

AN ORDINANCE ADOPTING THE 2002 NATIONAL ELECTRICAL CODE[®] (2002 N.E.C.)

ORDINANCE NO. 958

AN ORDINANCE OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO ADOPTING THE 2002 NATIONAL ELECTRICAL CODE[®] (2002 N.E.C.), REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, INSTALLATION, QUALITY OF MATERIALS, LOCATION, OPERATION AND MAINTENANCE AND USE OF ELECTRICAL SYSTEMS WITHIN THE TOWN OF BERTHOUD; PROVIDING FOR THE ISSUANCE OF ELECTRICAL PERMITS AND THE COLLECTION OF FEES THEREFORE; PROVIDING FOR PENALTIES FOR VIOLATION THEREOF; REPEALING ALL ORDINANCES AND PARTS THEREOF OF THE TOWN OF BERTHOUD IN CONFLICT THEREWITH.

THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO DOES ORDAIN AS FOLLOWS:

SECTION 1. General

That certain documents, one (1) copy of which is on file and is open for inspection by the public in the office of the Town Clerk of the Town of Berthoud, being marked and designated as: National Electric Code[®], 2002 Edition including Article 80 as amended, published by the National Fire Protection Association, Inc., One Batterymarch Park, Quincy, MA 02269.

SECTION 2. Document Adopted by Reference

Pursuant to Colorado Revised Statutes (C.R.S.) 1973, 31-16-201 et seq., as amended, by reference thereto, the National Electric Code[®], 2002 Edition, including Article 80 as amended, published by the National Fire Protection Association, Inc., One Batterymarch Park, Quincy, MA 02269, is hereby adopted by the Town of Berthoud.

SECTION 3. Purpose

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, maintenance and use of electrical systems and electrical equipment in the Town of Berthoud.

SECTION 4. Scope

The provisions of this code shall apply to the construction, installation, alteration, moving, demolition, repair, maintenance and use of any electrical system as defined in this code and shall provide for minimum standards and regulations for materials, installation methods, inspection, and other matters relating to electrical systems in the Town of Berthoud.

SECTION 5. Applicability

This code shall apply to electrical systems constructed or installed in or on and serving every building or structure, as defined in this code, now in existence or which may hereafter be erected, constructed, altered, moved, converted, demolished or repaired. Electrical systems lawfully in existence at the time of the adoption of this code may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and no hazard to life or limb, health, property or public welfare has been created by such electrical system.

SECTION 6. Amendments

1. Article 80.13 "Authority." (2) The first sentence is hereby amended to read:

"When the use of any electrical equipment or installation is found to be dangerous to human life or property, the Chief Building Official of the Town of Berthoud shall be empowered to have the electrical equipment or installation disconnected from its source of electric supply."

2. Article 80.15 "Electrical Board.", (A) "Creation of Electrical Board.", (B) "Appointments.", (C) "Terms.", (D) "Compensation.", (E) "Quorum.", (F) "Duties.", (G) "Appeals.", (H) "Meetings and Records." is hereby deleted in its entirety.
3. Article 80.19 (D) "Annual Permits.", is hereby deleted in its entirety.
4. Article 80.19 (F) "Inspection and Approvals." (1) is hereby amended to read:

"Upon the completion of any installation of electrical equipment that has been made under a permit, it shall be the duty of the person, firm, or corporation making the installation to notify the Chief Building Official of the Town of Berthoud who shall inspect the work within a reasonable time."

5. Article 80.19 (G) "Revocation of Permits." is hereby deleted in its entirety.
6. Article 80.25 "Connection to Electricity Supply." (E) "Disconnection." is hereby amended to read:

"Where a connection is made to an electrical installation that has not been inspected, as outlined in the preceding paragraphs of this section, the supplier of electricity shall immediately report such connection to the Chief Building Official of the Town of Berthoud. If, upon subsequent inspection, it is found that the installation is not in conformity with the provisions of this code, the Chief Building Official shall notify the person, firm or corporation making the installation to rectify the defects and, if such work is not completed within fifteen (15) days or a longer period specified by the Chief Building Official, the Chief Building Official shall have the authority to cause the disconnection of that portion of the installation not in conformity with this code. When any installation is determined by the Chief Building Official to present an imminent life or fire safety hazard, the Chief Building Official shall have the authority to cause the immediate disconnection of the electrical system until the system is brought into compliance with this code."

7. Article 80.27 "Inspector's Qualifications." (A) "Certificate." is hereby amended to read:

Article 80.27 (A) "License."

"The Town of Berthoud is hereby authorized to appoint or employ, with the power of removal, competent persons licensed by the Colorado State Electrical Board as Journeyman or Master Electricians as electrical inspectors. The Town of Berthoud is also authorized to appoint or employ, with the power of removal, for the purpose of inspecting one-, two-, three-, or four-family dwellings, competent persons with the following qualifications:

- (1) Persons who have passed the Colorado State Electrical Board's written residential wireman's examination as described in section 12-23-106 of the Colorado Revised Statutes; or
- (2) Persons who have been certified as residential electrical inspectors by a nationally recognized certification authority approved by the Chief Building Official of the Town of Berthoud and by the Colorado State Electrical Board and who have furnished satisfactory evidence of at least two years of practical experience in the inspection of residential dwellings."

8. Article 80.27 (B) "Experience.", (C) "Recertification." is hereby deleted in its entirety.

9. Article 80.27 (D) "Revocation and Suspension Authority." is hereby amended to read:

"The Chief Building Official of the Town of Berthoud shall have the authority to revoke an electrical inspector's authority to conduct inspections within the Town of Berthoud".

10. Article 80.29 "Liability for Damages." is hereby amended to read:

"Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling, or installing any electric equipment for damages to persons or property caused by a defect therein, nor shall the Town of Berthoud or any of its employees be held as assuming any such liability by reason of inspection, re-inspection, approval, disapproval, or other examination authorized."

11. Article 90.10 "Electrical Permits.", (A) "Electrical Permits Required.", (B) "Electrical Permit Application.", (C) "Electrical Permits Issuance.", (D) "Plan Approval.", (E) "Retention of Plans.", (F) "Validity of Electrical Permit.", (G) "Expiration of Electrical Permit.", (H) "Suspension or Revocation." is hereby added:

Article 90.10 (A) "Electrical Permits Required."

"No electrical system regulated by this code shall be installed, altered, repaired, replaced or remodeled unless a separate electrical permit for each separate electrical system on or in any building or structure has first been obtained from the Chief Building Official of the Town of Berthoud."

Article 90.10 (B) "Electrical Permit Application."

"To obtain a permit, the applicant shall first file an application therefor in writing on a form

furnished by the Town of Berthoud Building Department for that purpose. Every such application shall:

- (1) Identify and describe the work to be covered by the permit for which application is made; and
- (2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work; and
- (3) Indicate the use or occupancy of the building or structure for which the proposed work is intended; and
- (4) Be accompanied by plans, diagrams, computations and specifications and other data as required in this article; and
- (5) Be signed and dated by the applicant or his authorized agent; and
- (6) Give such other data and information as may be requested by the Chief Building Official of the Town of Berthoud; and
- (7) Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for electrical permit. The Chief Building Official of the Town of Berthoud may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the State of Colorado to practice as such.

Exception: The Chief Building Official may waive the submission of plans, calculations or other data if the Chief Building Official finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

- (8) Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and other relevant laws, ordinances, rules and regulations of the Town of Berthoud."

Article 90.10 (C) "Permit Issuance."

- (1) "The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Chief Building Official of the Town of Berthoud and the Town's designated electrical inspector. Such plans may be reviewed by other departments of the jurisdiction to verify compliance with other applicable laws of the jurisdiction. If the Chief Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and other relevant laws and ordinances of the Town of Berthoud, and that applicable electrical permit fees have been paid, the Chief Building Official shall issue a permit therefor to the applicant.
- (2) The Chief Building Official of the Town of Berthoud may issue a permit for the construction of a part of an electrical system before the entire plans and specifications

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 holder of a partial permit shall proceed without assurance that the permit for the entire building, structure or electrical system will be granted."

Article 90.10 (D) "Plan Approval."

"When the Chief Building Official of the Town of Berthoud issues a permit where the submittal of plans are required, the Chief Building Official shall endorse in writing or stamp the plans and specifications "APPROVED". Such approved plans and specifications shall not be changed, modified or altered without authorization from the Chief Building Official, and all work regulated by this code shall be done in accordance with the approved plans."

Article 90.10 (E) "Retention of Plans."

"One set of approved plans, specifications and computations shall be retained by the Chief Building Official of the Town of Berthoud until final approval of the work covered therein and for a period of not less than ninety (90) days from the date of completion of the work covered therein. One set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building or work and made available to the electrical inspector at all times during which the work authorized thereby is in progress."

Article 90.10 (F) "Validity of Electrical Permit."

- (1) "The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of other ordinance of the Town of Berthoud. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the Town of Berthoud shall not be valid."
- (2) "The issuance of a permit based upon plans, specifications, computations and other data shall not prevent the Chief Building Official from thereafter requiring the correction of errors in said plans, specifications, and other data or from preventing building operations being carried on thereunder when in violation of this code or of other ordinances of the Town of Berthoud."

Article 90.10 (G) "Expiration of Electrical Permit."

- (1) "Every permit issued by the Chief Building Official of the Town of Berthoud under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days.
- (2) Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one year.

(3) In order to renew action on a permit after expiration, the applicant shall pay a new full permit fee. An permittee holding an un-expired permit may apply for an extension of the time within which the work may be commenced under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Chief Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once."

Article 90.10 (H) "Suspension or Revocation."

"The Chief Building Official of the Town of Berthoud may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of other ordinance or regulation of the Town of Berthoud or any provision of this code."

12. Article 90.11 "License Required." is hereby added:

(1) "No person shall engage in or work at the business, trade, or calling of a journeyman electrician, master electrician, residential wireman or electrical contractor in the Town of Berthoud until he/she has received a license from the State of Colorado Division of Registrations upon written notice from the Colorado State Electrical Board, or the Director, acting as the agent thereof, or a temporary license from the board, the Director, or his agent thereof.

(2) A journeyman electrician, master electrician or a residential wireman shall not perform electrical work of a type which is beyond the authorization of the state license held.

(3) No permit shall be issued to any person to do or cause to be done any electrical work regulated by this code, except to a person holding a valid, un-expired and un-revoked State of Colorado Electrical Contractors license.

Exceptions: Any permit required by this chapter may be issued to any person to do any electrical work regulated by this code in a single family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, in the event that any such person is the bona fide owner of any such dwelling and accessory buildings and quarters, and that the same are occupied by or designed to be occupied by the owner; provided that the owner personally performs all labor in connection therewith.

(4) Any permit required by this chapter may be issued to a general contractor of a project provided however;

- a.) A State of Colorado licensed electrical contractor is listed on such permit; and
- b.) A State of Colorado licensed electrical contractor and/or his authorized employees are performing the actual work on the project; and
- c.) Prior to the issuance of any permit, written verification from licensed electrical

contractor is received by the Town of Berthoud indicating that such electrical contractor is performing the work on the subject project.”

13. Article 90.12 “Electrical Permit Fees.”, (A) “Electrical Permit Fees.”, (B) “Electrical Plan Review Fees.”, (C) “Expiration of Plan Review.” is hereby added:

Article 90.12 (A) “Electrical Permit Fees.”

“Electrical Permit Fees for the Town of Berthoud shall be as established pursuant to Town of Berthoud Ordinance No. 765.”

Article 90.12 (B) “Electrical Plan Review Fees.”

- (1) “When electrical plans or other data are required to be submitted an electrical plan review fee shall be paid at the time of submitting plans and specifications for review. Electrical plan review fees shall be as established pursuant to Town of Berthoud Ordinance No. 765.
- (2) Where plans are incomplete or changed so as to require additional plan review time, an additional plan review fee shall be charged at the rate established pursuant to Town of Berthoud Ordinance No. 765.”

Article 90.12 (C) “Expiration of Plan Review.”

“Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Chief Building Official of the Town of Berthoud. The Chief Building Official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.”

14. Article 90.13 “Investigation Fees - Work without permit.”, (A) “Investigation.”, (B) “Investigation Fee.”, (C) “Electrical Permit Fee Refunds.” is hereby added:

Article 90.13 (A) “Investigation.”

“Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.”

Article 90.13 (B) “Investigation Fee.”

“An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this code if a permit were to be issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.”

Article 90.13 (C) “Electrical Permit Fee Refunds.”

- (1) "The Chief Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
- (2) The Chief Building Official may authorize the refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
- (3) The Chief Building Official may authorize the refunding of not more than eighty (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.
- (4) The Chief Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment."

15. Article 90.14 "Electrical Inspections." , (A) "General.", (B) "Operation of Electrical Equipment.", (C) "Testing of Electrical Equipment.", (D) "Electrical Inspection Requests.", (E) "Other Electrical Inspections.", (F) "Electrical Reinspections." is hereby added:

Article 90.14 (A) "General."

- (1) "Electrical systems for which a permit is required by this code shall be subject to inspection by the Chief Building Official and such electrical systems shall remain accessible and exposed for inspection purposes until approved by the Chief Building Official.
- (2) It shall be the duty of the permit applicant to cause all portions of the electrical system to remain accessible and exposed for inspection purposes. Neither the Chief Building Official nor the Town of Berthoud shall be liable for expense entailed in the removal or replacement of any material required to permit inspection. When the installation of an electrical system is complete, an additional and final inspection shall be made. Electrical systems regulated by this code shall not be connected to the energy supply lines until authorized by the Chief Building Official.
- (3) Inspection approvals as a result of an inspection shall not be construed to be an approval or a violation of the provisions of this code or of other ordinances of the Town of Berthoud. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the Town of Berthoud shall not be valid."

Article 90.14 (B) "Operation of Electrical Equipment."

"The requirements of this section shall not be considered to prohibit the operation of electrical systems installed to replace existing equipment or fixtures servicing an occupied portion of the building in the event a request for inspection of such equipment or fixture has been filed with the Chief Building Official not more than forty eight (48) hours after such replacement work is completed and before any portion of such electrical system is concealed by any permanent portion of the building."

Article 90.14 (C) "Testing of Electrical Equipment."

"Electrical equipment regulated by this code shall be tested, approved and labeled by the

Underwriter's Laboratory (UL[®]) or other nationally recognized testing agency. Additional field testing may be required as deemed necessary by the Chief Building Official."

Article 90.14 (D) "Electrical Inspection Requests."

- (1) "It shall be the duty of the person doing the work authorized by a permit to notify the Chief Building Official that such work is ready for inspection. The Chief Building Official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the Chief Building Official.
- (2) It shall be the duty of the person requesting inspections required by this code to provide access to and means for inspection of such work".

Article 90.14 (E) "Other Electrical Inspections."

"In addition to the inspections required by this code the Chief Building Official may make or require other inspections of any electrical system or equipment to ascertain compliance with the provisions of this code and other relevant laws of the Town of Berthoud."

Article 90.14 (F) "Electrical Reinspections."

- (1) "A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when required corrections have not been made. This provision is not to be interpreted as requiring reinspection fees the first time an electrical installation is rejected for failure to comply with the requirements of this code, but is intended to control the practice of calling for inspections before the electrical work is ready for inspection or reinspection. Reinspection fees may be assessed, when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the Chief Building Official. To obtain a reinspection, the applicant shall file an application therefore in writing and pay the reinspection fee in accordance with the fee schedule as adopted the Town of Berthoud."
- (2) In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid."

15. Article 90.15 "Connection Approval.", (A) "Energy Connections.", (B) "Temporary Connections." is added:

Article 90.15 (A) "Energy Connections."

"No person shall make connections from a source of energy to any electrical system or equipment regulated by this code and for which a permit is required until approved by the Chief Building Official."

Article 90.15 (B) "Temporary Connections."

"The Chief Building Official may authorize temporary connection of the electrical equipment to the source of energy for the purpose of testing the equipment, or for use under a temporary certificate of occupancy."

16. Article 90.16 "Electric Fences.", (A) "Definition.", (B) "Permit Required.", (C) "Signage.", (D) "Protection from Accidental Contact." is hereby added:

Article 90.16 (A) "Definition."

"For the purpose of this article, any fence using, carrying or transmitting an electric current for any purpose is considered an electric fence."

Article 90.16 (B) "Permit Required."

"Installation and construction of electric fences as defined in this article shall require an electrical permit issued by the Chief Building Official prior to installation. All electrical components must be listed and labeled by a nationally recognized testing agency and installations must be made according to the listing requirements."

Article 90.16 (C) "Signage."

"A permanently affixed sign stating: "DANGER, ELECTRIC FENCE" shall be installed on the fence and facing the exterior of the area to be fenced at intervals not exceeding one hundred (100) lineal feet and at other conspicuous locations as deemed necessary by the Chief Building Official.

Article 90.16. (D) "Protection from Accidental Contact."

"All electric fences must be entirely installed within and entirely enclosed by a non-electric fence, so placed to prevent accidental contact from the exterior side of the area to be fenced. When electric fences are used in association with legitimate agricultural activities, a special exemption to the placement of such fence inside of a non-electric fence can be granted by the Chief Building Official."

18. Article 90.17 "Violations." is hereby added:

(1) "It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, or maintain any electrical system in the Town of Berthoud, or cause the same to be done, contrary to or in violation of any of the provisions of this code as adopted by the Town of Berthoud.

(2) Any person, firm or corporation violating any of the provisions of the code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred (\$300.00) dollars, or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment."

19. Article 210.8 "Ground-Fault Circuit Interrupter Protection for Personnel. (A) "Dwelling Units." (7) is amended to read:

"Sinks – where the receptacles are installed in a readily accessible location and are located within six (6) feet of the outside edge of the sink."

Exception: Single receptacles dedicated to a specific appliance and labeled "non-G.F.C.I." or "not G.F.C.I. protected."

20. Article 210.8 (B) "Other than Dwelling Units." (4) is added to read:

"Sinks – where the receptacles are installed in a readily accessible location and are located within six (6) feet of the outside edge of the sink."

Exception: Single receptacles dedicated to a specific appliance and labeled "non-G.F.C.I." or "not G.F.C.I." protected."

SECTION 7. Severability

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town of Berthoud Board of Trustees 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 8. Effective Date

The Board of Trustees of the Town of Berthoud herewith finds, determines and designates that this ordinance shall take effect and be in force thirty (30) days after publication.

At its meeting on **February 25, 2003** a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held on **March 25, 2003**. After being read by title, and a public hearing, this Ordinance was passed and ordered published by the Board of Trustees at its meeting this the **25th** day of **March, 2003**.

ATTEST:

Mary K. Cowdin

Mary K. Cowdin
Town Clerk

TOWN OF BERTHOUD:

Milan Karspeck

Milan Karspeck
Mayor

Published: April 3, 2003