

Office of Neighborhood Services

City of Richland Hills, Texas

## Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council  
From: Scott Mitchell, Director of Neighborhood Services  
Date: February 18, 2014  
Subject: Approval of Updated Codes

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### **Council Action Requested:**

Consider approval of the 2011 Edition of the National Electrical Code and the 2012 International Swimming Pool and Spa Code.

### **Background Information:**

Building, construction and property maintenance codes are regularly updated by the International Code Council to meet new safety and industry standards. The North Central Texas Council of Government's has a sitting committee made up of representatives from member cities. This committee reviews and recommends codes and code amendments for NCTCOG member cities. The intent of this collaborative effort is to have uniform codes and policies across the North Texas region to reduce confusion over requirements that builders and trades personnel have to follow.

The 2011 National Electrical Code is being brought forward again to remedy some minor issues that were identified in the last codification. The 2012 International Swimming Pool and Spa Code will enhance our current health and safety ordinances.

**Board/Citizen Input:** N/A

**Financial Impact:** N/A

**Legal Review:** Has been reviewed by Betsy Elam, City Attorney

**Staff Contacts:**

Scott Mitchell  
Director of Neighborhood Services  
[smitchell@richlandhills.com](mailto:smitchell@richlandhills.com)

**Attachments:** Ordinance approving adoption of 201 National Electrical Code and the 2012 International Swimming Pool and Spa Code

**Exhibits:** NCTCOG Regional Amendments

We recommend removing this notice requirement from the International Swimming Pool and Spa Code as follows:

- 2012 International Swimming Pool and Spa Code: delete sections 107.2 Notice of violation and 107.3 Prosecution of violation

**ORDINANCE NO. 1262-14**

**AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING ARTICLE IX OF CHAPTER 18, "BUSINESSES", TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE; AMENDING ARTICLE III OF CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS", TO ADOPT THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE; PROVIDING FOR THE MODIFICATION OF THE CODES TO INCORPORATE LOCAL AMENDMENTS; PROVIDING FOR RECORDING OF THE CODES AS PUBLIC RECORDS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Richland Hills, Texas 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 City Council desires to adopt the 2012 Edition of the International Swimming Pool and Spa Code and the 2011 Edition of the National Electrical Code; and

**WHEREAS**, the City Council of the City of Richland Hills, Texas, desires to provide a mechanism by which local modifications reflecting the unique needs of the City of Richland Hills may be made when deemed appropriate; and

**WHEREAS**, the North Central Texas Council of Governments and City Staff have recommended adoption of certain amendments to the Codes to reflect locally accepted practice; and

**WHEREAS**, the City Council of the City of Richland Hills, Texas, has determined that the adoption of these Codes as amended herein is in the public interest and therefore deems it advisable to enact this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS:**

**SECTION 1.**

Article IX "Swimming Pools, Spas, Hot Tubs" of Chapter 14 of the Code of Ordinances, City of Richland Hills, Texas is hereby deleted and reserved for future use.

## SECTION 2.

The Code of Ordinances, City of Richland Hills, is hereby revised by amending Section 18-474 and 18-475 of Article IX “Swimming Pool, Spa or Interactive Water Features Regulations” of Chapter 18 to read as follows:

“Sec. 18-474. Adopted.

The 2012 Edition of the International Swimming Pool and Spa Code is hereby adopted as the official swimming pool and spa code of the City of Richland Hills, Texas. This swimming pool and spa code is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in the International Swimming Pool and Spa Code shall not be included in any formal municipal codification of ordinances but shall be maintained as a public record in the office of the City Secretary and will be available for public inspection and copying during regular business hours.

Sec. 18-475. Amendments.

The 2012 Edition of the International Swimming Pool and Spa Code is amended as follows:

(a) Section 107.2; change to be and read as follows:

107.2 Notice of violation. The *code official* may serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, *repair*, removal or demolition of work in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(b) Section 107.4; change to be and read as follows:

107.4 Violation penalties. Whether or not notice has been provided pursuant to Section 107.2, any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair an *aquatic vessel* in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this case, shall be guilty of a misdemeanor as provided by the Code of Ordinances, City of Richland Hills. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”

## SECTION 3.

The Code of Ordinances, City of Richland Hills, is hereby revised by amending Section 14-76 of Article III “Electrical” of Chapter 14 to read as follows:

“Sec. 14-76. Adopted.

The 2011 Edition of the National Electrical Code is hereby adopted as the official electrical code of the City of Richland Hills, Texas. This electrical code is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in the National Electrical Code, and any local amendments thereto, shall not be included in any formal municipal codification of ordinances but shall be maintained as a public record in the office of the City Secretary and will be available for public inspection and copying during regular business hours.

Sec. 14-77. Amendments.

The 2011 Edition of the National Electrical Code, as adopted herein, is hereby amended as shown on Exhibit A attached hereto.”

#### **SECTION 4.**

The City of Richland Hills may from time to time determine that additional local modifications to the codes adopted herein are necessary and appropriate to meet the unique needs of the City of Richland Hills. To effectuate modifications, the City Council may enact individual ordinances amending this ordinance fully setting forth the changes to be made. Such subsequent amendments shall be consolidated as an exhibit to this ordinance, and shall be maintained as a public record in the office of the City Secretary, available for public inspection and copying during regular business hours.

#### **SECTION 5.**

This Ordinance shall be cumulative of all provisions of ordinances of the City of Richland Hills, 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 ordinances are hereby repealed.

#### **SECTION 6.**

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 judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining, phrase, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

#### **SECTION 7.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be

fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping or refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 8.**

All rights and remedies of the City of Richland Hills, Texas, are expressly saved as to any and all violations of the provisions of any ordinances of the City of Richland Hills which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 9.**

The City Secretary of the City of Richland Hills is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

**SECTION 10.**

The City Secretary of the City of Richland Hills is directed to publish the caption and penalty clause of this Ordinance in the official newspaper of the City of Richland Hills, Texas, as required by Section 52.011 of the Texas Local Government Code.

**SECTION 11.**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

**PASSED AND APPROVED \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

\_\_\_\_\_  
THE HONORABLE BILL AGAN, MAYOR

ATTEST:

\_\_\_\_\_  
LINDA CANTU, CITY SECRETARY

EFFECTIVE DATE: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

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BESTY ELAM, CITY ATTORNEY

**Recommended Amendments to the  
2011 National Electrical Code**  
North Central Texas Council of Governments Region

The following articles, paragraphs, and sentences of the *2011 National Electrical Code (NEC)* are hereby amended as follows: Standard type is text from the NEC. Underlined type is text inserted. ~~Lined through type is deleted text from NEC.~~ A double asterisk (\*\*) at the beginning of an article identifies an amendment carried over from the 2008 edition of the code and a triple asterisk (\*\*\*) identifies a new or revised amendment with the 2011 code.

**\*\*\*Article 100, Part I; amend the following definition:**

**Intersystem Bonding Termination.** A device that provides a means for connecting bonding conductors for communication systems and other systems such as metallic gas piping systems to the grounding electrode system.

*(REASON FOR CHANGE: To allow for a termination point for other bonding conductors in addition to communication systems that are required by the various model codes.)*

**\*\*\*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 approved by the AHJ.

Exception: Unlisted equipment that is relocated to another location within a jurisdiction or is field modified is subject to the approval by the AHJ. This approval may be by a field evaluation by a NRTL or qualified third party inspection agency approved by the AHJ.

Manufacturer's self-certification of any equipment shall not be used as a basis for approval by the AHJ.

Informational Note: 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*.

*(REASON FOR CHANGE: To add clarity and provide more positive options for enforcement and approval of unlisted equipment.)*

**\*\*Article 230.71(A); add the following exception:**

Exception: Multi-occupant buildings. Individual service disconnecting means is limited to six for each occupant. The number of individual disconnects at one location may exceed six.

(REASON FOR CHANGE: This is currently the accepted installation practice of the region. No noteworthy complaints have surfaced. It is more reasonable than the current NEC requirements. It allows more than six disconnects grouped at one location. This also allows designers more flexibility in the placement of electrical meters and main service disconnects.)

**\*\*\*Article 240.91; delete the Article.**

(REASON FOR CHANGE: Present day equipment is not listed and has not been evaluated for the use. Removing this article may prevent both installers and AHJ's from misapplying the Code.)

**\*\*Article 300.11; add the following exception:**

Exception: Ceiling grid support wires may be used for structural supports when the associated wiring is located in that area, not more than two raceways or cables supported per wire, with a maximum nominal metric designation 16 (trade size 1/2").

(REASON FOR CHANGE: To provide limited support of raceways and cables by ceiling grid support wire.)

**\*\*Article 310.15(B)(7); change to read as follows:**

**(7) 120/240-Volt, 3-Wire, Single-Phase Dwelling Services and Feeders.** For dwelling units, conductors, as listed in Table 310.15(B)(7), shall be...*{text unchanged}*...provided the requirements of 215.2, 220.61, and 230.42 are met. This Article shall not be used in conjunction with 220.82.

(REASON FOR CHANGE: To provide a more reasonable margin of safety for dwelling service and feeder conductor allowable ampacities.)

**\*\*Article 500.8(A)(3); change to read as follows:**

**500.8 Equipment.** Articles 500 through 504 require equipment construction and installation standards 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
- (3) Evidence acceptable to the authority having jurisdiction such as a manufacturer's self-evaluation or an ~~owner's~~ engineering judgment signed and sealed by a qualified Licensed Professional Engineer.

Informational Note: Additional documentation for equipment may include certificates demonstrating compliance with applicable equipment standards, indicating special conditions of use, and other pertinent information. Guidelines for certificates may be found in ANSI/ISA 12.00.02, *Certificate Standard for AEx Equipment for Hazardous (Classified) Locations.*

*(REASON FOR CHANGE: To better define the qualifications for an engineering judgment.)*

**\*\*Article 505.7(A) changed to read as follows:**

**505.7 Special Precaution.** Article 505 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 with regard to the installation and maintenance of electrical equipment in hazardous (classified) locations.

Informational Note No. 2: Low ambient conditions require special consideration. Electrical equipment depending on the protection techniques described 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. However, at low ambient temperatures, flammable concentrations of vapors may 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 by a qualified persons Licensed Professional Engineer.

*(REASON FOR CHANGE: To better identify who is qualified to implement Zone Classification Systems.)*

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\*\*\**Article 680.25(A) changed to read as follows:*

**680.25 Feeders.** These provisions shall apply to any feeder on the supply side of panelboards supplying branch circuits for pool equipment covered in Part II of this article and on the load side of the service equipment or the source of a separately derived system.

**(A) Wiring Methods.**

**(1) Feeders.** Feeders shall be installed in rigid metal conduit or intermediate metal conduit. The following wiring methods shall be permitted if not subject to physical damage:

- (1) Liquidtight flexible nonmetallic conduit
- (2) Rigid polyvinyl chloride conduit
- (3) Reinforced thermosetting resin conduit
- (4) Electrical metallic tubing where installed on or within a building
- (5) Electrical nonmetallic tubing where installed within a building
- (6) Type MC cable where installed within a building and if not subject to corrosive environment
- (7) Nonmetallic-sheathed cable
- (8) Type SE cable

*Exception: An existing feeder between an existing remote panelboard and service equipment shall be permitted to run in flexible metal conduit or an approved cable assembly that includes an equipment grounding conductor within its outer sheath. The equipment grounding conductor shall comply with 250.24(A)(5).*

*(REASON FOR CHANGE: To allow for more flexibility of wiring methods associated with this type of installation.)*

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**END**