

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date</b>	July 27, 2009
	<b>Agenda Item No.</b> 50 <b>Roll Call No.</b> <del>09-</del> <b>Communication No.</b> <del>09-504</del> <b>Submitted by:</b> Larry Hulse, Director of <b>Community Development</b>	

**AGENDA HEADING:**

Amending Chapter 26 Article III of the Municipal Code to update the National Electric Code and General Article I.

**SYNOPSIS:**

Recommend approval of an ordinance change to Chapter 26 and General Article I of the Municipal Code to reference the 2008 edition of the National Electric Code (NEC).

**FISCAL IMPACT: NONE**

Amount: N/A

Funding Source: N/A

**ADDITIONAL INFORMATION:**

This action will update and amend Chapter 26 of the Municipal Code and the referenced model code contained therein to the most recent edition of this model code. This action includes the 2008 NEC. These changes are aligned with the State of Iowa Electrical Code and the codes adopted by the metropolitan area communities, wherever possible.

The Building and Fire Appeals Board has reviewed these changes with staff, conducted a public hearing on March 12, 2009 and notified the major stakeholders, such as the International Brotherhood of Electrical Workers (IBEW), Homebuilders Associations and electrical contractors. These groups made suggestions concerning these revisions and the board received them. After consideration, the board incorporated the changes into the recommended language.

A summary and outline of the changes to the ordinance follows:

*Article I* incorporates general provisions common to each of the construction codes. The provisions establish and provide rules of conduct for the Permit and Development Center, the Building and Fire Appeals Board and authority of the Building Official. These provisions have been edited to include language that expands and clarifies issuance of homeowner’s permits, extensions of building permits, refunding fees on permits and sunset clauses on licensing and bonding of the plumbing and mechanical contractors. Although organizational and editorial changes have been incorporated, the basic document remains substantially the same.

*Article III* adopts, by reference, the 2008 NEC. This is the successor document to the code formerly adopted. Deletions include any 2008 references to the installations of Ground Fault Circuit Breakers and the amendments retain the language of installations for Ground Fault Circuit Interrupters, as outlined in the 2005 NEC. The prime reason for these changes is the newly expanded list of required protection, which includes refrigeration, freezers and sump pump circuits. Loss of power to these circuits through a ground fault condition could lead to a substantial loss of food and to basement flooding. In the 2005 NEC these ground fault interrupters are not required. The State Electrical Board has also recognized this and has made the same amendments to its adoption of the 2008 NEC. Provisions regarding licensure include sunset statements to finalize the program turn over to the State of Iowa and clarification of the acceptance standards for Class “B” State Licensed Electricians. The City of Des Moines will only recognize those State Class “B” licenses held by those individuals or business entities that previously held Des Moines Electrical Licenses. Under current State Statute, Class “B” licenses group those individuals that were “grandfathered,” due to no established education, formal testing by a third party or recorded time histories.

### **PREVIOUS COUNCIL ACTION(S):**

Date: May 23, 2005

Roll Call Number: 05-01305

Action: Amending Chapter 26 of the Municipal Code to adopt 2003 International Building Code, 2003 International Existing Building Code, portions of the 2003 International Residential Code, 2003 International Mechanical Code, 2003 International Fuel Gas Code, 2005 National Electric Code, and miscellaneous amendments and reorganization, (Plumbing Code changes have been removed from this ordinance). (Council Communication No. 05-273)  
) Moved by Kiernan that this ordinance do now pass, #14,447. Motion Carried 7-0.

### **BOARD/COMMISSION ACTION(S):**

Date: March 12, 2009

Roll Call Number: Building and Fire Appeals Board

Action: Motion made and seconded to recommend adoption of the 2008 National Electric Code, with Amendments.

### **ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Repeal changes to the language governing the plumbing and mechanical licensure, including bonding under Article I will need to be made once the State Plumbing and Mechanical Licensing Board becomes able to issue contractor licenses. It is anticipated that this could be as much as nine months from this communication.

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