

Pending Adoption of the 2011 National Electrical Code by the City of Sioux Falls

To match the requirements of the South Dakota Electrical Commission and to carry over the local modifications to the administrative and technical provisions of the City's electrical code, the Electrical Inspection Division of Building Services has drafted an ordinance for the 2011 National Electrical Code. The draft of the electrical ordinance is posted on the City's website at www.siouxfalls.org/buildingservices for your review.

The "Draft Electrical Ordinance" details either the ordinance section or the NEC article that is changed by underlining what has been added and over striking what has been eliminated. Each change is also provided with a commentary explaining whether the change originates from the SD Electrical Commission or the City Electrical Inspection Division, and explains the intent of the modification.

The vast majority of the draft ordinance carries over the same modifications from the previous NEC edition. Those changes that are new have the "Commentary" highlighted. Notable changes to the pending electrical ordinance are per the following:

Sec. 15-1. Electrical Code Adopted. This changes the national model code standard from the 2008 to the 2011 National Electrical Code.

Section 15-1. Electrical Code adopted. *The National Electrical Code, ~~2011~~ 2008 edition (NFPA No. 70-~~2011~~ 2008), published by the National Fire Protection Association, as amended, is hereby adopted by the city for all electrical installations.*

The following articles and subsections of the National Electrical Code, 2011 edition, shall be amended as follows. All other sections or subsections of the National Electrical Code, 2011 edition, as herein before published shall remain the same.

Commentary-City: To be consistent with the South Dakota State Electrical Commission, this section of City ordinance adopts the world's most widely adopted electrical code and most up to date electrical code the 2011 National Electrical Code (NEC). The NEC is promulgated and published by the National Fire Protection Association, an international codes and standards organization. The NEC, which is revised and published during a three-year code cycle establishes minimum standards for the installation of all facets of electrical systems, and features the latest and most technological advancement in industry standards to safeguard the public health and safety in the built environment.

Sec. 15-6(b) New electrical service entrances in existing single family and multiple family dwellings. To be consistent with the International Property Maintenance Code, for a service update with increase amperage on a dwelling, if a bathroom is not provided with a receptacle, this provision calls for the installation of a GFCI receptacle outlet.

Sec. 15-6(b) New electrical service entrances in existing single-family and multiple-family dwellings. *When adding a new service entrance with increased amperage, the existing electrical system shall, at a minimum, comply with the following:*

(1) Kitchens. Each kitchen shall have a minimum of one 20-ampere circuit serving a counter top receptacle and a grounded receptacle serving a refrigerator.

(2) Over current device location. Each occupant shall have access to his branch circuit over current devices, without going outdoors or through another occupancy.

(3) Habitable areas. All habitable areas, other than closets, kitchens, basements, garages, hallways, laundry areas, utility areas, storage areas, and bathrooms shall have minimum of two duplex receptacle outlets, or one duplex receptacle outlet and one ceiling or wall-type lighting outlet.

(4) Minimum lighting outlets. At least one lighting fixture shall be provided in every habitable room, bathroom, hallway, stairway, attached garage, and detached garage with electrical power, in utility rooms and basements where such spaces are used for storage or contain equipment requiring service, and to illuminate outdoor entrances and exits.

(5) Ground fault circuit interrupters. Ground fault circuit interrupter protection shall be provided for all receptacles in bathrooms, above kitchen counters, attached and detached garages provided with power, at readily accessible receptacles within six feet of sinks, unfinished basements and at outdoor locations. The exceptions of the National Electrical Code 210.8(A) 3 and 5 shall apply.

(6) Laundries. Each laundry shall be provided with at least one separate 20-ampere circuit.

(7) Heat sources. Any heat source shall be provided with a separate circuit.

(8) Exposed wiring methods. All exposed wiring methods shall be installed in accordance with the applicable National Electrical Code article.

(9) Bathrooms. Each bathroom shall have one receptacle outlet located within 3 feet of the basin. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

Commentary-City: Where a service update occurs on a dwelling, in addition to the modifications to the existing electrical systems, Item 9 is added to meet the minimum requirement of the International Property Maintenance code to require at least one receptacle outlet in a bathroom that does not otherwise already have a receptacle.

Sec. 15-7(g) Modifications; Sec. 15-7(h) Alternative materials, methods, equipment and appliance; Sec. 15-8 Liability; Sec. 15-12(b) Prosecution of violation. The National Electrical Code is not provided with administrative provisions that define the scope and authority of the Electrical Inspection Division. These provisions are inserted to be consistent with those administrative provisions for the Building, Plumbing, Mechanical, and Housing Inspection Divisions of Building Services.

Commentary-City: This is intended to give the electrical inspector the same administrative capability as the building, plumbing and mechanical divisions to make exceptions to a code provision where strict compliance is impractical, to allow the electrical inspection division to administratively accept newly developed and innovative systems, materials or methods for which no code text or standards yet exists, to match the same administrative liability language referenced in the building, plumbing and mechanical inspection divisions, and to insert the same legal terminology used for the building, plumbing and mechanical divisions regarding the prosecution of a code violation.

Sec. 15-18 Fees. Building Services has been directed to increase revenues. This intends to provide a moderate increase to electrical inspection fees to cover the costs of providing electrical inspection services. The last time that fees have been increased in the Electrical Inspection Division was 2002. The effective date for the fee increase is proposed to be January 1, 2013.

Commencing January 1, 2013, the following fees shall be charged for electrical permits and inspections except for existing circuits reconnected to new service.

(1) Inspection fees for new residential installations. The cost for inspections of all new single family and new two-family residential electrical services, including associated wiring, apparatus, and equipment, is based on the service ampere capacity as follows:

a. 0 through 200 amperes	\$100.00	95.00
	* State Fee	\$175.00
b. 201 through 400	\$200.00	190.00
	*State Fee	\$275.00
c. 401 amperes and over	\$250.00	200.00
	*State Fee	\$300.00

Plus circuits as provided in section 15-18(3) inspection fees for circuit installation or alteration.

The fees in this subsection include one service inspection, one rough-in inspection, and one final inspection. Additional inspections will be charged the minimum inspection fee. Three inspections will be made for the applicable fee in this subsection.

(2) Inspection fees for service connections on other installations. The cost of inspections for service connections on other installations, such as replacement service installations for existing homes, all commercial installations, and all service installations not covered in this chapter, is based on service equipment ampere capacity as follows:

a. 0 through 200 amperes	\$45.00 40.00	*State Fee.....\$75.00
b. 201 through 400 amperes	\$60.00 55.00	*State Fee.....\$100.00
c. 401 through 800 amperes	\$85.00 80.00	*State Fee.....\$125.00
d. 801 through 1,600 amperes	\$140.00 130.00	*State Fee...\$150.00
e. 1,601 amperes and over.	\$ 250.00	*State Fee....\$175.00

These fees are in addition to the fees required by subsection (3) of this section. When remodeling single-family and two-family residences, these fees shall not exceed the flat rate fee for comparable new single-family residential electrical service.

(3) Inspection fees for circuit installation or alterations. Inspection fees for circuit installations or alterations, including all commercial installations, new work in existing homes, and all other installations not covered by this chapter shall be charged for each single circuit in a cabinet or panel, not counting spares and spaces, as follows:

a. 0 through 30 amperes	\$6.00
b. 31 through 60 amperes	\$ 12.00
c. 61 through 100 amperes	\$ 15.00
d. Each additional 100 amperes or fraction thereof.	\$10.00

***No Changes in State or City Fees**

Circuits in new homes are included in fees under subsection (1) of this section.

(4) Inspection fees for remodeling work. Inspection fees for remodeling work, including remodeling work in existing homes, where the service and branch circuits are not changed, are based upon the following schedule:

a. First 40 openings or connections	\$ 1.00
b. Each additional opening or connection	\$ 0.50
c. First 40 lighting fixtures	\$1.00
d. Each additional lighting fixture.	\$0.50

e. Each motor or special equipment. \$ 6.00
***No Changes in State or City Fees**

(5) Inspection fees for apartment buildings. Inspection fees for the wiring of each apartment, including the feeder, in apartment buildings with three or more units is based on \$35.00 per unit on the following schedule:

- a. First six units, per unit. \$40.00
- b. Next ten units, per unit \$30.00
- c. Remaining units, per unit. \$ 25.00

When each apartment is served individually, the service is included in the flat rate fee. All other service entrances are subject to subsection (2) of this section and all other circuits and feeders are subject to subsection (3) of this section.

***Matches State Fee**

(6) Inspection fees for outdoor signs or area lighting. The inspection fee for outdoor signs or area lighting is calculated as follows:

a. Outdoor signs:

1. ~~\$45.00~~ 40.00 for each outdoor sign, feeder or branch circuits; or
***State Fee.....\$50.00**
2. Pursuant to subsection (2), (3), or (13) of this section, whichever is greater.

b. Area lighting:

1. \$25.00 for each lighting standard (pole or tower); or
2. Pursuant to subsection (2) or (3) of this section, whichever is less.

(7) Inspection fees for mobile home service and feeders. The inspection fee for mobile home service for each lot or location, whether on or off a mobile home court, is as follows:

- a. First unit, service only \$50.00
- b. Each additional unit, service only. \$ 25.00
***No Change in State or City Fees**

One electrical permit may apply to an entire court under one contract. If a feeder is installed, it is not part of the service and the inspection fee is computed from subsection (3) of this section.

(8) Inspection fees for recreational vehicle service. The inspection fee for recreational vehicle service is based on each recreational park site pedestal as follows:

- a. First pedestal..... \$ 40.00
- b. Remaining pedestals, each.....\$25.00

***State Fee \$20/Pedestal**

The service to the recreational vehicle park itself is not considered part of the pedestals covered by this section, and the fee is computed under subsection (2) of this section.

(9) Inspection fees for swimming pools. Inspection fees for swimming pools are as follows:

- a. Residential pools.....\$125.00
- b. All other pools—pursuant to subsection (15)c.

***No Change in State or City Fees**

(10) Inspection fees for nonpower limited fire alarm systems. Inspection fees for fire alarm systems shall be as follows:

- a. Fire alarm panel and power source.....~~\$20.00~~ 17.00
- b. Each zone.....\$ 3.00
- c. Each device or opening in a multiplex or point annunciation system or an additional device or opening to an existing installation:

For up to six, each..... \$ 1.00

Plus, for each additional device or opening..... \$0.25

***State has no fire alarm inspection**

- (11) Homeowner's permit fee..... \$ ~~25.00~~ 20.00

State wiring permit.....\$5.00

*** No Change in State Fee**

- (12) Minimum inspection fee for any permit requiring inspection except for energy load saver switch equipment.....~~\$20.00~~ 19.00

***Minimum State Trip Charge.....\$50**

(13) Energy saver switch equipment:

- a. One- and two-family dwellings, per saver switch..... \$10.00
- b. Multiple-family dwellings.

- 1. First saver switch. \$15.00
- 2. Per saver switch for remaining saver switches. \$ 6.00

*** No State Inspection**

(14) Transient and migratory events. Inspection of transient or migratory events, including but not limited to carnivals and circuses shall be as follows:

- a. General inspection fee. \$100.00
- b. State wiring permit. \$5.00
- c. Each ride, or concession. \$ 5.00
- d. Each generator or transformer. \$20.00

***No State or City Changes**

(15) Other inspections and fees. [Other inspections and fees shall be as follows:].

- a. Inspections outside of normal business hours (minimum charge, one hour), per hour . \$70.00*
- b. Reinspection fees assessed under provisions of section 15-19 (minimum charge, one hour), per hour. \$70.00*
- c. Inspections for which no fee is specifically indicated (minimum charge, one hour), per hour \$70.00*
- d. Additional plan review required by changes, additions, revisions to approved plans (minimum charge, one hour), per hour \$70.00*
- e. Fee for late corrections. If corrections listed on an inspection report are not completed within the specified time, the inspector shall issue a correction order and assess a \$100.00 administrative fee. The inspector shall also assess a reinspection fee.
- f. Fee for failure to request a required inspection. Where electrical work is completed without a request for an inspection, an administrative fee of \$250.00 may be charged.

*Or the total hourly cost to the city, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

g. Appeals: Before any action is taken by the board, the party or parties requesting such hearing shall deposit with the secretary of the board or his authorized agent, the sum of

\$65.00 to cover the approximate cost of the procedure. Under no condition shall said sum or any portion thereof be refunded for failure of said request to be approved.

h. Examination fee: All classes, per examination \$75.00

i. A mileage fee at the current rate as established by the finance department shall be charged for any inspection occurring outside the city limits.

j. Delinquent accounts. The building official may refuse to issue permits or conduct inspections for any delinquent account.

k. Bond claims. An administrative fee shall be charged to cover the administrative cost of filing a claim..\$150.00

Commentary-City: Building services has been directed to increase revenues. This intends to provide a moderate increase to electrical inspection fees to cover the costs of providing electrical inspection services. The last time that fees have been increased in the electrical inspection division was 2002. The cost of providing an electrical inspection within the City of Sioux Falls in most cases will remain significantly less than an equivalent fees charged by the South Dakota State Electrical Commission. The effective date for the proposed fee increases is January 1, 2013.

Sec 15-32. Bond Required. Instead of the City relying on the State's bonding capability, this proposes that a licensed electrical contractor or Class B contractor post a \$10,000 compliance bond with the City of Sioux Falls by January 1, 2012.

Sec. 15-32. Bond required. (a) Commencing January 1, 2012, as a condition of his/her license, each licensed Electrical and Class B Contractor, shall maintain and deliver to the chief building services official a continuous bond in the penal sum of \$10,000.00 in a form approved by the city with the contractor as principal on the bond and the city as obligee for its benefit and that of consumers dealing with the contractor.

(b) The bond shall be conditioned upon the faithful and lawful completion of all work entered into by the contractor within the city and for compliance with all the provisions of this chapter.

The bond shall be in addition to all other license bonds to any political subdivision or government agency. The bond shall be written by a corporate surety authorized to transact business in the state.

(c) Claims upon the bond shall be filed by the city by reason of the principal's failure to perform his obligation under the bond. The aggregate liability of the surety, regardless of the number of claims made against the bond or the number of years the bond remains in

force, shall not exceed \$10,000.00. Any revision of the bond amount shall not be cumulative.

(d) Suspension or revocation of the license of the principal shall not by itself affect the liability of either the principal or the surety on the bond except that the liability of the surety shall not extend to acts or omissions of the principal occurring after the effective date of his license suspension or revocation.

Commentary-City: Building Services currently requires that licensed Residential Building Contractors, Plumbing Contractors, Mechanical Contractors, Sign Wiring Contractors, and Fire Alarm Contractors to post a \$10,000 compliance bond to the city to assure that if a contractor does not meet minimum standards referenced in their applicable codes or if the contractor fails to pay inspection fees, that the City can request access to the bond to recoup costs for compliance. In the past Electrical and Class B contractors have not posted a separate bond to the City on the basis that there is a bonding posted with the State Electrical Commission. On multiple occasions, an electrical contractor, for whatever reason, goes out of business prior to paying required inspection fees. Upon application to the bonding at the State, the City has been refused access to the State's bond to recoup costs. Additionally the process to access the State's bond for technical code compliance is cumbersome at best. Based on past experience in attempting to access the State's bond, the Electrical Inspection division is proposing that licensed Electrical, Class B, post a local bond the same as licensed Residential Building Contractors, Mechanical Contractors, Plumbing Contractors, Sign Wiring Contractors or Fire Alarm Contractors.

Building Services intends to present this ordinance change to the Electrical Board of Appeals and Examiners for review and input. Additionally, a hearing will be scheduled in August to seek any input to these proposals from the public. After final review by the Electrical Board of Appeals and Examiners, the ordinance will be presented to the City Council for formal adoption.

