

★ **Roll Call Number**

**Agenda Item Number**

89

**Date** July 9, 2012

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 26-230, 26-400, 26-405, 26-407 and 26-408, and by adding and enacting a new Section 26-410 in the City Building Codes regarding the adoption and amendment of the 2011 edition of the National Electrical Code and the recognition of licensed residential electrical contractors,"

which was considered and voted for the first time upon under Roll Call No. 12-1014 of June 25, 2012, again presented.

MOVED by \_\_\_\_\_ that this ordinance be considered and given second vote for passage.

(Second of three required readings)


COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
<b>TOTAL</b>				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_ City Clerk

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> June 25, 2012
	<b>Agenda Item No.</b> <del>48</del>
	<b>Roll Call No.</b> 12-1014
	<b>Communication No.</b> 12-336
<b>Submitted by:</b> Phillip Delafield, Community Development Director	

**AGENDA HEADING:**

Amending Chapter 26 of the Municipal Code to update the National Electric Code.

**SYNOPSIS:**

Recommend approval of an ordinance change to Chapter 26 of the Municipal Code to adopt the 2011 edition of the National Electric Code (NEC) and recognize residential master's electrician licenses. This will maintain electrical code consistency between the City of Des Moines, State of Iowa, and neighboring jurisdictions.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

This action will update and amend Chapter 26 Article IV of the Municipal Code and the referenced model code contained therein to the most recent edition, the 2011 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 Code Board of Appeals has reviewed the proposed changes with staff, held public hearings, and notified the major stakeholders, such as the International Brotherhood of Electrical Workers (IBEW), Homebuilders Associations, and electrical contractors. These groups raised no objections to the proposed update. This is likely due to the State of Iowa mandate for all jurisdictions to enforce this edition of the NEC. The proposed amendments to Chapter 26 include several language clarifications, adopting the 2011 NEC, updating an amendment relating to ground fault circuit interrupter protection to match the State of Iowa amendment, and recognizing State issued Residential Electrician's licenses for issuing residential electrical permits.

**PREVIOUS COUNCIL ACTION(S):**

Date: September 14, 2009

Roll Call Number: 09-1672

Action: An Ordinance entitled, " AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by

Ordinance No. 14,447 passed May 23, 2005, and Ordinance No. 14,685 passed August 20, 2007 and Ordinance 14,762 passed May 5, 2008 by amending paragraph (a) of Section 26-101, Sections 26-124, 26-125, 26-135, 26-136, 26-137, 26-138, 26-139, 26-140, 26-142, 26-160, 26-161, 26-162, 26-175, 26-176, 26-177, 26-180, 26-300, 26-301, 26-302, 26-303, 26-306, 26-320, 26-321, 26-322, 26-323, 26-324, 26-327 and 26-328 and repealing Sections 26-163 and 26-305 thereof, amending Chapter 26, Article III to update the National Electric Code and General Article I", which was considered and voted upon for the first time under Roll Call No. 09-1370 of July 27, 2009, and considered and voted upon for the second time under Roll Call No. 09-1470 of August 10, 2009, again presented, and continued to the September 14, 2009 Council meeting by Roll Call No. 09-1575 of August 14, 2009. (Council Communication No. 05-273). Moved by Vlassis that this ordinance do now pass, #14,883. Motion Carried 7-0.

---

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

Board: Building and Fire Code Board of Appeals

Date: March 8, 2012

Action: Motion made and seconded to recommend adoption of the 2011 National Electric Code, with Amendments.

Board: Building and Fire Code Board of Appeals

Date: May 10, 2012

Action: Motion made and seconded to add residential master's electrician license language to Chapter 26.

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

Current code editions are adopted every 3 years.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).

13.1014  
43  
29

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 26-230, 26-400, 26-405, 26-407 and 26-408, and by adding and enacting a new Section 26-410 in the City Building Codes regarding the adoption and amendment of the 2011 edition of the National Electrical Code and the recognition of licensed residential electrical contractors.

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as amended by Ordinance No. 14,981 passed December 20, 2010, be and is hereby amended by amending Sections 26-230, 26-400, 26-405, 26-407 and 26-408, and by adding and enacting a new Section 26-410 in the City Building Codes regarding the adoption and amendment of the 2011 edition of the National Electrical Code and the recognition of licensed residential electrical contractors, as follows:

**Sec. 26-230 Electrical contractor's license.**

- (1) Except as provided in section 26-232, only those individuals or business entities holding an electrical contractor license as recognized in this section may apply for and obtain permits to conduct electrical work in the city.
- (2) Any person, firm or business engaged in, or which presents itself as engaging in any electrical systems activity or business within the city, shall present for copying by the building official, all licenses issued by the electrical examining board to any of its workers or employees prior to such workers or employees engaging in such work within the city.
- (3) No new electrical contractor licenses shall be issued by the city.
- (4) Except as otherwise provided in this chapter, no person, firm or business shall engage in, or present itself as engaging in any electrical work or business regulated by article IV of this chapter unless it is one of the following:
  - (a) aAn electrical contractor licensed as such by the Iowa electrical examining board and is, or employs, a class A master electrician licensed as such by such board.
  - (b) A residential electrical contractor licensed as such by the Iowa electrical examining board and is, or employs, a residential master electrician licensed as such by such board.
- (5) Residential electrical contractors shall be limited to residential electrical work. Residential electrical work is defined as electrical work in buildings that contain no uses other than residential dwellings, no more than four dwelling units; and work

within accessory structures, which are located on the same parcel as the dwelling unit or units, are no greater than 3,000 square feet in floor area, not more than two stories in height, the use of which is not commercial in nature, and is incidental to the use of the dwelling unit or units. For the purpose of this definition, fire walls and property lines will not be considered to create separate buildings when those buildings are attached. Buildings will only be considered separate for purposes of this section when detached.

**Sec. 26-400. Adoption of the National Electrical Code.**

- (a) This article shall consist of the National Electrical Code, 2008–2011 edition, published by the National Fire Protection Association, commonly known as and referred to in this article as the "National Electrical Code" or "NEC", a copy of which is on file in the office of the city clerk and which is incorporated by this reference in its entirety, except as otherwise indicated in this article.
- (b) This article and all provisions incorporated in this article, by reference or otherwise, shall be known as the electrical code. References to section numbers not preceded by "26-" will be to sections in the National Electrical Code.

**Sec. 26-405. Amendments and additions.**

- (a) The remaining sections in this article are and represent amendments and additions to the requirements contained in the National Electrical Code (NEC) and where their requirements conflict with those of the NEC the requirements of this article shall prevail.
- (b) The following sections of this article shall be construed in the context of the enumerated chapter of the NEC.
- (c) ~~The provisions of Article 210-8 of the 2005 National Electric Code shall remain in full force and effect in accordance with the amendments set forth by the State of Iowa's adoption of the NEC.~~
- (d) ~~The provisions of Article 210-8 of the 2008 National Electric Code are hereby deleted in their entirety.~~

**Sec. 26-407. Applicability to moved buildings.**

Buildings Residential buildings or structures moved into or within the boundaries of the city shall comply with the electrical code in accordance with the City of Des Moines Electrical Residential Update Requirements, as amended from time to time.

**Sec. 26-408. ~~Separation of services and circuits from communications conductors~~ Service Entrance Requirements.**

- (a) All service entrances in and upon buildings and structures within the city shall be of the class known as "rigid metal conduit or electrical metallic tubing," except as provided in this section.
- (b) Underground service entrances for all buildings except in single-family, two-family, and row dwellings shall be of moisture resistant wire installed in rigid metal conduit or approved non-metallic raceway such as schedule 40 polyvinylchloride or its equivalent.

- (c) Other provisions of this section to the contrary notwithstanding, that portion of an underground service lateral that is installed by an electrical contractor, but is owned and maintained by a business licensed by law to engage in the business of supplying and distributing electricity, may be of a type used by such a business for such an installation.
- (d) All direct burial cable used by the utility company for the purpose of distributing electrical current within the city, shall be placed and located in the ground a minimum depth of 30" below the proposed final grade. No separation shall be required between electrical conductors and communications conductors when laid in a common trench.
- (e) Underground service entrance risers, to the meter, may be schedule 40 PVC, when not subject to physical damage.

**Sec. 26-410. Amendments to ground-fault circuit-interrupter protection requirements.**

- (a) Add the following exceptions to section 210.8, paragraph (A), subparagraph (2) of the NEC:
  - (1) Exception No. 1 to (2): Receptacles that are not readily accessible.
  - (2) Exception No. 2 to (2): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).
  - (3) Receptacles installed under the exceptions to 210.8(A)(2) shall not be considered as meeting the requirements of 210.52(G).
- (b) Add the following exceptions to section 210.8, paragraph (A), subparagraph (5) of the NEC:
  - (1) Exception No. 2 to (5): Receptacles that are not readily accessible.
  - (2) Exception No. 3 to (5): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).
- (c) Add the following text to the end of to section 210.8, paragraph (A), subparagraph (5) of the NEC:  
Receptacles installed under the exceptions to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney  
G:\SHARED\LEGAL\BROWN\MISC\Building\Ch26\Elect 2012\Ord - redline.doc