

Passed: December 10, 2019
Published: December 18, 2019

ORDINANCE NO. 2415

AN ORDINANCE AMENDING CHAPTER 15.20 OF THE DERBY MUNICIPAL CODE, INCORPORATING BY REFERENCE THE NATIONAL ELECTRICAL CODE, 2017 EDITION, WITH CERTAIN AMENDMENTS AND DELETIONS THERETO, ALL PERTAINING TO THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF ALL ELECTRIC WIRING, APPLIANCES, OR DEVICES FOR LIGHT, HEAT OR POWER IN THE CITY OF DERBY; AMENDING AND REPEALING SECTION 15.20.010 OF THE DERBY MUNICIPAL CODE AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR; AND FURTHER AMENDING CHAPTER 15.20 OF THE DERBY MUNICIPAL CODE BY ADDITION OF NEW SECTION 15.20.020.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

Section 1. Section 15.20.010 of the Derby Municipal Code is hereby amended to read as follows:

“ 15.20.010 – Incorporation by Reference of 2017 National Electrical Code.

There is hereby incorporated by reference for the purpose of providing minimum regulations for the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and use or maintenance of all electric wiring, appliances, or devices for light, heat or power in the City of Derby, the “National Electrical Code”, 2017 Edition, excluding its several appendices, a uniform code prepared and published by the International Code Council, Inc., save and except such articles, sections, parts or portions as are hereinafter omitted, deleted, modified or changed. Any errata officially published by the International Code Council, Inc. shall become part of the “National Electrical Code” when placed on file by the Director of Planning & Engineering. One official copy of said National Electrical Code shall be marked or stamped “Official Copy as Incorporated by Reference by Ordinance No. 2415,” with all sections or portions thereof intended to be deleted, changed, or amended clearly marked to show any such deletion, change, or amendment, 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. All administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such National Electrical Code similarly marked, deleted, and changed as may be expedient.”

Section 2. Section 15.20.020 of the Derby Municipal Code is hereby added and is enacted to read as follows:

“15.20.020 - Amendments to the 2017 National Electrical Code.

The following amendments and deletions to the National Electrical Code incorporated by Section 15.20.010 of this article are hereby adopted:

A. The National Electrical Code is hereby amended by addition of the following Section 110.2.1:

110.2.1 Penalties.

- (a) Any person or entity who violates a provision of this chapter or code, fails to comply with any of the requirements thereof; or erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or a directive of the building official or of a permit or certificate issued under the provisions of this code shall be subject to the violation and penalty provisions found in Section 15.04.130 of the Derby Municipal Code. Each day that a violation continues after due notice has been served shall be deemed a separate violation.
- (b) In addition to the violation and penalty provisions found in Section 15.04.130 of the Derby Municipal Code, any person or entity who violates a provision of this chapter or code, fails to comply with any of the requirements thereof; or erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or a directive of the building official or of a permit or certificate issued under the provisions of this code shall be subject to issuance of a stop work order as provided in Section 15.04.120, suspension or revocation of said license or permit, or such other remedies as may be found within Title 15 of the Derby Municipal Code or otherwise allowed by law.

B. The National Electrical Code is hereby amended by addition of the following Section 110.2.2”

110.2.2 Liability. The code official and any officer, employee or agents enforcing this code on behalf of the code official, while acting within the scope of his or her employment, shall not be personally liable for his or her acts or omissions in accordance with the Kansas Tort Claims Act, as the same may from time to time be amended.

C. Subsection (B) of Section 210.12 is hereby amended to read as follows:

(B) Branch Circuit Extensions or Modifications – Dwelling Units. In any 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 of 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: AFCI protection shall not be required where the extension of the existing conductors is not more than 6.1 m (20 ft.) and does not include any additional outlets or devices.

D. Subsection (B) of section 110.5 of the National Electrical Code is hereby amended to read as follows; provided, that the remainder of such section shall remain unchanged:

110.5 (B) Conductor Material. Conductors in this article shall be of aluminum, copper-clad aluminum, or copper unless otherwise specified. All 15 and 20 ampere branch circuits shall have copper conductors.

E. Table 310.15(B)(6) of the National Electrical Code is hereby amended to read as follows:

Table 310.15(B)(6) Conductor Types and Sizes
For 120/240-Volt, 3-Wire, Single-Phase Dwelling Services and feeders.

	Conductor (AWG or kcmil)	
Copper	Aluminum or Copper-Clad Aluminum	Service or Feeder Rating (Amps)
4	2	100
3	1	110
2	1/0	125
1	2/0	150
1/0	3/0	175
2/0	4/0	200
3/0	250	225
4/0	300	250
250	350	300
350	500	350
400	600	400

Includes all accessory structures to one- and two-family dwellings which are Types III, IV and V construction. See 334.10 FPN No. 1.

F. Subsection (A) of section 680.9 of the National Electrical Code is hereby amended to read as follows; provided, that the remainder of such section shall remain unchanged:

680.9 (A) Power. The following parts of pools shall not be placed under existing electrical, communications, CATV, network powered broadband conductors or any other overhead wiring; nor shall such wiring be installed above the following:

- (1) Pools and the area extending 10 ft. horizontally from the inside of the walls of the pool;
- (2) Diving structure; or
- (3) Observation stands, towers, or platforms.

Section 3. Repeal

Original sections 15.20.010 of the Derby Municipal Code is hereby repealed. All other provisions of the Municipal Code of the City of Derby, Kansas shall remain in full force and effect except as specifically amended herein. All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

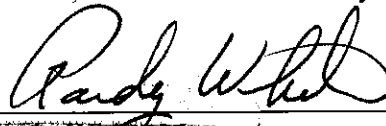
Section 4. Severability

Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

Section 5. Effective Date

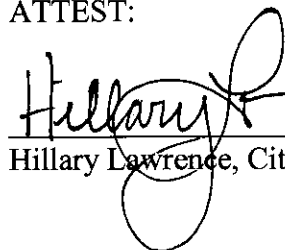
This Ordinance shall take effect and be in force from and after its passage and publication of the ordinance or a summary thereof once in the City's official newspaper as provided by State law.

PASSED by the City Council this 10th day of December, 2019 and **SIGNED** by the Mayor.

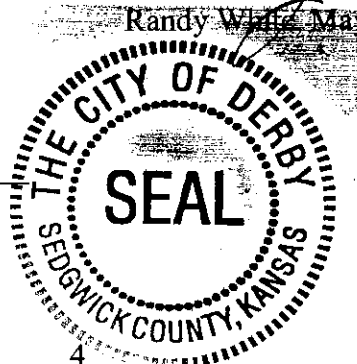


Randy White, Mayor

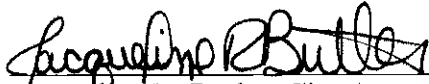
ATTEST:



Hillary Lawrence, City Clerk



Approved as to form:



Jacqueline R. Butler, City Attorney