

**ORDINANCE NO. 96-2079-H**

AN ORDINANCE AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE; BY AMENDING CHAPTER 82 "BUILDINGS AND BUILDING REGULATIONS," ARTICLE IV "ELECTRICAL CODE" DIVISION 1 "GENERALLY"; DIVISION 3 "PERMITS"; DIVISION 4 "INSPECTIONS"; DIVISION 5 "STANDARDS"; PROVIDING A REPEALING CLAUSE; CONTAINING A SAVINGS CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

**Section 1.** Section 82-101, "Definitions", is hereby amended and shall hereafter read as follows, to-wit:

**"Section 82-101. Definitions.**

*Apprentice electrician* means the holder of an apprentice electrician license."

...

**Section 2.** Section 82-102, "Electrical work to be done only by or under licensed master electrician", is hereby amended and shall hereafter read as follows, to-wit:

**"Section 82-102. Electrical work to be done only by or under licensed master electrician.**

- a) Except as provided in this article, it shall be unlawful for any person to do electrical work within the city unless such person is a master electrician licensed under the provisions of the Electrician's Occupations Code (a.k.a. The Texas Electrical Safety and Licensing Act), or unless such person does such electrical work under the supervision, direction and control of a master electrician licensed under the provisions of said code.
- b) Nothing in the Electrician's Occupations Code (a.k.a. The Texas Electrical Safety and Licensing Act) shall ever be construed or operate to prevent any person from doing electrical work in or on his property which he owns, where he resides and which he maintains as a homestead. Such homeowner shall not be required to be

a licensed electrician but shall otherwise conform to all other requirements of said code. In doing electrical work on his own property, as provided in this subsection, such owner shall not use any hired assistant unless such assistant is duly licensed under the terms of said code.”

- c) Except as provided in subsection (b) of this section, no electrical work shall be performed by any person not the holder of the required license. No person, firm or corporation shall employ any other person for doing electrical work unless such person proposed to be employed is the holder of the proper license.

**Section 3.** Section 82-104, “Tampering”, subsections (c) and (d) are hereby amended and shall hereafter read as follows, to-wit:

**“Section 82-104. Tampering.**

...

- c) It shall be unlawful for any person to make connection from a source of electrical energy to any electrical wiring, apparatus, devices, appliances, fixtures and equipment for the installation of which a permit is required until it shall have received an approval by the inspector.
- d) It shall be unlawful for any person to make connection from a source of electrical energy to any electrical wiring, apparatus, devices, appliances, fixtures and equipment which have been disconnected by the inspector or the use of which has been ordered by the inspector to be discontinued until approval has been issued by the inspector.”

**Section 4.** Section 82-284, “Insurance Requirements”, subsection (a) is hereby amended and shall hereafter read as follows, to-wit:

**“Section 82-284. Insurance Requirements.**

- (a) No permit shall be issued until the master electrician shall have arranged to carry the minimum insurance as required by the Administrative Rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code, Chapter 73; Section 73.40.”

**Section 5.** Section 82-309, “Certificate of Approval”, is hereby amended and shall hereafter read as follows, to-wit:

**“Section 82-309. Authorization for Electrical Service.**

If the work is found to be in compliance with the provisions of this article, the inspector, subject to the other applicable provisions of this article, shall issue a final approval to the public utility corporation furnishing the electrical service or the person supplying the energy, which approval shall authorize connection of such approved work to the source

of energy of the electrical service, the turning on of current and the use of the installation. No connection shall be made until such authorization and final approval is given.”

**Section 6.** Section 82-310, “Reinspection; correction of unsafe conditions”, is hereby amended and shall hereafter read as follows, to-wit:

**“Section 82-310. Reinspection; correction of unsafe conditions.**

The inspector shall make, upon information or belief that faulty conditions exist, a thorough reinspection of any electrical wiring, apparatus, devices, appliances, fixtures and equipment now installed or that may hereafter be installed and within the scope of this article, and when the installation of such wiring, apparatus, devices, appliances, fixtures and equipment is found to be at variance with the original permit issued, or to be in a dangerous or unsafe condition, or if it is found that the electrical measuring device has been tampered with so as to create a condition dangerous to the continuity of the electrical service or to property, the person owning, using or operating the same shall be notified in writing and shall make the necessary repairs or changes required to place such wiring, apparatus, devices and equipment in safe condition so as to relieve the hazards created by such unauthorized conditions, and shall have such work completed within ten (10) days, or any reasonably longer period specified by the inspector in the written notice.”

**Section 7.** Section 82-340, “Residential capacity and branch circuits”, is hereby amended and shall hereafter read as follows, to-wit:

**“Section 82-340. Residential capacity and branch circuits.**

- (a) All services for 1 & 2 family dwellings, shall be a minimum of 100 Amp capacity and shall have a minimum of two (2) spare breaker slots.
- (b) All underground services shall be installed in a minimum of Schedule 40 Conduit.”

**Section 8.** Section 82-341, “Window air conditioners and space heaters”, is deleted and shall hereafter read as follows, to-wit:

**“Section 82-341. Reserved.”**

**Section 9.** Section 82-342, “Wiring within buildings”, is hereby amended and shall hereafter read as follows, to-wit:

**“Section 82-342. Wiring within Buildings.**

Nonmetallic sheathed cable shall be used only for residential work, apartment houses, hotels, motels and similar occupancies equal to and less than three (3) stories in height. Conductors in or on all tile and masonry walls of such buildings shall be encased in rigid

conduit, flexible conduit, PVC conduit or electrical metallic tubing. Minimum size nonmetallic sheathed cable shall be limited to No. 12 AWG.”

**Section 10.** Section 82-343, “Ground contact”, is deleted and shall hereafter read as follows, to-wit:

**“Section 82-343. Reserved.”**

**Section 11.** Section 82-344, “Meter cabinets”, is hereby amended and shall hereafter read as follows, to-wit:

**“Section 82-344. Meter Cabinets.**

Meter cabinets or meter sockets shall be approved by the electric public service company and installed in accordance with Section 82-102(a) of this Chapter. Meter cabinets shall be installed in accordance with electric public service company standards and the National Electrical Code (NEC).”

**Section 12.** Section 82-345, “Feeders”, is hereby amended and shall hereafter read as follows, to-wit:

**“Section 82-345. Feeders.**

All services, except residential and interior feeders, shall be installed in rigid metal conduit, electric metallic tubing or approved busways, except that underground services and feeders may be installed in approved ducts or plastic conduit. The portion of the service ahead of the meter cabinet shall not be run through attic spaces.”

**Section 13.** Section 82-349, “Suspension of approval of materials”, is hereby amended and shall hereafter read as follows, to-wit:

**“Section 82-349. Suspension of Approval of Materials.**

The Building Codes Appeals Board (BCAB) may, for good and justifiable reasons, suspend or revoke the approval of certain materials or wiring.”

**Section 14.** Section 82-350, “Prohibition of installation of nonconforming goods”, subsection (a), is hereby amended and shall hereafter read as follows, to-wit:

**“Section 82-350. Prohibition of installation of nonconforming goods.**

- (a) No electrical materials, apparatus, devices appliances, fixtures or equipment shall be installed in the city unless they are in conformity with the provisions of this article and the statutes of the State.”

**Section 15.** All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

**Section 16.** If any section, sentence, phrase, clause, or any part of any section, sentence, phrase, or clause, of this Ordinance shall, for any reason, be held invalid, such invalidity shall not affect the remaining portions of this Ordinance, and it is hereby declared to the intention of this City Council to have passed each section, sentence, phrase, or clause, or part thereof, irrespective of the fact that any other section, sentence, phrase, or clause, or part thereof, may be declared invalid.

**Section 17.** Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed TWO THOUSAND DOLLARS (\$2,000.00).

**Section 18.** This Ordinance shall be effective sixty (60) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least twice within ten (10) days after the passage of this ordinance.

**Section 19.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by the Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

CITY OF LA PORTE

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED:

\_\_\_\_\_  
City Attorney