING THE 2023 EDITION OF THE NATIONAL ELECTRICAL CODE, WITH CERTAIN ADDITIONS, DELETIONS, AND AMENDMENTS, AS THE ELECTRICAL CODE OF THE CITY OF FARMERS BRANCH; PROVIDING A REPEALER CLAUSE, SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the International Code Council (ICC) has developed a set of comprehensive and coordinated national model construction codes, including the National Electrical Code; and

WHEREAS, since the 1970s, the City of Farmers Branch has been involved throughout the development process of the ICC, specifically the National Electrical Code, in conjunction with the North Texas Chapter of the International Code Council, Regional Codes Coordinating Committee of North Central Texas Council of Governments (NCTCOG), and the International Conference of Building Officials (ICBO); and

WHEREAS, on June 15, 2021, by Ordinance No. 3691, the City Council for the City of Farmers Branch established an Electrical Code to reflect and provided regulations thereunder, and such Ordinances were codified as Chapter 22 (Buildings and Building Regulations) Article IV (Electrical Standards) of the City's Code of Ordinances; and

WHEREAS, the 2023 National Electrical Code, a publication of the ICC, has been reviewed by city staff and the NCTCOG for necessary updates and amendments; and

WHEREAS, the City Council of the City of Farmers Branch has determined that it is in the best interest of the citizens of the City of Farmers Branch to adopt the 2023 Edition of the National Electrical Code, and the additions, deletions, and amendments thereto, as the minimum standards for the construction, enlargement, alteration, repair, and maintenance of electrical work within the City limits, as set forth herein, and to adopt the Electrical Code in order to account for unique local practices and /or conditions relating to the same within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. Ordinance No. 3691 duly passed and approved by the City Council of the City of Farmers Branch on June 15, 2021, is hereby repealed in its entirety.

SECTION 2. A new Chapter 22 (Buildings and Building Regulations) Article IV (Electrical Standards) is hereby adopted and shall read in its entirety as follows:

ARTICLE IV. ELECTRICAL STANDARDS

Sec. 22 -121. Adoption of National Electrical Code; purpose.

The 2023 Edition of the National Electrical Code, as published by the National Fire Protection Association and as amended pursuant to Sec. 22-121 is hereby adopted. Copies of the Electrical Code are on file in the office of the city secretary for permanent record and inspection and are incorporated into this section as if fully set forth herein. The city manager or designee is hereby authorized and directed to enforce all provisions of the Electrical Code. For purposes of this Article, the phrase "Electrical Code" means collectively (i) the 2023 Edition National Electrical Code, as published by the National Fire Protection Association and (ii) the local amendments adopted pursuant to Sec. 22-122.

Sec 22-122. Local Amendments to the Electrical Code: For purposes of enforcement of the provisions of the Electrical Code within the incorporated limits of the City, the following deletions, additions, and amendments to the 2023 National Electrical Code adopted herein are hereby approved and amended as follows:

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

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 Services AC354 or ANSI National Accreditation Board programs 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 Authority Having Jurisdiction AHJ.

Informational Note No. 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.

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.

Article 210.8 A 1 Bathrooms Exception; change the following to read as follows:

(A) 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:

(1) 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.

Article 210.52 C 1 Countertop and Work Surfaces

Delete Section (C) in its entirety

Article 210.63 B 1 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.

New Article 220.7 Load Calculation; add the following:

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

Article 230.85 C Emergency Disconnects: Change the following to read as follows:

For one- and two-family dwelling units, an emergency disconnecting means shall be installed.

(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.

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

(A) Circuit Directory or Circuit Description.

Every circuit and circuit modification shall be provided with a 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

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.

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 of 300 lb. (136kg) capacity.
- (3) An access door from an upper floor level.

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. Suitability of identified equipment shall be determined by one of the following:

- (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.

Article 505.7 and 505.7 (A); change 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 regarding the installation and maintenance of electrical equipment in hazardous (classified) locations.

Informational Note No. 2 that is dependent on the protection technique permitted 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 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.

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

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

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).

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.

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.

Article 710.15 A: Change the following to read as follows

SECTION 3. All provisions of the Code of Ordinances of the City of Farmers Branch in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Farmers Branch, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 4. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision, or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

SECTION 5. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any Ordinances at the time of passage of this Ordinance.

SECTION 6. Any violation of the provisions or terms of this ordinance shall be subject to the same penalty as provided in the Code of Ordinances of the City of Farmers Branch as heretofore amended and, upon conviction, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00). Every day a violation continues shall constitute a separate offense.

SECTION 7. This Ordinance shall take effect on October 1, 2025, following the passage of this Ordinance, the publication of the caption hereof as the law and charter in such case provide.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THIS 19th DAY OF AUGUST, 2025.

ATTEST:

APPROVED:

Erin Flores, City Secretary

Terry Lynne, Mayor

APPROVED AS TO FORM:

Nicole Corr, City Attorney
[vf.07.20.25]