

AN ORDINANCE OF THE CITY OF DENTON AMENDING THE CODE OF ORDINANCES OF THE CITY OF DENTON, SECTIONS 28-41 THROUGH 28-82 AND 28-120 THROUGH 28-122 BY REPEALING THE 2011 EDITION OF THE *NATIONAL ELECTRIC CODE* AND ADOPTING THE 2020 EDITION OF THE *NATIONAL ELECTRIC CODE*, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Health & Building Standards Commission at its March 24, 2022 meeting, the City Council now finds it is in the best interests of public health, safety, and welfare to repeal the 2011 edition of the *National Electric Code* and to adopt the 2020 edition of the *National Electric Code*; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Chapter 28, Buildings and Building Regulations, Sections 28-41 through 28-82, and 28-120 through 28-122 of the Denton Code of Ordinances are repealed in their entirety and replaced with new Article V, Sections 28-41 through 28-45, to read as follows:

**Sec. 28-41. 2020 National Electric Code adopted.**

*The National Electric Code, NFPA 70, 2021 edition, published by the National Fire Protection Association, a copy of which shall be filed in the office of the city secretary and available for public inspection, is hereby adopted, the same as if copied at length herein, subject to the deletions and amendments enumerated in Section 28-42 through 28-45.*

**Sec. 28-42. Title.** These regulations shall be known as the *National Electric Code* of City of Denton, hereinafter referred to as “this code.”

**Sec. 28-43. Work commencing before permit issuance.** Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to the required permit fees, as set by the current schedule of fees adopted by ordinance of the City.

**Sec. 28-44. Stop work orders.** Upon notice from the code official that work that is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work 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 on the system, 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 for a fee as set by the current schedule of fees adopted by ordinance of the City.

**Sec. 28-45. Means of Appeal.**

**HEALTH AND BUILDING STANDARDS COMMISSION**

**General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official, code official, or fire marshal relative to the application and interpretation of the requirements of this Code and all other applicable codes of the City of Denton, there shall be a health and building standards commission.

**Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The health and building standards commission shall not have authority to waive requirements of this code.

SECTION 2. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid by any court, such invalidity shall not affect other provisions or applications, and to this end, the provisions of this ordinance are severable.

SECTION 3. All provisions of the ordinances of the City of Denton in conflict with the provision of this ordinance are hereby repealed. The repeal of any ordinance or any portion thereof by the preceding text shall not affect or impair any act done or right vested or accrued or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect and such shall remain in force for all intents and purposes as if such ordinance or part thereof so repealed shall remain in force.

SECTION 4. Any person violating any provision of this ordinance shall, upon conviction, be found guilty of a misdemeanor and fined a sum not to exceed two thousand dollars (\$2,000.00) for each violation. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

SECTION 5. Pursuant to Section 2.09(c) of the Charter for the City of Denton and Section 214.218 of the Texas Local Government Code, this ordinance shall become effective on June 1 2022, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage and approval.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

The motion to approve this ordinance was made by Jesse Davis and seconded by Alison Maguire, the ordinance was passed and approved by the following vote [7 - 0]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	✓	_____	_____	_____
Vicki Byrd, District 1:	✓	_____	_____	_____
Brian Beck, District 2:	✓	_____	_____	_____
Jesse Davis, District 3:	✓	_____	_____	_____
Alison Maguire, District 4:	✓	_____	_____	_____
Deb Armintor, At Large Place 5:	✓	_____	_____	_____
Paul Meltzer, At Large Place 6:	✓	_____	_____	_____


PASSED AND APPROVED this, the 5<sup>th</sup> day of April, 2022.

  
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 GERARD HUDSPETH, MAYOR

ATTEST:  
 ROSA RIOS, CITY SECRETARY

BY:   
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APPROVED AS TO LEGAL FORM:  
 MACK REINWAND, CITY ATTORNEY

BY:  Hilary Negron  
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