

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, REPEALING ARTICLE 3.06, "ELECTRICITY," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER AND REPLACING IT WITH A NEW ARTICLE 3.06, "ELECTRICITY"; ADOPTING THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE, SAVE AND EXCEPT THE DELETIONS AND AMENDMENTS SET FORTH HEREIN; REGULATING THE CONSTRUCTION, ALTERATION, REMOVAL, USE AND MAINTENANCE OF ANY ELECTRICAL WIRING, APPARATUS, DEVICE AND/OR SYSTEMS WITHIN THE TOWN OF PROSPER, TEXAS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas ("Prosper"), has investigated and determined that it would be advantageous and beneficial to the citizens of Prosper to repeal existing Article 3.06, "Electricity," of the Code or Ordinances and replace it with a new Article 3.06, "Electricity"; and

WHEREAS, the Town Council also has investigated and determined that it would be advantageous and beneficial to the citizens of the Prosper to adopt the 2011 Edition of the National Electrical Code, save and except the deletions and amendments set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

**SECTION 1**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2**

Existing Article 3.06, "Electricity," of the Code of Ordinances of the Town of Prosper, Texas, is hereby repealed in its entirety and replaced with a new Article 3.06, "Electricity," to read as follows:

**"ARTICLE 3.06            ELECTRICITY**

**Sec. 3.06.001            Code Adopted; amendments**

The National Electrical Code, 2011 Edition, copyrighted by the National Fire Protection Association, including Annex H, save and except the deletions and amendments set forth in Exhibit "A," attached hereto and incorporated herein for all purposes, is hereby adopted as the Electrical Code for the town, regulating the construction, alteration, removal, use and/or maintenance of any electrical wiring, apparatus, device or system within the Town (the "2011 National Electrical Code"). The 2011 National Electrical Code is made a part of this article as if fully set forth herein. A copy of the 2011 National Electrical Code, 2011 Edition, copyrighted by

the National Fire Protection Association, is on file in the office of the Town Secretary of Prosper being marked and so designated as the 2011 National Electrical Code.

**Sec. 3.07.002            Penalty for violation**

Any person, firm, corporation or business entity violating this article shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00), and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. The town retains all legal rights and remedies available to it pursuant to local, state and federal law.”

**SECTION 3**

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

**SECTION 4**

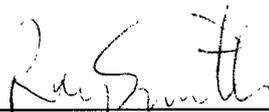
If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

**SECTION 5**

This Ordinance shall become effective October 1, 2014, after its passage and publication as required by law.

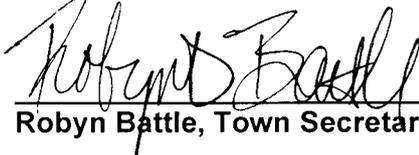
**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 22ND DAY OF JULY, 2014.**

**APPROVED:**

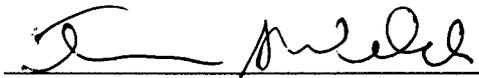


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**Ray Smith, Mayor**

**ATTEST:**

  
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**Robyn Battle, Town Secretary**

APPROVED AS TO FORM AND LEGALITY:



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Terrence S. Welch, Town Attorney

## Exhibit A

### TOWN OF PROSPER AMENDMENTS

### 2011 NATIONAL ELECTRICAL CODE

The following additions, deletions and amendments to the 2011 National Electrical Code adopted herein are hereby approved and adopted.

**Article 230.71** Maximum Number of Disconnects of the 2011 National Electrical Code is amended by adding an exception as follows:

#### **230.71 Maximum Number of Disconnects.**

**(A) General.** The service disconnecting means for each service permitted by 230.2, or for each set of service-entrance conductors permitted by 230.40, Exception No. 1, 3, 4, or 5, shall consist of not more than six switches or sets of circuit breakers, or a combination of not more than six switches and sets of circuit breakers, mounted in a single enclosure, in a group of separate enclosures, or in or on a switchboard. There shall be not more than six sets of disconnects per service grouped in anyone location.

For the purpose of this section, disconnecting means installed as part of listed equipment and used solely for the following shall not be considered a service disconnecting means:

- (1) Power monitoring equipment
- (2) Surge-protective device(s)
- (3) Control circuit of the ground-fault protection system
- (4) Power-operable service disconnecting means

**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.

**Article 310.106 (A) Minimum Size of Conductors** of the 2011 National Electrical Code is amended as follows:

#### **310.106 Conductors.**

**(A) Minimum Size of Conductors.** Branch circuit conductors shall not be smaller than No. 12 copper or No. 6 aluminum or copper-clad aluminum. The minimum size of other conductors as identified in this *Code* shall be as shown in Table 310.106(A), except as permitted elsewhere in this *Code*.

**Annex H Administration and Enforcement** of the 2011 National Electrical Code is amended by deleting the entire article and replacing it with the following:

## **SCOPE, APPLICATION AND ADMINISTRATION**

### **SECTION 101 GENERAL**

[AH] 101.1 **Title.** These regulations shall be known as the *Electrical Code of The Town of Prosper* hereinafter referred to as “this code.”

[AH] 101.2 **Scope.** The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of electrical systems within this jurisdiction. This code shall also regulate the installation of electrical conductors, equipment, and raceways; signaling and communications conductors, equipment, and raceways; and optical fiber cables and raceways as identified in Article 90 of this code. Provisions in the appendices shall not apply unless specifically adopted.

**Exception:** Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.

[AH] 101.3 **Intent.** The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of electrical systems and equipment.

[AH] 101.4 **Severability.** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

### **SECTION 102 APPLICABILITY**

[AH] 102.1 **General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in any specific case, different sections of this

code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[AH] 102.2 **Existing installations.** Electrical systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such electrical system.

[AH] 102.3 **Maintenance.** All electrical systems, materials and appurtenances, both existing and new, and all parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe condition. All devices or safeguards required by this code shall be maintained in compliance with the code edition under which they were installed. The owner or the owner’s designated agent shall be responsible for maintenance of electrical systems. To determine compliance with this provision, the code official shall have the authority to require any electrical system to be reinspected.

[AH] 102.4 **Additions, alterations or repairs.** Additions, alterations, renovations or repairs to any electrical system shall conform to that required for a new electrical system without requiring the existing electrical system to comply with all the requirements of this code unless otherwise determined by the code official that it is necessary to change part of or all of the existing electrical system to safeguard life or limb, health, property and public welfare. Additions, alterations or repairs shall not cause an existing system to become unsafe, insanitary or overloaded. Minor additions, alterations, renovations and repairs to existing electrical systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is *approved*.

[AH] 102.5 **Change in occupancy.** It shall be unlawful to make any change in the *occupancy* of any structure that will subject the structure to any special provision of this code applicable to the new *occupancy* without approval of the code official. The code official shall certify that such structure meets the intent of the provisions of law governing building

construction for the proposed new *occupancy* and that such change of *occupancy* does not result in any hazard to the public health, safety or welfare.

**[AH] 102.6 Historic buildings.** The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

**[AH] 102.7 Moved buildings.** Except as determined by Section 102.2, electrical systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

**[AH] 102.8 Referenced codes and standards.** The codes and standards referenced in this code, when specifically adopted, shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where the differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well.

**[AH] 102.8.1 Conflicts.** Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

**[AH] 102.8.2. Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

**[AH] 102.9 Requirements not covered by code.** Any requirements necessary for the strength, stability or proper operation of an existing or proposed electrical system, or for the public safety, health and general welfare, not specifically covered by this code shall be determined by the code official.

**[AH] 102.10 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

**[AH] 102.11 Application of references.** Reference to chapter section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

### **SECTION 103 DEPARTMENT OF ELECTRICAL INSPECTION**

**[AH] 103.1 General.** The department of electrical inspection is hereby created and the executive official in charge thereof shall be known as the code official.

**[AH] 103.2 Appointment.** The code official shall be appointed by the chief appointing authority of the jurisdiction.

**[AH] 103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the code official.

**[AH] 103.4 Liability.** The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

### **SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL**

**[AH] 104.1 General.** The code official is hereby authorized and directed to enforce the provisions of

this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**[AH] 104.2 Applications and permits.** The code official shall receive applications, review construction documents and issue permits for the installation and alteration of electrical systems, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code.

**[AH] 104.3 Inspections.** The code official shall make all the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

**[AH] 104.4 Right of entry.** Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in any building or upon any premises any conditions or violations of this code that make the building or premises unsafe, dangerous or hazardous, the code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the code official by this code. If such building or premises is occupied, the code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry. When the code official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

**[AH] 104.5 Identification.** The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**[AH] 104.6 Notices and orders.** The code official shall issue all necessary notices or orders to ensure compliance with this code.

**[AH] 104.7 Department records.** The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

## SECTION 105 APPROVAL

**[AH] 105.1 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification conforms to the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the electrical inspection department.

**[AH] 105.2 Alternative materials, methods and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the code official finds that the proposed alternative material, method or equipment complies with the intent of the provisions of this code and is at least the equivalent of that prescribed in this code.

**[AH] 105.2.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

**[AH] 105.3 Required testing.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this

code, or in order to substantiate claims for alternate materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

**[AH] 105.3.1 Test methods.** Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

**[AH] 105.3.2 Testing agency.** All tests shall be performed by an *approved* agency.

**[AH] 105.3.3 Test reports.** Reports of tests shall be retained by the code official for the period required for retention of public records.

**[AH] 105.4 Approved materials and equipment.** Materials, equipment and devices *approved* by the code official shall be constructed and installed in accordance with such approval.

**[AH] 105.4.1 Material and equipment reuse.** Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested, placed in good and proper working condition and *approved*.

## SECTION 106 PERMITS

**[AH] 106.1 When required.** Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the *occupancy* of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit for the work.

**[AH] 106.2 Exempt work.** The following work shall be exempt from the requirement for a permit:

1. The work identified in Article 90.2(B) as not being covered by this Code.

**[AH] 106.3 Application for permit.** Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or an authorized agent. The permit application shall

indicate the proposed *occupancy* of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

**[AH] 106.3.1 Construction documents.** Construction documents, engineering calculations, diagrams and other such data shall be submitted, as required by the code official, with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional when required by state law. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for pipes, conduits, wiring, equipment, fittings and components and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

**Exception:** The code official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with this code.

**[AH] 106.3.2 Preliminary inspection.** Before a permit is issued, the code official is authorized to inspect and evaluate the systems, equipment, buildings, devices, premises and spaces or areas to be used.

**[AH] 106.3.3 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official shall have the authority to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**[AH] 106.4 By whom application is made.** Application for a permit shall be made by the person or agent to install all or part of any electrical system. The applicant shall meet all qualifications established by statute, or by rules promulgated by this code, or

by ordinance or by resolution. The full name and address of the applicant shall be stated in the application.

**[AH] 106.5 Permit issuance.** The application, construction documents and other data filed by an applicant for permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified in Section 106.6 have been paid, a permit shall be issued to the applicant.

**[AH] 106.5.1 Approved construction documents.** When the code official issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped "APPROVED." Such *approved* construction documents shall not be changed, modified or altered without authorization from the code official. All work shall be done in accordance with the *approved* construction documents. The code official shall have the authority to issue a permit for the construction of a part of a electrical system before the entire construction documents for the whole system have been submitted or *approved*, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holders of such permit shall proceed at their own risk without assurance that the permit for the entire electrical system will be granted.

**[AH] 106.5.2 Validity.** The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or any other ordinance of the jurisdiction. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid. The issuance of a permit based upon construction documents and other data shall not prevent the code official from thereafter requiring the correction of errors in said construction documents and other data or from preventing building operations being carried on thereunder when in violation of this code or of other ordinances of this jurisdiction.

**[AH] 106.5.3 Expiration.** Every *permit* issued shall become invalid unless the work authorized by such *permit* is commenced within 180 days after the issuance, or if the work authorized by such *permit* is suspended, abandoned or lacks any required inspection for a period of 180 days after the time the work is commenced. The *code official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The

extension shall be requested in writing and justifiable cause demonstrated.

**[AH] 106.5.4 Extensions.** Any permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The code official shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. No permit shall be extended more than once. The fee for an extension shall be one-half the amount required for a new permit for such work.

**[AH] 106.5.5 Suspension or revocation of permit.** The code official shall have the authority to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

**[AH] 106.5.6 Retention of construction documents.** One set of *approved* construction documents shall be retained by the code official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. One set of *approved* construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

**[AH] 106.5.7 Previous approvals.** This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

**[AH] 106.5.8 Posting of permit.** The permit or a copy shall be kept on the site of the work until the completion of the project.

**[AH] 106.6 Fees.** A permit shall not be issued until the fees prescribed in Section 106.6.2 have been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the electrical systems, has been paid.

**[AH] 106.6.1 Work commencing before permit issuance.** Any person who commences any work on a

electrical system before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

**[AH] 106.6.2 Fee schedule.** The fees for all electrical work shall be as indicated in the Town of Prosper Fee Schedule as adopted by the City Council.

**[AH] 106.6.3 Fee refunds.** The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

## SECTION 107 INSPECTIONS AND TESTING

**[AH] 107.1 General.** The code official is authorized to conduct such inspections as are deemed necessary to determine compliance with the provisions of this code. Construction or work for which a permit is required shall be subject to inspection by the code official, and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**[AH] 107.2 Required inspections and testing.** The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or an agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping and conduit installed, and before any backfill is put in place.
2. Rough-in inspection shall be made after the roof, framing, fireblocking, firestopping, draftstopping and bracing is in place and all electrical systems are roughed-in, and prior to the installation of wall or ceiling membranes.
3. Final inspection shall be made after the building is complete, all electrical fixtures are in place and properly connected, and the structure is ready for occupancy.

**[AH] 107.2.1 Other inspections.** In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced.

**[AH] 107.2.2 Inspection requests.** It shall be the duty of the holder of the permit or their duly authorized agent to notify the code official when work is ready for inspection. It shall be the duty of the permit holder to provide *access* to and means for inspections of such work that are required by this code.

**[AH] 107.2.3 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

**[AH] 107.2.4 Approved agencies.** The code official is authorized to accept reports of *approved* inspection

agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

**[AH] 107.2.5 Evaluation and follow-up inspection services.** Prior to the approval of a closed, prefabricated electrical system and the issuance of a electrical permit, the code official may require the submittal of an evaluation report on each prefabricated electrical system indicating the complete details of the electrical system, including a description of the system and its components, the basis upon which the electrical system is being evaluated, test results and similar information, and other data as necessary for the code official to determine conformance to this code.

**[AH] 107.2.5.1 Evaluation service.** The code official shall designate the evaluation service of an *approved* agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

**[AH] 107.2.5.2 Follow-up inspection.** Except where ready *access* is provided to all electrical systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the frequency of in-plant inspections necessary to ensure conformance to the *approved* evaluation report or shall designate an independent, *approved* inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the follow-up inspection manual and a report of inspections upon request, and the electrical system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

**[AH] 107.2.5.3 Test and inspection records.** All required test and inspection records shall be available to the code official at all times during the fabrication of the electrical system and the erection of the building, or such records as the code official designates shall be filed.

**[AH] 107.3 Special inspections.** Special inspections of *alternative engineered design electrical* systems shall be conducted in accordance with Sections 107.3.1 and 107.3.2.

**[AH] 107.3.1 Periodic inspection.** The registered design professional or designated inspector shall periodically inspect and observe the *alternative engineered design* to determine that the installation is in accordance with the *approved* construction documents. All discrepancies shall be brought to the

immediate attention of the electrical contractor for correction. Records shall be kept of all inspections.

**[AH] 107.3.2 Written report.** The registered design professional shall submit a final report in writing to the code official upon completion of the installation, certifying that the *alternative engineered design* conforms to the *approved* construction documents. A notice of approval for the electrical system shall not be issued until a written certification has been submitted.

**[AH] 107.4 Testing.** Electrical work and systems shall be tested as required by this code and in accordance with Sections 107.4.1 through 107.4.3. Tests shall be made by the permit holder and observed by the code official.

**[AH] 107.4.1 New, altered, extended or repaired systems.** New electrical systems and parts of existing systems that have been altered, extended or repaired shall be inspected and tested as required by the code official.

**[AH] 107.4.2 Equipment, material and labor for tests.** All equipment, material and labor required for testing a electrical system or part thereof shall be furnished by the permit holder.

**[AH] 107.4.3 Reinspection and testing.** Where any work or installation does not pass any initial test or inspection, the necessary corrections shall be made to comply with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

**[AH] 107.5 Approval.** After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the code official.

**[AH] 107.5.1 Revocation.** The code official is authorized to, in writing, suspend or revoke a notice of approval issued under the provisions of this code wherever the notice is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure, premise or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

**[AH] 107.6 Temporary connection.** The code official shall have the authority to authorize the temporary connection of the building or system to the utility source for the purpose of testing electrical systems or for use under a temporary certificate of occupancy.

[AH] 107.7 **Connection of service utilities.** A person shall not make connections from a utility, source of energy, or power system to any building or system that is regulated by this code for which a permit is required until authorized by the code official.

## **SECTION 108 VIOLATIONS**

[AH] 108.1 **Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize any electrical system, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[AH] 108.2 **Notice of violation.** The code official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of electrical work in violation of the provisions of this code, or in violation of a detail statement or the *approved* construction documents thereunder, 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.

[AH] 108.3 **Prosecution of violation.** If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

[AH] 108.4 **Violation penalties.** 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 electrical work 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 code, shall be guilty of a misdemeanor and upon conviction may be fined up to the maximum amount allowed by Texas law. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

[AH] 108.5 **Stop work orders.** Upon notice from the code official, work on any electrical system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately

cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as required herein by this code.

[AH] 108.6 **Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the electrical system on or about any premises.

[AH] 108.7 **Unsafe Electrical Systems.** Any electrical systems regulated by this code that is unsafe or that constitutes a fire or health hazard, or is otherwise dangerous to human life is hereby declared unsafe. Any use of electrical systems regulated by this code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe electrical system is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

[AH] 108.7.1 **Authority to condemn equipment.** Whenever the code official determines that any electrical system, or portion thereof, regulated by this code has become hazardous to life, health or property the code official shall order in writing that such electrical system either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in the written notice. No person shall use or maintain a defective electrical system after receiving such notice. When such electrical system is to be disconnected, written notice as prescribed in Section 108.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

[AH] 108.7.2 **Authority to disconnect service utilities.** The code official shall have the authority to authorize disconnection of utility service to the

building, structure or system regulated by the technical codes in case of an emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner and occupant of the building, structure or service system shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service systems shall be notified in writing, as soon as practical thereafter.

**[AH] 108.7.3 Connection after order to disconnect.** No person shall make connections from any energy or power supply system or supply energy or power supply to any equipment regulated by this code that has been disconnected or ordered to be disconnected by the code official or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such equipment. When any electrical system is

maintained in violation of this code, and in violation of any notice issued pursuant to the provisions of this section, the code official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

## **SECTION 109 MEANS OF APPEAL**

**[AH] 109.1 Application for appeal.** Any person shall have the right to appeal a decision of the code official to the board of appeals established by ordinance. The board shall be governed by the Town of Prosper's enabling ordinance.

End of Exhibit "A"