

(Published in the Topeka Metro News April 23, 2008)

ORDINANCE NO. 19072

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code § 26-341 to § 26-345, § 26-366 to § 26-371, and § 26-381 concerning the 2008 National Electrical Code and specifically repealing said original sections.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 26-341, National Electrical Code—Adopted, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

National Electrical Code--Adopted.

There is hereby adopted by reference the National Electrical Code, 2005~~8~~ Edition and any codified supplements thereto, as promulgated by the National Fire Protection Association, Quincy, Massachusetts. The National Electrical Code, 2005~~8~~ Edition is hereby adopted as the electrical code of the city and incorporated in this article as if fully set out in this article.

Section 2. That section 26-342, Same—On File in clerk's office, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Same--On file in clerk's office.

At least one copy of the National Electrical Code as adopted in section 26-341 shall be on file with the city clerk to be available for inspection by the public at all reasonable business hours. ~~The police department, municipal court and a~~All administrative departments of the city charged with the duty of enforcement of this code shall be supplied, at the cost of the city, such number of copies of the code as may be deemed ~~expedient~~necessary by the ~~code enforcement director~~applicable department head.

31 Section 3. That section 26-343, Interpretation, of The Code of the City of
32 Topeka, Kansas, is hereby amended to read as follows:

33 **Interpretation.**

34 The ~~2005~~latest Edition of the National Fire Protection Association (NFPA)
35 Handbook of the National Electrical Code shall be used as the guide for interpreting the
36 National Electrical Code by the electrical board and by Development Services Division.
37 All decisions of the board which vary, limit or expand the interpretation of such code
38 contained in the handbook shall be in writing and shall be limited to the case before the
39 board unless the board specifically indicates otherwise.

40 Section 4. That section 26-344, Adoption of rules and regulations, of The
41 Code of the City of Topeka, Kansas, is hereby amended to read as follows:

42 **Adoption of rules and regulations.**

43 The ~~code enforcement director~~development services director shall have the
44 authority to promulgate such rules and regulations as are necessary to carry out the
45 purposes of the National Electrical Code, ~~and such rules and regulations shall be~~
46 ~~effective upon their approval by the council.~~

47 Section 5. That section 26-345, Reserved, of The Code of the City of Topeka,
48 Kansas, is hereby amended to read as follows:

49 **Authority Having Jurisdiction designated.**

50 Whenever the term “authority having jurisdiction” is used in the National Electrical
51 Code, it shall be construed to mean the development services director or his or her
52 designee.

54 Section 6. That section 26-346, Reserved, of The Code of the City of Topeka,
55 Kansas, is hereby created to read as follows:

56 **Amendments to the NEC.** Amendments to the National Electrical Code
57 adopted herein shall be set out in this section.

58 **Section 90.2 Scope (B) Not Covered (5)** of the National Electrical Code, shall be
59 deleted in its entirety and the following provisions shall be substituted therefore:

60 (5) Installations under the exclusive control of an electric utility where such
61 installations

62 a. Consist of service drops or service laterals, and associated
63 metering, or

64 b. Are located (i) in legally established easements or rights-of-way, (ii)
65 pursuant to a utility's tariff approved by the public service
66 commission, utility commission, or other regulatory agency having
67 jurisdiction over such utility, or (iii) pursuant to other applicable law
68 or regulation, or

69 c. Are on property owned or leased by the electric utility for the
70 purpose of communications, metering, generation, control
71 transformation, transmission or distribution of electric energy.

72 Section 7. That section 26-366, Duties generally, of The Code of the City of
73 Topeka, Kansas, is hereby amended to read as follows:

74 **Duties generally.**

75 The ~~building code enforcement division~~development services director shall have
76 general supervision over the placing and installation of all electric light, heat and power

wires, fixtures, appliances, conductors, apparatus and their supports, in and upon all buildings, shops, outhouses, sheds and other structures except buildings of the state and the United States government, within the city, in accordance with the provisions of the ordinances of the city governing the placing and installation of electrical wiring and appliances therein.

Section 8. That section 26-367, Enforcement authority, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Enforcement authority.

The ~~building code enforcement division~~development services director shall enforce, or cause to be enforced, all of the provisions of all ordinances governing the placing and installation of electrical wiring and appliances in the city.

Section 9. That section 26-368, Right to enter buildings, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Right to enter buildings.

~~Agents of the building code enforcement division, or any assistant,~~The development services director shall have the right, during reasonable hours, to enter any building for the purpose of making any inspection required by this article, and for that purpose shall be given prompt access to all buildings, public or private, on application to the company or individual owning or in charge or control of such building.

Section 10. That section 26-369, Inspections, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Inspections.

(a) It shall be the duty of the ~~building code enforcement division~~development

services director to inspect all electric light, heat and power wires, fixtures, appliances, conductors, apparatus and their supports placed or installed in or upon any building, shop, outhouse, shed or other structure within the city, regardless of whether such placing or installation was done or made by persons engaged in the business of electrical construction or by persons engaged in other business but doing their own electrical construction work through persons in their own employ.

(b) All electric appliances, fixtures or wiring materials for sale by any person shall be subject to inspection by the ~~building code enforcement division~~development services director at any reasonable time, and if found to be unsafe and not to conform with the electrical code adopted by this article shall be condemned and removed from sale. No inspection fee shall be charged for this inspection.

Section 11. That section 26-370, Defective work, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Defective work.

In case any work which the ~~building code enforcement division~~development services director is required to inspect by the provisions of this article is found not to comply with the requirements hereof, and to be unsafe and defective, the ~~building code enforcement division~~development services director shall at once notify the owner or agent of the building in which such work has been done of such defect, and order such person to change, rearrange or remove such defect, and upon such owner's or agent's failure or refusal to do so within a reasonable time, such owner shall be deemed guilty of a violation of the provisions of this article, and each and every day which shall elapse after the expiration of a reasonable time, as the same shall be fixed by the building code

~~enforcement division~~development services director, without a compliance with the order shall be considered a separate offense.

Section 12. That section 26-371, Removal of wires interfering with fire department, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Removal of wires interfering with fire department.

The ~~building code enforcement division, or any assistant,~~development services director shall have the power to at once cause the removal of all wires or turning off of all electrical currents, where such wires or currents shall interfere with the work of the fire department during the progress of a fire.

Section 13. That section 26-381, Required, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Required.

Every person, before entering upon any construction or erection of any electric light or power wiring in any new building in the city, any original installation in any building or any alteration, shall make application to the ~~building code enforcement division~~development services director for a construction permit describing the proposed work before proceeding therewith.

Section 14 That § 26-341 to § 26-345, § 26-366 to § 26-371, and § 26-381 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 15. This ordinance shall take effect and be in force on May 1, 2008 after its passage, approval and publication in the official City newspaper.

147 PASSED AND APPROVED by the City Council April 15, 2008.

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CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

155 ATTEST:

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Brenda Younger, City Clerk