

**AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, REPEALING ARTICLE 3.06, "ELECTRICITY," OF CHAPTER 3, "BUILDING REGULATIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, AND REPLACING IT WITH A NEW ARTICLE 3.06, "ELECTRICAL CODE"; ADOPTING THE 2020 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; 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 (the "Town Council"), has investigated and determined that it would be advantageous and beneficial to the citizens of Prosper to repeal the existing Article 3.06, "Electricity," of the Code of Ordinances and replace it with a new Article 3.06, "Electricity"; and,

**WHEREAS**, the Town Council has also investigated and determined that it would be advantageous and beneficial to the citizens of Prosper to adopt the 2020 Edition of the National Electrical Code, save and except the amendments and deletions 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"Electricity," of Chapter 3, "Building Regulations," of the Code of Ordinances of the Town of Prosper, Texas, is hereby repealed in its entirety and replace with a new Article 3.06, "Electrical Code," to read as follows:

## **"ARTICLE 3.06 ELECTRICAL CODE**

### **Sec. 3.06.001 Code Adopted; amendments**

The National Electrical Code, 2020 Edition, copyrighted by National Fire Protection Association, 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 "2020 National Electrical Code"). The 2020

National Electrical Code is made a part of this Article as if fully set forth herein. A copy of the National Electrical Code, 2020 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 2020 National Electrical Code.”

### **SECTION 3**

Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The Town hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

### **SECTION 4**

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 from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

### **SECTION 5**

Any person, firm, corporation, or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00), and each and every day such violation shall continue shall constitute a separate offense.

### **SECTION 6**

This Ordinance shall become effective on April 1, 2023 after its adoption and publication as required by law.

**DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 24TH DAY OF JANUARY, 2023.**

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**David F. Bristol, Mayor**

**ATTEST:**

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**Michelle Lewis Sirianni, Town Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Terrence S. Welch, Town Attorney**

**Exhibit A**  
**Town of Prosper Amendments to the**  
**2020 National Electrical Code**

**The following additions, deletions, and amendments to the 2020 National Electrical Code  
are hereby approved and adopted.**

**Article 100; add the following to definitions:**

**Engineering Supervision.** Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations.

**Article 410.118; change to read as follows:**

**410.118 Access to other boxes.**

Luminaires recessed in the ceilings, floors, or walls shall not be used to access outlet, pull, or junction boxes or conduit bodies, unless the box or conduit body is an integral part of the listed luminaire.

**Exception:** removable luminaires with a minimum measurement of 22 in. X 22 in. shall be permitted to be used as access to outlet, pull, junction boxes or conduit bodies.

**Article 500.8 (A) (3); change to read as follows:**

**500.8 Equipment.**

Articles 500 through 504 require equipment construction and installation that ensure safe performance under conditions of proper use and maintenance.

Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care with regard to installation and maintenance.

Informational Note No. 2: Since there is no consistent relationship between explosion properties and ignition temperature, the two are independent requirements.

Informational Note No. 3: Low ambient conditions require special consideration. Explosion proof or dust-ignition proof equipment may not be suitable for use at temperatures lower than -25°C (-13°F) unless they are identified for low-temperature service. However, at low ambient temperatures, flammable concentrations of vapors may not exist in a location classified as Class I, Division 1 at normal ambient temperature.

**(A) Suitability.** Suitability of identified equipment shall be determined by one of the following:

- (1) Equipment listing or labeling;
- (2) Evidence of equipment evaluation from a qualified testing laboratory or inspection agency concerned with product evaluation; or,
- (3) Evidence acceptable to the authority having jurisdiction such as a manufacturer's self-evaluation or an engineering judgment signed and sealed by a qualified licensed Professional Engineer in the State of Texas.

Informational Note: Additional documentation for equipment may include certificates demonstrating compliance with applicable equipment standards, indicating special conditions of use, and other pertinent information.

**Article 505.7 (A); change to read as follows:**

**505.7 Special Precaution.**

Article 505 requires equipment construction and installation that ensures safe performance under conditions of proper use and maintenance.

Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care with regard to the installation and maintenance of electrical equipment in hazardous (classified) locations.

Informational Note No. 2: Low ambient conditions require special consideration. Electrical equipment depending on the protection techniques described by 505.8(A) may not be suitable for use at temperatures lower than -20°C (-4°F) unless they are identified for use at lower temperatures. However, at low ambient temperatures, flammable concentrations of vapors may not exist in a location classified Class I, Zones 0, 1, or 2 at normal ambient temperature.

**(A) Implementation of Zone Classification System.** Classification of areas, engineering and design, selection of equipment and wiring methods, installation, and inspection shall be performed by a qualified licensed Professional Engineer in the State of Texas.

**Article 695.6 A 1; change to read as follows:**

**695.6 (A) Supply Conductors.**

**(1) Services and On-Site Power Production Facilities.**

Service conductors and conductors supplied by on-site power production facilities shall be physically routed outside a building(s) and shall be installed as service-entrance conductors in accordance with 230.6, 230.9, and Parts III and IV of Article 230. Where supply conductors cannot be physically routed outside of buildings, the conductors shall be permitted to be routed through the building(s) where installed in accordance with 230.6(1) or (2).

*{delete exception}*

**Informative Annex H Administration and Enforcement of the 2020 National Electrical Code is amended to read as follows:**

**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.

**[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 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, 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, 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 when 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, 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(8) 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 (2) 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 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 Code Official shall have the authority to grant one (1) 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.

**[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, by rules promulgated by this Code, 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 an 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 (1) 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 said 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.

**[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, regulation or any of the provisions of this Code.

**[AH] 106.5.6 Retention of construction documents.** One (1) 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 (1) set of approved construction documents shall be kept on the site of the building or work at all times.

**[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 an electrical system prior to obtaining the necessary permits shall be subject to 100% 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 eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. Not more than eighty percent (80%) 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 expenses 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, 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 shall 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, 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 an 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 an 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, 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, 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, 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, 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, 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, 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, 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 as established by ordinance. The board shall be governed by the Town of Prosper's enabling ordinance.

***END***