

ORDINANCE NO.

ORDINANCE AMENDING CHAPTER 4, ARTICLE 3 OF THE CITY OF LEAWOOD, 2000, INCORPORATING THE NATIONAL ELECTRICAL CODE, 2011, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED OR CHANGED, AND MAKING ADDITIONS THERETO, AND REPEALING EXISTING ARTICLE 3, AND OTHER SECTIONS IN CONFLICT HEREWITH.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION ONE: That Section 4-301 of the Code of the City of Leawood, Kansas 2000, is hereby amended to read as follows:

ARTICLE 3. ELECTRICAL CODE

4-301. NATIONAL ELECTRICAL CODE ADOPTED. There is hereby incorporated by reference that certain code known as the National Electrical Code, 20~~11~~¹⁹5 edition, prepared and published in book form by the National Fire Protection Association (NFPA No. 70-2005), including annexes A, B, C, D, ~~E, and F,~~ G and I, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed or added hereto, such incorporation being authorized by K.S.A. § 12-3009 through 12-3012, as amended. No fewer than three copies of said Code shall be marked or stamped "Official copy as incorporated by Ordinance No. _____," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

(Ord. 2292C; 02-04-08)
(Ord. 1630C; 11-04-96)
(Code 2000)
(Ord. 1931C; 01-22-02)

SECTION TWO: That Section 4-302 of the Code of the City of Leawood, Kansas 2000, is hereby amended to read as follows:

4-302. NATIONAL ELECTRICAL CODE NEW; ARTICLE 90, INTRODUCTION, DELETED. All sections of Article 90 entitled Introduction are hereby deleted and omitted.

(Ord. 2292C; 02-04-08)
(Ord. 1630C; 11-04-96)
(Code 2000)
(Ord. 1931C; 01-22-02)

SECTION THREE: That Section 4-303 of the Code of the City of Leawood, Kansas 2000, is hereby amended to read as follows:

4-303. NATIONAL ELECTRICAL CODE AMENDED, NEW SECTION 90.1, SCOPE. A
new section 90.1 of the National Electrical Code is enacted to read as follows:

(a) Covered. This Electrical Code covers the following:

1. Installations of electric conductors and equipment within or on public and private buildings or other structures, including mobile homes, recreational vehicles, and floating buildings, and other premises such as yards, carnivals, parking, and other lots, and industrial substations.
2. Installations of conductors and equipment that connect to the supply of electricity.
3. Installations of other outside conductors and equipment on the premises.
4. Installations of optical fiber cables and raceways.
5. Installations in building used by the electric utility, such as office buildings, warehouses, garages, machine shops, and recreational buildings, that are not an integral part of a generating plant, substation, or control center.

(b) Not Covered. The Leawood Building Code does not cover the following:

1. Installations in ships, watercraft other than floating buildings, railway rolling stock, aircraft, or automotive vehicles other than mobile homes and recreational vehicles.
2. Installations underground in mines and self-propelled mobile surface mining machinery and its attendant electrical trailing cable.
3. Installations of railways for generation, transformation, transmission, or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communications purposes.
4. Installations of communications equipment under the exclusive control of communications utilities located outdoors or in building spaces used exclusively for such installations.
5. Installations, including associated lighting, under the exclusive control of electric utilities for the purpose of communications, metering, generation, control, transformation, transmission, or distribution of electric energy. Such installations shall be located in buildings used exclusively by utilities for such purposes; outdoors on property owned or leased by the utility; on or along public highways, streets, roads, etc.; or outdoors on private property by established rights such as easements provided that any such installation is otherwise in accordance law with appropriate consent.

(Ord. 2292C; 02-04-08)

(Ord. 1931C; 01-22-02)

SECTION FOUR: That Section 4-304 of the Code of the City of Leawood, Kansas 2000, is hereby amended to read as follows:

4-304. NATIONAL ELECTRICAL CODE AMENDED; ARTICLE 110.5. CONDUCTORS. Article 110.5, entitled Conductors is amended to read: **Conductors.** Conductors normally used to carry current shall be of copper.

EXCEPTIONS:

- (a) Service lateral conductors, service entrance conductors, and feeder conductors two AWG and larger in all Group R occupancies (as defined by the most currently adopted Building Code) are allowed to be of any type as allowed by this code.

(b) Conductors four AWG and larger in all commercial and industrial occupancies other than Group R are allowed to be of any type as allowed by this code.

(Ord. 2559C; 08-06-12)

(Ord. 2292C; 02-04-08)

(Ord. 1630C; 11-04-96)

(Code 2000)

(Ord. 1931C; 01-22-02)

(Ord. 2166; 05-01-06)

SECTION FIVE: That Section 4-305 of the Code of the City of Leawood, Kansas 2000, is hereby amended to read as follows:.

4-305. NATIONAL ELECTRICAL CODE AMENDED; ARTICLE 210.12 ARC-FAULT CIRCUIT-INTERRUPTER PROTECTION. Article 210.12, entitled Arc-Fault Circuit-Interrupter Protection is amended to read as follows: **Arc-Fault Circuit-Interrupter Protection.**

(A) Dwelling Units. All 120-volt, single phase, 15- and 20- ampere branch circuits supplying outlets installed in dwelling unit family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, or similar rooms or areas shall be protected by a listed arc-fault circuit interrupter, combination-type, installed to provide protection of the branch circuit. For these purposes, a smoke alarm or carbon monoxide alarm shall not be considered an outlet and is not required to be on an arc-fault circuit.

EXCEPTIONS:

- 1. If RMC, IMC, EMT, Type MC, or steel armored Type AC cables meeting the requirements of 250.118 and metal outlet and junction boxes are installed for the portion of the branch-circuit between the branch-circuit overcurrent device and the first outlet, it shall be permitted to install an outlet branch-circuit type AFCI at the first outlet to provide protection for the remaining portion of the branch-circuit.**
- 2. Where a listed metal or nonmetallic conduit or tubing is encased in not less than 50 mm (2 in.) of concrete for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, it shall be permitted to install an outlet branch-circuit type AFCI at the first outlet to provide protection for the remaining portion of the branch circuit.**
- 3. Where an individual branch-circuit to a fire alarm system installed in accordance with 760.41(B) or 760.121(B) is installed in RMC, IMC, EMT, or steel-sheathed cable, Type AC or Type MC, meeting the requirements of 250.118, with metal outlet and junction boxes, AFCI protection shall be permitted to be omitted.**

(B) Branch Circuit Extensions or Modifications – Dwelling Units. In any of the areas specified in 210.12(A), where branch-circuit wiring is modified,

replaced, or extended, the branch-circuit shall be protected by one of the following:

1. A listed combination-type AFCI located at the origin of the branch circuit.
2. A listed outlet branch-circuit type AFCI located at the first receptacle outlet of the existing branch circuit.

EXCEPTION: This section shall not apply where existing dwelling unit premises wiring circuits make the application of this section impracticable as determined by the Building Official.

~~**(B). DWELLING UNIT BEDROOMS.** All branch circuits that supply 120-volt, single-phase, 15- and 20-ampere receptacles installed in dwelling unit bedrooms shall be protected by a listed arc-fault circuit interrupter, combination type installed to provide protection of the branch circuit. Branch/feeder AFCIs shall be permitted to be used to meet the requirements until January 1, 2008.~~

~~**EXCEPTION:** The location of arc-fault circuit interrupter shall be permitted to be at other than the origination of the branch circuit in compliance with (a) and (b):~~

~~(a) The arc-fault circuit interrupter installed within six (6) feet (1.8 m) of the branch circuit overcurrent device as measured along the branch circuit conductors.~~

~~(b) The circuit conductors between the branch circuit overcurrent device and the arc-fault circuit interrupter shall be installed in a metal raceway or a cable with a metallic sheath.~~

(Ord. 2292C; 02-04-08)

(Ord. 1931C; 01-22-02)

SECTION SIX: That Section 4-306 of the Code of the City of Leawood, Kansas 2000, is hereby amended to read as follows:

4-306. NATIONAL ELECTRICAL CODE, NEW ARTICLE ADDED. A new Article 111, Permits, of the National Electrical Code is hereby added to read:

ARTICLE 111. PERMITS.

111.1 Work Exempt from Permit. Work shall be exempt from permit requirements as provided in Article 2 of this Chapter.

111.2 Expiration. Permits shall expire as provided in Article 2 of this Chapter.

111.3 Extensions. The code official is authorized to grant extensions as provided in Article 2 of this Chapter.

111.4 Work commencing before permit issuance. Any person who commences work on an installation before obtaining the necessary permits shall be subject to an additional fee established by the City of Leawood Fee Schedule that shall be in addition to the required permit fees.

111.5 Fee Schedule. The fees for electrical work shall be as indicated in the City of Leawood Fee Schedule.

111.6 Fee Refunds. Unless specifically set forth herein, all fees paid are non-refundable. The code official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected. The code official shall upon request authorize 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. The code official shall upon request authorize 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 reviewing is done. The code official shall not authorize refunding of any fee paid except on written application filed by the original permit holder not later than one hundred eighty (180) days after the date of fee payment.

111.7 Placement of Permit. All permits shall be posted to be visible from the street and kept on the site of the work until the completion of the project.

Permits Not Required. Permits shall not be required for the following:

- (a) Portable heating appliances;
- (b) Portable ventilation appliances and equipment;
- (c) Portable cooling units;
- (d) Steam, hot water or chilled water piping within any heating or cooling equipment or appliances regulated by this code;
- (e) The replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe;
- (f) Portable evaporative coolers; and
- (g) Self-contained refrigeration systems that contain ten (10) pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of one (1) horsepower (0.75 kW) or less.

(Ord. 2292C; 02-04-08)

SECTION SEVEN: That Section 4-307 of the Code of the City of Leawood, Kansas 2000, is hereby repealed.

4-307. Repealed. NATIONAL ELECTRICAL CODE, 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. An application for a permit for any proposed work shall be deemed to have been abandoned one hundred eighty (180) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding ninety (90) days each. The extension shall be requested in writing and justifiable cause demonstrated.

(Ord. 2292C; 02-04-08)

SECTION EIGHT: That Section 4-308 of the Code of the City of Leawood, Kansas 2000, is hereby repealed.

4-308. ~~Repealed. NATIONAL ELECTRICAL CODE, Expiration.~~ Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void one hundred eighty (180) days after issuance. The permit may be extended as provided for in Section 106.4.4. However, if an extension cannot be granted, the permit shall expire. Before such work recommences, the permit must be re-instated and appropriate fees paid as indicated in the City of Leawood Fee Schedule. If changes have been made to the construction documents or the abandonment of the project has been in excess of one year, the project is subject to the requirements of a new building permit.

(Ord. 2292C; 02-04-08)

SECTION NINE: That Section 4-309 of the Code of the City of Leawood, Kansas 2000, is hereby repealed.

4-309. ~~Repealed. NATIONAL ELECTRICAL CODE, Extensions.~~ The code official is authorized to grant, in writing, one extension of time, for a period not more than one hundred eighty (180) days. The extension shall be requested in writing prior to expiration of the term of the permit and justifiable cause demonstrated. The code official may only grant an extension upon finding that substantial progress has been made toward completion. Substantial progress means that the project is over fifty (50) percent complete and, the project applicant has demonstrated the capability to finish the work permitted within one time period extension.

(Ord. 2292C; 02-04-08)

SECTION TEN: That Section 4-310 of the Code of the City of Leawood, Kansas 2000, is hereby repealed.

4-310. ~~Repealed. NATIONAL ELECTRICAL CODE, Work commencing before permit issuance.~~ Any person who commences work on an installation before obtaining the necessary permits shall be subject to an additional fee established by the City of Leawood Fee Schedule that shall be in addition to the required permit fees.

(Ord. 2292C; 02-04-08)

SECTION ELEVEN: That Section 4-311 of the Code of the City of Leawood, Kansas 2000, is hereby amended repealed.

4-311. ~~Repealed. NATIONAL ELECTRICAL CODE, Fee schedule.~~ The fees for mechanical work shall be as indicated in the City of Leawood Fee Schedule.

(Ord. 2292C; 02-04-08)

SECTION TWELVE: That Section 4-312 of the Code of the City of Leawood, Kansas 2000, is hereby repealed.

4-312. ~~Repealed. NATIONAL ELECTRICAL CODE, Fee Refunds.~~ Unless specifically set forth herein, all fees paid are non-refundable. The code official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected. The code official shall upon request authorize 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. The code official shall upon request authorize 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 reviewing is done. The code official shall not authorize refunding of any fee paid except on written application filed by the original permit holder not later than one hundred eighty (180) days after the date of fee payment.~~

(Ord. 2292C; 02-04-08)

SECTION THIRTEEN: That Section 4-313 of the Code of the City of Leawood, Kansas 2000, is hereby repealed.

4-313. ~~**Repealed. NATIONAL ELECTRICAL CODE,: Placement of Permit. All permits shall be posted to be visible from the street and kept on the site of the work until the completion of the project.**~~

(Ord. 2292C; 02-04-08)

SECTION FOURTEEN: That Section 4-314 of the Code of the City of Leawood, Kansas 2000, is hereby amended to read as follows:

4-314. NATIONAL ELECTRICAL CODE, PENALTIES. Any person who violates a provision of this Article or fails to comply with any of the requirements thereof is guilty of a public offense, punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment not exceeding thirty (30) days or both such fine and imprisonment. Each day that the violation continues shall be deemed a separate offense.

(Ord. 2292C; 02-04-08)

SECTION FIFTEEN: This ordinance shall be construed as follows:

A. Liberal Construction. The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.

B. Savings Clause. The repeal of Ordinance sections, as provided herein below shall not affect any rights acquired, fees, fines, penalties, forfeitures or liabilities incurred there under, or actions involving any of the provisions of said Ordinances or parts thereof. Said Ordinance repealed is hereby continued in force and effect after the passage, approval, and publications of this Ordinance for the purposes of such rights, fees, fines, penalties, forfeitures, liabilities and actions therefore.

C. Invalidity. If for any reason any chapter, article, section, subsection, sentence, portion or part of this proposed Ordinance set out herein, or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this Code or other Ordinances.

SECTION SIXTEEN: That existing Article 3 of Chapter IV and any provisions in conflict herewith are hereby repealed.

SECTION SEVENTEEN: This ordinance shall take effect and be in force from and after April 1, 2013 and its publication in accordance with K.S.A. 12-3007 and amendments thereto.

PASSED by the Governing Body this 3rd day of December, 2012.

APPROVED by the Mayor this 3rd day of December, 2012.

[SEAL]

Peggy J. Dunn, Mayor

ATTEST:

Debra Harper, City Clerk, CMC

APPROVED AS TO FORM:

Patricia A. Bennett, City Attorney